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House of Representatives

The House met at 10 a.m. and was called to order by the Speaker pro tempore [Mr. EWING].

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
May 8, 1997.

I hereby designate the Honorable THOMAS W. EWING to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

PRAYER

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

At our best moments, O God, when we think we have accomplished so much, we acknowledge our dependence on You. When we stand for our precepts and creeds, we realize we do not stand alone. When we are proud of our ideas or ideals, we admit that there have been those foundations that have girded and guided us throughout the years. We offer this prayer of thanksgiving, gracious God, for those people who, from the beginning of our lives, have encouraged and supported us in good times and bad. Bless them and us and keep us all in Your grace, now and evermore. Amen.

THE JOURNAL

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

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

Ms. DELAURO. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Chair's approval of the Journal.

The SPEAKER pro tempore. The question is on the Chair's approval of the Journal.

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

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

The SPEAKER pro tempore. Pursuant to clause 5, rule I, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from North Carolina [Mr. BALLENGER] come forward and lead the House in the Pledge of Allegiance.

Mr. BALLENGER led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

FEDERAL FUNDING OF EDUCATION

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

Mr. BALLENGER. Mr. Speaker, I am a firm believer that when money is allocated for a specific purpose, it should be used for that purpose. This is not the case with Federal dollars allocated to improving our educational system. A recent study has estimated that 15 percent of every Federal dollar earmarked for education is eaten up by the Washington bureaucracy before the funds even reach the local school districts.

To top that off, as a part of a committee project to determine what works and what is wasted in American education, we found that it takes local school districts nearly 480 steps and 26 weeks just to receive a grant from the Federal Government. Local school districts have to put time, money, and staff into obtaining Federal money earmarked for education and then watch as 15 percent of every dollar is spent before the funds even reach the school. After you factor in local costs, imagine how much more Federal money does not get to our children.

If the Federal Government is going to be about providing funds for education, let us ensure that the dollars get down to the local school districts and free school districts from costly paperwork tied to Federal funds.

CHOOSE FOR CHILDREN

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

Mr. ALLEN. Mr. Speaker, I appeal this morning to my Republican colleagues to choose for children. I urge them to restore the $38 million their leaders cut from the President's supplemental appropriation request for the Women, Infants and Children Program and, as we move forward in the budget process, to support full funding for WIC.

WIC pays for milk, cereal, and formula, basics that we know reduce low birth weight, infant mortality, and child anemia. The GAO says that every dollar invested in WIC's prenatal program saves $3.50 in Medicaid spending. That is why AT&T's CEO Robert Allen calls WIC ''the health care equivalent of a Triple-A investment.''

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Mr. Speaker, when it comes to the budget, our job is to make choices. Republican leaders have chosen to cut 180,000 mothers and children from the WIC Program. I urge the Republican rank-and-file to join the Democrats. Choose for children, invest in the mothers and their children who benefit from the WIC Program. It is the right choice for children. It is the right choice for families. It is the right choice for America.

NUCLEAR WASTE

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

Mr. GIBBONS. Mr. Speaker, legislation is pending that will cause great economic and environmental harm to communities all across this country. It will require that toxic nuclear waste be shipped near homes, playgrounds, churches, schools, et cetera, on its way to a central storage facility in Nevada.

If an accident were to occur, disaster would be imminent as dangerous radioactive materials could be released into the environment. Studies estimate that even minor damage in an accident would be sufficient to contaminate an area half the size of the city of Las Vegas. Cleanup efforts would take well over a year in a rural setting and even longer in an urban area.

Before we place the property, health, safety, and welfare of American citizens in jeopardy, much more detailed scientific studies are necessary to safeguard against such accidents. I urge my colleagues on both sides of the aisle to oppose storing nuclear waste at Yucca Mountain.

KEEP WIC AFLOAT

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

Mr. PALLONE. Mr. Speaker, how can the Republicans deny milk, cereal, and formula, I have some dry milk up here, that is provided by the WIC Program to young children, to infants? I cannot imagine how they do not see this as a priority. That is what the Federal Government should be trying to do, to protect people who fall through the cracks. I have two young children myself, and I just cannot imagine the situation where I would not be able to provide them with the basic necessities of life.

I know that the Republicans are saying that they do not need this money, that there is already carryover money from last year to pay for this WIC Program, but that is simply not true. What the Republicans fail to understand is that the 1996 funds have already been calculated into determining what funding is necessary to keep the WIC Program afloat. We need the supplemental appropriation to make sure that the kids get food in the morning.

Republicans have to listen to their own Governors. It is the Republican Governors in California and Louisiana who are saying that this program has been cut and that they already have had to start denying children milk and cereal. Let us get together on this one. Let us make sure that we are not denying these kids the basic necessities of life.

A REPUBLICAN RESPONDS TO CUTS IN WIC PROGRAM

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

Mr. KINGSTON. Mr. Speaker, I know the term ''confused Democrat'' is a little bit redundant, but here we go again with WIC, demagoguing it. From the crowd that told our seniors that a $190 billion base in Medicare increased to $270 billion was a cut. From the group that said moving from $26 billion to $41 billion on student loans was a cut. From the group that said a 4½-percent increase in the School Lunch Program was a cut. They are now saying that full funding of WIC is a cut. We have in the WIC escrow account $100 million that is unused right now. In the supplemental appropriations bill, we have increased WIC funding $38 million.

What is the problem in this House? Is integrity such a scarcity that we cannot have an honest dialog without calling everything a cut, without saying we are going to starve children? Let us have a little bit of truth and respect in this body, Mr. Speaker.

WIC DEBATE CONTINUES

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

Mr. HINCHEY. Mr. Speaker, 2 weeks ago the Committee on Appropriations rejected the President's request for full funding of WIC through the end of this fiscal year. Once again, the majority party here and its leadership is asking us to literally take the food out of children's mouths. First it was the school lunch cuts in 1995, then the $23 billion in cuts to food stamps in the 1996 welfare bill, and now in 1997 as many as 180,000 pregnant women, nursing mothers, and children under age 5 will be denied basic nutrition.

WIC is not Government waste. In fact, it is one of the most highly regarded Government programs. Extensive research shows that WIC has proven to reduce the incidence of low birth weights, infant mortality, and child anemia. And it is cost effective. According to the GAO, each $1 spent on prenatal WIC services saves the Government $3.50 in Medicaid and other costs. We need this program. Let us fund it fully and appropriately for the benefit and welfare of young families in America.

THE FEDERAL EDUCATION DOLLAR

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

Mr. CHABOT. Mr. Speaker, in recognition of National Teacher Appreciation Week, I want to mention an issue I believe all teachers support, getting more of our Federal education dollars into the classroom. When we vote here in Congress to spend money on education, how much actually reaches our children? As I am sure most teachers can attest, too little.

An Ohio study determined a local school may have to submit as many as 170 Federal reports totaling more than 700 pages during a single year. Ohio gets 6 percent of its money on education from Washington, yet over 50 percent of the time it spends filling out forms come from right here in Washington. These unnecessary bureaucratic procedures consume vital resources while doing nothing to improve the quality of education that our children receive.

As my colleague the gentleman from Michigan [Mr. HOEKSTRA], has found through the Crossroads Project, there are approximately 760 Federal education programs covering 39 Federal agencies. I say we need to put an end to the wasteful bureaucracy from here in Washington that siphons off our precious education dollars. Let us spend the dollars where they ought to be spent, in the classroom. Let parents, teachers, and local schools decide where the money should be spent.

NO SUNSHINE AT FEDERAL RESERVE BOARD

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

Mr. TRAFICANT. Mr. Speaker, school boards, council meetings, all public meetings in America are subject to the sunshine law, except the Federal Reserve Board. The Fed says what America does not know is good for America. If that is not enough to starch your leotards, check this out:

The Federal Reserve Bank of Kansas City allowed 28 officials from China, Japan, and Europe to attend one of their meetings where they discussed monetary policy. Unbelievable. The American people are shut out, even Congress is shut out, but the Chinese, the Japanese, and the Europeans are allowed in.

Beam me up, Mr. Speaker. It is time for Congress to audit and investigate these bunch of internationalists setting our monetary policy that allow the Chinese and the Japanese in.

American sunshine, no way. Rising sun, welcome. The last I heard, Uncle Sam controlled the Fed, not Uncle Sucker. Let us get our job done.

AMENDMENT TO PREVENT GOVERNMENT SHUTDOWNS

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

Mr. GEKAS. Mr. Speaker, the support for the Gekas shutdown prevention amendment is growing every minute. It is a simple proposition, one that says that if at the end of a budget period no budget has been negotiated, then there will be an instant replay of last year's budget. Thus we would prevent Government shutdowns that caused so much havoc in the last several years. The most recent level of support has come from the Citizens Against Government Waste who sent me a letter just yesterday which says, among other things, ''For too long Americans have watched the Congress and the President wrangle over the annual appropriations process to keep the Government running. Your Government shutdown prevention amendment would eliminate the absurd politics that lead to temporary shutdowns of the Federal Government.''

Mr. Speaker, we have had 53 continuing resolutions, temporary funding measures, in the last 15 years. We have had eight Government shutdowns, the worst of which were the last two. Let us prevent it this time by adopting the Gekas amendment to the supplemental appropriations.

□ 1015

GETTING TOUGH ON JUVENILE CRIME

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

Mr. BLAGOJEVICH. In America, Mr. Speaker, more violent crime is committed by juveniles ages 15 to 19 than in any other age group. If present trends continue, juvenile arrests for violent crime will more than double by the year 2010. Under the juvenile crime control bill, which creates a $1.5 billion grant, only 12 States would qualify to receive the Federal funds necessary to fight juvenile crime.

In the United States of America, Mr. Speaker, four cities, in four cities one-third of all juvenile crimes occur: in Los Angeles, New York, Chicago, and in Detroit. Yet under this juvenile crime bill, Mr. Speaker, grant money would not find its way into the neighborhoods of Chicago, the barrios of Los Angeles, or in downtown Detroit. It could, however, find its way in Jackson Hole, WY, and in Stowe, VT.

Mr. Speaker, major cities in fact will lose money under this legislation. The local law enforcement block grant which provided $18 million to the city of Chicago could be lost under this legislation. The city credits this program for a 18-percent decrease in homicides, a 19 percent decrease in robberies, and a 24-percent decrease in narcotics.

Mr. Speaker, we need the resources to fight crime at the local level. Those resources ought to be in those areas where crimes occur.

WHAT AMERICANS WANT CONGRESS TO DO ABOUT EDUCATION

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

Mr. BARTLETT of Maryland. Mr. Speaker, what do the American people want Congress to do about education?

Let me quote from a letter from Mrs. Jan Horan of Westminster, MD. And I quote:

> Enough is enough, and the American people have had enough. When is the Congress of this country going to realize that the government is the problem and not the solution?
>
> For years, the Congress has continued to throw money at what they perceive to be the 'problem' . . . the government at all levels is throwing money at education, and our educational system continues to deteriorate.
>
> The government to the rescue . . . while creating all of these safety nets . . . a tax burden for the middle class has been created that is to the point of enslavement.
>
> I want my children and grandchildren to have a future free of this tax burden, to be able to live in a country that does not have a substandard public education system
>
> When are you, the elected officials, going to come out of your glass bubble and see what you are doing to this Nation?
>
> Common sense is what it takes from the elected officials. Let's try using it.

Mrs. Horan, I could not agree more. I hope everyone in Congress is listening and will follow that advice.

RESTORE FUNDS TO THE WIC PROGRAM

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

Mr. ROEMER. Mr. Speaker, in this body we all talk about putting our families first and about balancing the budget. But I find it very difficult to understand how Republicans have cut $38 million from the WIC Program when the WIC Program is the single best bipartisan program to help us put our families and our children first and take care of women that are pregnant, to deliver healthy children, and, and to save us money; because for every dollar we invest in WIC we save $3.50. So cutting $38 million is probably going to end up costing us over $120 million in added benefits down the line.

I encourage my Republican colleagues to act in a bipartisan way to restore these very, very important funds to a program that has always had wide bipartisan support.

THE DECLINING INFRASTRUCTURE IN AMERICA'S SCHOOLS

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

Mr. DAN SCHAEFER of Colorado. Mr. Speaker, let me begin today by expressing my appreciation to members of the Committee on Education and the Workforce for their efforts in trying to strengthen the Nation's school system. As a former educator, I am interested in the Clinton administration's attention to the declining infrastructure in American schools.

It is clear that the direct assistance is going to be certainly advantageous to the schools, but we cannot overlook some of the costs that are out there, and electricity is one of those expenditures, and the utility companies are the largest nonlabor expense for schools. Under the current system, everything, everything is a negotiable expense for schools except electricity, and in the case of electricity there is no mechanism at all out there that schools have an opportunity to shop around for. Direct savings on electric bills are estimated to range from 25 to 40 percent for inner city schools, districts and States with high electric costs. Such savings, freed up for use in upgrading infrastructure and teacher salaries, are certainly there.

In Dade County in Miami, FL, spent $30 million; in Chicago, $40 million; in Fairfax County right across the river here, $30 million.

We cannot prepare our students for the future without saving some electricity costs. I urge my colleagues to look closely at the restructuring bill that we are coming up with in Congress.

THE FACTS ABOUT THE WIC PROGRAM

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

Ms. DELAURO. Mr. Speaker, my colleague from Georgia said earlier let us talk about the facts of WIC. Here are the facts about the Women, Infant and Children Program.

It feeds women, infants, and children. It provides necessary and critical prenatal services to pregnant women in our country. Fact: It works. It has in the past been a bipartisan effort, and the General Accounting Office of this Government has said for every $1 invested in the WIC Program we save $3½ in other kinds of expenses. Fact: There is a $76 million shortfall in the program, meaning that we will not be able to provide for 360,000 women, infants, and children. Fact: The congressional majority, the Republicans in this body, voted to cut, voted only to provide $38 million for this program, thereby leaving it $38 million short. Fact is that 180,000 women and children will be removed from the WIC Program if this current bill passes.

This is about our values and our priorities in this country. We should not be passing legislation that denies food, breakfast cereal, formula, to women, infants, and children in this country.

That is not what this great Nation is about. The fact is we ought to make sure that we have $76 million to continue this working program.

THE JOURNAL

The SPEAKER pro tempore (Mr. EWING). Pursuant to clause 5 of rule I, the pending business is the question of the Speaker's approval of the Journal.

The question is on the Speaker's approval of the Journal.

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

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

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

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 350, nays 56, not voting 27, as follows:

[Roll No. 110]

YEAS—350

Ackerman
Aderholt
Allen
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Boehlert
Boehner
Bonilla
Bonior
Bono
Boswell
Boucher
Boyd
Brady
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chenoweth
Christensen
Clayton
Clement
Coble
Coburn
Combest
Condit
Conyers
Cook
Cooksey
Coyne
Cramer
Crane
Crapo
Cummings
Cunningham
Danner
Davis (IL)
Davis (VA)
Deal
DeGette
Delahunt
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Doggett
Dooley
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Flake
Foglietta
Foley
Ford
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Greenwood
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jefferson
John
Johnson (CT)
Johnson (WI)
Johnson, Sam
Jones
Kanjorski
Kaptur
Kelly
Kennedy (MA)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (KY)
Linder
Lipinski
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
Meehan
Meek
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Molinari
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pappas
Parker
Pastor
Paul
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Pomeroy
Portman
Price (NC)
Quinn
Radanovich
Rahall
Rangel
Regula
Reyes
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (NC)
Thomas
Thornberry
Thurman
Tiahrt
Tierney
Torres
Towns
Traficant
Turner
Upton
Vento
Walsh
Waters
Watkins
Waxman
Weldon (FL)
Weldon (PA)
Weygand
Whitfield
Wise
Woolsey
Wynn
Yates
Young (AK)
Young (FL)

NAYS—56

Abercrombie
Berry
Borski
Clyburn
Collins
Costello
Cubin
DeFazio
English
Ensign
Forbes
Fox
Gephardt
Gibbons
Green
Gutierrez
Gutknecht
Hansen
Hefley
Hill
Hilleary
Hilliard
Hulshof
Jackson-Lee (TX)
Johnson, E. B.
Kennedy (RI)
Kucinich
LaFalce
Lewis (CA)
Lewis (GA)
LoBiondo
McDermott
McNulty
Menendez
Nussle
Oberstar
Pallone
Pascrell
Pickett
Poshard
Pryce (OH)
Ramstad
Sabo
Salmon
Slaughter
Stupak
Taylor (MS)
Thompson
Thune
Velazquez
Visclosky
Wamp
Watt (NC)
Watts (OK)
Weller
Wicker

NOT VOTING—27

Andrews
Blunt
Brown (CA)
Chambliss
Clay
Cox
Davis (FL)
Dixon
Doolittle
Doyle
Engel
Filner
Granger
Hefner
Herger
Jenkins
Kasich
Livingston
McKinney
Porter
Riggs
Schiff
Sessions
Souder
Wexler
White
Wolf

□ 1044

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

So the Journal was approved.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. JENKINS. Mr. Speaker, I missed the Journal vote this morning due to constituent meetings. Had I been present, I would have voted ''yes.''

□ 1045

JUVENILE CRIME CONTROL ACT OF 1997

The SPEAKER pro tempore (Mr. EWING). Pursuant to House Resolution 143 and rule XXIII, 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. 3.

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. 3) to combat violent youth crime and increase accountability for juvenile criminal offenses, with Mr. KINGSTON in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Wednesday, May 7, 1997, all time for general debate had expired.

Pursuant to the rule, the committee amendment in the nature of a substitute printed in the bill shall be considered as an original bill for the purpose of an amendment under the 5-minute rule, and shall be considered as read.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 3

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Juvenile Crime Control Act of 1997''.

TITLE I—REFORMING THE FEDERAL JUVENILE JUSTICE SYSTEM

SEC. 101. DELINQUENCY PROCEEDINGS OR CRIMINAL PROSECUTIONS IN DISTRICT COURTS.

Section 5032 of title 18, United States Code, is amended to read as follows:

''§ 5032. Delinquency proceedings or criminal prosecutions in district courts

''(a)(1) A juvenile alleged to have committed an offense against the United States or an act of juvenile delinquency may be surrendered to State authorities, but if not so surrendered, shall be proceeded against as a juvenile under this subsection or tried as an adult in the circumstances described in subsections (b) and (c).

''(2) A juvenile may be proceeded against as a juvenile in a court of the United States under this subsection if—

''(A) the alleged offense or act of juvenile delinquency is committed within the special maritime and territorial jurisdiction of the United States and is one for which the maximum authorized term of imprisonment does not exceed 6 months; or

''(B) the Attorney General, after investigation, certifies to the appropriate United States district court that—

''(i) the juvenile court or other appropriate court of a State does not have jurisdiction or declines to assume jurisdiction over the juvenile

with respect to the alleged act of juvenile delinquency, and

''(ii) there is a substantial Federal interest in the case or the offense to warrant the exercise of Federal jurisdiction.

''(3) If the Attorney General does not so certify or does not have authority to try such juvenile as an adult, such juvenile shall be surrendered to the appropriate legal authorities of such State.

''(4) If a juvenile alleged to have committed an act of juvenile delinquency is proceeded against as a juvenile under this section, any proceedings against the juvenile shall be in an appropriate district court of the United States. For such purposes, the court may be convened at any time and place within the district, and shall be open to the public, except that the court may exclude all or some members of the public, other than a victim unless the victim is a witness in the determination of guilt or innocence, if required by the interests of justice or if other good cause is shown. The Attorney General shall proceed by information or as authorized by section 3401(g) of this title, and no criminal prosecution shall be instituted except as provided in this chapter.

''(b)(1) Except as provided in paragraph (2), a juvenile shall be prosecuted as an adult—

''(A) if the juvenile has requested in writing upon advice of counsel to be prosecuted as an adult; or

''(B) if the juvenile is alleged to have committed an act after the juvenile attains the age of 14 years which if committed by an adult would be a serious violent felony or a serious drug offense described in section 3559(c) of this title, or a conspiracy or attempt to commit that felony or offense, which is punishable under section 406 of the Controlled Substances Act (21 U.S.C. 846), or section 1013 of the Controlled Substances Import and Export Act (21 U.S.C. 963).

''(2) The requirements of paragraph (1) do not apply if the Attorney General certifies to the appropriate United States district court that the interests of public safety are best served by proceeding against the juvenile as a juvenile.

''(c)(1) A juvenile may also be prosecuted as an adult if the juvenile is alleged to have committed an act after the juvenile has attained the age of 13 years which if committed by a juvenile after the juvenile attained the age of 14 years would require that the juvenile be prosecuted as an adult under subsection (b), upon approval of the Attorney General.

''(2) The Attorney General shall not delegate the authority to give the approval required under paragraph (1) to an officer or employee of the Department of Justice at a level lower than a Deputy Assistant Attorney General.

''(3) Such approval shall not be granted, with respect to such a juvenile who is subject to the criminal jurisdiction of an Indian tribal government and who is alleged to have committed an act over which, if committed by an adult, there would be Federal jurisdiction based solely on its commission in Indian country (as defined in section 1151), unless the governing body of the tribe having jurisdiction over the place in which the alleged act was committed has before such act notified the Attorney General in writing of its election that prosecution may take place under this subsection.

''(4) A juvenile may also be prosecuted as an adult if the juvenile is alleged to have committed an act which is not described in subsection (b)(1)(B) after the juvenile has attained the age of 14 years and which if committed by an adult would be—

''(A) a crime of violence (as defined in section 3156(a)(4)) that is a felony;

''(B) an offense described in section 844 (d), (k), or (l), or subsection (a)(6), (b), (g), (h), (j), (k), or (l) of section 924;

''(C) a violation of section 922(o) that is an offense under section 924(a)(2);

''(D) a violation of section 5861 of the Internal Revenue Code of 1986 that is an offense under section 5871 of such Code (26 U.S.C. 5871);

''(E) a conspiracy to commit an offense described in any of subparagraphs (A) through (D); or

''(F) an offense described in section 401 or 408 of the Controlled Substances Act (21 U.S.C. 841, 848) or a conspiracy or attempt to commit that offense which is punishable under section 406 of the Controlled Substances Act (21 U.S.C. 846), or an offense punishable under section 409 or 419 of the Controlled Substances Act (21 U.S.C. 849, 860), or an offense described in section 1002, 1003, 1005, or 1009 of the Controlled Substances Import and Export Act (21 U.S.C. 952, 953, 955, or 959), or a conspiracy or attempt to commit that offense which is punishable under section 1013 of the Controlled Substances Import and Export Act (21 U.S.C. 963).

''(d) A determination to approve or not to approve, or to institute or not to institute, a prosecution under subsection (b) or (c), and a determination to file or not to file, and the contents of, a certification under subsection (a) or (b) shall not be reviewable in any court.

''(e) In a prosecution under subsection (b) or (c), the juvenile may be prosecuted and convicted as an adult for any other offense which is properly joined under the Federal Rules of Criminal Procedure, and may also be convicted of a lesser included offense.

''(f) The Attorney General shall annually report to Congress—

''(1) the number of juveniles adjudicated delinquent or tried as adults in Federal court;

''(2) the race, ethnicity, and gender of those juveniles;

''(3) the number of those juveniles who were abused or neglected by their families, to the extent such information is available; and

''(4) the number and types of assault crimes, such as rapes and beatings, committed against juveniles while incarcerated in connection with the adjudication or conviction.

''(g) As used in this section—

''(1) the term 'State' includes a State of the United States, the District of Columbia, any commonwealth, territory, or possession of the United States and, with regard to an act of juvenile delinquency that would have been a misdemeanor if committed by an adult, a federally recognized tribe; and

''(2) the term 'serious violent felony' has the same meaning given that term in section 3559(c)(2)(F)(i).''.

SEC. 102. CUSTODY PRIOR TO APPEARANCE BEFORE JUDICIAL OFFICER.

Section 5033 of title 18, United States Code, is amended to read as follows:

''§ 5033. Custody prior to appearance before judicial officer

''(a) Whenever a juvenile is taken into custody, the arresting officer shall immediately advise such juvenile of the juvenile's rights, in language comprehensible to a juvenile. The arresting officer shall promptly take reasonable steps to notify the juvenile's parents, guardian, or custodian of such custody, of the rights of the juvenile, and of the nature of the alleged offense.

''(b) The juvenile shall be taken before a judicial officer without unreasonable delay.''.

SEC. 103. TECHNICAL AND CONFORMING AMENDMENTS TO SECTION 5034.

Section 5034 of title 18, United States Code, is amended—

(1) by striking ''The'' each place it appears at the beginning of a paragraph and inserting ''the'';

(2) by striking ''If'' at the beginning of the 3rd paragraph and inserting ''if'';

(3)(A) by designating the 3 paragraphs as paragraphs (1), (2), and (3), respectively; and

(B) by moving such designated paragraphs 2 ems to the right; and

(4) by inserting at the beginning of such section before those paragraphs the following:

''In a proceeding under section 5032(a)—''.

SEC. 104. DETENTION PRIOR TO DISPOSITION OR SENTENCING.

Section 5035 of title 18, United States Code, is amended to read as follows:

''§ 5035. Detention prior to disposition or sentencing

''(a)(1) A juvenile who has attained the age of 16 years and who is prosecuted pursuant to subsection (b) or (c) of section 5032, if detained at any time prior to sentencing, shall be detained in such suitable place as the Attorney General may designate. Preference shall be given to a place located within, or within a reasonable distance of, the district in which the juvenile is being prosecuted.

''(2) A juvenile less than 16 years of age prosecuted pursuant to subsection (b) or (c) of section 5032, if detained at any time prior to sentencing, shall be detained in a suitable juvenile facility located within, or within a reasonable distance of, the district in which the juvenile is being prosecuted. If such a facility is not available, such a juvenile may be detained in any other suitable facility located within, or within a reasonable distance of, such district. If no such facility is available, such a juvenile may be detained in any other suitable place as the Attorney General may designate.

''(3) To the maximum extent feasible, a juvenile less than 16 years of age prosecuted pursuant to subsection (b) or (c) of section 5032 shall not be detained prior to sentencing in any facility in which the juvenile has regular contact with adult persons convicted of a crime or awaiting trial on criminal charges.

''(b) A juvenile proceeded against under section 5032 shall not be detained prior to disposition in any facility in which the juvenile has regular contact with adult persons convicted of a crime or awaiting trial on criminal charges.

''(c) Every juvenile who is detained prior to disposition or sentencing shall be provided with reasonable safety and security and with adequate food, heat, light, sanitary facilities, bedding, clothing, recreation, education, and medical care, including necessary psychiatric, psychological, or other care and treatment.''.

SEC. 105. SPEEDY TRIAL.

Section 5036 of title 18, United States Code, is amended by—

(1) striking ''If an alleged delinquent'' and inserting ''If a juvenile proceeded against under section 5032(a)'';

(2) striking ''thirty'' and inserting ''45''; and

(3) striking ''the court,'' and all that follows through the end of the section and inserting ''the court. The periods of exclusion under section 3161(h) of this title shall apply to this section.''.

SEC. 106. DISPOSITION; AVAILABILITY OF INCREASED DETENTION, FINES AND SUPERVISED RELEASE FOR JUVENILE OFFENDERS.

(a) DISPOSITION.—Section 5037 of title 18, United States Code, is amended to read as follows:

''§ 5037. Disposition

''(a) In a proceeding under section 5032(a), if the court finds a juvenile to be a juvenile delinquent, the court shall hold a hearing concerning the appropriate disposition of the juvenile no later than 40 court days after the finding of juvenile delinquency, unless the court has ordered further study pursuant to subsection (e). A predisposition report shall be prepared by the probation officer who shall promptly provide a copy to the juvenile, the juvenile's counsel, and the attorney for the Government. Victim impact information shall be included in the report, and victims, or in appropriate cases their official representatives, shall be provided the opportunity to make a statement to the court in person or present any information in relation to the disposition. After the dispositional hearing, and after considering the sanctions recommended pursuant to subsection (f), the court shall impose an appropriate sanction, including the ordering of restitution pursuant to section 3556 of

this title. The court may order the juvenile's parent, guardian, or custodian to be present at the dispositional hearing and the imposition of sanctions and may issue orders directed to such parent, guardian, custodian regarding conduct with respect to the juvenile. With respect to release or detention pending an appeal or a petition for a writ of certiorari after disposition, the court shall proceed pursuant to chapter 207.

''(b) The term for which probation may be ordered for a juvenile found to be a juvenile delinquent may not extend beyond the maximum term that would be authorized by section 3561(c) if the juvenile had been tried and convicted as an adult. Sections 3563, 3564, and 3565 are applicable to an order placing a juvenile on probation.

''(c) The term for which official detention may be ordered for a juvenile found to be a juvenile delinquent may not extend beyond the lesser of—

''(1) the maximum term of imprisonment that would be authorized if the juvenile had been tried and convicted as an adult;

''(2) ten years; or

''(3) the date when the juvenile becomes twenty-six years old.

Section 3624 is applicable to an order placing a juvenile in detention.

''(d) The term for which supervised release may be ordered for a juvenile found to be a juvenile delinquent may not extend beyond 5 years. Subsections (c) through (i) of section 3583 apply to an order placing a juvenile on supervised release.

''(e) If the court desires more detailed information concerning a juvenile alleged to have committed an act of juvenile delinquency or a juvenile adjudicated delinquent, it may commit the juvenile, after notice and hearing at which the juvenile is represented by counsel, to the custody of the Attorney General for observation and study by an appropriate agency or entity. Such observation and study shall be conducted on an outpatient basis, unless the court determines that inpatient observation and study are necessary to obtain the desired information. In the case of an alleged juvenile delinquent, inpatient study may be ordered only with the consent of the juvenile and the juvenile's attorney. The agency or entity shall make a study of all matters relevant to the alleged or adjudicated delinquent behavior and the court's inquiry. The Attorney General shall submit to the court and the attorneys for the juvenile and the Government the results of the study within 30 days after the commitment of the juvenile, unless the court grants additional time. Time spent in custody under this subsection shall be excluded for purposes of section 5036.

''(f)(1) The United States Sentencing Commission, in consultation with the Attorney General, shall develop a list of possible sanctions for juveniles adjudicated delinquent.

''(2) Such list shall—

''(A) be comprehensive in nature and encompass punishments of varying levels of severity;

''(B) include terms of confinement; and

''(C) provide punishments that escalate in severity with each additional or subsequent more serious delinquent conduct.''.

(b) EFFECTIVE DATE.—The Sentencing Commission shall develop the list required pursuant to section 5037(f), as amended by subsection (a), not later than 180 days after the date of the enactment of this Act.

(c) CONFORMING AMENDMENT TO ADULT SENTENCING SECTION.—Section 3553 of title 18, United States Code, is amended by adding at the end the following:

''(g) LIMITATION ON APPLICABILITY OF STATUTORY MINIMUMS IN CERTAIN PROSECUTIONS OF PERSONS UNDER THE AGE OF 16.—Notwithstanding any other provision of law, in the case of a defendant convicted for conduct that occurred before the juvenile attained the age of 16 years, the court shall impose a sentence without regard to any statutory minimum sentence, if the court finds at sentencing, after affording the Government an opportunity to make a recommendation, that the juvenile has not been previously adjudicated delinquent for or convicted of an offense described in section 5032(b)(1)(B).''.

SEC. 107. JUVENILE RECORDS AND FINGERPRINTING.

Section 5038 of title 18, United States Code, is amended to read as follows:

''§ 5038. Juvenile records and fingerprinting

''(a)(1) Throughout and upon the completion of the juvenile delinquency proceeding under section 5032(a), the court shall keep a record relating to the arrest and adjudication that is—

''(A) equivalent to the record that would be kept of an adult arrest and conviction for such an offense; and

''(B) retained for a period of time that is equal to the period of time records are kept for adult convictions.

''(2) Such records shall be made available for official purposes, including communications with any victim or, in the case of a deceased victim, such victim's representative, or school officials, and to the public to the same extent as court records regarding the criminal prosecutions of adults are available.

''(b) The Attorney General shall establish guidelines for fingerprinting and photographing a juvenile who is the subject of any proceeding authorized under this chapter. Such guidelines shall address the availability of pictures of any juvenile taken into custody but not prosecuted as an adult. Fingerprints and photographs of a juvenile who is prosecuted as an adult shall be made available in the manner applicable to adult offenders.

''(c) Whenever a juvenile has been adjudicated delinquent for an act that, if committed by an adult, would be a felony or for a violation of section 924(a)(6), the court shall transmit to the Federal Bureau of Investigation the information concerning the adjudication, including name, date of adjudication, court, offenses, and sentence, along with the notation that the matter was a juvenile adjudication.

''(d) In addition to any other authorization under this section for the reporting, retention, disclosure, or availability of records or information, if the law of the State in which a Federal juvenile delinquency proceeding takes place permits or requires the reporting, retention, disclosure, or availability of records or information relating to a juvenile or to a juvenile delinquency proceeding or adjudication in certain circumstances, then such reporting, retention, disclosure, or availability is permitted under this section whenever the same circumstances exist.''.

SEC. 108. TECHNICAL AMENDMENTS OF SECTIONS 5031 AND 5034.

(a) ELIMINATION OF PRONOUNS.—Sections 5031 and 5034 of title 18, United States Code, are each amended by striking ''his'' each place it appears and inserting ''the juvenile's''.

(b) UPDATING OF REFERENCE.—Section 5034 of title 18, United States Code, is amended—

*(1) in the heading of such section, by striking ''**magistrate**'' and inserting ''**judicial officer**''; and*

(2) by striking ''magistrate'' each place it appears and inserting ''judicial officer''.

SEC. 109. CLERICAL AMENDMENTS TO TABLE OF SECTIONS FOR CHAPTER 403.

The heading and the table of sections at the beginning of chapter 403 of title 18, United States Code, is amended to read as follows:

''CHAPTER 403—JUVENILE DELINQUENCY

''Sec.
''5031. Definitions.
''5032. Delinquency proceedings or criminal prosecutions in district courts.
''5033. Custody prior to appearance before judicial officer.
''5034. Duties of judicial officer.
''5035. Detention prior to disposition or sentencing.
''5036. Speedy trial.
''5037. Disposition.
''5038. Juvenile records and fingerprinting.
''5039. Commitment.
''5040. Support.
''5041. Repealed.
''5042. Revocation of probation.''.

TITLE II—APPREHENDING ARMED VIOLENT YOUTH

SEC. 201. ARMED VIOLENT YOUTH APPREHENSION DIRECTIVE.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Attorney General of the United States shall establish an armed violent youth apprehension program consistent with the following requirements:

(1) Each United States attorney shall designate at least 1 assistant United States attorney to prosecute, on either a full- or part-time basis, armed violent youth.

(2) Each United States attorney shall establish an armed youth criminal apprehension task force comprised of appropriate law enforcement representatives. The task force shall develop strategies for removing armed violent youth from the streets, taking into consideration—

(A) the importance of severe punishment in deterring armed violent youth crime;

(B) the effectiveness of Federal and State laws pertaining to apprehension and prosecution of armed violent youth;

(C) the resources available to each law enforcement agency participating in the task force;

(D) the nature and extent of the violent youth crime occurring in the district for which the United States attorney is appointed; and

(E) the principle of limited Federal involvement in the prosecution of crimes traditionally prosecuted in State and local jurisdictions.

(3) Not less frequently than bimonthly, the Attorney General shall require each United States attorney to report to the Department of Justice the number of youths charged with, or convicted of, violating section 922(g) or 924 of title 18, United States Code, in the district for which the United States attorney is appointed and the number of youths referred to a State for prosecution for similar offenses.

(4) Not less frequently than twice annually, the Attorney General shall submit to the Congress a compilation of the information received by the Department of Justice pursuant to paragraph (3) and a report on all waivers granted under subsection (b).

(b) WAIVER AUTHORITY.—

(1) REQUEST FOR WAIVER.—A United States attorney may request the Attorney General to waive the requirements of subsection (a) with respect to the United States attorney.

(2) PROVISION OF WAIVER.—The Attorney General may waive the requirements of subsection (a) pursuant to a request made under paragraph (1), in accordance with guidelines which shall be established by the Attorney General. In establishing the guidelines, the Attorney General shall take into consideration the number of assistant United States attorneys in the office of the United States attorney making the request and the level of violent youth crime committed in the district for which the United States attorney is appointed.

(c) ARMED VIOLENT YOUTH DEFINED.—As used in this section, the term ''armed violent youth'' means a person who has not attained 18 years of age and is accused of violating—

(1) section 922(g)(1) of title 18, United States Code, having been previously convicted of—

(A) a violent crime; or

(B) conduct that would have been a violent crime had the person been an adult; or

(2) section 924 of such title.

(d) SUNSET.—This section shall have no force or effect after the 5-year period that begins 180 days after the date of the enactment of this Act.

TITLE III—ACCOUNTABILITY FOR JUVENILE OFFENDERS AND PUBLIC PROTECTION INCENTIVE GRANTS

SEC. 301. SHORT TITLE.

This title may be cited as the ''Juvenile Accountability Block Grants Act of 1997''.

SEC. 302. BLOCK GRANT PROGRAM.

(a) IN GENERAL.—Part R of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796 et seq.) is amended to read as follows:

''PART R—JUVENILE ACCOUNTABILITY BLOCK GRANTS

''SEC. 1801. PROGRAM AUTHORIZED.

''(a) IN GENERAL.—The Director of the Bureau of Justice Assistance is authorized to provide grants to States, for use by States and units of local government, and in certain cases directly to eligible units.

''(b) AUTHORIZED ACTIVITIES.—Amounts paid to a State, a unit of local government, or an eligible unit under this part shall be used by the State, unit of local government, or eligible unit for the purpose of promoting greater accountability in the juvenile justice system, which includes—

''(1) building, expanding or operating temporary or permanent juvenile correction or detention facilities;

''(2) developing and administering accountability-based sanctions for juvenile offenders;

''(3) hiring additional juvenile judges, probation officers, and court-appointed defenders, and funding pre-trial services for juveniles, to ensure the smooth and expeditious administration of the juvenile justice system;

''(4) hiring additional prosecutors, so that more cases involving violent juvenile offenders can be prosecuted and backlogs reduced;

''(5) providing funding to enable prosecutors to address drug, gang, and youth violence problems more effectively;

''(6) providing funding for technology, equipment, and training to assist prosecutors in identifying and expediting the prosecution of violent juvenile offenders;

''(7) providing funding to enable juvenile courts and juvenile probation offices to be more effective and efficient in holding juvenile offenders accountable and reducing recidivism;

''(8) the establishment of court-based juvenile justice programs that target young firearms offenders through the establishment of juvenile gun courts for the adjudication and prosecution of juvenile firearms offenders;

''(9) the establishment of drug court programs for juveniles so as to provide continuing judicial supervision over juvenile offenders with substance abuse problems and to provide the integrated administration of other sanctions and services;

''(10) establishing and maintaining interagency information-sharing programs that enable the juvenile and criminal justice system, schools, and social services agencies to make more informed decisions regarding the early identification, control, supervision, and treatment of juveniles who repeatedly commit serious delinquent or criminal acts; and

''(11) establishing and maintaining accountability-based programs that work with juvenile offenders who are referred by law enforcement agencies, or which are designed, in cooperation with law enforcement officials, to protect students and school personnel from drug, gang, and youth violence.

''SEC. 1802. GRANT ELIGIBILITY.

''(a) STATE ELIGIBILITY.—To be eligible to receive a grant under this section, a State shall submit to the Director an application at such time, in such form, and containing such assurances and information as the Director may require by rule, including assurances that the State and any unit of local government to which the State provides funding under section 1803(b), has in effect (or will have in effect not later than 1 year after the date a State submits such application) laws, or has implemented (or will implement not later than 1 year after the date a State submits such application) policies and programs, that—

''(1) ensure that juveniles who commit an act after attaining 15 years of age that would be a serious violent crime if committed by an adult are treated as adults for purposes of prosecution as a matter of law, or that the prosecutor has the authority to determine whether or not to prosecute such juveniles as adults;

''(2) impose sanctions on juvenile offenders for every delinquent or criminal act, or violation of probation, ensuring that such sanctions escalate in severity with each subsequent, more serious delinquent or criminal act, or violation of probation, including such accountability-based sanctions as—

''(A) restitution;

''(B) community service;

''(C) punishment imposed by community accountability councils comprised of individuals from the offender's and victim's communities;

''(D) fines; and

''(E) short-term confinement;

''(3) establish at a minimum a system of records relating to any adjudication of a juvenile who has a prior delinquency adjudication and who is adjudicated delinquent for conduct that if committed by an adult would constitute a felony under Federal or State law which is a system equivalent to that maintained for adults who commit felonies under Federal or State law; and

''(4) ensure that State law does not prevent a juvenile court judge from issuing a court order against a parent, guardian, or custodian of a juvenile offender regarding the supervision of such an offender and from imposing sanctions for a violation of such an order.

''(b) LOCAL ELIGIBILITY.—

''(1) SUBGRANT ELIGIBILITY.—To be eligible to receive a subgrant, a unit of local government shall provide such assurances to the State as the State shall require, that, to the maximum extent applicable, the unit of local government has laws or policies and programs which—

''(A) ensure that juveniles who commit an act after attaining 15 years of age that would be a serious violent crime if committed by an adult are treated as adults for purposes of prosecution as a matter of law, or that the prosecutor has the authority to determine whether or not to prosecute such juveniles as adults;

''(B) impose a sanction for every delinquent or criminal act, or violation of probation, ensuring that such sanctions escalate in severity with each subsequent, more serious delinquent or criminal act, or violation of probation; and

''(C) ensure that there is a system of records relating to any adjudication of a juvenile who is adjudicated delinquent for conduct that if committed by an adult would constitute a felony under Federal or State law which is a system equivalent to that maintained for adults who commit felonies under Federal or State law.

''(2) SPECIAL RULE.—The requirements of paragraph (1) shall apply to an eligible unit that receives funds from the Director under section 1803, except that information that would otherwise be submitted to the State shall be submitted to the Director.

''SEC. 1803. ALLOCATION AND DISTRIBUTION OF FUNDS.

''(a) STATE ALLOCATION.—

''(1) IN GENERAL.—In accordance with regulations promulgated pursuant to this part, the Director shall allocate—

''(A) 0.25 percent for each State; and

''(B) of the total funds remaining after the allocation under subparagraph (A), to each State, an amount which bears the same ratio to the amount of remaining funds described in this subparagraph as the population of people under the age of 18 living in such State for the most recent calendar year in which such data is available bears to the population of people under the age of 18 of all the States for such fiscal year.

''(2) PROPORTIONAL REDUCTION.—If amounts available to carry out paragraph (1)(A) for any payment period are insufficient to pay in full the total payment that any State is otherwise eligible to receive under paragraph (1)(A) for such period, then the Director shall reduce payments under paragraph (1)(A) for such payment period to the extent of such insufficiency. Reductions under the preceding sentence shall be allocated among the States (other than States whose payment is determined under paragraph (2)) in the same proportions as amounts would be allocated under paragraph (1) without regard to paragraph (2).

''(3) PROHIBITION.—No funds allocated to a State under this subsection or received by a State for distribution under subsection (b) may be distributed by the Director or by the State involved for any program other than a program contained in an approved application.

''(b) LOCAL DISTRIBUTION.—

''(1) IN GENERAL.—Each State which receives funds under subsection (a)(1) in a fiscal year shall distribute not less than 75 percent of such amounts received among units of local government, for the purposes specified in section 1801. In making such distribution the State shall allocate to such units of local government an amount which bears the same ratio to the aggregate amount of such funds as—

''(A) the sum of—

''(i) the product of—

''(I) two-thirds; multiplied by

''(II) the average law enforcement expenditure for such unit of local government for the 3 most recent calendar years for which such data is available; plus

''(ii) the product of—

''(I) one-third; multiplied by

''(II) the average annual number of part 1 violent crimes in such unit of local government for the 3 most recent calendar years for which such data is available, bears to—

''(B) the sum of the products determined under subparagraph (A) for all such units of local government in the State.

''(2) EXPENDITURES.—The allocation any unit of local government shall receive under paragraph (1) for a payment period shall not exceed 100 percent of law enforcement expenditures of the unit for such payment period.

''(3) REALLOCATION.—The amount of any unit of local government's allocation that is not available to such unit by operation of paragraph (2) shall be available to other units of local government that are not affected by such operation in accordance with this subsection.

''(c) UNAVAILABILITY OF DATA FOR UNITS OF LOCAL GOVERNMENT.—If the State has reason to believe that the reported rate of part 1 violent crimes or law enforcement expenditure for a unit of local government is insufficient or inaccurate, the State shall—

''(1) investigate the methodology used by the unit to determine the accuracy of the submitted data; and

''(2) if necessary, use the best available comparable data regarding the number of violent crimes or law enforcement expenditure for the relevant years for the unit of local government.

''(d) LOCAL GOVERNMENT WITH ALLOCATIONS LESS THAN $5,000.—If under this section a unit of local government is allocated less than $5,000 for a payment period, the amount allotted shall be expended by the State on services to units of local government whose allotment is less than such amount in a manner consistent with this part.

''(e) DIRECT GRANTS TO ELIGIBLE UNITS.—

''(1) IN GENERAL.—If a State does not qualify or apply for funds reserved for allocation under subsection (a) by the application deadline established by the Director, the Director shall reserve not more than 75 percent of the allocation that the State would have received under subsection (a) for such fiscal year to provide grants to eligible units which meet the requirements for funding under subsection (b).

''(2) AWARD BASIS.—In addition to the qualification requirements for direct grants for eligible units the Director may use the average amount allocated by the States to like governmental units as a basis for awarding grants under this section.

''SEC. 1804. REGULATIONS.

''The Director shall issue regulations establishing procedures under which an eligible State or unit of local government that receives funds under section 1803 is required to provide notice to the Director regarding the proposed use of funds made available under this part.

''SEC. 1805. PAYMENT REQUIREMENTS.

''(a) TIMING OF PAYMENTS.—The Director shall pay each State or unit of local government that receives funds under section 1803 that has submitted an application under this part not later than—

''(1) 90 days after the date that the amount is available, or

''(2) the first day of the payment period if the State has provided the Director with the assurances required by subsection (c),

whichever is later.

''(b) REPAYMENT OF UNEXPENDED AMOUNTS.—

''(1) REPAYMENT REQUIRED.—From amounts appropriated under this part, a State shall repay to the Director, by not later than 27 months after receipt of funds from the Director, any amount that is not expended by the State within 2 years after receipt of such funds from the Director.

''(2) PENALTY FOR FAILURE TO REPAY.—If the amount required to be repaid is not repaid, the Director shall reduce payment in future payment periods accordingly.

''(3) DEPOSIT OF AMOUNTS REPAID.—Amounts received by the Director as repayments under this subsection shall be deposited in a designated fund for future payments to States.

''(c) ADMINISTRATIVE COSTS.—A State, unit of local government or eligible unit that receives funds under this part may use not more than one percent of such funds to pay for administrative costs.

''(d) NONSUPPLANTING REQUIREMENT.—Funds made available under this part to States, units of local government, or eligible units shall not be used to supplant State or local funds as the case may be, but shall be used to increase the amount of funds that would, in the absence of funds made available under this part, be made available from State or local sources, as the case may be.

''(e) MATCHING FUNDS.—The Federal share of a grant received under this part may not exceed 90 percent of the costs of a program or proposal funded under this part.

''SEC. 1806. UTILIZATION OF PRIVATE SECTOR.

''Funds or a portion of funds allocated under this part may be utilized to contract with private, nonprofit entities or community-based organizations to carry out the purposes specified under section 1801(a)(2).

''SEC. 1807. ADMINISTRATIVE PROVISIONS.

''(a) IN GENERAL.—A State that receives funds under this part shall—

''(1) establish a trust fund in which the government will deposit all payments received under this part; and

''(2) use amounts in the trust fund (including interest) during a period not to exceed 2 years from the date the first grant payment is made to the State;

''(3) designate an official of the State to submit reports as the Director reasonably requires, in addition to the annual reports required under this part; and

''(4) spend the funds only for the purposes under section 1801(b).

''(b) TITLE I PROVISIONS.—The administrative provisions of part H shall apply to this part and for purposes of this section any reference in such provisions to title I shall be deemed to include a reference to this part.

''SEC. 1808. DEFINITIONS.

''For the purposes of this part:

''(1) The term 'unit of local government' means—

''(A) a county, township, city, or political subdivision of a county, township, or city, that is a unit of local government as determined by the Secretary of Commerce for general statistical purposes; and

''(B) the District of Columbia and the recognized governing body of an Indian tribe or Alaskan Native village that carries out substantial governmental duties and powers.

''(2) The term 'eligible unit' means a unit of local government which may receive funds under section 1803(e).

''(3) The term 'State' means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands, except that American Samoa, Guam, and the Northern Mariana Islands shall be considered as 1 State and that, for purposes of section 1803(a), 33 percent of the amounts allocated shall be allocated to American Samoa, 50 percent to Guam, and 17 percent to the Northern Mariana Islands.

''(4) The term 'juvenile' means an individual who is 17 years of age or younger.

''(5) The term 'law enforcement expenditures' means the expenditures associated with police, prosecutorial, legal, and judicial services, and corrections as reported to the Bureau of the Census for the fiscal year preceding the fiscal year for which a determination is made under this part.

''(6) The term 'part 1 violent crimes' means murder and nonnegligent manslaughter, forcible rape, robbery, and aggravated assault as reported to the Federal Bureau of Investigation for purposes of the Uniform Crime Reports.

''(7) The term 'Director' means the Director of the Bureau of Justice Assistance.

''SEC. 1809. AUTHORIZATION OF APPROPRIATIONS.

''(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this part—

''(1) $500,000,000 for fiscal year 1998;

''(2) $500,000,000 for fiscal year 1999; and

''(3) $500,000,000 for fiscal year 2000.

''(b) OVERSIGHT ACCOUNTABILITY AND ADMINISTRATION.—Not more than 1 percent of the amount authorized to be appropriated under subsection (a), with such amounts to remain available until expended, for each of the fiscal years 1998 through 2000 shall be available to the Director for studying the overall effectiveness and efficiency of the provisions of this part, assuring compliance with the provisions of this part, and for administrative costs to carry out the purposes of this part. The Director shall establish and execute an oversight plan for monitoring the activities of grant recipients.

''(c) FUNDING SOURCE.—Appropriations for activities authorized in this part may be made from the Violent Crime Reduction Trust Fund.''.

(b) CLERICAL AMENDMENTS.—The table of contents of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by striking the item relating to part R and inserting the following:

''PART R—JUVENILE ACCOUNTABILITY BLOCK GRANTS

''Sec. 1801. Program authorized.
''Sec. 1802. Grant eligibility.
''Sec. 1803. Allocation and distribution of funds.
''Sec. 1804. Regulations.
''Sec. 1805. Payment requirements.
''Sec. 1806. Utilization of private sector.
''Sec. 1807. Administrative provisions.
''Sec. 1808. Definitions.
''Sec. 1809. Authorization of appropriations.''.

The CHAIRMAN. No amendment shall be in order except those printed in House Report 105–89, which may be considered only in the order specified, may be offered only by a Member designated in the report, shall be considered read, shall be debated for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment except as specified in the report, and shall not be subject to a demand for a division of the question.

The Chairman of the Committee of the Whole may postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment, and may reduce to not less than 5 minutes the time for voting by electronic device on any postponed question that immediately follows another vote by electronic device without intervening business, provided that the time for voting by electronic device on the first in any series of questions shall not be less than 15 minutes.

It is now in order to consider amendment No. 1 printed in House Report 105–89.

AMENDMENT NO. 1 IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. STUPAK

Mr. STUPAK. Mr. Chairman, I offer amendment No. 1 in the nature of a substitute.

The CHAIRMAN. Is the gentleman from Michigan [Mr. STUPAK] the designee of the minority leader?

Mr. STUPAK. Yes, Mr. Chairman.

The CHAIRMAN. The Clerk will designate the amendment in the nature of a substitute.

The text of the amendment in the nature of a substitute is as follows:

Amendment No. 1 in the nature of a substitute offered by Mr. STUPAK:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Families First Juvenile Offender Control and Prevention Act of 1997''.

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

Sec. 1. Short title; table of contents.

TITLE I—JUVENILE OFFENDER CONTROL AND PREVENTION GRANTS

Sec. 101. Short title.
Sec. 102. Grant program.

TITLE II—VIOLENT JUVENILE OFFENDERS

Sec. 201. Time limit on transfer decision.
Sec. 202. Increased detention, mandatory restitution, and additional sentencing options for youth offenders.
Sec. 203. Juvenile handgun possession.
Sec. 204. Access of victims and public to records of crimes committed by juvenile delinquents.

TITLE III—IMPROVING JUVENILE CRIME AND DRUG PREVENTION

Sec. 301. Study by national academy of science.

TITLE I—JUVENILE OFFENDER CONTROL AND PREVENTION GRANTS

SEC. 101. SHORT TITLE.

This title may be cited as the ''Juvenile Offender Control and Prevention Grant Act of 1997''.

SEC. 102. GRANT PROGRAM.

(a) IN GENERAL.—Part R of title I of the Omnibus Crime Control and Safe Streets Act

of 1968 (42 U.S.C. 3796 et seq.) is amended to read as follows:

"PART R—JUVENILE OFFENDER CONTROL AND PREVENTION GRANTS

"SEC. 1801. PAYMENTS TO LOCAL GOVERNMENTS.

''(a) PAYMENT AND USES.—

''(1) PAYMENT.—The Director of the Bureau of Justice Assistance may make grants to carry out this part, to units of local government that qualify for a payment under this part. Of the amount appropriated in any fiscal year to carry out this part, the Director shall obligate—

''(A) not less than 60 percent of such amount for grants for the uses specified in subparagraphs (A) and (B) of paragraph (2);

''(B) not less than 10 percent of such amount for grants for the use specified in paragraph (2)(C), and

''(C) not less than 20 percent of such amount for grants for the uses specified in subparagraphs (E) and (G) of paragraph (2).

''(2) USES.—Amounts paid to a unit of local government under this section shall be used by the unit for 1 or more of the following:

''(A) Preventing juveniles from becoming involved in crime or gangs by—

''(i) operating after-school programs for at-risk juveniles;

''(ii) developing safe havens from and alternatives to street violence, including educational, vocational or other extracurricular activities opportunities;

''(iii) establishing community service programs, based on community service corps models that teach skills, discipline, and responsibility;

''(iv) establishing peer medication programs in schools;

''(v) establishing big brother programs and big sister programs;

''(vi) establishing anti-truancy programs;

''(vii) establishing and operating programs to strengthen the family unit;

''(viii) establishing and operating drug prevention, treatment and education programs; or

''(ix) establishing activities substantially similar to programs described in clauses (i) through (viii).

''(B) Establishing and operating early intervention programs for at-risk juveniles.

''(C) Building or expanding secure juvenile correction or detention facilities for violent juvenile offenders.

''(D) Providing comprehensive treatment, education, training, and after-care programs for juveniles in juvenile detention facilities.

''(E) Implementing graduated sanctions for juvenile offenders.

''(F) Establishing initiatives that reduce the access of juveniles to fire arms.

''(G) Improving State juvenile justice systems by—

''(i) developing and administering accountability-based sanctions for juvenile offenders;

''(ii) hiring additional prosecutors, so that more cases involving violent juvenile offenders can be prosecuted and backlogs reduced; or

''(iii) providing funding to enable juvenile courts and juvenile probation offices to be more effective and efficient in holding juvenile offenders accountable.

''(H) Providing funding to enable prosecutors—

''(i) to address drug, gang, and violence problems involving juveniles more effectively;

''(ii) to develop anti-gang units and anti-gang task forces to address the participation of juveniles in gangs, and to share information about juvenile gangs and their activities; or

''(iii) providing funding for technology, equipment, and training to assist prosecutors in identifying and expediting the prosecution of violent juvenile offenders.

''(I) Hiring additional law enforcement officers (including, but not limited to, police, corrections, probation, parole, and judicial officers) who are involved in the control or reduction of juvenile delinquency.

''(J) Providing funding to enable city attorneys and county attorneys to seek civil remedies for violations of law committed by juveniles who participate in gangs.

''(3) GEOGRAPHICAL DISTRIBUTION OF GRANTS.— The Director shall ensure that grants made under this part are equitably distributed among all units of local government in each of the States and among all units of local government throughout the United States.

''(b) PROHIBITED USES.—Notwithstanding any other provision of this title, a unit of local government may not expend any of the funds provided under this part to purchase, lease, rent, or otherwise acquire—

''(1) tanks or armored personnel carriers;

''(2) fixed wing aircraft;

''(3) limousines;

''(4) real estate;

''(5) yachts;

''(6) consultants; or

''(7) vehicles not primarily used for law enforcement;

unless the Attorney General certifies that extraordinary and exigent circumstances exist that make the use of funds for such purposes essential to the maintenance of public safety and good order in such unit of local government.

''(c) REPAYMENT OF UNEXPENDED AMOUNTS.—

''(1) REPAYMENT REQUIRED.—A unit of local government shall repay to the Director, by not later than 27 months after receipt of funds from the Director, any amount that is—

''(A) paid to the unit from amounts appropriated under the authority of this section; and

''(B) not expended by the unit within 2 years after receipt of such funds from the Director.

''(2) PENALTY FOR FAILURE TO REPAY.—If the amount required to be repaid is not repaid, the Director shall reduce payment in future payment periods accordingly.

''(d) NONSUPPLANTING REQUIREMENT.— Funds made available under this part to units of local government shall not be used to supplant State or local funds, but shall be used to increase the amount of funds that would, in the absence of funds made available under this part, be made available from State or local sources.

''(e) MATCHING FUNDS.—The Federal share of a grant received under this part may not exceed 90 percent of the costs of a program or proposal funded under this part.

"SEC. 1802. AUTHORIZATION OF APPROPRIATIONS.

''(a) AUTHORIZATION OF APPROPRIATIONS.— There are authorized to be appropriated to carry out this part—

''(1) $500,000,000 for fiscal year 1998;

''(2) $500,000,000 for fiscal year 1999; and

''(3) $500,000,000 for fiscal year 2000.

The appropriations authorized by this subsection may be made from the Violent Crime Reduction Trust Fund.

''(b) OVERSIGHT ACCOUNTABILITY AND ADMINISTRATION.—Not more than 3 percent of the amount authorized to be appropriated under subsection (a) for each of the fiscal years 1998 through 2000 shall be available to the Attorney General for studying the overall effectiveness and efficiency of the provisions of this part, and assuring compliance with the provisions of this part and for administrative costs to carry out the purposes of this part. The Attorney General shall establish and execute an oversight plan for monitoring the activities of grant recipients. Such sums are to remain available until expended.

''(c) AVAILABILITY.—The amounts authorized to be appropriated under subsection (a) shall remain available until expended.

"SEC. 1803. QUALIFICATION FOR PAYMENT.

''(a) IN GENERAL.—The Director shall issue regulations establishing procedures under which a unit of local government is required to provide notice to the Director regarding the proposed use of funds made available under this part.

''(b) PROGRAM REVIEW.—The Director shall establish a process for the ongoing evaluation of projects developed with funds made available under this part.

''(c) GENERAL REQUIREMENTS FOR QUALIFICATION.—A unit of local government qualifies for a payment under this part for a payment period only if the unit of local government submits an application to the Director and establishes, to the satisfaction of the Director, that—

''(1) the chief executive officer of the State has had not less than 20 days to review and comment on the application prior to submission to the Director;

''(2)(A) the unit of local government will establish a trust fund in which the government will deposit all payments received under this part; and

''(B) the unit of local government will use amounts in the trust fund (including interest) during a period not to exceed 2 years from the date the first grant payment is made to the unit of local government;

''(3) the unit of local government will expend the payments received in accordance with the laws and procedures that are applicable to the expenditure of revenues of the unit of local government;

''(4) the unit of local government will use accounting, audit, and fiscal procedures that conform to guidelines which shall be prescribed by the Director after consultation with the Comptroller General and as applicable, amounts received under this part shall be audited in compliance with the Single Audit Act of 1984;

''(5) after reasonable notice from the Director or the Comptroller General to the unit of local government, the unit of local government will make available to the Director and the Comptroller General, with the right to inspect, records that the Director reasonably requires to review compliance with this part or that the Comptroller General reasonably requires to review compliance and operation;

''(6) the unit of local government will spend the funds made available under this part only for the purposes set forth in section 1801(a)(2); and

''(7) the unit of local government has established procedures to give members of the Armed Forces who, on or after October 1, 1990, were or are selected for involuntary separation (as described in section 1141 of title 10, United States Code), approved for separation under section 1174a or 1175 of such title, or retired pursuant to the authority provided under section 4403 of the Defense Conversion, Reinvestment, and Transition Assistance Act of 1992 (division D of Public Law 102–484; 10 U.S.C. 1293 note), a suitable preference in the employment of persons as additional law enforcement officers or support personnel using funds made available under this title. The nature and extent of such employment preference shall be jointly established by the Attorney General and the Secretary of Defense. To the extent practicable, the Director shall endeavor to inform members who were separated between

October 1, 1990, and the date of the enactment of this section of their eligibility for the employment preference.

''(d) SANCTIONS FOR NONCOMPLIANCE.—

''(1) IN GENERAL.—If the Director determines that a unit of local government has not complied substantially with the requirements or regulations prescribed under subsections (a) and (c), the Director shall notify the unit of local government that if the unit of local government does not take corrective action within 60 days of such notice, the Director will withhold additional payments to the unit of local government for the current and future payment periods until the Director is satisfied that the unit of local government—

''(A) has taken the appropriate corrective action; and

''(B) will comply with the requirements and regulations prescribed under subsections (a) and (c).

''(2) NOTICE.—Before giving notice under paragraph (1), the Director shall give the chief executive officer of the unit of local government reasonable notice and an opportunity for comment.

''(e) MAINTENANCE OF EFFORT REQUIREMENT.—A unit of local government qualifies for a payment under this part for a payment period only if the unit's expenditures on law enforcement services (as reported by the Bureau of the Census) for the fiscal year preceding the fiscal year in which the payment period occurs were not less than 90 percent of the unit's expenditures on such services for the second fiscal year preceding the fiscal year in which the payment period occurs.''.

(b) TECHNICAL AMENDMENT.—The table of contents of the title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796 et seq.) is amended by striking the matter relating to part R and inserting the following:

''PART R—JUVENILE CRIME CONTROL GRANTS

''Sec. 1801. Payments to local governments.

''Sec. 1802. Authorization of appropriations.

''Sec. 1803. Qualification for payment.''.

TITLE II—VIOLENT JUVENILE OFFENDERS

SEC. 201. TIME LIMIT ON TRANSFER DECISION.

Section 5032 of title 18, United States Code, is amended by inserting ''The transfer decision shall be made not later than 90 days after the first day of the hearing.'' after the first sentence of the 4th paragraph.

SEC. 202. INCREASED DETENTION, MANDATORY RESTITUTION, AND ADDITIONAL SENTENCING OPTIONS FOR YOUTH OFFENDERS.

Section 5037 of title 18, United States Code, is amended to read as follows:

''§ 5037. Dispositional hearing

''(a) IN GENERAL.—

''(1) HEARING.—In a juvenile proceeding under section 5032, if the court finds a juvenile to be a juvenile delinquent, the court shall hold a hearing concerning the appropriate disposition of the juvenile not later than 20 court days after the finding of juvenile delinquency unless the court has ordered further study pursuant to subsection (e).

''(2) REPORT.—A predisposition report shall be prepared by the probation officer who shall promptly provide a copy to the juvenile, the attorney for the juvenile, and the attorney for the government.

''(3) ORDER OF RESTITUTION.—After the dispositional hearing, and after considering any pertinent policy statements promulgated by the Sentencing Commission pursuant to 994, of title 28, the court shall enter an order of restitution pursuant to section 3556, and may suspend the findings of juvenile delinquency, place the juvenile on probation, commit the juvenile to official detention (including the possibility of a term of supervised release), and impose any fine that would be authorized if the juvenile had been tried and convicted as an adult.

''(4) RELEASE OR DETENTION.—With respect to release or detention pending an appeal or a petition for a writ of certiorari after disposition, the court shall proceed pursuant to the provisions of chapter 207.

''(b) TERM OF PROBATION.—The term for which probation may be ordered for a juvenile found to be a juvenile delinquent may not extend beyond the maximum term that would be authorized by section 3561(c) if the juvenile had been tried and convicted as an adult. Sections 3563, 3564, and 3565 are applicable to an order placing a juvenile on probation.

''(c) TERM OF OFFICIAL DETENTION.—

''(1) MAXIMUM TERM.—The term for which official detention may be ordered for a juvenile found to be a juvenile delinquent may not extend beyond the lesser of—

''(A) the maximum term of imprisonment that would be authorized if the juvenile had been tried and convicted as an adult;

''(B) 10 years; or

''(C) the date on which the juvenile achieves the age of 26.

''(2) APPLICABILITY OF OTHER PROVISIONS.—Section 3624 shall apply to an order placing a juvenile in detention.

''(d) TERM OF SUPERVISED RELEASE.—The term for which supervised release may be ordered for a juvenile found to be a juvenile delinquent may not extend beyond 5 years. Subsections (c) through (i) of section 3583 shall apply to an order placing a juvenile on supervised release.

''(e) CUSTODY OF ATTORNEY GENERAL.—

''(1) IN GENERAL.—If the court desires more detailed information concerning a juvenile alleged to have committed an act of juvenile delinquency or a juvenile adjudicated delinquent, it may commit the juvenile, after notice and hearing at which the juvenile is represented by an attorney, to the custody of the Attorney General for observation and study by an appropriate agency or entity.

''(2) OUTPATIENT BASIS.—Any observation and study pursuant to a commission under paragraph (1) shall be conducted on an outpatient basis, unless the court determines that inpatient observation and study are necessary to obtain the desired information, except that in the case of an alleged juvenile delinquent, inpatient study may be ordered with the consent of the juvenile and the attorney for the juvenile.

''(3) CONTENTS OF STUDY.—The agency or entity conducting an observation or study under this subsection shall make a complete study of the alleged or adjudicated delinquent to ascertain the personal traits, capabilities, background, any prior delinquency or criminal experience, any mental or physical defect, and any other relevant factors pertaining to the juvenile.

''(4) SUBMISSION OF RESULTS.—The Attorney General shall submit to the court and the attorneys for the juvenile and the government the results of the study not later than 30 days after the commitment of the juvenile, unless the court grants additional time.

''(5) EXCLUSION OF TIME.—Any time spent in custody under this subsection shall be excluded for purposes of section 5036.

''(f) CONVICTION AS ADULT.—With respect to any juvenile prosecuted and convicted as an adult pursuant to section 5032, the court may, pursuant to guidelines promulgated by the United States Sentencing Commission under section 994 of title 28, determine to treat the conviction as an adjudication of delinquency and impose any disposition authorized under this section. The United States Sentencing Commission shall promulgate such guidelines as soon as practicable and not later than 1 year after the date of enactment of this Act.

''(g)(1) A juvenile detained either pending juvenile proceedings or a criminal trial, or detained or imprisoned pursuant to an adjudication or conviction shall be substantially segregated from any prisoners convicted for crimes who have attained the age of 21 years.

''(2) As used in this subsection, the term 'substantially segregated'—

''(A) means complete sight and sound separation in residential confinement; but

''(B) is not inconsistent with—

''(i) the use of shared direct care and management staff, properly trained and certified to interact with juvenile offenders, if the staff does not interact with adult and juvenile offenders during the same shift; and

''(ii) incidental contact during transportation to court proceedings and other activities in accordance with regulations issued by the Attorney General to ensure reasonable efforts are made to segregate adults and juveniles.''

SEC. 203. JUVENILE HANDGUN POSSESSION.

Section 924(a)(6) of title 18, United States Code, is amended—

(1) by striking all that precedes subparagraph (B) and inserting the following:

''(6)(A) A juvenile who violates section 922(x) shall be fined under this title, imprisoned not more than 1 year, or both, and for a second or subsequent violation, or for a first violation committed after an adjudication of delinquency for an act that, if committed by an adult, would be a serious violent felony (as defined in section 3559(c) of this title), shall be fined under this title, imprisoned not more than 5 years, or both.'';

(2) in subparagraph (B)(i), by striking ''one year'' and inserting ''5 years''; and

(3) in subparagraph (B)(ii), by striking ''not more than 10 years'' and inserting ''not less than 3 nor more than 10 years''.

SEC. 204. ACCESS OF VICTIMS AND PUBLIC TO RECORDS OF CRIMES COMMITTED BY JUVENILE DELINQUENTS.

Section 5038 of title 18, United States Code, is amended—

(1) in subsection (a), by striking ''Throughout and upon'' and all that follows through the colon and inserting the following: ''Throughout and upon completion of the juvenile delinquency proceeding pursuant to 5032(a), the court records of the original proceeding shall be safeguarded from disclosure to unauthorized persons. The records shall be released to the extent necessary to meet the following circumstances:'';

(2) in subsection (a)(3), by inserting before the semicolon ''or analysis requested by the Attorney General'';

(3) in subsection (c), inserting before the comma and after ''relating to the proceeding'' the phrase ''other than necessary docketing data''; and

(4) by striking subsections (d) and (f), by redesignating subsection (e) as subsection (d), by inserting ''pursuant to section 5032 (b) or (c)'' after ''adult'' in subsection (d) as so redesignated, and by adding at the end new subsections (e) and (f) as follows:

''(e) Whenever a juvenile has been adjudicated delinquent for an act that if committed by an adult would be a felony or for a violation of section 924(a)(6), the juvenile shall be fingerprinted and photographed, and the fingerprints and photograph shall be sent to the Federal Bureau of Investigation. The court shall also transmit to the Federal Bureau of Investigation the information concerning the adjudication, including name,

date of adjudication, court, offenses, and sentence, along with the notation that the matter was a juvenile adjudication. The fingerprints, photograph, and other records and information relating to a juvenile described in this subsection, or to a juvenile who is prosecuted as an adult pursuant to sections 5032 (b) or (c), shall be made available in the manner applicable to adult defendants.

''(f) In addition to any other authorization under this section for the reporting, retention, disclosure, or availability of records or information, if the law of the State in which a Federal juvenile delinquency proceeding takes place permits or requires the reporting, retention, disclosure, or availability of records or information relating to a juvenile or to a juvenile delinquency proceeding or adjudication in certain circumstances, then such reporting, retention, disclosure, or availability is permitted under this section whenever the same circumstances exist.''.

TITLE III—IMPROVING JUVENILE CRIME AND DRUG PREVENTION

SEC. 301. STUDY BY NATIONAL ACADEMY OF SCIENCE.

(a) IN GENERAL.—The Attorney General shall enter into a contract with a public or nonprofit private entity, subject to subsection (b), for the purpose of conducting a study or studies—

(1) to evaluate the effectiveness of federally funded programs for preventing juvenile violence and juvenile substance abuse;

(2) to evaluate the effectiveness of federally funded grant programs for preventing criminal victimization of juveniles;

(3) to identify specific Federal programs and programs that receive Federal funds that contribute to reductions in juvenile violence, juvenile substance abuse, and risk factors among juveniles that lead to violent behavior and substance abuse;

(4) to identify specific programs that have not achieved their intended results; and

(5) to make specific recommendations on programs that—

(A) should receive continued or increased funding because of their proven success; or

(B) should have their funding terminated or reduced because of their lack of effectiveness.

(b) NATIONAL ACADEMY OF SCIENCES.—The Attorney General shall request the National Academy of Sciences to enter into the contract under subsection (a) to conduct the study or studies described in subsection (a). If the Academy declines to conduct the study, the Attorney General shall carry out such subsection through other public or nonprofit private entities.

(c) ASSISTANCE.—In conducting the study under subsection (a) the contracting party may request analytic assistance, data, and other relevant materials from the Department of Justice and any other appropriate Federal agency.

(d) REPORTING REQUIREMENTS.—

(1) IN GENERAL.—Not later than January 1, 2000, the Attorney General shall submit a report describing the findings made as a result of the study required by subsection (a) to the Committee on the Judiciary and the Committee on Education and the Workforce of the House of Representatives, and to the Committee on the Judiciary and the Committee on Labor and Human Resources of the Senate.

(2) CONTENTS.—The report required by this subsection shall contain specific recommendations concerning funding levels for the programs evaluated. Reports on the effectiveness of such programs and recommendations on funding shall be provided to the appropriate subcommittees of the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate.

(e) FUNDING.—There are authorized to be appropriated to carry out the study under subsection (a) such sums as may be necessary.

The CHAIRMAN. Pursuant to House Resolution 143, the gentleman from Michigan [Mr. STUPAK] and a Member opposed will each control 30 minutes.

Is the gentleman from Florida [Mr. MCCOLLUM] opposed to the amendment in the nature of a substitute?

Mr. MCCOLLUM. I am opposed, Mr. Chairman, and I claim the time in opposition.

The CHAIRMAN. The gentleman from Florida [Mr. MCCOLLUM] will control 30 minutes.

The Chair recognizes the gentleman from Michigan [Mr. STUPAK].

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

Mr. Chairman, the Stupak-Stenholm-Lofgren-Scott substitute takes the approach that juvenile crime can best be battled at the local level. In our bill we set aside the same $1.5 billion over 3 years for local initiatives. Our Crime Task Force went to the communities around this Nation and they asked us, give us the flexibility and give us local control. We need help from the Federal Government. We do not need mandates.

Unfortunately, the majority legislation here, the majority bill, puts down four mandates that each State must follow. In those mandates, if we do not follow those mandates, our State is denied any access to the $1.5 billion. In the most recent list that has been compiled, in reviewing the majority's bill, only six States may be eligible. Forty-four other States would be denied access to any funds in fighting juvenile crime.

Mr. Chairman, the Democratic substitute is a balanced approach to the problem of juvenile crime. It is an approach that includes enforcement, intervention, prevention, and we reform the juvenile justice system to target violent kids, and they would be locked up underneath our bill.

We allow the local community approach and not the federalism approach. The National Conference of State Legislators has written to each Member of Congress and they asked us not to pass this bill, not to pass the majority bill, adopt the Democratic substitute. Why do they not want the Republican bill? Because there are mandates there. It is a continuation of federalism, with four different mandates that most States cannot comply with.

Since when has the Federal Government, who does not have juvenile courts, who does not have juvenile probation officers, since when have we become the experts, and we are telling the rest of the country how to fight juvenile crime? The Democratic substitute is a smart bill, a fair bill, a tough bill, and everyone gets to join in, and we work with our local officials.

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

Mr. MCCOLLUM. Mr. Chairman, I yield myself such time as I may consume, and I rise in opposition to the substitute.

Mr. Chairman, let me begin by expressing my sincere appreciation to my chairman for his leadership in this process. I want to talk about this amendment, though, for a second, if I could, and my biggest concern with this is that this amendment is a very, very serious matter in terms of the fact that it completely changes the bill that we are dealing with here today, both for what it does and what it fails to do.

First, I want to make it clear what this amendment would do. It would mandate that the States and localities spend at least 60 percent of their juvenile crime funds on prevention programs. It is a prevention mandate. Such a mandate is exactly the wrong approach to take in this bill, for four reasons.

First, the Committee on Education and the Workforce will be reporting out a justice and delinquency prevention program within 6 weeks which has prevention as its primary focus. Chairman RIGGS has been working with the gentleman from Virginia [Mr. SCOTT] on this bipartisan bill, which is primarily prevention oriented, and which focuses resources on at-risk youth.

Second, this bill focuses on the problems of a broken juvenile justice system, that is what the underlying bill is all about, which chronically fails to hold juvenile offenders accountable. It does so by providing assistance to the States and localities to reform their juvenile justice systems by embracing accountability-based reforms.

The minority substitute mandated prevention spending would divert desperately needed resources from the juvenile justice system. It would divert resources from the prosecutors, the courts, the probation officers who represent the means of ensuring meaningful accountability for juvenile offenders.

The third reason why this amendment is a bad idea, and it is a bad idea to mandate that 60 percent of the funds be spent on prevention, is because of the extensive prevention resources already provided for in prevention programs of the Federal Government.

According to the General Accounting Office, the Federal Government programs already funded for at-risk and delinquent youth number as follows: 21 gang intervention programs, 35 mentoring programs, 42 job training assistance programs, 47 counseling programs, 44 self-sufficiency programs, and 53 substance abuse intervention programs. Yet, there is currently not even one Federal program to support States in their efforts to reform their juvenile justice systems and embrace accountability-based reforms.

That is what this bill, the underlying bill, is all about. The amendment would gut that, change that, turn this into a prevention grant program, adding to all the others that are out there, and not helping the States do what

they need to do to hire the probation officers, juvenile judges, build the detention facilities, and so forth to make their juvenile justice system work.

The fourth reason I oppose the prevention mandate is because of the recent data which calls into question the effectiveness of many of the government prevention programs. While locally developed, community-based prevention programs are often extremely effective, there is a growing body of research that suggests that Government-sponsored prevention programs are of limited benefit. According to a comprehensive Justice Department Commission study published last month, ''Recreational enrichment and leisure activities such as after-school programs are unlikely to reduce delinquency.''

The study went on and stated, ''Midnight basketball programs are not likely to reduce crime.'' With a crisis of violent youth crime and the broken juvenile justice system demanding action, there is no time to be spreading out limited Federal resources among hundreds of government programs that have not been shown to work.

The minority substitute also requires that not less than 10 percent of funds be spent on building or expanding secure juvenile correction or detention facilities for violent juvenile offenders, and that not less than 20 percent of the funds be spent on graduated sanctions and hiring prosecutors.

In other words, the substitute amendment establishes categorical spending requirements that all States and localities must adhere to, whether or not these spending categories reflect their own priorities.

In other words, they are setting out a math deal, that 10 percent of the funds can be spent on building or expanding secure juvenile corrections, 20 percent on graduated sanctions and hiring prosecutors. Suppose a community thinks they need to spend 50 percent or a State needs to certainly spend 50 percent or better of its money on juvenile detention facility construction in order to be able to detain those violent youthful offenders in segregated cells, instead of mixing with adults, that all of us want in the bill and the underlying bill mandates.

They could not do it because they could only spend 10 percent of their funds on building a secure juvenile center, or the same could be true about spending funds on graduated sanctions or hiring prosecutors. One community needs a lot of prosecutors and another community needs a lot of juvenile judges. It is just nonsensical to give them the kind of straitjackets this amendment would do.

In other words, the substitute amendment establishes the spending requirements they have to adhere to, whether they believe it or not. When you do the math, you realize 90 percent of the funds must be spent under this amendment according to the categorical requirement, leaving locals only 10 percent of the funds in this bill to allocate according to their own priorities. This is, in my judgment, a level of micromanagement that must be avoided.

The second reason I oppose the substitute amendment is because of what it fails to do. As a substitute, it fails to turn the already existing Federal juvenile justice system into a model. I am of the view that the first step to encouraging the States to put accountability back into their juvenile systems is to do in our own juvenile system what we think needs to be done.

Right now the Federal juvenile justice is as bad or worse than that of any State. Now it is true that the Federal juvenile justice deals with fewer than 500 juveniles a year, some say as few as 300, but somewhere in that neighborhood. But I still believe it is our responsibility to make sure that that system is as effective as possible, and the minority substitute guts the sensible and overdue reforms that H.R. 3 makes to the Federal juvenile justice system.

Consider the following. It maintains, under the amendment that is being offered as a substitute, it maintains the status quo of current law, which gives judges the unfettered authority to decide when a violent juvenile can be prosecuted as an adult. Second, it rejects the smart and tough provisions which put the safety of the public first through the establishment of a presumption in favor of adult prosecution of a juvenile when the crime committed is a serious violent felony or a serious drug crime, an extremely violent and serious type of crime.

It rejects the provision which would allow, not mandate, prosecutors to prosecute juveniles who commit serious violent felonies or serious drug crimes as adults, and leaves us with the anomaly of current law.

Under current law prosecutors have the discretion to prosecute 13-year-old juveniles for only certain serious crimes and lack the discretion for numerous other more serious crimes. And it rejects, the amendment does, some of the key sentencing provisions of H.R. 3 which provide judges a greater range of sanctions, including allowing judges to issue orders to the juveniles' parents, guardian or custodian regarding their conduct with respect to the juvenile.

For all of these reasons, I must strongly oppose the amendment that the minority is offering as a substitute. I would point out again that the underlying premise of this bill, which this amendment guts, is that we need to provide a change, a repair, in a broken juvenile justice system in this Nation.

We have 1 out of every 5 violent crimes in America being committed by those under 18 years of age, and of those who are under 18 that are adjudicated for a violent crime, or convicted, if you will, we are finding that only 1 out of 10 of those ever serve any time in a secure detention facility of any sort.

□ 1100

We are finding that based on statistics and demographics, there is a huge population of teenagers ready to come upon us that causes the FBI to predict that by the year 2010 we will more than double the number of violent youth crimes if we keep up this trend.

The only way we can solve this problem is if we, first of all, correct the broken juvenile justice systems that are primarily in the States. The premise of the bill is to provide a core grant program, an incentive grant program to the States that says, here is $500 million a year, $1.5 billion for 3 years, if you will make four key changes that will repair your juvenile justice systems. You do not have to do that. You do not have to accept the money. But if you do, you are going to have to assure the Federal Government that you are going to provide a sanction for the very first delinquent act, such as throwing a rock through a window or ripping off a hubcap or spray painting a building.

That is not happening in virtually any community in this country today, and it should be. We need to do that if we are going to put consequences back into the juvenile justice system and assure that young people understand if they commit an early offense, there really are consequences to it so that later they will not evolve to the point when they pick up a gun some day as an older teenager that they think pulling the trigger means they will not get any consequences.

Second, it requires that the States assure the Federal Government to get the money that their prosecutors have the flexibility if they choose to try as adults 15 years old and older juveniles who commit serious violent crimes, murders, rapes, and robberies and that if there has been a felony committed by a juvenile and that is the second or greater number of juvenile offenses that youngster has committed, that the records will be maintained and made available to all involved just as they would be if they were adults.

We are destroying records now. We are closing cases and not preserving records after 18 and the States need to do that to fix the juvenile justice system.

And last but not least, it does say that judges need to have no impediments that would keep them as juvenile judges from being able to hold a parent accountable, not for the juvenile delinquent's act, but for those things that the juvenile judge charges them with the responsibility of doing to oversee the child.

Those are the things that are needed to be done to fix basically the States critical juvenile justice systems. States may not choose to take this money. They may not want it, but the whole reason for this bill is to correct that system and to provide a Federal model for the limited number of Federal juvenile justice system cases that are tried here in the Federal system every year.

It is not to provide prevention, though I must say I believe we should have precontact with the juvenile authorities prevention programs. They are important. But there is going to be another bill out here another day for us to debate the prevention and provide the prevention moneys. It is not in this bill. It is not this bill's purpose to do that.

The substitute amendment guts the underlying purpose of this bill, destroys the incentive grant program, removes it altogether from this bill, destroys the Federal model, reforms and substitutes in its stead basically a prevention program which, as I said, is coming, a bill like that is coming out of the Committee on Education and the Workforce in a couple of weeks. I urge defeat of this amendment.

Ms. LOFGREN. Mr. Chairman, will the gentleman yield?

Mr. MCCOLLUM. I yield to the gentlewoman from California.

Ms. LOFGREN. Mr. Chairman, I think we will use our own time to go through, I think there are some inaccuracies in the gentleman's representation about the amendment, but I do want to address this issue which is the quote the gentleman read about the study of what works.

I think it is important to read the whole sentence, which reads, ''Simply spending time in these activities is unlikely to reduce delinquency,'' which the gentleman read. The rest of the sentence says, ''Unless they provide direct supervision when it would otherwise be lacking.'' That goes to the 22 percent of violent juvenile crime that occurs between the hours of 2 p.m. and 6 p.m. I just wanted to correct that.

Mr. MCCOLLUM. Mr. Chairman, reclaiming my time, there are lots of things that go on between 3:00 in the afternoon and 6:00, 9:00 at night. That is generally when juveniles commit most juvenile offenses, when they are not supervised. There are all kinds of problems we need to deal with. This bill simply is not focusing on all of that.

We have other legislation we are trying to do to help the States come along. This bill is to correct, to provide the incentives and to provide the money to correct a failed, broken juvenile justice system. That is the focus of the bill.

Let us not destroy the focus of this bill in the name of doing something else. Apples and oranges. Let us take care of the apples today. Let us take care of the oranges in a future bill.

Do not take away any of the resources we need for the apples to give to the oranges. Let us give to the oranges as well, but let us do that on another day, another time, another bill, not gut the underlying bill with this substitute amendment.

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

Mr. STUPAK. Mr. Chairman, I yield myself 15 seconds.

In response to the gentleman from Florida, we are going to go back and forth here all day. Let me remind my colleague what Mr. Ralph Martin, a Republican district attorney in Boston stated. It is in today's Washington Post. As to my colleague's bill, he says, and I quote, ''There is a lot of concern among a lot of State prosecutors because we do not want to see overfederalization of juvenile crime.''

Mr. Chairman, I yield 1 minute and 45 seconds to the gentleman from New Jersey [Mr. PASCRELL].

Mr. PASCRELL. Mr. Chairman, I thank the gentleman from Michigan [Mr. STUPAK] for leading the effort to bring a commonsense approach to this issue. First of all, there is purposeful misconstruing of our bill. Our bill does provide for States to apply for dollars right in the bill itself to local communities to hire law enforcement officers or officers of the corps, that may include police officers, juvenile judges, and probation officers.

Mr. Chairman, there has been an attempt by some on the other side of the aisle to paint this as being soft on crime. It is not soft on crime. Nothing could be further from the truth. Our bill expedites the time that a judge has to decide whether to transfer a juvenile to adult court, increases the penalties for juveniles who possess a handgun and expands the use of the juvenile records for Federal law enforcement purposes.

However, in addition to that, we must focus on the majority of our young people, who follow the law. They need opportunity so that they do not cross that line. If we focus solely on the few who are convicted with juvenile crimes, we are surely going to lose the war on youth violence in America. Our bill is balanced. There is nothing wrong with funding boys and girls clubs. In fact, unlike the provisions of the McCollum bill, funding prevention has proven to work.

Mr. Chairman, this is a critical issue for the country. I ask us to have an open mind of how we are really going to help our young people instead of pounding our chests and having poor results.

Mr. STUPAK. Mr. Chairman, I yield 90 seconds to the gentlewoman from New York [Ms. VELÁZQUEZ].

Ms. VELÁZQUEZ. Mr. Chairman, I thank my colleague, the gentleman from Michigan [Mr. STUPAK] for leading this effort.

Mr. Chairman, I rise in strong opposition to H.R. 3, the so-called Juvenile Crime Control Act, and in support of the Democratic substitute. We might as well call the Republican version the throw away the key act. Instead of providing education for children, the Republicans offer them prison with adults. Instead of offering programs to inspire and challenge children in poor communities, the Republicans offer them prison with adults. Instead of properly protecting children from firearms and drugs, the Republicans offer them prison with adults.

Mr. Chairman, the Republicans think that this is the way to solve crime. How naive. My colleagues across the aisle do not seem to want to save these precious lives. They want to take these kids, put them in prison and throw away the key. Mr. Chairman, this is mean, shortsighted legislation. Vote no for H.R. 3 and yes to the Democratic substitute.

Mr. MCCOLLUM. Mr. Chairman I yield 2 minutes to the gentleman from Pennsylvania [Mr. GEKAS], a member of the Committee on the Judiciary.

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

Mr. GEKAS. Mr. Chairman, I thank the gentleman for yielding time to me.

The American people across the Nation are constantly shocked by the brutality and viciousness of some of the crimes that are being committed by 13 and 14 and 15 year olds. And they are equally shocked, the American people are, when they see a system that treats these juveniles as something less than the predators that they seem to be even at that early age. And what happens? They produce this juvenile system which, as we know it today, produces a cycle of recidivism among the juveniles that commit these vicious crimes.

If we adopt the Gephardt or minority substitute, as it is now known, we are going to remove the emphasis on trying to treat these special brutal types of crimes that are committed by juveniles to give additional discretion to prosecutors to treat them as adults for the purpose of prosecution and revert back to the coddling type of, we want to be fair. So, adoption of the minority substitute eviscerates the efforts that are being made to treat the juvenile violent offenders when they do adult crimes as adults. That is one thing.

The second thing is, again, the minority is throwing money at a problem when they want to have 60 percent of the resources thrown into prevention. We have, I say to the gentleman from New Jersey, for the youths that are trying to obey the law, job training, counseling, street gang prevention types of things, substance abuse programs, hundreds of programs at which we have thrown millions of dollars. Yet the only answer that we come up with in this substitute is to throw money again into more kinds of programs that will join a passel of programs that have failed in the past. It is time now to move into a new cycle to treat the accountability of the juvenile, No. 1.

Mr. STUPAK. Mr. Chairman, for the last speaker, I hope he understands that his State of Pennsylvania does not qualify for any fund or help underneath the majority bill, but underneath the minority bill they could, with local initiatives.

Mr. Chairman, I yield 15 seconds to the gentleman from Massachusetts [Mr. DELAHUNT].

Mr. DELAHUNT. Mr. Chairman, I just want to be very clear that the statements that were made by the preceding speaker relative to juvenile

murders, murderers, not currently being treated as adults by the State juvenile courts and by the State courts in this Nation is absolutely incorrect. I would suggest that the gentleman take a review and get his facts straight.

Mr. STUPAK. Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. TURNER], a valuable member of our task force and former State senator.

Mr. TURNER. Mr. Chairman, I come forward today as a former member of the State senate in Texas where we passed one of the toughest juvenile justice laws in the country just last session, a bipartisan bill supported by a Republican Governor and our then-Democratic State legislature.

I think it is hypocritical to suggest that this Congress, by mandating requirements on the States, is somehow going to provide leadership on juvenile justice. Our States are responding. And I think it is hypocritical for this Congress to pass a bill and suggest that we are going to mandate our States to be even tougher than they already are.

This bill says Washington knows best, and that is why we support this substitute that we are offering today. I think it is time to get fiscally conservative in fighting juvenile crime. Our substitute devotes 60 percent of that $1.5 billion to prevention programs. I suggest to my colleagues this morning that any elementary school in the classroom today can identify the at-risk children who are going to be in the juvenile justice system 5 and 10 years from now. We need to follow that commonsense approach and invest 60 percent of the $1.5 billion in prevention activities.

Our substitute is tough on crime. It is smart on crime. It is fiscally responsible. It is a balanced budget and provides the seed money that our communities need to mobilize hundreds of volunteers that must be a part of the solution to juvenile crime. Communities will solve the problem of juvenile crime, not this Congress by mandating that our States enact certain laws simply to make the Congress look like we are tough on crime when our States already are.

Mr. STUPAK. Mr. Chairman, I yield 90 seconds to the gentleman from Indiana [Mr. ROEMER].

Mr. ROEMER. Mr. Chairman, I thank the gentleman from Michigan for yielding me the time and applaud his leadership on this very important issue.

□ 1115

Mr. Chairman, I think the big differences between H.R. 3 and our Democratic substitute are that, for one, H.R. 3 says that Washington knows best. We are going to tell the States how to run their programs and if they do not do it our way they do not get any money.

Our bill says we rely on local prosecutors and police and parents to submit the grants and then they get the grants to their local community from Washington, DC.

The second big difference: Under H.R. 3, 12 States are eligible for all these moneys, $1.5 billion. Under our bill, every single State can qualify.

The third big difference, Mr. Chairman, is that our bill builds prisons and it builds hope, because it invests in making sure that our children have alternatives to prison. Sure, we expand. We are tough on crime. We target juvenile offenders, seven new ways we put them in jail when they commit the crime, but we also say to the hundreds of thousands of good kids, we want to give you a place to go after school that is safe, where you can play at a computer to get prepared for school the next day, and we do not assume that you are a criminal tomorrow.

We just had a tragic situation in South Bend where two people shot a woman up in Michigan that are juveniles. This would put them in jail, but we also want to make sure that the thousands of children that are not doing that get hope in their future.

Mr. STUPAK. Mr. Chairman, I yield 1½ minutes to the gentleman from California [Mr. FARR], our delegate to the Summit on Volunteerism and Hope for America.

Mr. FARR of California. Mr. Chairman, I thank the gentleman for yielding me this time. I rise today in strong opposition to the bill that is on the floor and in strong support for the substitute that we are debating at this time.

I was a former local elected official as a county supervisor in California and after that a member of the State legislature. We learned from our local and State practices, and frankly, if we look at it, almost all laws are prosecuted in State courts under State laws using the State criminal justice system and juvenile justice system, and what we have learned is that no one sock or one shoe fits everybody. Each community, based on the resources and based on the attitude of the community, whether it is small or large, has a different approach to it.

H.R. 3, as it has come to the floor, I think is very poorly drafted. I think it is contrary to the entire spirit of Philadelphia. Philadelphia and the Presidents all said that no one is broken so far that they cannot be fixed. This bill, as it goes before us, just says the solution is to lock everybody up and not to educate them, not to try to prevent crime.

Frankly, I feel that Presidents Reagan, Bush, and Ford, none of them would support H.R. 3 as it comes on the floor. I urge all my colleagues to support the substitute. The substitute is a bill that is well thought out and looks at the way communities can do it. It does not have a Washington approach to everything, it has community-based support. Community action works. Please support the substitute.

Mr. STUPAK. Mr. Chairman, I yield 1 minute and 45 seconds to the gentleman from Texas [Mr. SANDLIN], a great addition to our caucus.

Mr. SANDLIN. Mr. Chairman, in this country today, obviously, we have a problem with juvenile crime. It seems to me that we must decide what to do about that problem and who should do it. The Democratic alternative addresses those issues.

As a former judge, I have heard thousands of juvenile cases. Many times we must deal seriously with juveniles. Some must be incarcerated. However, as the father of four children, as a former youth baseball, basketball, and softball coach, as someone active in the Boy Scouts of America, I can tell my colleagues that the children of America are worth saving.

Just like they must be responsible for their acts, we must be responsible, the U.S. Congress, for providing opportunities for children to stay out of the system. We know what does not work. We know that.

We know that spending more and more tax dollars to build more and more facilities to lock up more and more children without hope is not the answer, but we have to provide alternatives. We need to incarcerate some juveniles, but we need to provide for education. We need to provide for intervention. We need to provide for community support, and the Democratic alternative does that.

Who knows best how to handle these problems? Who knows best how to handle things in Texas, in New York, in California, in Mississippi, in Iowa, in Illinois, in Massachusetts? People in those communities do, that is who does, not Washington. Under the substitute legislation, local communities receive local grants to solve local problems. Let us let local teachers, local preachers, local parents, local friends handle local problems in our States.

One point I have not heard discussed is the fact our friends on the other side of the aisle are attempting to model the juvenile system after the adult system. Like it is some model. Is that not dandy? The adult system has not worked either. Treating juveniles and modeling the juvenile system after a failed adult system is certainly ridiculous.

It is time for a new approach. Our States do not need to change, our local communities do not need to change, Washington needs to change.

Mr. MCCOLLUM. Mr. Chairman, I yield 4 minutes to the gentleman from Arkansas [Mr. HUTCHINSON], a member of the subcommittee.

Mr. HUTCHINSON. Mr. Chairman, I rise in opposition to the substitute bill and in strong support of H.R. 3.

One thing is clear in the debate today and what is going on in our country, and that is there is a serious growing threat of youth violence. Both the President in the State of the Union Address and Members of Congress agree that there is this problem in America, a growing threat of youth violence. The question is what do we do about it?

Does the substitute bill address the problem in the right way or does H.R.

3? It is my belief that the substitute amendment should be opposed not only for what it does but, more importantly, for what it does not do. Let me focus on what it does first.

The substitute requires that the States and localities spend at least 60 percent of their juvenile crime grant funds on prevention programs. While this is laudatory to a certain extent, this requirement comes despite the fact that there are billions of dollars that are currently being spent each year on prevention programs, and this bill addresses a different side of it, which is the enforcement.

Agencies as diverse as the Department of Agriculture, the Department of Defense, the Appalachian Regional Commission run programs for at-risk youth. That is already being met. The General Accounting Office compiled a list of all Federal programs targeted at juveniles to assist them. The GAO found that the taxpayers already support 21 gang intervention programs, 35 mentoring programs, 42 job training programs, 47 counseling programs, 44 self-sufficiency programs, and 53 substance abuse intervention programs.

We spent $44 billion in programs in fiscal year 1995, and so there is not a lack of funds for prevention programs, but there is not one grant program, not one, that addresses the need for supporting the States in their reform of the juvenile justice system, and that is what this bill does.

Certainly we need prevention programs. We support those. There are programs for that. But we need assistance, as the prosecutors from my State have argued, we need assistance for our States in developing and strengthening our juvenile system programs. So that is why I support this.

In addition to the negative aspects of the substitute, the Democrat alternative falls short for what it does not do. The substitute bill does not establish a model system for our States to look at when reforming their own juvenile procedures. H.R. 3 does that. It does not mandate changes in the laws, but it does provide a model system for the States to follow, to borrow from, if they choose.

The substitute does not provide the flexibility that the principal bill does, H.R. 3, and flexibility is critically important to our States and localities.

In Arkansas we want to provide them with flexibility. I have examined the law in our State. And, true, we might not comply specifically, but it would be very simple to bring it into compliance, to make the improvements if they decide to do so. They might decide not to do so. But these funds are available for them if they wish, and we provide that model for our States.

Second, the substitute does not encourage the States to provide graduated sanctions. Although some States do that in a model fashion, other States do not. This encourages them to have graduated sanctions for every act of wrongdoing, starting with the first offense and increasing in severity with each subsequent offense. I believe this is important.

The substitute maintains the current impediments to prosecuting violent juveniles as adults. We have to give more latitude and encourage, when necessary, the prosecution of violent juveniles. Not all juveniles, but violent juveniles. That small percentage of juveniles that cross the line, we need to prosecute those as adults.

And so the main bill is a good bill that gives flexibility to the States, provides a model for them to follow, provides funding for the important programs of building their juvenile systems rather than simply focusing on what we are already providing $4 billion for, and that is the prevention programs. For that reason I encourage my colleagues to reject the substitute.

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

Mr. Chairman, to the last gentleman that spoke from Arkansas [Mr. HUTCHINSON], he said his prosecutors have asked for help from the Federal Government. I am pleased to see that he acknowledged that they would not get any help underneath the majority bill without changing the law in Arkansas to reflect this poorly drafted bill called H.R. 3. That is why the gentleman should support the Democratic substitute because we do at least give them some help in Arkansas.

Mr. Chairman, I yield 1 minute and 45 seconds to the gentleman from Iowa [Mr. BOSWELL], another new member of our caucus.

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

Mr. BOSWELL. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I want to compliment the people from the majority for at least addressing this bill. I thank them for taking it on. We need to do that. But times have changed. Single parents, both parents working, somewhat different than my time.

When I got home after school, I knew what I was going to be doing for the next 2 or 3 or 4 hours, whatever it took, as we went home to the farm. But times have changed. We have got to have balance and we have got to realize that is going to take the whole community, the whole block, whatever we are talking about, to reach out to these kids.

I believe that any debate regarding juvenile crime must also take into account prevention measures. We simply cannot write off a generation of young people, still in their teens, without making an investment in their future productivity to our society.

We can agree that young people who commit violent crime must be held accountable and punished accordingly. I understand there are certain incorrigible young people who must and should be incarcerated. But let us be smart about juvenile crime. We need a balanced approach. Locking them up and throwing away the key is not always the solution. That approach is just closing the barn door after the horses are out, as we say down on the farm.

I do not believe that we should abandon our attempts to put in place programs designed to prevent wayward youths from pursuing a path of crime and despair. We all have responsibility to see that our kids are provided with the guidance, opportunity and support for becoming successful and productive adults.

Today's youth will serve as the backbone of tomorrow's workforce. They are our future leaders, workers and parents. To only look toward the criminal justice system as the key to combating juvenile crime is shortsighted. More prisons at a cost of $25,000 to $30,000 per bed annually is not the single solution.

I would just like to leave this thought with my colleagues: They are our kids. They are not the next town over. They are our kids. They are our future. To educate and early intervene is something we can surely do better so that they do not move into that population of 14 or 15, and we have to go ahead and do the things suggested. Let us give it careful thought. Let us do it for the future of our kids.

Mr. STUPAK. Mr. Chairman, I yield 2 minutes and 10 seconds to the gentlewoman from Oregon [Ms. HOOLEY].

Ms. HOOLEY of Oregon. Mr. Chairman, I agree with my colleagues that our juvenile justice system is in desperate need of attention. There is no question that juvenile crime is on the rise. We must stop this violence.

Now the question is: Are we going to sit here in Washington, DC, 3,000 miles away from our communities, and try to solve our juvenile crime problem, or are we going to trust our local communities and give them the resources they need to stop juvenile violence? Are we going to keep coming up with piecemeal quick-fixes, or are we going to look at a comprehensive program to stop juvenile crime?

I have made a point to meet with the people of my district, people who really understand juvenile justice. I have talked with our sheriffs and our law enforcement officials, our judges and our prosecutors. They all agree that this proposal, which focuses on prevention, intervention and sanctions, is the only way to stop juvenile crime.

We also need to look at programs that have worked. I can guarantee we will get more accountability from proven programs than we will from plans that we draw up in Washington. This proposal asks our community members to work together to share methods of decreasing crime in their neighborhoods. When people work together on a plan, I will guarantee that they will take a lot more interest and it will be much more successful than a plan that we dictate from thousands of miles away.

Our proposal gives communities the tools they need to work together to

support our kids before they become juvenile delinquents. Our proposal also has a strong intervention component for those juveniles who can be steered away from the path of crime.

We can also stop our juvenile delinquents from committing more crimes if we make sure they have immediate consequences to their problems no matter how minor the infraction. They need to know they will be punished if they break the law. We must also get tough on kids that commit violent crimes and prosecute those kids to the fullest extend of our laws.

This is a comprehensive juvenile justice plan that stops teenage violence by giving incentives to communities that work together and come up with a plan that works in their communities. We will measure the results and hold them accountable for decreasing juvenile crime.

My question is, are we going to dictate solutions to juvenile crime from D.C. or are we going to trust our communities, invest in our future, and vote for a bill that will reduce juvenile violence?

□ 1130

Mr. STUPAK. Mr. Chairman, I yield 1½ minutes to the gentleman from Michigan [Mr. LEVIN].

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

Mr. LEVIN. Mr. Chairman, the substitute addresses the real concerns of my constituents. On Tuesday in Warren, the third largest city in the State, concerned officials and residents held the first meeting of the city's new antigang task force to discuss their concerns about increased gang activity and juvenile crime in their neighborhoods. Concerned residents spoke about the need for measures that get violent juvenile offenders off the streets and in prevention programs. Police officials asked for more support to help hire more backup personnel to free up front-line officers to patrol the streets. And police officials and educators both called for more money to help fund after and in-school prevention programs. This substitute legislation does what residents in Warren and other communities are asking for.

Mr. Chairman, we need to pass a bill that gets at the real problems. Most juvenile crime is State and local. What we need is a bill that gives local communities and States flexibility to handle these problems, not a bill that forces States to accept a one-size-fits-all fix.

Mr. Chairman, I urge a ''yes'' vote on the community-based Democratic substitute.

Mr. MCCOLLUM. Mr. Chairman, I yield 4½ minutes to the gentleman from Georgia [Mr. BARR], a member of the subcommittee.

Mr. BARR of Georgia. Mr. Chairman, this is a good bill. It is a good bill not because it is a great, learned, eloquent exposition of great enlightened theories of criminal justice. It is a good bill because it is practical and it is mainstream, and it is based not on listening to a bunch of folks in ivory towers but listening to prosecutors, juvenile justice administrators in our court systems, parole officers, jailers and local law enforcement officials all across America.

They need practical help. They do not need treatises on enlightened theories of criminal justice. They need practical help, and this bill will give it to them. It will give it to them because it gives them flexibility and it removes barriers that we have allowed to build up, like scales in pipes, year after year after year, that have tied the hands of our local prosecutors and our Federal prosecutors.

This bill is practical because it removes Federal restrictions on how juveniles can be dealt with. It is practical because it allows citizens in our communities to understand the most violent juveniles who may be among them, a right that is now denied our citizens and our schools.

To say that this bill removes flexibility is absolutely laughable. This bill provides the maximum flexibility and options and practical alternatives to our local prosecutors and our Federal prosecutors that are possible and necessary. This bill does not mandate one single thing. It does just the opposite.

It allows State prosecutors who wish to see their cases that are denied to them to be prosecuted as adults, our most violent offenders, to get into the Federal system. It does indeed set a model and a standard through reforms of our Federal system. And through its block grant approach with incentive grants, it provides an incentive, not a mandate, to our State governments.

It also avoids the trap into which this Congress fell back in 1994, to add yet more specific programs with mandates and with paperwork and with cost. It does not add to the currently 131 different programs already administered federally by 16 different departments and other agencies to benefit at-risk or delinquent youth.

A vote for this bill and a vote against the substitute amendment says we want our States to have maximum flexibility, we want our prosecutors to have the tools and to have their hands untied by the shackles of bureaucratic regulations and red tape that now prevent them from removing from America's streets the most dangerous, violent youth among us. That has been the one thing that they have told us that they need.

Yes, they need prevention moneys. Yes, it is important to solve the long-term problem of juvenile crime in America, to focus a great deal of energy and resources on prevention. But we are doing that. This bill adds to that.

This bill, in allowing our prosecutors to take the most violent juvenile offenders off the streets, prosecute them, treat them as adults, reflecting the seriousness of the crimes with which they are charged and eventually convicted, disperse them through the Federal system across the country, we deny them the ability to maintain their tentacles in communities in America, and that after all is the very best prevention on which we could be expending our money and devoting our resources. I urge support for the bill and rejection of this amendment.

Mr. STUPAK. Mr. Chairman, I yield myself 10 seconds.

Mr. Chairman, as to the gentleman from Georgia, his State will not even qualify. The police unions, the International Union of Police Associations, the International Brotherhood of Police Officers, all support our legislation.

Mr. Chairman, I yield 1½ minutes to the gentleman from Maryland [Mr. WYNN].

Mr. WYNN. I thank the gentleman from Michigan for yielding me this time and also for his leadership on this bill.

Mr. Chairman, I rise today in strong support of the Democratic alternative and in strong opposition to H.R. 3. The Democratic alternative is both tough and smart. It strikes the proper balance between toughness and also prevention. On the other hand, H.R. 3 is dumb and dumber.

Let me be clear. I support charging violent juveniles as adults. The problem is we can already do it. In each and every State, the prosecutor can petition and the judge has the discretion, local judges that are elected or that are appointed locally have the discretion to charge juveniles as adults. So do not believe that this is a legitimate issue before the Congress today. We can address this problem.

Prosecutors, police, the people on the front lines, however, will tell my colleagues that prosecution is not the answer. The issue is prevention. That is why this amendment is smart, because it puts most of the money into prevention programs that really matter, gang prevention, safe havens, programs that help divert young people from a life of crime.

I said H.R. 3 was dumb and dumber. Here is why. Under their bill, only 12 States would qualify to get the money. They come up and tell Members how critical fighting juvenile crime is, but they introduce before this body a piece of legislation under which only 12 States could qualify; 38 States cannot qualify. Even the sponsors of this legislation could not get money into their own States. That is dumb. We need a balanced bill. The Democratic alternative meets that criterion.

Mr. STUPAK. Mr. Chairman, I yield 1¾ minutes to my good friend, the gentlewoman from Michigan [Ms. KILPATRICK], former member of the Michigan legislature, head of the appropriations and especially appropriations on prisons.

Ms. KILPATRICK. Let me thank my good friend from Michigan for yielding

me this time and also for his leadership.

Mr. Chairman, let us be clear. America's greatest problem today is what we will do with our young people as we move to the new millennium, how we will educate them, how we will treat them and how we will offer them the opportunity they need to become productive citizens in this world.

Let us be clear. H.R. 3, $1.5 billion, only addresses 12 States. Thirty-eight States cannot even get in the front door of H.R. 3 in its present form.

Let us talk about what our children need. They need opportunity. They need hope. Over 300,000 of them find themselves in the juvenile system. They need hope. They want us to work with them. We want to put the toughest in prison. We think violent offenders must be incarcerated. Over 98 percent of the bill before us, H.R. 3, only talks about enforcement. Nothing about hope. All studies show that children need to be educated, disciplined, counseled and loved. H.R. 3 in its present form does not do that. The Democratic substitute does offer hope.

I want to talk a bit about HIDTA, high intensity drug trafficking areas, that is now part of the Federal budget and goes out to many communities across America. Again, enforcement dollars. It is okay to have enforcement, as the previous speaker mentioned. We want the most violent juvenile offenders to be locked up.

Judges. We elect judges. Local communities ought to be able to decide what to do with their juvenile offenders. We should not be dictating in Washington. $1.5 billion. Do we want to build 25 new prisons with that money? Or do we want to put it into alternatives to incarceration, save our children and give hope to America's future?

This bill will not solve the problem of juveniles and crime. As a matter of fact, only 6 percent of juvenile arrests in 1992 were for violent crimes. With one exception, the level of juvenile crime has declined over the past 20 years. There are only 197 juveniles currently serving Federal sentences. Juvenile crime is almost exclusively a State and local issue.

This bill is a waste of taxpayers dollars. In the Wall Street Journal of March 21, 1996 high risk youths who are kept out of trouble through intervention programs could save society as much as $2 million per youth over a lifetime. This bill puts more money into police and prisons, tactics that simply do not work without adequate prevention programs. The $1.5 billion in funding in the bill is conditioned on the willingness of States to try youths as adults. Even at that caveat, only 12 States would be eligible for this funding.

Most police chiefs believe that prevention programs are the most effective crime reduction strategy versus hiring additional police officers.

H.R. 3 takes an extreme approach to juvenile justice, without any evidence that these approaches actually work. Under H.R. 3, 13-year-old children could be tried as adults; provides no funding for prevention programs, and is not supported by a single major social service organization.

Who opposes H.R. 3? Among other organizations, the YMCA, the American Psychological Society, the National Recreation and Park Association, the National League of Cities, the National Association of Child Advocates, the Chief Welfare League of America, among many others.

We need to put our scarce resources into programs and projects that work. The Democratic alternative to H.R. 3 gives us that chance. It is a balanced approach to fighting juvenile crime that includes enforcement, intervention, and prevention. These funds go directly to local communities to implement a variety of comprehensive prevention initiatives—initiatives that work.

Mr. STUPAK. Mr. Chairman, I yield 1 minute to the gentleman from Maryland [Mr. CUMMINGS]. He has been a valuable member of our task force who helped put this bill together, along with the gentleman from Virginia [Mr. SCOTT], the gentlewoman from California [Ms. LOFGREN] and the gentleman from Texas [Mr. STENHOLM]. The gentleman was a great addition to our team.

Mr. CUMMINGS. Mr. Chairman, the folks who support H.R. 3 just do not get it. They just do not get it.

Our children need help. They need a lot of help. They do not need a kick in the behind. A young man who was placed in a Maryland prison, 15 years old, killed himself. But just before he killed himself, he wrote a poem that is embedded in the DNA of every cell of my brain. It is entitled, ''All Cried Out.''

I'm all cried out from the pain and sorrow, Wondering if I'll live to see tomorrow. I'm tired of my feelings getting hurt. It feels like the stuff of life getting pulled over my eyes and I'm constantly in the dark. I'm all cried out and this is without a doubt. This is my fight with life and I'm at the end of my bout.

I'm a victim of society and a victim of circumstance, hoping that I'll get a second chance to prove that I am somebody instead of nobody. I've been put down, put out and even cursed out but somehow I still rise to the top.

I'm tired of crying my pain away because even after the tears are gone, I still feel the pain each and every day.

This poem is just telling people what I'm really about, but it's really to let them know that I'm all cried out.

Mr. Chairman, last week, I hosted two town-hall meetings in my district of Baltimore and the overwhelming message that I received from my constituents is their overpowering fear of crime.

My constituents told me that they are afraid to walk to the bus stop to get to work—they are frightened that their homes will be burglarized. I, myself, had a shotgun pinned to the back of my head—splayed out on the sidewalk right outside my home.

And more and more, these are young people committing these crimes.

I am angry. I am angry because I feel so helpless. I didn't have an answer last weekend and I don't have one now * * * but I do know one thing—the bill we are considering today is not the answer.

I commend the authors of this bill because I recognize that juvenile crime is among the most pressing crime problems facing the Nation, and that Federal legislation addressing this problem is warranted.

However, this bill in its present form has serious and fundamental flaws.

One of my primary concerns with this bill is that it allows juveniles to be housed with adults. And even more disturbing, children that have been charged with petty offenses like shoplifting or motor vehicle violations could be held with adult inmates.

Children as young as 13 to 15 years old can be placed with adult offenders if juvenile facilities are not readily available. Children 16 years and older can be detained and mixed with adults regardless of the availability of juvenile facilities.

I know there are some in this body that are not sympathetic to this notion. They will say—if you're old enough to do the crime, you are old enough to do the time.

According to the American Psychological Association, children confined in adult institutions are five times more likely to be sexually assaulted, twice as likely to be beaten by staff, and 50 percent more likely to be attacked with a weapon than children detained in juvenile facilities.

The youthful offenders that we are treating like adults are the same kids that we saw playing hopscotch, jumping rope, and playing tag. What happened to them? Whose fault is it that they fell from grace? Who is responsible for their failures?

I understand the need to make a statement to the citizens back home and to all that are watching us today on C–SPAN across the country. I understand how polls work and the need to communicate to one's constituency about ''going to Washington and doing something about crime.'' Yes, I am cynical and this bill is not the solution.

We are ignoring prevention and early intervention programs, which are the most effective means of reducing crime. We are ignoring rehabilitation methods such as getting to these kids while they are still impressionable, allowing them to reverse the path and mistakes that they have made. Are we as a collective body going to throw away kids that are 13 or 14 or 15 years old?

I'M ALL CRIED OUT

That is the title of a poem that a young man from Maryland wrote before he killed himself.

This young man was only 15 years old. The local law enforcement authorities placed him in an adult prison for a petty offense and he wrote this poem, which was found on a scrap of paper at his feet:

ALL CRIED OUT

I'm all cried out from the pain and sorrow,
Wondering if I'll live to see tomorrow.
I'm tired of my feelings getting hurt.
It feels like the stuff of life keeps getting pulled over my eyes and I'm constantly in the dark. I'm all cried out and this is without a doubt.
This is my fight with life and I'm at the end of my bout.
I'm a victim of society and a victim of cricumstance, hoping that I'll get a second chance to prove that I am somebody instead of nobody.
I've been put down, put out and even cursed out but somehow I still rise to the top.
I'm tired of crying my pain away because even after the tears are gone,
I still feel the pain each and every day.
This poem is just telling people what I'm really about, but it's really to let them know that I'm all cried out.

Another area in which this bill fails is that it fails to deal with the problem of disproportionate minority confinement.

Although African-American juveniles age 10 to 17 constitute 15 percent of the total population of the United States, they constitute 26 percent of junvenile arrests, 32 percent of delinquency referrals to juvenile court, 41 percent of the juveniles detained in delinquency cases, 46 percent of the juveniles in correctional institutions, and 52 percent of the juveniles transferred to adult criminal court after judicial hearings.

We are doing nothing to address this serious issue. Under this legislation, we can expect to see a significant increase in the number of African-American juveniles receiving mandatory minimum sentences.

Further, this bill does not address fundamental law enforcement issues including juvenile gun use, drug use, or gang activity and prevention.

Localities and urban areas across the country are looking for guidance from the Federal Government and we are dropping the ball.

I go home every night to Baltimore and I hear it when I walk up the steps to my home, I hear it when I fill my car with gas, I hear it in the supermarket—our young people need somewhere to go and something to do.

We need to provide local governments with money to assist them in finding ways to stop the children in their communities from getting involved in crime in the first place.

We need to focus on early intervention for youth at risk of committing crimes and intervention programs for first offenders at risk of committing more serious crimes—before the juvenile becomes involved with the criminal justice system.

I'm not ready to throw these kids away and I'm not willing to vote for a bill that emanates political grandstanding without real solutions.

I urge my colleagues to vote against this bill in its present form and support the Democratic substitute.

Mr. STUPAK. Mr. Chairman, I yield 1 minute to the gentleman from Rhode Island [Mr. KENNEDY].

□ 1145

Mr. KENNEDY of Rhode Island. Mr. Chairman, the base bill, the McCollum bill, is a joke. Anybody in juvenile corrections knows it is a joke. It ignores the facts. The facts are these:

When we put kids in adult prison, guess what? They do not serve as much time because the judges do not have the heart to sentence a kid for as long as an adult. Second, if the kid is in jail, we are lucky they do not end up murdered or committing suicide, as my former colleague just said. Third, if they stay there long enough, they come out meaner and harder than you sent them in to begin with.

Now this bill is a joke because it ignores these facts, and what is more, it ignores the fundamental truth that prevention works. And if my colleagues need to talk to States attorneys and local people, probation officers, and the like, they will tell them prevention works.

Now are my colleagues serious about reducing crime or do my colleagues just want to play politics with this issue? It seems to me they just want to play politics because only 12 States will receive money on their side of the bill whereas all the States will be eligible for money with the Democratic substitute.

Vote for the Democratic substitute for real solutions to this problem.

Mr. STUPAK. Mr. Chairman, I yield 1 minute to the gentleman from Rhode Island [Mr. WEYGAND].

Mr. WEYGAND. Mr. Chairman, I am particularly troubled by the provisions of H.R. 3, and my colleagues should be too. What this is strong on is political rhetoric. What it is weak on is substance.

Early intervention, childhood developments, and prevention we know are the keys to making sure that we keep kids out of prisons and making sure that we make a better society. But what does this bill do? This bill gives bragging rights to people who can say, ''I'm putting people in prison.'' Is that really what we want to do?

The other day Jimmy Carter quoted. What he said was an uneasy feeling he had about the trend in prisons. Twenty-two years ago when he was Governor of Georgia the bragging rights of Governors were alternative sentencing program, keeping people out of prisons. Now Governors go around the country saying how many prison cells they are building, how many people they are putting behind bars.

Let us not forsake our children for the bragging rights of just building prisons. Let us be strong on crime but even stronger on crime prevention.

Mr. STUPAK. Mr. Chairman, I yield 1 minute to the gentleman from Illinois [Mr. BLAGOJEVICH] a new Member.

Mr. BLAGOJEVICH. Mr. Chairman, I want to thank the gentleman from Michigan for yielding this time to me. One needs about a minute to say my name. It is ''Bla-goy-a-vich.''

Mr. Chairman, I just want to comment briefly about H.R. 3 and the funding situation. It seems odd to me that 12 States will qualify for funding and 38 States will not, and when we break it down in reality, the fact of the matter is that when we consider that one-third of all murders happen in four cities, Los Angeles, New York, Chicago, and Detroit, three of those cities, none of the Federal funds would arrive, not in the northwest side of Chicago, not in the barrios of Los Angeles, nor a dime to the downtown section of Detroit. Yet under this bill, among those 12 States, it is conceivable Federal funds to fight juvenile crime could trickle down to Jackson Hole, Wyoming, and Stowe, VT.

Now, I am aware that there are juvenile problems on the ski slopes in Jackson Hole, where they like to snowboard and get in the way of skiers, but in our communities in big cities kids have assault weapons and they have handguns and they are very serious. It seems to me if this bill is going to address crime nationally, we ought to have funding available to all 50 States, particularly those communities where crimes occur.

Mr. STUPAK. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Connecticut [Mrs. KENNELLY].

(Mrs. KENNELLY of Connecticut asked and was given permission to revise and extend her remarks.)

Mrs. KENNELLY of Connecticut. Mr. Chairman, I express my absolute opposition to H.R. 3.

Mr. Chairman, I rise in opposition to H.R. 3 and in support of the substitute before us now. The Juvenile Crime Control Act is just focused in the wrong direction. There are only 197 juveniles currently serving Federal sentences. Yet this legislation focuses on the punishment of this tiny segment of juvenile offenders, while ignoring the far greater numbers who are handled at the State and local level.

If you want to reach out to troubled youth, you have to have proven intervention strategies to stop offenders before they are entrenched in criminal activities. If you want to have a broad impact on American society, you have to work to prevent juvenile crime before it starts. Fortunately, we have experience doing these things; we know what works. But you would never know that to look at this bill.

Look instead at the substitute amendment now being offered. It targets a much larger population than H.R. 3. It is tough on violent juvenile offenders. It contains early intervention programs, and it provides local authorities with the flexibility to initiate prevention programs that work in their communities.

I urge my colleagues to support the substitute and oppose H.R. 3. Let's focus on real solutions—not rhetorical ones.

Mr. STUPAK. Mr. Chairman, I yield 1 minute to the gentleman from North Carolina [Mr. ETHERIDGE], another new Member.

Mr. ETHERIDGE. Mr. Chairman, I rise to support the Stenholm-Stupak substitute.

Over the past several weeks I have had the opportunity to ride with extensive law enforcement officers in my district. I have ridden with police chiefs, I have ridden with sheriffs who on a daily basis put their lives on the line protecting property and protecting lives. The challenges facing these brave men and women are daunting. Each day they confront the ugly face of drugs, violence, and crime that is more serious than ever and is being committed by younger and younger individuals.

Mr. Chairman, local police officers need our help in fighting juvenile crime. They have asked me to tell Congress that they need the tools and the flexibility to respond effectively to this growing threat. This substitute is tough, but it is smart. My mother taught me a long time ago that an ounce of prevention is worth a pound of cure. I am all for locking up violent criminals, but we must also be smart enough to invest an ounce of prevention to save the costs of the heavy cure.

Mr. STUPAK. Mr. Chairman, I yield 45 seconds to the gentleman from Wisconsin [Mr. KIND].

Mr. KIND. Mr. Chairman, I thank the gentleman from Michigan for yielding this time to me.

As my colleagues know, as a former prosecutor in the State of Wisconsin I

am just trying to find some philosophical consistency with this bill. On the one hand, we are talking about it should be a State and local responsibility to teach our children, and there is very little disagreement about that. But when it comes time to punishing violent juveniles, we are saying with this bill being proposed today that Washington knows best, and perhaps one of the most troubling aspects of this entire bill is the lack of any type of oversight or review regarding prosecutorial discretion.

I am telling my colleagues as long as the criminal justice system is made up of human beings errors will be made. I wish I believed in the infallibility of prosecutors when it came to making these very important and very crucial decisions on whether or not to prosecute a child as an adult. We need some type of review process in place in order to protect against errors that are going to be made.

I do not think this bill addresses that concern. I think the substitute that is being offered does provide the tools and the resources and especially the prevention that communities need to combat juvenile crime.

I urge my colleagues today to support the substitute, to think about what we are trying to do, what we are trying to mandate on the States from Washington. Let us give the States some credit. They are doing a good job.

Mr. STUPAK. Mr. Chairman, I yield such time as she may consume to the gentlewoman from the Virgin Islands [Ms. CHRISTIAN-GREEN].

(Ms. CHRISTIAN-GREEN asked and was given permission to revise and extend her remarks.)

Ms. CHRISTIAN-GREEN. Mr. Chairman, I rise to state my objection to H.R. 3 and my support for the Stupak amendment.

Mr. STUPAK. Mr. Chairman, I yield 1 minute to the gentleman from Florida [Mr. BOYD].

Mr. BOYD. Mr. Chairman, I listened to the debate last night and listened with interest, and so this morning I went back to my office, and I called our State capital and talked to the secretary about the Department of Juvenile Justice, and I want to tell my colleagues what he says about H.R. 3.

Our State statute mandates already that adult filings, regardless of age in serious offenses, carjackings, death, rape, any kinds of issues like that. However, our statute also gives broad discretion to prosecutors to enter those juveniles into the juvenile system if they choose to based on the crime itself.

Now we went through this about 4 years ago in Florida because we had a very serious problem, and we did a major reform. We committed a quarter of a billion dollars in Florida to this reform in which we created some hard beds that we locked up violent juvenile offenders, and we also created some prevention and some rehab beds so that we could turn those young people around who were not yet hardened, and I want to tell my colleagues that this H.R. 3 undoes some of that, and Florida will not qualify under this proposal.

Mr. Chairman, I support the Stupak amendment.

Mr. STUPAK. Mr. Chairman, I reserve the balance of my time as we have one more speaker left to close.

Mr. MCCOLLUM. Mr. Chairman, I yield 3 minutes to the gentlewoman from North Carolina [Mrs. MYRICK].

Mrs. MYRICK. Mr. Chairman, I rise in strong support for H.R. 3. As a former mayor of a large city, I have been for years deeply involved in trying to solve the problems, not only of juvenile crime, but of crime in general, and also from the standpoint of looking at prevention programs as well as justice solutions. Unfortunately, our area is growing very fast, and with that comes increased juvenile crime, like the rest of the country is experiencing.

I am very sad to say as mayor I attended more funerals of 13-, 14-, and 15-year-old children than I care to remember, senseless murders and young people who did these things that I would talk to afterward who would have absolutely no remorse for their actions. This bill helps our system deal with these problems.

I also have a son who is a law enforcement officer. I spent many hours on the streets with the police and the sheriff and other people. So I come to this having had some experience with the issue.

I would like to say that the majority is not ignoring prevention. We recognize the need for prevention. However, accountability is prevention. We have got to teach children that their actions hold consequences, and many youthful offenders that face those consequences of their actions stop their criminal careers before they start a life of crime.

H.R. 3 is only a part of our effort to combat juvenile crime. The Committee on Education and the Workforce is currently working on a bill aimed directly at prevention, and it should be coming to the floor in the upcoming weeks.

I would also like to remind my colleagues that that bill is part of more than $4 billion this Federal Government is spending on at-risk and delinquent youths this year.

I also support the bill because it is not a mandate to the States, and as a former and local official I am very sensitive to that issue.

The States are not mandated to do anything by H.R. 3. They are given the incentive to reform their juvenile justice system, which is not unlike the truth in sentencing incentive grant program that provided certain grant programs for things like more prisons. That program has been successful, and so will H.R. 3.

H.R. 3 provides funds to the States who access those incentives to be used for a wide variety of juvenile crime fighting activities, building and expanding juvenile detention centers, establishing drug courts, hiring prosecutors, establishing accountability programs that work, the juvenile offenders who are referred by law enforcement agencies.

So I urge support of H.R. 3 and urge rejection of the substitute.

Mr. STUPAK. Mr. Chairman, I yield 15 seconds to the gentleman from North Carolina [Mr. WATT].

Mr. WATT of North Carolina. Mr. Chairman, I just wanted to make sure that my colleague from North Carolina understood that while this bill does not mandate taking any money North Carolina would have to make substantial changes. We do not meet 3 out of the 4 criteria that this bill sets up, and right now North Carolina, which has one of the most aggressive juvenile justice programs, would not qualify.

Mr. STUPAK. Mr. Chairman, I yield the remaining time to the gentleman from Texas [Mr. STENHOLM], who helped draft this proposal and is one of the chief sponsors, along with the gentlewoman from California [Ms. LOFGREN], the gentleman from Virginia [Mr. SCOTT], and myself.

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

Mr. STENHOLM. Mr. Chairman, this has been a good debate and a true competition of ideas. Today I find myself in the past agreeing quite often with the chairman from Florida, but today I respectfully differ with the bill that he brings to the floor and enthusiastically support the substitute.

When I first became involved in the issue of juvenile justice, I contacted judges, police chiefs, sheriffs, prosecutors, educators and other folks in my district who deal with this problem on a daily basis to ask for their input. The input I received was very useful to me in helping my colleagues craft this substitute. The folks in my district told me that we do need to get tough with juvenile offenders from the first offense, but we also need to focus on prevention efforts to deal with at risk kids before serious problems occurred. They told me that in order to truly address the problems of juvenile crime we need to focus on parents as well as kids. Most importantly, local officials that deal with juvenile crime in my district ask that they be able to develop the programs in their own communities without mandates in micro-management from the Federal or the State government.

The substitute will provide funding and technical assistance directly to local communities. Local educators who contacted my office warned me that we will never stop the cycle of juvenile delinquency without dealing with the problems of the family unit. The substitute give priorities to programs that focus on strengthening the family. The substitute will provide States with additional funds to establish detention centers for juvenile offenders that provide discipline, education, and training.

The substitute allows States, and this is the fundamental difference, the

substitute allows States to use these funds for punishment programs that are already working in their States.

By contrast, H.R. 3 requires that States comply with several Federal mandates in order to receive any Federal assistance. My State of Texas would be required to rewrite the juvenile justice legislation that Governor Bush passed with bipartisan support in the last session of the Texas Legislature in order to receive additional funds.

□ 1200

Texas has a successful program of determinant sentencing. I do not know where we get the idea that Congress knows how to deal best with juvenile crime, better than State and local officials. If my colleagues agree with me, I ask my colleagues to support the substitute.

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

Mr. Chairman, I have heard a lot of discussion from the other side about what is wrong with the underlying bill and how the substitute they are offering today would be far preferable. I think the arguments come down to really two or three things.

First of all, the other side in their substitute is arguing the emphasis should be on prevention, that this bill we bring out today should have pretime before one ever gets into any effective contact with the juvenile justice system, any delinquent act or whatever, prevention moneys, moneys for programs I presume that could go for purposes that do not have anything to do with the system.

I would suggest, as the gentlewoman from North Carolina said just a moment ago, we are going to have legislation on the floor out here in just a couple of weeks that deals with that from the Committee on Economic and Educational Opportunities. It is like apples and oranges. Nobody disagrees. We need to do both things. We need to deal with correcting a broken juvenile justice system, that this bill deals with, and we need to deal with the prevention programs. That is not, however, what this bill does. The objective is not to do prevention out here today, and therefore the underlying amendment that basically destroys the incentive grant program in this bill is a very flawed substitute.

The incentive grant program, I would remind my colleagues, is not a mandate program, it is patterned precisely after the program that has been very successful, that we passed a few years ago here in this body to provide incentive grants to States to change their laws to require those who are going through the revolving door, those violent felons, to serve at least 85 percent of their sentence.

At the time that we passed that grant program, States like Illinois that was cited earlier, did not qualify. There were only six States that qualified for money under that program. I do not think there were any more than 6 States, although I heard the number 12 mentioned, who qualified for the money, but there may be more that qualify for the money in this bill than they did for that program.

But now, today, more than half the States are receiving money, qualified, changed their laws and are receiving money under that truth-in-sentencing program because they are requiring the violent felons in that State to serve at least 85 percent of their sentences.

The fact that we do not have a bunch of States qualifying, North Carolina or Florida or whatever, is no reason to vote against this bill, no reason to vote for the substitute. In fact, it is the essence of this bill. It is the essence, that we want these States to correct a broken juvenile justice system.

I challenge anybody; there are a lot of Members out here saying today that their States have wonderful juvenile justice systems. I went all over the country, had six regional hearings, had every State represented, every State represented over the last 2 years, and that is not what I heard. I heard every State juvenile justice authority telling me that they had huge problems with their system, and this is the kind of stuff in the underlying bill that we need to correct.

Last but not least, why my colleagues should vote against this substitute that guts the underlying incentive grant program in this bill is that it also guts the Federal reform, the program reforms for those juvenile cases we want to bring.

It is weaker on a very critical item, and that is gang warfare. The Justice Department has asked, and we put in this bill, provisions that would allow more flexibility in cases where we have major gang problems in cities for the Federal prosecutors to get in there and prosecute, help the local authorities prosecute in the Federal system juveniles where we need to have them prosecuted in that system, and then spread them all around across the country.

That flexibility, that opportunity, that ability to get at the gangs in that way in the Federal system on a limited basis would be taken out by the substitute amendment. I do not know if the authors of it realized they were doing that or not, but they did. As a result of that, it has weakened considerably the tough provisions in this bill that would let us get at the truly violent juveniles.

Let me tell my colleagues, there are violent juveniles. Fortunately there are very few. Most kids are good kids. The essence of what we are doing today is to try to fix the juvenile justice system so that the very bad are removed from society because they commit the most heinous of crimes that we have here. We need to be tough with them, but we allow that choice at the State level to be made, we do not dictate, prosecute if they want at that level. But we also get at the young, first-time offender that really is not getting any sanction today and is not being held accountable and does not realize the consequences.

Vote ''no'' on the substitute and sustain the underlying bill that puts consequence back into the juvenile justice systems of the Nation

The CHAIRMAN. All time has expired.

The question is on the amendment in the nature of a substitute offered by the gentleman from Michigan [Mr. STUPAK].

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 200, noes 224, answered ''present'' 1, not voting 8, as follows:

[Roll No. 111]

AYES—200

Ackerman
Allen
Andrews
Baldacci
Barcia
Barrett (WI)
Becerra
Bentsen
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Campbell
Capps
Cardin
Carson
Clayton
Clement
Clyburn
Condit
Conyers
Coyne
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Ehlers
Engel
Ensign
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastings (FL)
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McIntyre
McNulty
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran (VA)
Morella
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Petri
Pickett
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schumer
Scott
Serrano
Sherman
Sisisky
Skaggs
Skelton
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stenholm
Stokes
Strickland
Stupak
Tanner
Tauscher
Thompson
Thurman
Tierney
Torres
Towns
Turner
Velazquez
Vento
Visclosky
Waters
Watt (NC)

Waxman
Wexler
Weygand
Wise
Woolsey
Wynn
Yates

NOES—224

Aderholt
Archer
Armey
Bachus
Baesler
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Cramer
Crane
Crapo
Cubin
Cunningham
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehrlich
Emerson
English
Everett
Ewing
Fawell
Foley
Forbes
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Greenwood
Gutknecht
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King (NY)
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (KY)
Linder
Livingston
LoBiondo
Lucas
Manzullo
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Molinari
Moran (KS)
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oxley
Packard
Pappas
Parker
Paul
Paxon
Pease
Peterson (MN)
Peterson (PA)
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Riggs
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stump
Sununu
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

ANSWERED ''PRESENT''—1

Abercrombie

NOT VOTING—8

Clay
Costello
Filner
Hefner
Lewis (CA)
McKinney
Pickering
Schiff

□ 1227

Mr. CRAMER changed his vote from ''aye'' to ''no.''

Mr. HALL of Texas changed his vote from ''no'' to ''aye.''

Ms. WATERS changed her vote from ''present'' to ''aye.''

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. It is now in order to consider amendment No. 2 printed in House Report 105–89.

AMENDMENT NO. 2 OFFERED BY MS. WATERS

Ms. WATERS. Mr. Chairman, I offer amendment No. 2.

The CHAIRMAN. The Clerk will designate the amendment,

The text of the amendment is as follows:

Amendment No. 2 offered by Ms. WATERS:

Page 4, beginning in line 15, strike ''that felony'' and all that follows through line 18 and insert ''a serious violent felony.''.

Page 6, beginning in line 15 strike ''or a conspiracy'' and all that follows through ''846'' in line 18.

Page 6, beginning in line 23, strike ''or a conspiracy'' and all that follows through line 2 on page 7 and insert a period.

The CHAIRMAN. Pursuant to House Resolution 143, the gentlewoman from California [Ms. WATERS] and a Member opposed, the gentleman from Florida [Mr. MCCOLLUM] will each control 5 minutes.

The Chair recognizes the gentlewoman from California [Ms. WATERS].

□ 1230

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

Mr. Chairman, my amendment would delete in H.R. 3 the provision that requires the prosecution as adults of juveniles who are charged with conspiracy to commit drug crimes under the Controlled Substance Act and the Controlled Substance Import and Export Act. H.R. 3 would for the first time allow juveniles to be prosecuted for conspiracy and result in another attempt to ensnare our youth into the criminal justice system.

For those who consider ourselves pro-youth or supportive of families, this huge new prosecutorial device should cause great alarm. Young people often do not have the ability to protect themselves from those situations which lead to conspiracies in criminal activity. Juveniles are not wise enough to pick up and understand that they may be used. The application of conspiracy laws to young people who may not have the common sense, experience, or awareness to know that they are in danger is a terrible idea. Sophisticated criminals are experts in manipulating inexperienced and naive people in general and youth in particular. Our goal should be to protect our young people from these older and sophisticated criminals, not punish them for finding themselves at the wrong place at the wrong time.

The fact is that many of our young people live in communities where drugs and gangs are indeed prevalent. Conspiracy as defined in this legislation would put many young people at risk for prosecution by simply visiting their next-door neighbor in a particular apartment building or housing project or by visiting a popular hangout that may be frequented by people who are doing wrong. College students living in a dormitory would be subject to conspiracy charges defined in this bill. Many of our youth live in surroundings that put them at risk every day. Instead of creating more elaborate ways to prosecute these young people, we should be exploring ways to give them the resources and the skills to create better opportunities for their lives.

This bill would expand the concept of guilt by association of many of our youth.

I urge Members' support for this most important amendment.

Mr. Chairman, I yield the balance of my time to the gentleman from Michigan [Mr. CONYERS], ranking member of the Committee on the Judiciary.

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

The amendment that the gentlewoman offers would strike the language in this bill which allows juveniles to be prosecuted as adults for the purposes of a conspiracy to commit a drug offense. I would suggest that a 16-year-old who is sitting in the back of a room planning an operation of major drug trafficking proportions is in more need of being prosecuted and tried for that than perhaps the street runners that he is directing. The conspiracy is what he is involved with though he may never touch physically a single quantity of drugs but he plans it. He is the mastermind. Sadly, that is what often does happen. Gangs are conspiracies. We all know the trade of gangs are drugs. Prosecuting gang members for conspiracy to commit drug crimes is at the heart of what it takes to undo the viselike grip gangs have on all too many of our Nation's children.

A conspiracy charge is a critical tool for prosecutors. Without it we will never be able to attack gangs themselves. The Waters amendment simply serves to further protect gang members from Federal prosecution, which is one of the primary thrusts of this bill, is to open up the opportunity on limited occasions for the Federal prosecutors to tackle gangs. A conspiracy requires an agreement. It is not something ominous; it has been around Federal law forever and State law. It is a traditional part of all criminal law. A conspiracy requires an agreement to commit a crime and an act in furtherance of the conspiracy. This is the law in every Federal courtroom in America.

It is also true that every conspirator must knowingly engage in the conspiracy. Answering a phone call or simply being in the same house as the conspirators is not good enough. Ironically, the effect of this amendment that the gentlewoman from California [Ms. WATERS] offers will be to hamper Federal prosecution of those juveniles who are actively organizing and running the sale of drugs but who are also crafty enough to avoid any actual distribution of the drugs.

The Waters amendment will simply insulate any juvenile leaders and planners of the drug rings from prosecution. The Supreme Court has recognized the vital significance of the conspiracy tool. Justice Felix Frankfurter wrote in Callanan versus the United States:

Concerted action both increases the likelihood that the criminal object will be successfully attained and decreases the probability that the individuals involved will depart from their path of criminality. Combination in crime also makes more likely the commission of crimes unrelated to the original purpose for which the group was formed. In sum, the danger which a conspiracy generates is not confined to the substantive offense which is the immediate aim of the enterprise.

I urge a ''no'' vote on the amendment.

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

The CHAIRMAN. Without objection, the gentleman from Michigan [Mr. CONYERS] controls the time in support of the amendment.

There was no objection.

Mr. CONYERS. Mr. Chairman, I yield 30 seconds to the gentleman from Rhode Island [Mr. KENNEDY].

Mr. KENNEDY of Rhode Island. Mr. Chairman, I thank the gentleman for yielding to me.

Now we have it, folks, now we have it. Remember we were just hearing a few moments ago about these particularly heinous crimes that we needed to lock these kids up for good, wave them into the adult system because the system needed to be corrected. Remember all that rhetoric.

Now we are talking about what they are really after: putting conspirators, kids, 14 years old, 8th grade, in Federal court. I mean, just now, can we understand where they are going? They are playing politics with kids. It is wrong. We need to pass this amendment.

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

This amendment is probably fundamental to the whole juvenile justice bill because now we are going to take the last resort of prosecutors: When there is nothing left, you cannot get any substantive case, you can always tack on a conspiracy charge, always. Now we are going to go to 13-year-olds and 14-year-olds to nail them.

Well, one picks up his big brother's phone, and it is a drug something going on, and the kid picks up the phone. The phone is tapped. He is brought in with his brother. He says: Well, I do not even know what you are talking about. They say: Well, kid, you were not in on the drug deal but you were in on the planning of it because we have got your voice on the phone.

Get him out of that, Mr. Chairman. We cannot get him out of that because the prosecutor does not have anything else to get him on.

Now we are stooping to the lowest statutory tactic that prosecutors frequently, not all of them, but frequently use.

How could we not support the amendment of the gentlewoman from California?

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

The CHAIRMAN. The gentleman from Michigan [Mr. CONYERS] has 30 seconds remaining, and the gentleman from Florida [Mr. MCCOLLUM] has 2½ minutes remaining.

Mr. MCCOLLUM. Mr. Chairman, I believe I have the right to close, and I reserve the balance of my time.

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

Under the legislation, if a 14-year-old commits conspiracy, they can be tried as an adult. That is the other part of this. Not only do we nail a kid on conspiracy, but under the McCollum bill, the base bill, he will be tried as an adult. Guess what kind of sentences we are talking about when an adult gets nailed for conspiracy? Mandatory minimums kick in. Nice going, nice going.

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

What we have been listening to is a discussion by those who I understand do not agree with the conspiracy as a part of criminal law particularly as it pertains to younger people for reasons that they have, and I guess I respect that. But I just do not agree with it. The bottom line is that the Justice Department has asked us to have the type of revisions that are in our bill. They support keeping the conspiracy in for a 14-year-old who is committing the kind of crime that we are trying to get at here, a drug-related crime, which this is; 15-year-old, 16-year-old, if that person is sitting in the back of the room is the organizer and director of a major criminal enterprise, drug trafficking enterprise in large quantities of drugs, which is frequently the case, he or she is actually the one we really want to get at, even though they may not actually put their hands on the drugs at all. In order to get at them, we have to have the conspiracy law. It is a traditional law.

The word ''conspiracy'' conjures up all kinds of images and so on, but this has been in common law from the days of England. It has been in our criminal statutes in the States and Federal system forever and ever. It is a fundamental part of criminal law that allows prosecutors in their discretion to be able to get at those like gang members who are involved in plotting the process, directing the process, even though they themselves may not go out and carry out the ultimate crime of moving the drugs themselves directly.

Mr. Chairman, I think that we would be very wrong if we took this out and prohibited Federal prosecutors from doing what they should be able to do at any age group where we are involved with this. This, by the way only applies, this amendment and the underlying bill, to the reforms and the things and changes we are making in the Federal juvenile justice proceedings. This has nothing to do with the States. The amendment does not and this portion of the debate does not.

So everybody is clear about it, we are talking about restricting by the Waters amendment, restricting Federal prosecutors from being able to go after gang leaders in gangs in the cities when they are dealing in drugs, which mostly is what the gangs do. That is wrong. It is wrong. They should be able to prosecute them, and they should be able to prosecute them as adults; and the conspiracy theory is the only way they can get at them.

Ms. WATERS. Mr. Chairman, will the gentleman yield?

Mr. MCCOLLUM. I yield to the gentlewoman from California.

Ms. WATERS. Mr. Chairman, would the gentleman agree first of all that this is not limited to drugs, this is limited to all of the crimes that is identified trying juveniles as adults? And would the gentleman agree that, if a 14-year-old sits around a table with five or six other people and talks about——

Mr. MCCOLLUM. Mr. Chairman, reclaiming my time, the amendment applies to all drug cases. My colleague's amendment only applies to them, not anything else. It is a conspiracy, and it will undermine the right for gang's prosecution. I oppose the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from California [Ms. WATERS].

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

Mr. MCCOLLUM. Mr. Chairman, I demand a recorded vote and, pending that, I make a point of order that a quorum is not present.

The CHAIRMAN. Pursuant to House Resolution 143, further proceedings on the amendment offered by the gentlewoman from California [Ms. WATERS] will be postponed.

The point of no quorum is considered withdrawn.

It is now in order to consider amendment No. 3 printed in House Report 105–89.

AMENDMENT NO. 3 OFFERED BY MR. CONYERS

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. CONYERS:

Page 4, beginning in line 24, strike ''if the juvenile is alleged to have committed an act after the juvenile has attained the age of 13 years which if committed by a juvenile after the juvenile attained the age of 14 years would require that the juvenile be prosecuted as an adult under subsection (b), upon approval of the Attorney General.'' and insert '', upon approval of the Attorney General, if the juvenile is alleged to have committed, after the juvenile has attained the age of 13 years and before the juvenile has attained the age of 14 years, an act which if committed by an adult would be an offense under section 113(a), 113(b), 113(c), 1111, 1113, or, if the juvenile possessed a firearm during the offense, section 2111, 2113, 2241(a), or 2241(c) of this title.''.

The CHAIRMAN. Pursuant to House Resolution 143, the gentleman from

Michigan [Mr. CONYERS] and a Member opposed will each control 5 minutes.

Mr. MCCOLLUM. Mr. Chairman, I claim the 5 minutes in opposition to the amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Michigan [Mr. CONYERS].

Mr. CONYERS. Mr. Chairman, I yield myself 2 minutes.

What we do here is try to deal with the problem of 13-year-olds in this juvenile justice bill. This is really a crime bill. The only reason this is called the juvenile bill is because we are dealing with kids. But the whole idea is to bring them into the criminal justice process.

In a word, what we try to stop the McCollum base bill from achieving is to allow the prosecutors to determine which 13-year-olds will be prosecuted for any felony, any felony.

I stand here as one that says there are some crimes that 13-year-olds should be prosecuted for, but not any felony.

□ 1245

And therein lies the difference. And certainly not to let the prosecutor unilaterally determine who is going to be tried. Where is the judge?

And so for that reason, I merely strike the provisions in H.R. 3 that would allow 13-year-olds to be tried as adults at the discretion of the prosecutor for any felony.

For goodness sakes, what is going on here? Why do we need this? Judges and prosecutors can try 13-year-olds now under the Federal law, under the Federal crime bill of 1994. The gentleman from Florida passed it. It was his bill, so he knows what is in it.

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

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

Mr. Chairman, I strongly oppose the Conyers amendment because it weakens H.R. 3 and takes us back to current law with respect to juvenile offenders who are 13 or older and commit extremely violent and serious crimes.

Current law provides that a juvenile 13 years of age or older may be prosecuted as an adult at the discretion of the prosecutor if the juvenile is alleged to have committed, on Federal property, murder, assault with intent to commit murder, assault with intent to commit a felony, or while in the possession of a firearm is alleged to have committed a robbery, bank robbery or aggravated sexual abuse. That is current law.

As such, the current law creates the anomaly of being able to prosecute such a juvenile as an adult when he has committed a robbery on Federal lands with a firearm, but not a rape committed at knife point on Federal lands. In other words, current law fails to include several extremely violent crimes.

The underlying bill that the gentleman from Michigan would strike the provision from provides that a juvenile 13 years of age or older may be prosecuted, it is permissible but not mandatory, as an adult at the discretion of the prosecutor if the juvenile is alleged to have committed a serious violent felony or a serious drug offense.

These terms include such heinous crimes as murder, manslaughter, assault with intent to commit murder or rape; aggravated sexual abuse, abusive sexual contact; kidnapping; robbery, carjacking; arson; or any attempt, conspiracy, or solicitation to commit one of these offenses; any crime punishable by imprisonment for a maximum of 10 years or more that involves the use or threatened use of physical force against another; the manufacturing, distributing or dispensing of 1 kilogram or more of heroin, 5 kilograms or more of cocaine, 50 grams or more of crack, 100 grams or more of PCP, 1,000 kilograms of marijuana, or 100 grams of methamphetamine, which are huge quantities of these; and the drug kingpin offense under section 848 of title 18.

The President's bill recommended these crimes be listed and be made available for prosecution for 13-year-olds. So I think if my colleagues think as I do, that prosecutors should have the discretion to prosecute 13-year-olds for manslaughter, all rape offenses, arson, carjacking, then Members should vote no on the Conyers amendment.

If my colleagues strongly oppose, as I do, the Conyers amendment, I hope they will vote ''no.''

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

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

If my colleagues think as I do, we will leave the Federal law alone, which already allows the enumerated crimes in the Federal crime bill of 1994 that now gives the prosecutor the option on major crimes, murder, attempted murder, possessing firearms during an offense, aggravated sexual abuse, robbery, and bank robbery. We already have those crimes.

Now, what is the point? Is giving 13-year-olds adult sentences at the discretion of the prosecutor going to reduce juvenile crime in the United States? Well, I guess if 13-year-olds are reading the Federal criminal statute and realize what the McCollum provision will do, quite likely some of them will not do it.

Please, why are we going to this clinical obsession with getting kids? For what purpose? For what satisfaction? For what national Federal objective? For what purpose? To reduce crime in America? Well, of course, there is not any.

By what authority do we even dare bring this provision up? Any quotes, any reports, any studies, any Department of Justice? None. It is just that the chairman of the Subcommittee on Crime feels this would be a good way to get more 13-year-olds. Try them as adults. A questionable theory in and of itself.

And that way, then give the prosecutor. What about the judge? Federal judges, what do they know? Give it to the U.S. prosecutor and let him build his rep and in that way we will fight juvenile crime in the United States. I think that is not sick, but not healthy either.

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

Mr. MCCOLLUM. Mr. Chairman, may I inquire as to how much time I have remaining?

The CHAIRMAN. The gentleman from Florida [Mr. MCCOLLUM] has 2½ minutes remaining.

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

I think something needs to be clearly explained in this process and that is simply that the law today reads that assault with intent to commit murder and some other things are clearly something that the prosecutors have the discretion to prosecute, and that the issue here is what are we going to give them in addition to that.

As I said earlier, there is a hole in the law. The fact of the matter is, assault with intent to commit murder, assault with intent to commit a felony, or while in the possession of a firearm, et cetera, to commit robbery, bank robbery, or aggravated sexual abuse, the Federal prosecutors already have the right to prosecute a juvenile if they want to for those things, 13 years of age or older.

We are simply spelling out some of the loopholes they have in here so that for kidnapping and carjacking and arson, and some other very, very bad crimes, that the prosecutors have that discretion to do it.

I am opposed very strongly to the Conyers amendment, and I would urge my colleagues to oppose that amendment.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan [Mr. CONYERS].

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

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

The CHAIRMAN. Pursuant to House Resolution 143, further proceedings on the amendment offered by the gentleman from Michigan [Mr. CONYERS] will be postponed.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to House Resolution 143, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order: Amendment No. 2 offered by the gentlewoman from California [Ms. WATERS], and amendment No. 3 offered by the gentleman from Michigan [Mr. CONYERS].

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 2 OFFERED BY MS. WATERS

The CHAIRMAN. The pending business is the demand for a recorded vote

on amendment No. 2 offered by the gentlewoman from California [Ms. WATERS], 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 100, noes 320, not voting 13, as follows:

[Roll No. 112]

AYES—100

Abercrombie
Allen
Baldacci
Barrett (WI)
Becerra
Bishop
Blumenauer
Bonior
Borski
Brown (CA)
Brown (FL)
Capps
Carson
Clayton
Clyburn
Conyers
Coyne
Cummings
Davis (IL)
DeFazio
DeGette
Delahunt
Dellums
Dixon
Evans
Farr
Fattah
Fazio
Flake
Foglietta
Ford
Frank (MA)
Furse
Gejdenson
Gephardt
Gonzalez
Gutierrez
Hastings (FL)
Hilliard
Hinchey
Hinojosa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (WI)
Johnson, E.B.
Kennedy (RI)
Kennelly
Kilpatrick
Lantos
Lewis (GA)
Lofgren
Maloney (NY)
Markey
Martinez
Matsui
McDermott
McGovern
Meek
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Morella
Nadler
Oberstar
Obey
Olver
Owens
Pallone
Payne
Pelosi
Rahall
Rangel
Rohrabacher
Rothman
Roybal-Allard
Rush
Sabo
Sanders
Scott
Serrano
Slaughter
Stabenow
Stark
Stokes
Thompson
Thurman
Towns
Velázquez
Vento
Waters
Watt (NC)
Waxman
Weygand
Woolsey
Wynn
Yates

NOES—320

Ackerman
Aderholt
Andrews
Archer
Armey
Bachus
Baesler
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Blagojevich
Blunt
Boehlert
Boehner
Bonilla
Bono
Boswell
Boucher
Boyd
Brady
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Cardin
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clement
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Cox
Cramer
Crane
Crapo
Cubin
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeLauro
DeLay
Deutsch
Dickey
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Everett
Ewing
Fawell
Foley
Forbes
Fowler
Fox
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kildee
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lowey
Lucas
Luther
Maloney (CT)
Manton
Manzullo
Mascara
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McNulty
Meehan
Menendez
Metcalf
Mica
Miller (FL)
Molinari
Moran (KS)
Moran (VA)
Murtha
Myrick
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Ortiz
Oxley
Packard
Pappas
Parker
Pascrell
Pastor
Paul
Paxon
Pease
Peterson (MN)
Petri
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Sandlin
Sanford
Sawyer
Saxton
Schaefer, Dan
Schaffer, Bob
Schumer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Tierney
Torres
Traficant
Turner
Upton
Visclosky
Walsh
Wamp
Watkins
Weldon (FL)
Weldon (PA)
Weller
Wexler
White
Whitfield
Wicker
Wise
Wolf
Young (AK)
Young (FL)

NOT VOTING—13

Bliley
Clay
Costello
Diaz-Balart
Filner
Hefner
McKinney
Peterson (PA)
Pickering
Sanchez
Scarborough
Schiff
Watts (OK)

□ 1314

The Clerk announced the following pairs:

On this vote:

Mr. Filner for, Mr. Diaz-Balart against.

Ms. McKinney for, Mr. Scarborough against.

Messrs. HEFLEY, MCNULTY, TORRES, STUPAK, TAUZIN, TIERNEY, STRICKLAND, NEAL of Massachusetts, and Mrs. CUBIN changed their vote from ''aye'' to ''no.''

Mr. MINGE changed his vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. PETERSON of Pennsylvania. Mr. Chairman, on rollcall No. 112, I was inadvertently detained. Had I been present, I would have voted "no."

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Pursuant to the rule, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on each amendment on which the Chair has postponed further proceedings.

AMENDMENT NO. 3 OFFERED BY MR. CONYERS

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Michigan [Mr. CONYERS] 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 129, noes 288, not voting 16, as follows:

[Roll No. 113]

AYES—129

Abercrombie
Ackerman
Allen
Barrett (WI)
Becerra
Berman
Berry
Bishop
Blumenauer
Bonior
Brown (CA)
Brown (FL)
Brown (OH)
Buyer
Capps
Carson
Clayton
Clyburn
Conyers
Coyne
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
Dellums
Dixon
Doggett
Duncan
Ehlers
Eshoo
Evans
Farr
Fattah
Fazio
Flake
Foglietta
Ford
Franks (NJ)
Furse
Gejdenson
Gephardt
Gonzalez
Gutierrez
Hastings (FL)
Hilliard
Hinchey
Hinojosa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (WI)
Johnson, E. B.
Kennedy (MA)
Kennedy (RI)
Kennelly
Kilpatrick
LaFalce
Lampson
Lantos
Lewis (GA)
Lofgren
Maloney (NY)
Markey
Martinez
McCarthy (MO)
McDermott
McGovern
McNulty
Meehan
Meek
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran (VA)
Neal
Oberstar
Obey
Olver
Owens
Pastor
Payne
Pelosi
Petri
Pickett
Pomeroy
Price (NC)
Rahall
Rangel
Rivers
Roukema
Roybal-Allard
Rush
Sabo
Sanders
Sandlin
Sawyer
Scott
Serrano
Skaggs
Slaughter
Snyder
Spratt
Stabenow
Stark
Stokes
Strickland
Stupak
Thompson
Thurman
Tierney
Torres
Towns
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Watts (OK)
Waxman
Weygand
Wise
Woolsey
Wynn
Yates

NOES—288

Aderholt
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barrett (NE)
Bartlett
Barton
Bass
Bateman

Bentsen
Bereuter
Bilbray
Bilirakis
Blagojevich
Blunt
Boehlert
Boehner
Bonilla
Bono
Borski
Boswell
Boucher
Boyd
Brady
Bryant
Bunning
Burr
Burton
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Cardin
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clement
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Cox
Cramer
Crane
Crapo
Cubin
Cunningham
Danner
Davis (VA)
Deal
DeLauro
Deutsch
Dickey
Dicks
Dingell
Dooley
Doolittle
Doyle
Dreier
Dunn
Edwards
Ehrlich
Emerson
Engel
English
Ensign
Etheridge
Everett
Ewing
Fawell
Foley
Forbes
Fowler
Fox
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kildee
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lowey
Lucas
Luther
Maloney (CT)
Manton
Manzullo
Mascara
Matsui
McCarthy (NY)
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
Menendez
Metcalf
Mica
Miller (FL)
Molinari
Moran (KS)
Morella
Murtha
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Ortiz
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Paul
Paxon
Pease
Peterson (MN)
Peterson (PA)
Pitts
Pombo
Porter
Portman
Poshard
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reyes
Riggs
Riley
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Royce
Ryun
Salmon
Sanford
Saxton
Schaefer, Dan
Schaffer, Bob
Schumer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stenholm
Stump
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Turner
Upton
Walsh
Wamp
Watkins
Weldon (FL)
Weldon (PA)
Weller
Wexler
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

NOT VOTING—16

Barr
Bliley
Clay
Costello
DeLay
Diaz-Balart
Filner
Frank (MA)
Hansen
Hefner
McKinney
Nadler
Pickering
Sanchez
Scarborough
Schiff

□ 1323

The Clerk announced the following pair:

On this vote:

Mr. Filner for, with Mr. Diaz-Balart against.

Mr. GORDON changed his vote from ''aye'' to ''no.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. Hansen. Mr. Chairman, on rollcall No. 113, I was inadvertently detained. Had I been present, I would have voted ''no.''

The CHAIRMAN. It is now in order to consider amendment No. 4 printed in House Report 105–89.

AMENDMENT NO. 4 OFFERED BY MR. SCOTT

Mr. SCOTT. Mr. Chairman, I offer an amendment made in order by the rule.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. SCOTT:
Page 22, strike lines 14 through 16.

The CHAIRMAN. Pursuant to House Resolution 143, the gentleman from Virginia [Mr. SCOTT] and a Member opposed will each control 5 minutes.

Mr. MCCOLLUM. Mr. Chairman, I request the 5 minutes in opposition.

The CHAIRMAN. The gentleman from Florida [Mr. MCCOLLUM] will be recognized for 5 minutes.

The Chair recognizes the gentleman from Virginia [Mr. SCOTT].

Mr. SCOTT. Mr. Chairman, I yield myself 1½ minutes.

Mr. Chairman, the bill, underlying bill, authorizes $500 million a year in spending. This amendment strikes prison construction as allowable use of the money.

Mr. Chairman, this is for two reasons. First, $500 million nationally in prison construction cannot have any effect on crime. For example, Virginia is in the process of spending almost $1 billion a year on new prisons over the next 10 years. If all of Virginia shared this money, that is, if we qualified, which we do not, but if all the money were used in prisons, instead of $1 billion a year we would be spending $1.01 billion a year on prisons, obviously not enough to cause a difference in crime that anybody would notice.

The second reason, Mr. Chairman, is that if we used up the money on prisons, there would not be anything left over for the other worthwhile uses of the money.

Mr. Chairman, we already lock up more people than anywhere else on Earth. Some communities have more young men in jail than in college, and several States already spend more money for prisons than higher education. So States do not need the encouragement to build prisons, they need encouragement to spend money on other initiatives where little money can actually make a difference in public safety.

So, Mr. Chairman, I hope this House will adopt the amendment.

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

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

Mr. Chairman, the amendment of the gentleman from Virginia [Mr. SCOTT] would strike the provision which allows States and localities to use the block grant funds in the bill for building, operating, and expanding juvenile correction and detention facilities. These are not prisons, these are juvenile correction and detention facilities, and we are really short on those in many of the States.

We went around the country, had several big meetings with juvenile authorities all over the country over the past couple of years, and what they want are more tools, they want more probation officers; in some cases, more judges, more social workers, and, yes, more juvenile detention facilities because we want these juveniles to be housed separately from adults. But when they commit serious offenses, then we need to detain them.

So it is not practical to strike this from the bill. It is part of the discretion. We take away some discretion, the States would not have any money to be able to build any more detention facilities when we want them to do that, and it is an essential part of correcting the broken juvenile justice system. There is some price to house the juveniles separate and apart from prisons where only adult prisoners are housed.

So I urge a no vote ''on'' this.

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

Mr. SCOTT. Mr. Chairman, I yield 1 minute to the gentlewoman from Indiana [Ms. CARSON].

Ms. CARSON. Mr. Chairman, I rise to support enthusiastically the amendment of the gentleman from Virginia [Mr. SCOTT]. As he has indicated, building prisons is the fastest growing business in the United States. We are very willing and generously spending money to build new jails and prisons, and we are annihilating any possibility for potential criminals to have an opportunity to be educated.

It is my express opinion based on the facts of this bill that we should be earmarking money for prevention and for allowing people access to education. We spend $40,000 a year for one individual in institutionalizing them instead of giving them an educational opportunity.

Mr. McCOLLUM. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. CUNNINGHAM].

□ 1330

Mr. CUNNINGHAM. Mr. Chairman, I laud the gentleman from Virginia [Mr. SCOTT]. He and I have worked on the Committee on Education and the Workforce, and if the gentleman from Virginia [Mr. SCOTT] could listen for a moment, I do not have time to yield, but I would like the gentleman to really listen to what I have to say, because

I have worked with the gentleman on the committee.

Let me tell my colleagues what some of our frustrations are. The amendments and the substitute focus on programs that are working from my colleagues' side. We find ourselves in a very critical situation today, and we find that in many cases it is not working.

Many of us, and I have had Members from the other side come across, a lot of us have personal problems with our own children that we are looking at. Do we want our children in prison systems? No. We want them in a boot camp where they can be taken care of where there are counselors, and not even juveniles, but maybe a first-time offender that we can reach out to.

However, we have been stymied, and I would like to go over a few of those frustrations. I have just met with the police chief in the District of Columbia, and yet there has been very little activity between law enforcement and the schools and the education systems. New York came and testified before the Subcommittee on the District of Columbia, but yet the school systems are a disaster in New York; but they have cleaned up the law enforcement. We need the gentleman from Virginia's help on that, because these are all pieces of the puzzle that we are trying to work on.

In education, the comment is we are trying to take the Federal Government out of it and let it do it on a State level, but yet every day we fight the same battle from our side trying to take the power out of Washington and back down. In education, a classic example, we get less across the country than about 50 cents on a dollar down to our education programs, and that is a key part of law enforcement and especially juvenile justice, but yet we cannot break that.

When we talk about jails, in California, I would tell the gentleman from Virginia [Mr. SCOTT], we have 18,000 to 22,000 illegal felons, illegals, just in our prison system. We would not have to build any more prisons if we could get help on the illegal immigration.

When we talk about the State level, Proposition 187, which about two-thirds of the Californians voted for, would have taken care of that; yet a single Federal judge overruled the wishes of two-thirds of the Californians.

We have in the State of California over 400,000 illegals in our education system. At $5,000 a year, that is $2 billion a year. All of these are symptomatic of problems that we have. These are the kinds of things and the pieces of the puzzle, not just this particular bill, that my colleagues' side of the aisle is very concerned about, and so are we. But understand the frustrations that we have, and we are trying to fight for these things, knowing that they are a piece of that puzzle and we cannot get support for it.

The welfare bill, 16 years average, and those children having two and three babies. What happens to those children? They are the ones we are talking about, because they end up in the gangs and having the problems. We need help on that, and that is why it is so important to us. I think we can work together a lot better than we have on these things; and I do oppose the gentleman's bill, but I would like to work with him.

Mr. SCOTT. Mr. Chairman, I yield 1 minute to the gentleman from Tennessee [Mr. FORD], the youngest Member of the U.S. House, to speak on the juvenile justice bill.

Mr. FORD. Mr. Chairman, I thank the gentleman. Let me say that this piece of legislation sends a perverse message, Mr. Chairman, to young people in our gallery and young people throughout this Nation.

As we talk about, as the gentleman from Florida [Mr. MCCOLLUM] did in this morning's newspaper, national leadership on the issue of juvenile crime, if we cannot provide national leadership in our educational system, why is it that we ought to be providing and usurping local control in the juvenile justice arena?

The crisis we face in our juvenile justice system, Mr. Chairman, is no less than dire, no less than catastrophic. If we are serious about preparing this next generation of Americans for the challenges of the new marketplace in the 21st century, then let us get serious about a national role in education as we are about a national role in juvenile justice.

I would submit to this body and submit even to the President of the United States, if we talk about arresting 13-year-olds and not about intervention and rehabilitation and prevention, we will be debating 2 years from now how we arrest 5-year-olds, 8-year-olds, and 11-year-olds.

Mr. Chairman, I plead to my friends on the other side of the aisle and even Democrats, do the right thing for young people, do the right thing for our future, provide us some real meaningful opportunities and chances, and all of us will benefit from it.

Mr. SCOTT. Mr. Chairman, I yield 30 seconds to the gentlewoman from Texas [Ms. JACKSON-LEE].

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the gentleman from Virginia [Mr. SCOTT] for yielding me this time.

One important point is to listen to those who are in the war. The chiefs of police of the United States of America say, nearly four times in their ranking, increasing investment in programs that help all children and youth get a good start is better and more effective than trying more juveniles as adults and hiring additional police officers. Listen to the experts. Prevention and intervention is what this bill should have, and it does not. Vote down H.R. 3.

Mr. SCOTT. Mr. Chairman, I yield the balance of the time to the gentleman from Rhode Island [Mr. KENNEDY], the second youngest Member of the House.

Mr. KENNEDY of Rhode Island. Mr. Chairman, I thank the gentleman from Virginia for his leadership on this issue.

I have to say at the outset how dismayed I have been with the votes that we have just had. I would say to the gentleman from Florida [Mr. MCCOLLUM] that we might as well scrap the whole juvenile justice system, we might as well do that, because picking away at this a little bit at a time really makes no sense at all.

If the gentleman thinks that kids should not be distinguished from adults with respect to their crimes, just be honest with everybody and tell them what the gentleman is really doing, and that is just scrapping the whole juvenile justice system. This stuff about 13-year-olds and 14-year-olds is just out of hand.

I think the Scott amendment is just the way we need to go. We know the facts are that prevention works. I will give my colleagues a few statistics that I wish that the gentleman's bill had recognized.

In Salt Lake City a gang prevention program led to a 30 percent reduction in gang related crimes. In Washington State, gang prevention programs reduced violence, reduced violence, that is less victims, less victims by 80 percent. The gentleman's bill puts $102,000 per cell, it costs to construct those cells, $102,000. Imagine how far that could go in putting that money behind prevention programs that work.

Mr. MCCOLLUM. Mr. Chairman, I yield the final 1 minute to the gentleman from Texas [Mr. BRADY] for purposes of closing debate.

Mr. BRADY. Mr. Chairman, over the past year I served on the juvenile justice committee for the Texas Legislature. We rewrote our juvenile justice laws in trying to curb gang violence, and we found a number of things. One is that we met and saw a 12-year-old from Dallas who raped and bludgeoned a classmate and threw her body on the top of a local convenience store to hide her body. We learned that juveniles today are more violent and more mean and more mentally unstable than ever before in committing crimes. We find ourselves in a position of having to choose between building beds to house the most violent juveniles and choosing between a sanction process that we knew could make a difference.

Had we had this bill, had we had this incentive, we would have been able to do both and put them in place immediately to make a difference.

Finally, I would say the reason juvenile beds are so expensive is that we are trying to find out if there are kids who are rehabilitatable. For that reason we have to build additional classrooms, we have to build additional amenities. We are trying to allow, we want to give them a chance to come back to society if possible. We need these dollars, and I oppose this amendment.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Virginia [Mr. SCOTT].

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

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

The CHAIRMAN. Pursuant to House Resolution 143, further proceedings on the amendment offered by the gentleman from Virginia [Mr. SCOTT] will be postponed.

The CHAIRMAN. It is now in order to consider amendment No. 5 printed in House Report 105–89.

AMENDMENT NO. 5 OFFERED BY MS. LOFGREN

Ms. LOFGREN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Ms. LOFGREN:

Page 24, after the line 9, insert the following:

''(12) preventing young Americans from becoming involved in crime or gangs by—

''(A) operating after school programs for at-risk youth;

''(B) developing safe havens from and alternatives to street violence, including educational, vocational or other extracurricular activities opportunities;

''(C) establishing community service programs, based on community service corps models that teach skills, discipline, and responsibility;

''(D) establishing peer mediation programs in schools;

''(E) establishing big brother/big sister programs;

''(F) establishing anti-truancy programs;

''(G) establishing community based juvenile crime prevention programs that include a family strengthening component;

''(H) establishing community based juvenile crime prevention programs that identify and intervene with at-risk youth on a case-by-case basis;

''(I) establishing drug prevention, drug treatment, or drug education programs;

''(J) establishing intensive delinquency supervision programs;

''(K) implementing a structured system of wide ranging and graduated diversions, placements, and dispositions that combines accountability and sanctions with increasingly intensive treatment and rehabilitation services in order to induce law-abiding behavior and prevent a juvenile's further involvement with the juvenile justice system; that integrates the family and community with the sanctions, treatment, and rehabilitation; and is balanced and humane; and

''(L) establishing activities substantially similar to programs described in subparagraphs (A) through (K).

''(c) REQUIRED USE.—A unit of local government which receives funds under this part shall use not less than 50 percent of the amount received to carry out the purposes described in subsection (b)(12).''.

The CHAIRMAN. Pursuant to House Resolution 143, the gentlewoman from California [Ms. LOFGREN] and a Member opposed will each control 5 minutes.

Mr. MCCOLLUM. Mr. Chairman, I claim the time in opposition.

The CHAIRMAN. The gentleman from Florida [Mr. MCCOLLUM] will control 5 minutes.

The Chair recognizes the gentlewoman from California [Ms. LOFGREN].

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

I would like to offer this amendment to the body, although it is not as strong as the substitute that was just narrowly defeated. It certainly does commit some of our taxpayers' funds to not just prevention, but intensive supervision, early intervention and rehabilitation for young people who are at risk of becoming involved in crime or who are already starting down the path in this behavior.

I am pleased that I have just received a letter from the Department of Justice indicating that they support this amendment and urge its adoption, and I would urge my colleagues to do so.

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

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

Mr. Chairman, I must oppose strongly this amendment by the gentlewoman, even though I understand that what she is trying to do is with honorable intention. She believes deeply that we should have prevention moneys in this bill. But what she is doing is forgetting a couple of things. One is that we have another bill coming along that is designed to do that out of the Committee on Education and the Workforce. This bill is not designed for that.

The gentlewoman is going to take 50 percent of the money in this bill and divert it to prevention programs when we need every penny in this bill to go for what its intended purpose is, and that is for probation officers and juvenile judges and juvenile detention facilities and those things which are important to the juvenile justice system itself, not simply to prevent juvenile crime, which is a separate bill.

I wish they both were out here today. In fact, I had wanted in my manager's amendment to be able to offer, if the Committee on Rules allowed me, a great big $500 billion a year crime block grant program that would have allowed any amount of money that the local community wanted to spend on prevention to be used for that purpose, but that did not happen and we are not out here with it today.

But the fact is that, if we designate 50 cents and tell the States and the local communities, that is what the gentlewoman is doing with her amendment, that they must spend 50 cents of every dollar they get on prevention, then they are not going to have the flexibility. They are being mandated by the gentlewoman's amendment to spend 50 cents on every dollar on prevention when a local community may very well need to have more money than they are getting even for probation officers, for judges and so on, if we are going to begin to do what we need to do. And that is sanction every juvenile for the very early delinquent acts that they are committing and they are not being sanctioned for with community service or whatever when they vandalize a store or home or spray paint a building or whatever.

The only way they can do that is if they get more resources, more social workers, caseworkers, more probation officers, more juvenile judges, more detention space. That is what this bill is all about. Therefore, the gentlewoman's amendment really guts this bill, and we ought to wait until the Committee on Education and the Workforce bill comes along for the other type of prevention programs. It is apples and oranges, and I urge a no vote on the amendment.

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

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

One of the problems with the amendment is that it does nothing about the preconditions for the allocation of funds. Currently we believe only six States qualify.

REQUEST FOR MODIFICATION TO AMENDMENT NO. 5 OFFERED BY MS. LOFGREN

Ms. LOFGREN. Mr. Chairman, I ask unanimous consent to amend the amendment in the following way: To amend section 1802, the applicability section, to provide that the requirements of that section shall not apply to the provision of these funds, that would be the prevention intervention funds, that has been suggested by the Justice Department.

The CHAIRMAN. The Clerk will report the modification.

The Clerk read as follows:

Modification to Amendment No. 5 offered by Ms. LOFGREN:

Page 2, after line 25 of amendment No. 5 insert ''(D) Section 1802 Applicability.

The requirements of Section 1802 shall not apply to the funds available under this section.''

The CHAIRMAN. Is there objection to the request of the gentlewoman from California?

□ 1345

Mr. MCCOLLUM. Mr. Chairman, reserving the right to object, I do not understand what this amendment does. I heard the gentlewoman, but could she explain it again?

Ms. LOFGREN. Mr. Chairman, will the gentleman yield?

Mr. MCCOLLUM. I yield to the gentlewoman from California.

Ms. LOFGREN. Mr. Chairman, as the gentleman knows, as the author of the bill, in order for States to qualify for the funding in the final section of the gentleman's bill, four conditions must be met by State law.

The Justice Department has suggested, and I concur, that as to the 50 percent of the funds that would be dedicated under this amendment to prevention, intervention, rehabilitation, and the like, as outlined in the amendment, those preconditions would not apply for these prevention, intervention, rehab funds to flow to States.

Mr. MCCOLLUM. Mr. Chairman, unfortunately, at this point I must object, I am sorry, to the unanimous consent request.

The CHAIRMAN. Objection is heard.

Ms. LOFGREN. Mr. Chairman, I yield 1 minute to the gentleman from New York [Mr. SCHUMER], my colleague on the Committee on the Judiciary.

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

Mr. SCHUMER. Mr. Chairman, I want to rise in support of the Lofgren prevention amendment. This amendment is not about prevention versus punishment. It has always been my belief we can do both. We have to do both.

I am speaking as someone who believes in tough punishment. I wrote a whole series of tough punishment laws. But punishment is only half of the solution. We have to make sure that today's second- and third-graders do not become the violent gang members of tomorrow. That is every bit as important in fighting crime as punishing those who, unfortunately, have become violent.

The overwhelming majority of kids, and I emphasize this is true in every neighborhood in this country, want to lead honest, decent lives. We know. We have had hard evidence from communities across the country. What this amendment does is it provides for kids growing up in desperate circumstances a place to go after school, volunteering as a Big Brother. These little things which we might take for granted can help kids go into the mainstream of society.

Ms. LOFGREN. Mr. Chairman, I yield 1 minute to my colleague, the gentlewoman from California, Mrs. ELLEN TAUSCHER.

Ms. TAUSCHER. Mr. Chairman, I rise today in support of my fellow Californian and the amendment of the gentlewoman from California [Ms. LOFGREN] to H.R. 3, the Juvenile Crime Control Act. Juvenile crime has become an epidemic in our country. We are losing our children to crime at a more rapid rate and at an earlier age than ever before. Tougher laws for juvenile criminals are essential to solving the problem. However, it is only part of the answer to preventing our children from falling into a life of crime.

After-school programs, drug prevention programs, community youth organizations offer our children alternatives to criminal activity. Effective community-based programs can and will keep our kids off the streets and out of trouble. Federal funding for proven, effective prevention programs is one of the most powerful commitments we can make to ending juvenile crime in this country. Early intervention through juvenile crime prevention programs helps put our kids back on the right track.

The amendment of the gentlewoman from California would permit grant funds under H.R. 3 to be used for proven and effective juvenile crime prevention programs. I support this bill and its tough approach to juvenile crime. I believe it will be a better bill with this amendment.

Mr. MCCOLLUM. Mr. Chairman, I yield 2½ minutes to the gentleman from Georgia [Mr. BARR], a member of the subcommittee.

Mr. BARR of Georgia. Mr. Chairman, I think what we are debating here today really needs to be put in the context of what the Government is currently doing and what remains undone, which is what this bill, H.R. 3, aims to do.

Mr. Chairman, lest anybody be left with the impression that the Federal Government is not expending tremendous sums of taxpayer money on prevention, at-risk, and delinquent youth programs, I have here two charts that list in summary form various of the 131 current programs administered by 16 different departments and other agencies totaling $4 billion, that is $4 billion, that are currently being used of Federal taxpayer money in communities all across America for prevention programs involving the youth of our country.

Mr. Chairman, I would like to see those on the other side that believe so strongly in prevention work with us to determine if any of these programs are not working, so that we can reconfigure the Federal moneys, change these programs, perhaps consolidate some of them, perhaps so they work better, because they are not working comprehensively now.

A case in point, and this is the chink in the armor that H.R. 3 must fill, just a couple of months ago in Atlanta, GA, in my home State, a 13-year-old youth, a drug gang wanna-be, was walking down the streets of Atlanta in broad daylight, and shot to death a father walking with his two children. That murder took place by a 13-year-old, who apparently feels no remorse, from the stories I have read, for what he did because it was part of a gang initiation.

All of these prevention moneys, $4 billion worth, did not prevent that. What we are trying to do, what the people of this country are demanding that we do as reflected in H.R. 3, is to develop programs that provide the States and the Federal Government the flexibility to stop that type of violent crime.

All the prevention moneys in the world are not working. There is a place for prevention. There is a place for this $4 billion, and perhaps more. But let us not lose sight of the forest for the trees. There is a serious problem on the streets of America with violent youth, and we must stop it. H.R. 3 will do that. The amendment will gut the ability of this bill to be effective in meeting those needs. I urge the defeat of the amendment and support of H.R. 3.

Ms. LOFGREN. Mr. Chairman, I yield 30 seconds to my colleague, the gentleman from Tennessee [Mr. FORD].

Mr. FORD. Mr. Chairman, let me briefly say to my colleague, the gentleman from Georgia, what the American people are demanding we do on this issue of crime is to prevent crime, not lock up kids after they have committed the crimes.

Mr. Chairman, and Chairman MCCOLLUM, I applaud the gentleman for his leadership and interest and certainly his convictions on this issue, but let us give these kids a chance. Let us prevent this crime, provide them with meaningful opportunities, show some national leadership on that front, instead of building cell after cell after cell. Tell these young people in this Chamber and in Florida and Tennessee and throughout this Nation that we care. Show them we care about doing the right thing. Support the Lofgren amendment.

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

Mr. Chairman, I think it is important to comment on the frequently repeated claim that we are already spending $4 billion on prevention programs. The YMCA, the Young Men's Christian Association, did a good analysis of that assertion, and concluded that it is actually about $70 million, based on the GAO report. There are a number of other initiatives that actually have very little to do with prevention, and even though the $70 million is really for postcrime intervention, the programs have very little to do with preventing kids from getting into trouble.

I think it is important that we stand up for our future. We all know that there are young people who have done awful things. They need to be held to account for their crimes. Some of them need to be tried as adults. We acknowledge that. But if we do only that, if we do only that, we will never get ahead of the problem of youth violence and crime that besets our communities.

I have heard much about the amendment that will reach us or the prevention bill from the Committee on Education and the Workforce. The authorization available to that committee is $70 million for the entire United States. We are talking here about $1.5 billion. Our priorities are all wrong if we look at only reacting to problems, and never to taking the longer view and preventing problems from occurring.

Mr. Chairman, I recently read a statement from Mark Klaas, whose daughter Polly Klaas was brutally murdered, and I am glad that her murderer received the death penalty which he so richly deserved, but that will not bring back Polly. Mr. Klaas said that building prisons prevents crime about as much as building cemeteries prevents disease.

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

Mr. Chairman, I must oppose the amendment, again. As the gentlewoman knows, there is a bill coming out of the Committee on the Judiciary that is going to provide at least $150

million a year for prevention. There are many other programs we heard demonstrated out here for prevention, and we may have a $500 million a year general block grant program, as we had last year, that could be used for that purpose.

But by the gentlewoman's amendment, she guts the underlying effort of this bill to address an equally important problem, and that is what do we do about the violent youth of this Nation. We have to have the money for juvenile justice and probation officers and detention facilities for them. That is what this bill would provide.

She would require 45 cents on every dollar from this bill to go to something else. We need every penny in this bill for the purpose of juvenile justice, and I urge a no vote on her amendment.

The CHAIRMAN. All time on this amendment has expired.

The question is on the amendment offered by the gentlewoman from California [Ms. LOFGREN].

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

Ms. LOFGREN. Mr. Chairman, on that I demand a recorded vote, and pending that I make a point of order that a quorum is not present.

The CHAIRMAN. Pursuant to House Resolution 143, further proceedings on the amendment offered by the gentlewoman from California [Ms. LOFGREN] will be postponed.

The point of no quorum is considered withdrawn.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to House Resolution 143, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: amendment No. 4 offered by the gentleman from Virginia [Mr. SCOTT]; amendment No. 5 offered by the gentlewoman from California [Ms. LOFGREN].

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 4 OFFERED BY MR. SCOTT

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Virginia [Mr. SCOTT] 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 101, noes 321, not voting 11, as follows:

[Roll No. 114]

AYES—101

Ackerman
Barrett (WI)
Becerra
Berry
Bishop
Blumenauer
Bonior
Brown (CA)
Brown (FL)
Brown (OH)
Carson
Clayton
Clyburn
Conyers
Coyne
Cummings
Davis (IL)
DeFazio
DeGette
Delahunt
Dellums
Ehlers
Ensign
Eshoo
Evans
Farr
Fattah
Flake
Foglietta
Ford
Furse
Gejdenson
Gephardt
Goodling
Gutierrez
Hastings (FL)
Hilliard
Hinchey
Hinojosa
Hooley
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (WI)
Johnson, E.B.
Kanjorski
Kennedy (RI)
Kennelly
Kilpatrick
Kleczka
Klink
LaFalce
Lantos
Lewis (GA)
Lofgren
Martinez
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McNulty
Meek
Millender-McDonald
Miller (CA)
Mink
Moakley
Mollohan
Neal
Oberstar
Obey
Olver
Owens
Pastor
Payne
Pelosi
Rangel
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Scott
Serrano
Skaggs
Slaughter
Stark
Stokes
Stupak
Thompson
Thurman
Tierney
Torres
Towns
Velázquez
Vento
Waters
Watt (NC)
Waxman
Woolsey
Wynn
Yates

NOES—321

Abercrombie
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berman
Bilbray
Bilirakis
Blagojevich
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Borski
Boswell
Boucher
Boyd
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clement
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Cox
Cramer
Crane
Crapo
Cubin
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeLauro
DeLay
Deutsch
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehrlich
Emerson
Engel
English
Etheridge
Everett
Ewing
Fawell
Fazio
Foley
Forbes
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Holden
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
John
Johnson (CT)
Jones
Kasich
Kelly
Kennedy (MA)
Kildee
Kim
Kind (WI)
King (NY)
Kingston
Klug
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Mascara
Matsui
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
Meehan
Menendez
Metcalf
Mica
Miller (FL)
Minge
Molinari
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Nethercutt
Neumann
Ney
Norwood
Nussle
Ortiz
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Paul
Paxon
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Royce
Ryun
Salmon
Sanchez
Sandlin
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Strickland
Stump
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Turner
Upton
Visclosky
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Young (AK)
Young (FL)

NOT VOTING—11

Clay
Costello
Diaz-Balart
Filner
Hefner
Johnson, Sam
Kaptur
McKinney
Northup
Pickering
Schiff

☐ 1416

The Clerk announced the following pair:

On this vote:

Mr. Filner for, with Mr. Diaz-Balart against.

Ms. DELAURO, Mrs. TAUSCHER, and Messrs. DAVIS of Florida, PALLONE, NADLER, MATSUI, FAZIO of California, HOYER, WEXLER, and WEYGAND changed their vote from ''aye'' to ''no.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mrs. NORTHUP. Mr. Chairman, on rollcall No. 114, I was inadvertently detained. Had I been present, I would have voted ''no.''

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Pursuant to the rule, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on each amendment on which the Chair has postponed further proceedings.

AMENDMENT NO. 5 OFFERED BY MS. LOFGREN

The CHAIRMAN. The pending business is the demand for a recorded vote on amendment No. 5 offered by the gentlewoman from California [Ms. LOFGREN] 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 191, noes 227, not voting 15, as follows:

[Roll No. 115]

AYES—191

Ackerman
Allen
Andrews
Baldacci
Barrett (WI)
Becerra
Bentsen
Berman
Berry
Bishop
Blumenauer
Bonior
Borski
Boswell
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Capps
Cardin
Carson
Castle
Clayton
Clyburn
Condit
Conyers
Coyne
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Ensign
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gonzalez
Goodling
Green
Gutierrez
Hall (OH)
Hall (TX)
Harman
Hastings (FL)
Hilliard
Hinchey
Hinojosa
Holden
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (WI)
Johnson, E.B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McIntyre
McNulty
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran (VA)
Morella
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Poshard
Price (NC)
Quinn
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schumer
Scott
Serrano
Shays
Sherman
Sisisky
Skaggs
Skelton
Slaughter
Smith, Adam
Spratt
Stabenow
Stark
Stenholm
Stokes
Strickland
Stupak
Tauscher
Thompson
Thurman
Tierney
Torres
Towns
Turner
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey
Wynn
Yates

NOES—227

Abercrombie
Aderholt
Armey
Bachus
Baesler
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady
Bryant
Bunning
Burr
Burton
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Chabot
Chambliss
Chenoweth
Christensen
Clement
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cramer
Crane
Crapo
Cubin
Cunningham
Danner
Davis (VA)
Deal
DeLay
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fawell
Foley
Forbes
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Greenwood
Gutknecht
Hamilton
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
Johnson, Sam
Jones
Kasich
Kelly
Kim
King (NY)
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lucas
Manzullo
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Molinari
Moran (KS)
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oxley
Packard
Pappas
Parker
Paul
Paxon
Pease
Peterson (PA)
Petri
Pickett
Pitts
Pombo
Porter
Portman
Pryce (OH)
Radanovich
Ramstad
Regula
Riggs
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shimkus
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Stearns
Stump
Sununu
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

NOT VOTING—15

Archer
Blagojevich
Boucher
Buyer
Clay
Costello
Cox
Diaz-Balart
Filner
Hefner
Hooley
Johnson (CT)
McKinney
Pickering
Schiff

□ 1424

The Clerk announced the following pair:

On this vote:

Mr. Filner for, with Mr. Diaz-Balart against.

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mrs. JOHNSON of Connecticut. Mr. Chairman, on rollcall No. 115, the Lofgren amendment, I was unavoidably detained. Had I been present, I would have voted "aye."

PERSONAL EXPLANATION

Ms. HOOLEY of Oregon. Mr. Chairman, during the vote on the Lofgren amendment to H.R. 3, rollcall vote No. 115, I was unavoidably detained in a meeting. Had I been present for the vote, I would have voted "aye."

ANNOUNCEMENT REGARDING AMENDMENTS TO FOREIGN POLICY REFORM ACT

(Mr. SOLOMON asked and was given permission to speak out of order for 1 minute.)

Mr. SOLOMON. Mr. Chairman, the Committee on Rules will be meeting early next week to grant a rule which may limit the amendments to be offered to H.R. 1486, the Foreign Policy Reform Act. Among other things, this bill contains authorizations for the State Department and various foreign aid programs.

Subject to the approval of the Committee on Rules, this rule may include a provision limiting amendments to those specified in the rule. Any Member who desires to offer an amendment should submit 55 copies and a brief explanation of the amendment by noon on Tuesday, May 13, to the Committee on Rules, at room H–312 in the Capitol.

Amendments should be drafted to the text of a bill as reported by the Committee on International Relations. The bill and report are to be filed tomorrow, and until such time as the text is available in the document room, it will be available in the Committee on International Relations, if Members want to get the bill there.

Just summarizing, Mr. Chairman, Members should use the Office of Legislative Counsel to ensure that their amendments are properly drafted and should check with the Office of the Parliamentarian to be certain that their amendments comply with the rules of the House.

The CHAIRMAN. It is now in order to consider amendment No. 6 printed in House Report 105–89.

AMENDMENT NO. 6 OFFERED BY MR. MEEHAN

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. MEEHAN: Add at the end the following:

TITLE —SPECIAL PRIORITY FOR CERTAIN DISCRETIONARY GRANTS

SEC. . SPECIAL PRIORITY.

Section 517 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by adding at the end the following:

''(c) SPECIAL PRIORITY.—In awarding discretionary grants under section 511 to public agencies to undertake law enforcement initiatives relating to gangs, or to juveniles who are involved or at risk of involvement in gangs, the Director shall give special priority to a public agency that includes in its application a description of strategies, either in effect or proposed, providing for cooperation between local, State, and Federal law enforcement authorities to disrupt the illegal sale or transfer of firearms to or between juveniles through tracing the sources of crime guns provided to juveniles.''.

The CHAIRMAN. Pursuant to House Resolution 143, the gentleman from Massachusetts [Mr. MEEHAN] and a Member opposed will each control 5 minutes.

The Chair recognizes the gentleman from Massachusetts [Mr. MEEHAN].

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

Mr. Chairman, my amendment states that once the Director of the Bureau of Justice Assistance decides to make Byrne discretionary grants available on a competitive basis to public agencies for antigang law enforcement initiatives, she must give special priority to those agencies that have proposed, in their applications already implemented, strategies tracing the sources of those guns provided to juveniles.

We all know too well the problem of juvenile gun violence. Specifically, virtually all of the striking increase in the juvenile homicide rate between 1987 and 1994 was associated with guns. A 1993 survey of male students in 10 inner city public schools revealed that 65 percent of those surveyed thought it would be no trouble at all to get their hands on a gun. An ex-gang member from Minnesota recently stated that for teenagers, acquiring guns is as easy as ordering pizza.

The evidence is clear, thanks to both big-time interstate gun runners and small-time black market dealers, juveniles have easy access to guns and are using them to kill one another. Over the past few years, the city of Boston has shown us a way to make a serious dent in the illicit gun sales to juveniles and thus cut down on deadly youth violence.

The Boston gun project began with a simple idea: If we want to stop kids from shooting each other, we have to get the guns out of their hands.

□ 1430

This meant that when police recovered guns from juveniles during or after the commission of a crime, they could no longer afford to lock these guns away as evidence and forget about them. Instead, the police were called upon to work with State and Federal law enforcement agencies to trace the source of these guns. This commonsense policy yielded striking results.

For example, in their gun tracing efforts, police found guns being used by gang members in one Boston neighborhood all originated from Mississippi. They were purchased there by one neighborhood student who transported those guns to Boston for illegal sales in the neighborhood. When that student was arrested, the shootings in the neighborhood declined from 91 in 5 months to the arrest of 20 in the following 5-month period. Indeed, the Boston gun project was a critical component that has achieved once unthinkable results.

Mr. Chairman, my amendment seeks to encourage the widespread adoption of a law enforcement strategy that clearly works. My amendment requires that when the BJA decides on its own to do this, it should give special priority to the applicants, the public agencies, where they have implemented these proposals pursuant to a crime gun tracing in cooperation with State and Federal law enforcement officials.

Mr. Chairman, crime gun tracing will keep guns out of the hands of our children. If we want to stop kids from shooting one another, we have to attack the supply of the gun market. I urge my colleagues from both sides of the aisle to assist in this amendment.

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

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

Mr. MCCOLLUM. Mr. Chairman, I want to support the gentleman's amendment, and I want to make sure that I am right about a couple of things so my colleagues understand it.

I am correct, am I not, that this amendment does not criminalize any activity nor does it propose to create any new crimes; is that correct?

Mr. MEEHAN. The gentleman is correct.

Mr. MCCOLLUM. Also, my understanding is all the gentleman is really doing, and I think it is a very important thing, is instructing the Bureau of Justice Assistance to give priority for Byrne discretionary grants to those public agencies which propose cooperative strategies to disrupt the illegal sale of firearms to juveniles; is that correct.

Mr. MEEHAN. The gentleman is correct.

Mr. MCCOLLUM. That is what it does. It is a very simple measure, but I think it is a very important one. The purpose is good. We ought to have a bipartisan, cooperative, a full ''aye'' vote for the Meehan amendment. I strongly support it. I thank the gentleman for yielding.

Mr. MEEHAN. I thank the gentleman from Florida for his cooperation on this amendment.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts [Mr. MEEHAN].

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 7 printed in House Report 105–89.

AMENDMENT NO. 7 OFFERED BY MS. DUNN

Ms. DUNN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 7 offered by Ms. DUNN:

Add at the end the following new title:

Title —GRANT REDUCTION

SEC. 01. PARENTAL NOTIFICATION.

(a) GRANT REDUCTION FOR NONCOMPLIANCE.—Section 506 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by adding at the end the following:

''(g) INFORMATION ACCESS.—

''(1) IN GENERAL.—The funds available under this subpart for a State shall be reduced by 20 percent and redistributed under paragraph (2) unless the State—

''(A) submits to the Attorney General, not later than 1 year after the date of the enactment of the Juvenile Crime Control Act of 1997, a plan that describes a process to notify parents regarding the enrollment of a juvenile sex offender in an elementary or secondary school that their child attends; and

''(B) adheres to the requirements described in such plan in each subsequent year as determined by the Attorney General.

''(2) REDISTRIBUTION.—To the extent approved in advance in appropriations Acts, any funds available for redistribution shall be redistributed to participating States that have submitted a plan in accordance with paragraph (1).

''(3) COMPLIANCE.—The Attorney General shall issue regulations to ensure compliance with the requirements of paragraph (1).

The CHAIRMAN. Pursuant to House Resolution 143, the gentlewoman from Washington [Ms. DUNN] and the gentleman from Virginia [Mr. SCOTT] will each control 5 minutes.

The Chair recognizes the gentlewoman from Washington [Ms. DUNN].

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

Mr. Chairman, today I and my colleagues from New Jersey and California offer the Dunn-Pappas-Cunningham amendment to the Juvenile Crime Control Act of 1997. This week as the trial of Megan Kanka's accused killer begins, we are reminded how important it is to have a process in place that will ensure that communities will be notified when a violent sexual predator is released.

We offer today, Mr. Chairman, an amendment to take Megan's Law one prudent step further. Our amendment will require States to submit a plan to the U.S. Attorney General describing a process by which parents will be notified when a juvenile sex offender is released and readmitted into a school system.

Some of our colleagues may wonder why notification under Megan's Law is not enough. Mr. Chairman, sometimes our schools include students from a variety of communities. Community notification, therefore, will not reach some of the parents of these children. Without this knowledge, parents would not be able to take the necessary precautions to protect their children from being victims of a possible reoffense.

It would be wrong and very possibly tragic, Mr. Chairman, to put juvenile sex offenders back into the school system without notifying the parents of the other students. We offer this amendment to H.R. 3 to complement Megan's Law and empower parents whose children attend schools outside their communities, as well as those whose children go to neighborhood schools.

We simply cannot let what happened to Megan Kanka happen again, not in any community and especially not on a playground during recess.

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

Mr. SCOTT. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, I want to read portions of a letter from the National Center for Missing and Exploited Children. They indicate in their letter, as Congress is well aware, juvenile offenses

are increasing and the current means of addressing these offenders is inadequate for public safety purposes.

However, it is also consistently demonstrated by treatment clinicians and research academics that juvenile offenders, if given the proper treatment and supervision, are the most amenable to long-term rehabilitation efforts. NCMEC has always supported the efforts of the treatment community to identify and contain these individuals at an early age, in an effort to assist these young offenders to turn their lives around and become positive, participating members of society.

This legislation fails to recognize that not all offenders are the same. A violent 17-year-old serial rapist is a different character from a confused, perhaps abused 10-year-old involved in weekly therapy sessions. I might point out, Mr. Chairman, that 17-year-old serial rapists are already treated as adults in every State, and they would be covered by Megan's Law.

This proposal would no doubt interfere with the treatment of these young and most amenable offenders. The more violent repetitive offenders must be addressed, but not at the cost of the less dangerous youths.

Mr. Chairman, they go on to say that this proposed legislation would make no distinction between violent, repetitive youthful offenders and first-time, confused, treatable offenders, and raises constitutional considerations.

They also say that it would make school situations more difficult for victims of abuse. Since most juvenile offenders offend against members of their own nuclear or extended family, the schoolhouse spotlight would further implicate the victims as questions are raised and accusations are made. Furthermore, many families would not report offenses committed by children they knew or were part of their family if it meant automatic notification of the entire student body.

For these reasons, Mr. Chairman, I think we should oppose this amendment.

Ms. DUNN. Mr. Chairman, will the gentleman yield?

Mr. SCOTT. I yield to the gentlewoman from Washington.

Ms. DUNN. I do want to answer the gentleman's question, Mr. Chairman, and be very clear that this amendment neither sets the scope of notification nor the degree of risk that would necessitate notification. What we request is a report to the U.S. Attorney General on how the State intends to notify. It would give the States the flexibility to determine that process, which students would be potential threats as they return into the school system and how to notify parents of that threat.

Mr. SCOTT. Mr. Chairman, reclaiming my time, I would point out that those who are serious offenders are routinely treated as adults in every State. If it is a juvenile conviction, Mr. Chairman, we have no idea what they may have been convicted for, even a 10-year-old kissing a classmate. Those are the kinds of things that would get wrapped up in it.

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

Ms. DUNN. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. CUNNINGHAM] who has been very involved in the community notification for sexual predators beginning with our successful effort to get Megan's law into the crime bill of 1994.

Mr. CUNNINGHAM. Mr. Chairman, one minute on a subject like this that is so critical, I think, to the future is by far not enough and we spend two days on an open rule on housing and in something like this that affects our children.

I would like to thank the gentlewoman from Washington. We have just seen two little girls, sisters, that were dumped in a river. We just saw a little girl last month that was found under a pile of rocks. And Megan in New Jersey, and in California. The highest recidivism rate they have, whether it is a juvenile or a senior, is in the sexual abuse area.

I have two daughters. I do not care if it is a date rape, if they are on a college level or if it happens, God forbid, what happened to these little girls. It is about time, Mr. Chairman, that we support the victims instead of quit trying to protect the guilty and the lawbreakers.

Ms. DUNN. Mr. Chairman, I yield 1 minute to the gentleman from New Jersey [Mr. PAPPAS] who represents the county in which Mr. and Mrs. Kanka, parents of Megan Kanka, live and who has contributed a great deal to this debate.

Mr. PAPPAS. I thank the gentlewoman for yielding me this time.

Mr. Chairman, New Jersey has been witness to the tragic results of a judicial system that failed to adequately protect its citizens. The tragedies of Megan Kanka and Amanda Weingart are daily reminders that no community is safe from the scourge of sex offenders.

Amanda Weingart was killed by a convicted juvenile sex offender who was her neighbor. She was left alone with this man because no one was aware of his juvenile sex offense record, a record that was kept private, part of a system that is more concerned about protecting criminals' rights than children's rights. The entire State of New Jersey was devastated by this murder and the tragic murder of Megan Kanka a few months later.

I wholeheartedly support the gentlewoman from Washington [Ms. DUNN] and her continued leadership on tough crime legislation that cracks down on sex offenders. This amendment puts children first. Parents have the right to know how best to protect their children. We need to pass this amendment so that no family has to endure the tragedies that have been suffered by the Kankas and the Weingarts.

Mr. SCOTT. Mr. Chairman, I yield 1½ minutes to the gentlewoman from Colorado [Ms. DEGETTE].

Ms. DEGETTE. Mr. Chairman, I must say I am a little puzzled about this amendment, because I support notification when sex offenders are released. I was the original cosponsor of Megan's law in Colorado.

My concern, though, is when we have a requirement that the parents be notified directly in this situation rather than the school officials. I am concerned about innocent people mistakenly being identified and neighbors or parents having some kind of vigilantism.

So I guess I would have a question for the sponsor: If States promulgated laws which notified school officials and then they could decide how to notify the parents, would that be acceptable and make the States eligible for the Byrne grant funding under this amendment?

If so, I will support the amendment. If not, I think it could encourage vigilantism which could even be worse for students, innocent students, if the parents were directly notified and a student had erroneously been identified as a sex offender.

Ms. DUNN. Mr. Chairman, will the gentlewoman yield?

Ms. DEGETTE. I yield to the gentlewoman from Washington.

Ms. DUNN. Mr. Chairman, we believe, to answer the gentlewoman's question, that juvenile sex offenders present a unique danger to other youth. First of all, in a school, juvenile offenders are in constant contact with other children who are potential victims on a daily basis. In a community, individuals and families can avoid all contact.

Second, a system to prevent sexual crimes against children must be developed immediately. As I have said previously to the gentleman from Virginia, this notification is up to the freedom of the State. All they have to do is submit the plan and let the U.S. Attorney General know.

□ 1445

Ms. DUNN. Mr. Chairman, I yield 30 seconds to the gentleman from Florida [Mr. MCCOLLUM], the subcommittee chairman, who has been a great supporter.

Mr. MCCOLLUM. Mr. Chairman, I want to say I strongly support the gentlewoman's amendment, and I applaud her efforts to assure the communities are notified when convicted sexual predators move into neighborhoods. She has done it with Jacob Wetterly, she has done it with the Megan's Law, she is doing it here again today.

I do have some reservations of a technical nature which I think we can correct in conference, which the gentlewoman and I have discussed. The amendment is a good amendment though. It should be supported today. It further improves the laws on notification, and I do not think the objections I have heard deserve a no vote. I

think she deserves a yes vote, and I encourage it.

Ms. DUNN. I yield myself the balance of the time, Mr. Chairman. How much time do I have remaining?

The CHAIRMAN. The gentlewoman from Washington [Ms. DUNN] has 1 minute remaining, and the gentleman from Virginia [Mr. SCOTT] has 30 seconds remaining.

Ms. DUNN. Mr. Chairman, I yield myself the balance of the time.

A few additional facts:

According to the Department of Justice, the total number of arrests of juvenile offenders in 1995 was over 16,000 in this Nation, and I believe we are compelled to put a system in place that will prevent possible reoffense.

Let me offer some facts from a study that was published by the Washington State Institute for Public Policy. It is very deeply disturbing.

Juveniles who recommitted sexual offenses continue to offend against children. The sexual recidivists were arrested for new offenses very soon after they had been let out of institutions. In Washington State alone 716 juveniles are registered as sex offenders and are under State or county supervision. These juveniles either attend school or work. This number, moreover, does not reflect the number of juveniles who are no longer under supervision. These two studies and the statistics alone give us reason enough to implement immediately a process of parental notification.

Mr. Chairman, the whole intention behind all our work on Megan's Law was to protect innocent women and children from sexual predators. All this amendment does is require each State to submit the method by which it will notify parents, a simple refinement of the work we have done.

I encourage Congress to pass this amendment.

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

Mr. SCOTT. Mr. Chairman, I yield the balance of the time to the gentleman from Indiana [Mr. BUYER].

The CHAIRMAN. The gentleman from Indiana is recognized for 30 seconds.

Mr. BUYER. Mr. Chairman, I thank the gentleman from Virginia [Mr. SCOTT] for yielding this time to me.

I have grave reservations about this. I applaud the gentlewoman for all of her work on child notification, but I find myself involved in investigation of sexual misconduct in the military and now sexual misconduct, fraternization and sexual harassment in the VA. The victims are very real here.

Let us not get lost in the high weeds. The juvenile justice system is about rehabilitation, also. So when my colleagues talk about the exploration of sex and first-time experiences, let us not forget about victims of potential sexual offenses while they are also juveniles and the further exploitation and the fear of these now children victims in being able to come forward.

So I have some very strong concerns, and I think the letter that was referred to from the National Center for Missing and Exploited Children in not supporting the legislation as written should be taken with great notice and this should be corrected in conference.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentlewoman from Washington [Ms. DUNN].

The question was taken; and the chairman announced that the ayes appeared to have it.

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

The CHAIRMAN. Pursuant to House Resolution 143, further proceedings on the amendment offered by the gentlewoman from Washington [Ms. DUNN] will be postponed.

It is now in order to consider amendment No. 8 printed in House Report 105–89.

AMENDMENT NO. 8 OFFERED BY MR. MCCOLLUM

Mr. MCCOLLUM. 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. MCCOLLUM:

Page 4, line 21, strike ''public safety'' and insert ''justice''.

Page 22, beginning in line 4, strike ''Director of Bureau of Justice Assistance'' and insert ''Attorney General''.

Page 24, beginning in line 12, strike ''Director'' and insert ''Attorney General''.

Page 24, line 14, strike ''Director'' and insert ''Attorney General''.

Page 27, lines 10, 12, and 16, strike ''Director'' and insert ''Attorney General''.

Page 28, beginning in line 7, and in line 19, strike ''Director'' and insert ''Attorney General''.

Page 31, lines 5, 12, 16, 19, 22, strike ''Director'' each place it appears and insert ''Attorney General''.

Page 32, lines 4, 10, 11, 13, beginning in line 15, and on line 19, strike ''Director'' and insert ''Attorney General''.

Page 34, line 2, strike ''Director'' and insert ''Attorney General''.

Page 36, strike lines 3 through 4 and insert the following:

'''(7) The term 'serious violent crime' means murder, aggravated sexual assault, and assault with a firearm.

Page 36, lines 15 and 19, strike ''Director'' and insert ''Attorney General''.

Page 22, line 14, after ''expanding'' insert '', renovating,''.

Page 22, line 16, before the semicolon insert '', including training of correctional personnel''.

Page 32, line 1, strike ''90'' and insert ''180''.

Page 32, line 24, strike ''one'' and insert ''10''.

The CHAIRMAN. Pursuant to House Resolution 143, the gentleman from Florida [Mr. MCCOLLUM] and a Member opposed will each control 5 minutes.

Mr. SCOTT. Mr. Chairman, as a Member of the committee I will ask for the time in opposition, although I am not in opposition.

The CHAIRMAN. The gentleman from Virginia [Mr. SCOTT] will be recognized for 5 minutes.

The Chair recognizes the gentleman from Florida [Mr. MCCOLLUM].

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

This manager's amendment contains small but helpful changes to H.R. 3. Most of them have been requested by the administration.

The first change, requested by the Justice Department, modifies the basis for a Federal prosecutor's determination not to prosecute a violent juvenile as an adult in the Federal system. Currently, Title I of H.R. 3, which strengthens the Federal juvenile justice system, provides that a juvenile alleged to have committed a serious violent felony or a serious drug offense does not have to be prosecuted as an adult if the prosecutor certifies to the court that the interests to public safety are best served by proceeding against the juvenile as a juvenile. This is why those who say that H.R. 3 mandates prosecution of 14-year-olds for certain crimes are mistaken.

This amendment would change the basis for such a determination from the interests of public safety to the interests of justice. This change will provide the prosecutor with even more flexibility in making this important determination while ensuring that considerations of public safety are still included.

The second change that this amendment would make to H.R. 3 has also been requested by the Department of Justice. It would assign responsibility for administering the accountability incentive grant program to the Attorney General rather than to the Director of the Bureau of Justice Assistance. This change would provide the Attorney General greater flexibility in determining which office within the department should administer the program. This change would enable the department to insure that the program is expeditiously implemented and efficiently managed.

The third change made by this amendment is to define the term ''serious violent crime'' as it appears in title III of the bill. One of the requirements of the accountability incentive grant program of title III is that States allow prosecutors to make the decision of whether to prosecute a juvenile who has committed a serious violent crime as an adult. This amendment would define the term ''serious violent crime'' narrowly so as to include only murder, aggravated sexual assault and assault with a firearm. By explicitly limiting the term to these serious offenses, the likelihood of any problem associated with different State definitions is kept to a minimum.

This amendment also includes a provision that my friend from Indiana and a member of the committee, the gentleman from Indiana [Mr. PEASE], has worked on. This provision would explicitly provide that grant funds received under title III could be used not merely to build, expand or operate juvenile correction detention facilities,

but also to renovate such facilities and to train correctional personnel to operate such facilities. This provides additional flexibility to States and localities seeking to increase and make better use of their juvenile facilities.

Finally, the amendment increases the period of time provided for the Department of Justice to make grant awards from 90 to 180 days as requested by the Department. This establishes a more realistic timeframe for grants, for getting the grant funds out to the States and localities.

In my view, Mr. Chairman, this amendment is noncontroversial and makes a better bill, and I urge my colleagues to support it.

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

Mr. SCOTT. Mr. Chairman, I yield 4½ minutes to the gentlewoman from Texas [Ms. JACKSON-LEE].

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the gentleman very much for yielding this time to me and appreciate the vigorous debate that we have had and his leadership on these issues.

I simply want to acknowledge that this manager's amendment is one that obviously, with the corrections that are being made, those of us who attempted first to have a bipartisan bill in H.R. 3 are glad for these particular technical corrections, and I thank the gentleman from Florida [Mr. MCCOLLUM] for them.

If he would allow me, I do want to acknowledge before asking to enter into a colloquy with him, and if he would suffer my disagreement on some aspects, if he would, that I was hoping that we might have been able to add a very important provision dealing with requirement on trigger locks. This I know the gentleman from Florida does not agree with, and I am not certainly asking him to respond to this. This would have been an appropriate place to add the Federal requirement that federally licensed firearm dealers provide a child safety lock with each firearm sold. I say that because 80 percent of Americans have agreed with that policy. It is only the National Rifle Association that disagrees.

Having said that, let me thank the gentleman from Florida [Mr. MCCOLLUM], as I said, for these manager corrections and particularly thank him for working with me on protecting those youth who may be housed in an institution that may have adults. We have discussed the fact that this bill in fact does not change current law, which does allow children and adults be housed together. Amendments that were proposed and were not accepted would have eliminated that danger. But I do appreciate the gentleman's interest in an amendment that I offered that had to do with the penalty for an adult that rapes a juvenile who may be incarcerated in the vicinity or in the facility of that adult.

I would like to engage the gentleman from Florida [Mr. MCCOLLUM] in a colloquy on two points, and that is the penalty for rape of juveniles in prison, and I would ask the gentleman the ability to work together with him to ensure that this provision might work its way into this legislation.

Mr. MCCOLLUM. Mr. Chairman, would the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I yield to the gentleman from Florida.

Mr. MCCOLLUM. Mr. Chairman, the gentlewoman knows I tried to put this in the manager amendment. I think having this penalty for rape by a corrections guard in a prison is a very important amendment, and enhances the penalties for that, but unfortunately the Committee on Rules determined that that would open the scope of the whole bill if it were adopted to a lot more amendments than would otherwise be permitted on a variety of subject matters.

So I will work with the gentlewoman in conference. Hopefully, we can get this into this bill and maybe into an other piece of legislation, but I strongly support that provision, and I hope we can get it through, and we will work for it.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the gentleman from Florida, and let me just quickly say that, unfortunately, we had a situation where a young person was put in for a truancy offense. This goes to my housing juveniles with adults, existing law that I would like to change, and this bill does not, and that individual ultimately committed suicide. I hope that we prospectively can look at those issues, but moving from that let me also raise with my colleague very quickly:

As the gentleman well knows I filed the Hillory J. Farias Date Rape Prevention Act. I appreciate the discussion we had in the committee. We were not able to get this legislation in this particular bill. In fact, I think that is good, because it is important to have this issue aired. This young lady would have graduated this year. She is now dead for the DHB drug. We have determined that there is no medically redeeming quality to this drug and DEA has confided, or at least affirmed that is the case. I would like to engage the gentleman in a very brief colloquy about the opportunity to have hearings and to see the devastating impact of the DHB so that this can pass.

Mr. MCCOLLUM. Mr. Chairman, if the gentlewoman would yield, I fully intend to hold hearings on this and a number of other Members' bills. It is my intent as the chairman of the subcommittee to hold a number of our bills before hearings that Members have, including the one the gentlewoman has proferred here tonight that she is talking about, and that will occur over the next few months as we get to Members' individual bills.

So I look forward to the hearing on it. I do not know my position on the bill yet, but I will certainly anticipate holding a hearing on it and giving the gentlewoman every opportunity to convince me and others that this is the measure we should adopt. I understand it is a serious problem, and we certainly should look at the bill.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I think the Hillory J. Farias bill will get the gentleman's attention, and I thank him very much as chairman.

Mr. SCOTT. Mr. Chairman I yield myself the balance of the time.

The CHAIRMAN. The gentleman from Virginia is recognized for 30 seconds.

Mr. SCOTT. Mr. Chairman, as the gentlewoman from Texas has indicated, we would have liked other amendments, but these amendments are clearly technical and clarifying, and I would ask the House to support this manager's amendment.

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

Mr. MCCOLLUM. Mr. Chairman, may I inquire what amount of time I have left?

The CHAIRMAN. The gentleman from Florida [Mr. MCCOLLUM] has 2 minutes remaining, and the gentleman from Virginia [Mr. SCOTT] is out of time.

Mr. MCCOLLUM. Mr. Chairman, I yield myself the balance of the time, and I appreciate very much, I want to take this opportunity to say this, I appreciate very much the opportunity to work with the gentleman from Virginia [Mr. SCOTT] as well as the gentleman from New York [Mr. SCHUMER] and all of the members of the subcommittee on both sides of the aisle.

In crafting the bill that is before us today, the manager's amendment I know is not controversial. I do not expect a recorded vote on it. We have outlined it already. But I would like to take the remaining few seconds to finally express and summarize what is in this bill, and I know the bill does not contain everything everybody wants. There are a lot of other things we need to do to fight juvenile crime that are not in this bill, and it has been understood from the beginning by me and by those of us who support it. But the bill is a solid good product and it deserves my colleagues' support.

It is a bill that will go a long way to correcting a collapsing, failing juvenile justice system in this Nation. Unfortunately, one out of every five violent crimes in the country are committed by those under 18, and we only put in detention or any kind of incarceration 1 out of every 10 juveniles who are adjudicated or convicted of violent crimes.

Now we have an overwhelming number coming aboard as the demographics change. The FBI estimates doubling the number of teenage violent crimes if we do not do something about them in the next few years. Most of this is State. We are dealing with both Federal and State in this bill, and we are encouraging through an incentive grant program States to take those steps, including sanctions from the

very early, very first delinquent act, that are necessary to try to keep some of these kids through the juvenile justice system from progressing further and committing these violent crimes ultimately.

We want them to understand there are consequences to their acts and, even when they throw a brick through a window, run over a parking meter or spray paint a building, they should get at least community service or some kind of sanction. It is terribly important. That is what this bill would encourage States to do and provide a pot of money for the States to improve their juvenile justice systems by hiring more probation officers, juvenile judges, building more detention facilities and the like.

It is not a comprehensive juvenile crime bill. There are other pieces of this to come later, but it is a very comprehensive approach to correcting a broken, flawed, failed juvenile justice system throughout the United States, and I urge my colleagues in the strongest of terms to vote for the final passage of H.R. 3.

□ 1500

The CHAIRMAN. All time on the amendment has expired.

The question is on the amendment offered by the gentleman from Florida [Mr. MCCOLLUM].

The amendment was agreed to.

AMENDMENT NO. 7 OFFERED BY MS. DUNN

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentlewoman from Washington [Ms. DUNN] 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 398, noes 21, not voting 14, as follows:

[Roll No. 116]

AYES—398

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boyd
Brady
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Callahan
Calvert
Camp
Canady
Cannon
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dellums
Deutsch
Dickey
Dicks
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fazio
Flake
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McNulty
Meehan
Meek
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Molinari
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paul
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Stabenow
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Traficant
Turner
Upton
Velazquez
Vento
Visclosky
Walsh
Wamp
Watkins
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NOES—21

Becerra
Buyer
Campbell
Conyers
Dingell
Fattah
Foglietta
Gilman
Greenwood
Hastings (FL)
Hinchey
McDermott
Rangel
Sabo
Scott
Stark
Stokes
Towns
Waters
Watt (NC)
Yates

NOT VOTING—14

Boucher
Capps
Clay
Costello
Diaz-Balart
Fawell
Filner
Hefner
Kasich
McKinney
Paxon
Pickering
Schiff
Spratt

□ 1518

Mr. HASTINGS of Florida changed his vote from ''aye'' to ''no.''

Messrs. GIBBONS, HOEKSTRA, and MCDADE changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. CAPPS. Mr. Chairman, earlier today the House voted on rollcall No. 116, the Dunn amendment to the Juvenile Justice Act. Because of a voting machine malfunction, my vote was not recorded. I wish the record to reflect that I attempted to vote in favor of this amendment.

The CHAIRMAN. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

Mr. HYDE. Mr. Chairman, I rise in strong support of H.R. 3, the Juvenile Crime Control Act of 1997. H.R. 3 gets tough on the No. 1 public safety problem in America—juvenile crime. It attacks the key problem with the juvenile justice system in America—its failure to hold all juvenile criminals accountable for their offenses.

Our Nation's juvenile justice system is completely dysfunctional and badly in need of reform. Remarkably, most juveniles receive no punishment at all. Nearly 40 percent of violent juvenile offenders who come into contact with the system have their cases dismissed—and only 10 percent of these criminals receive any sort of institutional confinement.

By the time the courts finally lock up an older teen on a violent crime, the offender often has a long rap sheet with arrests starting in the early teens. Juveniles who vandalize stores and homes—or write graffiti on buildings—rarely come before a juvenile court. Kids don't fear the consequences of their actions because they are rarely held accountable.

How did we let this happen? First, there isn't enough detention space for juvenile criminals. Second, there are not enough alternative punishments. And third, there are still too many well intended but mistaken judges who view juvenile criminals as merely children in need of special care.

Now, here's the really bad news. Experts say that juvenile arrests for violent crimes will

more than double by 2010. The FBI predicts that juveniles arrested for murder will increase by 145 percent; forcible rape arrests will increase by 66 percent; and aggravated assault arrests will increase by 129 percent. In the remaining years of the decade and throughout the next, America will experience a 31-percent increase in the teenage population—as children of baby boomers come of age. In other words, we are going to have a surge in the population group that poses the biggest threat to public safety.

H.R. 3 would establish a Federal model for holding juvenile criminals accountable through workable procedures, adult punishment for serious violent crimes, and graduated sanctions for every juvenile offense. The bill directs the Attorney General to establish an aggressive program for getting gun-wielding, repeat violent juveniles off the streets.

H.R. 3 also encourages the States, with incentive grants for building and operating juvenile detention facilities, to punish all juvenile criminals appropriately. Punishing juvenile criminals for every offense is crime prevention. When youthful offenders face consequences for their wrongdoing, criminal careers stop before they start. H.R. 3 encourages States to provide a sanction for every act of wrong doing—starting with the first offense—and increasing in severity with each subsequent offense, which is the best method for directing youngsters away from a path of crime while they are still amenable to such encouragements.

I should emphasize that H.R. 3 is part of a larger legislative effort to combat juvenile crime. The prevention funding in the administration's juvenile crime bill falls under the jurisdiction of the Committee on Education and the Workforce. That committee will be bringing forth a juvenile crime prevention bill within the next several weeks. It is my hope that a bipartisan agreement will be reached that funds $70 to $80 million in new prevention block grants to the States—these grants will target at-risk and delinquent youth. In addition, that bill will be a small but significant part of the more than $4 billion that the Federal Government will spend this year on at-risk and delinquent.

Accountability and prevention are not mutually exclusive. We need to restore the foundation of our broken juvenile justice system by holding young offenders accountable for their crimes, and we need to invest in prevention programs that work. I believe that this dual approach will put a real dent in juvenile crime across the Nation.

H.R. 3 addresses the crisis of juvenile crime in America today by establishing model procedures for prosecuting juveniles and by giving significant incentives to the States to fix their juvenile justice systems.

I urge you to support this bill and begin the process of repairing America's collapsed juvenile justice system.

Mr. GEPHARDT. Mr. Chairman, I strongly support this Democratic amendment to the Juvenile Crime Control Act because it accomplishes what the Republican bill does not: It heeds the cry of law enforcement officers who are asking for help at the local level, in the precinct and on the beat, and it adheres to the values that make our communities safe and our families strong. It provides the resources to those who are on the front lines of law enforcement, at the local level: the police officer, district judges, and DA's and community leaders who are rallying together to stop the scourge of gang violence and drugs in their streets. It confronts the tragedy of juvenile crime through a balanced approach of tough enforcement and smart intervention and prevention.

The Republican bill is weak on crime because it starts at the jail-house door. The bill that Republicans present to us today fails on several accounts: It is extreme in treating children as adults in the Federal juvenile justice system—it offers no assistance to local law enforcement unless they get in line with the new federalism forced on local jurisdictions as proscribed by Republican criteria—and, finally, it is unbalanced because it ignores what law-enforcement officials have been telling us for years: if you want to curb juvenile crime, you've got to be tough, you've got to be fair, and you've got to be hands-on, child-by-child to intervene before they experiment with drugs and join gangs and prevent them from becoming another fatality of a justice system that has been designed by political sound-byte rather than a smart and effective anticrime strategy.

The first question we have to ask ourselves, as a society, as parents, as human beings, is this: Do we want a system of justice that places the highest premium on warehousing juvenile offenders, in jails which propagate further criminal behavior, or do we want to provide local communities and law enforcement with the ability to put in place the mechanisms to help us as a society, deal with the reasons that lead our kids to use drugs and join gangs, because they have grown up in a situation where they have nowhere else to turn?

It ignores what is going on with our kids. Every day in America, 5,711 juveniles are arrested—more than 300 children are arrested for violent crimes. Every day, more than 13,000 students are suspended from public schools and more than 3,300 high school students drop out altogether. Drug use is on the rise for 13 to 18-year-olds, violent gang-related crimes are being committed by hardened juvenile criminals, and teen pregnancy is still a major problem. But I would argue that these are indirect social costs of something deeper and more pervasive that is going on. When you consider what is happening to our communities and the family, when you consider that there are no safe havens for many kids who are literally growing in communities that are under fire from gang activity and drug trafficking, you come to a different place in this debate.

At a time when child care experts are telling us that the formative years of a child's life determines whether that child will be well-balanced or emotionally challenged for the remainder of his or her life, we need to pay attention to the environment in which our children are growing up in: Kids go to schools shadowed by hunger because they haven't had a proper breakfast, they are sent to second-rate, crumbling schools that are dangerous to their health and contrary to a positive learning environment, they go home each night in many cases without adult supervision are left to fend for themselves. And the younger kids are often left in understaffed day-care facilities that operate like kennels.

Our kids need to learn responsibility and respect. They need to learn how to make smart, good choices in a world full of bad ones. But how can they when all of the odds are stacked against them? We can't afford to play these odds any more—our children, our futures are at stake.

This is not about codding hardened criminals that lack a conscience and who take it out on innocent people who happen to be in the wrong place at the wrong time. This is not about giving a break to children because they are children, when they are killing other children. This is about giving the people who must apprehend, prosecute, and sentence these juveniles—the ability to hold these children accountable for their actions, and giving them a choice in how they will do that. This gives communities the ability to get to these kids before they ruin their lives and the lives of those around them. This gives families the means to prevent their kids from becoming both the victims of as well as the perpetrator of crimes, this gives kids the opportunity to choose another path.

We call for a zero-tolerance policy toward gang activity. We taught juvenile delinquents who commit violent crimes and crimes involving firearms. We provide resources for local communities to hire more police to prevent juvenile crime, more drug intervention efforts to provide drug treatment, education, and enforcement. And we provide resources to localities to set up antigang police units and task forces.

When Democrats first designed this approach in our families first agenda last year, we talked to the people who are most affected by crime: Average working families in neighborhoods all across this great Nation. They told us this is what they wanted to help them deal locally with the threats that face them and their children. Let us give the people what they are asking for today, let us give them a balanced approach to juvenile justice, give us your vote on the Stupak-Stenholm-Lofgren-Scott substitute.

Ms. DEGETTE. Mr. Chairman, I would like to qualify my vote for Representative DUNN's amendment to H.R. 3, the Juvenile Crime Control Act of 1997. Representative DUNN has advised me that it is her intention that her amendment would allow States to develop plans which provide for the notification of school officials of the presence of juvenile sex offenders, and for those officials to appropriately inform parents. States with plans such as this would qualify for the Byrne grant funds.

I support appropriate notification of communities when sex offenders are released but I

am also concerned that direct notification of parents could cause vigilantism. The rationale behind notification is to provide for the safest environment to the community. Providing this information, without context or supervision by school officials, could undermine the intended results.

An example of the unfortunate circumstances that this amendment could lead to happened quite recently. In Manhattan, KS, the completely innocent Lumpkins family was unfairly victimized by their community when a list of sexual offenders in the area included their address. People threw rocks at their home and their daughter was harassed by neighbors. The Kansas Bureau of Investigation admitted it was an easy mistake to make.

In schools, similar vigilante action would be prevented by notification of official and development by the school of guidelines for the method and details of parents suitable to the situation.

Mr. STOKES. Mr. Chairman, I rise in strong opposition to H.R. 3, the Juvenile Crime Control Act of 1997. Let me state from the beginning that I recognize the challenge we face in curbing crime in our Nation. In fact, I have been a longstanding advocate for strong congressional action to reduce and prevent violence and crime. Nonetheless, I cannot support crime control measures which compromise our commitment to preventative or rehabilitative strategies for our Nation's most valuable resource, our children. Therefore, I must oppose this measure before us today.

Mr. Speaker, the stated objective of the Juvenile Crime Control Act of 1997 is to revise provisions of the Federal criminal code to permit Federal authorities to prosecute juveniles, as young as 13 years of age, as adults. It is my belief that our judicial system's major focus should be to protect its children from harm, not to throw them into our society as hardened criminals without any attempt to reform them.

H.R. 3 would essentially give up on America's juvenile justice system and ultimately give up on America's troubled youth. The bill would allow State and Federal courts to try and imprison children in facilities with adults. Instead of improving the current system of rehabilitating underage offenders, or funding proven and cost-effective prevention programs, this legislation would have the courts give up on at-risk youth.

In addition, H.R. 3 is based on assumptions proven to be ineffective. Studies have shown that children who are housed in juvenile facilities are 29 percent less likely to commit another crime than those jailed with adults. In addition, the danger to children housed with adults is real. In 1994 alone, 45 children died while they were held in State adult prisons or adult detention facilities.

Mr. Speaker, there can be no doubt that the draconian measures mandated by this legislation will have a disproportionally unfair impact on African-American young people. A Washington-based advocacy group, known as the ''Sentencing Project,'' confirmed this fact when it reported that a shocking one-third, or 32.2 percent of young black men in the age group 20–29 is in prison, jail, probation, or on parole. In contrast, white males of the same age group are incarcerated at a rate that is only 6.7 percent.

As the Nation experiences a slight overall decline in the crime rate, 5,300 black men of every 100,000 in the United States are in prison or jail. This compares to an overall rate of 500 per 100,000 for the general population, and is nearly five times the rate which black men were imprisoned in the apartheid era of South Africa. America is now the biggest incarcerator in the world and spends billions of dollars each year to incarcerate young people.

Mr. Speaker, the number of African-American males under criminal justice control is over 827,000. This figure exceeds the number of African-American males enrolled in higher education. The Juvenile Justice Act of 1997 is a step in the wrong direction. We need to do all that we can to promote crime prevention measures to ensure that our children never start a life of crime. Furthermore, we must not give up on our Nation's most valuable resource, our young people. I urge my colleagues to protect our youth, and vote down this unconscionable measure.

Mr. CALVERT. Mr. Chairman, due to previously scheduled commitments in my district, I am unable to make the final two votes on H.R. 3, the Juvenile Crime Control Act. I strongly support the bill, and have voted today for many amendments to strengthen the bill. I oppose the motion to recommit with instructions because such a move would strip the bill of the very provisions which make it good legislation. Thus, I support final passage of the bill. I hope that the Senate will take up this measure quickly and that the President will sign the Juvenile Crime Control Act as soon as possible. Unfortunately, there are cases of juvenile crime where Federal prosecutors need the authority to try juvenile offenders as adults. This legislation would grant that authority and make available block grants to restore the effectiveness of State and local juvenile justice systems. This is good legislation which all Members of the House should support.

Mr. ABERCROMBIE. Mr. Chairman, today I rise in support of H.R. 3, the Juvenile Crime Control Act of 1997. This highly focused bill deals with violent juvenile offenders on the Federal level. H.R. 3 addresses the issue of incarcerating violent juvenile offenders at the Federal level by lowering the age at which a judge may waive a violent juvenile offender into adult court; treats juvenile records the same as adult records; and increases accountability for juveniles adjudicated delinquent and their parents. The measure also encourages placing juveniles younger than 16 in suitable juvenile facility prior to disposition or sentencing. For juveniles 16 and older, it provides for their detention in a suitable place designated by the Attorney General. This by no means requires that juvenile offenders on the Federal level be housed with adults. In addition, H.R. 3 provides that every juvenile detained prior to disposition or sentencing shall be provided with reasonable safety and security.

H.R. 3 provides incentives for States to emulate this new approach. The grant program in H.R. 3 would be authorized at $500 million for 3 years. States must meet certain requirements if they are to obtain money from grants authorized by H.R. 3—e.g., they must try violent juvenile felons as young as 15 as adults; they must treat juvenile records like adult records; and they must permit parent-accountability orders. States which meet all the criteria could use the money for various initiatives such as establishing and maintaining accountability-based programs that work with juvenile offenders who are referred by law enforcement agencies, or which are designed in cooperation with law enforcement officials, to protect students and school personnel from drugs, gangs, and youth violence.

Although I support H.R. 3, I realize it does not address the issue of nonviolent offenders on the State and Federal level, nor does it provide prevention and rehabilitation programs for juvenile offenders. These issues should be addressed when Congress reauthorizes the Juvenile Justice and Delinquency Prevention Act of 1974. That is the appropriate time and the correct venue to aid our communities in developing programs to help youth stay away from crime, gangs, drugs and guns. Juvenile justice officials in Hawaii have asked for help in funding prevention programs, substance abuse programs, support programs for children who have little or no family life, and programs that would give State court judges an alternative program to deal with certain juvenile offenders instead of sending them to correctional facilities. I am sure my colleagues have heard similar requests from juvenile justice officials in their districts.

Sending children to jail and throwing away the key while ignoring prevention and rehabilitation programs will not effectively reduce juvenile crime or be cost-effective. A 1996 study by the RAND Corp. found that early intervention and prevention programs are, indeed, cost-effective solutions for reducing the juvenile crime rate. The study indicates that prevention programs which focus on early intervention in the lives of children who are at greatest risk of eventual delinquent behavior are effective in reducing arrest and rearrest rates.

We need to send a message to juveniles: If you commit a violent offense you will be punished accordingly. However, at the same time we must continue our attempt to reach kids, to get them involved in their communities, and to prevent them from taking part in dangerous activities in the first place. I urge my colleagues to vote for H.R. 3 and to strongly support a debate occurring this year on reauthorization of the Juvenile Justice and Delinquency Prevention Act of 1974.

Ms. BROWN of Florida. Mr. Chairman, I rise to speak in opposition to H.R. 3, the Juvenile Crime Control Act or what I call the Anti-Florida/Anti-Juvenile Justice Act.

Although the author of this bill is from my home State of Florida, this bill does nothing to assist Florida's juvenile justice system.

As a former Florida State representative, with a degree in criminology, and a longstanding member of the State Corrections Committee, I can say that Mr. MCCOLLUM's proposal is anti-Florida and does nothing to address crime prevention.

According to the Florida Department of Juvenile Justice, H.R. 3 should not be mandatory and connected to purse strings. The proposed Federal mandate will eliminate the State's attorney's discretion to prosecute adolescent offenders in juvenile court.

In fact, the bill will have the opposite effect of what it is intended to do. With the discretion of the Florida State's attorney, the majority of 15-year-olds receive tougher sentence in a juvenile correctional facility. If tried as an adult, H.R. 3 will actually give Florida's 15-year-olds lighter sanctions. I thought Mr. MCCOLLUM wanted to increase juvenile punishments, not reduce them.

Under H.R. 3, 75 percent of the funding formula will be given to county governments.

Florida has a State-financed and operated juvenile justice system. Instead of providing money for existing State programs, this bill will create yet another level of bureaucracy. I don't understand why the author of such legislation would want to bypass his own State's juvenile justice system.

Now let's talk about the children. Under H.R. 3, juveniles as young as 13 can be tried and jailed as adults, their records will be opened to public scrutiny, and they will live side by side with society's most violent criminals. To punish these young children as adults is severe, to say the least.

This so-called juvenile justice bill doesn't care much for children. H.R. 3 will put more 15-year-olds in jail with violent adults than ever before. I don't think child abuse, rape, and suicide of jailed children is a justifiable punishment for simple misdemeanors and property crimes.

As leaders of our country, we should give our children opportunities to excel and reasons to turn away from crime and delinquency. It is proven that focus on prevention and early intervention are most effective at deterring juveniles from committing crimes.

H.R. 3 does nothing to prevent crime or offer solutions to juvenile crime. If you're in favor of putting these children with child abusers, rapists, and murderers, vote for H.R. 3. If you want to contribute to the problem of overcrowded correctional facilities, which is our Nation's fastest growing industry, vote for H.R. 3.

Instead of increasing the prison population and encouraging our children to become career criminals, let's spend our time and resources finding ways to contribute to our children's future, not destroying it.

Vote against H.R. 3, the Anti-Florida/Anti-Juvenile Justice Act.

Mr. OXLEY. Mr. Chairman, I rise today to offer my best wishes and support to the Lima-Allen County, OH, branch of the NAACP, as its members make their final preparations for their annual radiothon. The event, planned for May 24 at the Bradfield Community Center in Lima, will join the Lima-Allen County branch with other branches of the NAACP from across the Nation in an effort to attract new members from the Lima-Allen County community, as well as to inspire old members to renew their commitment.

The chapter president, Rev. Robert Curtis, and my friend Malcolm McCoy, deserve special recognition for their work with the organization. I wish them success in their upcoming radiothon and particularly commend their positive influence on the young people of Lima and Allen County.

Mr. SKAGGS. Mr. Chairman, this bill holds out a false hope. It may reduce some juvenile crime by forcing States to impose longer sentences on young offenders. But in return, it will guarantee that many of those young offenders will become career criminals. We should not pay that price. Nor should we force the States to forfeit their freedom and ingenuity in how they handle juvenile offenders as the price for Federal assistance in preventing and punishing juvenile violence.

Very few Federal crimes are committed by juveniles. Rather, almost all juvenile crime—including almost all violent crime—is State crime. So what this bill really intends is to require the States to prosecute more juveniles as adults. In fact, for most heinous crimes, the States already prosecute most juvenile offenders as adults.

I'm somewhat surprised that so many of my colleagues think that we in the House of Representatives know better than the States how to deal with juvenile crime. We've heard for the last several years that State and local officials know best about other problems. What makes this subject so different?

Let the States decide how to handle the complex problems associated with juvenile crime. We have supported the States in their juvenile justice efforts, and we don't need to impose our views about when to prosecute children as adults. Nor do we need to push the States to ease States restrictions on incarcerating juveniles separately from adult offenders.

What happens when you incarcerate children with adult violent offenders? You get eight times as many suicides; you get dramatic increases in acts of sexual assault and brutality against those children; and you increase the likelihood that the children will become career criminals.

Unfortunately, this bill would push the States to mix violent adult offenders not just with violent convicted juveniles but also with nonviolent offenders and even with children awaiting trial who've never been convicted. William R. Woodward, who is the director of the Division of Criminal Justice in the Colorado Department of Public Safety, and Bob Pence, who is chair of the Colorado Juvenile Justice and Delinquency Prevention Council, agree that H.R. 3's provisions on incarcerating children with adults would be counterproductive.

It's tough enough to try to steer juvenile offenders away from a life of crime. H.R. 3 would make it much tougher.

H.R. 3 also unwisely intrudes on State authorities requiring that State judges be stripped of their power to determine whether young people charged with crimes should be tried as adults. How far do the bill's supporters want to meddle in State matters? What does this legislation do to encourage the States to deal with the prevention of Juvenile crime? Nothing. We should be supporting State efforts to prevent young people from getting into criminal behavior, efforts such as mentoring programs and after-school programs. Instead, this bill would direct resources from these efforts.

The Democratic substitute contains the ounce of prevention that deserves our enthusiastic support. H.R. 3 is punitive and misguided, and it should be defeated.

Mr. POMEROY. Mr. Chairman, I rise today in reluctant opposition to the Juvenile Crime Control Act currently before the House. I firmly believe we must be tough on repeat juvenile offenders. Juvenile crime is not only continuing to grow, but it is one of the most troubling issues facing law enforcement officials and the communities they seek to protect. This bill doesn't make productive changes in this area. Rather, it preempts State authority, imposes a one-size-fits-all solution, and has a discriminatory impact on native American youth. I would like to elaborate on my concerns at this time.

First, this bill takes extreme steps to preempt State authority in determining how prosecutors will deal with those who violate State laws. North Dakota communities, including those on our four Indian reservations, need additional resources to build, expand, and operate juvenile correction and detention facilities. But in order to get this help, they must sign off lock-stock-and-barrel on the Federal prescriptions contained in H.R. 3 about the prosecution of State crimes. I have the utmost confidence in the sound judgment of North Dakota prosecutors, judges, parents, and community leaders to determine how best to deal with juvenile crime in our State.

Second, this bill imposes a Washington one-size-fits-all solution to the problem of juvenile crime. North Dakota is not similar to downtown Los Angeles. While the problem of juvenile crime in my State is significant and growing worse, it bares no relationship to what is happening in our Nation's urban centers. North Dakota law enforcement officials take this issue seriously and are taking steps to address the problem.

One example of the overly prescriptive nature of this bill that I would like to cite, is the requirement that each U.S. attorney's office establish a task force to coordinate the apprehension of armed violent youth with State and local law enforcement. This may be an urgent problem in New York or Los Angeles; it is not a problem currently facing our communities. Law enforcement officials need to be given the resources and then be allowed to determine how best to deal with juvenile crime.

Third, I have serious concerns about this bill's impact on native American youth. The only real arena in my State where Federal courts are the primary courts for addressing juvenile crime are crimes that occur on Indian reservations. By modifying Federal law to treat juveniles—as young as 13—as adults, this bill has a discriminatory impact on youth living on our Nation's reservations. I don't believe it is fair for these kids to be singled out for tougher punishment than their classmates who are non-Indians.

As a whole, this bill represents a flawed strategy for dealing with juvenile crime. While I believe incarceration of violent youth offenders should be used as a tool to combat teenage crime, it should not be the only tool. H.R. 3 completely ignores the possibility that these juvenile offenders—as young as 13—can be rehabilitated. Rather than allow some of the funds contained in the bill to be used for programs to turn these kids around, this bill limits the funding strictly to incarceration of these youths. If we have no hope of rehabilitating 13-year-olds, then by passing this bill, we are making a very sad statement about the future of our country.

The substitute I supported, embodied a more balanced approach to this serious problem. It required that 60 percent of the $500 million annual authorization be given to local communities for prevention programs. Funding could also be used to establish comprehensive treatment, education, training, and aftercare programs for juveniles in detention facilities; implementing graduated sanctions for juvenile offenders; and for juvenile courts to implement intensive delinquency supervision efforts.

These concerns were paramount in my consideration of this bill. An additional factor that led me to oppose the bill is the fact that North Dakota does not currently qualify for the 3-year funding included in H.R. 3. Even if my State were to decide to abide by the Federal prescriptions over violations of State laws in order to gain additional resources, our legislature does not meet again until 1999. I am hopeful that when H.R. 3 reaches the Senate, reasonable modifications can be made to

make the bill both tough and smart in dealing with juvenile crime.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I rise in strong opposition to H.R. 3, the Juvenile Crime Control Act. This piece of legislation is too extreme in its treatment of juveniles in the system, both in its insistence on prosecuting more juveniles as adults and in allowing juveniles to be housed with adults, and because it fails to include any measures aimed at preventing juvenile crime. Moreover, as written, the bill fails to include provisions crucial to the fight against crime including real prevention funding, drug control efforts, gun control efforts, and provisions aimed at targeting gang activity.

Mr. Chairman, it is in my opinion that we need to foster a relationship between communities, law enforcement, schools, social services, business communities, and government agencies in order to create partnerships that thwart juvenile violence. Initiatives that target truants, dropouts, children who fear going to school, suspended or expelled students, and youth going back into school settings following release from juvenile correctional facilities, are needed to keep the minds of our youth on the path of righteousness instead of destruction.

Mr. Chairman, another one of my primary concerns with the majority's legislation is that it allows juveniles to be housed with adults. First, the bill allows juveniles and adults to be housed together in pretrial detention. Perhaps most disturbingly, this provision would permit children who have not been accused of violent crimes to be held in adult jails. Children charged with petty offenses like shoplifting or motor vehicle violations could be held with adult inmates.

Mr. Chairman, most significantly, H.R. 3 fails to include a meaningful prevention program. The Federal Government should give local governments money to assist them in finding ways to stop the children in their communities from getting involved in crime in the first place. Money should be available for boys and girls clubs, mentoring programs, after school activities, and other programs that are researched-based and have been proven to work and are cost effective. In the same vein, money should also be spent on early intervention for youth at risk of committing crimes and intervention programs for first offenders at risk of committing more serious crimes.

Mr. Chairman, I would hope that we can work in a more bipartisan manner when it comes to juvenile crime. We all know and understand that crime, on any level, is not partisan—it affects us all—so let us try to bring forth legislation that is both fair and sensible to all.

Ms. PELOSI. Mr. Chairman, I rise today in strong support of the Gephardt-Stupak-Stenholm substitute to H.R. 3. The substitute places the focus where it belongs—on prevention of youth violence and crime. The majority's attempt to get tough on crime is not tough, it is cruel, and it lacks a basic understanding or caring for youth violence prevention.

Prevention and early intervention are effective solutions to youth violent crime. Yet the block grant provided in H.R. 3 does not provide funds for prevention programs. Mentoring and after school programs can be successful in deterring youth violence. But this bill focuses only on tougher punishment.

Trying young offenders as adults is not proven to deter crime. In fact, the Department of Justice reports that children tried as adults have a higher rate as repeat offenders than children tried as juveniles. Juveniles charged in the Federal adult or juvenile Justice systems should be placed in juvenile facilities, where they can receive counseling and rehabilitation.

What is the purpose of H.R. 3. Will it reduce crime? No. It treats youth as adults in detention, which diminishes the chance for their rehabilitation. This will not deter young people from violence. It will just eliminate the opportunity for first time youth offenders to change their lives for the better.

We can already charge violent juveniles as adults. Our emphasis must be on prevention if we really want to get tough on youth violence and crime. I urge my colleagues to support the Gephardt-Stupak-Stenholm substitute. Our focus and our efforts must be expended on preventing the increase of violent young criminals, not on increasing their hopelessness.

Mr. VENTO. Mr. Chairman, I rise today in strong opposition to H.R. 3, the Juvenile Crime Control Act. The problem of juvenile crime is so intricate that is defies easy solutions. However, in the drive to increase public safety and reduce juvenile crime, the measure reported to the House has lost sight not only of the complexity of the juvenile crime problem but also the success of existing local enforcement agencies and community initiatives in keeping juveniles out of gangs and crime free. There is a richness of policy choices that we could implement to combat juvenile crime and delinquency if Congress chooses to provide funds and help. H.R. 3, however, does not capitalize on the proven success of early intervention and prevention programs, but rather relies on get tough measures that do little to reduce crime or address its root causes. It favors reactionary measures rather than a proactive approach.

Let me be clear that there is a need for swift and effective punishment for incarceration and according adult treatment for the juveniles that commit violent crimes. However, the emphasis to make real progress does not rest solely on providing $30,000.00 per year for each youth held in juvenile detention facilities; rather it is in changing the outcome by earlier intervention.

Given the alarming rate of crime and the disproportionate amount committed by juveniles, punitive provisions and get tough provisions are widely attractive and politically appealing. Yet, such punitive measures repeatedly fail to deliver the results promised by their proponents. Evidence suggests that routinely trying juveniles as adults actually results in increased recidivism. States with higher rates of transferring children to adult court, as a glaring example, do not have lower rates of juvenile homicide. Finally, children in adult institutions are five times more likely to be sexually assaulted, twice as likely to be beaten by staff, and 50 percent more likely to be attacked with a weapon than children in a juvenile facility. Treating more children as adults in the criminal justice system does not move us any closer to our common goal—it does not create safer communities.

On the other hand, several studies have highlighted the long-term positive impact of prevention programs. Prevention works—it is the most effective and cost-efficient crime deterrent. According to a recent Rand Corp. study, prevention programs stop more serious crimes per dollar spent than incarceration. H.R. 3 ignores these findings and travels down a shortsighted policy path that cuts social spending to fund prison construction suggesting that another measure will address this issue, as if we can afford to spend these funds irrationally and let the prevention matters rest with traditional education and recreation programs.

H.R. 3 poses ineffective gang and gun violence solutions. Because youth gangs and guns play a disproportionate role in ascending juvenile violence, any strategy to reduce youth crime must contain sound provisions that combat the spread and growing violence of gang and gun violence nationwide. Between 1992 to 1996 the number of gang-related crimes has increased a staggering 196 percent. Juvenile gang killings, the fastest growing of all homicide categories, rose by 371 percent from 1980 to 1992. Despite this reality, H.R. 3 contains no provisions to curb gang violence.

This measure reflects a failed policy path, not a break with the past but a radical untested or inappropriate response to the needs of our youth juvenile crime circumstance.

I think that Members on both sides of the aisle should agree with the common facts, that when it comes to addressing the unique public safety concerns of our districts, the programs and responses must be built on the unique situations within the community. Different problems and populations require specific solutions. However, H.R. 3 prescribes inflexible Federal solutions to what is uniquely a problem of State and local jurisdiction. Currently there are only 197 juveniles serving Federal sentences. Local governments, on the other hand, are fighting the crime problem on many fronts, including innovative policing and social programs. By exercising air-tight controls over the grant money that is offered to States and local communities, H.R. 3 denies them the flexibility required to respond to situations on the ground. Local governments need more flexibility, not Federal mandates. Federally imposed strategies which limit the ability of local governments to respond to community needs, ensure that the war on crime is not fought with the efficiency or effectiveness that is necessary to reduce the incidence of crime and attain the safe environment our constituents seek.

Mr. FAZIO of California. I rise today in support of the Juvenile Offender Control and Prevention Act, the Democratic substitute to H.R. 3. This substitute addresses a serious problem that affects all of America. That problem is juvenile crime. House Democrats have worked long and hard during the 105th Congress to develop an approach to juvenile crime that is both tough and smart.

Our proposal includes elements that crack down on violent juvenile offenders and juvenile gangs along with provisions to support prevention and intervention initiatives that keep kids out of trouble. We believe in strengthening the juvenile justice system to reduce crime, while at the same time working to prevent juveniles from becoming delinquents.

No one disputes the fact that we must be tough on youth who commit crimes, particularly those crimes that are violent in nature. However, study after study shows that prevention efforts are the best way to permanently reduce juvenile crime. The RAND Corp., a conservative think tank, concluded in a recent

study that cost-effective crime reduction can be achieved through prevention strategies. The study found that incarceration without prevention and intervention does not go far enough in reducing crime. H.R. 3, the McCollum bill, contains not a single provision for prevention efforts. The Democratic substitute is a balanced approach that includes enforcement and prevention. The prevention initiatives that could be funded through our proposal are community-based, research-proven, and cost-effective.

Notice that I said community-based. We believe that local communities know best how to deal with the juvenile crime that affects their neighborhoods. Our proposal would provide funding for prosecutors to develop antigang units and other such mechanisms to address juvenile violence in their communities. The needs of one city or town may be vastly different from the needs of another. The Democratic substitute would allow one town to obtain funding to build a much-needed juvenile detention facility, while a larger city nearby might hire additional juvenile court judges. This flexibility is an essential part of our proposal.

The Republican juvenile crime bill is extreme, and would undoubtedly prove ineffective in reducing and preventing crime. Our substitute combines enforcement with prevention for a tough and smart approach to fighting juvenile crime. I urge your support for the Democratic substitute to H.R. 3.

Mrs. FOWLER. Mr. Chairman, the time has come to address the issue of juvenile crime in our country. Teenagers are committing more crimes than ever. Over one-fifth of all violent crimes committed in America are committed by individuals under the age of 18.

This statistic is alarming, and clearly signals that we need to take action. young people must be held accountable for their actions. Currently, only 10 percent of violent juvenile offenders—those convicted of murder, rape, robbery, or assault—receive any sort of confinement outside the home. What kind of a deterrent is that? And what does it say to these young people about accountability? Not must.

I believe that accountability, combined with stepped-up prevention efforts, is the key to reducing juvenile crime; and the Juvenile Crime Control Act of 1997 is a great start toward reaching that goal. This bill lets young people know that if they are going to behave like adults, they will have to take on personal responsibility of adults—and face the consequences of their actions.

I urge my colleagues to support H.R. 3, the Juvenile Crime Control Act of 1997.

Mr. BUYER. Mr. Chairman, I rise in support of H.R. 3, the Juvenile Crime Control Act.

While the overall crime rate in the United States has fallen in recent years, violent juvenile crime has increased drastically. And what is more shocking and more alarming, is that violent crime can be perpetrated by 12-year-olds. Instead of playing baseball or fishing, many of today's juveniles are engaging in mayhem. Between 1965 and 1992, the number of 12-year-olds arrested for violent crime rose 211 percent; the number of 13- and 14-year-olds rose 301 percent; and the number of 15-year-olds arrested for violent crime rose 297 percent. We are not talking about shoplifting or truancy, or petty thievery. We are talking about violent crime: murder, rape, battery, arson, and robbery.

Older teenagers, ages 17, 18, and 19, are the most violent in America. More murder and robbery are committed by 18-year-old males than any other group.

We have seen this increase in juvenile crime occur at a time when the demographics show a reduced juvenile population overall. Soon we will see the echo boom of the baby boomers' children reaching their teenaged years. If the current trend in juvenile crime is left unchanged, the FBI predicts that juvenile arrests for violent crime will more than double by the year 2010. That results in more murder, more rape, more aggravated assault, and unfortunately, more victims of crime.

I salute the gentleman from Florida [Mr. MCCOLLUM] for his hard work to head off the coming crime wave. H.R. 3 would provide resources to States and local communities to address their juvenile crime needs, to get tough on juvenile offenders, and to provide fairness to the victims of violent juvenile crime.

Individuals must be held accountable for their actions. Juveniles particularly need to get the message that actions have consequences. Unfortunately, today nearly 40 percent of violent juvenile offenders have their cases dismissed. By the time a violent juvenile receives any sort of secure confinement, the offender has a record a mile long. We need to change the message from one of ''getting away with it'' to one of accountability. States and localities who enforce accountability will be able to get Federal resources to help.

Law-abiding citizens, young and old alike, need assurance that violent criminals, even if they are teenagers, will be held accountable and sanctioned and that the victims will receive justice.

I urge the adoption of H.R. 3.

Ms. CHRISTIAN-GREEN. Mr. Chairman, I rise in defense of our children.

The crime bills under consideration by this Congress all seek to reduce the age and increase the likelihood that children as young as 13 would be tried as adults.

They further lessen restrictions on housing them with generally more hardened adults, and increases mandatory sentencing for this age group.

I strongly object all of these provisions.

First, while children who commit crimes must be punished, they should be treated and sentenced as the children that they are. We must remember that regardless of the crime, they have not yet achieved the degree of insight, judgment, or level of responsibility attributable to adults. They are also open to rehabilitation.

Trying them as adults and housing them with adults have never been shown to reduce crime. Instead we have been shown time and time again that if it does anything at all, it increases criminal behavior rather than reduces it.

We must not forget that young people of 13, 14, 15, and 16 are still children, and understand how they think. Because adolescents are notorious for their feeling of invulnerability, we have to recognize that they will never be motivated or respond to stiffer penalties.

From our own experience as parents, when our small child plays with an electrical outlet, or near a stove, we don't ignore it until he or she burns themselves, but early on we rap them on their hands to send them a clear and strong behavior changing message.

This is what we need to do in the case of our young people, who we must also remember ended up in the courts because we as a society have neglected their needs for generations. We have funded programs that reach them early and deal with them in an immediate and tangible manner that redirects their behavior in a more positive way.

And we must reach them before they get to the despair that juvenile delinquency represents, not only by funding after school activities, but by improving their in-school experience, by reinstating school repair and construction funding in the 1998 budget, by equiping those schools and by providing meaningful opportunities for them when they do apply themselves, and as our President likes to say, play by the rules.

Communities across America have found successful ways of dealing with this issue. Prosecutors, correction facility directors, policemen and women, attorneys, doctors, crime victims, community organizations, and others have come together to ask that we pass meaningful and effective legislation, and they stress that the focus must be on prevention.

We must stop crime, and we must save our children

I ask my colleagues to support the Democratic bill because it employs strategies that have been proven to effectively achieve both of these goals.

Mr. PAUL. Mr. Chairman, I rise today in opposition to the Juvenile Crime Control Act of 1997. This bill, if passed, will further expand the authority of this country's national police force. Despite the Constitutional mandate that jurisdiction over such matters is relegated to the States, the U.S. Congress refuses to acknowledge that the Constitution stands as a limitation on centralized Government power and that the few enumerated Federal powers include no provision for establishment of a Federal juvenile criminal justice system. Lack of Constitutionality is what today's debate should be about. Unfortunately, it is not. At a time when this Congress needs to focus on ways to reduce the power of the Federal Government and Federal spending, Congress will instead vote on a bill which, if passed, will do just the opposite.

In the name of an inherently-flawed, Federal war on drugs and the resulting juvenile crime problem, the well-meaning, good-intentioned Members of Congress continue to move the Nation further down the path of centralized-Government implosion by appropriating yet more Federal taxpayer money and brandishing more U.S. prosecutors at whatever problem happens to be brought to the floor by any Members of Congress hoping to gain political favor with some special-interest group. The Juvenile Crime Control Act is no exception.

It seems to no longer even matter whether governmental programs actually accomplish their intended goals or have any realistic hope of solving problems. No longer does the end even justify the means. All that now matters is that Congress do something. One must ask how many new problems genuinely warrant new Federal legislation. After all, most legislation is enacted to do little more than correct inherently-flawed existing interventionary legislation with more inherently-flawed legislation. Intervention, after all, necessarily begets more intervention as another futile attempt to solve the misallocations generated by the preceding iterations.

More specific to H.R. 3, this bill denies localities and State governments a significant

portion of their autonomy by, among other provisions, directing the Justice Department to establish an Armed Violent Youth Apprehension program. Under this program, one Federal prosecutor would be designated in every U.S. Attorney's office and would prosecute armed violent youth. Additionally, a task force would coordinate the apprehension of armed violent youth with State and local law enforcement. Of course, anytime the Federal Government said it would ''coordinate'' a program with State officials, the result has inevitably been more Federal control. Subjecting local enforcement officials, the result has inevitably been more Federal control. Subjecting local enforcement officials, many of whom are elected, to the control of Federal prosecutors is certainly reinventing government but it is reinventing a government inconsistent with the U.S. Constitution.

This bill also erodes State and local autonomy by requiring that States prosecute children as young as 15 years old in adult court. Over the past week, my office has received many arguments on both the merits and the demerits of prosecuting, and punishing, children as adults. I am disturbed by stories of the abuse suffered by young children at the hands of adults in prison. However, I, as a U.S. Congressman, do not presume to have the breadth and depth of information necessary to dictate to every community in the Nation how best to handle as vexing a problem as juvenile crime.

H.R. 3 also imposes mandates on States which allow public access to juvenile records. These records must also be transmitted to the FBI. Given the recent controversy over the misuse of FBI files, I think most citizens are becoming extremely wary of expanding the FBI's records of private citizens.

This bill also authorizes $1.5 billion in new Federal spending to build prisons. Now, many communities across the country might need new prisons, but many others may prefer to spend that money on schools, or roads. Washington should end all such unconstitutional expenditures and return to individual taxpayers and communities those resources which allow spending as those recipients see fit rather than according to the dictates of the U.S. Congress.

Because this legislation exceeds the Constitutionally-imposed limits on Federal power and represents yet another step toward a national-police-state, and for each of the additional reasons mentioned here, I oppose passage of H.R. 3, the Juvenile Crime Control Act of 1997.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. LAHOOD) having assumed the chair, Mr. KINGSTON, 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. 3) to combat violent youth crime and increase accountability for juvenile criminal offenses, pursuant to House Resolution 143, he reported the bill back to the House with an amendment 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 to the Committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was 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.

MOTION TO RECOMMIT OFFERED BY MR. CONYERS

Mr. CONYERS. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. CONYERS. I am, in its current form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. CONYERS moves that the bill be recommitted to the Committee on the Judiciary with instructions to report the bill back to the House forthwith with the following amendment:

Strike all after the enacting clause and insert the following:

TITLE I—TREATMENT OF JUVENILES AS ADULTS

SEC. 101. TREATMENT OF JUVENILES AS ADULTS.

The fourth undesignated paragraph of section 5032 of title 18, United States Code, is amended by striking ''an offense under section 113(a), 113(b), 113(c), 1111, 1113, or, if the juvenile possessed a firearm during the offense, section 2111, 2113, 2241(a) or 2241(c),'' and insert ''any serious violent felony as defined in section 3559(c)(2)(F) of this title,''.

SEC. 102. RECORDS OF CRIMES COMMITTED BY JUVENILE DELINQUENTS.

Section 5038 of title 18, United States Code, is amended—

(1) in subsection (a), by striking ''Throughout and'' and all that follows through the colon and inserting the following: ''Throughout and upon completion of the juvenile delinquency proceeding, the court records of the original proceeding shall be safeguarded from disclosure to unauthorized persons. The records shall be released to the extent necessary to meet the following circumstances:'';

(2) in subsection (a)(3), by inserting before the semicolon ''or analysis requested by the Attorney General'';

(3) in subsection (a), so that paragraph (6) reads as follows:

''(6) communications with any victim of such juvenile delinquency, or in appropriate cases with the official representative of the victim, in order to apprise such victim or representative of the status or disposition of the proceeding or in order to effectuate any other provision of law or to assist in a victim's, official representative's, allocution at disposition.''; and

(4) by striking subsections (d) and (f), by redesignating subsection (e) as subsection (d), by inserting ''pursuant to section 5032 (b) or (c)'' after ''adult'' in subsection (d) as so redesignated, and by adding at the end new subsections (e) through (f) as follows:

''(e) Whenever a juvenile has been adjudicated delinquent for an act that if committed by an adult would be a felony or for a violation of section 922(x), the juvenile shall be fingerprinted and photographed, and the fingerprints and photograph shall be sent to the Federal Bureau of Investigation. The court shall also transmit to the Federal Bureau of Investigation the information concerning the adjudication, including name, date of adjudication, court, offenses, and sentence, along with the notation that the matter was a juvenile adjudication.

''(f) In addition to any other authorization under this section for the reporting, retention, disclosure, or availability of records or information, if the law of the State in which a Federal juvenile delinquency proceeding takes place permits or requires the reporting, retention, disclosure, or availability of records or information relating to a juvenile or to a juvenile delinquency proceeding or adjudication in certain circumstances, then such reporting, retention, disclosure, or availability is permitted under this section whenever the same circumstances exist.''.

SEC. 103. TIME LIMIT ON TRANSFER DECISION.

Section 5032 of title 18, United States Code, is amended by inserting ''The transfer decision shall be made not later than 90 days after the first day of the hearing.'' after the first sentence of the 4th paragraph.

SEC. 104. INCREASED DETENTION, MANDATORY RESTITUTION, AND ADDITIONAL SENTENCING OPTIONS FOR YOUTH OFFENDERS.

Section 5037 of title 18, United States Code, is amended to read as follows:

''§ 5037. Dispositional hearing

''(a) IN GENERAL.—

''(1) HEARING.—In a juvenile proceeding under section 5032, if the court finds a juvenile to be a juvenile delinquent, the court shall hold a hearing concerning the appropriate disposition of the juvenile not later than 20 court days after the finding of juvenile delinquency unless the court has ordered further study pursuant to subsection (e).

''(2) REPORT.—A predisposition report shall be prepared by the probation officer who shall promptly provide a copy to the juvenile, the attorney for the juvenile, and the attorney for the government.

''(3) ORDER OF RESTITUTION.—After the dispositional hearing, and after considering any pertinent policy statements promulgated by the Sentencing Commission pursuant to 994, of title 28, the court shall enter an order of restitution pursuant to section 3556, and may suspend the findings of juvenile delinquency, place the juvenile on probation, commit the juvenile to official detention (including the possibility of a term of supervised release), and impose any fine that would be authorized if the juvenile had been tried and convicted as an adult.

''(4) RELEASE OR DETENTION.—With respect to release or detention pending an appeal or a petition for a writ of certiorari after disposition, the court shall proceed pursuant to the provisions of chapter 207.

''(b) TERM OF PROBATION.—The term for which probation may be ordered for a juvenile found to be a juvenile delinquent may not extend beyond the maximum term that would be authorized by section 3561(c) if the juvenile had been tried and convicted as an adult. Sections 3563, 3564, and 3565 are applicable to an order placing a juvenile on probation.

''(c) TERMS OF OFFICIAL DETENTION.—

''(1) MAXIMUM TERM.—The term for which official detention may be ordered for a juvenile found to be a juvenile delinquent may not extend beyond the lesser of—

''(A) the maximum term of imprisonment that would be authorized if the juvenile had been tried and convicted as an adult;

''(B) 10 years; or

''(C) the date on which the juvenile achieves the age of 26.

''(2) APPLICABILITY OF OTHER PROVISIONS.—Section 3624 shall apply to an order placing a juvenile in detention.

''(d) TERM OF SUPERVISED RELEASE.—The term for which supervised release may be ordered for a juvenile found to be a juvenile delinquent may not extend beyond 5 years. Subsections (c) through (i) of section 3583 shall apply to an order placing a juvenile on supervised release.

''(e) CUSTODY OF ATTORNEY GENERAL.—

''(1) IN GENERAL.—If the court desires more detailed information concerning a juvenile alleged to have committed an act of juvenile delinquency or a juvenile adjudicated delinquent, it may commit the juvenile, after notice and hearing at which the juvenile is represented by an attorney, to the custody of the Attorney General for observation and study by an appropriate agency or entity.

''(2) OUTPATIENT BASIS.—Any observation and study pursuant to a commission under paragraph (1) shall be conducted on an outpatient basis, unless the court determines that inpatient observation and study are necessary to obtain the desired information, except that in the case of an alleged juvenile delinquent, inpatient study may be ordered with the consent of the juvenile and the attorney for the juvenile.

''(3) CONTENTS OF STUDY.—The agency or entity conducting an observation or study under this subsection shall make a complete study of the alleged or adjudicated delinquent to ascertain the personal traits, capabilities, background, any prior delinquency or criminal experience, any mental or physical defect, and any other relevant factors pertaining to the juvenile.

''(4) SUBMISSION OF RESULTS.—The Attorney General shall submit to the court and the attorneys for the juvenile and the government the results of the study not later than 30 days after the commitment of the juvenile, unless the court grants additional time.

''(5) EXCLUSION OF TIME.—Any time spent in custody under this subsection shall be excluded for purposes of section 5036.

''(f) CONVICTION AS ADULT.—With respect to any juvenile prosecuted and convicted as an adult pursuant to section 5032, the court may, pursuant to guidelines promulgated by the United States Sentencing Commission under section 994 of title 28, determine to treat the conviction as an adjudication of delinquency and impose any disposition authorized under this section. The United States Sentencing Commission shall promulgate such guidelines as soon as practicable and not later than 1 year after the date of enactment of this Act.

''(g)(1) A juvenile detained either pending juvenile proceedings or a criminal trial, or detained or imprisoned pursuant to an adjudication or conviction shall be substantially segregated from any prisoners convicted for crimes who have attained the age of 21 years.

''(2) As used in this subsection, the term ''substantially segregated''—

''(A) means complete sight and sound separation in residential confinement; but

''(B) is not inconsistent with—

''(i) the use of shared direct care and management staff, properly trained and certified to interact with juvenile offenders, if the staff does not interact with adult and juvenile offenders during the same shift.

''(ii) incidental contact during transportation to court proceedings and other activities in accordance with regulations issued by the Attorney General to ensure reasonable efforts are made to segregate adults and juveniles.''

TITLE II—JUVENILE OFFENDER CONTROL AND PREVENTION GRANTS

SEC. 201. SHORT TITLE.

This title may be cited as the ''Juvenile Offender Control and Prevention Grant Act of 1997''.

SEC. 202. GRANT PROGRAM.

(a) IN GENERAL.—Part R of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796 et seq.) is amended to read as follows:

''PART R—JUVENILE OFFENDER CONTROL AND PREVENTION GRANTS

''SEC. 1801. PAYMENTS TO LOCAL GOVERNMENTS.

''(a) PAYMENT AND USES.—

''(1) PAYMENT.—The Director of the Bureau of Justice Assistance may make grants to carry out this part, to units of local government that qualify for a payment under this part. Of the amount appropriated in any fiscal year to carry out this part, the Director shall obligate—

''(A) not less than 60 percent of such amount for grants for the uses specified in subparagraphs (A) and (B) of paragraph (2);

''(B) not less than 10 percent of such amount for grants for the use specified in paragraph (2)(C), and

''(C) not less than 20 percent of such amount for grants for the uses specified in subparagraphs (E) and (G) of paragraph (2).

''(2) USES.—Amounts paid to a unit of local government under this section shall be used by the unit for 1 or more of the following:

''(A) Preventing juveniles from becoming envied in crime or gangs by—

''(i) operating after-school programs for at-risk juveniles;

''(ii) developing safe havens from and alternatives to street violence, including educational, vocational or other extracurricular activities opportunities;

''(iii) establishing community service programs, based on community service corps models that teach skills, discipline, and responsibility;

''(iv) establishing peer medication programs in schools;

''(v) establishing big brother programs and big sister programs;

''(vi) establishing anti-truancy programs;

''(vii) establishing and operating programs to strengthen the family unit;

''(viii) establishing and operating drug prevention, treatment and education programs; or

''(ix) establishing activities substantially similar to programs described in clauses (i) through (viii).

''(B) Establishing and operating early intervention programs for at-risk juveniles.

''(C) Building or expanding secure juvenile correction or detention facilities for violent juvenile offenders.

''(D) Providing comprehensive treatment, education, training, and after-care programs for juveniles in juvenile detention facilities.

''(E) Implementing graduated sanctions for juvenile offenders.

''(F) Establishing initiatives that reduce the access of juveniles to firearms.

''(G) Improving State juvenile justice systems by—

''(i) developing and administering accountability-based sanctions for juvenile offenders;

''(ii) hiring additional prosecutors, so that more cases involving violent juvenile offenders can be prosecuted and backlogs reduced; or

''(iii) providing funding to enable juvenile courts and juvenile probation offices to be more effective and efficient in holding juvenile offenders accountable;

''(H) providing funding to enable prosecutors—

''(i) to address drug, gang, and violence problems involving juveniles more effectively;

''(ii) to develop anti-gang units and anti-gang task forces to address the participation of juveniles in gangs, and to share information about juvenile gangs and their activities; or

''(iii) providing funding for technology, equipment, and training to assist prosecutors in identifying and expediting the prosecution of violent juvenile offenders;

''(I) hiring additional law enforcement officers (including, but not limited to, police, corrections, probation, parole, and judicial officers) who are involved in the control or reduction of juvenile delinquency; or

''(J) providing funding to enable city attorneys and county attorneys to seek civil remedies for violations of law committed by juveniles who participate in gangs.

''(3) GEOGRAPHICAL DISTRIBUTION OF GRANTS.—The Director shall ensure that grants made under this part are equitably distributed among all units of local government in each of the States and among all units of local government throughout the United States.

''(b) PROHIBITED USES.—Notwithstanding any other provision of this title, a unit of local government may not expend any of the funds provided under this part to purchase, lease, rent, or otherwise acquire—

''(1) tanks or armored personnel carriers;

''(2) fixed wing aircraft;

''(3) limousines;

''(4) real estate;

''(5) yachts;

''(6) consultants; or

''(7) vehicles not primarily used for law enforcement;

unless the Attorney General certifies that extraordinary and exigent circumstances exist that make the use of funds for such purposes essential to the maintenance of public safety and good order in such unit of local government.

''(c) REPAYMENT OF UNEXPENDED AMOUNTS.—

''(1) REPAYMENT REQUIRED.—A unit of local government shall repay to the Director, by not later than 27 months after receipt of funds from the Director, any amount that is—

''(A) paid to the unit from amounts appropriated under the authority of this section; and

''(B) not expended by the unit within 2 years after receipt of such funds from the Director.

''(2) PENALTY FOR FAILURE TO REPAY.—If the amount required to be repaid is not repaid, the Director shall reduce payment in future payment periods accordingly.

''(3) DEPOSIT OF AMOUNTS REPAID.—Amounts received by the Director as repayments under this subsection shall be deposited in a designated fund for future payments to units of local government. Any amounts remaining in such designated fund after shall be applied to the Federal deficit or, if there is no Federal deficit, to reducing the Federal debt.

''(d) NONSUPPLANTING REQUIREMENT.—Funds made available under this part to units of local government shall not be used to supplant State or local funds, but shall be used to increase the amounts of funds that would, in the absence of funds made available under this part, be made available from State or local sources.

''(e) MATCHING FUNDS.—The Federal share of a grant received under this part may not exceed 90 percent of the costs of a program or proposal funded under this part.

''SEC. 1802. AUTHORIZATION OF APPROPRIATIONS.

''(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this part—

''(1) $500,000,000 for fiscal year 1998;

''(2) $500,000,000 for fiscal year 1999; and

''(3) $500,000,000 for fiscal year 2000.

The appropriations authorized by this subsection may be made from the Violent Crime Reduction Trust Fund.

''(b) OVERSIGHT ACCOUNTABILITY AND ADMINISTRATION.—Not more than 3 percent of the amount authorized to be appropriated under subsection (a) for each of the fiscal years 1998 through 2000 shall be available to the Attorney General for studying the overall effectiveness and efficiency of the provisions of this part, and assuring compliance with the provisions of this part and for administrative costs to carry out the purposes of this part. The Attorney General shall establish and execute an oversight plan for monitoring the activities of grant recipients. Such sums are to remain available until expended.

''(c) AVAILABILITY.—The amounts authorized to be appropriated under subsection (a) shall remain available until expended.

''SEC. 1803. QUALIFICATION FOR PAYMENT.

''(a) IN GENERAL.—The Director shall issue regulations establishing procedures under which a unit of local government is required to provide notice to the Director regarding the proposed use of funds made available under this part.

''(b) PROGRAM REVIEW.—The Director shall establish a process for the ongoing evaluation of projects developed with funds made available under this part.

''(c) GENERAL REQUIREMENTS FOR QUALIFICATION.—A unit of local government qualifies for a payment under this part for a payment period only if the unit of local government submits an application to the Director and establishes, to the satisfaction of the Director, that—

''(1) the chief executive officer of the State has had not less than 20 days to review and comment on the application prior to submission to the Director;

''(2)(A) the unit of local government will establish a trust fund in which the government will deposit all payments received under this part; and

''(B) the unit of local government will use amounts in the trust fund (including interest) during a period not to exceed 2 years from the date the first grant payment is made to the unit of local government;

''(3) the unit of local government will expend the payments received in accordance with the laws and procedures that are applicable to the expenditure of revenues of the unit of local government;

''(4) the unit of local government will use accounting, audit, and fiscal procedures that conform to guidelines which shall be prescribed by the Director after consultation with the Comptroller General and as applicable, amounts received under this part shall be audited in compliance with the Single Audit Act of 1984;

''(5) after reasonable notice from the Director or the Comptroller General to the unit of local government, the unit of local government will make available to the Director and the Comptroller General, with the right to inspect, records that the Director reasonably requires to review compliance with this part or that the Comptroller General reasonably requires to review compliance and operation;

''(6) the unit of local government will spend the funds made available under this part only for the purposes set forth in section 1801(a)(2);

''(7) the unit of local government has established procedures to give members of the Armed Forces who, on or after October 1, 1990, were or are selected for involuntary separation (as described in section 1141 of title 10, United States Code), approved for separation under section 1174a or 1175 of such title, or retired pursuant to the authority provided under section 4403 of the Defense Conversion, Reinvestment, and Transition Assistance Act of 1992 (division D of Public Law 102–484; 10 U.S.C. 1293 note), a suitable preference in the employment of persons as additional law enforcement officers or support personnel using funds made available under this title. The nature and extent of such employment preference shall be jointly established by the Attorney General and the Secretary of Defense. To the extent practicable, the Director shall endeavor to inform members who were separated between October 1, 1990, and the date of the enactment of this section of their eligibility for the employment preference;

''(d) SANCTIONS FOR NONCOMPLIANCE.—

''(1) IN GENERAL.—If the Director determines that a unit of local government has not complied substantially with the requirements or regulations prescribed under subsections (a) and (c), the Director shall notify the unit of local government that if the unit of local government does not take corrective action within 60 days of such notice, the Director will withhold additional payments to the unit of local government for the current and future payment periods until the Director is satisfied that the unit of local government—

''(A) has taken the appropriate corrective action; and

''(B) will comply with the requirements and regulations prescribed under subsections (a) and (c).

''(2) NOTICE.—Before giving notice under paragraph (1), the Director shall give the chief executive officer of the unit of local government reasonable notice and an opportunity for comment.

''(e) MAINTENANCE OF EFFORT REQUIREMENT.—A unit of local government qualifies for a payment under this part for a payment period only if the unit's expenditures on law enforcement services (as reported by the Bureau of the Census) for the fiscal year preceding the fiscal year in which the payment period occurs were not less than 90 percent of the unit's expenditures on such services for the second fiscal year preceding the fiscal year in which the payment period occurs.''.

(b) TECHNICAL AMENDMENT.—The table of contents of the title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796 et seq.) is amended by striking the matter relating to part R and inserting the following:

''PART R—JUVENILE CRIME CONTROL GRANTS

''Sec. 1801. Payments to local governments.
''Sec. 1802. Authorization of appropriations.
''Sec. 1803. Qualification for payment.''.

SEC. 203. MODEL PROGRAMS TO PREVENT JUVENILE DELINQUENCY.

The Administrator of the Office of Juvenile Justice and Delinquency Prevention shall provide, through the clearinghouse and information center established under section 242(3) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5652(3)), information and technical assistance to community-based organizations and units of local government to assist in the establishment, operation, and replication of model programs designed to prevent juvenile delinquency.

TITLE III—IMPROVING JUVENILE CRIME AND DRUG PREVENTION

SEC. 301. STUDY BY NATIONAL ACADEMY OF SCIENCE.

(a) IN GENERAL.—The Attorney General shall enter into a contract with a public or nonprofit private entity, subject to subsection (b), for the purpose of conducting a study or studies—

(1) to evaluate the effectiveness of federally funded programs for preventing juvenile violence and juvenile substance abuse;

(2) to evaluate the effectiveness of federally funded grant programs for preventing criminal victimization of juveniles;

(3) to identify specific Federal programs and programs that receive Federal funds that contribute to reductions in juvenile violence, juvenile substance abuse, and risk factors among juveniles that lead to violent behavior and substance abuse;

(4) to identify specific programs that have not achieved their intended results; and

(5) to make specific recommendations on programs that—

(A) should receive continued or increased funding because of their proven success; or

(B) should have their funding terminated or reduced because of their lack of effectiveness.

(b) NATIONAL ACADEMY OF SCIENCES.—The Attorney General shall request the National Academy of Sciences to enter into the contract under subsection (a) to conduct the study or studies described in subsection (a). If the Academy declines to conduct the study, the Attorney General shall carry out such subsection through other public or nonprofit private entities.

(c) ASSISTANCE.—In conducting the study under subsection (a) the contracting party may request analytic assistance, data, and other relevant materials from the Department of Justice and any other appropriate Federal agency.

(d) REPORTING REQUIREMENTS.—

(1) IN GENERAL.—Not later than January 1, 2000, the Attorney General shall submit a report describing the findings made as a result of the study required by subsection (a) to the Committee on the Judiciary and the Committee on Education and the Workforce of the House of Representatives, and to the Committee on the Judiciary and the Committee on Labor and Human Resources of the Senate.

(2) CONTENTS.—The report required by this subsection shall contain specific recommendations concerning funding levels for the programs evaluated. Reports on the effectiveness of such programs and recommendations on funding shall be provided to the appropriate subcommittees of the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate.

(e) FUNDING.—There are authorized to be appropriated to carry out the study under subsection (a) such sums as may be necessary.

Mr. McCOLLUM. Mr. Speaker, I reserve a point of order on the motion to recommit.

The SPEAKER pro tempore. The gentleman from Michigan [Mr. CONYERS] is recognized for 5 minutes in support of his motion to recommit.

Mr. CONYERS. Mr. Speaker, the motion to recommit is essentially the Conyers-Schumer substitute which we will now offer as the motion to recommit. It is both smart and tough. We have almost brought juvenile justice law to the point where the only thing left on the other side was to offer an amendment abolishing the distinction between juveniles and adults in our system. Because of a determination on germaneness made by the Speaker and the leaders, we have taken out the child safety lock provision. Sixteen children are killed every single day in the United States of America, and that provision now cannot be debated or voted on in any provision, neither the base bill or the substitute.

The funding, great, $1.5 billion; but only five States meet the qualifications. Five States. It will be years before anybody will ever receive any

money at the State and local level in this regard. Then, of course, we take the question of whether juveniles should be prosecuted as adults out of the judge's discretion and given to the prosecutors; great day in America in fighting juvenile crime.

We have, most importantly, the only meaningful prevention in a juvenile justice bill, meaningful prevention based on research, which is cost-effective and which provides States and local governments maximum flexibility. It rejects the Washington-knows-best approach. It is smart and tough and compassionate, and I urge Members to join us in the motion to recommit.

Mr. Speaker, I include for the RECORD a letter from the National Conference of State Legislatures expressing opposition to H.R. 3.

The letter referred to is as follows:

NATIONAL CONFERENCE OF
STATE LEGISLATURES,
Washington, DC, May 7, 1997.

DEAR MEMBER OF CONGRESS: We are writing to express our opposition to mandates in H.R. 3, the Juvenile Crime Control Act of 1997. Mandates in existing law require that states deinstitutionalize status offenders, remove juveniles from jails and lock-ups, and separate juvenile delinquents from adult offenders. Under H.R. 3, the federal government would apply new rules nationwide relating to juvenile records, judicial discretion and parental and juvenile responsibility. These present new obstacles for states that need federal funds.

States are enacting many laws that attack the problem of violent juvenile crime comprehensively. Many have lowered the age at which juveniles may be charged as adults for violent crimes; others have considered expanding prosecutors' discretion. Without clear proof that one choice is more effective than the other, Congress would deny funding for juvenile justice to states where just one element in the state's comprehensive approach to juvenile justice differs from the federal mandate.

The change of directions ought to make Congress wary of inflexible mandates. For example, until federal law was changed in 1994 states were forbidden to detain juveniles for possession of a gun—because possession was a ''status'' offense. The federal response was not merely to allow states to detain children for possession, but to create a new federal offense of juvenile possession of a handgun. (Pub. L. 103–322, Sec. 11201). The advantage of states as laboratories is that their choices put the nation less at risk. This bill would make the nation the laboratory.

NCSL submits that the proposed mandates, however well-intentioned, are short-sighted and counter-productive. We urge you to strike the mandates from H.R. 3.

Sincerely,

WILLIAM T. POUND,
Executive Director.

Mr. Speaker, I yield to the gentleman from New York Mr. CHARLES SCHUMER, former chairman of the Subcommittee on Crime of the Committee on the Judiciary.

Mr. SCHUMER. Mr. Speaker, I urge a vote for recommital. Let me say, Mr. Speaker, on the issue of crime, this body has made great progress in the last several years because we have been both tough on punishment and smart on prevention. We have said to violent repeat offenders, you will pay a severe price. But we have also said that we are going to do our darnedest to prevent and decrease the number of violent severe offenders.

The Conyers-Schumer substitute is really the only, only proposal that has been out there today that is both tough on punishment and smart on prevention. It is where America is, it is where this body ought to be, and it is what we all should vote for.

Mr. Speaker, the crime issue had long been a political football. Everyone was talking values; no one was getting anything done. Several years ago this Congress changed that and started looking at programs that work on both the punishment and the prevention side. As a result, in part, our crime rate has decreased. Let us not forget that. Let us not go back to either a policy that just punishes and throws away hope or a policy that forgets that there are violent criminals among us, at whatever age, and they must be punished. The only proposal on the floor that really does that is Conyers-Schumer, and I urge a vote for it.

Mr. McCOLLUM. Mr. Speaker, I withdraw my reservation of a point of order.

The SPEAKER pro tempore. The gentleman from Florida [Mr. MCCOLLUM] is recognized for 5 minutes in opposition to the motion to recommit.

Mr. McCOLLUM. Mr. Speaker, this amendment that would be adopted by the motion to recommit, if we were to vote for it, has a big problem. The amendment is not either tough or smart. The fact of the matter is that what we are about in this bill, underlying bill today, is to try to help the States correct the juvenile justice systems of this Nation that are broken.

As I said many times today in the debate on this bill, unfortunately we have one out of every five violent crimes in America committed by those who are under the age of 18, and less than 1 out of every 10 who are adjudicated guilty of those violent crimes who are juveniles are ever incarcerated for a single day. The FBI predicts that by the year 2010, which is just a few years away, we will have more than double the number of violent crimes committed by juveniles if we keep on this track; part of that because of demographics.

□ 1530

All of us will agree that the solution to a violent juvenile crime is a comprehensive thing that takes a lot of different components. This bill today before us is not designed as a prevention bill. It is intended to be in the traditional sense of prevention, although certainly putting consequences back into the law of this Nation for juveniles.

It says that, if you commit a simple delinquent act such as a vandalization of a home or spray painting a building, you ought to get community service or some kind of sanction, which is what we are encouraging by the bill. It is not very important to prevention, but there are going to be other traditional prevention programs that are going to out here on the floor from other committees.

This bill is designed to repair a broken juvenile justice system. In the motion to recommit is an offering of another amendment that replicates several that have already been offered today. What it does is a couple of things.

One is, it mandates that 60 percent of all the spending in this bill go to prevention programs, says that is what you have to spend it on, States and local governments. It is more than the Lofgren amendment that was overwhelmingly defeated just a few minutes ago.

In addition to that, it strips from this bill the very effective provisions that we have in the bill to fix the juvenile justice system and the whole program of incentive grants. And equally important, on the tough side, it strips out the toughest provisions that we have in this bill for repairing the Federal juvenile justice system that the administration wants repaired.

If this amendment that is offered by the motion to recommit were to pass, the tough antigang provisions in this bill would disappear where we would permit Federal prosecutors in limited cases to go in and help take apart the gangs in big cities where we have to take juveniles and spread them across the Nation.

This motion to recommit, the underlying amendment is neither smart nor tough. We need a no vote on it. We need a yes vote on the underlying bill, H.R. 3, on final passage to give us a chance to revitalize and rebuild and repair a completely broken juvenile justice system, to not only correct the problems with violent youth today in this Nation but let the juvenile justice systems of this Nation in the various States finally get the resources that they so vitally need to repair that system and begin sanctioning from the very beginning delinquent acts so kids will understand there are consequences to their acts.

And if they understand there are consequences to the less serious crimes they commit, maybe, just maybe some of them will not pull the trigger when they get a gun later, as they do now, thinking there are no consequences.

This may be the most important criminal justice bill many of us in the years we have served here ever had a chance to vote on, because it really does repair a broken justice system. We will have another day for other measures, but this is the day for repairing the juvenile justice systems in the Nation. A no vote is absolutely essential on the motion to recommit, it guts the underlying bill; and a yes vote for final passage for juvenile justice system.

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

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

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

RECORDED VOTE

Mr. CONYERS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 174, noes 243 not voting 16, as follows:

[Roll No. 117]

AYES—174

Ackerman
Allen
Andrews
Baldacci
Barrett (WI)
Becerra
Bentsen
Berman
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Capps
Cardin
Carson
Clayton
Clyburn
Condit
Conyers
Coyne
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gonzalez
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastings (FL)
Hilliard
Hinchey
Hinojosa
Hooley
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (WI)
Johnson, E. B.
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Lampson
Lantos
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McIntyre
McNulty
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Mollohan
Moran (VA)
Morella
Nadler
Neal
Oberstar
Obey
Olver
Owens
Pallone
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Poshard
Price (NC)
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schumer
Scott
Serrano
Shays
Sherman
Sisisky
Skaggs
Skelton
Slaughter
Snyder
Spratt
Stabenow
Stark
Stenholm
Stokes
Strickland
Stupak
Tauscher
Thompson
Thurman
Tierney
Torres
Towns
Turner
Velazquez
Vento
Visclosky
Waters
Waxman
Wexler
Weygand
Wise
Woolsey
Wynn
Yates

NOES—243

Abercrombie
Aderholt
Archer
Armey
Bachus
Baesler
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Berry
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Boswell
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clement
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Cramer
Crane
Crapo
Cubin
Cunningham
Danner
Davis (VA)
Deal
DeLay
Dickey
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Foley
Forbes
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutknecht
Hansen
Hastert
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Holden
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Jenkins
Johnson (CT)
Johnson, Sam
Jones
Kanjorski
Kasich
Kelly
Kim
King (NY)
Kingston
Klink
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lucas
Manzullo
Mascara
McCollum
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Molinari
Moran (KS)
Murtha
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Ortiz
Oxley
Packard
Pappas
Parker
Pascrell
Paul
Pease
Peterson (PA)
Petri
Pickett
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Regula
Riggs
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shimkus
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stump
Sununu
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Upton
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

NOT VOTING—16

Calvert
Clay
Costello
Diaz-Balart
Filner
Gutierrez
Hastings (WA)
Hefner
Istook
Matsui
McCrery
McKinney
Moakley
Paxon
Pickering
Schiff

□ 1549

The Clerk announced the following pair:

On this vote:

Mr. Filner for, with Mr. Calvert against.

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. MOAKLEY. Mr. Speaker, on rollcall No. 117, had I been present, I would have voted "yes."

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the passage of the bill.

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

RECORDED VOTE

Mr. McCOLLUM. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 286, noes 132, not voting 15, as follows:

[Roll No. 118]

AYES—286

Abercrombie
Aderholt
Andrews
Archer
Armey
Bachus
Baesler
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Bilbray
Bilirakis
Bishop
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Borski
Boswell
Boucher
Boyd
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clement
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Cox
Cramer
Crane
Crapo
Cubin
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeLauro
DeLay
Deutsch
Dickey
Dicks
Dingell
Dooley
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehrlich
Emerson
Engel
Ensign
Etheridge
Everett
Ewing
Fawell
Foley
Forbes
Fowler
Fox
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hayworth
Hefley
Herger
Hill
Hilleary
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, Sam
Jones
Kaptur
Kasich
Kelly
Kildee
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klug
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
McCollum
McDade
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McNulty
Metcalf
Mica
Miller (FL)
Molinari
Moran (KS)
Moran (VA)
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Ortiz
Oxley
Packard
Pappas
Parker
Pascrell
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickett
Pitts
Pombo
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reyes
Riggs
Riley
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Royce
Ryun
Salmon
Sanchez
Sandlin
Saxton
Scarborough
Schaefer, Dan
Sensenbrenner
Sessions
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Stump
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Turner
Upton
Walsh

Wamp	Weller	Wolf
Watkins	Wexler	Young (AK)
Watts (OK)	White	Young (FL)
Weldon (FL)	Whitfield	
Weldon (PA)	Wicker	

NOES—132

Ackerman	Hastings (FL)	Owens
Allen	Hilliard	Pallone
Baldacci	Hinchey	Pastor
Barrett (WI)	Hostettler	Paul
Becerra	Hoyer	Payne
Berman	Jackson (IL)	Pelosi
Berry	Jackson-Lee (TX)	Pomeroy
Blagojevich	Jefferson	Rahall
Blumenauer	Johnson, E. B.	Rangel
Bonior	Kanjorski	Rivers
Brown (CA)	Kennedy (MA)	Roybal-Allard
Brown (FL)	Kennedy (RI)	Rush
Brown (OH)	Kennelly	Sabo
Campbell	Kilpatrick	Sanders
Cannon	Klink	Sanford
Capps	LaFalce	Sawyer
Cardin	Lantos	Schaffer, Bob
Carson	Levin	Schumer
Clayton	Lewis (GA)	Scott
Clyburn	Lofgren	Serrano
Conyers	Markey	Shadegg
Coyne	Martinez	Skaggs
Cummings	Mascara	Slaughter
Davis (IL)	Matsui	Snyder
DeFazio	McCarthy (MO)	Stark
DeGette	McCarthy (NY)	Stokes
Delahunt	McDermott	Strickland
Dellums	McGovern	Stupak
Dixon	Meehan	Thompson
Doggett	Meek	Thurman
Doyle	Menendez	Tierney
Ehlers	Millender-McDonald	Torres
Eshoo	Miller (CA)	Towns
Evans	Minge	Velazquez
Farr	Mink	Vento
Fattah	Mollohan	Visclosky
Fazio	Morella	Waters
Flake	Murtha	Watt (NC)
Foglietta	Nadler	Waxman
Ford	Neal	Weygand
Frank (MA)	Oberstar	Wise
Furse	Obey	Woolsey
Gejdenson	Olver	Wynn
Gephardt		Yates
Gonzalez		

NOT VOTING—15

Calvert	Filner	McKinney
Clay	Gutierrez	Moakley
Costello	Hastings (WA)	Paxon
Diaz-Balart	Hefner	Pickering
English	McCrery	Schiff

□ 1605

The Clerk announced the following pairs:

On this vote:

Mr. Diaz-Balart for, with Mr. Filner against.

Mr. Calvert for, with Mr. Moakley against.

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. ENGLISH of Pennsylvania. Mr. Speaker, on rollcall No. 118, final passage of H.R. 3. I was unavoidably detained in my office and was unable to appear to cast my vote prior to the close of the rollcall. Had I been present, I would have voted ''aye.''

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 3, JUVENILE CRIME CONTROL ACT OF 1997

Mr. MCCOLLUM. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 3, the Clerk be authorized to correct section numbers, cross-references and punctuation, and to make such stylistic, clerical, technical, conforming, and other changes as may be necessary to reflect the actions of the House in amending the bill.

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

There was no objection.

LEGISLATIVE PROGRAM

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

Mr. BONIOR. Mr. Speaker, I yield to the gentleman from Texas [Mr. ARMEY], the distinguished majority leader, for the purpose of engaging in a colloquy on the schedule for today, the rest of the week and next week.

Mr. ARMEY. I thank the gentleman for yielding.

Mr. Speaker, I am pleased to announce that we have just had our last vote for the week. However, this afternoon the House will continue to debate amendments to H.R. 2, the Housing Opportunity and Responsibility Act of 1997. Members should note that any recorded votes ordered on the housing bill today will be postponed until Tuesday, May 13, after 5 p.m.

I would like to outline, Mr. Speaker, next week's schedule.

The House will meet on Monday, May 12, for a pro forma session. There will be no legislative business and no votes on that day.

On Tuesday, May 13, the House will meet at 12:30 p.m. for morning hour and 2 p.m. for legislative business. Members should note that we will not hold any recorded votes before 5 p.m. on Tuesday next.

The House will consider the following bills, all of which will be under suspension of the rules:

H.R. 5, the IDEA Improvement Act of 1997.

H.R. 914, a bill to make certain technical corrections in the Higher Education Act of 1965 relating to graduation data disclosures, as amended.

House Concurrent Resolution 49, authorizing use of the Capitol grounds for the Greater Washington Soap Box Derby.

House Concurrent Resolution 66, authorizing use of the Capitol grounds for the National Peace Officers' Memorial Service.

House Concurrent Resolution 67, authorizing the 1997 Special Olympics Torch Relay to be run through the Capitol grounds.

House Concurrent Resolution 73, a concurrent resolution concerning the death of Chaim Herzog.

And House Resolution 103, expressing the sense of the House of Representatives that the United States should maintain approximately 100,000 United States military personnel in the Asia and Pacific region until such time as there is a peaceful and permanent resolution to the majority security and political conflicts in the region.

After consideration of the suspensions on Tuesday, the House will resume consideration of amendments to H.R. 2, the Housing Opportunity and Responsibility Act of 1997. We hope to vote on final passage of the public housing bill on Wednesday morning.

Mr. Speaker, on Wednesday, May 14, and Thursday, May 15, the House will meet at 10 a.m., and on Friday, May 16, the House will meet at 9 a.m. to consider the following bills, all of which will be subject to rules:

H.R. 1469, the Fiscal Year 1997 Supplemental Appropriations Act; and H.R. 1486, the Foreign Policy Reform Act.

Mr. Speaker, we should finish legislative business and have Members on their way home to their families by 2 p.m. on Friday, May 16.

Finally, Mr. Speaker, I would like to take this occasion to notify all Members of some potential changes in the schedule as it affects the month of June.

Mr. Speaker, because we anticipate a heavy work month with appropriations bills and budget reconciliation bills throughout the month of June, I should like to advise all Members that contrary to the published schedule in their possession, that they should expect and we anticipate that we will have votes on Monday, June 9; Friday, June 13; and Monday, June 23. Appropriate notification will be sent to Members' offices. We will keep Members posted about those dates, but I think in all deference to their June scheduling concerns, Members should have this notice as soon as I can give it and, therefore, it is given at this time.

Mr. BONIOR. Can I just repeat those dates, because I think they are important. Monday, June 9, Friday, June 13, and Monday, June 23 we will be meeting.

Mr. ARMEY. The gentleman is correct.

Mr. BONIOR. I thank the gentleman.

I noticed on the schedule that we are going to have two athletic events on the Capitol grounds, the Greater Washington Soap Box Derby and the Special Olympics Torch Relay to be run through the Capitol grounds.

I am wondering if the gentleman from Texas would be interested in engaging someone here on the minority, namely myself, in the soap box derby with the winner writing the tax bill. What does the gentleman think?

Mr. ARMEY. I am not quite sure. If the soap box derby is racing, I think I might be willing, but if it is orating, I would never want to engage the gentleman in such a derby.

Mr. BONIOR. I have just two brief questions, if the gentleman would indulge me.

On the supplemental, it is an emergency bill that is badly needed for relief of flood victims. It has been pulled for the past 2 weeks. What day next week do we expect that? Do we expect that on Wednesday or Thursday?

Mr. ARMEY. If the gentleman will yield further, it is our expectation that

it will be on Wednesday and we should hope to have it completed on Wednesday morning.

Mr. BONIOR. And the budget resolution, can the gentleman enlighten us on this side of the aisle when we expect to have that resolution before us? Before the Memorial Day break? After?

Mr. ARMEY. Again if the gentleman will yield, the Budget chairman and the ranking member on Budget have been discussing that, and I believe they are prepared to go to markup on Wednesday next on that in committee. It is our expectation that we would have it on the floor for consideration on Tuesday, May 20. Then, of course, we would hope that the other body would keep pace and we would hope to have that resolution agreed upon between the two bodies and passed in final conference report before the recess.

Mr. BONIOR. I thank the gentleman.

Finally, just one other inquiry. On Friday next, is it my understanding from the gentleman's comments that we will be meeting in session next Friday?

Mr. ARMEY. If the gentleman will yield further, yes, we do anticipate being in session and voting on Friday next with, of course, every effort to have our Members' work completed by 2 p.m. for their Friday departure.

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

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

Mr. VENTO. Mr. Speaker, I wanted by way of this inquiry to thank the majority leader for visiting the Red River Valley area in my home State, in his home State of North Dakota, but we had contemplated dealing with some emergency regulatory suspension with regards to the Committee on Banking and Financial Services to accommodate the needs of the Red River Valley and the Minnesota River Valley area in both the Dakotas and Minnesota.

We were hopeful that the gentleman would consult with the chairman of the Committee on Banking and Financial Services with whom I have consulted and we are trying to do that, and I would hope that it would be possible to bring that measure up on suspension next Tuesday. I note that it was not addressed in the gentleman's outline and I would just want to request the gentleman's attention to that matter and hope that we can work out something along those lines.

Mr. ARMEY. I thank the gentleman for his inquiry.

If the gentleman will yield further, I see the distinguished chairman of the Committee on Banking and Financial Services is here. We will discuss it privately. Certainly I understand the gentleman's concern and the gentleman's anxiety. We will try to be as responsive as possible on that matter.

□ 1615

HOUSING OPPORTUNITY AND RESPONSIBILITY ACT OF 1997

The SPEAKER pro tempore. (Mr. LAHOOD). Pursuant to House Resolution 133 and rule XXIII, 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. 2.

□ 1615

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. 2) to repeal the United States Housing Act of 1937, deregulate the public housing program and the program for rental housing assistance for low-income families, and increase community control over such programs, and for other purposes, with Mr. GOODLATTE in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Wednesday, May 7, 1997, title III was open for amendment at any point.

Are there any amendments to title III?

AMENDMENT NO. 12 OFFERED BY MR. KENNEDY OF MASSACHUSETTS.

Mr. KENNEDY of Massachusetts. 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 Mr. KENNEDY of Massachusetts:

Page 174, line 20, insert ''**VERY**'' before ''**LOW-INCOME**''.

Page 175, line 11, insert ''very'' before ''low-income.''

Page 187, line 5, insert ''VERY'' before ''LOW-INCOME.''

Page 187, line 10, insert ''very'' before ''low-income.''

Page 187, strike lines 13 through 22 and insert the following:

(b) INCOME TARGETING.—

(1) PHA-WIDE REQUIREMENT.—Of all the families who initially receive housing assistance under this title from a public housing agency in any fiscal year of the agency, not less than 75 percent shall be families whose incomes do not exceed 30 percent of the area median income.

(2) AREA MEDIAN INCOME.—For purposes of this subsection, the term ''area median income'' means the median income of an area, as determined by the Secretary with adjustments for smaller and larger families, except that the Secretary may establish income ceilings higher or lower than the percentages specified in subsection (a) if the Secretary finds determines that such variations are necessary because of unusually high or low family incomes.

Page 205, line 7, insert ''very'' before ''low-income''.

Page 205, line 24, insert ''very'' before ''low-''.

Page 211, line 6, insert ''very'' before ''low-income''.

Page 214, line 1, insert ''very'' before ''low-income''.

Mr. KENNEDY of Massachusetts. Mr. Chairman, this amendment deals with the issue of the concentration of very poor people in the voucher program. The voucher program is an important aspect of our overall housing policy in this country where instead of having families that live in public housing units where they are concentrated in large numbers, in many cases in some of the kind of monstrosities that we have come to think of as public housing, but rather as a different type of program where any individual that is eligible for the program simply receives a voucher and can take that voucher really to any building in any given locality. It is a tremendously effective program; it is one that has broad bipartisan support. However, we have to, I believe, recognize that the major efforts that have been made by the chairman of the Subcommittee on Housing and Community Opportunity has been to show his concern in H.R. 2 of the concentration of the number of very poor people that live in public housing.

Now, as a result of pursuing that policy, we have tried to pass amendments that would have allowed the glidepath of the number of very low-income people that occupy public housing units to decrease to about 50–50. In other words, 50 percent of the people in public housing units would have been people that were very low income and 50 percent of the people would be essentially working families.

That amendment was defeated, and instead we go back to the underlying language in H.R. 2 which would mean that about 80 percent of the people in public housing would be people with incomes that would be around $30 to $40,000 a year, or working families. While that is debated to be a positive aspect of the new H.R. 2's housing policy, it does beg the question as to what occurs with the 5.3 million families in this country who are very, very poor, the vast majority of whom are children.

Now what occurs of course is that those families simply will be without any housing assistance whatsoever. As I have noted on previous occasions, we have already cut the number of the amount of funding for homeless programs by over 25 percent, we have cut the funding for housing programs by about 25 percent, and so therefore we end up in a situation by fixing public housing of simply throwing out millions of, or hundreds of thousands of families, and perhaps not throwing them out on the street, but nevertheless not providing them with any assistance.

Now the basic rationale is that we need to have more working families in public housing. While that may be a desirable public policy, as we have already debated, it does not seem to me to hold up in any way, shape or form when it comes to the voucher program. There is no concentration of very poor people in any communities in this country using the voucher program. And yet the Republican plan calls for

under H.R. 2 a reduction in the number of very poor families that would receive funding under the voucher program, again decreasing dramatically from the 75 percent of the people that currently receive the vouchers at below 30 percent of median income to about 80 percent of the families over the period of the next few years going to incomes above 80 percent of median.

And so what we have is a situation where working families will end up receiving the voucher program, and while people can argue that this is what they want in terms of public housing or the assisted housing policy, this is an issue where I think it is crystal clear that we do not have to throw out and turn our backs on the very, very poor in order to have the kind of income mix and the kind of neighborhood mix that I think is desirable in our country.

It seems to me that even in the richest neighborhoods of America it would not be bad to necessarily have a few poor people living in apartments that are being rented in those areas, if in fact those apartments are available to the section 8 program. If we want to have mixed income communities, if that is the ultimate desire of good housing policy, then it seems to me that we ought to continue to keep the concentration levels up to 75 percent that we have seen in the past under the amendment that I am proposing.

Now this amendment that we propose actually amends that program to allow for an even greater mix of working families to participate in the voucher program.

The CHAIRMAN. The time of the gentleman from Massachusetts [Mr. KENNEDY] has expired.

(By unanimous consent, Mr. KENNEDY of Massachusetts was allowed to proceed for 2 additional minutes.)

Mr. LAZIO of New York. Mr. Chairman, will the gentleman yield?

Mr. KENNEDY of Massachusetts. I yield to the gentleman from New York.

Mr. LAZIO of New York. Mr. Chairman, I am not going to object, but at one time we discussed time limitation; I thought perhaps agreement as to that. If we can do that, that would be helpful.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I would entertain imposing a time limitation if it appears at a certain point we would be going well beyond—I do not think we agreed to a time limitation on this amendment. If the gentleman would recognize it is only a few Members in the Chamber, we do not expect this debate is going to last very long, and I would appreciate the gentleman, maybe if we get beyond 20 minutes on each side we could entertain a limitation.

Mr. LAZIO of New York. Mr. Chairman, I thank the gentleman.

Mr. KENNEDY of Massachusetts. I appreciate the gentleman allowing the use he requests.

The point of this amendment is really very simple. It essentially, H.R. 2, reduces the percentage of section 8 certificates that must go to the very, very poor to only 40 percent from the current levels of 75 percent. It also permits up to 60 percent of the new section 8 assistance to go to those with incomes as high as 80 percent of median, as high as $41,600 in cities like Boston and New York. Over time, millions of very, very poor families could be denied assistance in addition to 13 million individuals and families with acute housing problems.

Do not be fooled by arguments from the other side about the concentrations of the very poor in public housing. This amendment has nothing to do with public housing or warehousing individuals, since section 8 assistance is portable.

The choice here is simple: Should we target scarce Federal resources to those in greatest need? I believe we ought to. This amendment makes sure that it will be done.

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

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

Mr. Chairman, I would respond to the gentleman by saying I think he makes a number of very good arguments and that this is a reasonably close call, but I would come down on the other side because in the final measure there are some ramifications that are imperfect, and let me just go over a couple.

One is that all of a sudden we develop a system in which the incentives are not to work, and so this is a disincentive-to-work provision.

Let me explain why it works out that way, why if we pass this amendment, we will in effect be locking out the working poor from these programs.

For instance, in the State of Iowa, and we have developed charts on a number of States, 83 percent of the districts in which families of four with two parents working full-time at a minimum wage would be excluded from this program under the Kennedy approach.

Let me finish and then I will be happy to yield.

If we take the State of Massachusetts, 44 percent of the districts in which families of four with two parents working full-time at no more than 55 cents above the minimum wage would be excluded from this program. When we exclude the working poor from the program, what we do—even though the gentleman is partly right that with voucher program we do not segregate the poor quite as dramatically, or the poorest of the poor quite as dramatically as we do in the nonvoucher approach, although there are in practice sometimes a little bit of choice-based movement into concentrated areas that may occur—we give people an incentive to have a program benefit instead of work.

Virtually all that we are trying to do in this bill is work in a direction that is a bit different than current policy, and I acknowledge that, and it has some disadvantages, and I would acknowledge that as well. But we are trying to move in the direction of having more mixed approaches involving the poorest of the poor and the working poor being equal beneficiaries of, or if not equal at least being accommodated under Federal programs, and then to say to those that are not working, that there are more incentives to work.

Mr. KENNEDY of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. LEACH. I yield to the gentleman from Massachusetts.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I would just like to point out to the gentleman I do not know where he got his statistics, but the basic statistic that I think everyone acknowledges, and certainly, because I know the gentleman from Iowa voted for the minimum wage bill, I believe he referenced that in the debate the other day. Does the gentleman understand if one works a 40-hour week at minimum wage in this country, their income is about $11,000 a year; that is below the 30 percent that I am referring to in our targeting numbers?

So what I am trying to suggest here, I do not know where the gentleman gets the 55 cents and all the rest of that stuff and he gave a bunch of these statistics the other day. I am just pointing out to the gentleman that the families that we are talking about, 75 percent of which are below 30 percent, in most cases are working.

So what we are saying is that even if one works full time at a minimum wage job, they are still below the 30 percent targeting cutoff that we are trying to acknowledge is an important cutoff for the purposes of making certain that we take care of the very poor.

Mr. LEACH. Reclaiming my time, Mr. Chairman, I appreciate what the gentleman is saying, and there is an aspect about targeting the poorest of the poor that has great attractiveness. On the other hand, all I know is that we have asked our very professional staff to go through an assessment and do the statistical analysis, and I have a chart in front of me of, oh, 15 States that at a minimum have 67 percent and up to a maximum of 94 percent of districts in which families of four with two parents working full time at minimum wage will be excluded, and I stress this, excluded from choice-based assistance; yes, it is under the gentleman's amendment.

Mr. KENNEDY of Massachusetts. Just if the gentleman will yield for clarification purposes, he is counting two incomes and I am counting one. I am saying $11,000 a year.

Mr. LEACH. We are counting two incomes of minimum wage with a family of four.

Mr. KENNEDY of Massachusetts. It is $25,000 a year, Mr. Chairman. I mean these are statistics that we went through at length under the minimum wage bill.

Mr. LEACH. All I am saying is the gentleman has a philosophical point that is deeply worthy of respect, and

all I am trying to say is unfortunately when we work it through, there are counterproductive ramifications, and I tried to lay out precisely what they are.

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

Mr. Chairman, when we debated this question of restricting aid to the very poorest, and that is what we are talking about, the bill says we should do less than we have been doing for the very poorest people.

□ 1630

The argument in favor of cutting back on what we do for the poorest of the poor, and remember that among the poorest of the poor, and many of them are just children and we are talking about small children who made the mistake of being born to very poor parents. The argument was with regard to public housing; if we do not cut back on what we are doing for the poorest of the poor, we will hurt them.

The gentleman from Louisiana said well, maybe we are going to be doing less for the poorest of the poor, but we will be improving the quality in the housing projects by reducing economic segregation. Well, this amendment is one to which that argument simply does not apply, despite the effort of the gentleman from Iowa to try and drag it in sideways.

The fact is that in public housing we have concentration by definition of people who are in public housing. When we are talking about section 8, we are talking about, particularly now since we are not talking about project-based where we construct these buildings, we are talking about tenant-based vouchers in section 8's. They choose, they can be moved about, so the concentration argument simply has no relevance. We are now being told even without concentration, we simply should not help as many very poor people.

Why? Well, one argument, the gentleman from Iowa says the amendment of my friend from Massachusetts, [Mr. KENNEDY] has a lot of appeal, but he has to vote against it. I want to commend the gentleman from Iowa [Mr. LEACH] because, as we debate the housing bill time and again the gentleman gets up and acknowledges the appeal, acknowledges the cogency of it. He is a man of iron discipline. He can resist more things that appeal to him by anybody I have met. He will time and again tell us that that is a good point, and that reaches a strong emotion, but we must be tough.

But on whom are we being tough, some 3-year-old with a poor mother? Why are we being tough on her? Because if we allow her housing, we will give her a disincentive to work. That was the argument. If we do not cut back on what we give to the poorest of the poor, it will be a disincentive to work.

The gentleman is suffering from cultural lag, Mr. Chairman, which I believe is a parliamentarily approved condition, he forgets about the welfare bill.

Does the gentleman not remember that the majority reformed welfare? They no longer have the option of refusing to work if they are eligible to work. As a matter of fact, they cannot even refuse to work under the law now, even if there is no job. Whether or not there is a job for them is irrelevant. They will be punished if they do not go to work.

So this notion that we are giving people a disincentive forgets about the welfare bill. Welfare is time-limited. The argument that we are giving people a disincentive to work does not make any sense, because they will be cut off altogether. The question is simply whether they are working, and at minimum wage jobs, the number of two-parent families is probably not as great as some one-parent families.

We have a one-parent family on minimum wage, they are fully eligible here. And the notion that we are giving people a disincentive, I mean, what the gentleman is saying is, if we tell the very poorest of the poor that they can get housing, they will say oh, wonderful. I get to live in section 8 housing; even though my welfare is going to expire in 2 years, I no longer have to work.

Mr. Chairman, I do not think that is the way it will happen.

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

Mr. FRANK of Massachusetts. I yield to the gentleman from Iowa.

Mr. LEACH. Mr. Chairman, I would like to explain to the gentleman from Massachusetts [Mr. FRANK] who the Kennedy amendment would exclude, and this is staff analysis.

Mr. FRANK of Massachusetts. Mr. Chairman, reclaiming my time briefly, and I will yield back, but I regret that the Rules of the House do not allow us to yield to staff, because we could probably, by cutting out the middleman, have a more cogent debate; but given that is the rule, I will yield again to the gentleman from Iowa.

Mr. LEACH. Mr. Chairman, in Brownsville, TX, a family making $15,750 will be excluded from this program. However, the fair market rent there is about $510, which is 39 percent of income.

After paying for the year's rent, that family will have only $9,631 to pay all other expenses from food to clothing to medical expenses.

Mr. FRANK of Massachusetts. Mr. Chairman, again reclaiming my time, how does this exclude them? I think the gentleman misstates when he says that they will be excluded. I think he is inaccurately suggesting that the amendment of my friend from Massachusetts will totally restrict them from the program and will exclude them. Will he explain to me how they will be excluded?

Mr. LEACH. Mr. Chairman, if the gentleman will continue to yield, what the amendment of the gentleman from Massachusetts does and one of the reasons I think this is such a close call is suggest that only the poorest of the poor would be targeted.

Mr. FRANK of Massachusetts. Mr. Chairman, reclaiming my time, let me say this: Amendments do not suggest, amendments say, they are wording. And I think, Mr. Chairman, I believe that the chairman of the committee is being a little more ambiguous than the rules allow in this sense.

I challenge the notion that this excludes people. It does not suggest that they are excluded, it is amendment.

The CHAIRMAN. The time of the gentleman from Massachusetts [Mr. FRANK] has expired.

Mr. FRANK of Massachusetts. Mr. Chairman, I ask for 2 additional minutes.

Mr. LAZIO of New York. Mr. Chairman, reserving my right to object, I would just like to ask if the gentleman from Massachusetts [Mr. FRANK] will yield to me.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield to the gentleman from New York [Mr. LAZIO].

Mr. LAZIO of New York. Mr. Chairman, I withdraw my objection.

The CHAIRMAN. The time of the gentleman from Massachusetts [Mr. FRANK has expired.

(By unanimous consent, Mr. FRANK was allowed to proceed for 2 additional minutes.)

Mr. FRANK of Massachusetts. Mr. Chairman, the inaccurate statement has been made, in all good faith, that this excludes people, and I do not believe it excludes them. This is not, as I understand, I would just say in 10 more seconds I will yield, I have previously supported amendments to the Federal preference system because they had the effect of totally excluding people above poverty. This is not an effort totally to exclude them, nor do I believe the amendment does exclude them.

Mr. Chairman, I yield to the gentleman from New York [Mr. LAZIO].

Mr. LAZIO of New York. Mr. Chairman, I thank the gentleman. I would just say in the gentleman from Massachusetts' amendment, the eligibility for choice-based assistance is restricted to families with incomes of 50 percent or below of median income.

Mr. FRANK of Massachusetts. Mr. Chairman, I would inquire of the gentleman, 50 percent, not 30 percent.

Mr. LAZIO of New York. Mr. Chairman, to respond, no, but the language of the gentleman's amendment is that anybody above 50 percent is excluded, and that is what the gentleman from Iowa [Mr. LEACH] is taking.

Mr. FRANK of Massachusetts. Reclaiming my time, I think there is a clear misunderstanding here. My impression was from the gentleman from Iowa, and maybe I misheard him, was talking about 30 percent. If we were talking about 50 percent, it would be different. I thought there was a suggestion that the amendment excluded people above 30 percent of median, not 50

percent. That is a very different set of categories. I thought we were talking about people at 30 percent. If we are talking about 50 percent, it is a different story, but I thought there were statistics being given of people at 30 percent.

Mr. KENNEDY of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the gentleman from Massachusetts.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I would just point out to my good friend that even HUD's own document here says that the likelihood of households having severe housing problems declines sharply as incomes rise above 30 percent of median. Over 70 percent of unassisted renters with incomes below 30 percent of median have priority problems compared with only 23 percent of unassisted renters with incomes between 31 and 50 percent.

What all that means is that the acute housing needs of people with incomes below $25,000 are where the housing demand is. If we have incomes above $25,000, people generally can afford housing.

Mr. FRANK of Massachusetts. Mr. Chairman, reclaiming my time, my clear understanding is the gentleman from Ohio was talking about 30 percent below median, not 50 percent, and 50 percent is the accurate people, people not being excluded below 30 percent.

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

Mr. Chairman, it is a very interesting debate trying to decide how many vouchers we should have and how we can fairly distribute these vouchers. I think it would be fair to say that it would be very difficult ever to come up with a completely fair answer for everybody. I do not think there is a right answer. I think the whole debate over public housing is an interesting debate and, for me, a very disappointing debate. I do not know what number day this is, but it must be the 4th or 5th day we have been into the debate over public housing, and the differences between the two major debates here seems to be so little, from my viewpoint.

Mr. Chairman, what we are really dealing with, and I think everybody is concerned about it, and that is how do we provide the maximum number of houses for poor people. That is what we want to do. We have different versions of this effort, but the detail on how to do this, and this micromanagement, even like who gets vouchers and how to declare and what is happening, this is just a very, very strange debate for somebody like myself who comes from a free market constitutional position. But nevertheless, I hear this debate.

I do know, though, that if we look in general terms throughout the world, the more socialized a country is, the more interventionist it is, the more the government is involved in housing, the less houses we have for poor people. The more freedom a country has, the more houses there are.

We have only been in the business of really working to provide housing for our poor people in the last 30 years, and I do not think we have done that good a job. I think we have plenty of poor people. As a matter of fact, there are probably more homeless now than there were even 30 years ago. However, I think someday we might have to wake up and decide that public housing might not be the best way to achieve housing for poor people.

The basic assumption here in public housing is that if somebody does not have a house and another person has two houses, if we take one house from him and give it to the other one, that this would be fair and equitable. For some reason, this is not very appealing to me and to many others. As a matter of fact, if there was some slight degree of success on this, it would create a very dull society; it would cause a very poor society as well. But the efforts by government to redistribute houses never works, and we have to finally, I think, admit to this.

Mr. Chairman, the effort to pay for public housing is another problem. It is always assumed that there is going to be some wealthy individual that will pay for the house for the poor individual. But the assumption is always that the wealthy will pay for it, but unfortunately, due to our tax system and due to the inflationary system that we have, low, middle income and middle class individuals end up paying the bills.

This whole process is a snowball effect. The more effort we put out, the more problems it leaves, the more deficits we have, the more inflation we have, the more people become unemployed, and the more poor people we have, and the more pressure there is to build houses. This is what is going on. That is why people decry the fact that there are more homeless than ever before. And I grant, I believe there probably is, but I also believe that we are on the wrong track. I do not see how public housing has been beneficial. I believe, quite frankly, that it has been very detrimental.

The two approaches that I hear, one wants to raise the budget by $5 billion on our side of the aisle, and the other side complains it is not enough. I mean, how much more money? Is money itself going to do it?

The basic flaw in public housing is that both sides of this argument that I hear is based on a moral assumption that I find incorrect. It is based on the assumption that the government has the moral authority to use force to redistribute wealth, to take money from one group to give to another. In other words, it endorses the concept that one has a right to their neighbor's property.

This, to me, is the basic flaw that we accept, we do not challenge. I challenge it because I believe a free society is a more compassionate society. A free society can produce more houses than any type of government intervention or any government socialization of a program.

Compassion is a wonderful thing, but if it is misled by erroneous economic assumptions, it will do the opposite. The unintended consequences of government intervention, government spending, government inflation is a very serious problem, because it literally creates more of the problem that we are trying to solve.

So I would suggest that we should think more favorably about freedom, the marketplace, and a sound currency.

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

Mr. KENNEDY of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. GONZALEZ. I yield to the gentleman from Massachusetts.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I thank the gentleman from Texas [Mr. GONZALEZ] for yielding to me.

I would just like to point out a number of income levels at the 50 percent of median that the amendment calls for. In Los Angeles, one can make $25,650 a year, and this really goes to the chairman of the full committee's numbers that he was citing earlier.

I just want to point out to the gentleman that that definitely covers two minimum wage income families, or wage earners. In New York it would $24,500. Washington, DC would be $34,150. Boston, MA, $28,250. In all of those circumstances, two minimum wage job earners in a single family would still qualify for this program.

So what it really comes down to, and if the gentleman from Iowa [Mr. LEACH] would engage in just a brief colloquy, I would appreciate it, because what we are really talking about, the gentleman understands that this no longer is an amendment that applies to public housing, it simply applies to the voucher program.

I think we have answered the issue as to whether or not this is somehow a disincentive to work. This indicates that two people working in the same family at minimum wage jobs would still be eligible for this program in almost every major city in America. And so what we are trying to suggest is that we have a real problem here where it is in fact the largest single growing area of our population, the very, very poor.

So the question before us is whether or not we are going to provide the housing to those very, very poor people under the voucher program.

Now, there are other programs that exist in the Federal Government such as housing finance agencies, all sorts of subsidy programs for homeownership, that incomes of $25,000, $30,000, $35,000 a year are all eligible. The low income housing tax credit, there are a whole range of additional programs that meet those individuals' needs.

□ 1645

We ought to be encouraging home ownership among those folks. This is a

program that has no concentration problems, has no problems with regard to creating these monstrosities of old public housing units, but what it does do is say that, please, let us try and provide this resource to the families that have the greatest need.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. GONZALEZ. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Chairman, I just want to reemphasize the point my friend just made, this is the only program which you can get into, basically, if you are 50 percent and below. There are other programs, not as much. There is the low-income housing tax credit which helps people at 70 and 80 and 90 percent and 60 percent. There is the home program.

We have traditionally had in housing programs what we call deep subsidy programs and shallower subsidy programs. The problem we have is this: There is no way people at 30 and 40 percent can work their way into the lower subsidy programs. They cannot work up to that. They will never have enough money. So what you are doing is excluding to a great extent many of the poorest people from the only program they can afford. We have a range of programs, and you are skewing what has been a more balanced mix.

I never wanted this to be only for the very poor, and I fought some of the Federal preferentials that made it only for the very poor, but the point is when you talk about the exclusion of working people you are forgetting the low-income housing tax credit, you are forgetting tax-exempt bonds for State housing finance agencies, you are forgetting the home program, elderly housing programs, you are forgetting a whole range of other things which provide only for people at the upper end of eligibility, and you are denying it to people for whom it is the only resource.

Mr. LEACH. Mr. Chairman, if the gentleman will continue to yield, I would just stress that this program as currently drafted in the statute applies to the poorest of the poor, and it also applies to the working poor. The amendment of the gentleman from Massachusetts will exclude in many instances the working poor.

The second gentleman from Massachusetts notes, quite properly, that there are other programs that also deal with the working poor. But just so that there is no misunderstanding, because the gentleman cited some inner city circumstances that this amendment would not be exclusive of, in 16 States, 67 percent or more of HUD districts, families of four with two parents working full time at the minimum wage, would be excluded from this program.

The CHAIRMAN. The time of the gentleman from Texas [Mr. GONZALEZ] has expired.

(On request of Mr. KENNEDY of Masssachusetts and by unanimous consent, Mr. GONZALEZ was allowed to proceed for 2 additional minutes.)

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

Mr. GONZALEZ. I yield to the gentleman from Iowa.

Mr. LEACH. Mr. Chairman, I would also say that in addition to the 16 States, where two-thirds of the districts would be excluded, even in Massachusetts, which is not as affected as some other States, 44 percent of HUD districts would be excluded, of families of four with two parents working full time at no more than 55 cents above the minimum wage.

So what this amendment does that is good is it targets the poorest of the poor. What it does that is imperfect is that it gives disincentives to work and it excludes many members of the relatively working poor.

Mr. KENNEDY of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. GONZALEZ. I yield to the gentleman from Massachusetts.

Mr. KENNEDY of Massachusetts. I would just like to respond, Mr. Chairman, that the gentleman from Iowa has generally been a fair-minded chairman, and I think that he would perhaps admit that before this bill becomes law, some of these targeting amendments will change. So I find it surprising that he is going to argue this on merits.

Those families that the gentleman just cited I believe would all be eligible for home ownership programs throughout the State of Massachusetts and all the other 17 States the gentleman just identified.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. GONZALEZ. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Chairman, this notion of a work disincentive, given the existence of the welfare bill, would cut you off just comes out of thin air. The notion that people quit jobs or refuse to get jobs because they might get a section 8 when they would have no other means of support simply does not make any sense at all.

Do the Members on the other side not remember what they did in the welfare bill? I thank the gentleman for yielding to me.

Mr. LAZIO of New York. I move to strike the requisite number of words, Mr. Chairman.

Mr. Chairman, I would like to try and put this whole debate into perspective. Under H.R. 2, the bill that we have been discussing for the last 4 or 5 days, under the choice-based program, which is commonly known as the voucher program, if a local community chooses they may target every single one of the vouchers to people below 30 percent of area median income, the poorest of the poor. If they choose, they can target them all to 20 percent, or 15 percent, or 10 percent. The idea is that the local community can choose.

To the extent that the amendment of the gentleman from Massachusetts [Mr. KENNEDY] handcuffs the hands of local authorities and says that they must set aside *x* amount of units to people below 30 percent of area median income, and no vouchers to those families making over 50 percent of area median income, what it says is that the local communities, the housing authority cannot make a rational distinction for families that may be at 51 percent of area median income but have special needs. They are shut out.

Make no mistake about it, this is about local control, this is about flexibility, this is about local communities being able to set their own goals with the understanding that at a minimum under this bill, at a minimum, that they must devote 40 percent of the units to people making under 30 percent of area median income, the poorest of the poor, at a minimum 40 percent of the units. But they can do 50 or 60 or 70 or 80, depending on the local characteristics, and depending on the need of the people who are asking to be served, because some people will fall 1 or 2 or 5 or 8 percentage points higher, and they will have special needs that make them deserving of getting that voucher.

Now, it is entirely correct, entirely correct, because when we are using HUD statistics, that if the amendment of the gentleman from Massachusetts [Mr. KENNEDY] is adopted, families with two incomes, a husband and a wife at minimum wage or a few pennies above minimum wage, like 50 cents over minimum wage, will be completely shut out from vouchers, a family of four.

For example, in Pennsylvania, a family of four with two wage earners, a mom and dad at minimum wage, living in 61 percent of HUD's fair market rent areas will not be eligible to receive the voucher benefit; none, no families. In Illinois, 70 percent of the fair market rent areas would have families of four that would be wholly ineligible under the amendment offered by the gentleman from Massachusetts [Mr. KENNEDY] to receive a voucher; in Arkansas, 93 percent; in Louisiana, 94 percent; 94 percent. Do Members want to know who is excluded? The families with two parents working at minimum wage, that is who would be excluded under the amendment offered by the gentleman from Massachusetts.

So if we took it to its logical extension, if people responded to the incentives that would be created by the gentleman's amendment, they would choose not to marry or they certainly would choose, they would certainly choose not to work, and so they would make no income. Therefore they would respond to the incentives under the amendment offered by the gentleman from Massachusetts to receive the benefit. But if they are workers at minimum wage and trying to make it, trying to live by the rules, they are shut out.

We are not saying under H.R. 2 that poor people should not get help, because under H.R. 2 we are saying at a

minimum, at a minimum, 40 percent of those vouchers ought to go to people of very low income. There is no maximum of vouchers to the very poor, but it is up to the local community to decide. We are not prescribing from Washington. We are not saying, again, Big Brother will tell you exactly what to do and what percentages you are going to set, because in the real world, in the real world, percentages do not accurately reflect the needs of families and individuals.

Mr. KENNEDY of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. LAZIO of New York. I yield to the gentleman from Massachusetts.

Mr. KENNEDY of Massachusetts. Mr. Chairman, is the gentleman seriously trying to stand up before us and tell us that if we target housing to very poor families, that that is a disincentive to get married?

Mr. LAZIO of New York. Mr. Chairman, reclaiming my time, what I am suggesting is that the gentleman's amendment, if adopted, would do precisely that. It would create that level of incentive, because I would say to the gentleman, again, if you have a family of two making minimum wage, you would not be eligible under the gentleman's amendment to receive vouchers in a vast amount of areas throughout the country. But if you chose not to get married or if you chose not to work, then you would be eligible. That is the incentive that the gentleman's amendment would create. That is why I am opposed to the gentleman's amendment.

Mr. WATT of North Carolina. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I have been fascinated by this debate, and a little perplexed. I kind of came in when the gentleman from Texas [Mr. PAUL] was making his comments, and noted that there were some striking similarities between what we were debating today and what we debated last week.

Last week we were trying to tell our colleagues on the other side, including the gentleman from Texas [Mr. PAUL], that if you take a house away from one person and give it to another, you are creating a problem for the one from whom you took it. That is why we said, hey, unless you are creating more housing, every time you take a public housing unit away from the very poor and give it to the working poor you are disadvantaging the very poor and putting them on the street.

The gentleman from Texas is not here, but I wanted to tell him that I certainly agree with his notion that if you take a house away from somebody and give it to somebody else, the person you took it from has been disadvantaged, but that was true last week as well as it is this week. It did not change from last week to this week. The same theory applies. It was true then, it is true now.

I wanted to tell him that while he may be right that public housing is a problem, we are not talking about public housing now. This is about vouchers, and so we are not talking about public housing projects or public housing communities this week. We had that discussion last week.

I certainly want to tell the gentleman from New York [Mr. LAZIO], the chairman of the subcommittee, that it is fine for him to talk about local flexibility today, but where was all the local flexibility last week when we were debating this issue, or earlier this week, when we were debating this issue? He values local flexibility now, it seems to me he would have valued it then.

But first and foremost, I cannot understand why last week and earlier this week the objective was to come up with a mix, and all of a sudden now we are on the other side of that issue. It is okay to mix in public housing working poor, even if it is at the expense of the very poor, but it is not okay to mix into the voucher program more poor people because that vouchered housing is out in some other parts of the community. If it is a good policy to support mixing income levels, then, my goodness, is it not a good policy running in both directions? It cannot be only a one-way street.

I do not understand, Mr. Chairman, why we have gotten ourselves into this, except that again the committee chairman and the subcommittee chairman are defending this bill at all costs, as if it was some perfect vehicle. This bill is not perfect. The problem is we have got a limited number of units and they have to go to somebody. We have a limited number of vouchers and they have to go to somebody.

We are trying to figure out some way to get not only poor people, the working poor taken care of, but we are trying to figure out a way to get the very poor taken care of, because if we do not do that, those people are going to end up on the street.

□ 1700

They do not have any options. And so while the Kennedy solution is not a perfect solution, the only perfect solution is to come up with more housing units for public housing and more vouchers for nonpublic housing to accommodate all of the people who do not have enough housing. That is the only perfect solution. I would submit to my colleagues that the solution of the gentleman from Massachusetts [Mr. KENNEDY] is a lot better than the solution that is provided for in the base bill.

I encourage my colleagues to support the Kennedy amendment.

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

Mr. Chairman, I yield to the gentleman from Massachusetts [Mr. KENNEDY].

Mr. KENNEDY of Massachusetts. Mr. Chairman, I thank the gentleman from New York for yielding to me.

I want to respond just briefly to a number of these issues. We hear an awful lot of heated rhetoric here. I think when we get to a point where we are suggesting that by looking out for very poor people that we are somehow dealing with a disincentive to get married, we have reached a new low in terms of how we characterize this debate. This is very simply an issue of the fact that there are not enough resources to take care of the housing needs of very poor people.

The chairman of the committee understands very clearly that we did cut 25 percent of the Nation's homeless budget in these last 2 years. We have also dramatically cut back on housing funding by another 25 percent. The number of poor people that we are going to be able to affect in terms of housing policy has shrunk, not grown. The number of poor people that are eligible for this housing has grown substantially, not shrunk. So we have a bigger problem with shorter resources.

The question is whether or not in terms of these public housing projects, whether or not we should have a better mix of working families in those projects. I believe we should. I think that the Republican solution went too far in terms of public housing itself. However, we lost that debate. I accept that loss.

This is a different debate. This deals with the voucher program where the Government gives them a voucher. They can take it to any neighborhood. Where a landlord will accept payment in that neighborhood, they can get the unit. It has nothing to do with concentrations.

We have other housing programs with people, and I am sure in the State of Iowa, the State of Massachusetts, two very different States, I have spent time in both, when there are States as varying as those two, they are able to, with incomes of $25,000, $28,000, $30,000 a year, incomes with two parents working, they are eligible for a broad array of homeownership programs, including many programs that are offered by private sector banks, many of whom are incentivized through the Community Reinvestment Act.

There are banks that would line up to get families that have that kind of income to make loans to them, to buy condominiums that might be worth, $60,000, $70,000, $80,000 to $100,000 in all, a broad array of these markets. They are not the individuals that badly need the voucher program.

The families that need the voucher program are the very poor. It is the single largest growing portion of the American population. For us to say, using just the rhetoric of public housing projects, to denounce and to suggest that somehow by looking out for very poor people, this bill has fungibility built in, a new policy that I strongly object to, because what it enables us to do is to take and strip people out of various projects and take

them out of the public housing program and put them into the voucher program or vice versa.

The chairman would understand that there is an incentive brought by the local public housing authority to take in more upper-income people. It means that there are going to be very many more, very low income people that are not going to have any government assistance, nobody is going to take care of them. They are going to be out on the street. That is ultimately the policy that we are endorsing here. It is not antimarriage. It is not antilove. It is not antianything. It is just saying, can we find it in our souls to just be a little compassionate?

We have told the poor people they have to go to work. We have told the poor people that they cannot have dogs and cats. Well, OK, if we want to say that. We have told them all sorts of things in this bill. They have got to file personal improvement programs. They have to go to work. They have got all sorts of different requirements placed on them. What we are just trying to suggest is put whatever requirements we have to, but please give this housing to those families that have the greatest need.

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

Mr. NADLER. I yield to the gentleman from Iowa.

Mr. LEACH. Mr. Chairman, there are two statistics that I think one has to be very careful of. The gentleman has used 25 percent and with the time frame, but it must be placed in the RECORD that this bill that we have before us is 100 percent of the administration's request this year.

Mr. NADLER. Mr. Chairman, reclaiming my time, I yield to the gentleman from Massachusetts [Mr. KENNEDY].

Mr. KENNEDY of Massachusetts. Mr. Chairman, the gentleman from Iowa knows that the funding levels that we have already suggested, that the President was wrong at the funding levels. I know my colleague makes the case that that means that we are out of touch.

The CHAIRMAN. The time of the gentleman from New York [Mr. NADLER] has expired.

(By unanimous consent, Mr. NADLER was allowed to proceed for 2 additional minutes.)

Mr. KENNEDY of Massachusetts. Mr. Chairman, if the gentleman will continue to yield, what I am pointing out to the gentleman is that it was the Republican Congress, it was under his leadership that this committee cut the homeless budget by 25 percent and cut the housing budget by 25 percent as well. It was those actions that ended up with the lower funding levels at $20 billion a year and less than a billion dollars a year in homeless funding. That is what happened. It was under the Republican leadership, under the Contract With America, under the rescission bill that that took place. And that is why we are at the level of funding we are today. It is unconscionable that President Clinton accepted those funding levels. And if he were here on this floor today, I would tell him to his face.

This is a terrible level of housing assistance but it does not provide an excuse for us going along with it.

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

Mr. NADLER. I yield to the gentleman from Iowa.

Mr. LEACH. Mr. Chairman, first I want to be very precise on several points. The gentleman has referred to a reduction in spending for several programs as part of a 95 supplemental which was not passed out of our committee. This was not a committee that passed that out. So the gentleman is making a point in attempting to assert a degree of personal responsibility for which I think he should be very cautious.

Mr. KENNEDY of Massachusetts. Mr. Chairman, if the gentleman will continue to yield, did the gentleman from Iowa vote for that budget?

Mr. LEACH. Yes, Mr. Chairman, and the President of the United States signed it.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I have said that I do not go along with the President of the United States on this. I certainly did not vote for it. The gentleman's side initiated it and his side voted for it.

Mr. LEACH. Mr. Chairman, if the gentleman will continue to yield, I would also stress again, what this bill does, as it is currently constituted, is target to the poorest of the poor, but then it does not say that the near-poor are excluded. What the Kennedy amendment does is exclude the near-poor. In this regard, we are also saying that it is local discretion. There is no binding exclusion which the Kennedy amendment implies. But under the committee approach, 100 percent would go to the poorest of the poor.

The CHAIRMAN. The time of the gentleman from New York [Mr. NADLER] has again expired.

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

Mr. NADLER. Mr. Chairman, I yield to the gentleman from Massachusetts [Mr. KENNEDY].

Mr. KENNEDY of Massachusetts. Mr. Chairman, I just wonder if perhaps the solution to this issue would be to go back to what is current policy. Would the gentleman from Iowa object to a provision that would suggest that we keep 75 percent of the units at below 30 percent and allow the other 25 percent to go to whatever income levels that the gentleman chooses?

Mr. LEACH. Mr. Chairman, if the gentleman will continue to yield, I would be happy to look carefully at language that comes before the committee. We will seriously review it. That will become a conferenceable issue. This chairman of this committee would have an open mind.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I would suggest to the gentleman that we are in the midst of a markup. We are at a situation right now, Mr. Chairman, where we have the possibility. I have the authority to accept that provision. It goes back to existing law. We do not need a lot of studies. We have a lot of years of experience. I wonder whether or not the chairman would convince the chairman of the Subcommittee on Housing to accept that right now.

Mr. LAZIO of New York. Mr. Chairman, will the gentleman yield?

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

The CHAIRMAN. The time of the gentleman from New York [Mr. NADLER] has again expired.

(On request of Mr. LAZIO of New York, and by unanimous consent, Mr. NADLER was allowed to proceed for 30 additional seconds.)

Mr. LAZIO of New York. Mr. Chairman, I would say that the very essence of H.R. 2 is local flexibility. That is not in current law. Current law suggests, again, go back to the same old Washington prescription. This is why we want to have this kind of flexibility so that working people, families making, a family of four with two wage earners at minimum wage would not be shut out as they are, both under the Kennedy amendment and under current law.

Mr. WATT of North Carolina. Mr. Chairman, will the gentleman yield?

Mr. NADLER. I yield to the gentleman from North Carolina.

Mr. WATT of North Carolina. Mr. Chairman, I cannot sit here and listen to the chairman of our subcommittee say that with a straight face after the debate we had last week. The essence of this bill is certainly not local flexibility, far from it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts [Mr. KENNEDY].

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

Mr. Kennedy of Massachusetts. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 133, further proceedings on the amendment offered by gentleman from Massachusetts [Mr. KENNEDY] will be postponed.

Are there further amendments to title III?

AMENDMENT OFFERED BY MR. NADLER

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of amendment is as follows:

Amendment offered by Mr. NADLER:

Page 184, strike lines 5 through 8 and insert the following:

(a) IN GENERAL.—There is authorized to be appropriated for providing public housing agencies with housing assistance under this title for each of fiscal years 1998, 1999, 2000, 2001, and 2002—

(1) such sums as may be necessary to renew any contracts for choice-based assistance under this title or tenant-based assistance under section 8 of the United States Housing Act of 1937 (as in effect before the repeal under section 601(b) of this Act) that expire during such fiscal year, only for use for such purpose; and

(2) $305,000,000, only for use for incremental assistance under this title.

Mr. LAZIO of New York. Mr. Chairman, we have negotiated a time limitation on this amendment of 26 minutes, evenly divided, the gentleman from New York controlling half the time and myself controlling half the time.

I ask unanimous consent that debate on this amendment and all amendments thereto be limited to 26 minutes, evenly divided between the gentleman from New York [Mr. NADLER] and myself.

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

There was no objection.

The CHAIRMAN. The gentleman from New York [Mr. LAZIO] and the gentleman from New York [Mr. NADLER], each will control 13 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, I rise today to offer an amendment to this bill that would, I would like to commend the gentleman from New York on the other side and the gentleman from Massachusetts for their hard work on this bill. This bill is seriously deficient because it reneges on our national commitment to create decent affordable housing. This bill provides absolutely no specific funding to make any new housing available to low income or moderate income families.

My amendment, which the gentleman from New York [Mr. SCHUMER] joins me in offering, would authorize 50,000 new section 8 vouchers to help low income families afford safe decent housing. We must send the appropriators a message that we believe the creation of new section 8 vouchers is a priority.

I would like to thank the chairman of the subcommittee and gentleman from Massachusetts for including language in the bill so that funding will be available to renew all existing section 8 vouchers. It is vitally important that those families currently benefiting from this program not be suddenly thrown out on the street. But it is not enough. The need for housing assistance remains staggering. Today 5.3 million poor families either pay more than 50 percent of their income for rent or live in severely substandard housing.

President Franklin Delano Roosevelt, founder of the public housing system in our Nation, spoke eloquently in 1944 of the fact that, and I quote, ''True individual freedom cannot exist without economic security and independence. Necessitous men are not free men.''

FDR was right. Every family has the right to a decent home, or do we no longer believe this to be so?

President Roosevelt's commitment to provide decent, safe, affordable housing to those that cannot afford the rent in the private market continued through administrations both Republican and Democratic. Richard Nixon, Ronald Reagan and George Bush all to some degree continued that commitment. But 2 years ago, the majority in Congress decided that commitment was no longer worth keeping. For the first time since the program began, no money was provided in that budget for new section 8 vouchers.

Our amendment will return to the legacy of the past half century. It will authorize funding to provide for an additional 50,000 certificates, equal to the President's request. I challenge anyone to argue that tenant-based section 8 vouchers do not achieve their goals. The tenant-based section 8 program is one of the most successful housing programs in existence. Section 8 pays a portion of a qualified family's rent. Each family commits 30 percent of their income to rent. The rest is paid by the section 8 voucher.

Overall rents are capped at fair market value. Thanks to section 8, families are able to afford decent safe housing; nothing extravagant and frankly sometimes not very nice at all, but much better than the alternative. For these families section 8 is more than a contract or a subsidy. It is often the foundation upon which they can build lifelong economic self-sufficiency. Section 8 allows families to enter the private housing market and choose where they live, creating better income mixes throughout our communities.

□ 1715

Today over a million families receive section 8 vouchers, which give them the mobility to choose their own decent housing. Yet over 5 million households are defined by HUD as having worst case housing needs; that is, paying over 50 percent of their income in rent or living in severely substandard housing. Not one of these 5 million families receives any Federal housing assistance. Their need is desperate. We must not turn our backs on the realities of the housing market and our people's desperate needs.

Our amendment will allow 50,000 more families to live in safe, affordable, decent housing. It is not asking for much. We only ask that today we commit to meet 1 percent of the need for affordable housing in our Nation. We can and should do more, but today, I will ask only for a very modest downpayment.

Some will say even helping 1 percent will cost too much. Some will say we cannot afford to pay the $6,000 per family it would cost to provide decent housing for these families. The reality is we cannot afford to shirk this responsibility.

The money is there. The chairman of the Committee on the Budget has taken the lead in pointing out the billions of dollars we spend each year on corporate welfare. The GAO recently reported that the Department of Defense has $2.7 billion in inventory items which are not needed to meet the services' operating and reserve requirements. Simply eliminating from the defense budget just the storage cost of these unnecessary inventory items would save $382 million annually, substantially more than the cost of this amendment.

That is the choice before us today: Pay for outdated, archaic, inflated needs, and we can find them throughout the budget, or focus our scarce resources on programs that, without question, do much good. Which is more important, unnecessary rivets collecting dust in a warehouse somewhere or a roof over a family's head?

Mr. Chairman, I ask support for this amendment.

Mr. Chairman, I yield 3 minutes to the gentleman from New York [Mr. SCHUMER].

Mr. SCHUMER. Mr. Chairman, I thank the gentleman from New York [Mr. LAZIO] for allowing me to proceed, and I thank the other gentleman from New York [Mr. NADLER] for yielding me this time.

Mr. Chairman, next week the House will consider a supplemental appropriations bill to help the victims of the Red River flood. I will join most Members in supporting this legislation because the families of Grand Forks need and deserve our help. But the offset for this emergency assistance is, once again, housing.

It seems that every time we cut the budget or provide relief to victims of natural disasters, the first account we look to is the housing account. In this latest supplemental we are cutting housing programs by $3.5 billion. These funds were put aside by housing authorities at our discretion to begin to cover the massive payment we all know is coming due for expiring project-based assistance.

These are not just my views. This week the chairman of the Senate Committee on the Budget, PETE DOMENICI, said expiring section 8 contracts will gobble up discretionary spending. So, with no thought to the consequences, we will soon vote to eliminate funding for 500,000 federally assisted housing units.

The amendment I offer, with my good friend from New York, Mr. NADLER, says we must stop using HUD for spare parts. Under Presidents Richard Nixon, Gerald Ford, Ronald Reagan, and George Bush, Congress and the President managed to find at least some new money for housing. But last year, for the first time in 50 years, we provided nothing, no new money for housing construction and no new money for section 8.

It is not because we solved the housing crisis. As we all know too well, 5.3 million families still pay over half their income in rent and live in substandard units, the likes of which my colleagues and I would be repulsed by.

Our amendment provides a modest increase of $300 million for section 8 housing each year over the next 5 years. Our amendment lets 50,000 new families each year receive desperately needed housing assistance. It is identical to the President's request, which means that in the context of balancing the budget, we can afford it.

I commend the gentleman from New York, Chairman LAZIO, for many of the reforms in this bill, particularly in the area of public housing. I understand he is under a great deal of pressure to cut spending, and he has received no support from those on his side of the aisle to fight for funding.

This is, indeed, a well-intentioned bill, but it is not enough. We have a 50-year streak of helping those with housing needs. Let us not jeopardize it. Support the Nadler-Schumer amendment.

Mr. LAZIO of New York. Mr. Chairman, I yield myself 4½ minutes.

Mr. Chairman, I want to say, first of all, that under the terms of H.R. 2, the bill we are debating today, we do authorize incremental or new vouchers. In the language of the bill we simply authorize that such sums as may be necessary are authorized. The reason for that is because we do not have any basis for fixing a sum.

For example, certain buildings in public housing will be demolished, in which case some of those residents may receive vouchers. In some cases the cost of remodeling will be so great that it will be more cost effective and the choice will be better for the tenant to receive a voucher, and they will receive that voucher. In other situations, people that may be displaced are seniors or disabled and will be receiving vouchers but, again, we are not sure exactly how many there are.

So we have tried to make it clear from an authorizing standpoint that we are for additional new vouchers, but we cannot exactly say for sure because there is no basis to say for sure how many new vouchers we are authorizing.

Now, under the amendment offered by the gentlemen from New York, they are requesting a sum certain, $350 million in budget authority for new section 8 certificates and vouchers of the choice-based program under the terms of the bill. According to the General Accounting Office, there is no basis in fact in which to determine, other than this objective, that 50,000 vouchers is the appropriate amount of vouchers. It may be too little or it may be too much, but there is no certainty.

That is why we have allowed maximum flexibility in the bill but, at the same time, a statement that we believe that additional vouchers should be authorized, they are authorized and should be appropriated for.

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

Mr. LAZIO of New York. I yield to the gentleman from New York.

Mr. NADLER. Mr. Chairman, I thank the gentleman from New York for yielding to me.

Let me just say first that the reason we put a specific amount in here, and the specific amount is the amount suggested in the President's budget, is that we believe that given the fact that in this year's budget, the budget we are living under now, there is zero appropriation for new section 8 housing, and an open-ended authorization of whatever may be necessary will not get anything from the appropriators. So we think that we should have a sum certain.

I would ask the gentleman if he would, whether this amendment passes or fails, if he would join us in asking the Committee on Appropriations for a sum certain. I would ask for this amount, the gentleman may pick some other number, but a sum certain so that we know that in this budget we will at least continue our commitment to new section 18?

Mr. LAZIO of New York. Mr. Chairman, reclaiming my time, I would say to the gentleman that I would be happy to advocate to the Committee on Appropriations for additional vouchers, choice-based vouchers.

If we could find an appropriate basis to fix an authorization number, I would even be willing, in the event this amendment fails, to include that, if we could, at conference level.

My position is that I do not have any basis right now in order to fix a number. I would also add that the appropriators, of course, even with an authorization, chose not to appropriate money. So there is really no reason, simply because we have a fixed number of $350 million, to presume that alone would lead the appropriators to appropriate money for that account. Because there is, of course the gentleman knows, a crisis in the project-based section 8 which needs to be resolved, and I understand that and I sympathize with the appropriators, but I am happy and pleased to advocate for additional vouchers because the need is clearly there.

Mr. NADLER. Mr. Chairman, I yield 1 minute to the gentleman from Illinois [Mr. DAVIS].

Mr. DAVIS of Illinois. Mr. Chairman, I thank the gentleman from New York [Mr. NADLER] for yielding.

Mr. Chairman, I rise to support this amendment, and I do so because it attempts to recognize one of the great needs in our society. Almost any evening across urban America, you can walk down the streets and see hundreds of men and women lined up trying to get in shelters because they have no place to go.

This amendment would, at least, give 50,000 additional homeless families in America a place to live. I strongly support it. I commend the gentleman for introducing it and hope that it will pass.

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

Mr. Chairman, I want to commend the gentleman from New York [Mr. LAZIO], the chairman of the Subcommittee on Housing and Community Opportunity, for agreeing with the need for additional vouchers and for his agreeing to go to the Committee on Appropriations and urge additional vouchers.

I would suggest, however, that we all know, that the gentleman from New York knows and I know and everyone knows, that given the fiscal stringencies in the balanced budget agreement, whatever happens to the politics of that over the next few weeks and months, that the odds of getting a real appropriation, a sizable appropriation, are very small. The odds of getting an appropriation that exceeds the amount suggested in this authorization in this amendment is, I would suggest, nil.

So I would urge the gentleman to accept this amendment as a ceiling on what we can realistically expect and as an expression by the House to the appropriators that may strengthen our hand in getting some reasonable fraction of this as an appropriation. I hope the gentleman will see the reasoning of that.

But, in any event, I would urge the passage of this amendment, if only to say morally that this House demands, that the House wants and knows that we need additional section 8 vouchers. I suspect that by putting a specific number in it, it really does strengthen our hand with the appropriators, although it obviously does not guarantee it.

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

Mr. LAZIO of New York. Mr. Chairman, I have no other speakers on this amendment. If I may inquire of the gentleman from New York [Mr. NADLER] if he has additional speakers.

Mr. NADLER. Mr. Chairman, we have no other speakers. I yield myself such time as I may consume.

Mr. Chairman, in summary, we need more section 8 vouchers. It is the only program we have going for additional low-income and moderate-income housing units. We have 5.3 million households. That is probably 15 or 16 million people in desperate need of new housing.

Last year was the first year since 1937, with the possible exception of a couple years in World War II, in which we had a zero budget for new low- and moderate-income housing. I think it imperative that we speak out by adoption of this amendment that we do not mean to make permanent this turning away from our 60 years' commitment to house our people decently. So I urge the adoption of this amendment.

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

Mr. LAZIO of New York. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I wonder if I could enter into a colloquy with the gentleman from New York [Mr. NADLER]. First of all, let me compliment the gentleman for his interest in housing

and community development. I am well aware of it in the New York metropolitan area.

Second of all, let me inquire of the gentleman if it would be acceptable to the gentleman if he received a commitment from this Member to work with him to establish a fixed amount in terms of authorization or, in the alternative, to go to the Committee on Appropriations to argue with the gentleman for an appropriate amount for which we could establish some logical basis, if the gentleman would consider withdrawing the amendment for now and working with this Member?

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

Mr. LAZIO of New York. I yield to the gentleman from New York.

Mr. NADLER. Mr. Chairman, I am not clear on what the gentleman is suggesting. Is the gentleman suggesting that we would simply go to the Committee on Appropriations and that we would seek a different amount to put in as an amendment to this bill?

Mr. LAZIO of New York. Mr. Chairman, reclaiming my time, I would suggest that we could pursue either or both strategies as long as we get a reasonable basis in order to fix an amount.

Mr. NADLER. Mr. Chairman, if the gentleman will continue to yield, I appreciate the commitment of the gentleman and willingness or eagerness to join in going to the Committee on Appropriations to urge a specific amount. I do think this bill should contain a specific amount.

I would be willing to withdraw this amendment if we have the agreement that we will try to work out by Tuesday a specific amount which we would then put into the bill and, if we do not reach that, we can have at least a voice vote on this amendment.

□ 1730

But I do think we should have a specific amount, not simply in mind with which to go to the Committee on Appropriations but in the bill.

Mr. LAZIO of New York. If I could reclaim my time, the best case scenario from this Member's perspective would be if the gentleman would withdraw the amendment and we would work to see if we could establish some good basis in order to make a judgment. But if that were not the case that we could do that by Tuesday, it might take longer. But I am committing to the gentleman that I would work with the gentleman to advocate for additional vouchers as long as we have a reasonable amount. Otherwise, I am afraid that we would be asking for an amount that has no clear basis. It has merit but not a factual basis.

Mr. NADLER. If the gentleman will yield further, I understand what the gentleman means. I would be willing on that basis to withdraw the amendment until Tuesday so we could if we reach an agreement, an agreed amount, put it in and do that then. I do not think I could withdraw the amendment without that.

Mr. LAZIO of New York. I thank the gentleman. We will have to take the vote on this. I thank the gentleman and look forward to working with him either way.

Mr. NADLER. If the gentleman will yield further, I appreciate the gentleman's comments. I look forward to working with him whatever happens to this amendment at this point.

Mr. LAZIO of New York. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. NADLER].

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

Mr. LAZIO of New York. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 133, further proceedings on the amendment offered by the gentleman from New York [Mr. NADLER] will be postponed.

Are there further amendments to title III?

The Clerk will designate title IV.

The text of title IV is as follows:

TITLE IV—HOME RULE FLEXIBLE GRANT OPTION

SEC. 401. PURPOSE.

The purpose of this title is to give local governments and municipalities the flexibility to design creative approaches for providing and administering Federal housing assistance based on the particular needs of the communities that—

(1) give incentives to low-income families with children where the head of household is working, seeking work, or preparing for work by participating in job training, educational programs, or programs that assist people to obtain employment and become economically self-sufficient;

(2) reduce cost and achieve greater cost-effectiveness in Federal housing assistance expenditures;

(3) increase housing choices for low-income families; and

(4) reduce excessive geographic concentration of assisted families.

SEC. 402. FLEXIBLE GRANT PROGRAM.

(a) AUTHORITY AND USE.—The Secretary shall carry out a program under which a jurisdiction may, upon the application of the jurisdiction and the review and approval of the Secretary, receive, combine, and enter into performance-based contracts for the use of amounts of covered housing assistance in a period consisting of not less than 1 nor more than 5 fiscal years in the manner determined appropriate by the participating jurisdiction—

(1) to provide housing assistance and services for low-income families in a manner that facilitates the transition of such families work;

(2) to reduce homelessness;

(3) to increase homeownership among low-income families; and

(4) for other housing purposes for low-income families determined by the participating jurisdiction.

(b) INAPPLICABILITY OF CATEGORICAL PROGRAM REQUIREMENTS.—

(1) IN GENERAL.—Except as provided in paragraph (2) and section 405, the provisions of this Act regarding use of amounts made available under each of the programs included as covered housing assistance and the program requirements applicable to each such program shall not apply to amounts received by a jurisdiction pursuant to this title.

(2) APPLICABILITY OF CERTAIN LAWS.—This title may not be construed to exempt assistance under this Act from, or make inapplicable any provision of this Act or of any other law that requires that assistance under this Act be provided in compliance with—

(A) title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.);

(B) the Fair Housing Act (42 U.S.C. 3601 et seq.);

(C) section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.);

(D) title IX of the Education Amendments of 1972 (86 Stat. 373 et seq.);

(E) the Age Discrimination Act of 1975 (42 U.S.C. 6101 et seq.);

(F) the Americans with Disabilities Act of 1990; or

(G) the National Environmental Policy Act of 1969 and other provisions of law that further protection of the environment (as specified in regulations that shall be issued by the Secretary).

(c) EFFECT ON PROGRAM ALLOCATIONS FOR COVERED HOUSING ASSISTANCE.—The amount of assistance received pursuant to this title by a participating jurisdiction shall not be decreased, because of participation in the program under this title, from the sum of the amounts that otherwise would be made available for or within the participating jurisdiction under the programs included as covered housing assistance.

SEC. 403. COVERED HOUSING ASSISTANCE.

For purposes of this title, the term ''covered housing assistance'' means—

(1) operating assistance provided under section 9 of the United States Housing Act of 1937 (as in effect before the effective date of this Act);

(2) modernization assistance provided under section 14 of such Act;

(3) assistance provided under section 8 of such Act for the certificate and voucher programs;

(4) assistance for public housing provided under title II of this Act; and

(5) choice-based rental assistance provided under title III of this Act.

Such term does not include any amounts obligated for assistance under existing contracts for project-based assistance under section 8 of the United States Housing Act of 1937 or section 601(f) of this Act.

SEC. 404. PROGRAM REQUIREMENTS.

(a) ELIGIBLE FAMILIES.—Each family on behalf of whom assistance is provided for rental or homeownership of a dwelling unit using amounts made available pursuant to this title shall be a low-income family. Each dwelling unit assisted using amounts made available pursuant to this title shall be available for occupancy only by families that are low-income families at the time of their initial occupancy of the unit.

(b) COMPLIANCE WITH ASSISTANCE PLAN.—A participating jurisdiction shall provide assistance using amounts received pursuant to this title in the manner set forth in the plan of the jurisdiction approved by the Secretary under section 406(a)(2).

(c) RENT POLICY.—A participating jurisdiction shall ensure that the rental contributions charged to families assisted with amounts received pursuant to this title—

(1) do not exceed the amount that would be chargeable under title II to such families were such families residing in public housing assisted under such title: or

(2) are established, pursuant to approval by the Secretary of a proposed rent structure included in the application under section 406, at levels that are reasonable and designed to eliminate any disincentives for members of

the family to obtain employment and attain economic self-sufficiency.

(d) HOUSING QUALITY STANDARDS.—

(1) COMPLIANCE.—A participating jurisdiction shall ensure that housing assisted with amounts received pursuant to this title is maintained in a condition that complies—

(A) in the case of housing located in a jurisdiction which has in effect laws, regulations, standards, or codes regarding habitability of residential dwellings, with such applicable laws, regulations, standards, or codes; or

(B) in the case of housing located in a jurisdiction which does not have in effect laws, regulations, standards, or codes described in paragraph (1), with housing quality standards established under paragraph (2).

(2) FEDERAL HOUSING QUALITY STANDARDS.—the Secretary shall establish housing quality standards under this paragraph that ensure that dwelling units assisted under this title are safe, clean, and healthy. Such standards shall include requirements relating to habitability, including maintenance, health and sanitation factors, condition, and construction of dwellings, and shall, to the greatest extend practicable, be consistent with the standards established under sections 232(b) and 328(c). The Secretary shall differentiate between major and minor violations of such standards.

(e) NUMBER OF FAMILIES ASSISTED.—A participating jurisdiction shall ensure that, in providing assistance with amounts received pursuant to this title in each fiscal year, not less than substantially the same total number of eligible low-income families are assisted as would have been assisted had the amounts of covered housing assistance not been combined for use under this title.

(f) CONSISTENCY WITH WELFARE PROGRAM.—A participating jurisdiction shall ensure that assistance provided with amounts received pursuant to this title is provided in a manner that is consistent with the welfare, public assistance, or other economic self-sufficiency programs operating in the jurisdiction by facilitating the transition of assisted families to work, which may include requiring compliance with the requirements under such welfare, public assistance, or self-sufficiency programs as a condition of receiving housing assistance with amounts provided under this title.

(g) TREATMENT OF CURRENTLY ASSISTED FAMILIES.—

(1) CONTINUATION OF ASSISTANCE.—A participating jurisdiction shall ensure that each family that was receiving housing assistance or residing in an assisted dwelling unit pursuant to any of the programs included as covered housing assistance immediately before the jurisdiction initially provides assistance pursuant to this title shall be offered assistance or an assisted dwelling unit under the program of the jurisdiction under this title.

(2) PHASE-IN OF RENT CONTRIBUTION INCREASES.—For any family that was receiving housing assistance pursuant to any of the programs included as covered housing assistance immediately before the jurisdiction initially provides assistance pursuant to this title, if the monthly contribution for rental of a dwelling unit assisted under this title to be paid by the family upon initial applicability of this title is greater than the amount paid by the family immediately before such applicability, any such resulting increase in rent contribution shall be—

(A) phased in equally over a period of not less than 3 years, if such increase is 30 percent or more of such contribution before initial applicability; and

(B) limited to not more than 10 percent per year if such increase is more than 10 percent but less than 30 percent of such contributions before initial applicability.

(h) AMOUNT OF ASSISTANCE.—In providing housing assistance using amounts received pursuant to this title, the amount of assistance provided by a participating jurisdiction on behalf of each assisted low-income family shall be sufficient so that if the family used such assistance to rent a dwelling unit having a rent equal to the 40th percentile of rents for standard quality rental units of the same size and type in the same market area, the contribution toward rental paid by the family would be affordable (as such term is defined by the jurisdiction) to the family.

(i) PORTABILITY.—A participating jurisdiction shall ensure that financial assistance for housing provided with amounts received pursuant to this title may be used by a family moving from an assisted dwelling unit located within the jurisdiction to obtain a dwelling unit located outside of the jurisdiction.

(j) PREFERENCES.—In providing housing assistance using amounts received pursuant to this title, a participating jurisdiction may establish a system for making housing assistance available that provides preference for assistance to families having certain characteristics. A system of preferences established pursuant to this subsection shall be based on local housing needs and priorities, as determined by the jurisdiction using generally accepted data sources.

(k) COMMUNITY WORK REQUIREMENT.—

(1) APPLICABILITY OF REQUIREMENTS FOR PHA'S.—Except as provided in paragraph (2), participating jurisdictions, families assisted with amounts received pursuant to this title, and dwelling units assisted with amounts received pursuant to this title, shall be subject to the provisions of section 105 of the same extent that such provisions apply with respect to public housing agencies, families residing in public housing dwelling units and families assisted under title III, and public housing dwelling units and dwelling units assisted under title III.

(2) LOCAL COMMUNITY SERVICE ALTERNATIVE.—Paragraph (1) shall not apply to a participating jurisdiction that, pursuant to approval by the Secretary of a proposal included in the application under section 406, is carrying out a local program that is designed to foster community service by families assisted with amounts received pursuant to this title.

(l) INCOME TARGETING.—In providing housing assistance using amounts received pursuant to this title in any fiscal year, a participating jurisdiction shall ensure that the number of families having incomes that do not exceed 30 percent of the area median income that are initially assisted under this title during such fiscal year is not less than substantially the same number of families having such incomes that would be initially assisted in such jurisdiction during such fiscal year under titles II and III pursuant to sections 222(c) and 321(b)).

SEC. 405. APPLICABILITY OF CERTAIN PROVISIONS.

(a) PUBLIC HOUSING DEMOLITION AND DISPOSITION REQUIREMENTS.—Section 261 shall continue to apply to public housing notwithstanding any use of the housing under this title.

(b) LABOR STANDARDS.—Section 112 shall apply to housing assisted with amounts provided pursuant to this title, other than housing assisted solely due to occupancy by families receiving tenant-based assistance.

SEC. 406. APPLICATION.

(a) IN GENERAL.—The Secretary shall provide for jurisdictions to submit applications to receive and use covered housing assistance amounts as authorized in this title for periods of not less than 1 and not more than 5 fiscal years. An application—

(1) shall be submitted only after the jurisdiction provides for citizen participation through a public hearing and, if appropriate, other means;

(2) shall include a plan developed by the jurisdiction for the provision of housing assistance with amounts received pursuant to this title that takes into consideration comments from the public hearing and any other public comments on the proposed program, and comments from current and prospective residents who would be affected, and that includes criteria for meeting each of the requirements under section 404 and this title;

(3) shall describe how the plan for use of amounts will assist in meeting the goals set forth in section 401;

(4) shall propose standards for measuring performance in using assistance provided pursuant to this title based on the performance standards under subsection (b)(2);

(5) shall propose the length of the period for which the jurisdiction is applying for assistance under this title; and

(6) may include a request assistance for training and technical assistance to assist with design of the program and to participate in a detailed evaluation.

(7) shall—

(A) in the case of the application of any jurisdiction within whose boundaries are areas subject to any other unit of general local government, include the signed consent of the appropriate executive official of such unit to the application; and

(B) in the case of the application of a consortia of units of general local government (as provided under section 409(1)(B)), include the signed consent of the appropriate executive officials of each unit included in the consortia;

(8) shall include information sufficient, in the determination of the Secretary—

(A) to demonstrate that the jurisdiction has or will have management and administrative capacity sufficient to carry out the plan under paragraph (2);

(B) to demonstrate that carrying out the plan will not result in excessive duplication of administrative efforts and costs, particularly with respect to activities performed by public housing agencies operating within the boundaries of the jurisdiction;

(C) to describe the function and activities to be carried out by such public housing agencies affected by the plan; and

(D) to demonstrate that the amounts received by the jurisdiction will be maintained separate from other funds available to the jurisdiction and will be used only to carry out the plan; and

(9) shall include information describing how the jurisdiction will make decisions regarding asset management of housing for low-income families under programs for covered housing assistance or assisted with grant amounts under this title.

A plan required under paragraph (2) to be included in the application may be contained in a memorandum of agreement or other document executed by a jurisdiction and public housing agency, if such document is submitted together with the application.

(b) REVIEW, APPROVAL, AND PERFORMANCE STANDARDS.—

(1) REVIEW.—The Secretary shall review applications for assistance pursuant to this title. If the Secretary determines that the application complies with the requirements of this title, the Secretary shall offer to enter into an agreement with jurisdiction providing for assistance pursuant to this title and incorporating a requirement that the jurisdiction achieve a particular level of performance in each of the areas for which performance standards are established under paragraph (2). If the Secretary determines that an application does not comply with the

requirements of this title, the Secretary shall notify the jurisdiction submitting the application of the reasons for such disapproval and actions that may be taken to make the application approvable. Upon approving or disapproving an application under this paragraph, the Secretary shall make such determination publicly available in writing together with a written statement of the reasons for such determination.

(2) PERFORMANCE STANDARDS.—The Secretary shall establish standards for measuring performance of jurisdictions in the following areas:

(A) Success in moving dependent low-income families to economic self-sufficiency.

(B) Success in reducing the numbers of long-term homeless families.

(C) Decrease in the per-family cost of providing assistance.

(D) Reduction of excessive geographic concentration of assisted families.

(E) Any other performance goals that the Secretary may prescribe.

(3) APPROVAL.—If the Secretary and a jurisdiction that the Secretary determines has submitted an application meeting the requirements of this title enter into an agreement referred to in paragraph (1), the Secretary shall approve the application and provide covered housing assistance for the jurisdiction in the manner authorized under this title. The Secretary may not approve any application for assistance pursuant to this title unless the Secretary and jurisdiction enter into an agreement referred to in paragraph (1). The Secretary shall establish requirements for the approval of applications under this section submitted by public housing agencies designated under section 533(a) as troubled, which may include additional or different criteria determined by the Secretary to be more appropriate for such agencies.

(c) STATUS OF PHA'S.—Nothing in this section or title may be construed to require any change in the legal status of any public housing agency or in any legal relationship between a jurisdiction and a public housing agency as a condition of participation in the program under this title.

SEC. 407. TRAINING.

The Secretary, in consultation with representatives of public and assisted housing interests, shall provide training and technical assistance relating to providing assistance under this title and conduct detailed evaluations of up to 30 jurisdictions for the purpose of identifying replicable program models that are successful at carrying out the purposes of this title.

SEC. 408. ACCOUNTABILITY.

(a) PERFORMANCE GOALS.—The Secretary shall monitor the performance of participating jurisdictions in providing assistance pursuant to this title based on the performance standards contained in the agreements entered into pursuant to section 406(b)(1).

(b) KEEPING RECORDS.—Each participating jurisdiction shall keep such records as the Secretary may prescribe as reasonably necessary to disclose the amounts and the disposition of amounts provided pursuant to this title, to ensure compliance with the requirements of this title and to measure performance against the performance goals under subsection (a).

(c) REPORTS.—Each participating jurisdiction agency shall submit to the Secretary a report, or series of reports, in a form and at a time specified by the Secretary. The reports shall—

(1) document the use of funds made available under this title;

(2) provide such information as the Secretary may request to assist the Secretary in assessing the program under this title; and

(3) describe and analyze the effect of assisted activities in addressing the purposes of this title.

(d) ACCESS TO DOCUMENTS BY SECRETARY.—The Secretary shall have access for the purpose of audit and examination to any books, documents, papers, and records that are pertinent to assistance in connection with, and the requirements of, this title.

(e) ACCESS TO DOCUMENTS BY COMPTROLLER GENERAL.—The Comptroller General of the United States, or any of the duly authorized representatives of the Comptroller General, shall have access for the purpose of audit and examination to any books, documents, papers, and records that are pertinent to assistance in connection with, and the requirements of, this title.

SEC. 409. DEFINITIONS.

For purposes of this title, the following definitions shall apply:

(1) JURISDICTION.—The term ''jurisdiction'' means—

(A) a unit of general local government (as such term is defined in section 104 of the Cranston-Gonzalez National Affordable Housing Act) that has boundaries, for purposes of carrying out this title, that—

(i) wholly contain the area within which a public housing agency is authorized to operate; and

(ii) do not contain any areas contained within the boundaries of any other participating jurisdiction; and

(B) a consortia of such units of general local government, organized for purposes of this title.

(2) PARTICIPATING JURISDICTION.—The term ''participating jurisdiction'' means, with respect to a period for which such approval is made, a jurisdiction that has been approved under section 406(b)(3) to receive assistance pursuant to this title for such fiscal year.

The CHAIRMAN. Are there amendments to title IV?

AMENDMENT NO. 13 OFFERED BY MR. KENNEDY OF MASSACHUSETTS

Mr. KENNEDY of Massachusetts. 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. KENNEDY of Massachusetts:

Page 220, strike line 12 and all that follows through line 12 on page 237 (and redesignate subsequent provisions and any references to such provisions, and conform the table of contents, accordingly).

Mr. LAZIO of New York. Mr. Chairman, I understand in speaking to the gentleman from Massachusetts that there is a proposed agreement to limit time to 20 minutes, 10 minutes controlled by the gentleman from Massachusetts [Mr. KENNEDY], 10 minutes controlled by myself. If that is acceptable to the gentleman from Massachusetts, if I could make that unanimous-consent request.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I would amend the unanimous-consent request to go 5 and 5.

Mr. LAZIO of New York. Mr. Chairman, the gentleman from Massachusetts is very generous and I accept it.

The CHAIRMAN. And that includes all amendments thereto?

Mr. KENNEDY of Massachusetts. Yes, Mr. Chairman.

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

There was no objection.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment deals with, I think, one of the most devious and unfortunate elements in this bill, and, that is, the block granting of the entire title IV.

H.R. 2, title IV, is simply a gigantic, untested block grant scheme. It will increase political influence over public housing authorities, increase HUD's cost and personnel, remove vital tenant protections, and create duplication of services that is simply unworkable.

Quite simply, title IV permits local jurisdictions, most likely cities, to apply for the same public housing and section 8 assistance that is currently going to local public housing authorities. My amendment would simply eliminate the block grant scheme.

First and foremost, I am concerned about the undue political influence. The worst public housing authorities are those that are controlled by local political influences. Why then would we try to increase such local political influences by giving the money directly to politicians?

It expands HUD costs and personnel. At a time when the Republicans repeatedly criticize HUD, why do they want to increase the burden of HUD staff to create additional costs by requiring HUD to sift through potentially thousands and thousands of block grant proposals to evaluate who would do the best job at the local level?

It removes tenant protections. Title IV removes vital Brooke protections and income targeting protections altogether.

And it is redundant with the public housing authorities locally. We have heard a great deal of rhetoric about providing funding back to the local folks. That is fine. I am not sure that that means we hand it to the local cities themselves. We want to make sure that the public housing goes to people that have housing knowledge and housing as their priority.

First, it is unclear why we should allow redundant, separate local jurisdictions to compete with each other for the administration of Federal housing assistance. We already have procedures to take over the administration of badly run or badly managed public housing authorities.

Title IV as proposed under the bill is opposed by several organizations, including the National Association of Housing and Rural Development Agencies, NAHRO; the Council of Large Public Housing Authorities; and the Public Housing Authorities Directors Association. All are uniquely and uniformly opposed to this.

The Council of Large Public Housing Authorities says:

Title IV ignores the well-documented history of public housing: excessive direct involvement of local elected officials in the operations has frequently resulted in patronage employment, corrupt contracting practices

and troubled PHA's. One need look no further than out your window for a prime example, the District of Columbia Housing Authority, which is now being revived under an able receiver after years of costly decline.

According to the Public Housing Authorities Directors Association, PHADA believes, quote, that the home rule plan is ill-advised because it could very well detract scant housing funds from their intended purpose. Indeed, in the few instances where the locality has had a significant amount of control over the local housing authority's operation, Washington D.C. and New Orleans, for example, disastrous results have occurred.

And NAHRO also supports this amendment which deletes title IV of the bill. It says, quote, as we have expressed to Chairman LAZIO, NAHRO supports what we believe to be the desire to foster local innovation and greater working relationships between housing authorities and local governments. However, we believe the provision, as currently drafted, is not the proper vehicle to accomplish that purpose.

The NAHRO chapter in my own home State of Massachusetts noted, ''The home rule block grant program potentially could mean the end of low-income public housing, with our own local officials dealing the death blow. This is a very bad idea.''

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

Mr. LAZIO of New York. Mr. Chairman, I yield myself 1½ minutes.

Title IV of this bill would provide maximum flexibility for new ideas, new innovation. It does not preclude the housing authorities from participating in the new idea. It simply says that a municipal leader, a mayor, would be able to come forward and suggest a plan to HUD with certain protections that are built into the bill, including protecting the same amount of low-income people in terms of housing that would be true if we did not choose this option.

What we are trying to do is to allow the creative inspiration of people at the municipal level to put forward plans subject to the approval of the Federal Government, the Department of Housing and Urban Development. There are protections that are built into this plan. For example, rent-setting protections are built into this plan serving the same amount of low income people; that is built into the plan. But we are trying to develop a system in which local leaders like mayors are more inclined to invest their own resources in economic development and housing for low-income people.

Right now we have had mayors testify before the committee that they are not inclined to invest their own dollars into their own cities because they feel removed from the decisionmaking, because they feel they have no valid input. But if they were included in it, if they were allowed to participate, they would bring the full panoply of resources at the disposal of municipalities in a creative way, in an integrated way, to help deal with the root causes of poverty and to address the housing concerns of that individual or that particular community.

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

Mr. KENNEDY of Massachusetts. Mr. Chairman, I include for the RECORD the following letter from the National League of Cities. The National League of Cities supports this amendment.

NATIONAL LEAGUE OF CITIES,
1301 PENNSYLVANIA AVENUE NW.,
Washington, DC, May 1, 1997.

Hon. JOSEPH KENNEDY,
House of Representatives, Washington, DC.

DEAR REPRESENTATIVE KENNEDY: The National League of Cities (NLC) urges you to vote no on H.R. 2, the ''Housing Opportunity and Responsibility Act of 1997,'' and to support a superior substitute bill which will be offered by Joseph P. Kennedy, II during floor debate in the House this week. We are especially opposed to the proposed repeal of the ''United States Housing Act of 1937'' and the proposal to give the Administration authority to impose sanctions on cities and towns.

H.R. 2 would repeal the ''United States Housing Act of 1937'' which has provided the underpinning for the Department of Housing and Urban Development's basic purpose for more than 60 years. The Act set a national goal to provide every American with safe, sanitary, affordable housing. In NLC's National Municipal Policy, our housing goal is to ''provide for every American a decent home in a suitable living environment with adequate financial stability to maintain it.'' We believe that abandoning this basic goal would be a disservice to every American who is struggling to provide adequately for his or her family. Housing is essential if families are to be safe and if those responsible for food and shelter are to seek and find permanent employment.

The bill would also propose new sanctions on cities and towns over the condition of a municipality's public housing authority. This implies there is a cause and effect when, in fact, the federal government and some state governments have far greater and more effective control over public housing authorities than mayors and city councils. In most cities and towns, the local government may have the authority to appoint members to the PHA board when a vacancy occurs. This is the extent of local control.

We oppose the inclusion of the Community Development Block Grant sanction on cities included in H.R. 2. This sanction would be imposed by the Secretary of HUD by withholding or redirecting a city's CDBG funding for an indefinite period of time. This sanction would go into effect if the Secretary determines that a PHA has become troubled due to the action or inaction of local government.

NLC has fought this provision since it first appeared in last year's public housing reform bill, H.R. 2406. It is ill-conceived and unnecessarily punitive. NLC has recommended that any public housing reform bill include incentives to encourage cooperation between cities and public housing authorities (PHAs). It would be much more appropriate to recommend positive remedial actions long before imposing sanctions. Also, sponsors of this provision can only sight four cities that have ''substantially'' contributed to the troubled status of their PHAs. They are Chicago, New Orleans, Detroit, and Camden, N.J. It is extreme to threaten to sanction the other 3,395 local governments with PHAs in their communities.

Let me thank you in advance for your support of constructive reform of public housing, an essential national housing resource.

Sincerely,

MARK SCHWARTZ,
President.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I yield the balance of my time to the gentleman from Texas [Mr. GONZALEZ], the former chairman of the full committee.

The CHAIRMAN. The gentleman from Texas is recognized for 30 seconds.

Mr. GONZALEZ. Mr. Chairman, I rise very strongly to support the Kennedy amendment. I find this home rule flexible block grant program just simply outrageous and it must be struck from the bill.

I can recall the horrendous times when there were no such things as housing assistance programs. I recall vividly families in the most distressed areas of our area in and around my hometown that I would visit as I had worked as a chief two-and-out probation officer for a while and would find these hovels with dirt floors and no privy or anything. Those were horrendous times. The way we are going, we are going right back to them.

Mr. LAZIO of New York. Mr. Chairman, I yield 2½ minutes to the gentleman from Nebraska [Mr. BEREUTER], a distinguished member of the Subcommittee on Housing and Community Opportunity of the Committee on Banking and Financial Services.

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

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

Mr. Chairman, I think we have to go back and remember what the situation is. In some parts of the country, the public housing agencies and programs they run for the working poor, for the poor, for less privileged Americans, are an absolute disgrace. We are trying to provide some innovation here, some flexibility so that innovation can come forth. What is being proposed to be struck here is the home rule flexibility grant option.

Let us take a look briefly at what we are attempting to do here. We are trying to encourage innovation in housing programs at the local level. We are trying to give localities the ability to present to HUD an alternative plan to provide housing for the community. This is where we have the troubled housing authorities that have failed.

Currently there is very little incentive for local leaders to attempt to solve some of the problems in local housing. In some cases they have no option. The public housing authority operates as a very separate entity. There are also no incentives really for local leaders to contribute scarce resources where needed.

Title IV tells local leaders if they are serious about making contributions to solving some of the problems of housing in their communities, then they are going to be given the flexibility to

do that. Everything, however, requires HUD approval, ensuring a responsible Federal oversight role in the process, despite what we might have heard a few minutes ago.

In an attempt to accommodate and to take into account some of the concerns raised in the committee or at subcommittee discussions earlier, there are a number of protections in the manager's amendment that has been adopted.

For example, we require that the Secretary ensure that the jurisdiction has management capability to carry out the plan they propose. Second, the plan does not lead to excessive duplication of administrative efforts. Third, the plan demonstrates the functions and the activities of the local PHA.

Next, it ensures housing funds are specifically used for housing purposes by requiring a separate housing fund, so these funds cannot be diverted for other purposes, to suit the mayor's attention.

It provides an opportunity for the PHA to comment upon the alternative plan. They are not shut out of the process. It provides flexibility to the HUD Secretary to establish different requirements for troubled housing authorities. It requires jurisdictional consent when there are other cross-jurisdictional concerns. And it clarifies that this title, title IV, does not require a city government takeover or legal status change of the PHA.

The flexibility is there, the protections are there to the American taxpayer, to the people in the community who are not being served well now by these troubled housing authorities. This is a basic and important reform. We need to keep title IV in and reject the amendment.

□ 1745

Mr. KENNEDY of Massachusetts. Mr. Chairman, I ask unanimous consent, if we might, to allow the gentleman from Texas [Mr. GONZALEZ], the former chairman, the ranking member, 2 additional minutes to complete his statement.

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

There was no objection.

The CHAIRMAN. The gentleman from Texas [Mr. GONZALEZ] is recognized for 2 additional minutes.

Mr. GONZALEZ. Mr. Chairman, I thank the gentleman from Massachusetts very much because this goes to the very essence of my presence in the United States House of Representatives.

I came from my hometown with a housing background and can recall vividly, and I am old enough to, the outrageous situation that was costing lives and the city, my home city, the dubious distinction of the tuberculosis capital of the country. We are fast pulling the clock back if we continue.

Mr. Chairman, there are no guarantees that the current public housing inventory will have to be maintained under this because there are no guarantees that the public housing authorities will receive funding from the city. This is not only outrageous, it is inviting the disinvestment in $90 billion of Federal investment, and of course it is duplicative.

Indeed, the cities may choose to start up a new quote, unquote, public housing program and let the current housing inventory deteriorate. But the reason we came to the Federal level is that the cities and the States and the counties would not do anything. That has been the history of all of our social legislation.

I know that there is a provision which protects the public housing authorities from disillusion, disillusion, but there are no similar protections that they will be given the money to operate with. It is somewhat ironic that with this block grant we could be taking money from the public housing authorities that this legislation purports to support. After all, the goal of this legislation is to provide housing authorities with the flexibility they need to operate and to untie their hands from unnecessary rules, regulations and requirements.

Mr. LAZIO of New York. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN. The gentleman from New York is recognized for 1 minute.

Mr. LAZIO of New York. Mr. Chairman, let me just say I think, to paraphrase a 20th century President, we have nothing to fear but fear itself on this, and what we want to do is create the sense of ideas of innovation. We should not be afraid of new ideas, we should not be afraid of allowing a local elected leader to come forward and say I think I have a better way of doing it, I think we can develop a better partnership, I think that maybe in our community, in our community, that the fixed way of having a public housing authority may not be necessarily the best way. We may want to have a joint venture with the public housing authority, we may want to have not-for-profits work along with them or community development corporations or resident-inspired groups.

The idea behind this provision of the bill would be subject to the provisions of protection that are already in the bill to provide the level of creativity, innovation, and this amendment would strike that, and for those reasons, Mr. Chairman, I would urge a ''no'' vote.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts [Mr. KENNEDY].

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

Mr. KENNEDY of Massachusetts. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 133, further proceedings on the amendment offered by the gentleman from Massachusetts [Mr. KENNEDY] will be postponed.

VACATING VOTE ON AMENDMENT NO. 18 OFFERED BY MR. NADLER

Mr. LAZIO of New York. Mr. Chairman, I ask unanimous consent to vacate the vote with regard to amendment No. 18 offered by the gentleman from New York [Mr. NADLER] and that the Chair restate the question.

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

There was no objection.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. NADLER].

The amendment was rejected.

The CHAIRMAN. Are there further amendments to title IV?

The Clerk will designate title V.

The text of title V is as follows:

TITLE V—ACCOUNTABILITY AND OVERSIGHT OF PUBLIC HOUSING AGENCIES

Subtitle A—Study of Alternative Methods for Evaluating Public Housing Agencies

SEC. 501. IN GENERAL.

The Secretary of Housing and Urban Development shall provide under section 505 for a study to be conducted to determine the effectiveness of various alternative methods of evaluating the performance of public housing agencies and other providers of federally assisted housing.

SEC. 502. PURPOSES.

The purposes of the study under this subtitle shall be—

(1) to identify and examine various methods of evaluating and improving the performance of public housing agencies in administering public housing and tenant-based rental assistance programs and of other providers of federally assisted housing, which are alternatives to oversight by the Department of Housing and Urban Development; and

(2) to identify specific monitoring and oversight activities currently conducted by the Department of Housing and Urban Development that are insufficient or ineffective in accurately and efficiently assessing the performance of public housing agencies and other providers of federally assisted housing, and to evaluate whether such activities should be eliminated, modified, or transferred to other entities (including government and private entities) to increase accuracy and effectiveness and improve monitoring.

SEC. 503. EVALUATION OF VARIOUS PERFORMANCE EVALUATION SYSTEMS.

To carry out the purpose under section 502(1), the study under this subtitle shall identify, and analyze and assess the costs and benefits of, the following methods of regulating and evaluating the performance of public housing agencies and other providers of federally assisted housing:

(1) CURRENT SYSTEM.—The system pursuant to the United States Housing Act of 1937 (as in effect upon the enactment of this Act), including the methods and requirements under such system for reporting, auditing, reviewing, sanctioning, and monitoring of such agencies and housing providers and the public housing management assessment program pursuant to subtitle C of this title (and section 6(j) of the United States Housing Act of 1937 (as in effect upon the enactment of this Act)).

(2) ACCREDITATION MODELS.—Various models that are based upon accreditation of such agencies and housing providers, subject to the following requirements:

(A) The study shall identify and analyze various models used in other industries and professions for accreditation and determine the extent of their applicability to the programs for public housing and federally assisted housing.

(B) If any accreditation models are determined to be applicable to the public and federally assisted housing programs, the study shall identify appropriate goals, objectives, and procedures for an accreditation program for such agencies housing providers.

(C) The study shall evaluate the effectiveness of establishing an independent accreditation and evaluation entity to assist, supplement, or replace the role of the Department of Housing and Urban Development in assessing and monitoring the performance of such agencies and housing providers.

(D) The study shall identify the necessary and appropriate roles and responsibilities of various entities that would be involved in an accreditation program, including the Department of Housing and Urban Development, the Inspector General of the Department, an accreditation entity, independent auditors and examiners, local entities, and public housing agencies.

(E) The study shall determine the costs involved in developing and maintaining such an independent accreditation program.

(F) The study shall analyze the need for technical assistance to assist public housing agencies in improving performance and identify the most effective methods to provide such assistance.

(3) PERFORMANCE BASED MODELS.—Various performance-based models, including systems that establish performance goals or targets, assess the compliance with such goals or targets, and provide for incentives or sanctions based on performance relative to such goals or targets.

(4) LOCAL REVIEW AND MONITORING MODELS.—Various models providing for local, resident, and community review and monitoring of such agencies and housing providers, including systems for review and monitoring by local and State governmental bodies and agencies.

(5) PRIVATE MODELS.—Various models using private contractors for review and monitoring of such agencies and housing providers.

(6) OTHER MODELS.—Various models of any other systems that may be more effective and efficient in regulating and evaluating such agencies and housing providers.

SEC. 504. CONSULTATION.

The entity that, pursuant to section 505, carries out the study under this subtitle shall, in carrying out the study, consult with individuals and organization experienced in managing public housing, private real estate managers, representatives from State and local governments, residents of public housing, families and individuals receiving choice- or tenant-based assistance, the Secretary of Housing and Urban Development, the Inspector General of the Department of Housing and Urban Development, and the Comptroller General of the United States.

SEC. 505. CONTRACT TO CONDUCT STUDY.

(a) IN GENERAL.—Subject to subsection (b), the Secretary shall enter into a contract with a public or nonprofit private entity to conduct the study under this subtitle, using amounts made available pursuant to section 507.

(b) NATIONAL ACADEMY OF PUBLIC ADMINISTRATION.—The Secretary shall request the National Academy of Public Administration to enter into the contract under paragraph (1) to conduct the study under this subtitle. If such Academy declines to conduct the study, the Secretary shall carry out such paragraph through other public or nonprofit private entities.

SEC. 506. REPORT.

(a) INTERIM REPORT.—The Secretary shall ensure that not later than the expiration of the 6-month period beginning on the date of the enactment of this Act, the entity conducting the study under this subtitle submits to the Congress an interim report describing the actions taken to carry out the study, the actions to be taken to complete the study, and any findings and recommendations available at the time.

(b) FINAL REPORT.—The Secretary shall ensure that—

(1) not later than the expiration of the 12-month period beginning on the date of the enactment of this Act, the study required under this subtitle is completed and a report describing the findings and recommendations as a result of the study is submitted to the Congress; and

(2) before submitting the report under this subsection to the Congress, the report is submitted to the Secretary and national organizations for public housing agencies at such time to provide the Secretary and such agencies an opportunity to review the report and provide written comments on the report, which shall be included together with the report upon submission to the Congress under paragraph (1).

SEC. 507. FUNDING.

Of any amounts made available under title V of the Housing and Urban Development Act of 1970 for policy development and research for fiscal year 1998, $500,000 shall be available to carry out this subtitle.

SEC. 508. EFFECTIVE DATE.

This subtitle shall take effect on the date of the enactment of this Act.

Subtitle B—Housing Evaluation and Accreditation Board

SEC. 521. ESTABLISHMENT.

(a) IN GENERAL.—There is established an independent agency in the executive branch of the Government to be known as the Housing Foundation and Accreditation Board (in this title referred to as the ''Board'').

(b) REQUIREMENT FOR CONGRESSIONAL REVIEW OF STUDY.—Notwithstanding any other provision of this Act, sections 523, 524, and 525 shall not take effect and the Board shall not have any authority to take any action under such sections (or otherwise) unless there is enacted a law specifically providing for the repeal of this subsection. This subsection may not be construed to prevent the appointment of the Board under section 522.

(c) EFFECTIVE DATE.—This section shall take effect on the date of the enactment of this Act.

SEC. 522. MEMBERSHIP.

(a) IN GENERAL.—The Board shall be composed of 12 members appointed by the President not later than 180 days after the date of the final report regarding the study required under subtitle A is submitted to the Congress pursuant to section 506(b), as follows:

(1) 4 members shall be appointed from among 10 individuals recommended by the Secretary of Housing and Urban Development.

(2) 4 members shall be appointed from among 10 individuals recommended by the Chairman and Ranking Minority Member of the Committee on Banking, Housing, and Urban Affairs of the Senate.

(3) 4 members appointed from among 10 individuals recommended by the Chairman and Ranking Minority Member of the Committee on Banking and Financial Services of the House of Representatives.

(b) QUALIFICATIONS.—

(1) REQUIRED REPRESENTATION.—The Board shall at all times have the following members:

(A) 2 members who are residents of public housing or dwelling units assisted under title III of this Act or the provisions of section 8 of the United States Housing Act of 1937 (as in effect before the effective date of the repeal under section 601(b) of this Act).

(B) At least 2, but not more than 4 members who are executive directors of public housing agencies.

(C) 1 member who is a member of the Institute of Real Estate Managers.

(D) 1 member who is the owner of a multifamily housing project assisted under a program administered by the Secretary of Housing and Urban Development.

(2) REQUIRED EXPERIENCE.—The Board shall at all times have as members individuals with the following experience:

(A) At least 1 individual who has extensive experience in the residential real estate finance business.

(B) At least 1 individual who has extensive experience in operating a nonprofit organization that provides affordable housing.

(C) At least 1 individual who has extensive experience in construction of multifamily housing.

(D) At least 1 individual who has extensive experience in the management of a community development corporation.

(E) At least 1 individual who has extensive experience in auditing participants in government programs.

A single member of the board with the appropriate experience may satisfy the requirements of more than 1 subparagraph of this paragraph. A single member of the board with the appropriate qualifications and experience may satisfy the requirements of a subparagraph of paragraph (1) and a subparagraph of this paragraph.

(c) POLITICAL AFFILIATION.—Not more than 6 members of the Board may be of the same political party.

(d) TERMS.—

(1) IN GENERAL.—Each member of the Board shall be appointed for a term of 4 years, except as provided in paragraphs (2) and (3).

(2) TERMS OF INITIAL APPOINTEES.—As designated by the President at the time of appointment, of the members first appointed—

(A) 3 shall be appointed for terms of 1 year;

(B) 3 shall be appointed for terms of 2 years;

(C) 3 shall be appointed for terms of 3 years; and

(D) 3 shall be appointed for terms of 4 years.

(3) VACANCIES.—Any member appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed only for the remainder of that term. A member may serve after the expiration of that member's term until a successor has taken office. A vacancy in the Board shall be filled in the manner in which the original appointment was made.

(e) CHAIRPERSON.—The Board shall elect a chairperson from among members of the Board.

(f) QUORUM.—A majority of the members of the Board shall constitute a quorum for the transaction of business.

(g) VOTING.—Each member of the Board shall be entitled to 1 vote, which shall be equal to the vote of every other member of the Board.

(h) PROHIBITION ON ADDITIONAL PAY.—Members of the Board shall serve without compensation, but shall be reimbursed for travel, subsistence, and other necessary expenses incurred in the performance of their duties as members of the Board.

SEC. 523. FUNCTIONS.

The purpose of this subtitle is to establish the Board as a nonpolitical entity to carry out, not later than the expiration of the 12-month period beginning upon the appointment under section 522 of all of the initial

members of the Board (or such other date as may be provided by law), the following functions:

(1) ESTABLISHMENT OF PERFORMANCE BENCHMARKS.—The Board shall establish standards and guidelines for use by the Board in measuring the performance and efficiency of public housing agencies and other owners and providers of federally assisted housing in carrying out operational and financial functions. The standards and guidelines shall be designed to replace the public housing management assessment program under section 6(j) of the United States Housing Act of 1937 (as in effect before the enactment of this Act) and improve the evaluation of the performance of housing providers relative to such program. In establishing such standards and guidelines, the Board shall consult with the Secretary, the Inspector General of the Department of Housing and Urban Development, and such other persons and entities as the Board considers appropriate.

(2) ESTABLISHMENT OF ACCREDITATION PROCEDURE AND ACCREDITATION.—The Board shall—

(A) establish a procedure for the Board to accredit public housing agencies to receive block grants under title II for the operation, maintenance, and production of public housing and amounts for housing assistance under title III, based on the performance of agencies, as measured by the performance benchmarks established under paragraph (1) and any audits and reviews of agencies; and

(B) commence the review and accreditation of public housing agencies under the procedures established under subparagraph (A).

In carrying out the functions under this section, the Board shall take into consideration the findings and recommendations contained in the report issued under section 506(b).

SEC. 524. POWERS.

(a) HEARINGS.—The Board may, for the purpose of carrying out this subtitle, hold such hearings and sit and act at such times and places as the Board determines appropriate.

(b) RULES AND REGULATIONS.—The Board may adopt such rules and regulations as may be necessary to establish its procedures and to govern the manner of its operations, organization, and personnel.

(c) ASSISTANCE FROM FEDERAL AGENCIES.—

(1) INFORMATION.—The Board may secure directly from any department or agency of the Federal Government such information as the Board may require for carrying out its functions, including public housing agency plans submitted to the Secretary by public housing agencies under title I. Upon request of the Board, any such department or agency shall furnish such information.

(2) GENERAL SERVICES ADMINISTRATION.—The Administrator of General Services shall provide to the Board, on a reimbursable basis, such administrative support services as the Board may request.

(3) DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.—Upon the request of the chairperson of the Board, the Secretary of Housing and Urban Development shall, to the extent possible and subject to the discretion of the Secretary, detail any of the personnel of the Department of Housing and Urban Development, on a nonreimbursable basis, to assist the Board in carrying out its functions under this subtitle.

(4) HUD INSPECTOR GENERAL.—The Inspector General of the Department of Housing and Urban Development shall serve the Board as a principal adviser with respect to all aspects of audits of public housing agencies. The Inspector General may advise the Board with respect to other activities and functions of the Board.

(d) MAILS.—The Board may use the United States mails in the same manner and under the same conditions as other Federal agencies.

(e) CONTRACTING.—The Board may, to such extent and in such amounts as are provided in appropriation Acts, enter into contracts with private firms, institutions, and individuals for the purpose of conducting evaluations of public housing agencies, audits of public housing agencies, and research and surveys necessary to enable the Board to discharge its functions under this subtitle.

(f) STAFF.—

(1) EXECUTIVE DIRECTOR.—The Board shall appoint an executive director of the Board, who shall be compensated at a rate fixed by the Board, but which shall not exceed the rate established for level V of the Executive Schedule under title 5, United States Code.

(2) OTHER PERSONNEL.—In addition to the executive director, the Board may appoint and fix the compensation of such personnel as the Board considers necessary, in accordance with the provisions of title 5, United States Code, governing appointments to the competitive service, and the provisions of chapter 51 and subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates.

(g) ACCESS TO DOCUMENTS.—The Board shall have access for the purposes of carrying out its functions under this subtitle to any books, documents, papers, and records of a public housing agency to which the Secretary has access under this Act.

SEC. 525. FEES.

(a) ACCREDITATION FEES.—The Board may establish and charge reasonable fees for the accreditation of public housing agencies as the Board considers necessary to cover the costs of the operations of the Board relating to its functions under section 523.

(b) FUND.—Any fees collected under this section shall be deposited in an operations fund for the Board, which is hereby established in the Treasury of the United States. Amounts in such fund shall be available, to the extent provided in appropriation Acts, for the expenses of the Board in carrying out its functions under this subtitle.

SEC. 526. GAO AUDIT.

The activities and transactions of the Board shall be subject to audit by the Comptroller General of the United States under such rules and regulations as may be prescribed by the Comptroller General. The representatives of the General Accounting Office shall have access for the purpose of audit and examination to any books, documents, papers, and records of the Board that are necessary to facilitate an audit.

Subtitle C—Interim Applicability of Public Housing Management Assessment Program

SEC. 531. INTERIM APPLICABILITY.

This subtitle shall be effective only during the period that begins on the effective date of this Act and ends upon the date of the effectiveness of the standards and procedures required under section 523.

SEC. 532. MANAGEMENT ASSESSMENT INDICATORS.

(a) ESTABLISHMENT.—The Secretary shall develop and publish in the Federal Register indicators to assess the management performance of public housing agencies and other entities managing public housing (including resident management corporations, independent managers pursuant to section 236, and management entities pursuant to subtitle D). The indicators shall be established by rule under section 553 of title 5, United States Code. Such indicators shall enable the Secretary to evaluate the performance of public housing agencies and such other managers of public housing in all major areas of management operations.

(b) CONTENT.—The management assessment indicators shall include the following indicators:

(1) The number and percentage of vacancies within an agency's or manager's inventory, including the progress that an agency or manager has made within the previous 3 years to reduce such vacancies.

(2) The amount and percentage of funds obligated to the public housing agency or manager from the capital fund or under section 14 of the United States Housing Act of 1937 (as in effect before the effective date of the repeal under section 601(b) of this Act), which remain unexpended after 3 years.

(3) The percentage of rents uncollected.

(4) The energy consumption (with appropriate adjustments to reflect different regions and unit sizes).

(5) The average period of time that an agency or manager requires to repair and turn-around vacant dwelling units.

(6) The proportion of maintenance work orders outstanding, including any progress that an agency or manager has made during the preceding 3 years to reduce the period of time required to complete maintenance work orders.

(7) The percentage of dwelling units that an agency or manager fails to inspect to ascertain maintenance or modernization needs within such period of time as the Secretary deems appropriate (with appropriate adjustments, if any, for large and small agencies or managers).

(8) The extent to which the rent policies of any public housing agency establishing rental amounts in accordance with section 225(b) comply with the requirement under section 225(c).

(9) Whether the agency is providing acceptable basic housing conditions, as determined by the Secretary.

(10) Any other factors as the Secretary deems appropriate.

(c) CONSIDERATIONS IN EVALUATION.—The Secretary shall—

(1) administer the system of evaluating public housing agencies and managers flexibly to ensure that agencies and managers are not penalized as result of circumstances beyond their control;

(2) reflect in the weights assigned to the various management assessment indicators the differences in the difficulty of managing individual developments that result from their physical condition and their neighborhood environment; and

(3) determine a public housing agency's or manager's status as ''troubled with respect to modernization'' under section 533(b) based upon factors solely related to its ability to carry out modernization activities.

SEC. 533. DESIGNATION OF PHA'S.

(a) TROUBLED PHA'S.—The Secretary shall, under the rulemaking procedures under section 553 of title 5, United States Code, establish procedures for designating troubled public housing agencies and managers, which procedures shall include identification of serious and substantial failure to perform as measured by (1) the performance indicators specified under section 532 and such other factors as the Secretary may deem to be appropriate; or (2) such other evaluation system as is determined by the Secretary to assess the condition of the public housing agency or other entity managing public housing, which system may be in addition to or in lieu of the performance indicators established under section 532. Such procedures shall provide that an agency that does not provide acceptable basic housing conditions shall be designated a troubled public housing agency.

(b) AGENCIES TROUBLED WITH RESPECT TO CAPITAL ACTIVITIES.—The Secretary shall designate, by rule under section 553 of title 5, United States Code, agencies and managers that are troubled with respect to capital activities.

(c) AGENCIES AT RISK OF BECOMING TROUBLED.—The Secretary shall designate, by rule under section 553 of title 5, United States Code, agencies and managers that are at risk of becoming troubled.

(d) EXEMPLARY AGENCIES.—The Secretary may also, in consultation with national organizations representing public housing agencies and managers and public officials (as the Secretary determines appropriate), identify and commend public housing agencies and managers that meet the performance standards established under section 532 in an exemplary manner.

(e) APPEAL OF DESIGNATION.—The Secretary shall establish procedures for public housing agencies and managers to appeal designation as a troubled agency or manager (including designation as a troubled agency or manager for purposes of capital activities), to petition for removal of such designation, and to appeal any refusal to remove such designation.

SEC. 534. ON-SITE INSPECTION OF TROUBLED PHA'S.

(a) IN GENERAL.—Upon designating a public housing agency or manager as troubled pursuant to section 533 and determining that an assessment under this section will not duplicate any other review previously conducted or required to be conducted of the agency or manager, the Secretary shall provide for an on-site, independent assessment of the management of the agency or manager.

(b) CONTENT.—To the extent the Secretary deems appropriate (taking into consideration an agency's or manager's performance under the indicators specified under section 532, the assessment team shall also consider issues relating to the agency's or manager's resident population and physical inventory, including the extent to which—

(1) the public housing agency plan for the agency or manager adequately and appropriately addresses the rehabilitation needs of the public housing inventory;

(2) residents of the agency or manager are involved in and informed of significant management decisions; and

(3) any developments in the agency's or manager's inventory are severely distressed (as such term is defined under section 262.

(c) INDEPENDENT ASSESSMENT TEAM.—An independent assessment under this section shall be carried out by a team of knowledgeable individuals selected by the Secretary (referred to in this title as the ''assessment team'') with expertise in public housing and real estate management. In conducting an assessment, the assessment team shall consult with the residents and with public and private entities in the jurisdiction in which the public housing is located. The assessment team shall provide to the Secretary and the public housing agency or manager a written report, which shall contain, at a minimum, recommendations for such management improvements as are necessary to eliminate or substantially remedy existing deficiencies.

SEC. 535. ADMINISTRATION.

(a) PHA'S.—The Secretary shall carry out this subtitle with respect to public housing agencies substantially in the same manner as the public housing management assessment system under section 6(j) of the United States Housing Act of 1937 (as in effect immediately before the effective date of the repeal under section 601(b) of this Act) was required to be carried out with respect to public housing agencies. The Secretary may comply with the requirements under this subtitle by using any regulations issued to carry out such system and issuing any additional regulations necessary to make such system comply with the requirements under this subtitle.

(b) OTHER MANAGERS.—The Secretary shall establish specific standards and procedures for carrying out this subtitle with respect to managers of public housing that are not public housing agencies. Such standards and procedures shall take in consideration special circumstances relating to entities hired, directed, or appointed to manage public housing.

Subtitle D—Accountability and Oversight Standards and Procedures

SEC. 541. AUDITS.

(a) BY SECRETARY AND COMPTROLLER GENERAL.—Each block grant contract under section 201 and each contract for housing assistance amounts under section 302 shall provide that the Secretary, the Inspector General of the Department of Housing and Urban Development, and the Comptroller General of the United States, or any of their duly authorized representatives, shall, for the purpose of audit and examination, have access to any books, documents, papers, and records of the public housing agency (or other entity) entering into such contract that are pertinent to this Act and to its operations with respect to financial assistance under the this Act.

(b) BY PHA.—

(1) REQUIREMENT.—Each public housing agency that owns or operates 250 or more public housing dwelling units and receives assistance under this Act shall have an audit made in accordance with chapter 75 of title 31, United States Code. The Secretary, the Inspector General of the Department of Housing and Urban Development, and the Comptroller General of the United States shall have access to all books, documents, papers, or other records that are pertinent to the activities carried out under this Act in order to make audit examinations, excerpts, and transcripts.

(2) WITHHOLDING OF AMOUNTS.—The Secretary may, in the sole discretion of the Secretary, arrange for, and pay the costs of, an audit required under paragraph (1). In such circumstances, the Secretary may withhold, from assistance otherwise payable to the agency under this Act, amounts sufficient to pay for the reasonable costs of conducting an acceptable audit, including, when appropriate, the reasonable costs of accounting services necessary to place the agency's books and records in auditable condition.

SEC. 542. PERFORMANCE AGREEMENTS FOR AUTHORITIES AT RISK OF BECOMING TROUBLED.

(a) IN GENERAL.—Upon designation of a public housing agency as at risk of becoming troubled under section 533(c), the Secretary shall seek to enter into an agreement with the agency providing for improvement of the elements of the agency that have been identified. An agreement under this section shall contain such terms and conditions as the Secretary determines are appropriate for addressing the elements identified, which may include an on-site, independent assessment of the management of the agency.

(b) POWERS OF SECRETARY.—If the Secretary determines that such action is necessary to prevent the public housing agency from becoming a troubled agency, the Secretary may—

(1) solicit competitive proposals from other public housing agencies and private housing management agents (which may be selected by existing tenants through administrative procedures established by the Secretary), for any case in which such agents may be needed for managing all, or part, of the housing or functions administered by the agency; or

(2) solicit competitive proposals from other public housing agencies and private entities with experience in construction management, for any case in which such authorities or firms may be needed to oversee implementation of assistance made available for capital improvement for public housing of the agency.

SEC. 543. PERFORMANCE AGREEMENTS AND CDBG SANCTIONS FOR TROUBLED PHA'S.

(a) IN GENERAL.—Upon designation of a public housing agency as a troubled agency under section 533(a) and after reviewing the report submitted pursuant to section 534(c) and consulting with the assessment team for the agency under section 534, the Secretary shall seek to enter into an agreement with the agency providing for improving the management performance of the agency.

(b) CONTENTS.—An agreement under this section between the Secretary and a public housing agency shall set forth—

(1) targets for improving performance, as measured by the guidelines and standards established under section 532 and other requirements within a specified period of time, which shall include targets to be met upon the expiration of the 12-month period beginning upon entering into the agreement;

(2) strategies for meeting such targets;

(3) sanctions for failure to implement such strategies; and

(4) to the extent the Secretary deems appropriate, a plan for enhancing resident involvement in the management of the public housing agency.

(c) LOCAL ASSISTANCE IN IMPLEMENTATION.—The Secretary and the public housing agency shall, to the maximum extent practicable, seek the assistance of local public and private entities in carrying out an agreement under this section.

(d) DEFAULT UNDER PERFORMANCE AGREEMENT.—Upon the expiration of the 12-month period beginning upon entering into an agreement under this section with a public housing agency, the Secretary shall review the performance of the agency in relation to the performance targets and strategies under the agreement. If the Secretary determines that the agency has failed to comply with the performance targets established for such period, the Secretary shall take the action authorized under subsection (b)(2) or (b)(5) of section 545.

(e) CDBG SANCTION AGAINST LOCAL GOVERNMENT CONTRIBUTING TO TROUBLED STATUS OF PHA.—If the Secretary determines that the actions or inaction of any unit of general local government within which any portion of the jurisdiction of a public housing agency is located has substantially contributed to the conditions resulting in the agency being designated under section 533(a) as a troubled agency, the Secretary may redirect or withhold, from such unit of general local government any amounts allocated for such unit under section 106 of the Housing and Community Development Act of 1974.

SEC. 544. OPTION TO DEMAND CONVEYANCE OF TITLE TO OR POSSESSION OF PUBLIC HOUSING.

(a) AUTHORITY FOR CONVEYANCE.—A contract under section 201 for block grants under title II (including contracts which amend or supersede contracts previously made (including contracts for contributions)) may provide that upon the occurrence of a substantial default with respect to the covenants or conditions to which the public housing agency is subject (as such substantial default shall be defined in such contract), the public housing agency shall be obligated, at the option of the Secretary, to—

(1) convey title in any case where, in the determination of the Secretary (which determination shall be final and conclusive), such conveyance of title is necessary to achieve the purposes of this Act; or

(2) deliver to the Secretary possession of the development, as then constituted, to which such contract relates.

(b) OBLIGATION TO RECONVEY.—Any block grant contract under title II containing the provisions authorized in subsection (a) shall also provide that the Secretary shall be obligated to reconvey or redeliver possession of the development, as constituted at the time of reconveyance or redelivery, to such public housing agency or to its successor (if such public housing agency or a successor exists) upon such terms as shall be prescribed in such contract, and as soon as practicable after—

(1) the Secretary is satisfied that all defaults with respect to the development have been cured, and that the development will, in order to fulfill the purposes of this Act, thereafter be operated in accordance with the terms of such contract; or

(2) the termination of the obligation to make annual block grants to the agency, unless there are any obligations or covenants of the agency to the Secretary which are then in default.

Any prior conveyances and reconveyances or deliveries and redeliveries of possession shall not exhaust the right to require a conveyance or delivery of possession of the development to the Secretary pursuant to subsection (a) upon the subsequent occurrence of a substantial default.

(c) CONTINUED GRANTS FOR REPAYMENT OF BONDS AND NOTES UNDER 1937 ACT.—If—

(1) a contract for block grants under title II for an agency includes provisions that expressly state that the provisions are included pursuant to this subsection, and

(2) the portion of the block grant payable for debt service requirements pursuant to the contract has been pledged by the public housing agency as security for the payment of the principal and interest on any of its obligations, then—

(A) the Secretary shall (notwithstanding any other provisions of this Act), continue to make the block grant payments for the agency so long as any of such obligations remain outstanding; and

(B) the Secretary may covenant in such a contract that in any event such block grant amounts shall in each year be at least equal to an amount which, together with such income or other funds as are actually available from the development for the purpose at the time such block grant payments are made, will suffice for the payment of all installments of principal and interest on the obligations for which the amounts provided for in the contract shall have been pledged as security that fall due within the next succeeding 12 months.

In no case shall such block grant amounts be in excess of the maximum sum specified in the contract involved, nor for longer than the remainder of the maximum period fixed by the contract.

SEC. 545. REMOVAL OF INEFFECTIVE PHA'S.

(a) CONDITIONS OF REMOVAL.—The actions specified in subsection (b) may be taken only upon—

(1) the occurrence of events or conditions that constitute a substantial default by a public housing agency with respect to (A) the covenants or conditions to which the public housing agency is subject, or (B) an agreement entered into under section 543; or

(2) submission to the Secretary of a petition by the residents of the public housing owned or operated by a public housing agency that is designated as troubled pursuant to section 533(a).

(b) REMOVAL ACTIONS.—Notwithstanding any other provision of law or of any block grant contract under title II or any grant agreement under title III, in accordance with subsection (a), the Secretary may—

(1) solicit competitive proposals from other public housing agencies and private housing management agents (which, in the discretion of the Secretary, may be selected by existing public housing residents through administrative procedures established by the Secretary) and, if appropriate, provide for such agents to manage all, or part, of the housing administered by the public housing agency or all or part of the other functions of the agency;

(2) take possession of the public housing agency, including any developments or functions of the agency under any section of this Act;

(3) solicit competitive proposals from other public housing agencies and private entities with experience in construction management and, if appropriate, provide for such authorities or firms to oversee implementation of assistance made available for capital improvements for public housing;

(4) require the agency to make other arrangements acceptable to the Secretary and in the best interests of the public housing residents and assisted families under title III for managing all, or part of, the public housing administered by the agency or the functions of the agency; or

(5) petition for the appointment of a receiver for the public housing agency to any district court of the United States or to any court of the State in which any portion of the jurisdiction of the public housing agency is located, that is authorized to appoint a receiver for the purposes and having the powers prescribed in this section.

(c) EMERGENCY ASSISTANCE.—The Secretary may make available to receivers and other entities selected or appointed pursuant to this section such assistance as is fair and reasonable to remedy the substantial deterioration of living conditions in individual public housing developments or other related emergencies that endanger the health, safety and welfare of public housing residents or assisted families under title III.

(d) POWERS OF SECRETARY.—If the Secretary takes possession of an agency, or any developments or functions of an agency, pursuant to subsection (b)(2), the Secretary—

(1) may abrogate contracts that substantially impede correction of the substantial default or improvement of the classification, but only after efforts to renegotiate such contracts have failed and the Secretary has made a written determination regarding such abrogation, which shall be available to the public upon request, identify such contracts, and explain the determination that such contracts may be abrogated;

(2) may demolish and dispose of assets of the agency in accordance with section 261;

(3) where determined appropriate by the Secretary, may require the establishment of one or more new public housing agencies;

(4) may consolidate the agency into other well-managed public housing agencies with the consent of such well-managed authorities;

(5) shall not be subject to any State or local laws relating to civil service requirements, employee rights, procurement, or financial or administrative controls that, in the determination of the Secretary, substantially impede correction of the substantial default or improvement of the classification, but only if the Secretary has made a written determination regarding such inapplicability, which shall be available to the public upon request, identify such inapplicable laws, and explain the determination that such laws impede such correction; and

(6) shall have such additional authority as a district court of the United States has the authority to confer under like circumstances upon a receiver to achieve the purposes of the receivership.

The Secretary may appoint, on a competitive or noncompetitive basis, an individual or entity as an administrative receiver to assume the Secretary's responsibility under this paragraph for the administration of a public housing agency. The Secretary may delegate to the administrative receiver any or all of the powers of the Secretary under this subsection. Regardless of any delegation under this subsection, an administrative receiver may not require the establishment of one or more new public housing agencies pursuant to paragraph (3) unless the Secretary first approves such establishment. For purposes of this subsection, the term ''public housing agency'' includes any developments or functions of a public housing agency under any section of this title.

(e) RECEIVERSHIP.—

(1) REQUIRED APPOINTMENT.—In any proceeding under subsection (b)(5), upon a determination that a substantial default has occurred, and without regard to the availability of alternative remedies, the court shall appoint a receiver to conduct the affairs of the public housing agency in a manner consistent with this Act and in accordance with such further terms and conditions as the court may provide. The receiver appointed may be another public housing agency, a private management corporation, the Secretary, or any other appropriate entity. The court shall have power to grant appropriate temporary or preliminary relief pending final disposition of the petition by the Secretary.

(2) POWERS OF RECEIVER.—If a receiver is appointed for a public housing agency pursuant to subsection (b)(5), in addition to the powers accorded by the court appointing the receiver, the receiver—

(A) may abrogate contracts that substantially impede correction of the substantial default or improvement of the classification, but only after bona fide efforts to renegotiate such contracts have failed and the receiver has made a written determination regarding such abrogation, which shall be available to the public upon request, identify such contracts, and explain the determination that such contracts may be abrogated;

(B) may demolish and dispose of assets of the agency in accordance with section 261;

(C) where determined appropriate by the Secretary, may require the establishment of one or more new public housing agencies, to the extent permitted by State and local law; and

(D) except as provided in subparagraph (C), shall not be subject to any State or local laws relating to civil service requirements, employee rights, procurement, or financial or administrative controls that, in the determination of the receiver, substantially impede correction of the substantial default or improvement of the classification, but only if the receiver has made a written determination regarding such inapplicability, which shall be available to the public upon request, identify such inapplicable laws, and explain the determination that such laws impede such correction.

For purposes of this paragraph, the term ''public housing agency'' includes any developments or functions of a public housing agency under any section of this title.

(3) TERMINATION.—The appointment of a receiver pursuant to this subsection may be terminated, upon the petition of any party, when the court determines that all defaults have been cured or the public housing agency will be able to make the same amount of progress in correcting the management of the housing as the receiver.

(f) LIABILITY.—If the Secretary takes possession of an agency pursuant to subsection (b)(2) or a receiver is appointed pursuant to subsection (b)(5) for a public housing agency, the Secretary or the receiver shall be

deemed to be acting in the capacity of the public housing agency (and not in the official capacity as Secretary or other official) and any liability incurred shall be a liability of the public housing agency.

(g) EFFECTIVENESS.—The provisions of this section shall apply with respect to actions taken before, on, or after the effective date of this Act and shall apply to any receivers appointed for a public housing agency before the effective date of this Act.

SEC. 546. MANDATORY TAKEOVER OF CHRONICALLY TROUBLED PHA'S.

(a) REMOVAL OF AGENCY.—Notwithstanding any other provision of this Act, not later than the expiration of the 180-day period beginning on the effective date of this Act, the Secretary shall take one of the following actions with respect to each chronically troubled public housing agency:

(1) CONTRACTING FOR MANAGEMENT.—Solicit competitive proposals for the management of the agency pursuant to section 545(b)(1) and replace the management of the agency pursuant to selection of such a proposal.

(2) TAKEOVER.—Take possession of the agency pursuant to section 545(b)(2) of such Act.

(3) PETITION FOR RECEIVER.—Petition for the appointment of a receiver for the agency pursuant to section 545(b)(5).

(b) DEFINITION.—For purposes of this section, the term ''chronically troubled public housing agency'' means a public housing agency that, as of the effective date of this Act, is designated under section 6(j)(2) of the United States Housing Act of 1937 (as in effect immediately before the effective date of the repeal under section 601(b) of this Act) as a troubled public housing agency and has been so designated continuously for the 3-year period ending upon the effective date of this Act; except that such term does not include any agency that owns or operates less than 1250 public housing dwelling units and that the Secretary determines can, with a reasonable amount of effort, make such improvements or remedies as may be necessary to remove its designation as troubled within 12 months.

SEC. 547. TREATMENT OF TROUBLED PHA'S.

(a) EFFECT OF TROUBLED STATUS ON CHAS.—The comprehensive housing affordability strategy (or any consolidated plan incorporating such strategy) for the State or unit of general local government in which any troubled public housing agency is located shall not be considered to comply with the requirements under section 105 of the Cranston-Gonzalez National Affordable Housing Act unless such plan includes a description of the manner in which the State or unit will assist such troubled agency in improving its operations to remove such designation.

(b) DEFINITION.—For purposes of this section, the term ''troubled public housing agency'' means a public housing agency that—

(1) upon the effective date of this Act, is designated under section 6(j)(2) of the United States Housing Act of 1937 (as in effect immediately before the effective date of the repeal under section 601(b) of this Act) as a troubled public housing agency; and

(2) is not a chronically troubled public housing agency, as such term is defined in section 546(b) of this Act.

SEC. 548. MAINTENANCE OF RECORDS.

Each public housing agency shall keep such records as may be reasonably necessary to disclose the amount and the disposition by the agency of the proceeds of assistance received pursuant to this Act and to ensure compliance with the requirements of this Act.

SEC. 549. ANNUAL REPORTS REGARDING TROUBLED PHA'S.

The Secretary shall submit a report to the Congress annually, as a part of the report of the Secretary under section 8 of the Department of Housing and Urban Development Act, that—

(1) identifies the public housing agencies that are designated under section 533 as troubled or at-risk of becoming troubled and the reasons for such designation; and

(2) describes any actions that have been taken in accordance with sections 542, 543, 544, and 545.

SEC. 550. APPLICABILITY TO RESIDENT MANAGEMENT CORPORATIONS.

The Secretary shall apply the provisions of this subtitle to resident management corporations in the same manner as applied to public housing agencies.

SEC. 551. ADVISORY COUNCIL FOR HOUSING AUTHORITY OF NEW ORLEANS.

(a) ESTABLISHMENT.—The Secretary and the Housing Authority of New Orleans (in this section referred to as the ''Housing Authority'') shall, pursuant to the cooperative endeavor agreement in effect between the Secretary and the Housing Authority, establish an advisory council for the Housing Authority of New Orleans (in this section referred to as the ''advisory council'') that complies with the requirements of this section.

(b) MEMBERSHIP.—

(1) IN GENERAL.—The advisory council shall be appointed by the Secretary, not later than 90 days after the date of the enactment of this Act, and shall be composed of the following members:

(A) The Inspector General of the Department of Housing and Urban Development (or the Inspector General's designee).

(B) Not more than 7 other members, who shall be selected for appointment based on their experience in successfully reforming troubled public housing agencies or in providing affordable housing in coordination with State and local governments, the private sector, affordable housing residents, or local nonprofit organizations.

(2) PROHIBITION ON ADDITIONAL PAY.—Members of the advisory council shall serve without compensation, but shall be reimbursed for travel, subsistence, and other necessary expenses incurred in the performance of their duties as members of the Board using amounts from the Headquarters Reserve fund pursuant to section 111(b)(4).

(c) FUNCTIONS.—The advisory council shall—

(1) establish standards and guidelines for assessing the performance of the Housing Authority in carrying out operational, asset management, and financial functions for purposes of the reports and finding under subsections (d) and (e), respectively;

(2) provide advice, expertise, and recommendations to the Housing Authority regarding the management, operation, repair, redevelopment, revitalization, demolition, and disposition of public housing developments of the Housing Authority;

(3) report to the Congress under subsection (d) regarding any progress of the Housing Authority in improving the performance of its functions; and

(4) make a final finding to the Congress under subsection (e) regarding the future of the Housing Authority.

(d) QUARTERLY REPORTS.—The advisory council shall report to the Congress and the Secretary not less than every 3 months regarding the performance of the Housing Authority and any progress of the authority in improving its performance and carrying out its functions.

(e) FINAL FINDING.—Upon the expiration of the 18-month period that begins upon the appointment under subsection (b)(1) of all members of the advisory council, the council shall make and submit to the Congress and the Secretary a finding of whether the Housing Authority has substantially improved its performance, the performance of its functions, and the overall condition of the Authority such that the Authority should be allowed to continue to operate as the manager of the public housing of the Authority. In making the finding under this subsection, the advisory council shall consider whether the Housing Authority has made sufficient progress in the demolition and revitalization of the Desire Homes development, the revitalization of the St. Thomas Homes development, the appropriate allocation of operating subsidy amounts, and the appropriate expending of modernization amounts.

(f) RECEIVERSHIP.—If the advisory council finds under subsection (e) that the Housing Authority has not substantially improved its performance such that the Authority should be allowed to continue to operate as the manager of the public housing of the Authority, the Secretary shall (notwithstanding section 545(a)) petition under section 545(b) for the appointment of a receiver for the Housing Authority, which receivership shall be subject to the provisions of section 545.

(g) EXEMPTION.—The provisions of section 546 shall not apply to the Housing Authority.

AMENDMENT NO. 25 OFFERED BY MR. VENTO

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

The CHAIRMAN. The clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 25 offered by Mr. VENTO: Page 244, strike line 1 and all that follows through line 8 on page 254, and insert the following:

Subtitle C—Public Housing Management Assessment Program

Mr. LAZIO of New York. Mr. Chairman, will the gentleman yield?

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

Mr. LAZIO of New York. Mr. Chairman, I understand that we have an understanding or negotiation that we would be able to seek an outside parameter of time, 20 minutes, to hear this amendment, 10 minutes to be controlled by the gentleman from Minnesota [Mr. VENTO] and 10 minutes to be controlled by myself.

Mr. VENTO. Mr. Chairman, I ask unanimous consent that the 20 minutes allocated to this be equally divided between the gentleman from New York [Mr. LAZIO] and myself.

The CHAIRMAN. It is the Chair's understanding that this includes all amendments thereto.

Mr. VENTO. That is correct, Mr. Chairman.

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

There was no objection.

The CHAIRMAN. The gentleman from Minnesota [Mr. VENTO] is recognized for 10 minutes.

Mr. VENTO. Mr. Chairman, I yield myself 4 minutes.

Mr. Chairman, this amendment in this title V provides for a study of the evaluation of the HUD evaluation system and performance of public housing

agencies; provides a half million dollar study for that purpose, but ironically then, and I think in a contradicting manner, moves ahead and establishes an accreditation board, another Federal board of 12 appointed individuals to that particular board.

Mr. Chairman, this is a contradiction. This is basically either one thing or the other. If we are going to do the study, we need to evaluate what the consequences, the outcome, of that study is. I would agree that a study is appropriate in this instance because there have been many questions that have arisen with regards to HUD and the performance evaluations that it has done of public housing agencies. In fact, it is a rather new effort on their part that has existed for the last 6 or 7 years to make that effort.

As we repeatedly heard with regard to 3,400 agencies, there are some 75 that are troubled, that house a considerable number of individuals in the 4½ million housing units. But to set up a study and then to automatically set up the board really predetermines what the outcome of the study is. The study may in fact find other alternatives that are preferable, for instance, in terms of reinforcing the existing authority within HUD, but beyond that it simply opens up the possibility of having two competing entities; that is to say HUD itself, which has responsibility, and I might say the lines are not clearly defined with regards to this board that is established, the accreditation board, and HUD itself and the fighting between one another as to what the requirements, who has what responsibilities.

It is in fact the report language that we have in the bill that the majority's report language on page 115 goes on to even point out this particular abnormality. It says if such study concludes, and I quote, ''If such study concludes that an accreditation system would be unwise for the public housing program, then Congress will be in a position to either change the focus of the accreditation board, this new Federal agency, in accordance with the study's findings or to simply eliminate the board.''

So here we have in one case a study that is suggesting that if the study suggests something else that we are going to eliminate the board. Well, I got news for my colleagues. Once this board gets appointed and we have 12 appointed people by the Speaker, by the President, by the ranking members in the House and Senate, they are going to be a board in search of a mission. Once we set up this type of federal bureaucracy, we are not going to dismiss it. They are going to be out there looking for something to do.

So I mean I do not understand the purpose of doing this. As my colleagues know, Congress is going to be back in session in 1998. My colleague will still be, I guess, I assume, the chairman of the subcommittee when this study comes back. We are going to spend a half million dollars on it, and I think that, as my colleagues know, in terms of trying to be objective about this we ought to at least try and get the results of the study before we presuppose what the results are. If that is the case, then why do they have the study in here? And I would suggest that there are many contradictions in competition that come up; in fact this has been pointed out repeatedly.

This board will have the power to mail, will have the power to hire executives, to hire staff. As my colleagues know, if they love rules and regulations, they are going to love this new bureaucracy that is being set up here. As my colleagues know, if they do not agree with the job HUD is doing, I think then maybe we need to take issue with that with the new Secretary or the former Secretary, as we have. But to set up another board, a redundant board, I think is the height of cynicism.

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

Mr. LAZIO of New York. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, I wish every public housing authority throughout the Nation was a high performing, competent housing authority that performed to levels of excellence, and if that were the case, as the saying goes, if men were angels, we would not need such a thing as an accreditation board. But in fact there are some housing authorities throughout the country that are not doing a very good job. Some have been dismal failures and some need more help, some need more encouragement.

In the academic world accreditation is used in order to ensure minimum levels of excellence in terms of colleges and universities, and it is a stamp of approval for people when they look at colleges and universities or law schools or graduate schools. It gives people a comfort level that they know that these institutions are performing at these minimal levels. And they are staffed and developed by a system of peers. The same is true with hospitals throughout the Nation.

But with housing that monitoring takes place in-house in HUD. HUD itself monitors the housing authorities, and they have been doing an exceptionally mediocre, some would say a quite poor, job of that evaluation. In fact, according to the General Accounting Office in an independent study, one-half of HUD's confirmatory reviews of their in-house assessment program showed that their scores were shown to be inaccurate. Fifty-eight percent of the time that the scores were shown to be inaccurate, HUD lowered the scores by an average of 14 points or a very substantial shift on a score of 1 to 100.

Mr. Chairman, there is no doubt that the evaluation procedure that currently exists is faulty; it is inherently flawed, it is unreliable and lacks credibility, and that is one of the reasons why housing authorities that have been performing at very low standards are permitted to continue to operate where we continue to be able to—not just able, but we are almost forced or encouraged to throw good money after bad to keep feeding housing authorities when they are performing at very low management levels.

The National Commission on Severely Distressed Housing advocated an accreditation system to better evaluate the effectiveness of public housing management, and it felt that industry peers with experience running housing authorities similar to those that they are assessing are in a better position to develop performance standards, reevaluate an organization against its own needs and requirements and differentiate among conditions or issues of concern that may exist in a development, but not in others, and also to offer technical assistance in specifically each authority and help it to learn how to meet accreditation standards and management. We need an independent accreditation board.

We are also saying by authorizing a study within the course of this section of the bill that we should have a study and have them report back to us so that we can fully flesh out what this independent accreditation board should have in terms of its overall and underlying mission, but we do make a statement in this bill that we need independence, that we need an accreditation board that ought to be staffed by peers and people with industry experience, and it ought to be used to help prompt housing authorities to be all that they can be to perform to levels of excellence and for those who do not, to report back so that we can take appropriate action to defund the housing authorities that are doing a dismal job.

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

□ 1800

Mr. VENTO. Mr. Chairman, I yield 3 minutes to the gentleman from Massachusetts [Mr. KENNEDY] the ranking Member.

Mr. KENNEDY of Massachusetts. Mr. Chairman, first of all, let me thank my good friend, Mr. VENTO, for once again taking on an issue that, while it is perhaps off the beaten path in terms of normal debate that we hear around the Congress of the United States, is nonetheless central to I think the proper administration of housing programs in this country.

People are so fond of beating up on HUD and beating up on badly-run public housing agencies, badly run public housing authorities and projects, they will simply jump at any possible solution to the problem, no matter how well that idea is going to work. We have heard a lot of rhetoric about the fact that we should be open to new ideas. I say maybe the other side ought to be open to a bad idea, and perhaps when they see a bad idea they ought to be willing to shut it down. This qualifies as a bad idea.

We all agree that we need to tear down bad public housing and take over

troubled housing authorities, but we can and we have been doing that without creating a costly, independent and duplicative accreditation board.

I support the Vento amendment that maintains H.R. 2's industry study of current accreditation systems and makes recommendations to the Congress on improving and monitoring the evaluation of public housing authorities. Upon completion of the study, my colleagues have our commitment to review the study in an expedited manner and move to legislation, if needed, that would implement the study's thoughtful suggestions.

We need to support Mr. VENTO's amendment that strikes the implementation of an accreditation board despite what the 6-month study might recommend. The committee heard testimony from all of the national representatives of public housing directors, such as the Council of Large Public Housing Authorities, the Public Housing Directors Association, the National Association of Redevelopment and Housing Directors that opposed instituting H.R. 2's accreditation board.

Secretary Cuomo and HUD's Inspector General also offered testimony against the independent evaluation board included in the board. Secretary Cuomo recognized that an outside accreditation board would replace the current responsibilities of HUD in evaluating PHA's, yet the PHA's would remain fiscally accountable to HUD. With HUD's oversight role so greatly diminished by establishing an accreditation board, how could the Department certify that PHAs were responsible?

As we move toward a balanced budget, why are we mandating and paying for an accreditation study and then refusing to see what the study says before we move to policy development?

I just believe, when all is said and done, this is the worst kind of legislating. It is saying, listen, we have an idea, we are such true believers in our idea that we are going to create a study, and regardless of what the study ends up suggesting or saying, we are going to go forward with the idea nonetheless.

If we are going to do this, why not just go forward with the accreditation board and at least save the taxpayers a study.

Mr. LAZIO of New York. Mr. Chairman, I reserve the balance of my time.

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

I would just say that effectively there have been no answers to the questions that we have raised. The gentleman's own report language suggests that if the study turns out differently, then we can come back and repeal the board.

Mr. Chairman, it is a $500,000 study, I say to my colleagues. It is going to set up appointments by the Speaker, by the minority leader, by the President; 12 Members are going to be out there looking for a mission. We know how these sorts of examples function.

I would say that my distinguished colleague from New York, Mr. LAZIO, the subcommittee chairman, pointed out that the GAO gave an evaluation of HUD. How does this deal with changing HUD? HUD still has the responsibility; and I might say in reference to this that HUD has, and in this bill, in fact, there is even more authority being given to local governments and to the public housing authorities. The presumption is that they have the ability to in fact function in that regard.

I would suggest that this is not accreditation. We have building standards and many requirements that are local. This is a balancing act that we do when we are dealing with housing. It is not as though that they have absolute autonomy in terms of what they are doing, as we might find in hospitals or in education institutions where in fact the accreditation issue is even being devalued. Some of the best schools in this country, incidentally, do not go through accreditation. There are questions about the hospital process even today as we sit here, yet we are going ahead and having a study.

I think that in fact that the study is quite appropriate and I support it, but why not wait until we get it back to find out what the best way to implement this is? Do we need another board within HUD, without HUD? Do we need another level of bureaucracy? Do we need HUD in essence competing with this accreditation board? That is what this invites.

The lines of authority and the way that this is written is not clear. I do not doubt the gentleman's good intentions in terms of what he is trying to do, but I think it needs a further evaluation. That is why I think that Secretary Cuomo has spoken out strongly against this; why Secretary Cisneros was very concerned about this in the previous example of this legislation. While the Inspector General of HUD, I misspoke when I said the GAO, but the Inspector General of HUD has suggested that it would not work, the GAO has pointed out that the accreditation model also had questions about it, and most of the public housing agencies, the housing authorities directors association, are very concerned and have spoken out against this.

So I do not understand where the support for this comes, other than the fact that if we get a study back in a year that is commissioned, why can we not take up the study at that time and then allocate the responsibilities appropriately in terms of how we evaluate housing agencies? It is not all bad. They did pick St. Paul, MN, as the No. 1 public housing agency, I might say to my friend, so there are I think some good aspects to it, but why are we setting this up and having the motion that we will in essence lose control of it? We will have little influence in that particular case. Adopt the Vento amendment.

Mr. LAZIO of New York. Mr. Chairman, I yield myself such time as I may consume.

Let me begin by saying that I know that the gentleman from Minnesota offers the amendment not just in good faith, but with a good deal of passion, and I appreciate his concern for housing. He has been a very credible and productive member of the Committee on Banking and Financial Services, and I appreciate him.

However, let me say this about the gentleman's amendment. We want to make a statement here that we are going to hit the ground running. We are not going to wait for further activity; we are not going to condemn another generation to live in substandard conditions. We are going to acknowledge the fact that the HUD evaluations of housing authorities have been chronically flawed and faulty. That is not speculation, that is fact. That is the conclusion of the General Accounting Office.

What we are saying in the bill is that we need an independent entity to ensure and demand that the housing authorities are performing to levels of excellence. I can understand why HUD might want to keep control of this, and I can understand why some housing authorities might not want to have an independent evaluation, but let me say that is exactly what they need. It is unfair to the taxpayers and unfair to the residents when housing authorities, performing under abysmal standards, are evaluated by HUD and given passing grades, and that is exactly what has been criticized by both the General Accounting Office and by the inspector general when they found fault with the internal accounting system of the evaluation system within HUD.

In fact, there are plenty of housing authorities, plenty of housing authorities, according to the testimony that the committee heard, that while they have received pretty decent scores, in fact they had poor maintenance, windows broken, doors broken, graffiti, criminal activity, poor management, money wasted, and because of the faulty evaluation, and in my opinion, this member's opinion, because of a lack of independence in terms of the evaluation, that was allowed to continue. The net effect of that is that another generation is condemned to live in poor conditions.

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

Mr. LAZIO of New York. I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, I cannot differ with the gentleman in terms of some of the deplorable problems that have occurred, but is it not the function of the Inspector General of HUD that has done some of the criticism or the GAO or the oversight work of our committee that can, in fact, hold them accountable? Is this the only means available?

If this study goes through the process and indicates that it is preferable, I will join the gentleman in supporting it. But I think the essence is, why do we not look at what the alternatives

are? Of course we know that HUD itself has renewed its efforts in these areas.

Mr. LAZIO of New York. Mr. Chairman, reclaiming my time, it is absolutely the responsibility of the committee in terms of oversight. It is absolutely the responsibility of the inspector general. It is absolutely the responsibility of the General Accounting Office, to the extent that they are directed to report back to Congress, to evaluate the information that is provided.

The idea here is to ensure that we have credible, independent information provided so that we can make reasonable judgments, and that is why this bill stands for the independent accreditation system outside of HUD that will report to us and allow us to make decent decisions about what we should do when we have chronic failure.

Of course, H.R. 2 speaks to that. We fired the ones that are doing the poor job, and what we should do with those housing authorities that are doing a good job, and again H.R. 2 speaks to this, we should provide more flexibility. But we should be getting additional information upon which we can make judgments.

Mr. KENNEDY of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. LAZIO of New York. I yield to the gentleman from Massachusetts.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I would ask of the gentleman from New York, is it not true that in the legislation that the gentleman wrote, that he included new regulations regarding FEMAC that actually deal with the building inspection program that the gentleman just cited in order to improve how those inspections are being done?

Mr. LAZIO of New York. Mr. Chairman, reclaiming my time, since we have asked for a study to be implemented, we have interim regulations in place so that there is not a void until the accreditation board is fully operational, in which case that would substitute.

Mr. KENNEDY of Massachusetts. Mr. Chairman, if the gentleman will continue to yield, I appreciate that, but I would point out to the gentleman that he has designed and pointed out some problems that have existed; he has taken steps to try to deal with those problems, and then he has said maybe the entire system needs to have a new look, and he has created a $500,000 study to look at that new look. The trouble is that the gentleman implements the results of the study before the study has been completed.

So I just pose the question to the gentleman from New York [Mr. LAZIO], if you are going to do that, why do the study? Why not just save the taxpayers $500,000 and go forward?

Mr. LAZIO of New York. Mr. Chairman, again reclaiming my time, I think it was Members of the minority who asked for the study, as a matter of fact. I would say to the gentleman it was the Members of the minority that asked for the study. We established the plan. Because we have a study and we are trying to be flexible and respond to the minority by having the study, we can obviously not implement the accreditation board immediately, so we have interim rules and regulations so that we do not have an absolute void in terms of evaluation, and that all seems entirely responsible and rational, based on some of the concerns that have been expressed by Members of the minority.

We are happy to have the study in there to ensure that we have all the relevant input that we might need in order to have the strongest possible accreditation board, which would have independence and still have credibility.

The CHAIRMAN. All time on this amendment has expired.

The question is on the amendment offered by the gentleman from Minnesota [Mr. VENTO].

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

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

The CHAIRMAN. Pursuant to House Resolution 133, further proceedings on the amendment offered by the gentleman from Minnesota [Mr. VENTO] will be postponed.

The CHAIRMAN. Are there further amendments to title V?

Mr. LAZIO of New York. Mr. Chairman, I ask unanimous consent that the following Members be permitted to offer their amendments to title V even after the reading has progressed beyond that title, and that is subject to discussions I have had with both of these Members, and I have made a personal commitment that I will support this unanimous-consent request. That would be the amendment by the gentleman from New York [Mr. TOWNS] and the amendment by the gentleman from Illinois [Mr. DAVIS].

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

There was no objection.

□ 1815

The CHAIRMAN. If there are no further amendments to title V, the Clerk will designate title VI.

The text of title VI is as follows:

TITLE VI—REPEALS AND RELATED AMENDMENTS

Subtitle A—Repeals, Effective Date, and Savings Provisions

SEC. 601. EFFECTIVE DATE AND REPEAL OF UNITED STATES HOUSING ACT OF 1937.

(a) EFFECTIVE DATE.—

(1) IN GENERAL.—This Act and the amendments made by this Act shall take effect upon the expiration of the 6-month period beginning on the date of the enactment of this Act, except as otherwise provided in this section.

(2) EXCEPTION.—If the Secretary determines that action under this paragraph is necessary for program administration or to avoid hardship, the Secretary may, by notice in accordance with subsection (d), delay the effective date of any provision of this Act until a date not later than October 1, 1998.

(3) SPECIFIC EFFECTIVE DATES.—Any provision of this Act that specifically provides for the effective date of such provision shall take effect in accordance with the terms of the provision.

(b) REPEAL OF UNITED STATES HOUSING ACT OF 1937.—Effective upon the effective date under subsection (a)(1), the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.) is repealed, subject to the conditions under subsection (c). Subsection (a)(2) shall not apply to this subsection.

(c) SAVINGS PROVISIONS.—

(1) OBLIGATIONS UNDER 1937 ACT.—Any obligation of the Secretary made under authority of the United States Housing Act of 1937 shall continue to be governed by the provisions of such Act, except that—

(A) notwithstanding the repeal of such Act, the Secretary may make a new obligation under such Act upon finding that such obligation is required—

(i) to protect the financial interests of the United States or the Department of Housing and Urban Development; or

(ii) for the amendment, extension, or renewal of existing obligations; and

(B) notwithstanding the repeal of such Act, the Secretary may, in accordance with subsection (d), issue regulations and other guidance and directives as if such Act were in effect if the Secretary finds that such action is necessary to facilitate the administration of obligations under such Act.

(2) TRANSITION OF FUNDING.—Amounts appropriated under the United States Housing Act of 1937 shall, upon repeal of such Act, remain available for obligation under such Act in accordance with the terms under which amounts were made available.

(3) CROSS REFERENCES.—The provisions of the United States Housing Act of 1937 shall remain in effect for purposes of the validity of any reference to a provision of such Act in any statute (other than such Act) until such reference is modified by law or repealed.

(d) PUBLICATION AND EFFECTIVE DATE OF NOTICES OF DELAY.—

(1) SUBMISSION TO CONGRESS.—The Secretary shall submit to the Committee on Banking and Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate a copy of any proposed notice under subsection (a)(2) or any proposed regulation, guidance, or directive under subsection (c)(1)(B).

(2) OPPORTUNITY TO REVIEW.—Such a regulation, notice, guidance, or directive may not be published for comment or for final effectiveness before or during the 15-calendar day period beginning on the day after the date on which such regulation, notice, guidance, or directive was submitted to the Congress.

(3) EFFECTIVE DATE.—No regulation, notice, guideline, or directive may become effective until after the expiration of the 30-calendar day period beginning on the day after the day on which such rule or regulation is published as final.

(4) WAIVER.—The provisions of paragraphs (2) and (3) may be waived upon the written request of the Secretary, if agreed to by the Chairmen and Ranking Minority Members of both Committees.

(e) MODIFICATIONS.—Notwithstanding any provision of this Act or any annual contributions contract or other agreement entered into by the Secretary and a public housing agency pursuant to the provisions of the United States Housing Act of 1937 (as in effect before the effective date of the repeal under section 601(b) of this Act), the Secretary and the agency may by mutual consent amend, supersede, or modify any such agreement as appropriate to provide for assistance under this Act, except that the Secretary and the agency may not consent to

any such amendment, supersession, or modification that substantially alters any outstanding obligations requiring continued maintenance of the low-income character of any public housing development and any such amendment, supersession, or modification shall not be given effect.

(f) SECTION 8 PROJECT-BASED ASSISTANCE.—

(1) IN GENERAL.—The provisions of the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.) shall remain in effect after the effectiveness of the repeal under subsection (b) with respect to all section 8 project-based assistance, pursuant to existing and future contracts, except as otherwise provided by this section.

(2) TENANT SELECTION PREFERENCES.—An owner of housing assisted with section 8 project-based assistance shall give preference, in the selection of tenants for units of such projects that become available, according to any system of local preferences established pursuant to section 223 by the public housing agency having jurisdiction for the area in which such projects are located.

(3) 1-YEAR NOTIFICATION.—Paragraphs (9) and (10) of section 8(c) of the United States Housing Act of 1937 (42 U.S.C. 1437f(c)) shall not be applicable to section 8 project-based assistance.

(4) LEASE TERMS.—Leases for dwelling units assisted with section 8 project-based assistance shall comply with the provisions of paragraphs (1) and (3) of section 324 of this Act and shall not be subject to the provisions of 8(d)(1)(B) of the United States Housing Act of 1937.

(5) TERMINATION OF TENANCY.—Any termination of tenancy of a resident of a dwelling unit assisted with section 8 project-based assistance shall comply with the provisions of section 324(2) and section 325 of this Act and shall not be subject to the provisions of section 8(d)(1)(B) of the United States Housing Act of 1937.

(6) DEFINITION.—For purposes of this subsection, the term ''section 8 project-based assistance'' means assistance under any of the following programs:

(A) The new construction or substantial rehabilitation program under section 8(b)(2) of the United States Housing Act of 1937 (as in effect before October 1, 1983).

(B) The property disposition program under section 8(b) of the United States Housing Act of 1937 (as in effect before the effective date of the repeal under section 601(b) of this Act).

(C) The loan management set-aside program under subsections (b) and (v) of section 8 of such Act.

(D) The project-based certificate program under section 8(d)(2) of such Act.

(E) The moderate rehabilitation program under section 8(e)(2) of the United States Housing Act of 1937 (as in effect before October 1, 1991).

(F) The low-income housing preservation program under Low-Income Housing Preservation and Resident Homeownership Act of 1990 or the provisions of the Emergency Low Income Housing Preservation Act of 1987 (as in effect before November 28, 1990).

(G) Section 8 of the United States Housing Act of 1937 (as in effect before the effective date of the repeal under section 601(b) of this Act), following conversion from assistance under section 101 of the Housing and Urban Development Act of 1965 or section 236(f)(2) of the National Housing Act.

(g) EFFECTIVE DATE.—This section shall take effect on the date of the enactment of this Act.

SEC. 602. OTHER REPEALS.

(a) IN GENERAL.—The following provisions of law are hereby repealed:

(1) ASSISTED HOUSING ALLOCATION.—Section 213 of the Housing and Community Development Act of 1974 (42 U.S.C. 1439).

(2) PUBLIC HOUSING RENT WAIVERS FOR POLICE.—Section 519 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 1437a–1).

(3) TREATMENT OF CERTIFICATE AND VOUCHER HOLDERS.—Subsection (c) of section 183 of the Housing and Community Development Act of 1987 (42 U.S.C. 1437f note).

(4) EXCESSIVE RENT BURDEN DATA.—Subsection (b) of section 550 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 1437f note).

(5) MOVING TO OPPORTUNITY FOR FAIR HOUSING.—Section 152 of the Housing and Community Development Act of 1992 (42 U.S.C. 1437f note).

(6) REPORT REGARDING FAIR HOUSING OBJECTIVES.—Section 153 of the Housing and Community Development Act of 1992 (42 U.S.C. 1437f note).

(7) SPECIAL PROJECTS FOR ELDERLY OR HANDICAPPED FAMILIES.—Section 209 of the Housing and Community Development Act of 1974 (42 U.S.C. 1438).

(8) ACCESS TO PHA BOOKS.—Section 816 of the Housing Act of 1954 (42 U.S.C. 1435).

(9) MISCELLANEOUS PROVISIONS.—Subsections (b)(1) and (d) of section 326 of the Housing and Community Development Amendments of 1981 (Public Law 97–35, 95 Stat. 406; 42 U.S.C. 1437f note).

(10) PAYMENT FOR DEVELOPMENT MANAGERS.—Section 329A of the Housing and Community Development Amendments of 1981 (42 U.S.C. 1437j–1).

(11) PROCUREMENT OF INSURANCE BY PHA'S.—In the item relating to ''ADMINISTRATIVE PROVISIONS'' under the heading ''MANAGEMENT AND ADMINISTRATION'' in title II of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1991, the penultimate undesignated paragraph of such item (Public Law 101–507; 104 Stat. 1369).

(12) PUBLIC HOUSING CHILDHOOD DEVELOPMENT.—Section 222 of the Housing and Urban-Rural Recovery Act of 1983 (12 U.S.C. 1701z–6 note).

(13) INDIAN HOUSING CHILDHOOD DEVELOPMENT.—Section 518 of the Cranston-Gonzalez National Affordable Housing Act (12 U.S.C. 1701z–6 note).

(14) PUBLIC HOUSING COMPREHENSIVE TRANSITION DEMONSTRATION.—Section 126 of the Housing and Community Development Act of 1987 (42 U.S.C. 1437f note).

(15) PUBLIC HOUSING ONE-STOP PERINATAL SERVICES DEMONSTRATION.—Section 521 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 1437t note).

(16) PUBLIC HOUSING MINCS DEMONSTRATION.—Section 522 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 1437f note).

(17) PUBLIC HOUSING ENERGY EFFICIENCY DEMONSTRATION.—Section 523 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 1437g note).

(18) OMAHA HOMEOWNERSHIP DEMONSTRATION.—Section 132 of the Housing and Community Development Act of 1992 (Public Law 102–550; 106 Stat. 3712).

(19) PUBLIC AND ASSISTED HOUSING YOUTH SPORTS PROGRAMS.—Section 520 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 11903a).

(20) FROST-LELAND PROVISIONS.—Section 415 of the Department of Housing and Urban Development—Independent Agencies Appropriations Act, 1988 (Public Law 100–202; 101 Stat. 1329–213); except that, notwithstanding any other provision of law, beginning on the date of enactment of this Act, the public housing projects described in section 415 of such appropriations Act (as such section existed immediately before the date of enactment of this Act) shall be eligible for demolition—

(A) under section 14 of the United States Housing Act of 1937 (as such section existed upon the enactment of this Act); and

(B) under section 9 of the United States Housing Act of 1937.

(21) MULTIFAMILY FINANCING.—The penultimate sentence of section 302(b)(2) of the National Housing Act (12 U.S.C. 1717(b)(2)) and the penultimate sentence of section 305(a)(2) of the Emergency Home Finance Act of 1970 (12 U.S.C. 1454(a)(2)).

(22) CONFLICTS OF INTEREST.—Subsection (c) of section 326 of the Housing and Community Development Amendments of 1981 (42 U.S.C. 1437f note).

(23) CONVERSION OF PUBLIC HOUSING.—Section 202 of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1996 (42 U.S.C. 1437l note) (enacted as section 101(e) of Omnibus Consolidated Rescissions and Appropriations Act of 1996 (Public Law 104–134; 110 Stat. 1321–279)).

(b) SAVINGS PROVISION.—Except to the extent otherwise provided in this Act—

(1) the repeals made by subsection (a) shall not affect any legally binding obligations entered into before the effective date of this Act; and

(2) any funds or activities subject to a provision of law repealed by subsection (a) shall continue to be governed by the provision as in effect immediately before such repeal.

Subtitle B—Other Provisions Relating to Public Housing and Rental Assistance Programs

SEC. 621. ALLOCATION OF ELDERLY HOUSING AMOUNTS.

Section 202(l) of the Housing Act of 1959 (12 U.S.C. 1701q(l)) is amended by adding at the end the following new paragraph:

''(4) CONSIDERATION IN ALLOCATING ASSISTANCE.—Assistance under this section shall be allocated in a manner that ensures that the awards of the assistance are made for projects of sufficient size to accommodate facilities for supportive services appropriate to the needs of frail elderly residents.''.

SEC. 622. PET OWNERSHIP.

Section 227 of the Housing and Urban-Rural Recovery Act of 1983 (12 U.S.C. 1701r–1) is amended to read as follows:

''SEC. 227. PET OWNERSHIP IN FEDERALLY ASSISTED RENTAL HOUSING.

''(a) RIGHT OF OWNERSHIP.—A resident of a dwelling unit in federally assisted rental housing may own common household pets or have common household pets present in the dwelling unit of such resident, subject to the reasonable requirements of the owner of the federally assisted rental housing and providing that the resident maintains the animals responsibly and in compliance with applicable local and State public health, animal control, and anticruelty laws. Such reasonable requirements may include requiring payment of a nominal fee and pet deposit by residents owning or having pets present, to cover the operating costs to the project relating to the presence of pets and to establish an escrow account for additional such costs not otherwise covered, respectively. Notwithstanding section 225(d) of the Housing Opportunity and Responsibility Act of 1997, a public housing agency may not grant any exemption under such section from payment, in whole or in part, of any fee or deposit required pursuant to the preceding sentence.

''(b) PROHIBITION AGAINST DISCRIMINATION.—No owner of federally assisted rental housing may restrict or discriminate against any person in connection with admission to, or continued occupancy of, such housing by

reason of the ownership of common household pets by, or the presence of such pets in the dwelling unit of, such person.

''(c) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

''(1) FEDERALLY ASSISTED RENTAL HOUSING.—The term 'federally assisted rental housing' means any multifamily rental housing project that is—

''(A) public housing (as such term is defined in section 103 of the Housing Opportunity and Responsibility Act of 1997);

''(B) assisted with project-based assistance pursuant to section 601(f) of the Housing Opportunity and Responsibility Act of 1997 or under section 8 of the United States Housing Act of 1937 (as in effect before the effective date of the repeal under section 601(b) of the Housing Opportunity and Responsibility Act of 1997);

''(C) assisted under section 202 of the Housing Act of 1959 (as amended by section 801 of the Cranston-Gonzalez National Affordable Housing Act);

''(D) assisted under section 202 of the Housing Act of 1959 (as in effect before the enactment of the Cranston-Gonzalez National Affordable Housing Act);

''(E) assisted under title V of the Housing Act of 1949; or

''(F) insured, assisted, or held by the Secretary or a State or State agency under section 236 of the National Housing Act.

''(2) OWNER.—The term 'owner' means, with respect to federally assisted rental housing, the entity or private person, including a cooperative or public housing agency, that has the legal right to lease or sublease dwelling units in such housing (including a manager of such housing having such right).

''(d) REGULATIONS.—This section shall take effect upon the date of the effectiveness of regulations issued by the Secretary to carry out this section. Such regulations shall be issued not later than the expiration of the 1-year period beginning on the date of the enactment of the Housing Opportunity and Responsibility Act of 1997 and after notice and opportunity for public comment in accordance with the procedure under section 553 of title 5, United States Code, applicable to substantive rules (notwithstanding subsections (a)(2), (b)(B), and (d)(3) of such section).''.

SEC. 623. REVIEW OF DRUG ELIMINATION PROGRAM CONTRACTS.

(a) REQUIREMENT.—The Secretary of Housing and Urban Development shall investigate all security contracts awarded by grantees under the Public and Assisted Housing Drug Elimination Act of 1990 (42 U.S.C. 11901 et seq.) that are public housing agencies that own or operate more than 4,500 public housing dwelling units—

(1) to determine whether the contractors under such contracts have complied with all laws and regulations regarding prohibition of discrimination in hiring practices;

(2) to determine whether such contracts were awarded in accordance with the applicable laws and regulations regarding the award of such contracts;

(3) to determine how many such contracts were awarded under emergency contracting procedures;

(4) to evaluate the effectiveness of the contracts; and

(5) to provide a full accounting of all expenses under the contracts.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall complete the investigation required under subsection (a) and submit a report to the Congress regarding the findings under the investigation. With respect to each such contract, the report shall (1) state whether the contract was made and is operating, or was not made or is not operating, in full compliance with applicable laws and regulations, and (2) for each contract that the Secretary determines is in such compliance issue a personal certification of such compliance by the Secretary of Housing and Urban Development.

(c) ACTIONS.—For each contract that is described in the report under subsection (b) as not made or not operating in full compliance with applicable laws and regulations, the Secretary of Housing and Urban Development shall promptly take any actions available under law or regulation that are necessary—

(1) to bring such contract into compliance; or

(2) to terminate the contract.

(d) EFFECTIVE DATE.—This section shall take effect on the date of the enactment of this Act.

SEC. 624. AMENDMENTS TO PUBLIC AND ASSISTED HOUSING DRUG ELIMINATION ACT OF 1990.

(a) SHORT TITLE, PURPOSES, AND AUTHORITY TO MAKE GRANTS.—Chapter 2 of subtitle C of title V of the Anti-Drug Abuse Act of 1988 (42 U.S.C. 11901 et seq.) is amended by striking the chapter heading and all that follows through section 5123 and inserting the following:

''CHAPTER 2—COMMUNITY PARTNERSHIPS AGAINST CRIME

''SEC. 5121. SHORT TITLE.

''This chapter may be cited as the 'Community Partnerships Against Crime Act of 1997'.

''SEC. 5122. PURPOSES.

''The purposes of this chapter are to—

''(1) improve the quality of life for the vast majority of law-abiding public housing residents by reducing the levels of fear, violence, and crime in their communities;

''(2) broaden the scope of the Public and Assisted Housing Drug Elimination Act of 1990 to apply to all types of crime, and not simply crime that is drug-related; and

''(3) reduce crime and disorder in and around public housing through the expansion of community-oriented policing activities and problem solving.

''SEC. 5123. AUTHORITY TO MAKE GRANTS.

''The Secretary of Housing and Urban Development may make grants in accordance with the provisions of this chapter for use in eliminating crime in and around public housing and other federally assisted low-income housing projects to (1) public housing agencies, and (2) private, for-profit and nonprofit owners of federally assisted low-income housing.''.

(b) ELIGIBLE ACTIVITIES.—

(1) IN GENERAL.—Section 5124(a) of the Anti-Drug Abuse Act of 1988 (42 U.S.C. 11903(a)) is amended—

(A) in the matter preceding paragraph (1), by inserting ''and around'' after ''used in'';

(B) in paragraph (3), by inserting before the semicolon the following: '', including fencing, lighting, locking, and surveillance systems'';

(C) in paragraph (4), by striking subparagraph (A) and inserting the following new subparagraph:

''(A) to investigate crime; and'';

(D) in paragraph (6)—

(i) by striking ''in and around public or other federally assisted low-income housing projects''; and

(ii) by striking ''and'' after the semicolon; and

(E) by striking paragraph (7) and inserting the following new paragraphs:

''(7) providing funding to nonprofit public housing resident management corporations and resident councils to develop security and crime prevention programs involving site residents;

''(8) the employment or utilization of one or more individuals, including law enforcement officers, made available by contract or other cooperative arrangement with State or local law enforcement agencies, to engage in community- and problem-oriented policing involving interaction with members of the community in proactive crime control and prevention activities;

''(9) programs and activities for or involving youth, including training, education, recreation and sports, career planning, and entrepreneurship and employment activities and after school and cultural programs; and

''(10) service programs for residents that address the contributing factors of crime, including programs for job training, education, drug and alcohol treatment, and other appropriate social services.''.

(2) OTHER PHA-OWNED HOUSING.—Section 5124(b) of the Anti-Drug Abuse Act of 1988 (42 U.S.C. 11903(b)) is amended—

(A) in the matter preceding paragraph (1)—

(i) by striking ''drug-related crime in'' and inserting ''crime in and around''; and

(ii) by striking ''paragraphs (1) through (7)'' and inserting ''paragraphs (1) through (10)''; and

(B) in paragraph (2), by striking ''drug-related'' and inserting ''criminal''.

(c) GRANT PROCEDURES.—Section 5125 of the Anti-Drug Abuse Act of 1988 (42 U.S.C. 11904) is amended to read as follows:

''SEC. 5125. GRANT PROCEDURES.

''(a) PHA'S WITH 250 OR MORE UNITS.—

''(1) GRANTS.—In each fiscal year, the Secretary shall make a grant under this chapter from any amounts available under section 5131(b)(1) for the fiscal year to each of the following public housing agencies:

''(A) NEW APPLICANTS.—Each public housing agency that owns or operates 250 or more public housing dwelling units and has—

''(i) submitted an application to the Secretary for a grant for such fiscal year, which includes a 5-year crime deterrence and reduction plan under paragraph (2); and

''(ii) had such application and plan approved by the Secretary.

''(B) RENEWALS.—Each public housing agency that owns or operates 250 or more public housing dwelling units and for which—

''(i) a grant was made under this chapter for the preceding Federal fiscal year;

''(ii) the term of the 5-year crime deterrence and reduction plan applicable to such grant includes the fiscal year for which the grant under this subsection is to be made; and

''(iii) the Secretary has determined, pursuant to a performance review under paragraph (4), that during the preceding fiscal year the agency has substantially fulfilled the requirements under subparagraphs (A) and (B) of paragraph (4).

Notwithstanding subparagraphs (A) and (B), the Secretary may make a grant under this chapter to a public housing agency that owns or operates 250 or more public housing dwelling units only if the agency includes in the application for the grant information that demonstrates, to the satisfaction of the Secretary, that the agency has a need for the grant amounts based on generally recognized crime statistics showing that (I) the crime rate for the public housing developments of the agency (or the immediate neighborhoods in which such developments are located) is higher than the crime rate for the jurisdiction in which the agency operates, (II) the crime rate for the developments (or such neighborhoods) is increasing over a period of sufficient duration to indicate a general trend, or (III) the operation of the program under this chapter substantially contributes to the reduction of crime.

''(2) 5-YEAR CRIME DETERRENCE AND REDUCTION PLAN.—Each application for a grant

under this subsection shall contain a 5-year crime deterrence and reduction plan. The plan shall be developed with the participation of residents and appropriate law enforcement officials. The plan shall describe, for the public housing agency submitting the plan—

''(A) the nature of the crime problem in public housing owned or operated by the public housing agency;

''(B) the building or buildings of the public housing agency affected by the crime problem;

''(C) the impact of the crime problem on residents of such building or buildings; and

''(D) the actions to be taken during the term of the plan to reduce and deter such crime, which shall include actions involving residents, law enforcement, and service providers.

The term of a plan shall be the period consisting of 5 consecutive fiscal years, which begins with the first fiscal year for which funding under this chapter is provided to carry out the plan.

''(3) AMOUNT.—In any fiscal year, the amount of the grant for a public housing agency receiving a grant pursuant to paragraph (1) shall be the amount that bears the same ratio to the total amount made available under section 5131(b)(1) as the total number of public dwelling units owned or operated by such agency bears to the total number of dwelling units owned or operated by all public housing agencies that own or operate 250 or more public housing dwelling units that are approved for such fiscal year.

''(4) PERFORMANCE REVIEW.—For each fiscal year, the Secretary shall conduct a performance review of the activities carried out by each public housing agency receiving a grant pursuant to this subsection to determine whether the agency—

''(A) has carried out such activities in a timely manner and in accordance with its 5-year crime deterrence and reduction plan; and

''(B) has a continuing capacity to carry out such plan in a timely manner.

''(5) SUBMISSION OF APPLICATIONS.—The Secretary shall establish such deadlines and requirements for submission of applications under this subsection.

''(6) REVIEW AND DETERMINATION.—The Secretary shall review each application submitted under this subsection upon submission and shall approve the application unless the application and the 5-year crime deterrence and reduction plan are inconsistent with the purposes of this chapter or any requirements established by the Secretary or the information in the application or plan is not substantially complete. Upon approving or determining not to approve an application and plan submitted under this subsection, the Secretary shall notify the public housing agency submitting the application and plan of such approval or disapproval.

''(7) DISAPPROVAL OF APPLICATIONS.—If the Secretary notifies an agency that the application and plan of the agency is not approved, not later than the expiration of the 15-day period beginning upon such notice of disapproval, the Secretary shall also notify the agency, in writing, of the reasons for the disapproval, the actions that the agency could take to comply with the criteria for approval, and the deadlines for such actions.

''(8) FAILURE TO APPROVE OR DISAPPROVE.—If the Secretary fails to notify an agency of approval or disapproval of an application and plan submitted under this subsection before the expiration of the 60-day period beginning upon the submission of the plan or fails to provide notice under paragraph (7) within the 15-day period under such paragraph to an agency whose application has been disapproved, the application and plan shall be considered to have been approved for purposes of this section.

''(b) PHA'S WITH FEWER THAN 250 UNITS AND OWNERS OF FEDERALLY ASSISTED LOW-INCOME HOUSING.—

''(1) APPLICATIONS AND PLANS.—To be eligible to receive a grant under this chapter, a public housing agency that owns or operates fewer than 250 public housing dwelling units or an owner of federally assisted low-income housing shall submit an application to the Secretary at such time, in such manner, and accompanied by such additional information as the Secretary may require. The application shall include a plan for addressing the problem of crime in and around the housing for which the application is submitted, describing in detail activities to be conducted during the fiscal year for which the grant is requested.

''(2) GRANTS FOR PHA'S WITH FEWER THAN 250 UNITS.—In each fiscal year the Secretary may, to the extent amounts are available under section 5131(b)(2), make grants under this chapter to public housing agencies that own or operate fewer than 250 public housing dwelling units and have submitted applications under paragraph (1) that the Secretary has approved pursuant to the criteria under paragraph (4).

''(3) GRANTS FOR FEDERALLY ASSISTED LOW-INCOME HOUSING.—In each fiscal year the Secretary may, to the extent amounts are available under section 5131(b)(3), make grants under this chapter to owners of federally assisted low-income housing that have submitted applications under paragraph (1) that the Secretary has approved pursuant to the criteria under paragraphs (4) and (5).

''(4) CRITERIA FOR APPROVAL OF APPLICATIONS.—The Secretary shall determine whether to approve each application under this subsection on the basis of—

''(A) the extent of the crime problem in and around the housing for which the application is made;

''(B) the quality of the plan to address the crime problem in the housing for which the application is made;

''(C) the capability of the applicant to carry out the plan; and

''(D) the extent to which the tenants of the housing, the local government, local community-based nonprofit organizations, local tenant organizations representing residents of neighboring projects that are owned or assisted by the Secretary, and the local community support and participate in the design and implementation of the activities proposed to be funded under the application.

In each fiscal year, the Secretary may give preference to applications under this subsection for housing made by applicants who received a grant for such housing for the preceding fiscal year under this subsection or under the provisions of this chapter as in effect immediately before the date of the enactment of the Housing Opportunity and Responsibility Act of 1997.

''(5) ADDITIONAL CRITERIA FOR FEDERALLY ASSISTED LOW-INCOME HOUSING.—In addition to the selection criteria under paragraph (4), the Secretary may establish other criteria for evaluating applications submitted by owners of federally assisted low-income housing, except that such additional criteria shall be designed only to reflect—

''(A) relevant differences between the financial resources and other characteristics of public housing agencies and owners of federally assisted low-income housing; or

''(B) relevant differences between the problem of crime in public housing administered by such authorities and the problem of crime in federally assisted low-income housing.''.

(d) DEFINITIONS.—Section 5126 of the Anti-Drug Abuse Act of 1988 (42 U.S.C. 11905) is amended—

(1) by striking paragraphs (1) and (2);

(2) in paragraph (4)(A), by striking ''section'' before ''221(d)(4)'';

(3) by redesignating paragraphs (3) and (4) (as so amended) as paragraphs (1) and (2), respectively; and

(4) by adding at the end the following new paragraph:

''(3) PUBLIC HOUSING AGENCY.—The term 'public housing agency' has the meaning given the term in section 103 of the Housing Opportunity and Responsibility Act of 1997.''.

(e) IMPLEMENTATION.—Section 5127 of the Anti-Drug Abuse Act of 1988 (42 U.S.C. 11906) is amended by striking ''Cranston-Gonzalez National Affordable Housing Act'' and inserting ''Housing Opportunity and Responsibility Act of 1997''.

(f) REPORTS.—Section 5128 of the Anti-Drug Abuse Act of 1988 (42 U.S.C. 11907) is amended—

(1) by striking ''drug-related crime in'' and inserting ''crime in and around''; and

(2) by striking ''described in section 5125(a)'' and inserting ''for the grantee submitted under subsection (a) or (b) of section 5125, as applicable''.

(g) FUNDING AND PROGRAM SUNSET.—Chapter 2 of subtitle C of title V of the Anti-Drug Abuse Act of 1988 is amended by striking section 5130 (42 U.S.C. 11909) and inserting the following new section:

''SEC. 5130. FUNDING.

''(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this chapter $290,000,000 for each of fiscal years 1998, 1999, 2000, 2001, and 2002.

''(b) ALLOCATION.—Of any amounts available, or that the Secretary is authorized to use, to carry out this chapter in any fiscal year—

''(1) 85 percent shall be available only for assistance pursuant to section 5125(a) to public housing agencies that own or operate 250 or more public housing dwelling units;

''(2) 10 percent shall be available only for assistance pursuant to section 5125(b)(2) to public housing agencies that own or operate fewer than 250 public housing dwelling units; and

''(3) 5 percent shall be available only for assistance to federally assisted low-income housing pursuant to section 5125(b)(3).

''(c) RETENTION OF PROCEEDS OF ASSET FORFEITURES BY INSPECTOR GENERAL.—Notwithstanding section 3302 of title 31, United States Code, or any other provision of law affecting the crediting of collections, the proceeds of forfeiture proceedings and funds transferred to the Office of Inspector General of the Department of Housing and Urban Development, as a participating agency, from the Department of Justice Assets Forfeiture Fund or the Department of the Treasury Forfeiture Fund, as an equitable share from the forfeiture of property in investigations in which the Office of Inspector General participates, shall be deposited to the credit of the Office of Inspector General for Operation Safe Home activities authorized under the Inspector General Act of 1978, as amended, to remain available until expended.''.

(h) CONFORMING AMENDMENTS.—The table of contents in section 5001 of the Anti-Drug Abuse Act of 1988 (Public Law 100–690; 102 Stat. 4295) is amended—

(1) by striking the item relating to the heading for chapter 2 of subtitle C of title V and inserting the following:

''CHAPTER 2—COMMUNITY PARTNERSHIPS AGAINST CRIME'';

(2) by striking the item relating to section 5122 and inserting the following new item:

''Sec. 5122. Purposes.'';

(3) by striking the item relating to section 5125 and inserting the following new item:

''Sec. 5125. Grant procedures.'';

and

(4) by striking the item relating to section 5130 and inserting the following new item:

''Sec. 5130. Funding.''.

(i) TREATMENT OF NOFA.—The cap limiting assistance under the Notice of Funding Availability issued by the Department of Housing and Urban Development in the Federal Register of April 8, 1996, shall not apply to a public housing agency within an area designated as a high intensity drug trafficking area under section 1005(c) of the Anti-Drug Abuse Act of 1988 (21 U.S.C. 1504(c)).

(j) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on the date of the enactment of this Act.

Subtitle C—Limitations Relating to Occupancy in Federally Assisted Housing

SEC. 641. SCREENING OF APPLICANTS.

(a) INELIGIBILITY BECAUSE OF EVICTION.—Any household or member of a household evicted from federally assisted housing (as such term is defined in section 645) shall not be eligible for federally assisted housing—

(1) in the case of eviction by reason of drug-related criminal activity, for a period of not less than 3 years that begins on the date of such eviction, unless the evicted member of the household successfully completes a rehabilitation program; and

(2) in the case of an eviction for other serious violations of the terms or conditions of the lease, for a reasonable period of time, as determined by the public housing agency or owner of the federally assisted housing, as applicable.

The requirements of paragraphs (1) and (2) may be waived if the circumstances leading to eviction no longer exist.

(b) INELIGIBILITY OF ILLEGAL DRUG USERS AND ALCOHOL USERS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, a public housing agency or an owner of federally assisted housing, or both, as determined by the Secretary, shall establish standards that prohibit admission to the program or admission to federally assisted housing for any household with a member—

(A) who the public housing agency or owner determines is engaging in the illegal use of a controlled substance; or

(B) with respect to whom the public housing agency or owner determines that it has reasonable cause to believe that such household member's illegal use (or pattern of illegal use) of a controlled substance, or abuse (or pattern of abuse) of alcohol, would interfere with the health, safety, or right to peaceful enjoyment of the premises by other residents.

(2) CONSIDERATION OF REHABILITATION.—In determining whether, pursuant to paragraph (1)(B), to deny admission to the program or to federally assisted housing to any household based on a pattern of illegal use of a controlled substance or a pattern of abuse of alcohol by a household member, a public housing agency or an owner may consider whether such household member—

(A) has successfully completed an accredited drug or alcohol rehabilitation program (as applicable) and is no longer engaging in the illegal use of a controlled substance or abuse of alcohol (as applicable);

(B) has otherwise been rehabilitated successfully and is no longer engaging in the illegal use of a controlled substance or abuse of alcohol (as applicable); or

(C) is participating in an accredited drug or alcohol rehabilitation program (as applicable) and is no longer engaging in the illegal use of a controlled substance or abuse of alcohol (as applicable).

(c) AUTHORITY TO DENY ADMISSION TO CRIMINAL OFFENDERS.—Except as provided in subsections (a) and (b) and in addition to any other authority to screen applicants, in selecting among applicants for admission to the program or to federally assisted housing, if the public housing agency or owner of such housing (as applicable) determines that an applicant or any member of the applicant's household is or was, during a reasonable time preceding the date when the applicant household would otherwise be selected for admission, engaged in any criminal activity (including drug-related criminal activity), the public housing agency or owner may—

(1) deny such applicant admission to the program or to federally assisted housing;

(2) consider the applicant (for purposes of any waiting list) as not having applied for the program or such housing; and

(3) after the expiration of the reasonable period beginning upon such activity, require the applicant, as a condition of admission to the program or to federally assisted housing, to submit to the public housing agency or owner evidence sufficient (as the Secretary shall by regulation provide) to ensure that the individual or individuals in the applicant's household who engaged in criminal activity for which denial was made under paragraph (1) have not engaged in any criminal activity during such reasonable period.

(d) AUTHORITY TO REQUIRE ACCESS TO CRIMINAL RECORDS.—A public housing agency and an owner of federally assisted housing may require, as a condition of providing admission to the program or admission to or occupancy in federally assisted housing, that each adult member of the household provide a signed, written authorization for the public housing agency to obtain the records described in section 644(a) regarding such member of the household from the National Crime Information Center, police departments, other law enforcement agencies, and State registration agencies referred to in such section. In the case of an owner of federally assisted housing that is not a public housing agency, the owner shall request the public housing agency having jurisdiction over the area within which the housing is located to obtain the records pursuant to section 644.

(e) ADMISSION BASED ON DISABILITY.—

(1) IN GENERAL.—Notwithstanding any other provision of law, for purposes of determining eligibility for admission to federally assisted housing, a person shall not be considered to have a disability or a handicap solely because of the prior or current illegal use of a controlled substance (as defined in section 102 of the Controlled Substances Act) or solely by reason of the prior or current use of alcohol.

(2) CONTINUED OCCUPANCY.—This subsection may not be construed to prohibit the continued occupancy of any person who is a resident in assisted housing on the effective date of this Act.

SEC. 642. TERMINATION OF TENANCY AND ASSISTANCE FOR ILLEGAL DRUG USERS AND ALCOHOL ABUSERS.

Notwithstanding any other provision of law, a public housing agency or an owner of federally assisted housing (as applicable), shall establish standards or lease provisions for continued assistance or occupancy in federally assisted housing that allow the agency or owner (as applicable) to terminate the tenancy or assistance for any household with a member—

(1) who the public housing agency or owner determines is engaging in the illegal use of a controlled substance; or

(2) whose illegal use of a controlled substance, or whose abuse of alcohol, is determined by the public housing agency or owner to interfere with the health, safety, or right to peaceful enjoyment of the premises by other residents.

SEC. 643. LEASE REQUIREMENTS.

In addition to any other applicable lease requirements, each lease for a dwelling unit in federally assisted housing shall provide that—

(1) the owner may not terminate the tenancy except for violation of the terms or conditions of the lease, violation of applicable Federal, State, or local law, or for other good cause; and

(2) grounds for termination of tenancy shall include any criminal or other activity, engaged in by the tenant, any member of the tenant's household, any guest, or any other person under the control of the household, that—

(A) threatens the health or safety of, or right to peaceful enjoyment of the premises by, other tenant or employees of the owner or other manager of the housing;

(B) threatens the health or safety of, or right to peaceful enjoyment of their premises by, persons residing in the immediate vicinity of the premises; or

(C) with respect only to activity engaged in by the tenant or any member of the tenant's household, is criminal activity on or off the premises.

SEC. 644. AVAILABILITY OF CRIMINAL RECORDS FOR TENANT SCREENING AND EVICTION.

(a) IN GENERAL.—

(1) CRIMINAL CONVICTION INFORMATION.—Notwithstanding any other provision of law other than paragraphs (3) and (4), upon the request of a public housing agency, the National Crime Information Center, a police department, and any other law enforcement agency shall provide to the public housing agency information regarding the criminal conviction records of an adult applicant for, or tenants of, federally assisted housing for purposes of applicant screening, lease enforcement, and eviction, but only if the public housing agency requests such information and presents to such Center, department, or agency a written authorization, signed by such applicant, for the release of such information to the public housing agency or other owner of the federally assisted housing.

(2) INFORMATION REGARDING CRIMES AGAINST CHILDREN.—Notwithstanding any other provision of law other than paragraphs (3) and (4), upon the request of a public housing agency, a State law enforcement agency designated as a registration agency under a State registration program under subtitle A of title XVII of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071), and any local law enforcement agency authorized by the State agency shall provide to a public housing agency the information collected under or such State registration program, regarding an adult applicant for, or tenant of, federally assisted housing for purposes of applicant screening, lease enforcement, and eviction, but only if the public housing agency requests such information and presents to such State registration agency or other local law enforcement agency a written authorization, signed by such applicant, for the release of such information to the public housing agency or other owner of the federally assisted housing.

(3) DELAYED EFFECTIVE DATE FOR OWNERS OTHER THAN PHA'S.—The provisions of paragraphs (1) and (2) authorizing obtaining information for owners of federally assisted housing other than public housing agencies shall not take effect before—

(A) the expiration of the 1-year period beginning on the date of enactment of this Act; and

(B) the Secretary and the Attorney General of the United States have determined that access to such information is feasible for such owners and have provided for the terms of release of such information to owners.

(4) EXCEPTION.—The information provided under paragraphs (1), (2), and (3) shall include information regarding any criminal conviction of a juvenile only to the extent that the release of such information is authorized under the law of the applicable State, tribe, or locality.

(b) CONFIDENTIALITY.—A public housing agency or owner receiving information under this section may use such information only for the purposes provided in this section and such information may not be disclosed to any person who is not an officer, employee, or authorized representative of the agency or owner and who has a job-related need to have access to the information in connection with admission of applicants, eviction of tenants, or termination of assistance. For judicial eviction proceedings, disclosures may be made to the extent necessary. The Secretary shall, by regulation, establish procedures necessary to ensure that information provided under this section to a public housing agency or owner is used, and confidentiality of such information is maintained, as required under this section.

(c) OPPORTUNITY TO DISPUTE.—Before an adverse action is taken with regard to assistance under for federally assisted housing on the basis of a criminal record, the public housing agency or owner shall provide the tenant or applicant with a copy of the criminal record and an opportunity to dispute the accuracy and relevance of that record.

(d) FEE.—A public housing agency may be charged a reasonable fee for information provided under subsection (a). A public housing agency may require an owner of federally assisted housing (that is not a public housing agency) to pay such fee for any information that the agency acquires for the owner pursuant to section 641(e) and subsection (a) of this section.

(e) RECORDS MANAGEMENT.—Each public housing agency and owner of federally assisted housing that receives criminal record information pursuant to this section shall establish and implement a system of records management that ensures that any criminal record received by the agency or owner is—

(1) maintained confidentially;

(2) not misused or improperly disseminated; and

(3) destroyed in a timely fashion, once the purpose for which the record was requested has been accomplished.

(f) PENALTY.—Any person who knowingly and willfully requests or obtains any information concerning an applicant for, or tenant of, federally assisted housing pursuant to the authority under this section under false pretenses, or any person who knowingly and willfully discloses any such information in any manner to any individual not entitled under any law to receive it, shall be guilty of a misdemeanor and fined not more than $5,000. The term ''person'' as used in this subsection shall include an officer, employee, or authorized representative of any public housing agency or owner.

(g) CIVIL ACTION.—Any applicant for, or tenant of, federally assisted housing affected by (1) a negligent or knowing disclosure of information referred to in this section about such person by an officer, employee, or authorized representative of any public housing agency or owner of federally assisted housing, which disclosure is not authorized by this section, or (2) any other negligent or knowing action that is inconsistent with this section, may bring a civil action for damages and such other relief as may be appropriate against any public housing agency or owner responsible for such unauthorized action. The district court of the United States in the district in which the affected applicant or tenant resides, in which such unauthorized action occurred, or in which the officer, employee, or representative alleged to be responsible for any such unauthorized action resides, shall have jurisdiction in such matters. Appropriate relief that may be ordered by such district courts shall include reasonable attorney's fees and other litigation costs.

(h) DEFINITION.—For purposes of this section, the term ''adult'' means a person who is 18 years of age or older, or who has been convicted of a crime as an adult under any Federal, State, or tribal law.

SEC. 645. DEFINITIONS.

For purposes of this subtitle, the following definitions shall apply:

(1) FEDERALLY ASSISTED HOUSING.—The term ''federally assisted housing'' means a dwelling unit—

(A) in public housing (as such term is defined in section 102);

(B) assisted with choice-based housing assistance under title III;

(C) in housing that is provided project-based assistance under section 8 of the United States Housing Act of 1937 (as in effect before the effective date of the repeal under section 601(b) of this Act) or pursuant to section 601(f) of this Act, including new construction and substantial rehabilitation projects;

(D) in housing that is assisted under section 202 of the Housing Act of 1959 (as amended by section 801 of the Cranston-Gonzalez National Affordable Housing Act);

(E) in housing that is assisted under section 202 of the Housing Act of 1959, as such section existed before the enactment of the Cranston-Gonzalez National Affordable Housing Act;

(F) in housing that is assisted under section 811 of the Cranston-Gonzalez National Affordable Housing Act;

(G) in housing financed by a loan or mortgage insured under section 221(d)(3) of the National Housing Act that bears interest at a rate determined under the proviso of section 221(d)(5) of such Act;

(H) in housing insured, assisted, or held by the Secretary or a State or State agency under section 236 of the National Housing Act;

(I) for purposes only of subsections 641(c), 641(d), 643, and 644, in housing assisted under section 515 of the Housing Act of 1949.

(2) OWNER.—The term ''owner'' means, with respect to federally assisted housing, the entity or private person (including a cooperative or public housing agency) that has the legal right to lease or sublease dwelling units in such housing.

Mr. OWENS. Mr. Chairman, I rise in strong opposition to the Housing Opportunity and Responsibility Act [H.R. 2]. Among many things, H.R. 2 would dismantle the 30-year bedrock principle of U.S. housing policy—the Brooke amendment. With the punitive undertones of the bill and several proposed amendments, H.R. 2 represents Welfare Reform Part II . . . punishing the less fortunate for being poor. Using such euphemisms as local flexibility, income diversity, work incentives, and self-sufficiency, H.R. 2 would shamefully take from those who have the least resources and are the most vulnerable the right to something as basic as food and clothing: a decent place to sleep at night.

If we are going to have an honest debate about the best way to allocate federal resources to address the housing needs of this nation, then we need to place all of the facts on the table: U.S. housing policy is embarrassingly inequitable. Despite the low-income housing needs of this country, only 20 percent of housing outlays is allocated for providing housing assistance and subsidies to lower-income families. The other 80 percent is tax expenditures enjoyed by wealthier families who are able to deduct mortgage interest, property taxes, capital gains, and other investor-homeowner ''perks'' from their tax liabilities. The result of this unjust, inequitable housing policy: Over 70 percent of the families who qualify for low-income housing assistance are not receiving it.

Without regard to this imbalance in Federal housing policy, H.R. 2 would blatantly ignore those Americans who truly need housing assistance. H.R. 2 would mandate that housing authorities reserve a paltry 35 percent of new public housing units for families earning 30 percent or less of the median income in a local area (i.e., the very low-income). The remaining slots would be reserved for families earning up to 80 percent of the area's median income. (Under current law, 85 percent of public housing units must be provided to families with incomes at or below 50 percent of the area's median income.) In most communities, 30 percent of the area's median income is roughly equivalent to the poverty line. (In New York City, 30 percent of median income equals $11,700 for a two-person household.) To reserve such a small percentage of public housing for our poorest families, given the dramatic evidence of unaddressed needs, is an unforgivable act by my Republican colleagues.

To add insult to injury, H.R. 2 includes a ''fungibility'' clause that would create a loophole that further weakens targeting provisions. H.R. 2 would allow public housing authorities to satisfy their meager 35 percent targeting reserve for the very low-income by counting the number of Section 8 vouchers granted to such families. (The Section 8 Program would be required to reserve only 40 percent of the slots for the very low-income.) Thus, if a public housing authority gives 75 percent of Section 8 vouchers to the very poor, it would NOT be required to make public housing units available to such families. In effect, public housing would be offered to higher-income families, while the very low-income would be offered housing vouchers. On the surface it appears that public housing would then become more diversely populated and the very low-income would be free to secure housing outside of the traditional public authority ''warehouse.'' However, it is unreasonable to assume the private housing market could reasonably accommodate the elderly, disabled and large low-income families who have very special housing needs.

H.R. 2 would cleverly erode the protections of the Brooke Amendment. Under current law, this amendment sets the maximum percentage that tenants could be charged for rent at 30 percent of adjusted gross income (AGI). However, H.R. 2 would introduce a deceitful practice touted as giving the tenant a ''choice'' in rent calculations. H.R. 2 would allow the tenant to choose between two different calculations: (1) the tenant could choose a rent calculation based on income, in which case the rent could not exceed the 30 percent cap; or (2) the tenant could choose a flat-rate determined by the housing authority based on the rental value of the housing. This leads to

an obvious question: What assurances are there that the tenant will not mistakenly choose the rate that will be more costly to him or her?

Moreover, H.R. 2 would require housing authorities to set monthly minimum rents at $25 to $50, and authorities could grant hardship exemptions from such minimum rent requirements. To individuals who make more than $100,000 per year, a minimum rent of $25 to $50 may seem reasonable. Such reasoning only illustrates how out of touch supporters of this bill are with the people they represent. For the state of New York, a $50 minimum rent would affect 900 households, and a $25 minimum rent would affect 1,828 households. For homeless families utilizing special rent assistance, but who have no income, this minimum rent would be a hardship. For large families receiving AFDC in low benefit states, this minimum rent would be a hardship. For families awaiting determination of eligibility for public benefits, this minimum would be a hardship. For individuals and families transitioning from homelessness to housing, this minimum rent would be a hardship. Yes, many of the people that we represent have little to no income at all. The Congress should be compassionate enough to grant these families some leeway. Support the Velazquez amendment that would only allow a minimum rent up to $25 and would grant the U.S. Department of Housing and Urban Development (HUD) the authority to define eligibility for the exemption.

Finally, H.R. 2 would permit the shortsighted, misguided practice of turning over state public housing funds to local governments in the form of a block grant without regard to vital protections. The Home Rule Flexibility Grant could be utilized by cities and towns to develop and administer their own low-income housing programs. Again, the perverse possibilities of such a fund are crystal clear. Local governments, already grappling with fiscal viability, may choose to use federal housing funds for other city needs. Local governments would be free to establish their own rules and regulations regarding income targeting provisions, 30 percent rent ceilings and other tenant protections.

Undoubtedly, H.R. 2 is a bad bill. It is not a marked improvement over last year's failed effort to reform the nation's public housing policy. It contains minor provisions that do some overall good for the community development and housing needs of our most vulnerable: permitting HUD to take over chronically troubled housing authorities; permitting the demolition of obsolete, dilapidated urban public housing; and permitting ''elderly only'' or ''disabled only'' public housing buildings. However, these are crumbs compared to the overall famine in housing face by 5.3 million poor families who pay more than 50 percent of their income for rent and/or live in substandard housing. This bill does little to provide ''a housing opportunity'' for our vulnerable citizens and abdicates a great deal of federal ''responsibility.'' Vote ''no'' on the so-called ''Housing Opportunity and Responsibility Act.''

Mr. LAZIO of New York. 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. STEARNS) having assumed the chair, Mr. GOODLATTE, 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. 2) to repeal the United States Housing Act of 1937, deregulate the public housing program and the program for rental housing assistance for low-income families, and increase community control over such programs, and for other purposes, had come to no resolution thereon.

SALUTING THE SPIRIT OF VOLUNTEERISM AND THE WORK OF LEO FRIGO OF GREEN BAY, WI

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

Mr. JOHNSON of Wisconsin. Mr. Speaker, I rise today to salute the spirit of volunteerism, and to bring to Members' attention the work of one Leo Frigo of Green Bay, WI.

Leo Frigo exemplifies the very spirit of volunteerism that inspired a national volunteer summit last month in Philadelphia I was privileged to attend. In my city, Leo Frigo makes a difference to the community and to our country. He was honored last night with a 1997 Green Bay Rotary Free Enterprise Award.

In business, Leo Frigo led a successful cheesemaking company in Wisconsin, but in retirement he set an amazing example for a community; 14 years in retirement focused on feeding the hungry.

He convinced the local St. Vincent de Paul Society into making space at its store for food donations. Thus was born Paul's Pantry. Today it is a thriving food pantry for the hungry.

Leo Frigo's title is volunteer executive director, but what he does every day is more remarkable: collecting food, sorting food, driving a forklift. Leo does whatever is required so others in need may eat. Last year he directed more than 5,000 volunteers in giving out millions of dollars' worth of food, feeding families who otherwise would go hungry.

Leo Frigo is a great example of volunteer citizen service at its purest. He is an inspiration to us all, and I join all of northeast Wisconsin in thanking him for his tremendous work.

PERMISSION FOR COMMITTEE ON INTERNATIONAL RELATIONS TO HAVE UNTIL MIDNIGHT, FRIDAY, MAY 9, 1997, TO FILE REPORT ON H.R. 1486, FOREIGN POLICY REFORM ACT

Mr. GOSS. Mr. Speaker, I ask unanimous consent that the Committee on International Relations have until midnight, Friday, May 9, 1997, to file a report on the bill, H.R. 1486, the Foreign Policy Reform Act.

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

There was no objection.

ADJOURNMENT TO MONDAY, MAY 12, 1997

Mr. GOSS. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at noon on Monday next.

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

There was no objection.

HOUR OF MEETING ON TUESDAY, MAY 13, 1997

Mr. GOSS. Mr. Speaker, I ask unanimous consent that when the House adjourns on Monday, May 12, 1997, it adjourn to meet at 12:30 p.m. on Tuesday, May 13, 1997, for morning hour debates.

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

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. GOSS. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

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

There was no objection.

HONORING THE TEACHERS OF THE TITLE I RESOURCE PROGRAM AT THE MT. HOPE/NANJEMOY ELEMENTARY SCHOOL

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

Mr. HOYER. Mr. Speaker, this is National Teacher Recognition Week. I rise today to recognize three very special teachers in my district: Debbie Lane, Kathleen Donahue, and Deborah Walker. Together they run the title I resource program at Mt. Hope/Nanjemoy Elementary School in Nanjemoy, MD. The Mt. Hope/Nanjemoy Elementary School placed almost a full three points above the countywide average in the Maryland school performance assessment program. This improvement over last year's below average score is due in part to the efforts of these three very distinguished teachers.

The Department of Education joins me in recognizing the Mt. Hope/Nanjemoy Elementary School. This title I program is part of a select group honored by the Department of Education this week.

I salute, Mr. Speaker, these three teachers and the title I resource program for its outstanding success. They touch the future, and the future will be better for their efforts.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Utah [Mr. HANSEN] is recognized for 5 minutes.

[Mr. HANSEN addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

TAX FREEDOM DAY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. GOSS] is recognized for 5 minutes.

Mr. GOSS. Mr. Speaker, it has been a long day. The Chamber is thinning out. Members are on their way back to their districts. But tomorrow is coming. Tomorrow, May 9, is Tax Freedom Day, the day that working Americans can finally begin to keep the money they earn rather than paying it to the Government in taxes.

The fact is the tax burden most Americans face has been increasing every year. I am pleased that Congress, through the balanced budget agreement reached with the President, is actively pursuing some relief in the areas of the family tax credit, capital gains, and estate tax relief.

The budget agreement provides for a total of $135 billion in tax relief over the next 5 years. That is a big step. I hope this will be a first step on a longer road toward true tax relief, including real tax reform. Congress has to find ways to provide additional relief and give due consideration to alternatives to the current tax system, which is unfair and inefficient.

Mr. Speaker, dare we look forward to a day when the average American no longer spends more in total taxes than on food, clothing, and housing combined? We are spending more on taxes than we are spending on food, clothing, and housing for our families. Something is wrong.

Washington speaks of this beginning tax relief as Washington's generosity. I have a bulletin for taxpayers: It is not Washington's money, it is your money. Yes, most Americans agree we should pay some taxes; a safety net for the less fortunate, national defense, things like that we all understand. Most Americans also agree we are now taxed too much to support too much government.

But I think all Americans, every American, agrees that not every hard-earned dollar sent to Washington is well spent by Washington. There is waste and fraud and abuse and redundancy and patronage and other spending foolishness, and we all know it. So spend smarter and less, and tax smaller and fairer. That would be a very good wake-up call tomorrow morning across our land on Tax Freedom Day.

I wonder how many Americans, Mr. Speaker, remember back to New Year's Eve, December 31, 1996? I wonder how many Americans know that ever since then, every dollar earned by the average American worker has been taken for taxation by the Government. I wonder how many Americans are as disgusted by that fact as I am.

PUBLIC SERVICE RECOGNITION WEEK

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland [Mr. HOYER] is recognized for 5 minutes.

Mr. HOYER. Mr. Speaker, I rise today to join my colleagues in commemorating National Public Service Recognition Week. I spoke earlier tonight of teachers. This more general recognition week was established in 1986. It is a week of national effort to educate and inform Americans about the range and quality of services provided by our public employees on the Federal, State, and local level.

As part of the national recognition effort, this weekend down on the Mall there are scores of exhibits that allow everyone to explore and learn more about the important work our civil servants perform across the country. I encourage any who can to attend.

Mr. Speaker, it gives me great pleasure to have this opportunity to pay tribute to the hundreds of thousands of hardworking civil servants across the country, many of whom devote their entire careers to serving others and strengthening this great Nation.

At the outset I would like to commend the efforts of my friend, the gentleman from Baltimore, MD, Mr. ELIJAH CUMMINGS, the new ranking member of the Subcommittee on Civil Service. I would also like to thank the members the Bipartisan Federal Government Task Force, which I cochair, for continuing to fight for the hard-working Federal employees.

Mr. Speaker, in describing our Nation's civil servants, President Clinton recently noted, and I quote, ''Each day in schools and offices across the country, in hospitals, parks, museums, and on military installations, America's public employees dedicate their time, energy, and talent to create a brighter future for their fellow citizens and for our Nation.''

I could not agree with the President more. Of course, I hold a special affinity for our Nation's Federal work force. I represent thousands of Federal employees and retirees. I have worked hard to protect and preserve their pay and benefits over the years. Mr. Speaker, I will continue to do so.

Last Friday, I joined President Clinton to announce the balanced budget deal at a press conference in Baltimore. While it is not the deal that I would have written, I am pleased that the final package will apparently not contain a delay in cost of living adjustments for Federal retirees or require Federal employees to pay a higher percentage of the overall contribution to their health benefit package. I hope that ends up being in the agreement. We are working toward that end.

Over the last 20 years the Federal work force, Mr. Speaker, has lost an estimated $220 billion in pay and benefits to which it was entitled under law existing in 1980.

□ 1830

Let me repeat that for those who are listening. We have a budget deficit. The Federal work force has contributed mightily to solving that deficit by facing changes in law affecting their pay and benefits to the extent that they have received in pay and benefits $220 billion less over the last 17 years than they would have if the law had not been changed.

We must remain vigilant to ensure that we do not single out our Federal employees for cuts to pay and benefits. We must not balance the budget on the backs of hard-working Americans, hard-working Americans who work for the Federal Government.

Mr. Speaker, all too often some paint a picture of our public servants as incompetent, uncaring paper pushers. At times we even vilify our hard-working Government employees, sometimes with tragic results.

Mr. Speaker, last month we paid tribute to the men and women who lost their lives in the tragic Oklahoma City bombing. The majority of these people, the overwhelming majority were hard-working Federal employees. They were not nameless, faceless, presumably defenseless bureaucrats, as some would say.

Let me be perfectly clear and to the point. I get angry, and I hope many Members in this House do, over those who would denigrate our civil servants. All too often it is the prevailing habit of this body to attack the character and devotion of our Federal employees, even our own.

Mr. Speaker, we must stop the senseless scapegoating and needless bashing of our civil servants. Federal employees play an integral, albeit often invisible, role in our daily lives. Federal employees make sure that our senior citizens get their monthly Social Security checks and that our veterans get the care and treatment they need. Federal employees are responsible for printing our money and even insuring it when it makes deposits at the bank.

Mr. Speaker, I appreciate this time to stand and say that we appreciate the efforts of those who work for our Federal Government, including most specifically those who work for this House of Representatives.

DISASTER ASSISTANCE NOW

The SPEAKER pro tempore (Mr. STEARNS). Under a previous order of the House, the gentleman from South Dakota [Mr. THUME] is recognized for 5 minutes.

Mr. THUNE. Mr. Speaker, I am very disturbed by what has been going on around here lately. We have a disaster bill that is awaiting action by this body, but it is getting bogged down by all kinds of shenanigans, every shenanigan known to man. Granted, a supplemental appropriations bill always ends up being a Christmas tree that everybody tries to hang their favorite ornament on, but in the meantime we have people who are desperately in need of assistance.

I have seen in my home State of South Dakota and the States of North Dakota and Minnesota the displaced families, the devastated homes and businesses, the dead livestock, some 200,000 in my State alone. I have seen the roads and bridges that have been obliterated by this year's weather. If we are going to help these people, then let us get on with it. Construction season in my State is very short. We have a limited amount of time to get the work done that is necessary to get our people back on their feet.

I would be the first one in this body to admit that we have a budget process that is broken. In fact I am willing to lead the charge to fix it. An automatic continuing resolution has been suggested as a possible solution. I am the cosponsor of a bill that I think is a better solution, a budget reform act that would change the 1974 Budget Act and make it workable. But I do not think this is the time or the place to have a discussion about this issue. We are going to have an automatic continuing resolution. It may be good policy, but it is bad timing.

I would suggest to this body that the people of my home State of South Dakota—and those like them in North Dakota and Minnesota and around this country who have been affected by disasters and are waiting the assistance that is in this disaster package—deserve to have that assistance. I am getting tired of all the games that are being played, the political games. We have loaded up this bill to the point that we cannot even recognize it anymore.

The supplemental appropriations bill has desperately needed disaster assistance in it, and I think that it is high time that we took the action that is necessary to move the disaster bill forward through the House. The bill came out of the Senate today. Let's get it to conference and get the assistance to the people who really need it. If we do not do that, the people who have been affected by this disaster are going to be the real losers.

I urge my colleagues in the House to move quickly and decisively next week to see that we in a very expeditious way get disaster assistance in the hands of the people in our States who are desperately in need of assistance.

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

Mr. THUNE. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Speaker, I just wanted to comment on the gentleman's statement, as I just spoke about Federal employees. Obviously the shutdown of Government which the continuing resolution to which he speaks attempts to preclude that from happening, but I want to join the gentleman in his remarks that getting this disaster relief and getting this bill to the President as soon as possible ought to be our priority. Then he and I and others who want to make sure that the Federal Government does stay in operation so that not only employees but, as important if not more important, those who government serves are not adversely affected, will continue. But I agree with the gentleman that we ought to stop trying to load up this supplemental and move it as quickly as possible. I hope the gentleman's efforts are successful in that regard.

Mr. THUNE. Mr. Speaker, I would say to the gentleman from Maryland that I very much want to avert any future Government shutdowns. This is not the appropriate vehicle to deal with that.

EXCHANGE OF SPECIAL ORDER TIME

Mr. CUMMINGS. Mr. Speaker, I ask unanimous consent to claim the time of the gentleman from Maryland [Mr. WYNN].

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

There was no objection.

ANNUAL COMMEMORATION OF PUBLIC SERVICE RECOGNITION WEEK

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland [Mr. CUMMINGS] is recognized for 5 minutes.

Mr. CUMMINGS. Mr. Speaker, I wish to call attention of our colleagues to the annual commemoration of Public Service Recognition Week and to related activities occurring here in Washington this week. As I do so, however, I wish to take just a moment to point out that, as we celebrate the good news about Federal employees achievements, they have just received a dose of bad news from the budget negotiators who have agreed to cut Federal pay in order to reduce the deficit.

I am opposed to this cut and I along with the gentleman from Maryland [Mr. HOYER] have recently introduced House Resolution 71, which rejects it. The gentleman from Maryland [Mr. HOYER] is to be commended for his tireless work on behalf of Federal employees. I thank him for his leadership in this area.

Mr. Speaker, each May the President's Council on Management Improvement and the Public Employees Roundtable launch activities in cities across our Nation which highlight excellence in public service at the Federal, State, and local government levels. The organization's objectives are to inform Americans about the contributions of public employees, to the quality of our lives, to encourage excellence in Government and to promote public service careers.

Activities in my own hometown were kicked off last Friday by the Baltimore Federal Executive Board which held its 30th annual excellence in Federal career awards program at Martin's West in Baltimore County. Forty-one Federal agencies submitted a total of 202 nominations for the board's consideration. Among the 13 first-place gold award winners were Henry Powell, a customer service representative with the IRS who was recognized for community service; Mary Lisa Ward, a special agent with the U.S. Customs Service, who was recognized as an outstanding administrator; and Richard Laughlin, a quality assurance specialist at the Defense Contract Management Command, who was recognized as an outstanding technician.

Mr. Speaker, while I only have time to call a few names out, I believe that each award recipient and each person nominated deserve recognition and our thanks. This past Monday, the Public Employees Roundtable held a ceremony here on Capitol Hill and presented its breakfast of champions awards to representatives of exceptional programs at each level of Government.

Among the 1997 award winners at the Federal level were the Internal Revenue Service telefile program and the Department of State's Overseas Citizens Service. Other programs receiving special recognition this year were the Defense Personnel Center in Philadelphia, PA, the Veterans Benefits Administration in Muskogee, OK, and the U.S. Army Europe's foreign military interaction program.

Beginning today, May 8, and continuing through May 11, over two dozen Federal agencies and employee organizations will have exhibits set up in large tents on the national Mall at Third and Independence Avenues here in Washington. The public is invited to come out to learn more about the functions of these agencies and the services that each provides. Some of our military bands and other groups will provide entertainment during this family oriented event.

Mr. Speaker, Public Service Recognition Week offers all Americans, especially young people, the opportunity to learn more about the Government and the rewarding careers available. It also provides the opportunity to thank those who serve us daily for their efforts. I believe that our public service employees should be valued and respected by all Americans, and the activities occurring this week across the Nation make it crystal clear why this is so.

AVOIDING ANOTHER GOVERNMENT SHUTDOWN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. WELDON] is recognized for 5 minutes.

Mr. WELDON of Florida. Mr. Speaker, I rise to speak out about an important initiative that I will be supporting next week and have been supporting up until now, which is an effort to avoid another Government shutdown. There is a disaster appropriations bill that should be coming to the floor next week, and I support an initiative to attach a feature to that appropriations bill that would be a safety measure to avoid another Government shutdown. The gentleman from Pennsylvania [Mr. GEKAS] has been the primary mover behind this, and I rise to speak out strongly in support of this initiative.

I believe that the Government shutdowns that we had last year were generally agreed by people on both sides of the aisle as well as the President and the Vice President to have been counterproductive and to have been something that we should have avoided. And we have an excellent opportunity right now to attach an amendment to this appropriations bill that simply stated what it would do is, it would in the event that we cannot reach agreement with the White House on an appropriations bill, that the Government would stay open at a given funding level, whether it is 100 percent or 98 percent of the previous year's funding level, so that we do not get into this scenario where the Government is shut down.

Mr. Speaker, as many Americans know, on September 30, the previous year's appropriation bill expires, and we need a new appropriations bill to go into effect on October 1. This continuing resolution or safety measure that I am talking about tonight would simply keep the Government open. A safety CR would ensure that on October 1 all of the appropriations bills that have not been signed into law, such as those that fund the Veterans' Administration, NASA, the Social Security Administration, to make sure Social Security checks continue to get funded, as well as other programs that affect retirees, all Federal agencies that would be covered by this safety CR would be able to stay open at that level of funding which they received last year or, if it is agreed, to be slightly below the previous year's level of funding.

I think that this measure has several good, important features, one of which, it ensures that both Congress and the President negotiate in good faith and that they do not use a threat of a Government shutdown as a bargaining tool or bargaining chip, so to speak.

Let me answer a couple of questions first off. Many people are asking, is this a new concept? Is passing a continuing resolution a new concept? No, it is not. We have passed 53 different continuing resolutions in the Congress since 1982. So this is not a new concept at all. I believe that this is good preventative medicine.

Some people are asking, why is it really needed? Well, last year we experienced several Government shutdowns, and we all agreed that it was just a very, very ineffective thing to do. I believe that this continuing resolution attached to the disaster bill makes good sense. I believe that the Government shutdowns in many ways was a disaster for many of the agencies that were affected by it. And by passing this safety CR, attaching it to the supplemental bill that will come up next week, we will make sure that the Government stays open and many of the people who are dependent on the Federal Government in many ways will continue to be able to have, whether it is in the form of a Social Security check or whether it is in the form of disaster relief, they will be able to continue to use those resources. Therefore, I encourage all of my colleagues on both sides of the aisle as well as the White House to support the safety CR.

□ 1845

LEGISLATION CORRECTING FLAWS IN NEW WELFARE LAW

The SPEAKER pro tempore (Mr. STEARNS). Under a previous order of the House, the gentlewoman from California [Ms. WOOLSEY] is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, today we debated new ways to punish juvenile offenders, but last Congress the Republican majority enacted a welfare reform law that punishes children whose only crime is being poor. It is time for us to address the problems in the new welfare law.

So today I, along with my colleague, Delegate ELEANOR HOLMES NORTON from the District of Columbia, introduced two pieces of legislation that would correct some of the flaws in the new welfare legislation. We did this to give parents and kids on welfare a fighting chance.

Mr. Speaker, I am a former welfare mother, so I understand what goes on inside a welfare mother's mind. The main thing is anxiety. Will there be enough food for our children? Are my kids safe at home and at school? Am I doing what is best for them? Will I ever be able to get out of this mess?

These questions have always been tough to answer, but the new welfare law has made it even tougher. Parts of this law actually penalize moms who are trying to protect their children and improve their prospects for a better future.

So today, Delegate NORTON and I introduced two essential bills aimed at correcting serious flaws in the law. Our bills give welfare moms a fighting chance. One bill helps ensure that the children of welfare mothers are safe, as we wish all of our children to be; the other gives moms on welfare the educational opportunities that the rest of us take for granted.

The first bill is called the home alone bill. It is called that because it is aimed at preventing kids from being left home alone, unsupervised and unsafe. Right now, under this welfare bill that was passed, moms with kids age 6 and above can be forced to leave their children at home while they work, even if there is no suitable child care available. In fact, if they do not go to work, no matter that they have to leave their children home alone, they lose their welfare benefits.

Our bill is very simple. It raises the age from 6 years old to 11 years old. It protects kids and it protects their moms. This is really not asking too much. Would any of us put up with being required to leave a 6-year-old home alone? No, we would not.

Mr. Speaker, welfare recipients generally live in the poorest neighborhoods, neighborhoods where child care is not always available. That leaves children to the school of the streets, a tough school, a school known for its lessons in drugs, violence and crime. Home alone, if we are to protect a generation of children, should not be. There should be no place like it for our children.

The second bill, one that we introduced today also, allows welfare recipients to meet the work requirements of the new welfare law by acquiring the skills needed for permanent employment. It lets education qualify as work under the new welfare law. Americans have long realized that education is the door to success, but our new welfare law has basically told welfare recipients that the only door open to them is the employees' entrance to McDonald's. And, Mr. Speaker, statistics show that, even though low-paying jobs are easily lost during bad economic times.

How did I get off welfare? I had determination and I had an education. But only 32 percent of welfare recipients have a high school diploma. Only 10 percent ever attended a college class. Let us not condemn people who are striving to get off welfare to a lifetime of low wages and drudgery. Let us not condemn their children to the rules of the streets.

If we want welfare recipients to work, let us make welfare reform work for them. If we want the poor to aspire to a better life, let us make it attainable for them. That is what our bill does, Mr. Speaker. It makes education qualify as work under the new welfare law. It moves us closer to what welfare reform is supposed to be, permanent self-sufficiency.

These two bills are just the start. In coming months to Progressive Caucus will introduce other legislation designed to assist welfare recipients to get off welfare permanently, and they will be intended to help people get off welfare through jobs that pay a livable wage, jobs that they can support their families on.

These two bills that we introduced today correct some of the flaws in the welfare law, and we plan to fight hard

to see that these laws in these bills will be enacted. I personally plan to keep fighting for welfare moms and their families.

WELFARE REFORM BILL NEEDS REFORM

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from the District of Columbia [Ms. NORTON] is recognized for 5 minutes.

Ms. NORTON. Mr. Speaker, I want to thank the gentlewoman from California [Ms. WOOLSEY] for the way in which she has worked to put welfare reform back on the 105th Congress' map and to leave no stone unturned and to put on notice this Congress that reform of the welfare system has yet to come.

''If at first you do not succeed,'' the cliche goes. Well, we have not succeeded and what we are going to do is try harder. The welfare reform bill needs reform. The only question is when are we going to do it. The flaws that are revealing themselves are already legion.

Congress has taken a wait for the crisis attitude. That is of course the way we do business in a number of areas. When it comes to children, particularly given all the pro-family rhetoric that adorns this hall every day, one would think that we must move before the crisis.

The gentlewoman from California, who is cochairing with me a task force to introduce an omnibus bill of reforms, has given an indication of the kinds of bills the omnibus bill will contain. Rather than repeat more about those bills, let me give other examples as well.

Let us do first things first. The President has offered forth 10,000 jobs he controls in his executive agencies for welfare recipients. It is Congress' move now. What will we do?

I have a bill that I have introduced on March 12 that would encourage every Member to offer a full-time job in her office to a welfare recipient. In order to accommodate this, the House would increase staff allotments by one, but not our budget. Many Members could then hire a welfare recipient. They might not otherwise be able to do so, especially Members who come from districts that are broadly spaced through rural areas or large States.

But if we said to the Member, or if the Member knows that she has the money but needs the staff member, at no cost to the government, we could do our part. I do not see how in the world we can continue to monitor welfare reform if we do not step up the way the President has. We must lead by example. If we mean it, we have to do it first.

I expect that the omnibus bill will contain a number of correctives. Let me give examples.

I will be introducing an anti-displacement bill. There is a perverse effect here, Mr. Speaker. What we are finding is that people who have gone out and gotten their own low-paying jobs are being displaced by welfare recipients. If that is not a perverse effect, I do not know what is.

Two similarly situated youngsters in the District of Columbia gets pregnant at 16. One goes and finds her own job in the hotel industry and the other sits at home. Maybe she sits at home because she does not have a babysitter, maybe she does it for other reasons. But the fact is there is an incentive for employers to hire the young woman who went out and got her own job, so the employer displaces the woman who went out and got it herself. We cannot have that. It is not what anybody intended.

I will be introducing an anti-displacement bill so that similarly situated people will not feel that I have to go get on welfare in order to get a job; that is the way to do it. The message is go out and get your own job, and only if you cannot get one should you be on welfare at all.

Mr. Speaker, I have a bill that pertains to the District of Columbia, which does not have a State but has a State quota which it cannot possibly meet. By 2002 every State has to have 50 percent of all its families in work or work activities. The State of New York or the State of California or the State of Wyoming, for that matter, will gather them from all over the State. No other State has to gather that whole 50 percent from a central city. It cannot be done.

My bill would give the District no preference. It would simply say that using a formula, which we extract from what other inner cities have done, we say that the District has to fill that number and not a number that is given to an entire State.

I will be introducing a bill to exempt relative caretakers from the 20 percent rule. Twenty percent of cost can be exempted from work activity. Surely we do not mean to say that a grandmother has to go out and find a job. These are effects that are beginning to come through. These are reforms that need to be done. I expect to do so.

CELEBRATING THE ROLE OF WOMEN IN AMERICAN FAMILY LIFE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from North Carolina [Mrs. CLAYTON] is recognized for 5 minutes.

Mrs. CLAYTON. Mr. Speaker, on Sunday we will observe Mother's Day, a day when we pause to celebrate the role of women in the life of American families. While celebrating the roles of women we also essentially celebrate infant and children, the true symbol of motherhood.

It is, therefore, appropriate, in light of this celebration, that we examine the Federal programs that affect women, infants and children. It is appropriate at this time when we revere mothers, their infants, their children, the foundation of American families, that we examine the impact of our relevant action in Congress.

The most relevant action is the current debate over funding for the nutritional program for women, infants and children, the WIC program. Mr. Speaker, WIC works. The data shows that for every dollar spent on the WIC program, between $2 and $4 are saved in health care costs, yet some 180,000 women and children face the loss of this vital support that has been proven effective because some would imbalance the lives of thousands of women, infants and children in order to balance the book of a few.

On April 24 of this year the majority on the House Committee on Appropriations voted to provide only $38 million in special supplementary funds for the WIC program. The President had asked for $76 million as a compromise for the $100 million in his original request.

If the supplemental funding is not provided at the level requested, thousands of current participants will be dropped from the program. The shortfall in funding could not be anticipated. Milk prices, for example, have grown faster than was projected. Consequently, program costs have grown. The additional $38 million needed to reach the $76 million request is a sound investment in the future of our Nation.

The WIC program provides nutritional assistance to poor women, infants and children up to the age of 5 who are at nutritional risk. This assistance, as I indicated, has proven to be effective in reducing low birth weight babies, infant mortality, and child anemia.

WIC program funding has also been cited as a source of improving early learning abilities in children. In short, Mr. Speaker, the WIC program really pays for itself and advantages America.

Of the 104 million women in America within the age range of childbearing, some 74 million are mothers. On average, these women bear close to three children during their lifetime. They produce the children who become the laborers and leaders for the future. They produce the children who become the Members of Congress generation after generation.

Mother's Day, therefore, is not about a few flowers, a box of candy or a restaurant dinner. Mother's Day is about honoring and respecting those persons, the women of America, who play a significant role in the life of our Nation.

It seems to me that the best way to celebrate Mother's Day is to honor all mothers. Poor mothers have produced productive children. The WIC program is not charity, the WIC program is a chance, a chance for our children who happen to be born in poverty to have sufficient nurturing to carry the oppression of poverty to the opportunity that America is offered. It is the chance any child has when a healthy start is available to them.

□ 1900

Mr. Speaker, the WIC Program works. Let us make it work for all of

our children who are also in poverty. Let us make Mother's Day a day when we commit to the cause of all women, infants and children.

IN SUPPORT OF INCREASED FUNDING FOR CRIME PREVENTION

The SPEAKER pro tempore (Mr. STEARNS). Under a previous order of the House, the gentlewoman from California [Ms. MILLENDER-MCDONALD] is recognized for 5 minutes.

Ms. MILLENDER-MCDONALD. Mr. Speaker, today this body was presented with legislation that was called the Juvenile Crime Act of 1997, long on language but short on a balanced approach to this problem.

I recognize that violent crime must be met with punitive actions. But nonviolent crime must give juvenile delinquents an opportunity to change. That is why I tried to influence and offer this amendment that I had today calling on more funding for preventive measures, but I was unable to submit it. So I objected to H.R. 3, because no juvenile crime bill will be worth the paper it is written on without full and adequate resources for juvenile crime prevention. There is no way we can lock up or imprison a generation of troubled young people. We must provide meaningful alternatives to deter our young people from a life of crime.

In California, the total juvenile arrests in 1994 were 257,389 young folks. Of those arrested, only 22,053 or 8 percent were violent offenders. That leaves 235,336 nonviolent juvenile arrests. Those are the young people we can save and that we must reach out and work with.

Mr. Speaker, we must be tough with violent criminals, even young violent criminals. But in California only 8 percent of all juvenile offenders are violent, and we must deal with them appropriately. They must be locked up. But the 235,336 whom we can save, we must provide the programs for those in a way that we can turn their lives around.

That is why my amendment would increase funding for crime prevention programs by $2.3 billion. We have got to reach at-risk juveniles before they begin committing violent offenses. Our communities must reach out to them through education and crime deterrent programs when they cry out for attention through infractions of the law.

My amendment would also make sure that funds would be there for crime prevention. It places our Federal priorities first on crime prevention, not building more prisons. We have more prisons in California than any other State, but our crime rates are not the lowest. Prisons alone will not solve the problem. Crime prevention is what we need.

Mr. Speaker, we must provide more resources for drug prevention, for nonviolent crime; we must have more education initiatives. We must increase the penalty for the transfer of a handgun to a juvenile or for a juvenile who possesses a handgun. This is why I introduced my bill, the Firearm Child Safety Lock Act of 1997, which prohibits the transfer of a firearm without a child safety lock as an integral component.

I am committed to helping the juvenile delinquents who are nonviolent in Watts, Willowbrook, Compton, Lynwood, Long Beach, Wilmington and all over my district who have had minor infractions with the law; to seek and help them, through preventive measures, to turn their devious behaviors into more positive outcomes. We can do that, Mr. Speaker. We must do that. They are asking for our help. We must be there to provide that safety net before they become violent offenders. We can do no less.

SALVAGING SOCIAL SECURITY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from South Carolina [Mr. SANFORD] is recognized for 5 minutes.

Mr. SANFORD. Mr. Speaker, I learned yesterday afternoon of an awfully interesting woman, a woman by the name of Osceola McCarthy of Hattiesburg, Mississippi. I think to a great degree she represents what the American dream is all about, because the American dream is built around the very simple idea of being able to get ahead, of actually being able to build something, of actually being able to build wealth.

Because what is interesting about Osceola McCarthy, a woman of age 87, is that she worked her entire lifetime as a washer woman. Yet toward the end of her life, she went to the local college and said, ''I'd like to help out.'' They were thinking, well, maybe she will give us a cloth doily or maybe a bath mat or something that she had made. Instead she gives them a couple of hundred thousand dollars. The New York Times found this story so interesting that it actually went down and asked her, ''How did you end up with a couple of hundred thousand dollars only working as a washer woman?'' She said, ''Well, I put a little bit away whenever I got a chance, and I put it away for a long time.'' I think in doing so, she hints at what could be one of the keys to, I think, saving Social Security as we know it. Because Einstein was once asked, ''What is the most powerful force in the universe?'' His reply was, ''Compound interest.''

As we all know, it is amazing what one can end up with at the end of a working lifetime by simply putting a little bit away over a long enough period of time. Because what the Social Security trustees have said is that if we do nothing, Social Security goes bankrupt in 2029, and it begins to run deficits in 2012, such that either we have got to look at raising payroll taxes by about 16 percent or we have got to look at cutting benefits by about 14 percent. Neither one of those seem to me to be acceptable options. If we look at the other options that are out there, I think they are non-options as well because the other options basically are driven by the fact the demographics have changed. A, as a country we are living longer. That is a great thing. Every year that I grow older, I hope that medicine keeps making medical advances such that they keep moving it out on that front. Average life expectancy when Social Security was created was 62. Today it is 76. That creates a real strain on a pay-as-you-go system. The other demographic fundamental that we are not going to change is that we have gone from having big families on the farm to having relatively small families today. We have gone from having 42 workers for every retiree to having 3.2 workers for every retiree, to being well on our way to having 2 workers for every retiree. Again, that is a fundamental that we are not going to change. So the question I think we are all left with is what do you do? I think that what Osceola McCarthy did has a lot to do with what we can do. That is, build a system that is based on the simple power of compound interest.

When one talks about changing Social Security, we need to define what that change might be, what it might look like. Change for me does not mean in any way yanking the rug out from underneath seniors. My mom is retired. She has no ability to alter her income. You do not go and yank the rug out from under people like my mom. What it means is we leave people 65 and older alone. But what I think it can also mean is we give people below that age simply the choice. If you want to stay on existing Social Security, great, do so. But if you want to look at the idea of personal savings accounts, to build on Einstein's power of compounding, then you can do that, too.

What are some of the benefits that might come with that? One benefit that I think is definitely worth noting is that you could choose for you your retirement age. If you think about it, our existing system comes at a tremendous cost in terms of human happiness. Because in my home State, we have got STROM THURMOND who wants to work until he is 100, yet I have got plenty of other friends that say, ''Work is great but fishing is even better. I want to retire when I'm 50.'' With your own personal savings account, you could decide for you when you want to retire rather than a Congressman or a Senator or a bureaucrat defining for you your retirement age. I think that to be a big benefit. Again we have so many choices in America, we can choose between 25 different kinds of toothpaste, 30 different kinds of detergent, but you cannot choose for you when you want to retire.

Mr. Speaker, I can see I am beginning to rub up against my 5 minutes, I will yield back the balance of my time, but again want to leave in everybody's

thoughts the idea of Osceola McCarthy and this simple theme of compound interest.

DEDICATION OF ETERNITY HALL

The SPEAKER pro tempore (Mr. RIGGS). Under the Speaker's announced policy of January 7, 1997, the gentleman from Hawaii [Mr. ABERCROMBIE] is recognized for 60 minutes as the designee of the minority leader.

Mr. ABERCROMBIE. Mr. Speaker, it is a matter of some coincidence that today is Humanities on the Hill Day, and we had an opportunity, many of us, to meet with the representatives of the Endowment for the Humanities in our local jurisdictions from all over the country.

In that context, I had the privilege of addressing the group who came here this morning for a few minutes, and had a chance to comment to them about a recent event in Hawaii at Schofield Barracks where I had the opportunity to deliver remarks at the dedication of Eternity Hall, Eternity Hall in Quadrangle D at Schofield Barracks. That occasion was on April 2, 1997.

Tomorrow, Mr. Speaker, marks the 20th anniversary of the death of James Jones, the author of ''From Here to Eternity.'' I would like to take this opportunity, then, today to deliver yet again the comments that were made on that occasion, to indicate to my colleagues that tomorrow the film ''From Here to Eternity'' will be shown at Schofield Barracks, because the young soldiers that are there have taken a renewed interest in their history, have taken a renewed interest in Schofield Barracks and in World War II and, by extension, the author who made it possible for us to understand more about ourselves as a result of the great art that is ''From Here to Eternity.''

Mr. Speaker, ''From Here to Eternity,'' like all great works of art, transcends its form. In this instance, the novel. Like all great works of art, it transforms those who experience it, its readers. It transposes its content, the characters and their actions, into a larger vision of life itself, a dimension of depth beyond the story itself.

Schofield Barracks is the stage upon which the story unfolds. But it is not events of which we learn. Rather, we learn the meaning of integrity, honesty, honor, and above all, what it takes to be human. This is what it meant to me. ''From Here to Eternity'' shaped the basic values I hold to this day.

So it was with a sense of outrage that I read a sneering, wounding article about James Jones just before leaving for Europe in 1967 on a backpack trek around the world. I had no idea I would literally walk into him in Paris some weeks later.

I knew it was him the moment I saw this short, square block of a man plowing down the avenue. In my mind's eye now I see a cigar clamped in his clenched jaw, but perhaps it is only because I like to believe it was there. All I really saw were his eyes. How could such gentle eyes be locked into such a rugged mug of a face?

To his friend William Styron, and I quote, ''was there ever such a face, with its Beethovenesque brow and lantern jaw and stepped-upon-looking nose. A forbidding face until one realized that it only seemed to glower, since the eyes really projected a skeptical humor that softened the initial impression of rage.''

On impulse, I spoke to him.

''Don't pay any attention to the critics. You write for us, for me. We're the readers. Pruitt, Warden, Maggio, they're real for us. ''From Here to Eternity'' means everything for us. What you write is important to us. To hell with the critics. Keep writing for us.'' Or some such blither.

□ 1915

I felt a total fool. He stared at me, and I bolted away. A few days later I found myself outside his home on the Ile St. Louis behind Notre Dame. The San Francisco Diggers who fed the homeless during those years had published a directory of Americans worldwide who could be counted on to be kind to American travelers in need. I had come upon it in a Left Bank book store, and Jones's name and address were in it.

I rang the bell on impulse out of both a desire to apologize and yet tell him again more clearly how much he meant to us as readers. A suspicious housekeeper somehow agreed to tell him that the man who stopped him on the Right Bank the other day wanted to see him.

Amazingly she returned animated. By all means Mr. Jones would see me. He was anxious to see me. Please come up. Would it be possible to wait a few minutes while he finished his writing for the day. Please don't leave.

I was a bit dazed as I sat on a stool on what appeared to be a tiny bar and library area. Suddenly he burst through a door, barrel-chested, huge smile, moving like a pulling guard on a halfback sweep.

''Am I glad to see you. I told Gloria,'' his wife Gloria, ''I told Gloria all about our meeting. I've been writing on the energy of it for the past two weeks. I never seem to meet readers any more. It's always somebody who wants something from me. How about a drink?''

From that moment, I ceased to be a fan. I became a fierce partisan. I had never met anyone so nakedly honest in his observations and inquiries, so plain-spokenly straight. No rhetorical brilliance, just easy-fit words and thoughts expressed as solid and simple as a beating heart, just like From Here to Eternity.

In 1951, the Los Angeles Times said:

James Jones has written a tremendously compelling and compassionate story. The scope covers the full range of the human condition, man's fate and man's hope. It is a tribute to human dignity.

The book was From Here to Eternity. Its author was 30 years old. In March of 1942, he had written to his brother Jeff from his bunk at Schofield Barracks.

Sometimes the air is awfully clear here. You can look off to sea and see the soft, warm, raggedy roof of clouds stretching on and on and on. It almost seems as if you can look right on into eternity.

It is 20 years tomorrow since James Jones died, leaving his work to speak for him and to us.

Biographer George Garret said,

Boy and man, Jones never lost his energetic interest, his continual curiosity, the freshness of his vision. It was these qualities, coupled with the rigor of his integrity, which defined the character of his life's work.

Others, of course, recognize these qualities and wish to speak for and about James Jones on this anniversary of his passing.

Winston Groom, George Hendrick, Norman Mailer, William Styron, whose Forward to To Reach Eternity: The letters of James Jones, I include here in its totality and from which I will read, Mr. Speaker, excerpts, and Willie Morris, friend and biographer of his last days, all are represented in the remarks which follow.

First is a letter to me from Winston Groom:

Dear Congressman ABERCROMBIE: Gloria Jones asked me to write to you regarding the dedication of a building in Schofield Barracks in honor of her late husband, James Jones.

This is a wonderful and fitting tribute to a fine soldier and a great writer who contributed perhaps more than any other to the public understanding of the military during the World War II era.

Long before I wrote Forrest Gump I began a friendship with Jim Jones which was cut far too short by his untimely death. He was always kind and giving to the younger generation of writers and took time to help me with my first novel, Better Times Than These, which was about the Vietnam War. In fact, I dedicated that book to Jim.

I congratulate you and all the others who worked to create this very appropriate memorial to a great American patriot and champion of the common soldier.

Respectfully yours, Winston Groom.

I received a letter from George Hendrick, a professor of English at the University of Illinois, Urbana-Champaign.

Dear Neil: I'm sending along, as promised, the statement for the Schofield Barracks ceremony. I am certainly pleased to know about this important event and to play some small part in it.

The university library has acquired the manuscript of From Here To Eternity and The Pistol, and they will be on exhibit at the next meeting of the James Jones Literary Society in Springfield on November 4 of this year. I hope you can attend.

Professor Hendrick's comments are as follows:

Pvt. James Jones, then a member of the air corps, transferred to the 27th Infantry Regiment at Schofield Barracks in September of 1940. Jones, not yet 19 years old, was already an aspiring novelist, and he was later to have a clear recollection of life in F Company in Quad D, of the lives of officers and enlisted men, and of the landscape around Schofield. In From Here to Eternity

he made this peacetime army uniquely his own.

When Jones was finishing Eternity in 1949 he wrote a chapter about the events of December 7, 1941, at Pearl Harbor, with emphasis on the strafing of Schofield Barracks that day. He wrote his editor about the chapter.

And I quote:

Here is the piece de resistance, the tour de force, the final accolade and calumnity, the climax, peak, and focus.

Here, in a word, is Pearl Harbor . . . I personally believe it will stack up with Stendhal's Waterloo or Tolstoy's Austerlitz. That is what I was aiming at, and wanted it to do, and I think it does it. I don't think it does, send it back, and I'll rewrite it. Good isn't enough, not for me, any way; good is only middling fair. We must remember people will be reading this book a couple of hundred years after I'm dead . . .

The chapter did not need rewriting. In fact, his intent throughout the novel had been to aim high and capture for all time the complex world of Schofield Barracks as it was in 1940 and 1941.

From Here To Eternity is now a classic American novel, and Schofield Barracks is preserved in it as if in amber.

Norman Mailer, along with William Styron and James Jones, the great trio of writers to come out of World War II said, and I quote:

The only one of my contemporaries who I felt had more talent than myself was James Jones, and he has also been the one writer of my time for whom I felt any love. We saw each other only six or eight times over the years, but it always gave me a boost to know that Jim was in town. He carried his charge with him, he had the talent to turn a night of heavy drinking into a great time. I felt then and can still say now that From Here To Eternity has been the best American novel since of the Second World War, and if it is ridden with faults, and ignorances, and a smudge of the sentimental, it has the force that few novels one could name. What was unique about Jones was that he had come out of nowhere, self-taught, a clunk in his lacks, but the only one of us who had the guts of a broken-glass brawl.

William Styron faxed to me his introduction to the volume of Jim Jones's letters. He asked that certain passages, those which he thought were most effective for illuminating James Jones, be read at the ceremony. He invited me to feel free to use any part of the essay, not just the circled passages, and I think that I have the essence of it here from William Styron:

From Here To Eternity was published at a time when I was in the process of completing my own first novel. I remember reading Eternity when I was living and writing in a country house in Rockland County, not far from New York City, and as has so often been the case with books that have made a large impression on me, I can recall the actual reading, the mood, the excitement, the surroundings. I remember the couch I lay on while reading, the room, the wallpaper, white curtains stirring and flowing in an indolent breeze, and cars that passed on the road outside. I think that perhaps I read portions of the book in other parts of the house, but it is that couch what I chiefly recollect, and myself sprawled on it, holding the hefty volume aloft in front of my eyes as I remained more or less transfixed through most of the waking hours of several days enthralled, to the story's power, its immediate narrative authority, its vigorously peopled barracks and barrooms its gutsy humor and its immense harrowing sadness.

The book was about the unknown world of the peace time army. Even if I had not suffered some of the outrages of military life, I am sure I would have recognized the book's stunning authenticity, its burly artistry, its sheer richness as life. A sense of permanence attached itself to the pages. This remarkable quality did not arise from Jones's language, for it was quickly apparent that the author was not a stylist, certainly not the stylist of refinement and nuance that former students of creative writing classes had been led to emulate.

The genial rhythms and carefully wrought sentences that English majors had been encouraged to admire were not on display in Eternity, nor was the writing even vaguely experimental; it was so conventional as to be premodern. This was doubtless a blessing, for here was a writer whose urgent, blunt language with its off-key tonalities and hulking emphasis on adverbs wholly matched his subject matter. Jones's wretched outcasts and the narrative voice he had summoned to tell their tale had achieved a near-perfect synthesis. What also made the book a triumph were the characters Jones had fashioned—Prewitt, Warden, Maggio, the officers and their wives, the Honolulu whores, the brig rats, and all the rest. There were none of the wan, tentative effigies that had begun to populate the pages of postwar fiction during its brief span, but human beings of real size and arresting presence, believable and hard to forget. The language may have been coarse-grained but it had Dreiserian force, and the people were as alive as those of Dostoevski.

It has been said that writers are fiercely jealous of one another. Kurt Vonnegut has observed that most writers display towards one another the edgy mistrust of bears. This may be true, but I do recall that in those years directly following World War II, there seemed to be a moratorium on envy, and most of the young writers who were heirs to the Lost Generation developed, for a time at least, a camaraderie, or a reasonable compatibility, as if there were glory enough to go all around for all the novelists about to try to fit themselves into the niches alongside those of the earlier masters.

When I finished reading From Here to Eternity, I felt no jealousy at all, only a desire to meet this man just four years older than myself, who had inflicted on me such emotional turmoil in the act of telling me authentic truths about an underside of American life I barely knew existed. I wanted to talk to the writer who had dealt so eloquently with those lumpen warriors and who had created scenes that tore at the guts. Jim was serious about fiction in a way that now seems a little old-fashioned and ingenuous, with the novel for him in magisterial reign. He saw it as sacred mission, as icon, as Grail. Like so many American writers of distinction, Jim had not been granted the benison of a formal education, but like these dropouts he had done a vast amount of impassioned and eclectic reading; thus while there were gaps in his literary background that college boys like me had filled, he had absorbed an impressive amount of writing for a man whose schoolhouse had been at home or in a barracks. He had been, and still was, a hungry reader, and it was fascinating in those dawn sessions with him to hear this fellow built like a welterweight boxer, speak in his gravelly drill sergeant's voice about a few of his more recherche loves. Virginia Woolf was one, I recall; Edith Wharton another. I did not agree with Jim much of the time, but I usually found that his tastes and judgments were, on their own terms, gracefully discriminating and astute.

Basically it had to do with men at war, for Jim had been to war, he had been wounded on Guadalcanal, had seen men die, had been sickened and traumatized by the experience. Hemmingway had been to war too, and had been wounded, but despite the gloss of misery and disenchantment that overlaid his work, Jim maintained he was at heart a war lover, a macho contriver of romantic effects, and to all but the gullible and wishful, the lie showed glaringly through the fabric of his books and in his life.

□ 1930

He therefore had committed the artist's chief sin by betraying the truth. Jim's opinions of Hemingway, justifiable in its harshness or not, was less significant than what it revealed about his own view of existence, which at its most penetrating, as in From Here to Eternity and later in The Pistol and The Thin Red Line, was always seen through the soldier's eye, in a hallucination where the circumstances of military life cause men to behave mostly like beasts and where human dignity, while welcome and often redemptive, is not the general rule.

Jones was among the best anatomists of warfare in our time, and in his bleak, extremely professional vision he continued to insist that war was a congenital and chronic illness from which we would never be fully delivered. War rarely ennobled men and usually degraded them. Cowardice and heroism were both celluloid figments, generally interchangeable, and such grandeur as could be salvaged from the mess lay at best in pathos, in the haplessness of men's mental and physical suffering.

Living or dying in war had nothing to do with valor, it had to do with luck. Jim had endured very nearly the worst. He had seen death face to face. At least partially as a result of this, he was quite secure in his masculinity and better able than anyone else I have known to detect muscle-bound pretense and empty bravado. It is fortunate that he did not live to witness Rambo or our

high-level infatuation with military violence. It would have brought out the assassin in him.

The next major work of war was The Thin Red Line, a novel of major dimensions whose rigorous integrity and disciplined art allowed Jim once again to exploit the military world he knew so well. Telling the story of GIs in combat in the Pacific, it is squarely in the gritty, no-holds-barred tradition of American realism, a genre that even in 1962, when the book was published, would have seemed oafishly out of date had it not been for Jim's mastery of the narrative and his grasp of sun-baked milieu of bloody island warfare, which exerted such a compelling hold on the reader that he seemed to breathe new life into the form.

Romain Gary had commented about the book: ''It is essentially a love poem about the human predicament and like all great books it leaves one with a feeling of wonder and hope.'' The rhapsodic note is really not all that overblown.

Upon rereading, The Thin Red Line stands up remarkably well, one of the best novels written about American fighting men in combat. The Thin Red Line is a brilliant example of what happens when a novelist summons strength from the deepest wellsprings of his inspiration. In this book, along with From Here to Eternity and Whistle, a work of many powerful scenes that suffered from the fact that he was dying as he tried unsuccessfully to finish it, Jim obeyed his better instincts by attending to that forlorn figure whom in all the world he had cared for most and understood better than any other writer alive, the common foot soldier, the grungy enlisted man.

His friend at the end, Willie Morris, wrote these words:

Dear Congressman ABERCROMBIE, I hope this is what you had in mind. My friend Jim Jones was sent to Schofield Barracks at the age of 18 in 1939 as a private in the old Hawaii Division, which later became the 25th Tropical Lightning Infantry Division. He was a member of Company F. It would be the division of the memorable characters in Jones's classic novel From Here to Eternity: Prewitt and Maggio and Warden and Chief Choate and Stark and Captain Dynamite Holmes and the others, and it would go through Guadalcanal and New Georgia and the liberation of the Philippines all the way to the occupation of mainland Japan, although Jim's own fighting days would end when he was wounded at Guadalcanal.

Schofield Barracks resonates with the memory of James Jones and the imperishable characters and events he placed here in his fiction, the sounds of the drills, the echoes of Private Robert E. Lee Prewitt's Taps across the quadrangle, the Japanese planes swooping over the barracks of the fateful morning of December 7, 1941.

On the morning of December 7, after the attack started, Jim went to the guard orderly desk outside the colonel's office of the old 27th Regiment quadrangle to carry messages for distraught officers, wearing an issue pistol he was later able to make off with as his fictional Private Mast did in The Pistol.

In mid-afternoon of that day his company, along with hundreds of others, pulled out of Schofield for their defensive beach positions. As they passed Pearl Harbor, they could see the rising columns of smoke for miles around. Jones wrote:

''I shall never forget the sight as we passed over the lip of the central plateau and began the long drop down to Pearl City. Down toward the towering smoke columns as far as the eye could see, the long line of Army trucks would serpentine up and down the draws of red dirt through the green of cane and pineapple. Machine guns were mounted on the cab roofs of every truck possible. I remember thinking with the sense of the profoundest awe that none of our lives would ever be the same, that a social, even a cultural watershed had been crossed which we could never go back over, and I wondered how many of us would survive to see the end results. I wondered if I would. I had just turned 20 the month before.''

It is fitting that Eternity Hall be dedicated to James Jones. He was one of the greatest writers of World War II. Many consider him the foremost one. His spirits will dwell forever on these grounds.

On my last night in Paris heading for Africa and beyond, I left Jim and Gloria vowing someday somehow would I see From Here to Eternity and Jim honored at Schofield Barracks.

James Jones had said to his brother in 1942,

I would like to leave books behind me to let people know what I have lived. I'd like to think that people would read them avidly, as I have read so many, and would feel the sadness and frustration and joy and love I tried to put in them, that people would think about that guy James Jones and wish they had known the guy that could write like that.

They know you at Schofield Barracks, Jim, today, in Eternity Hall. The ghosts of all those who came before to this quadrangle and the shades of all those who will come, know you and they know you love them.

As he neared death, he struggled to finish Whistle, to complete what he had begun with Eternity. The final scene of the novel became the ultimate expression of his passion. Facing the end, he wrote of ''taking into himself all the pain and anguish and sorrow and misery that is the lot of all soldiers, taking it into himself and into the universe as well.''

The universe for James Jones in From Here to Eternity began and ended at Schofield Barracks. The measure of this universe and the final judgment of and about James Jones is to be found in the simple declaration of his dedication:

To the United States Army. I have eaten your bread and salt. I have drunk your water and wine. The deaths ye died I have watched beside, and the lives ye led were mine. From Rudyard Kipling.

''I write,'' Jim said, ''to reach eternity.'' You made it, Jim. Today in Eternity Hall, in Quadrangle D, in Schofield Barracks, you made it. Welcome home, Jim.

THE BUDGET

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. OWENS] is recognized for 5 minutes.

Mr. OWENS. Mr. Speaker, the session has now truly begun. We are now contemplating the parameters of the budget. There has been a budget agreement reached between the President and the Members of the House and the Senate, and now we can go forward in a session that has sort of been marking time up to now.

Nothing is more important than the discussion of the budget. Our Nation's values are all locked up into the way it proceeds with its budget. What we really care about we can discover by watching the figures in the budget and understanding that what is really important to this Nation will be reflected in how we score our budget.

The parameters are there. Discussion will go forward. Maybe we will restore the Democratic deliberation process back to the Congress. We were beginning to lose it because discussions were taking place out of sight, off center. Most of the Members were being excluded. There is a budget committee, which we assume would be the primary focus of deliberations on the budget, but that did not happen.

I am told by my colleagues that serve on the Budget Committee that very little discussion has taken place on the Budget Committee about the budget. It was off limits for most of the Members. We have experienced a lot of that this year. It seems that after 1994 and the 104th Congress, when we had the Contract with America, everything was laid out as to where the majority Republicans wanted to take us.

It was refreshing to see clearly what the goals and objectives were. The American people behaved accordingly. Knowing fully well what the party and power wanted to do, they reacted, they responded. There had to be a lot of adjustments and corrections before the election, and things proceeded as they proceeded.

But at least there was a dynamic interaction, a public discussion. We knew that there was a proposal to eradicate the Department of Education, and the republic reacted to that. We knew that there was a proposal to cut Head Start drastically, to cut title 1 programs. We knew those things. The reactions of the public helped to guide what was happening, including guiding the party and powers, to the point where they reversed themselves and changed their minds on some of those critical areas.

This time it is a stealth process, it is a stealth operation, it is an underground operation, it is a guerilla operation. Very little is discussed and laid on the table. We find out about it later. Not only in the discussions of the budget do you have a situation where you have a closed circle, a commanding control group somewhere, at the White House probably most of the time, deciding what the parameters of the budget would be, but the whole process is repeated throughout the entire Congress.

In both parties it seems that there is a great love affair with oligarchists

and kleptocracists, whatever you want to call them, small groups that have the power to make decisions. They think they have the power to make the decisions, they make the decisions and then they hand them down to the body, both Republicans and Democrats.

I understand there is more and more of that happening at the committee level, instead of the whole committee operating the way it did previously at the level of the subcommittee. A subcommittee is a small working group. We have committees, and then the committees are broken down into subcommittees. The whole idea is that you need to get down to a level where it is reasonable for people who are here for the process of deliberation to conduct themselves in a process of Democratic deliberation and come out of it with practical results.

But this year you have subcommittees being upstaged by working groups, small groups selected by somebody, oligarchists and kleptocracists at the lowest level, and then they come back and announce to everybody else that we have made this decision, take it or leave it. We do not want it disturbed. Here is the manna from heaven; eat.

It runs contrary to the Democratic process. I hope that now we have had enough of that in the budget discussions and that we are now going to have a chance really to talk about what it is that the White House has agreed with the Congress to do and how can we really discard some of it and adopt some of it, expand on some of it and go forward to do the business that we were elected to do. We are all Members of Congress. We all come from a district about the same size. We are all elected and we are all basically equal. We ought to have the right, we ought to have the opportunity to at least deliberate.

The majority party has the votes and eventually they will decide what happens. But let us have the dialogue. Let us have the chance to have the discussion. Let us have the American people hear the discussion. Your common sense out there is probably far more valuable than anything that can be done or said in these closed circles.

The average American is superior to the oligarchy that people seem to set up. We always criticize these command and control processes. The Soviet Union collapsed because it had a command and control secret, closed-circle operation. So good sense, common sense could never get into that circle. They kept doing things and making decisions that were out of touch with reality. The reality of the economy, the reality of the Soviet people where they were, all of that was lost because the oligarchy, the kleptocracy, the closed central committee circle made the decisions and everybody else was shut out.

So let us go forward in the budget making process and let everybody have an opportunity to see how the process goes and where we are in this Nation. The President has said that we are the indispensable nation. I really agree.

In this critical 1997, just a few years away from the year 2000, the next century, I think we are the indispensable nation. I really think we ought to think about that responsibility of being the indispensable nation as we shape a budget for this year and for the next year. We are the indispensable nation.

The whole world does not depend on us, but we have a pivotal role. Some things will never happen for the good of the world unless we make them happen. Some things will never happen for the good of our own Nation unless we make them happen, this pivotal generation we are in. Some things will not happen for our own constituency that ought to happen that are positive unless we make them happen.

We have a burden on us and we have an opportunity that we never have had before. We do not have the burden of the cold war on our backs anymore. We do not have to carry the burden of an arms race to the extent we had to carry it before. We do not have to carry the burden of secrecy and suspicion among the largest nations of the world. Most of the industrialized nations of the world are not at war, cold war, hot war with each other. So we can jettison that and go forward.

□ 1945

We ought to realize that probably few Congresses in the history of the United States have had such an abundance of resources and an atmosphere in which to utilize those resources which might do so much for the world and maybe for the universe. We are every day discovering more and more about the universe, and maybe life is out there and maybe we are going to be colonizing moons and planets, and so forth. But here is an opportunity, a golden opportunity.

I had a delegation of the women's group that wanted to get more resources to fight breast cancer. Breast cancer, they say, is escalating, that there is a great increase, geometrical increase in the number of cases of breast cancer. Breast cancer not only is increasing in America and in the developed nations, which always thought that they had the highest incidence, but now they see an increase in breast cancer in places that did not have so much breast cancer before; and other kinds of cancer of course also seem to be on the rise.

I do not see why the meager resources that are available for this kind of research, research of other presently incurable diseases, or diseases with a high rate of fatalities, I do not see why we should hesitate, I do not see why we do not have crash programs, I do not see why we do not dedicate ourselves to the proposition that everything that can be done to eliminate, eradicate, or reduce the damage done by these diseases can be done.

Mr. Speaker, we are the indispensable Nation, we are the pivotal generation within an indispensable nation with the resources available. There has never been a nation as rich as the United States of America, never the kind of resources available. I do not see why we cannot look at the President's education proposals and say that those are part of our responsibility as an indispensable nation. Let us look at the fact that we are in a position to educate more people than any other nation in the world, educate people in the sciences that relate to health care, that relate to finding cures for diseases like breast cancer or diseases like AIDS, et cetera.

We do not have to carry the burden on our backs totally for the whole world. We should not be so arrogant as to believe we do, but we are pivotal. We can do more than anybody else, and to do less is to fail the world at a point in history where it needs us very badly.

If we had an education agenda which said we are going to go forward and educate as many young people as possible, give them everything that they need in order to fully realize their capabilities and their abilities all the way, so that they can become the scientists, the technicians, the writers, whatever we need in order to help guide the world, they can become that.

In the area of science, in the area of biology, in the area of medicine, we know that if we have more people working, looking for the solution, working toward a solution, looking for a solution, if we have more people doing research, if we have all of the combinations and permutations being examined and reviewed, tested, then we are more likely to get a cure, we are more likely to get close to the kind of protocols which reduce the damage, et cetera. We know that there is a cause and effect, not a cause and effect, but if we take certain steps with respect to putting researchers out there with the proper equipment, with the proper guidance, we get a result. So we should have no less than we can.

Our schools and our universities should be turning out more students at every level, and when we get to the university level and the graduate level and the level where people do research, we should not have pools of people who are scarce, but the maximum number should be involved. That is what the Nation should dedicate itself toward.

Mr. Speaker, we should have a budget which is not apologizing for the amount of money in it for education. True, we do not know always the best ways to spend money, but I think there is a clear need in certain areas that we ought to address. We ought to address the areas that are obvious first, and we ought to address the areas that are experimental, the areas that have to be tested, and address those with greater gusto. I mean we ought to have more experiments, not less. We ought to have more attempts to examine what does work and to take what works and expand it, to examine the things that are basic to any workability of an education process and expand those.

Mr. Speaker, I want to talk maybe about education and some new developments in education that we ought to be very happy about. I want to talk about the education budget and some disappointments in the budget agreement related to education, but I think we need to see it in the context of the bigger budget. The bigger budget is that this great rich Nation of ours is going to be spending billions of dollars, and is it moving to focus the expenditure of those dollars in the wisest direction. How much discussion is there, there is almost none, by the way, of the defense budget and the waste in that budget. How long are we going to continue to waste billions of dollars on defense while we force other programs into a discussion of scarcity? We make it appear that there is an environment of scarcity, of poverty for domestic programs, for programs that really are designed to help people. At the same time, we are flagrant in our waste. Nobody wants to even challenge the obvious waste that takes place in the defense budget. The CIA budget, we are wasting billions of dollars, and in this discussion we are not even talking about it, we are talking about wasting Medicaid or wasting Medicare, and there is always some waste in any program where human beings are involved.

I will not stand here and say that there is no waste. The problem is, the greatest waste is where the greatest amount of money is, and that is in the defense budget. And yet, there is no discussion of why we are going to continue to waste money on defense.

We could get the money we need for breast cancer research. We could get the money we need for HIV research; there are a lot of different causes which are human causes, causes which uplift humanity and will carry us to a new dimension as we go into the 21st century, and they are going to bleed. They are going to compete with each other while we continue to waste money on the expenditure of aircraft that we do not really need, on the expenditure of forces that we do not need overseas, or if we need them overseas, then certainly the countries where they are stationed are the ones who benefit most by their presence, the countries that ought to be the ones who pay for the overseas bases.

We have said this many times, of course, on this floor, but I am going to continue to say it because I think it will get through to the common sense of the American people. There is something that takes place in the atmosphere of Washington that makes people timid about expressing the obvious truth. We do not have a command and control situation here. It is not as tight as the Soviet Union, but I can understand how the go-along-to-get-along theory that Sam Rayburn or some of the other Speakers have counseled young people who come in here, get along to go along or go along to get along theories infect people who come into this body. And there are certain things that become off limits, certain things that they will not challenge.

The young child who saw the emperor was really naked is a good example for us to always keep in mind. Hans Christian Andersen's story of the Emperor's New Clothes, somebody told the emperor he had the best clothes possible and he was finely dressed and they had a cloth that was invisible. And the emperor fell for it, he walked out naked, and everybody was afraid to say what was obvious; everybody was afraid of the emperor, they were afraid of his guards, they were afraid of the whole system, they did not want to be ostracized, they did not want to be called troublemakers. And of course it took a little kid to point, with obvious amazement, that the emperor is naked, the emperor has no clothes on.

The tax structure of the United States is an abominable structure. I have said it many times here and I must repeat it. It is not under discussion. Corporate welfare is rampant as it was before and it still is now. After years of discussion, nobody has the guts to stand up to corporate welfare.

We heard from the chairman of the Committee on the Budget, the majority party's chairman, make some very bold and brave statements months ago about cutting corporate welfare. Well, where are the proposed cuts to corporate welfare in the proposed budget agreement? We do not see any cuts to corporate welfare. Where are the cuts? Where is the attempt to begin to equalize the tax burden between corporations and individuals? Corporations now pay a little more than 11 percent of the income tax burden where individuals are paying 44 percent, individuals and families, and we have talked about this many times before. It was not always that way. They once had a situation where corporations were paying more, and then there was a tremendous shift under Ronald Reagan where corporations went down as low as 6 percent of the overall tax burden and individuals shot up to 48 percent. They made an adjustment, and now it is individuals and families are paying a little more than 44 percent and corporations are paying between 11 and 12 percent.

That discussion is not allowed, it is off limits. We cannot obviously pursue that at all, and there is no discussion whatsoever of doing something about the tax burden, adjusting it, in this budget.

There are some additional goodies for the people who benefit most from corporate wealth. The gap in income is continuing to grow, and whereas we were once a nation that had one of the smallest gaps between the richest people and the poorest people, we now have the largest gap between the rich and the poor. And the gap is growing all the time, but yet we have focused on capital gains tax cuts in this budget agreement. Capital gains tax cut cost us $112.4 billion over a 10-year period, according to some calculations that have been done by some Democratic colleagues of mine; $112.4 billion over a 10-year period will go to the people who are already the richest people in America. Why are we preoccupied with those people, while at the same time we are cutting the budget for Medicare and Medicaid, while at the same time we say we cannot increase the budget for research on incurable diseases.

□ 2000

In the case of the National Institutes of Health, those kind of constructive budgets for life, we cannot increase them but we can decrease the revenue in order to give a tax cut and more money to the richest people.

The estate and gift tax credit will cost us about $40 billion over a 10-year period. The people who will benefit by this particular new provision in the code, the Tax Code, if it is passed, are people who already are the richest people in America. About 3 percent of the people in America would benefit from this gift of $40 billion over a 10-year period.

Why are we doing this in this indispensable nation? Why is the pivotal generation, the people who have a chance to do so much for the world, piling dollars on top of dollars for people who already leave the most dollars? The common sense of the American voters is the only salvation we have, possible salvation. Now is the time for the common sense of the American voters to come to our aid; look at the budget very closely, follow these discussions very closely.

It is confusing, I know, because we have not really made any decisions yet. The budget is behind schedule, and we do not even have an alternative proposed by the majority party.

The President produced a budget in February. The alternative budget or the budget to counter that budget that the majority party usually produces was not produced this time. They decided not to have a budget. It is part of the stealth policy.

Speaker GINGRICH says politics is war without blood. In the theater of war, they decided to try a new tactic, the stealth policy. The gorilla warfare is not to put your cards on the table, so we did not have the majority Republicans producing a budget. They went to the White House instead and said, we will negotiate something and come out with an agreement first.

That has kept it out of sight, off center stage, and now we have an agreement which a lot of people in America think is finalized. It is not. The agreement is not final. There are some things that this oligarchy of negotiators have decided which will not hold, necessarily. The Members of Congress certainly are not puppets. Members of Congress are certainly not paralyzed. It is possible to make this oligarchy back down, and to have some things done with this budget which have not been done. Nothing is impossible, and certainly a lot of things are possible.

There are going to be a lot of changes. We would like to have those changes be made in favor of the people who have the greatest needs. We do not need anymore tax cuts for the richest people in America. We do need to address Medicare and Medicaid in a new way, and stop the assumption that that is the place where most of the money is, and therefore we can keep cutting Medicare and Medicaid.

Members might have heard and read in the newspapers that this budget is good because it restored disability benefits to legal immigrants. Let us applaud that. Let us celebrate that. Members might have heard that Medicare recipients will pay a higher premium, also, $4 more each month; it does not sound like much, does it; or $4.50 per month. It does not sound like much, but why, in the richest Nation in the world, the richest Nation that ever existed, why are we cutting money on the one hand, cutting taxes for the richest people, and on the other hand, we are going to make Medicare recipients pay $4.50 more per month?

The savings that Medicare will yield will come from cutting payments to providers, mainly hospitals and health care plans, as well as the savings that will be gained by the increase in monthly premiums. Why? Why are we being forced to move in a way which will penalize the elderly and the poorest people?

Members might have read also that budget negotiators have agreed to expand health care for about 5 million poor children. That is, again, good news. But there are people who do not agree with that. That is what the negotiators have agreed to do, and it is still in jeopardy because there is a great deal of disagreement about how that should be done.

Five million poor children is one-half the estimated number of children who need coverage. They say there are about 10 million children who need coverage. We think the estimate is much higher, but let us be grateful for a small step forward. Half of the children, 5 million of the 10 million who need coverage, half will be covered with this $17 billion over 5 years.

Will it be coverage by Medicaid, or will they give the money to the States, which is always a very dangerous proposition, and let the States decide? Because States are notorious for ignoring the people with the least amount of power in their States, within their borders. They are notorious for ignoring the poor, and the New Deal and all the programs that were generated by Franklin Delano Roosevelt in the 1930's were designed to make up for what the States had refused to do to compensate.

So when you are giving money to the States, always be aware of the fact that they are part of the problem, not part of the solution. If the money to cover children is handed to them totally, without any oversight, which is quite strict, I fear many children who need the coverage will not get coverage.

Administration officials said this budget deal also will cover disabled legal immigrants who were in the country on August 22, when the bill was passed. That is another bright spot. We have proposals to deal with a problem that has overwhelmed some of the congressional offices. I have more people seeking help with immigration problems and problems relating to the immigration reform than any other problem in my office. There are just hundreds of people who fear that they are in dire straits, and are. The threat to their well-being is tremendous.

There are nursing homes that will not admit elderly people who are not citizens, even before the September cutoff point goes into effect. They do not want to have people in the nursing home who are not eligible for Medicaid and then they have to kick them out, so they are just preempting the situation by refusing to admit them. Anybody who is a legal immigrant who needs nursing home care cannot get it, because of the fear that they will not be able to get reimbursed for their services, and already they have begun the tragic course of triage; throwing the elderly overboard.

I just want to break in with a note of optimism, some good news. In the budget the agreement still calls for an increase in the funds for telecommunications and for revamping our schools, so the schools can make full use of the new educational technology efforts. Technology literacy will be promoted as never before, and schools will be all wired early in the next century. All that is very optimistic language, and I prefer to believe we can make that happen.

In connection with that, there was a development which should help schools and students all over the country that took place yesterday. I want to pause from my review of some of the negative elements of this budget agreement to point out the fact that something amazing happened yesterday, and we should all take note of it. It helped the children in Brooklyn in the 11th Congressional District and everywhere else across America. That was an agreement reached by the FCC.

The FCC voted to implement a mandate of Congress. When Congress passed the 1996 Telecommunications Act they mandated that the FCC should make provisions for the provision of discounted or free services to libraries and schools. The FCC acted on a subcommittee recommendation yesterday, and we are off and moving. It is a historic occasion.

The Federal Communications Commission has adopted the joint board's recommendations for providing eligible schools and libraries discounts on the purchase of all commercially available telecommunications services, Internet access, and internal connections. Eligible schools and libraries will enjoy discount rates ranging from 20 to 90 percent, with the higher discounts being provided to the most disadvantaged schools and libraries and those in high-cost areas.

Total expenditures for universal service support for schools and libraries is capped at $2.25 billion per year, with a rollover into the following years of funding authority, if necessary, for funds not dispersed in any one year. That means that $2.25 billion is available for schools and libraries, and those that are in the richest neighborhoods or the more affluent neighborhoods can get a discount of at least 20 percent off the telecommunications service. That includes telephone, by the way.

Most schools in my district have only a few telephones, because telephones at present charge the business rate to schools. They cannot afford to have even enough telephones. There is already technology related to telephones which will allow a school to program their phones so every child who is absent and does not show up, the home of that child can be called off the program that is set up over the phone. But we do not have, in many cases, the adequate phones to do that. We do not have phones adequate enough for the teacher to make the trip to the phone and make the call, because there are not enough available. The teacher would have to stand in line, they would have to go downstairs, in many cases, and deal with lining up at the office, et cetera. Just more telephones would greatly improve the ability of our schools to function.

But more than telephones are involved here. The internal connections, wiring of the schools inside, that can be part of the discounted cost. You can engage a contractor and the contractor can get paid from the funds from the telecommunications industry. In a poor school in an inner city the community, the neighborhood of Brownsville, parts of East Flatbush and parts of Bedford-Stuyvesant, they would be paying only 10 cents for every dollar's worth of services. A 90-percent discount would mean, and I hope I am not oversimplifying it, on your phone bill related to this process you would be paying only 10 cents for every dollar's worth of service. That is a great step forward.

The high cost of wiring internally, the high cost of hooking up to the Internet and maintaining on-line services, all that will be discounted for the poorest schools down to the level of a 90-percent discount. This is not just for this year or next year, it is for eternity. Theoretically it goes on forever.

That is a revolution. That is a monumental achievement, to have that kind of opportunity provided for the schools of America, and the libraries. Schools and libraries are all eligible; not just public school, private schools. Everything that falls in the category of providing an education to elementary and secondary education students is eligible.

This is a great revolution. It is a revolutionary action, in my opinion. We

did not hear any fireworks yesterday, there was no great celebration, only a few people announced it on the television news. McNeil/Lehrer did have a special discussion of it. But it is revolutionary.

It is like the Morrill Act which established the land grant colleges in every State. The Morrill Act is unknown to most Americans. The Morrill Act is unknown. Morrill himself was a congressman who was unknown, but the Morrill Act established land grant colleges in every State in the United States. Every State has a land grant college now, and some of the great universities of America are those land grant colleges. It had an explosion of higher education over a short period of time, relatively.

Morrill proposed it during the Civil War, when America was at its lowest ebb in terms of its attention being focused on education. It was proposed during the Civil War, and later on enacted after the Civil War and fully given appropriations, and it took off.

Practical education was the emphasis. They copied the model of Thomas Jefferson at the University of Virginia, where practical education was the emphasis. Agricultural and mechanical colleges they were called at first, but they understood that they had to teach literature, English, et cetera.

So everything the higher education institutions were responsible for, the land grant colleges became responsible for them, too. They just had an emphasis which was different. They emphasized practical education. The great experiments in agriculture that we have had in this country which put our agricultural industry way ahead of all other economies with respect to the ability to grow food and produce food at a cheaper cost resulted as a result of the Morrill Act.

The Morrill Act created the colleges which set up the experimental stations. They created the colleges which established the county agents who went out to the farmers and got the farmers to make use of the theoretical knowledge that the universities had produced, a great revolution that most of us do not know about, but it was a government action. It was a government action with ramifications and results that continue to flow to the benefit of the American people.

What was done yesterday by the FCC in my opinion will have the same kind of impact and effect. There was another government action when they decided the transcontinental railroad. Most people do not know, it was not private industry that built the railroads across America.

Private industry has always run the railroads and private industry has always been up front, but the government made the contracts and the government offered the prizes to those companies that could build the railroads and link the east coast with the west coast.

□ 2015

They came through mountains and swamps, and they did all kinds of things, but they were paid by the Congress. And Congress had a bonus. If you were going through difficult territory, mountainous terrain, Congress gave more money to the companies than they gave to those who were going across the plains.

The great transcontinental railroad was a government project, and it unified the country in a way which, if we had not had the transcontinental railroad, the country would never have been unified. It made America America, from the Atlantic to the Pacific.

That was a government action. The Morrill Act, the transcontinental railroad and then the GI bill following World War 2.

The GI bill was another one of those governmental actions with revolutionary implications and impact on the American economy in terms of large numbers of men returning to the peacetime economy who got a chance to get an education and who boosted America's industrial might, technological know-how, carried us forward in ways that we never would have gone forward if those men had not had the opportunity to be educated in all walks of life.

I meet lots of millionaires who got their start with the GI Bill of Rights. So governmental action.

Yesterday the FCC took another governmental action which really has to be carried out mostly by private enterprise, but it started with the Congress. It was the Congress that mandated that you have to do this. The mandate to the FCC came from the Telecommunications Act of 1996, and the FCC has followed through on that.

I am very optimistic about the impact of that, because the President of the United States knows the value of telecommunications on education. They have taken steps already. We have funds flowing already to the State education departments and down to the local education agencies to get ready for this technological revolution and take advantage of it.

Any teacher will tell you that their presentation in the classroom can be greatly enhanced if they can use some of the material that comes via the Internet or if they can use videotape of a key moment or if they can use a CD ROM at a key moment. It can be greatly enhanced.

We talk a lot about doing things in the area of education assistance, which gets down to the classroom. Here is one that really can get down to the classroom.

One of the unfortunate things in New York City is that we did a survey several years ago and found that two-thirds of the teachers of math and science in the junior high schools had never majored in math and science. Things have not gotten any better since then, because New York City has had a great program of encouraging the most experienced teachers to retire. In order to save money, the teachers at the upper end of the pay scale had been encouraged to get out of the system. They have been given buyouts and all kinds of inducements.

We have drained some of our best teachers away in the last 3 or 4 years. So the teaching of math and science certainly has not improved as a result of these buyouts and the people leaving the system.

It is as bad as it was 3 or 4 years ago. One way to compensate for that is to have teachers who are not as experienced in teaching math and science, even some who did not major in math and science, have the benefit of the back up of some of the courses that they can get on the Internet or the courses that they can get via educational television or via videos. There are ways to supplement what happens in the classroom, as we try to get over this period of the scarcity of teachers in the classroom, particularly in inner city communities where there are other hardships and problems. Teachers continue to be in great shortage.

The number of teachers who are substitute teachers in my district is far greater than the number of substitute teachers in most other school districts across the country, because they cannot find the teachers who are really qualified and meet all the requirements and can pass the State tests, et cetera. So what you end up with is people in the classrooms, but they are really not the best quality teachers.

We keep imposing new curriculum requirements on the students. We insist that they must take tests, but we have not solved the problem of getting decent teachers.

Finally the biggest problem we have not solved is the problem of physical space and equipment and supplies. It is the most basic problem. One would think that in the richest Nation that ever existed on the face of the earth every student, every citizen could be guaranteed that you can go to school in a safe environment, free of health hazards. That is a basic. That is a basic that we thought the President would help us with in terms of the construction initiatives, school construction initiative that was in the budget before the negotiators finished.

Somehow mysteriously it got kicked out. The President's education initiatives are 80 percent intact after the budget negotiations. We have a lot of things to be happy and optimistic about, but the school construction initiative probably is the one that would have helped the poorest children in America the most.

School construction initiative would have helped to guarantee that the revolution that took place yesterday, revolutionary decision with respect to telecommunications, becomes a reality in the inner city schools. There are inner city schools, there are schools in my district that will not be able to use the 90 percent discount for telecommunications, because the wiring in the

school is such that they cannot be wired for modern telecommunications.

There are some others where they can be wired. However, they have an asbestos problem. If you bore holes, you will find asbestos and the law says that you have to have a certified asbestos removal contractor there. And that is very costly, because we do not have any place in the city to store asbestos. They have to store it in expensive places. It becomes a big problem.

We had NetDay in New York State in September 1996. And in New York City, which is half the population of New York State, very little happened with NetDay. NetDay is a day where you have volunteers come out, and they wire the schools for $500. They get a package which includes all the equipment they need, all the wiring. And they have enough equipment and wiring to wire the library of the school plus five classrooms. So a school is considered wired for NetDay if it wires its library plus five classrooms.

In New York City we could not get even 5 of the 1,000 schools in New York wired in the way in which NetDay really dictates. They claim they wired some schools because they put a special telephone line in. We later found that they were calling that wiring of schools, and it was far removed from the kind of thing that NetDay should produce in terms of the wiring for telecommunications. An enhanced set of telephone lines was not enough. We had far too few schools in a city with 1,000 schools that were wiring for NetDay.

As a result of being disappointed with the results of NetDay, during National Education Funding Day, which was October 23 of last year, the Central Brooklyn Martin Luther King Commission, which is my advisory committee for education, pledged to wire 10 schools in 10 weeks to overcome the problems experienced on NetDay. We picked our 10 schools and said we would wire them in 10 weeks.

We had the assistance of a group called the Hussain Institute of Technology, a volunteer group that has set up a computer practicing center with about 20 computers, free instruction. And they have done wonders with helping people learn how to use computers on the Internet and those people who already knew how to use them have improved their skills so they could get promotions on their jobs and are going to better jobs somewhere else.

The combination of the Hussain Institute of Technology, Martin Luther King Commission seeking to wire 10 schools in 10 weeks has run into all kinds of obstacles, mostly related to asbestos. And we have not wired a single school since October 23. It is now May 8. We have not completed a single school because the wiring cannot go forward until we solve the asbestos problem.

We do not have the money to pay an asbestos contractor to come in. We wrote letters to the board of education, have been on television appealing for help. All kinds of things have happened. All we have gotten is a response from one asbestos contractor who wanted the publicity and said he would provide free service, but when we went to get the free service, he changed his mind.

That kind of cynical playing with children resulted from publicizing our plight. One thousand schools are in New York City and we cannot wire 10. In my district there are 70 schools. Those schools, I only wanted to wire 10, and I cannot get even one wired as of today. We hope we will have a breakthrough soon. The breakthrough will come in the form of giving up on going into the walls, a technique where you wire by stringing the wire outside. It is ugly. It alters the way the building looks. It is another way you communicate to children that your school is not like the others, but it would get the job done.

The proposal is to wire some schools by stringing the wire outside the walls in full view and, of course, the danger is they will be tampering with the wires, but we will go forward and try to get it done. But across the country in all of the inner city communities, you have the same kind of problems: old schools, asbestos problems.

In New York City you have many schools that still have coal burning boilers, boilers that are burning coal. We recently had an announcement by the mayor, this is an election year in New York City, and the mayor, following the precedent set by the White House, is sort of doing what you call the continuing campaign, the continuing campaign as focused on education and schools. Because when the polls were taken, the one area that the mayor of New York City was clearly graded with an F was in the area of education.

The mayor of the city had cut the school budget dramatically by almost a billion and a half dollars. The mayor had waged war on the previous school chancellor. We do not have a superintendent. We are so large we have a chancellor. The previous chancellor had a plan for renovating, building and repairing schools over a 7-year period. He produced a plan that would cost $7 billion, I think. And the mayor literally ran him out of town. He kept after him until finally the previous chancellor resigned, went out of town. Gave up.

The building plan for construction, for renovation, for repairs that the previous superintendent, Mr. Ray Cortines, had prepared, is sitting there on the shelf and still needed because when schools opened last September, September 1996, there were 91,000 children in New York who did not have a place to sit, 91,000 who could not be safely seated.

They say they have solved most of the problems now and when you go to investigate what is happening with the 91,000 that could not be seated, most schools will say, we have taken care of it.

What they have done is they have put children in closets, hallways. They are even a few cases where bathrooms have been converted to classrooms. They say they have solved the problem and school is not overcrowded. But when you go and you ask the question, how many lunch periods do you have, the lunch period is an indicator that it is overcrowded, they cannot feed children within a reasonable period of time. You know they have too many. Some schools, most schools have three lunch periods, three lunch periods. Children start eating at 10:30.

One school I found had five lunch periods. Children started eating lunch at 9:45. They say they are not overcrowded, but if they are forced to start children eating lunch at 9:45 in order to accommodate them, they are overcrowded. We have gotten so used to abominable conditions, conditions which are atrocities against children, until we take them for granted. It is quite all right to feed children lunch at 9:45.

We are moving to try to get some kind of regulation installed or health department edict, something to stop feeding children at 9:45 or even at 10:30. It is bad enough, the period between 11:30 and 1:30, to have children, that is more reasonable, but to go to 9:45 for children who are in junior high school and say you have to eat lunch is child abuse. And it seems to me that something about the physiology of the child is greatly impaired if they are being forced to cram in lunch, and they just had breakfast. But the atrocities are great.

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Overcrowding and the lack of attention to facilities, the lack of money for construction over the years. They have been scrimping and refusing to put the money forward for construction. We have had to close down some buildings because they literally were really falling apart.

Recently the mayor launched an offensive to prove that he really cares about schools, although he ran the chancellor out of town. He did not come forward with another plan. He is now saying he has a long-term plan for the renovation and repair of schools.

Looking at an article that appeared in one of my favorite community papers, the Flatbush Courier Life, it has a very lengthy article describing what happened to the schools, what may happen to the schools in Brooklyn as a result of the mayor's election year initiative.

They had $275 million. The mayor's long-term plan opens up with $275 million allocated to schools for the entire city. When we talk to people across the country about New York City schools, they always get bewildered because the figures are so great. We are talking about a thousand schools. We are talking about a million students. We are talking about 60,000 teachers. So I know one can get dizzy, and that $275

million seems like a lot of money to help renovate and repair schools.

Brooklyn received 44 percent of the allocation, according to the Flatbush Courier Life; $121 million, again, looks like big money but it will only pay for 78 projects in 48 schools. Forty-eight elementary, intermediate and high schools in Brooklyn will get some of the money to pay for 78 projects within their schools.

Now, remember, I have 70 elementary, intermediate and high schools in my district. I have 70. The Borough of Brooklyn has 2.5 million people. So we can see we would have many, many more. Only 48 of our schools will be able to get the assistance for 78 projects.

In Brooklyn we still have more than 100 schools that have coal burning boilers. That should be a first priority, because coal burning boilers produce pollutants. We all know about that. We have the highest asthma rate of any large city in the country in New York City, and we wonder why we have a large asthma rate among children if they are sitting in schools which are burning coal.

New York City is broken down into 32 different school districts. There is a chancellor and then 32 superintendents and one of the superintendents, John Comer, community superintendent of District 22, said, ''We were delighted to receive the preliminary plan which will only enhance our buildings for the children and professional staff. It was long overdue. Hopefully, we can get money every year to restore the buildings in this great city to what they once were. Money like this hasn't come in a long, long time.''

It is just a tiny amount for Brooklyn, $12.1 million. Everyone is singing the praises, but with this piecemeal approach we will fall further and further behind because these are buildings that are 100 years old. In many cases they need new roofs, new boilers, and on and on it goes.

Mitch Wesson, another superintendent for district 21, a school in my Congressional District, ''stressed the importance of boiler replacement. He said about a third of the district's schools were still heated by coal.'' In his part of the district there is a concentration of these coal burning furnaces or boilers. ''We are looking forward to having our coal-fired buildings converted,'' he said. ''Obviously, we're pleased the work is being done. Our superintendent and school board pushed the issue. We hope these repairs are accelerated not just for three of our buildings, but for all of our buildings.''

Desperately everybody is hanging on to hope that the mayor's small beginning will become a reality. It will not be a reality unless we get some help from the Federal Government. It will not be a reality if the President continues to go along with the negotiation that has been reached.

The school construction initiative is no longer on the table, and we are told it cannot be restored. The Congressional Black Caucus pledged that this will be our No. 1 priority. We will fight to get it back into the budget. The school construction initiative must go forward. And if people in certain parts of the country feel it is not needed, let us have an emergency school construction initiative in the inner city schools where these atrocities against children are being committed.

Phyllis Gonon, superintendent of District 18, District 18 has a large number of schools in my Congressional District, he said ''Most of our schools need capital improvements. Most of our schools are falling apart. This building as well.'' The one she is in. ''The roof has leaked for 18 years.'' I repeat, the roof has leaked for 18 years.

District 18 offices are located in the P.S. 279 Annex building, prospective repairs to which she is referring, that is the building where the roof has been leaking for 18 years. She added, ''We haven't been satisfied with the work that has been done on District 18's buildings in the past. Even where they're doing expansions, she continued, at P.S. 233, for instance, which isn't listed, the work has to be done over and over again.''

The buildings are so old. It would be better in some cases to tear them down and start all over again because the repairs do not hold.

Eric Ward, community superintendent of District 17, District 17 has about 26,000 students, it is the largest one of the local districts in my Congressional District, it is wholly within my Congressional District, District 17's superintendent says, ''We are grateful for any capital improvement that occurs in the District. But for every one that has been approved, I have about five others that need to be done. New York City, Mr. Ward adds, has many historic buildings that are beautiful. The city needs to have in place a system for updating, renovating and repairing them. Until the city devises a systematic plan, they will be behind the eight ball.''

Now, Chancellor Cortinez had a systematic plan prepared. Mayor Giuliani has only discovered education is important in this election year. We are going to elect a new mayor in the fall of 1997 and suddenly education is on the agenda of the mayor. But even with city hall making it a priority, the amount of money we can see in comparison with the magnitude of the problem is far too small.

David Gulob, who is a spokesman for the board of education, when he was questioned as to how did they select 48 schools out of a thousand—48 are in Brooklyn, I am sorry, but for the whole city the number will not be more than a 100. A hundred schools in the city at this rate would receive some kind of emergency help.

How did they select them? It appears that there were two pieces to this selection process. Schools that had needs and had submitted those needs were considered because they were on record. And then the board of education sent the list over to city hall and to the city council and they made political decisions about which of the victims would be salvaged first.

We are into a situation where it is so horrendous. The school construction problem, the problem of providing a safe and decent place for children to go to school is such that it has become a political football.

The scarcity of the resources are such that they have to run it past the political process. There is no system where they have an objective list which says that the emergencies are greater here and they have some kind of prioritization of the emergency so that we get the worst situations first. No, it is run by the city council and the mayor, so that political decisions can be made in this great economy of scarcity.

I want to close on a note of optimism. We welcome the revolutionary decision of the FCC to provide telecommunication services to all the schools and libraries in the country at a great discount rate, the discount rate being weighted so that the poorest areas will get the biggest discount. That can do a great deal for the children with the greatest needs.

If they do not have, however, the complementary program of the school construction initiatives proposed by the President, many of the schools who have the greatest needs will not have the buildings in position to take advantage of this great revolutionary achievement of the government and the private sector.

We hope that all Members will hear the common sense of the people out there and understand children need safe places to sit. The school construction initiative of the President must be supported by both parties as we go forward in a bipartisan quest to improve education in America.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. HEFNER (at the request of Mr. GEPHARDT), for today, on account of illness.

Mr. COSTELLO (at the request of Mr. GEPHARDT), for today, after 12 noon, on account of the death of his mother.

Mr. SKELTON (at the request of Mr. GEPHARDT), for May 13, 14, 15, and 16, on account of a personal family matter.

Ms. MCKINNEY (at the request of Mr. GEPHARDT), for today, on account of official business.

Mr. PICKERING (at the request of Mr. ARMEY), for today after 12 noon, on account of a previously scheduled constituent meeting.

Mr. DIAZ-BALART (at the request of Mr. ARMEY), for today after 12:15 p.m., on account of official business in the district.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. ABERCROMBIE) to revise and extend their remarks and include extraneous material:)

Ms. MILLENDER-MCDONALD, for 5 minutes, today.
Mr. HOYER, for 5 minutes, today.
Mr. WYNN, for 5 minutes, today.
Mr. CUMMINGS, for 5 minutes, today.
Ms. WOOLSEY, for 5 minutes, today.
Ms. NORTON, for 5 minutes, today.
Mrs. CLAYTON, for 5 minutes, today.

(The following Members (at the request of Mr. GOSS) to revise and extend their remarks and include extraneous material:)

Mr. GOSS, for 5 minutes, today.
Mr. THUNE, for 5 minutes, today.
Mr. DELAY, for 5 minutes on May 14.
Mr. BUYER, for 5 minutes, today.
Ms. GRANGER, for 5 minutes, today.
Mr. COBLE, for 5 minutes, today.
Mr. DUNCAN, for 5 minutes, today.
Mr. GOODLATTE, for 5 minutes, today.
Mr. DEAL of Georgia, for 5 minutes, today.
Mr. PEASE, for 5 minutes, today.
Mr. BRADY, for 5 minutes, today.
Mr. WELDON of Florida, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. SANFORD, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. GOSS) and to include extraneous matter:)

Mr. GOODLING.
Mr. BURR.
Mr. RADANOVICH.
Mr. BURTON of Indiana.
Mr. SESSIONS.
Mr. FORBES.
Mr. MICA.
Mr. OXLEY.
Mr. FOX of Pennsylvania.
Mr. ARCHER.
Mr. COX of California.
Mr. WELLER.
Mr. CRANE.
Mr. COBLE.
Mrs. MORELLA.
Mr. STEARNS.
Mr. QUINN.

(The following Members (at the request of Mr. ABERCROMBIE) and to include extraneous matter:)

Mr. TORRES.
Mr. KUCINICH.
Mr. CONDIT.
Ms. FURSE.
Mrs. MALONEY of New York.
Mr. SAM JOHNSON of Texas.
Ms. CHRISTIAN-GREEN.
Mr. LANTOS.
Mr. TOWNS.
Ms. SANCHEZ.
Mr. BORSKI.
Mr. HOYER.
Mr. BAESLER.
Mr. TRAFICANT.
Mr. MILLER of California.
Mr. FROST.
Mr. CAPPS.
Mrs. MEEK of Florida.
Mr. BERMAN.
Mr. SHERMAN.
Mr. POMEROY.
Mr. MENENDEZ.
Mr. ABERCROMBIE.
Mr. STARK.
Mr. FOGLIETTA.
Mr. MURTHA.
Ms. BROWN of Florida.
Mr. VISCLOSKY.
Mr. BENTSEN.
Mr. ENGEL.
Ms. DEGETTE.

(The following Members (at the request of Mr. OWENS) and to include extraneous matter:)

Mr. CUNNINGHAM.
Ms. JACKSON-LEE of Texas.

ENROLLED BILLS SIGNED

Mr. THOMAS, from the Committee on House Oversight, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 968. An act to amend title XVIII and XIX of the Social Security Act to permit a waiver of the prohibition of offering nurse aide training and competency evaluation programs in certain nursing facilities.

ADJOURNMENT

Mr. OWENS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 40 minutes p.m.), under its previous order, the House adjourned until Monday, May 12, 1997, at 12 noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3179. A letter from the Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Tobacco Inspection; Grower's Referendum Results [Docket No. TB–97–01] received May 7, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3180. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, transmitting the Service's ''Major'' final rule—Importation of Pork from Sonora, Mexico [APHIS Docket No. 94–106–6] (RIN: 0579–AA71) received May 7, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3181. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, transmitting the Service's final rule—Accredited Veterinarians; Optional Digital Signature [APHIS Docket No. 96–075–2] received May 7, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3182. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, transmitting the Agency's final rule—Pork and Pork Products from Mexico Transiting the United States [APHIS Docket No. 96–076–2] received May 7, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3183. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Cyfluthrin; Pesticide Tolerance [OPP–300484; FRL–5175–6] (RIN: 2070–AB78) received May 8, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3184. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Plant Extract Derived From Opuntia Lindheimeri (Prickly Pear Cactus), Quercus falcata (Red Oak), Rhus aromatica (Sumac), and Rhizophoria mangle (Mangrove): Exemption from the Requirement of a Tolerance [OPP–300472; FRL–5600–1] (RIN: 2070–AB78) received May 8, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3185. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Aminoethoxyvinylglycine; Pesticide Tolerances [OPP–300480; FRL–5713–5] (RIN: 2070–AB78) received May 8, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3186. A letter from the Secretary of Agriculture, transmitting the annual report on the Youth Conservation Corps program in the Department for fiscal year 1996, pursuant to 16 U.S.C. 1705; to the Committee on Agriculture.

3187. A letter from the Under Secretary of Defense, transmitting a report of a violation of the Anti-Deficiency Act—Army violation, case No. 96–08, which totaled $1.3 million, occurred in the fiscal year 1990 Military Construction, Army National Guard appropriation at the Mobile District of the U.S. Army Corps of Engineers in Mobile, AL, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

3188. A letter from the Under Secretary of Defense, transmitting a report of a violation of the Anti-Deficiency Act—Navy violation, case No. 94–05, which totaled $7.9 million, occurred in the Phoenix missile program at the Naval Air Systems Command [NAVAIR], pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

3189. A letter from the Secretary of Defense, transmitting the Department's annual report to the President and the Congress, April 1997, pursuant to 10 U.S.C. 113; to the Committee on National Security.

3190. A letter from the Under Secretary of Defense, transmitting certification with respect to the Chemical Demilitarization major defense acquisition program, pursuant to 10 U.S.C. 2433(e)(1); to the Committee on National Security.

3191. A letter from the Secretary of Transportation, transmitting the annual report of the Maritime Administration [MARAD] for fiscal year 1996, pursuant to 46 U.S.C. app. 1118; to the Committee on National Security.

3192. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting notification that the 1998 Defense Manpower Requirements Report will be submitted by July 1, 1997; to the Committee on National Security.

3193. A letter from the Secretary of Defense, transmitting the Department's report

on the state of the Reserves and their ability to meet their missions, pursuant to Public Law 104–201, section 1212 (110 Stat. 2691); to the Committee on National Security.

3194. A letter from the General Counsel, Department of the Treasury, transmitting a draft of proposed legislation to amend the Bretton Woods Agreements Act in order to carry out the purposes of the decision of January 27, 1997, of the Executive Board of the International Monetary Fund relating to the new arrangements to borrow, pursuant to 31 U.S.C. 1110; to the Committee on Banking and Financial Services.

3195. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report involving United States exports to the People's Republic of China, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Banking and Financial Services.

3196. A letter from the Acting President and Chairman, Export-Import Bank of the United States, transmitting the semiannual report on tied aid credits, pursuant to Public Law 99–472, section 19 (100 Stat. 1207); to the Committee on Banking and Financial Services.

3197. A letter from the Director, Office of Thrift Supervision, transmitting the Office of Thrift Supervision's 1996 annual report to Congress on the preservation of minority savings institutions, pursuant to 12 U.S.C. 1462a(g); to the Committee on Banking and Financial Services.

3198. A letter from the Assistant Secretary, Department of Education, transmitting notice of final funding priorities for fiscal year 1997–98 for a knowledge dissemination and utilization project, research and demonstration projects, and rehabilitation research and training centers, pursuant to 20 U.S.C. 1232(f); to the Committee on Education and the Workforce.

3199. A letter from the Assistant General Counsel for Regulations, Department of Education, transmitting the Department's report on technology innovation challenge grants, pursuant to 5 U.S.C. 801(a)(1)(B); to the Committee on Education and the Workforce.

3200. A letter from the Assistant General Counsel for Regulations, Department of Education, transmitting the Department's report on final funding priorities for fiscal years 1997–98 for research and demonstration projects, rehabilitation research and training centers, and a knowledge dissemination and utilization project, pursuant to 5 U.S.C. 801(a)(1)(B); to the Committee on Education and the Workforce.

3201. A letter from the Secretary of Education, transmitting a draft of proposed legislation entitled the ''Adult Basic Education and Literacy for the Twenty-First Century Act''; to the Committee on Education and the Workforce.

3202. A letter from the Secretary of Energy, transmitting the Department's annual report for the Strategic Petroleum Reserve, covering calendar year 1996, pursuant to 42 U.S.C. 6245(a); to the Committee on Commerce.

3203. A letter from the Secretary of Transportation, transmitting the Department's 21st annual report to Congress entitled ''Automotive Fuel Economy Program,'' pursuant to 49 U.S.C. 32916; to the Committee on Commerce.

3204. A letter from the Administrator, Energy Information Administration, transmitting the Administration's report ''Uranium Industry Annual 1996,'' pursuant to section 1015 of the Energy Policy Act of 1992; to the Committee on Commerce.

3205. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Redesignation; Maine; Redesignation of Millinocket to Attainment for Sulfur Dioxide [ME3–1–5258a; A–1–FRL–5815–2] received April 29, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3206. A letter from the Acting Inspector General, Environmental Protection Agency, transmitting the annual report to Congress summarizing the Office of Inspector General's work in the Environmental Protection Agency's Superfund Program for fiscal 1996, pursuant to Public Law 99–499, section 120(e)(5) (100 Stat. 1669); to the Committee on Commerce.

3207. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Tolerance Processing Fees [OPP–30113; FRL–5714–1] received May 8, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3208. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Allotment of Drinking Water State Revolving Fund Monies; Notice [FRL–5708–2] received May 8, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3209. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; New Jersey; Motor Vehicle Inspection and Maintenance Program [Region II Docket No. NJ23–1–164; FRL–5823–9] received May 8, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3210. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Delaware—15 Percent Rate of Progress Plan [DE027–1006; FRL–5823–3] received May 8, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3211. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; State of Delaware; Enhanced Motor Vehicle Inspection and Maintenance Program [DE–28–1009; FRL–5823–4] received May 8, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3212. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans and State Operating Permit Programs; State of Missouri [MO 021–1021; FRL–5817–5] received May 8, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3213. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Delaware—Regulation 24—Control of Volatile Organic Compound Emissions, Section 47—Offset Lithographic Printing [DE026–1005; FRL–5820–3] received May 8, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3214. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Redesignation, Maintenance Plan, and Emissions Inventories for Reading; Ozone Redesignations Policy Change [PA036–4060; FRL–5819–8] received May 8, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3215. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; Ohio Ozone Maintenance Plan [OH104–1a; FRL–5822–5] received May 8, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3216. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval of a Revision to a State Implementation Plan; Oklahoma; Revision to Particulate Matter Regulations [OK–13–1–7080a; FRL–5822–3] received May 8, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3217. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; State of Missouri [MO 023–1023(a); FRL–5822–9] received May 8, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3218. A letter from the Associate Managing Director—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Wake Village, Texas) [MM Docket No. 96–236, RM–8907] received May 8, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3219. A letter from the Associate Managing Director—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Charlevoix, Michigan) [MM Docket No. 97–42, RM–8988] received May 8, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3220. A letter from the Associate Managing Director—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Poplar Bluff, Missouri) [MM Docket No. 97–54, RM–8989] received May 8, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3221. A letter from the Associate Managing Director—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Garden City, Missouri) [MM Docket No. 97–53, RM–9003] received May 8, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3222. A letter from the Associate Managing Director—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Forest City, Pennsylvania) [MM Docket No. 96–235, RM–8909] received May 8, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3223. A letter from the Associate Managing Director—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Clear Lake, South Dakota) [MM Docket No. 96–224, RM–8906] received May 8, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3224. A letter from the Administrator, Health Care Financing Administration, transmitting the Administration's report entitled ''Evaluation of the Grant Program for Rural Health Care Transition,'' report to Congress 1997, pursuant to 42 U.S.C. 1395ww note, to the Committee on Commerce.

3225. A letter from the Chairman, Nuclear Regulatory Commission, transmitting a report on the nondisclosure of safeguards information for the quarter ending March 31, 1997, pursuant to 42 U.S.C. 2167(e); to the Committee on Commerce.

3226. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially to Malaysia (Transmittal No. DTC–48–97), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

3227. A letter from the Chief Counsel, Office of Foreign Assets Control, Department of the Treasury, transmitting the Department's final rule—Blocked Persons, Specially Designated Nationals, Specially Designated Terrorists, Specially Designated Narcotics Traffickers, and Blocked Vessels: Removal of Entry (Office of Foreign Assets Control) [31 CFR Part V] received April 17, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

3228. A letter from the Chief Counsel, Office of Foreign Assets Control, Department of the Treasury, transmitting the Department's final rule—Blocked Persons, Specially Designated Nationals, Specially Designated Terrorists, Specially Designated Narcotics Traffickers, and Blocked Vessels: Additional Designations and Supplemental Information (Office of Foreign Assets Control) [31 CFR Part V] received April 17, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

3229. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's final rule—Visas: Documentation of Nonimmigrants Under the Immigration and Nationality Act; Visa Fees [Public Notice 253] received April 28, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

3230. A letter from the Director, United States Information Agency, transmitting a copy of the Broadcasting Board of Governors' 1996 annual report, pursuant to 22 U.S.C. 6204; to the Committee on International Relations.

3231. A letter from the Executive Director, District of Columbia Retirement Board, transmitting the personal financial disclosure statements of Board members, pursuant to D.C. Code, section 1–732 and 1–734(a)(1)(A); to the Committee on Government Reform and Oversight.

3232. A letter from the Chairman, Board of Contract Appeals, transmitting the Board's final rule—Rules of Procedure for Travel and Relocation Expenses Cases [48 CFR Part 6104] (RIN: 3090–AG06) received May 7, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

3233. A letter from the Chairman, Board of Contract Appeals, transmitting the Board's final rule—Rules of Procedure for Transportation Rate Cases [48 CFR Part 6103] (RIN: 3090–AG05) received May 7, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

3234. A letter from the Chairman, Board of Contract Appeals, transmitting the Board's final rule—Rules of Procedure for Decisions Authorized Under 31 U.S.C. 3529 [48 CFR Part 6105] (RIN: 3090–AG29) received May 7, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

3235. A letter from the Chairman, Cost Accounting Standards Board, Office of Federal Procurement Policy, transmitting the seventh annual report of the Cost Accounting Standards Board, pursuant to Public Law 100–679, section 5(a) (102 Stat. 4062); to the Committee on Government Reform and Oversight.

3236. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule—Employment (General) [5 CFR Part 300] (RIN: 3206cAH71) received April 30, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

3237. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule—Official Duty Station Determinations for Pay Purposes [5 CFR Parts 530, 531, and 591] (RIN: 3206–AH84) received May 7, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

3238. A letter from the Director, Financial Services, Library of Congress, transmitting activities of the U.S. Capitol Preservation Commission fund for the 6-month period which ended on December 31, 1996, pursuant to Public Law 100–696, section 804 (102 Stat. 4610); to the Committee on House Oversight.

3239. A letter from the Deputy Associate Director for Compliance, Department of the Interior, transmitting notification of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Resources.

3240. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Environmental Impact Assessment of Nongovernmental Activities in Antarctica [FRL–5818–81] received April 29, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3241. A letter from the Acting Chair, National Indian Gaming Commission, transmitting a draft of proposed legislation that would allow the National Indian Gaming Commission [NIGC] to assess fees on tribes for class II and class III, casino, gaming; to the Committee on Resources.

3242. A letter from the Assistant Attorney General, Department of Justice, transmitting the 1995 annual report on the activities and operations of the Department's Public Integrity Section, Criminal Division, pursuant to 28 U.S.C. 529; to the Committee on the Judiciary.

3243. A letter from the Regulatory Policy Officer, Bureau of Alcohol, Tobacco, and Firearms, transmitting the Bureau's final rule—Residency Requirements for Persons Acquiring Firearms [T.D. ATF–389] (RIN: 1512–AB66) received April 22, 1997, pursuant to the Committee on the Judiciary.

3244. A letter from the Assistant Attorney General, Department of Justice, transmitting a report on the availability of bomb making information, the extent to which its dissemination is controlled by Federal law, and the extent to which such dissemination may be subject to regulation consistent with the first amendment to the U.S. Constitution, pursuant to Public Law 104–132, section 709(b) (110 Stat. 1297); to the Committee on the Judiciary.

3245. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's final rule—Visas: Documentation of Nonimmigrants Under the Immigration and Nationality Act; Validity of Nonimmigrant Visas [Public Notice 2538] received April 28, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

3246. A letter from the Chairman, Federal Election Commission, transmitting the text of final regulations adopted by the Commission, pursuant to 2 U.S.C. 438(d); to the Committee on the Judiciary.

3247. A letter from the Assistant Secretary of the Army (Civil Works), Department of the Army, transmitting the post authorization change report on the San Luis Rey River, CA, local flood protection project, pursuant to Public Law 104–303, section 301(a)(3) (110 Stat. 3707); to the Committee on Transportation and Infrastructure.

3248. A letter from the Secretary of Transportation, transmitting the Department's third annual report on the activities of the Department regarding the guarantee of obligations issued to finance the construction, reconstruction, or reconditioning of eligible export vessels; to the Committee on Transportation and Infrastructure.

3249. A letter from the Assistant Administrator for Satellite and Information Services, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Schedule of Fees for Access to NOAA Environmental Data and Information and Products Derived Therefrom [Docket No. 970306046–7046–01] (RIN: 0648–ZA25) received May 7, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

3250. A letter from the Administrator, Small Business Administration, transmitting the annual report on minority small business and capital ownership development for fiscal year 1996, pursuant to Public Law 100–656, section 408 (102 Stat. 3877); to the Committee on Small Business.

3251. A letter from the Secretary of Defense, transmitting the Department's report on small business loans for members released from Reserve service during contingency operations, pursuant to Public Law 104–201, Section 1234 (110 Stat. 2697); to the Committee on Veterans' Affairs.

3252. A letter from the Acting Secretary of Labor, transmitting the 12th report on trade and employment effects of the Caribbean Basin Economic Recovery Act, pursuant to 19 U.S.C. 2705; to the Committee on Ways and Means.

3253. A letter from the Secretary of Defense, transmitting the Department's report concerning incentives to employers of members of the Reserve components, pursuant to Public Law 104–201, Section 1232 (110 Stat. 2697); to the Committee on Ways and Means.

3254. A letter from the Chief, Regulations Branch, U.S. Customs Service, transmitting the Service's final rule—Disposition of Excluded Articles Pursuant to the Anticounterfeiting Consumer Protection Act [T.D. 97–30] (RIN: 1515–AC09) received April 17, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3255. A letter from the Assistant Secretary for Civil Rights, Office for Civil Rights, transmitting the annual report summarizing the compliance and enforcement activities of the Office for Civil Rights and identifying significant civil rights or compliance problems, pursuant to 20 U.S.C. 3413 (b)(1); jointly, to the Committee on Education and the Workforce and the Judiciary.

3256. A letter from the Acting Administrator, Agency for International Development, transmitting notification of the Agency's continuation of support for the activities of PVO's in Yemen is in the national interest of the United States; jointly, to the Committee on International Relations and Appropriations.

3257. A letter from the Director, Office of Personnel Management, transmitting the Office's report on congressional recommendations on certain personnel decisions in the executive branch; jointly, to the Committees on Government Reform and Oversight and Appropriations.

3258. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification that Brazil has adopted a regulatory program governing the

incidental taking of certain sea turtles, pursuant to Public Law 101–162, section 609(b)(2) (103 Stat. 1038); jointly, to the Committees on Resources and Appropriations.

3259. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Secretary's certification to the Congress regarding the incidental capture of sea turtles in commercial shrimping operations, pursuant to Public Law 101–162, section 609(b)(2) (103 Stat. 1038); jointly, to the Committees on Resources and Appropriations.

3260. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to amend the act of May 13, 1954, Public Law 358 (33 U.S.C. 981, et seq.), as amended, to improve the operation, maintenance, and safety of the St. Lawrence Seaway, within the territorial limits of the United States, by establishing the Saint Lawrence Seaway Development Corporation as a performance based organization in the Department of Transportation; jointly, to the Committees on Transportation and Infrastructure and Government Reform and Oversight.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. GOODLING: Committee on Education and the Workforce. H.R. 1385. A bill to consolidate, coordinate, and improve employment, training, literacy, and vocational rehabilitation programs in the United States, and for other purposes; with an amendment (Rept. 105–93). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BURTON of Indiana (for himself, Mr. WAXMAN, and Mr. STOKES):

H.R. 1553. A bill to amend the President John F. Kennedy Assassination Records Collection Act of 1992 to extend the authorization of the Assassination Records Review Board until September 30, 1998; to the Committee on Government Reform and Oversight, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HUTCHINSON (for himself, Mr. BLUNT, Mr. SANDLIN, and Mr. EDWARDS):

H.R. 1554. A bill to amend the Internal Revenue Code of 1986 to provide that the commercial activities of an Indian tribal organization shall be subject to the unrelated business income tax; to the Committee on Ways and Means.

By Mr. FATTAH (for himself, Mr. CONYERS, Ms. JACKSON-LEE, Mrs. MEEK of Florida, Ms. MCKINNEY, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. NORTON, Mr. PAYNE, Mr. FROST, Mr. RUSH, Mr. CLAY, Mr. DAVIS of Illinois, Mrs. CLAYTON, Mr. BARRETT of Wisconsin, Mr. THOMPSON, Mr. FORD, Mr. JEFFERSON, Ms. CARSON, Mr. BLUMENAUER, Mr. GEPHARDT, Mr. CLYBURN, Mr. SHAYS, Mr. HASTINGS of Florida, Ms. DEGETTE, Mr. DELLUMS, Mr. FILNER, Mr. MARTINEZ, Mr. EVANS, Mr. BORSKI, Mr. HILLIARD, Mr. MASCARA, Mr. FALEOMAVAEGA, Mr. WAXMAN, Ms. KILPATRICK, Mr. FOGLIETTA, Mr. COYNE, Mr. BROWN of California, Mr. LEWIS of Georgia, Ms. CHRISTIAN-GREEN, Mr. FLAKE, Ms. KAPTUR, Mr. ALLEN, Mr. TOWNS, Ms. WATERS, Mr. SNYDER, and Mr. RANGEL):

H.R. 1555. A bill to amend the Housing and Community Development Act of 1974 and the Federal Home Loan Bank Act to authorize Federal Home Loan Banks to make guaranteed advances for community development activities to units of general local government and advances of future community development block grant entitlement amounts, and to expand the community participation requirements relating to community development loan guarantees to include participation of major community stakeholders, and for other purposes; to the Committee on Banking and Financial Services.

By Mr. BOUCHER (for himself and Mr. GILCHREST):

H.R. 1556. A bill to provide for protection of the flag of the United States; to the Committee on the Judiciary.

By Mr. ARCHER:

H.R. 1557. A bill to amend the Internal Revenue Code of 1986 to increase the dollar limitation on the exclusion under section 911 of such Code to reflect inflation since the current limitation was imposed; to the Committee on Ways and Means.

By Mr. BAKER (for himself, Mr. LIVINGSTON, Mr. TAUZIN, Mr. MCCRERY, Mr. COOKSEY, and Mr. JOHN):

H.R. 1558. A bill to authorize the relocation of the Gillis W. Long Hansen's Disease Center, to provide for the transfer to the State of Louisiana of the current site of such center, and for other purposes; to the Committee on Commerce.

By Mr. BARTLETT of Maryland (for himself, Mr. WATTS of Oklahoma, Mr. BONO, Mr. GRAHAM, Mr. HUNTER, Mr. HILLEARY, Mr. MCKEON, Mr. STUMP, Mr. LIVINGSTON, Mr. DELAY, Mr. SOLOMON, Mr. SAM JOHNSON, Mrs. CUBIN, Mr. WELDON of Florida, Mr. BURTON of Indiana, Mrs. CHENOWETH, Mr. LARGENT, Mr. SMITH of New Jersey, Mr. LEWIS of Kentucky, Mr. JONES, Mr. SNOWBARGER, Mr. DICKEY, Mr. HOSTETTLER, Mr. PETERSON of Pennsylvania, Mr. COBURN, Mr. PITTS, Mr. HERGER, Mr. DOOLITTLE, Mr. MCINTOSH, Mrs. NORTHUP, Mr. STEARNS, Mr. SCARBOROUGH, Mr. MCHALE, Mr. TAYLOR of North Carolina, Mr. COLLINS, Mr. CRANE, Mr. SALMON, Mr. FOX of Pennsylvania, Mr. BACHUS, Mr. WHITFIELD, Mr. CRAPO, Mr. DEAL of Georgia, Mr. TRAFICANT, Mr. SHUSTER, Mr. TAYLOR of Mississippi, Mr. ROHRABACHER, Mr. METCALF, Mr. HALL of Texas, Mr. BARCIA of Michigan, Mr. GILCHREST, Mr. CAMPBELL, Mr. WATKINS, Mr. MICA, Mr. BARR of Georgia, Mr. HASTERT, Mr. KNOLLENBERG, Mr. BLILEY, Mr. EHRLICH, Mr. COBLE, Mr. EHLERS, Mr. PACKARD, Mr. SKEEN, Mr. SAXTON, Mr. BUNNING of Kentucky, Mr. WICKER, Mr. BATEMAN, Mr. HUTCHINSON, Mr. BRYANT, Mr. BARTON of Texas, Mr. COOKSEY, Mr. CALVERT, Mr. SENSENBRENNER, Mr. HASTINGS of Washington, Mr. HAYWORTH, Mr. WAMP, Mr. BROWN of California, Mr. PARKER, Mr. BALLENGER, Mr. SHADEGG, Mr. EVERETT, Mrs. EMERSON, and Mr. ISTOOK):

H.R. 1559. A bill to amend title 10, United States Code, to require that recruit basic training in the Army, Navy, Air Force, and Marine Corps be conducted separately for male and female recruits; to the Committee on National Security.

By Mr. BEREUTER:

H.R. 1560. A bill to require the Secretary of the Treasury to mint coins in commemoration of the bicentennial of the Lewis & Clark Expedition, and for other purposes; to the Committee on Banking and Financial Services.

By Ms. CHRISTIAN-GREEN (for herself, Mr. FALEOMAVAEGA, and Mr. UNDERWOOD):

H.R. 1561. A bill to amend the National Highway System Designation Act of 1995 and title 23, United States Code, to allow the Virgin Islands and the other territories to participate in the State infrastructure bank program and to use surface transportation program funds for construction of certain access and development roads; to the Committee on Transportation and Infrastructure.

By Mr. CLAY (for himself and Mr. KILDEE):

H.R. 1562. A bill to provide assistance to States and local communities to improve adult education and literacy, to help achieve the national educational goals for all citizens, and for other purposes; to the Committee on Education and the Workforce.

By Mr. COSTELLO:

H.R. 1563. A bill to amend the Internal Revenue Code of 1986 to provide for the nonrecognition of gain on long-term real property which is involuntarily converted as the result of the exercise of eminent domain, without regard to whether the replacement property is similar or of like kind; to the Committee on Ways and Means.

By Ms. DEGETTE (for herself, Mr. DINGELL, Mr. BROWN of Ohio, and Mr. WAXMAN):

H.R. 1564. A bill to amend title XIX of the Social Security Act to permit presumptive eligibility for low-income children under the Medicaid Program; to the Committee on Commerce.

By Mr. ENGLISH of Pennsylvania (for himself, Mr. WATTS of Oklahoma, Mr. FOX of Pennsylvania, and Mr. GRAHAM):

H.R. 1565. A bill to amend the Internal Revenue Code of 1986 to increase the amount of depreciable business assets which may be expensed, and for other purposes; to the Committee on Ways and Means.

By Mr. FRANK of Massachusetts:

H.R. 1566. A bill to amend the Cuban Liberty and Democratic Solidarity [LIBERTAD] Act of 1996 relating to the exclusion from the United States of certain aliens; to the Committee on International Relations.

By Mr. HANSEN (for himself, Mr. SMITH of Oregon, Ms. DUNN of Washington, Mr. CRAPO, Mr. MCKEON, Mr. SKEEN, Mr. HILL, Mr. HASTINGS of Washington, Mr. HAYWORTH, and Mrs. CHENOWETH):

H.R. 1567. A bill to provide for the designation of additional wilderness lands in the eastern United States; to the Committee on Resources.

By Mr. HOYER:

H.R. 1568. A bill to establish the National Military Museum Foundation, and for other purposes; to the Committee on National Security.

By Mrs. JOHNSON of Connecticut:

H.R. 1569. A bill to require the same distribution of child support arrearages collected by Federal tax intercept as collected directly by the States, and for other purposes; to the Committee on Ways and Means.

By Mr. KENNEDY of Rhode Island (for himself and Mrs. MALONEY of New York):

H.R. 1570. A bill to amend the Arms Export Control Act to remove an exemption from

the prohibition on imports of certain firearms and ammunition; to the Committee on International Relations, and in addition to the Committees on Ways and Means, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MORELLA (for herself, Mr. SHAYS, Ms. MOLINARI, Ms. WATERS, Ms. PELOSI, Mrs. MEEK of Florida, Mr. BOEHLERT, Mr. DELAHUNT, Mr. CUMMINGS, Mr. GILCHREST, Mr. MCDERMOTT, Mr. FILNER, Mr. HORN, Mr. HINCHEY, Mr. PAYNE, Mrs. MALONEY of New York, Ms. LOFGREN, Mr. BOUCHER, Mr. CONYERS, Ms. CHRISTIAN-GREEN, Ms. WOOLSEY, Mr. STARK, Mr. THOMPSON, and Ms. BROWN of Florida):

H.R. 1571. A bill to amend the Public Health Service Act to establish programs of research with respect to women and cases of infection with the human immunodeficiency virus; to the Committee on Commerce.

By Mrs. MORELLA (for herself, Mr. LEACH, Mrs. JOHNSON of Connecticut, Mr. DAVIS of Virginia, Mrs. TAUSCHER, Mr. FORD, Mr. GEJDENSON, Mr. ENGLISH of Pennsylvania, and Mr. BOEHLERT):

H.R. 1572. A bill to provide for teacher technology training; to the Committee on Education and the Workforce.

By Mr. OBERSTAR (for himself, Mr. HYDE, Mr. CONYERS, Mr. BURTON of Indiana, Mr. DELLUMS, Mr. FROST, Mr. KLUG, Mr. RAHALL, Mr. CLEMENT, Mr. FRANK of Massachusetts, Mr. ACKERMAN, Mrs. MALONEY of New York, Ms. LOFGREN, Mr. PETERSON of Minnesota, Mr. SANDERS, Mr. MCDERMOTT, Mr. GEJDENSON, Ms. STABENOW, Mr. GUTIERREZ, and Ms. NORTON):

H.R. 1573. A bill to provide equal leave benefits for parents who adopt a child or provide foster care for a child; to the Committee on Education and the Workforce.

By Mr. SALMON (for himself, Mr. MICA, Mr. BALLENGER, Mr. BARTLETT of Maryland, Mr. CAMPBELL, Mr. CANNON, Mr. COOKSEY, Mrs. CUBIN, Mr. CUNNINGHAM, Mr. DUNCAN, Mr. ENSIGN, Mr. FOLEY, Mr. GOSS, Mr. HAYWORTH, Mr. HILLEARY, Mrs. KELLY, Mr. KOLBE, Mr. MCCRERY, Mr. NETHERCUTT, Mr. NORWOOD, Mr. PACKARD, Mr. PAUL, Mr. SCARBOROUGH, Mr. BOB SCHAFFER, Mr. SENSENBRENNER, Mr. SHADEGG, Mr. SKEEN, Mr. SOUDER, Mr. STUMP, and Mr. WALSH):

H.R. 1574. A bill to amend chapter 89 of title 5, United States Code, to permit Federal employees and annuitants to elect to receive contributions into medical savings accounts under the Federal Employee Health Benefits Program [FEHBP]; to the Committee on Government Reform and Oversight.

By Mr. SAXTON:

H.R. 1575. A bill to establish a limitation on the vessels that may engage in harvesting Atlantic mackerel or Atlantic herring within the exclusive economic zone; to the Committee on Resources.

By Mr. STARK (for himself, Mr. BROWN of California, Mr. DELLUMS, Mr. FILNER, Mr. MATSUI, Ms. ESHOO, Mrs. TAUSCHER, Mr. MILLER of California, Mr. BERMAN, and Mr. TORRES):

H.R. 1576. A bill to provide for the continuation of the operations of the California Urban Environmental Research and Education Center; to the Committee on Education and the Workforce, and in addition to the Committee on Science, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TIAHRT (for himself, Mr. ROYCE, Mr. ARMEY, Mr. DELAY, Mr. BOEHNER, Mr. KASICH, Mr. SOLOMON, Mr. LIVINGSTON, Mr. COBURN, Mr. BARTLETT of Maryland, Mr. HOSTETTLER, Mr. SHADEGG, Mr. NEUMANN, Mr. SCARBOROUGH, Mr. SMITH of Michigan, Mr. ROHRABACHER, Mrs. MYRICK, Mr. HERGER, Mr. KLUG, Mr. BLUNT, Mr. GRAHAM, Mr. SANFORD, Mr. SOUDER, Mr. CHRISTENSEN, Mr. PAPPAS, Mr. LARGENT, Mr. LATHAM, Mr. DOOLITTLE, Mr. MCINTOSH, Mr. RYUN, Mr. GOSS, Mr. RADANOVICH, Mr. LOBIONDO, Mr. SNOWBARGER, Mr. SAM JOHNSON, Mr. PITTS, Mr. PAUL, Mr. MCCOLLUM, Mr. HILL, Mr. POMBO, Mr. PARKER, Mr. PETRI, Mr. MILLER of Florida, Mr. PETERSON of Pennsylvania, Mrs. KELLY, and Mr. MORAN of Kansas):

H.R. 1577. A bill to abolish the Department of Energy; to the Committee on Commerce, and in addition to the Committees on National Security, Science, Resources, Rules, and Government Reform and Oversight, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ISTOOK (for himself, Mr. ADERHOLT, Mr. ARMEY, Mr. BACHUS, Mr. BAKER, Mr. BALLENGER, Mr. BARCIA of Michigan, Mr. BARR of Georgia, Mr. BARRETT of Nebraska, Mr. BARTLETT of Maryland, Mr. BARTON of Texas, Mr. BLILEY, Mr. BLUNT, Mr. BONILLA, Mr. BUNNING of Kentucky, Mr. BURTON of Indiana, Mr. CALLAHAN, Mr. CALVERT, Mr. CAMPBELL, Mr. CHAMBLISS, Mrs. CHENOWETH, Mr. CHRISTENSEN, Mr. COBURN, Mr. COLLINS, Mr. COMBEST, Mr. CONDIT, Mr. COOK, Mr. CRANE, Mr. CRAPO, Mrs. CUBIN, Mr. CUNNINGHAM, Mr. DEAL of Georgia, Mr. DELAY, Mr. DIAZ-BALART, Mr. DICKEY, Mr. DOOLITTLE, Mr. DUNCAN, Mrs. EMERSON, Mr. EVERETT, Mr. FLAKE, Mr. GINGRICH, Mr. GOODE, Mr. GOODLING, Mr. GRAHAM, Mr. HALL of Texas, Mr. HANSEN, Mr. HAYWORTH, Mr. HEFLEY, Mr. HERGER, Mr. HILL, Mr. HILLEARY, Mr. HOEKSTRA, Mr. HUNTER, Mr. HUTCHINSON, Mr. INGLIS of South Carolina, Mr. SAM JOHNSON, Mr. JONES, Mr. KASICH, Mr. KIM, Mr. KINGSTON, Mr. LAHOOD, Mr. LARGENT, Mr. LEWIS of Kentucky, Mr. LINDER, Mr. LIPINSKI, Mr. LIVINGSTON, Mr. LUCAS of Oklahoma, Mr. MCCOLLUM, Mr. MCCRERY, Mr. MCHUGH, Mr. MCINNIS, Mr. MCINTOSH, Mr. MCKEON, Mr. MICA, Mrs. MYRICK, Mr. NEUMANN, Mr. NORWOOD, Mr. PACKARD, Mr. PAPPAS, Mr. PARKER, Mr. PAUL, Mr. PAXON, Mr. PETERSON of Pennsylvania, Mr. PICKERING, Mr. PITTS, Mr. POMBO, Mr. RADANOVICH, Mr. RAHALL, Mr. RILEY, Mr. ROGERS, Mr. ROHRABACHER, Mr. ROYCE, Mr. SCARBOROUGH, Mr. BOB SCHAFFER, Mr. SESSIONS, Mr. SKEEN, Mr. SMITH of New Jersey, Mrs. LINDA SMITH of Washington, Mr. SNOWBARGER, Mr. SOLOMON, and Mr. SPENCE):

H.J. Res. 78. Joint resolution proposing an amendment to the Constitution of the United States restoring religious freedom; to the Committee on the Judiciary.

By Mr. BILIRAKIS:

H. Con. Res. 77. Concurrent resolution expressing the sense of the Congress that Federal civilian and military retirement cost-of-living adjustments should not be delayed; to the Committee on Government Reform and Oversight, and in addition to the Committee on National Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 66: Mr. ETHERIDGE, Ms. MCCARTHY of Missouri, Mr. WALSH, and Mr. MCGOVERN.

H.R. 96: Mr. LAHOOD and Mr. HILL.

H.R. 122: Mr. SNOWBARGER, Mr. CHRISTENSEN, and Mrs. MYRICK.

H.R. 127: Mr. DAVIS of Illinois and Ms. DELAURO.

H.R. 145: Mr. BARRETT of Wisconsin, Mr. KANJORSKI, Mr. BOSWELL, Mr. FAZIO of California, Mr. BONIOR, and Mr. GEJDENSON.

H.R. 158: Mr. TORRES and Mrs. CHENOWETH.

H.R. 159: Mr. CAMP.

H.R. 160: Mr. ENSIGN.

H.R. 165: Ms. WOOLSEY.

H.R. 176: Ms. STABENOW, Mr. MARTINEZ, Mr. BRYANT, Ms. WOOLSEY, Mr. WALSH, and Mr. DELLUMS.

H.R. 192: Mr. REYES, Mr. TAYLOR of North Carolina, Mr. KILDEE, and Mr. MINGE.

H.R. 218: Mr. GALLEGLY, Mr. TRAFICANT, and Mr. WELDON of Pennsylvania.

H.R. 230: Mr. BLUNT.

H.R. 335: Mr. WHITFIELD.

H.R. 339: Mr. HASTINGS of Washington.

H.R. 399: Mr. LATOURETTE and Mr. POSHARD.

H.R. 402: Mr. FROST.

H.R. 404: Mr. HINCHEY, Mr. BONIOR, and Mr. WISE.

H.R. 406: Mr. FOX of Pennsylvania.

H.R. 407: Mr. GRAHAM, Mr. MCDADE, Mr. ROGERS, Mr. ENGLISH of Pennsylvania, and Mr. CUNNINGHAM.

H.R. 409: Mr. MANTON, Mr. REGULA, Mr. WATTS of Oklahoma, Mr. ROHRABACHER, Mr. CLEMENT, Mr. HINCHEY, and Mr. CUNNINGHAM.

H.R. 411: Mr. MATSUI, Mr. PAYNE, Mr. Hilliard, and Mr. OLVER.

H.R. 414: Mr. REYES, Mr. TAYLOR of North Carolina, and Mr. KILDEE.

H.R. 426: Mr. HOUGHTON, Mr. FOLEY, Mr. EDWARDS, Ms. HOOLEY of Oregon, and Mr. WALSH.

H.R. 450: Mr. SKEEN.

H.R. 465: Mr. WELLER.

H.R. 471: Mr. KIM.

H.R. 475: Mr. HILLIARD.

H.R. 479: Mr. KOLBE.

H.R. 530: Mr. SPENCE, Mr. BAKER, and Mr. PITTS.

H.R. 535: Mr. CLYBURN.

H.R. 536: Mrs. MCCARTHY of New York.

H.R. 548: Mr. ENGEL.

H.R. 563: Ms. SLAUGHTER, Mr. OWENS, Mr. BURR of North Carolina, Ms. RIVERS, and Mr. THOMPSON.

H.R. 586: Ms. HOOLEY of Oregon, Mr. MOAKLEY, and Mr. WATT of North Carolina.

H.R. 598: Mr. ADAM SMITH of Washington.

H.R. 604: Mr. MCGOVERN and Mr. ABERCROMBIE.

H.R. 611: Mr. PRICE of North Carolina, Mr. KENNEDY of Rhode Island, Mr. TIERNEY, Mr. GONZALEZ, Ms. NORTON, Mr. MALONEY of Connecticut, Mr. COSTELLO, Mr. SKAGGS, Mr. FAZIO of California, Mr. RANGEL, and Mr. DELAHUNT.

H.R. 614: Mr. SOLOMON, Mr. MEEHAN, and Mr. GOSS.

H.R. 630: Ms. ROYBAL-ALLARD.

H.R. 659: Ms. GRANGER, Mr. BALLENGER, Mrs. MYRICK, and Mr. COBLE.

H.R. 687: Mr. DEFAZIO.
H.R. 695: Mr. WEXLER and Mr. WELLER.
H.R. 716: Mr. PACKARD and Mr. NEUMANN.
H.R. 724: Ms. WOOLSEY.
H.R. 753: Mr. SPRATT, Mr. SKAGGS, and Mr. MALONEY of Connecticut.
H.R. 755: Mr. ENGEL, Mr. FATTAH, Mr. MALONEY of Connecticut, and Mr. ENGLISH of Pennsylvania.
H.R. 777: Mr. UNDERWOOD, Mr. BAKER, Mr. GREENWOOD, Mr. SANDERS, Mr. THOMPSON, Mr. GONZALEZ, Mr. MALONEY of Connecticut, and Ms. BROWN of Florida.
H.R. 778: Mr. CAPPS.
H.R. 780: Mr. CAPPS.
H.R. 784: Mr. HORN.
H.R. 794: Mr. MARKEY.
H.R. 818: Ms. KILPATRICK.
H.R. 819: Ms. KILPATRICK.
H.R. 840: Mr. TORRES.
H.R. 850: Ms. DEGETTE.
H.R. 871: Ms. KAPTUR and Mr. LEWIS of Georgia.
H.R. 877: Mr. PARKER, Mr. MARTINEZ, Mr. SNOWBARGER, Mr. LEACH, Mr. PAYNE, Mr. GILMAN, Mrs. NORTHUP, and Mr. DEFAZIO.
H.R. 902: Mr. TAUZIN and Mr. PORTER.
H.R. 907: Mr. WICKER and Mr. HUTCHINSON.
H.R. 911: Mrs. FOWLER, Mr. LEWIS of Kentucky, Mr. NEUMANN, and Mr. SHAW.
H.R. 937: Mr. COYNE.
H.R. 950: Ms. CHRISTIAN-GREEN.
H.R. 955: Mr. HILLEARY, Mr. CHRISTENSEN, Mr. TIAHRT, and Mr. FOX of Pennsylvania.
H.R. 988: Mr. ENGEL and Mr. PAYNE.
H.R. 989: Mr. KIND, Mr. BARRETT of Wisconsin, Ms. LOFGREN, Mr. ACKERMAN, Mr. EVENS, Mr. STARK, Mr. LIPINSKI, Mr. RUSH, Mr. MCGOVERN, Mr. MANTON, Mr. CASTLE, Mr. LAFALCE, Ms. MOLINARI, Mr. KLUG, and Mr. GILMAN.
H.R. 992: Mr. RADANOVICH, Mr. MCHUGH, and Mr. SKEEN.
H.R. 1009: Mr. CANNON and Mr. SMITH of Michigan.
H.R. 1010: Mr. MCINTYRE, Mr. SMITH of New Jersey, Mr. GOSS, Mr. BARCIA of Michigan, Mr. GRAHAM, and Mrs. NORTHUP.
H.R. 1037: Mrs. JOHNSON of Connecticut, Mr. CHRISTENSEN, Mr. ENSIGN, Mr. WATKINS, and Mr. HOUGHTON.
H.R. 1043: Ms. BROWN of Florida and Mr. PARKER.
H.R. 1053: Mr. NORWOOD and Mr. LEWIS of Georgia.
H.R. 1054: Mr. GRAHAM and Mr. ROGAN.
H.R. 1059: Mr. KING of New York, Mr. BUNNING of Kentucky, Mr. DAVIS of Virginia, Mr. NEUMANN, Mr. OXLEY, and Mr. WAMP.
H.R. 1062: Mr. YOUNG of Alaska.
H.R. 1064: Mr. LIPINSKI.
H.R. 1068: Mr. CRANE, Mr. ENSIGN, and Mr. PETERSON of Minnesota.
H.R. 1070: Mr. STRICKLAND, Mr. FOX of Pennsylvania, Mrs. MCCARTHY of New York, Mr. KLUG, Mr. ENGEL, Mr. FILNER, and Mr. WAXMAN.
H.R. 1077: Mr. MCGOVERN and Mr. MOAKLEY.
H.R. 1125: Mr. ENGEL.
H.R. 1130: Mr. CONYERS and Mr. POSHARD.
H.R. 1151: Ms. STABENOW.
H.R. 1162: Mr. GRAHAM.
H.R. 1169: Mr. LEWIS of California, Mr. WELLER, and Ms. DUNN of Washington.
H.R. 1188: Mr. MARTINEZ.
H.R. 1219: Mr. KUCINICH, Ms. DEGETTE, Ms. KILPATRICK, Mr. BOUCHER, and Mr. MALONEY of Connecticut.
H.R. 1248: Mr. BISHOP and Mr. WHITFIELD.
H.R. 1263: Ms. KILPATRICK.
H.R. 1285: Mr. SAM JOHNSON, Mr. MCCOLLUM, Ms. HARMAN, and Mr. MCINNIS.
H.R. 1299: Mr. SHUSTER and Mrs. NORTHUP.
H.R. 1315: Mr. ENGLISH of Pennsylvania, Mr. LIPINSKI, and Mr. FOX of Pennsylvania.
H.R. 1323: Mr. QUINN.
H.R. 1329: Ms. BROWN of Florida.
H.R. 1333: Mr. SENSENBRENNER.
H.R. 1348: Mr. HUNTER, Mr. COBLE, Mr. GILCHREST, Mr. WHITFIELD, Mr. CONDIT, Mr. PARKER, Mr. MORAN of Virginia, Mr. LEWIS of California, and Mr. CUNNINGHAM.
H.R. 1353: Mr. PETERSON of Minnesota.
H.R. 1362: Mr. SOLOMON, Mr. HOLDEN, Mr. SANDERS, Mr. METCALF, Mr. HINCHEY, Mr. WATTS of Oklahoma, Mr. LIPINSKI, Mr. BLUNT, Mr. GOODE, Mr. CLEMENT, and Mr. BLUMENAUER.
H.R. 1367: Mr. THOMPSON.
H.R. 1369: Mr. GRAHAM.
H.R. 1375: Mr. DELLUMS.
H.R. 1382: Ms. SLAUGHTER and Mr. BORSKI.
H.R. 1383: Mr. EVANS, Ms. LOFGREN, Mr. SANDLIN, Ms. DELAURO, Ms. ESHOO, and Mr. RANGEL.
H.R. 1395: Mr. LEWIS of Georgia.
H.R. 1430: Mr. MCINTYRE.
H.R. 1432: Ms. LOFGREN, Mr. FROST, Mr. ENGEL, Mr. FOX of Pennsylvania, and Mrs. MALONEY of New York.
H.R. 1434: Mr. BUNNING of Kentucky, Mr. HOUGHTON, Mr. RAMSTAD, Mr. COLLINS, Mr. FROST, and Mr. HEFLEY.
H.R. 1438: Mr. DELLUMS.
H.R. 1441: Mr. BARCIA of Michigan.
H.R. 1468: Mr. MATSUI, Mr. NEAL of Massachusetts, Mr. RAHALL, Mr. SAWYER, Mr. MEEHAN, Mr. FILNER, Mr. GONZALEZ, Mr. FROST, Ms. CHRISTIAN-GREEN, Mr. THOMPSON, and Mr. KENNEDY of Rhode Island.
H.R. 1475: Mr. RAMSTAD and Mr. MILLER of Florida.
H.R. 1492: Mr. LINDER.
H.R. 1493: Mr. LIPINSKI.
H.R. 1496: Mr. NETHERCUTT.
H.R. 1503: Ms. GRANGER.
H.R. 1505: Mrs. THURMAN, Mr. NEY, Mr. WALSH, Mr. CAMPBELL, and Mr. YATES.
H.R. 1506: Ms. CHRISTIAN-GREEN, Ms. RIVERS, Mr. FORD, Mr. FATTAH, Mr. MCGOVERN, and Mr. SCHUMER.
H.R. 1526: Mr. BONO, Mr. GORDON, Mr. HOUGHTON, Mr. DOYLE, Mr. BONILLA, Mr. CLEMENT, Mrs. ROUKEMA, Mr. BOSWELL, and Mrs. TAUSCHER.
H.R. 1532: Mr. LIPINSKI, Mr. BERRY, Mr. PASTOR, Mr. CLEMENT, Mr. KILDEE, Mr. KUCINICH, Mr. METCALF, Mr. CONDIT, and Mr. VISCLOSKY.
H.R. 1543: Mr. COOK.
H.R. 1549: Mr. HALL of Ohio.
H.J. Res. 72: Mr. BOB SCHAFFER.
H. Con. Res. 54: Mr. LIPINSKI.
H. Con. Res. 65: Mr. DEFAZIO, Mr. MALONEY of Connecticut, Mr. VISCLOSKY, Mr. KUCINICH, Mr. PASTOR, Ms. CHRISTIAN-GREEN, Mr. JOHN, Mr. COOKSEY, and Mr. LOBIONDO.
H. Con. Res. 75: Ms. KAPTUR and Mr. POSHARD.
H. Res. 37: Mr. PORTER and Mr. SHAYS.
H. Res. 61: Mr. LUTHER.
H. Res. 103: Mr. ACKERMAN, Mr. WATTS of Oklahoma, Mr. MILLER of Florida, Mr. OXLEY, and Mr. WHITFIELD.
H. Res. 111: Mr. BONO, Mr. LINDER, Mr. STUMP, and Mr. PACKARD.
H. Res. 138: Ms. STABENOW.

PETITIONS, ETC.

Under clause 1 of rule XXII,

12. The SPEAKER presented a petition of the Mayor's Council of Guam, relative to Council Resolution No. 97–01, relative to expressing the sentiment of the mayors and vice mayors of Guam in welcoming the U.S.S. *Independence;* which was referred to the Committee on National Security.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 2

OFFERED BY: MR. TOWNS

AMENDMENT NO. 53: Page 256, after line 9, insert the following:

(10) Whether the agency has conducted and regularly updated an assessment to identify any pest control problems in the public housing owned or operated by the agency and the extent to which the agency is effective in carrying out a strategy to eradicate or control such problems, which assessment and strategy shall be included in the local housing management plan for the agency under section 106.

Page 256, line 10, strike ''(10)'' and insert ''(11)''.

H.R. 1469

OFFERED BY: MR. HILLEARY

AMENDMENT NO. 2: Page 51, after line 23, insert the following new title:

TITLE IV

UNITED STATES ARMED FORCES IN BOSNIA AND HERZEGOVINA

SEC. 4001. SHORT TITLE.

This title may be cited as the ''United States Armed Forces in Bosnia Protection Act of 1997''.

SEC. 4002. FINDINGS AND DECLARATIONS OF POLICY.

(a) FINDINGS.—The Congress finds the following:

(1)(A) On November 27, 1995, the President affirmed that United States participation in the multinational military Implementation Force in the Republic of Bosnia and Herzegovina would terminate in one year.

(B) The President declared the expiration date of the mandate for the Implementation Force to be December 20, 1996.

(2) The Secretary of Defense and the Chairman of the Joint Chiefs of Staff likewise expressed their confidence that the Implementation Force would complete its mission in one year.

(3) The exemplary performance of United States Armed forces personnel has significantly contributed to the accomplishment of the military mission of the Implementation Force. The courage, dedication, and professionalism of such personnel have permitted a separation of the belligerent parties to the conflict in the Republic of Bosnia and Herzegovina and have resulted in a significant mitigation of the violence and suffering in the Republic of Bosnia and Herzegovina.

(4) On October 3, 1996, the Chairman of the Joint chiefs of Staff announced the intention of the United States Administration to delay the removal of United States Armed Forces personnel from the Republic of Bosnia and Herzegovina until March 1997 due to operational reasons.

(5) Notwithstanding the fact that the President, the Secretary of Defense, and the Chairman of the Joint Chiefs of Staff assured the Congress of their resolve to end the mission of United States Armed Forces in the Republic of Bosnia and Herzegovina by December 20, 1996, in November 1996 the President announced his intention to further extend the deployment of United States Armed Forces in the Republic of Bosnia and Herzegovina until June 1998.

(6) Before the announcement of the new policy referred to in paragraph (5), the President did not request authorization by the Congress of a policy that would result in the further deployment of United States Armed Forces in the Republic of Bosnia and Herzegovina until June 1998.

(b) DECLARATIONS OF POLICY.—The Congress—

(1) expresses its serious concerns and opposition to the policy of the President that has resulted in the deployment after December

20, 1996, of United States Armed Forces on the ground in the Republic of Bosnia and Herzegovina without prior authorization by the Congress; and

(2) urges the President to work with our European allies to begin an orderly transition of all peacekeeping functions in the Republic of Bosnia and Herzegovina from the United States to appropriate European countries in preparation for a complete withdrawal of all United States Armed Forces by September 30, 1997.

SEC. 4003. PROHIBITION OF USE OF DEPARTMENT OF DEFENSE FUNDS OR OTHER FEDERAL DEPARTMENT OR AGENCY FUNDS FOR CONTINUED DEPLOYMENT ON THE GROUND OF ARMED FORCES IN THE TERRITORY OF THE REPUBLIC OF BOSNIA AND HERZEGOVINA.

(a) PROHIBITION.—None of the funds appropriated or otherwise available to the Department of Defense or to any other Federal department or agency for any fiscal year may be obligated or expended for the deployment on the ground of United States Armed Forces in the territory of the Republic of Bosnia and Herzegovina after September 30, 1997.

(b) EXCEPTIONS.—The prohibition contained in subsection (a) shall not apply—

(1) with respect to the deployment of United States Armed Forces after September 30, 1997, but not later than October 31, 1997, for the express purpose of ensuring the safe and timely withdrawal of such Armed Forces from the Republic of Bosnia and Herzegovina; or

(2) if—

(A) the President transmits to the Congress a report containing a request for an extension of deployment of United States Armed Forces for an additional 90 days after the date otherwise applicable under subsection(a); and

(B) a joint resolution is enacted, in accordance with section 4004, specifically approving such request.

SEC. 4004. CONGRESSIONAL CONSIDERATION OF REQUEST BY PRESIDENT FOR 90-DAY EXTENSION OF DEPLOYMENT.

(a) TERMS OF THE RESOLUTION.—For purposes of section 4003, the term ''joint resolution'' means only a joint resolution that is introduced within the 10-day period beginning on the date on which the President transmits the report to the Congress under such section, and—

(1) which does not have a preamble;

(2) the matter after the resolving clause of which is as follows: ''That the Congress approves the request by the President for the extension of the deployment on the ground of United States Armed Forces in the territory of the Republic of Bosnia and Herzegovina for a period ending not later than December 31, 1997, as submitted by the President on _____'', the blank space being filled in with the appropriate date; and

(3) the title of which is as follows: ''Joint resolution approving the request by the President for an extension of the deployment on the ground of United States Armed Forces in the territory of the Republic of Bosnia and Herzegovina for a period ending not later than December 31, 1997.''.

(b) REFERRAL.—A resolution described in subsection (a) that is introduced in the House of Representatives shall be referred to the Committee on International Relations and the Committee on National Security of the House of Representatives. A resolution described in subsection (a) introduced in the Senate shall be referred to the Committee on Foreign Relations and the Committee on Armed Services of the Senate.

(c) DISCHARGE.—If the committee to which a resolution described in subsection (a) is referred has not reported such resolution (or an identical resolution) by the end of the 20-day period beginning on the date on which the President transmits the report to the Congress under section 4003, such committee shall be, at the end of such period, discharged from further consideration of such resolution, and such resolution shall be placed on the appropriate calender of the House involved.

(d) RULES OF THE SENATE AND HOUSE.—This section is enacted by the Congress—

(1) as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and as such it is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a resolution described in subsection (a), and it supersedes other rules only to the extent that it is inconsistent with such rules; and

(2) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

SEC. 4005. PROHIBITION OF USE OF DEPARTMENT OF DEFENSE FUNDS OR OTHER FEDERAL DEPARTMENT OR AGENCY FUNDS FOR LAW ENFORCEMENT OR RELATED ACTIVITIES IN THE TERRITORY OF THE REPUBLIC OF BOSNIA AND HERZEGOVINA.

None of the funds appropriated or otherwise available to the Department of Defense or to any other Federal department or agency for any fiscal year may be obligated or expended after the date of the enactment of this Act for the following:

(1) Conduct of, or direct support for, law enforcement activities in the Republic of Bosnia and Herzegovina, except for the training of law enforcement personnel or to prevent imminent loss of life.

(2) Conduct of, or support for, any activity in the Republic of Bosnia and Herzegovina that may have the effect of jeopardizing the primary mission of the United Nations-led Stabilization Force in preventing armed conflict between the Federation of Bosnia and Herzegovina and the Republika Srpska (''Bosnian Entities'').

(3) Transfer of refugees within the Republic of Bosnia and Herzegovina that, in the opinion of the commander of the Stabilization Force involved in such transfer—

(A) has as one of its purposes the acquisition of control by a Bosnian Entity of territory allocated to the other Bosnian Entity under the Dayton Peace Agreement; or

(B) may expose United States Armed Forces to substantial risk to their personal safety.

(4) Implementation of any decision to change the legal status of any territory within the Republic of Bosnia and Herzegovina unless expressly agreed to by all signatories to the Dayton Peace Agreement.

SEC. 4006. REPORT.

(a) IN GENERAL.—Not later than June 30, 1997, the President shall prepare and transmit to the Congress a report on the deployment on the ground of United States Armed Forces in the territory of the Republic of Bosnia and Herzegovnia. The report shall contain the following:

(1) A description of the extent to which compliance has been achieved with the requirements relating to United States activities in the Republic of Bosnia and Herzegovina contained in Public Law 104–122 (110 Stat. 876).

(2)(A) An identification of the specific steps taken, if any, by the United States Government to transfer the United States portion of the peacekeeping mission in the Republic of Bosnia and Herzegovina to appropriate European organizations, such as a combined joint task force of NATO, the Western European Union, or the Conference on Security and Cooperation in Europe.

(B) A description of any deficiencies in the capabilities of such European organizations to conduct peacekeeping activities in the Republic of Bosnia and Herzegovina and a description of the actions, if any, that the United States Government is taking in cooperation with such organizations to remedy such deficiencies.

(3) An identification of the following:

(A) The goals of the Stabilization Force and the criteria for achieving those goals.

(B) The measures that are being taken to protect United States Armed Forces personnel from conventional warfare, unconventional warfare, or terrorist attacks in the Republic of Bosnia and Herzegovina.

(C) The exit strategy for the withdrawal of United States Armed Forces from the Republic of Bosnia and Herzegovina in the event of civil disturbances or overt warfare.

(D) The exit strategy and timetable for the withdrawal of United States Armed Forces from the Republic of Bosnia and Herzegovina in the event the Stabilization Force successfully completes its mission, including whether or not a follow-on force will succeed the Stabilization Force after the proposed withdrawal date announced by the President of June 1998.

(b) FORM OF REPORT.—The report described in subsection (a) shall be transmitted in unclassified and classified versions.

SEC. 4007. DEFINITIONS.

As used in this Act:

(1) BOSNIAN ENTITIES.—The term ''Bosnian Entities'' means the Federation of Bosnia and Herzegovina and the Republika Srpska.

(2) DAYTON PEACE AGREEMENT.—The term ''Dayton Peace Agreement'' means the General Framework Agreement for Peace in Bosnia and Herzegovina, initialed by the parties in Dayton, Ohio, on November 21, 1995, and signed in Paris on December 14, 1995.

(3) IMPLEMENTATION FORCE.—The term ''Implementation Force'' means the NATO-led multinational military force in the Republic of Bosnia and Herzegovina (commonly referred to as ''IFOR''), authorized under the Dayton Peace Agreement.

(4) NATO.—The term ''NATO'' means the North Atlantic Treaty Organization.

(5) STABILIZATION FORCE.—The term ''Stabilization Force'' means the United Nations-led follow-on force to the Implementation Force in the Republic of Bosnia and Herzegovina and other countries in the region (commonly referred to as ''SFOR''), authorized under United Nations Security Council Resolution 1088 (December 12, 1996).

H.R. 1469

OFFERED BY: MR. HILLEARY

AMENDMENT NO. 3: At the end of the bill, insert after the last section (preceding the short title) the following:

TITLE IV

UNITED STATES ARMED FORCES IN BOSNIA AND HERZEGOVINA

SEC. 4001. SHORT TITLE.

This title may be cited as the ''United States Armed Forces in Bosnia Protection Act of 1997''.

SEC. 4002. FINDINGS AND DECLARATIONS OF POLICY.

(a) FINDINGS.—The Congress finds the following:

(1)(A) On November 27, 1995, the President affirmed that United States participation in the multinational military Implementation Force in the Republic of Bosnia and Herzegovina would terminate in one year.

(B) The President declared the expiration date of the mandate for the Implementation Force to be December 20, 1996.

(2) The Secretary of Defense and the Chairman of the Joint Chiefs of Staff likewise expressed their confidence that the Implementation Force would complete its mission in one year.

(3) The exemplary performance of United States Armed Forces personnel has significantly contributed to the accomplishment of the military mission of the Implementation Force. The courage, dedication, and professionalism of such personnel have permitted a separation of the belligerent parties to the conflict in the Republic of Bosnia and Herzegovina and have resulted in a significant mitigation of the violence and suffering in the Republic of Bosnia and Herzegovina.

(4) On October 3, 1996, the Chairman of the Joint Chiefs of Staff announced the intention of the United States Administration to delay the removal of United States Armed Forces personnel from the Republic of Bosnia and Herzegovina until March 1997 due to operational reasons.

(5) Notwithstanding the fact that the President, the Secretary of Defense, and the Chairman of the Joint Chiefs of Staff assured the Congress of their resolve to end the mission of United States Armed Forces in the Republic of Bosnia and Herzegovina by December 20, 1996, in November 1996 the President announced his intention to further extend the deployment of United States Armed Forces in the Republic of Bosnia and Herzegovina until June 1998.

(6) Before the announcement of the new policy referred to in paragraph (5), the President did not request authorization by the Congress of a policy that would result in the further deployment of United States Armed Forces in the Republic of Bosnia and Herzegovina until June 1998.

(b) DECLARATIONS OF POLICY.—The Congress—

(1) expresses its serious concerns and opposition to the policy of the President that has resulted in the deployment after December 20, 1996, of United States Armed Forces on the ground in the Republic of Bosnia and Herzegovina without prior authorization by the Congress; and

(2) urges the President to work with our European allies to begin an orderly transition of all peacekeeping functions in the Republic of Bosnia and Herzegovina from the United States to appropriate European countries in preparation for a complete withdrawal of all United States Armed Forces by September 30, 1997.

SEC. 4003. PROHIBITION OF USE OF DEPARTMENT OF DEFENSE FUNDS OR OTHER FEDERAL DEPARTMENT OR AGENCY FUNDS FOR CONTINUED DEPLOYMENT ON THE GROUND OF ARMED FORCES IN THE TERRITORY OF THE REPUBLIC OF BOSNIA AND HERZEGOVINA.

(A) PROHIBITION.—None of the funds appropriated or otherwise available to the Department of Defense or to any other Federal department or agency for any fiscal year may be obligated or expended for the deployment on the ground of United States Armed Forces in the territory of the Republic of Bosnia and Herzegovina after September 30, 1997.

(b) EXCEPTIONS.—The prohibition contained in subsection (a) shall not apply—

(1) with respect to the deployment of United States Armed Forces after September 30, 1997, but not later than October 31, 1997, for the express purpose of ensuring the safe and timely withdrawal of such Armed Forces from the Republic of Bosnia and Herzegovina; or

(2)(A) if the President transmits to the Congress a report containing a request for an extension of deployment of United States Armed Forces for an additional 90 days after the date otherwise application under subsection (a); and

(B) if a joint resolution is enacted, in accordance with section 4004, specifically approving such request.

SEC. 4004. CONGRESSIONAL CONSIDERATION OF REQUEST BY PRESIDENT FOR 90-DAY EXTENSION OF DEPLOYMENT.

(a) TERMS OF THE RESOLUTION.—For purposes of section 4003, the term ''joint resolution'' means only a joint resolution that is introduced within the 10-day period beginning on the date on which the President transmits the report to the Congress under such section, and—

(1) which does not have a preamble;

(2) the matter after the resolving clause of which is as follows: ''That the Congress approves the request by the President for the extension of the deployment on the ground of United States Armed Forces in the territory of the Republic of Bosnia and Herzegovina for a period ending not later than December 31, 1997, as submitted by the President on _____'', the blank space being filled in with the appropriate date; and

(3) the title of which is as follows: ''Joint resolution approving the request by the President for an extension of the deployment on the grounds of United States Armed Forces in the territory of the Republic of Bosnia and Herzegovina for a period ending not later than December 31, 1997.''.

(b) REFERRAL.—A resolution described in subsection (a) that is introduced in the House of Representatives shall be referred to the Committee on International Relations and the Committee on National Security of the House of Representatives. A resolution described in subsection (a) introduced in the Senate shall be referred to the Committee on Foreign Relations and the Committee on Armed Services of the Senate.

(c) DISCHARGE.—If the committee to which a resolution described in subsection (a) is referred has not reported such resolution (or an identical resolution) by the end of the 20-day period beginning on the date on which the President transmits the report to the Congress under section 4003, such committee shall be, at the end of such period, discharged from further consideration of such resolution, and such resolution shall be placed on the appropriate calender of the House involved.

(d) CONSIDERATION.—(1) On or after the third day after the date on which the committee to which such a resolution is referred has reported, or has been discharged (under subsection (c)) from further consideration of, such a resolution, it is in order (even though a previous motion to the same effect has been disagreed to) for any Member of the respective House to move to proceed to the consideration of the resolution. A Member may make the motion only on the day after the calendar day on which the Member announces to the House concerned the Member's intention to make the motion, except that, in the case of the House of Representatives, the motion may be made without such prior announcement if the motion is made by direction of the committee to which the resolution was referred. All points of order against the resolution (and against consideration of the resolution) are waived. The motion is highly privileged in the House of Representatives and is privileged in the Senate and is not debatable. The motion is not subject to amendment, or to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the resolution is agreed to, the respective House shall immediately proceed to consideration of the joint resolution without intervening motion, order, or other business, and the resolution shall remain the unfinished business of the respective House until disposed of.

(2) Debate on the resolution, and on all debatable motions and appeals in connection therewith, shall be limited to not more than 2 hours, which shall be divided equally between those favoring and those opposing the resolution. An amendment to the resolution is not in order. A motion further to limit debate is in order and not debatable. A motion to postpone, or a motion to proceed to the consideration of other business, or a motion to recommit the resolution is not in order. A motion to reconsider the vote by which the resolution is agreed to or disagreed to is not in order.

(3) Immediately following the conclusion of the debate on a resolution described in subsection (a) and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the appropriate House, the vote on final passage of the resolution shall occur.

(4) Appeals from the decisions of the Chair relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to a resolution described in subsection (a) shall be decided without debate.

(e) CONSIDERATION BY OTHER HOUSE.—(1) If, before the passage by one House of a resolution of that House described in subsection (a), that House receives from the other House a resolution described in subsection (a), then the following procedures shall apply:

(A) The resolution of the other House shall not be referred to a committee and may not be considered in the House receiving it except in the case of final passage as provided in subparagraph (B)(ii).

(B) With respect to a resolution described in subsection (a) of the House receiving the resolution—

(i) the procedure in that House shall be the same as if no resolution had been received from the other House; but

(ii) the vote on final passage shall be on the resolution of the other House.

(2) Upon disposition of the resolution received from the other House, it shall no longer be in order to consider the resolution that originated in the receiving House.

(f) RULES OF THE SENATE AND HOUSE.—This section is enacted by the Congress—

(1) as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and as such it is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a resolution described in subsection (a), and it supersedes other rules only to the extent that it is inconsistent with such rules; and

(2) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

SEC. 4005. PROHIBITION OF USE OF DEPARTMENT OF DEFENSE FUNDS OR OTHER FEDERAL DEPARTMENT OR AGENCY FUNDS FOR LAW ENFORCEMENT OR RELATED ACTIVITIES IN THE TERRITORY OF THE REPUBLIC OF BOSNIA AND HERZEGOVINA.

None of the funds appropriated or otherwise available to the Department of Defense or to any other Federal department or agency for any fiscal year may be obligated or expended after the date of the enactment of this Act for the following:

(1) Conduct of, or direct support for, law enforcement activities in the Republic of Bosnia and Herzegovina, except for the training of law enforcement personnel or to prevent imminent loss of life.

(2) Conduct of, or support for, any activity in the Republic of Bosnia and Herzegovina that may have the effect of jeopardizing the primary mission of the United Nations-led Stabilization Force in preventing armed conflict between the Federation of Bosnia and Herzegovina and the Republika Srpska (''Bosnian Entities'').

(3) Transfer of refugees within the Republic of Bosnia and Herzegovina that, in the opinion of the commander of the Stabilization Force involved in such transfer—

(A) has as one of its purposes the acquisition of control by a Bosnian Entity of territory allocated to the other Bosnian Entity under the Dayton Peace Agreement; or

(B) may expose United States Armed Forces to substantial risk to their personal safety.

(4) Implementation of any decision to change the legal status of any territory within the Republic of Bosnia and Herzegovina unless expressly agreed to by all signatories to the Dayton Peace Agreement.

SEC. 4006. REPORT.

(a) IN GENERAL.—Not later than June 30, 1997, the President shall prepare and transmit to the Congress a report on the deployment on the ground of United States Armed Forces in the territory of the Republic of Bosnia and Herzegovina. The report shall contain the following:

(1) A description of the extent to which compliance has been achieved with the requirements relating to United States activities in the Republic of Bosnia and Herzegovina contained in Public Law 104–122 (110 Stat. 876).

(2)(A) An identification of the specific steps taken, if any, by the United States Government to transfer the United States portion of the peacekeeping mission in the Republic of Bosnia and Herzegovina to appropriate European organizations, such as a combined joint task force of NATO, the Western European Union, or the Conference on Security and Cooperation in Europe.

(B) A description of any deficiencies in the capabilities of such European organizations to conduct peacekeeping activities in the Republic of Bosnia and Herzegovina and a description of the actions, if any, that the United States Government is taking in cooperation with such organizations to remedy such deficiencies.

(3) An identification of the following:

(A) The goals of the Stabilization Force and the criteria for achieving those goals.

(B) The measures that are being taken to protect United States Armed Forces personnel from conventional warfare, unconventional warfare, or terrorist attacks in the Republic of Bosnia and Herzegovina.

(C) The exit strategy for the withdrawal of United States Armed Forces from the Republic of Bosnia and Herzegovina in the event of civil disturbances or overt warfare.

(D) The exit strategy and timetable for the withdrawal of United States Armed Forces from the Republic of Bosnia and Herzegovina in the event the Stabilization Force successfully completes its mission, including whether or not a follow-on force will succeed the Stabilization Force after the proposed withdrawal date announced by the President of June 1998.

(b) FORM OF REPORT.—The report described in subsection (a) shall be transmitted in unclassified and classified versions.

SEC. 4007. DEFINITIONS.

As used in this Act:

(1) BOSNIAN ENTITIES.—The term ''Bosnian Entities'' means the Federation of Bosnia and Herzegovina and the Republika Srpska.

(2) DAYTON PEACE AGREEMENT.—The term ''Dayton Peace Agreement'' means the General Framework Agreement for Peace in Bosnia and Herzegovina, initialed by the parties in Dayton, Ohio, on November 21, 1995, and signed in Paris on December 14, 1995.

(3) IMPLEMENTATION FORCE.—The term ''Implementation Force'' means the NATO-led multinational military force in the Republic of Bosnia and Herzegovina (commonly referred to as ''IFOR''), authorized under the Dayton Peace Agreement.

(4) NATO.—The term ''NATO'' means the North Atlantic Treaty Organization.

(5) STABILIZATION FORCE.—The term ''Stabilization Force'' means the United Nations-led follow-on force to the Implementation Force in the Republic of Bosnia and Herzegovina and other countries in the region (commonly referred to as ''SFOR''), authorized under United Nations Security Council Resolution 1088 (December 12, 1996).

H.R. 1486

OFFERED BY: MR. GILMAN

(Amendment in the Nature of a Substitute

AMENDMENT NO. 1: Strike all after the enacting clause and insert in lieu thereof:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Foreign Policy Reform Act''.

SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF CONTENTS.

(a) DIVISIONS.—This Act is organized into two divisions as follows:

(1) Division A—International Affairs Agency Consolidation, Foreign Assistance Reform, and Foreign Assistance Authorizations.

(2) Division B—Foreign Relations Authorizations.

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

Sec. 1. Short title.
Sec. 2. Organization of Act into divisions; table of contents.

DIVISION A—INTERNATIONAL AFFAIRS AGENCY CONSOLIDATION, FOREIGN ASSISTANCE REFORM, AND FOREIGN ASSISTANCE AUTHORIZATIONS

TITLE I—GENERAL PROVISIONS

Sec. 101. Short title.
Sec. 102. Declaration of policy.

TITLE II—CONSOLIDATION OF CERTAIN INTERNATIONAL AFFAIRS AGENCIES

CHAPTER 1—GENERAL PROVISIONS

Sec. 201. Short title
Sec. 202. Definitions.

CHAPTER 2—UNITED STATES INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

SUBCHAPTER A—ABOLITION OF UNITED STATES INTERNATIONAL DEVELOPMENT COOPERATION AGENCY AND TRANSFER OF FUNCTIONS TO UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

Sec. 211. Abolition of United States International Development Cooperation Agency.
Sec. 212. Transfer of functions to United States Agency for International Development.
Sec. 213. Transition provisions.

SUBCHAPTER B—CONTINUATION OF UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT AND PLACEMENT OF ADMINISTRATOR OF AGENCY UNDER THE DIRECTION OF THE SECRETARY OF STATE

Sec. 221. Continuation of United States Agency for International Development and placement of Administrator of Agency under the direction of the Secretary of State.

SUBCHAPTER C—CONFORMING AMENDMENTS

Sec. 231. Conforming amendments.
Sec. 232. Other references.
Sec. 233. Effective date.

TITLE III—FOREIGN ASSISTANCE REFORM

Sec. 301. Graduation from development assistance.
Sec. 302. Limitation on government-to-government assistance.
Sec. 303. Micro- and small enterprise development credits.
Sec. 304. Microenterprise development grant assistance.
Sec. 305. Private sector enterprise funds.
Sec. 306. Development credit authority.
Sec. 307. Foreign government parking fines.
Sec. 308. Withholding United States assistance to countries that aid the Government of Cuba.

TITLE IV—DEFENSE AND SECURITY ASSISTANCE

CHAPTER 1—NARCOTICS CONTROL ASSISTANCE

Sec. 401. Definition.
Sec. 402. Authorization of appropriations.
Sec. 403. Authority to withhold bilateral assistance and oppose multilateral development assistance for major illicit drug producing countries, drug-transit countries, and money laundering countries.

CHAPTER 2—NONPROLIFERATION, ANTITERRORISM, DEMINING, AND RELATED PROGRAMS

Sec. 411. Nonproliferation, Antiterrorism, Demining, and Related Programs.

CHAPTER 3—FOREIGN MILITARY FINANCING PROGRAM

Sec. 421. Authorization of appropriations.
Sec. 422. Assistance for Israel.
Sec. 423. Assistance for Egypt.
Sec. 424. Authorization of assistance to facilitate transition to NATO membership under NATO Participation Act of 1994.
Sec. 425. Loans for Greece and Turkey.
Sec. 426. Limitations on loans.
Sec. 427. Administrative expenses.

CHAPTER 4—INTERNATIONAL MILITARY EDUCATION AND TRAINING

Sec. 431. Authorization of appropriations.
Sec. 432. IMET eligibility for Panama and Haiti.

CHAPTER 5—TRANSFER OF NAVAL VESSELS TO CERTAIN FOREIGN COUNTRIES

Sec. 441. Authority to transfer naval vessels.
Sec. 442. Costs of transfers.
Sec. 443. Expiration of authority.
Sec. 444. Repair and refurbishment of vessels in United States shipyards.

CHAPTER 6—INDONESIA MILITARY ASSISTANCE ACCOUNTABILITY ACT

Sec. 451. Short title.
Sec. 452. Findings.
Sec. 453. Limitation on military assistance to the Government of Indonesia.
Sec. 454. United States military assistance and arms transfers defined.

CHAPTER 7—OTHER PROVISIONS

Sec. 461. Excess defense articles for certain European countries.
Sec. 462. Transfer of certain obsolete or surplus defense articles in the war reserve allies stockpile to the Republic of Korea.
Sec. 463. Additional requirements relating to stockpiling of defense articles for foreign countries.
Sec. 464. Delivery of drawdown by commercial transportation services.
Sec. 465. Cash Flow Financing Notification.
Sec. 466. Multinational arms sales code of conduct.

TITLE V—ECONOMIC ASSISTANCE

CHAPTER 1—ECONOMIC SUPPORT ASSISTANCE

Sec. 501. Economic support fund.

Sec. 502. Assistance for Israel.
Sec. 503. Assistance for Egypt.
Sec. 504. International Fund for Ireland.
Sec. 505. Assistance for training of civilian personnel of the Ministry of Defense of the Government of Nicaragua.
Sec. 506. Availability of amounts for Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 and the Cuban Democracy Act of 1992.

CHAPTER 2—DEVELOPMENT ASSISTANCE

SUBCHAPTER A—DEVELOPMENT ASSISTANCE AUTHORITIES

Sec. 511. Authorization of appropriations.
Sec. 512. Child survival activities.
Sec. 513. Requirement on assistance for Russian Federation.
Sec. 514. Humanitarian assistance for Armenia and Azerbaijan.
Sec. 515. Agricultural development and research assistance.
Sec. 516. Activities and programs in Latin America and the Caribbean region and the Asia and the Pacific region.
Sec. 517. Support for agricultural development assistance.

SUBCHAPTER B—OPERATING EXPENSES

Sec. 521. Operating expenses generally.
Sec. 522. Operating expenses of the Office of the Inspector General.

CHAPTER 3—URBAN AND ENVIRONMENTAL CREDIT PROGRAM

Sec. 531. Urban and environmental credit program.

CHAPTER 4—THE PEACE CORPS

Sec. 541. Authorization of appropriations.
Sec. 542. Activities of the Peace Corps in the former Soviet Union and Mongolia.
Sec. 543. Amendments to the Peace Corps Act.

CHAPTER 5—INTERNATIONAL DISASTER ASSISTANCE

Sec. 551. Authority to provide reconstruction assistance.
Sec. 552. Authorizations of appropriations.

CHAPTER 6—DEBT RELIEF

Sec. 561. Debt restructuring for foreign assistance.
Sec. 562. Debt buybacks or sales for debt swaps.

CHAPTER 7—OTHER ASSISTANCE PROVISIONS

Sec. 571. Exemption from restrictions on assistance through nongovernmental organizations.
Sec. 572. Funding requirements relating to United States private and voluntary organizations.
Sec. 573. Documentation requested of private and voluntary organizations.
Sec. 574. Encouragement of free enterprise and private participation.
Sec. 575. Sense of the Congress relating to United States cooperatives and credit unions.
Sec. 576. Food assistance to the Democratic People's Republic of Korea.
Sec. 577. Withholding of assistance to countries that provide nuclear fuel to Cuba.

TITLE VI—TRADE AND DEVELOPMENT AGENCY

Sec. 601. Authorization of appropriations.

TITLE VII—SPECIAL AUTHORITIES AND OTHER PROVISIONS

CHAPTER 1—SPECIAL AUTHORITIES

Sec. 701. Enhanced transfer authority.
Sec. 702. Authority to meet unanticipated contingencies.
Sec. 703. Special waiver authority.
Sec. 704. Termination of assistance.
Sec. 705. Local assistance to human rights groups in Cuba.

CHAPTER 2—REPEALS

Sec. 711. Repeal of obsolete provisions.

DIVISION B—FOREIGN RELATIONS AUTHORIZATIONS ACT

TITLE X—GENERAL PROVISIONS

Sec. 1001. Short title.
Sec. 1002. Statement of history of legislation.
Sec. 1003. Definitions.

TITLE XI—AUTHORIZATION OF APPROPRIATIONS FOR DEPARTMENT OF STATE AND CERTAIN INTERNATIONAL AFFAIRS FUNCTIONS AND ACTIVITIES

Sec. 1101. Administration of Foreign Affairs.
Sec. 1102. International organizations, programs, and conferences.
Sec. 1103. International commissions.
Sec. 1104. Migration and refugee assistance.
Sec. 1105. Asia Foundation.
Sec. 1106. United States informational, educational, and cultural programs.
Sec. 1107. United States arms control and disarmament.

TITLE XII—DEPARTMENT OF STATE AUTHORITIES AND ACTIVITIES

CHAPTER 1—AUTHORITIES AND ACTIVITIES

Sec. 1201. Revision of Department of State rewards program.
Sec. 1202. Foreign Service National Separation Liability Trust Fund.
Sec. 1203. Capital Investment Fund.
Sec. 1204. International Center reserve funds.
Sec. 1205. Proceeds of sale of foreign properties.
Sec. 1206. Reduction of reporting.
Sec. 1207. Contracting for local guards services overseas.
Sec. 1208. Preadjudication of claims.
Sec. 1209. Expenses relating to certain international claims and proceedings.
Sec. 1210. Establishment of fee account and providing for passport information services.
Sec. 1211. Establishment of machine readable fee account.
Sec. 1212. Retention of additional defense trade controls registration fees.
Sec. 1213. Training.
Sec. 1214. Recovery of costs of health care services.
Sec. 1215. Fee for use of diplomatic reception rooms.
Sec. 1216. Fees for commercial services.
Sec. 1217. Budget presentation documents.
Sec. 1218. Extension of certain adjudication provisions.
Sec. 1219. Grants to overseas educational facilities.
Sec. 1220. Grants to remedy international child abductions.

CHAPTER 2—CONSULAR AUTHORITIES OF THE DEPARTMENT OF STATE

Sec. 1241. Use of certain passport processing fees for enhanced passport services.
Sec. 1242. Consular officers.
Sec. 1243. Repeal of outdated consular receipt requirements.
Sec. 1244. Elimination of duplicate publication requirements.

CHAPTER 3—REFUGEES AND MIGRATION

Sec. 1261. Report to Congress concerning Cuban emigration policies.
Sec. 1262. Reprogramming of migration and refugee assistance funds.

TITLE XIII—ORGANIZATION OF THE DEPARTMENT OF STATE; DEPARTMENT OF STATE PERSONNEL; THE FOREIGN SERVICE

CHAPTER 1—ORGANIZATION OF THE DEPARTMENT OF STATE

Sec. 1301. Coordinator for counterterrorism.
Sec. 1302. Elimination of statutory establishment of certain positions of the Department of State.
Sec. 1303. Establishment of Assistant Secretary of State for Human Resources.
Sec. 1304. Establishment of Assistant Secretary of State for Diplomatic Security.
Sec. 1305. Special envoy for Tibet.
Sec. 1306. Responsibilities for bureau charged with refugee assistance.

CHAPTER 2—PERSONNEL OF THE DEPARTMENT OF STATE; THE FOREIGN SERVICE

Sec. 1321. Authorized strength of the Foreign Service.
Sec. 1322. Nonovertime differential pay.
Sec. 1323. Authority of Secretary to separate convicted felons from service.
Sec. 1324. Career counseling.
Sec. 1325. Report concerning minorities and the Foreign Service.
Sec. 1326. Retirement benefits for involuntary separation.
Sec. 1327. Availability pay for certain criminal investigators within the diplomatic security service.
Sec. 1328. Labor management relations.
Sec. 1329. Office of the Inspector General.

TITLE XIV—UNITED STATES PUBLIC DIPLOMACY: AUTHORITIES AND ACTIVITIES FOR UNITED STATES INFORMATIONAL, EDUCATIONAL, AND CULTURAL PROGRAMS

Sec. 1401. Extension of au pair programs.
Sec. 1402. Retention of interest.
Sec. 1403. Center for Cultural and Technical Interchange Between North and South.
Sec. 1404. Use of selected program fees.
Sec. 1405. Muskie fellowship program.
Sec. 1406. Working group on United States Government sponsored international exchanges and training.
Sec. 1407. Educational and cultural exchanges and scholarships for Tibetans and Burmese.
Sec. 1408. United States-Japan commission.
Sec. 1409. Surrogate broadcasting studies.
Sec. 1410. Authority to administer summer travel/work programs.
Sec. 1411. Permanent administrative authorities regarding appropriations.
Sec. 1412. Authorities of the broadcasting board of governors.

TITLE XV—INTERNATIONAL ORGANIZATIONS; UNITED NATIONS AND RELATED AGENCIES

CHAPTER 1—GENERAL PROVISIONS

Sec. 1501. Service in international organizations.
Sec. 1502. Organization of American States.

CHAPTER 2—UNITED NATIONS AND RELATED AGENCIES

Sec. 1521. Reform in budget decisionmaking procedures of the United Nations and its specialized agencies.
Sec. 1522. Reports on efforts to promote full equality at the United Nations for Israel.
Sec. 1523. United Nations Population Fund.
Sec. 1524. Continued extension of privileges, exemptions, and immunities of the International Organizations Immunities Act to UNIDO.

TITLE XVI—ARMS CONTROL AND DISARMAMENT AGENCY
Sec. 1601. Comprehensive compilation of arms control and disarmament studies.
Sec. 1602. Use of funds.
TITLE XVII—FOREIGN POLICY PROVISIONS
Sec. 1701. United States policy regarding the involuntary return of refugees.
Sec. 1702. United States policy with respect to the involuntary return of persons in danger of subjection to torture.
Sec. 1703. Reports on claims by United States firms against the Government of Saudi Arabia.
Sec. 1704. Human rights reports.
Sec. 1705. Reports on determinations under title IV of the Libertad Act.
Sec. 1706. Reports and policy concerning diplomatic immunity.
Sec. 1707. Congressional statement with respect to efficiency in the conduct of foreign policy.
Sec. 1708. Congressional statement concerning Radio Free Europe/Radio Liberty.
Sec. 1709. Programs or projects of the International Atomic Energy Agency in Cuba.
Sec. 1710. United States policy with respect to Jerusalem as the capital of Israel.
Sec. 1711. Report on compliance with the Hague Convention on International Child Abduction.
Sec. 1712. Sense of Congress relating to recognition of the ecumenical patriarchate by the government of Turkey.
Sec. 1713. Return of Hong Kong to People's Republic of China.
Sec. 1714. Development of democracy in the Republic of Serbia.
Sec. 1715. Relations with Vietnam.
Sec. 1716. Statement concerning return of or compensation for wrongly confiscated foreign properties.
DIVISION C—FUNDING LEVELS
Sec. 2001. Authorization of appropriations for certain programs.
DIVISION A—INTERNATIONAL AFFAIRS AGENCY CONSOLIDATION, FOREIGN ASSISTANCE REFORM, AND FOREIGN ASSISTANCE AUTHORIZATIONS
TITLE I—GENERAL PROVISIONS
SEC. 101. SHORT TITLE.
This division may be cited as the ''Foreign Assistance Reform Act of 1997''.
SEC. 102. DECLARATION OF POLICY.
The Congress declares the following:
(1) United States leadership overseas must be maintained to support America's vital national security, economic, and humanitarian overseas interests.
(2) As part of this leadership, United States foreign assistance programs are essential to support America's overseas interests.
(3) Following the end of the Cold War, foreign assistance programs must be reformed to take advantage of the opportunities for the United States in the 21st century.
TITLE II—CONSOLIDATION OF CERTAIN INTERNATIONAL AFFAIRS AGENCIES
CHAPTER 1—GENERAL PROVISIONS
SEC. 201. SHORT TITLE
This title may be cited as the ''International Affairs Agency Consolidation Act of 1997''.
SEC. 202. DEFINITIONS.
The following terms have the following meanings for the purposes of this title:
(1) The term ''USAID'' means the United States Agency for International Development.
(2) The term ''Federal agency'' has the meaning given to the term ''agency'' by section 551(1) of title 5, United States Code.
(3) The term ''function'' means any duty, obligation, power, authority, responsibility, right, privilege, activity, or program.
CHAPTER 2—UNITED STATES INTERNATIONAL DEVELOPMENT COOPERATION AGENCY
Subchapter A—Abolition of United States International Development Cooperation Agency and Transfer of Functions to United States Agency for International Development
SEC. 211. ABOLITION OF UNITED STATES INTERNATIONAL DEVELOPMENT COOPERATION AGENCY.
(a) IN GENERAL.—The United States International Development Cooperation Agency is hereby abolished.
(b) CONFORMING AMENDMENTS.—The following shall cease to be effective:
(1) Reorganization Plan Numbered 2 of 1979 (5 U.S.C. App.).
(2) Sections 1–101 through 1–103, sections 1–401 through 1–403, and such other provisions that relate to the United States International Development Cooperation Agency or the Director of such Agency, of Executive Order 12163 (22 U.S.C. 2381 note; relating to administration of foreign assistance and related functions).
(3) The International Development Cooperation Agency Delegation of Authority Numbered 1 (44 Fed. Reg. 57521), except for section 1–6 of such Delegation of Authority.
(4) Section 3 of Executive Order 12884 (58 Fed. Reg. 64099; relating to the delegation of functions under the Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act of 1992, the Foreign Assistance Act of 1961, the Foreign Operations, Export Financing and Related Programs Appropriations Act, 1993, and section 301 of title 3, United States Code).
(c) EFFECTIVE DATE.—This section shall take effect 6 months after the date of the enactment of this Act.
SEC. 212. TRANSFER OF FUNCTIONS TO UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT.
(a) IN GENERAL.—There are transferred to the Administrator of the United States Agency for International Development all functions of the Director of United States International Development Cooperation Agency and all functions of such Agency and any officer or component of such agency under any statute, reorganization plan, Executive order, or other provision of law before the effective date of this title.
(b) EFFECTIVE DATE.—This section shall take effect 6 months after the date of the enactment of this Act.
SEC. 213. TRANSITION PROVISIONS.
(a) TRANSFER OF PERSONNEL, PROPERTY, RECORDS, AND UNEXPENDED BALANCES.—
(1) PERSONNEL, PROPERTY, AND RECORDS.—So much of the personnel, property, and records of the United States International Development Cooperation Agency as the Director of the Office of Management and Budget shall determine shall be transferred to the United States Agency for International Development at such time or times as the Director of the Office of Management and Budget shall provide.
(2) UNEXPENDED BALANCES.—To the extent provided in advance in appropriations Acts, so much of the unexpended balances of appropriations, allocations, and other funds employed, used, held, available, or to be made available to the United States International Development Cooperation Agency as the Director of the Office of Management and Budget shall determine shall be transferred to the United States Agency for International Development at such time or times as the Director of Office of Management and Budget shall provide, except that no such unexpended balances transferred shall be used for purposes other than those for which the appropriation was originally made.
(b) TERMINATING AGENCY AFFAIRS.—The Director of the Office of Management and Budget shall provide for terminating the affairs of the United States International Development Cooperation Agency and for such further measures and dispositions as such Director deems necessary to accomplish the purposes of this subchapter.
Subchapter B—Continuation of United States Agency for International Development and Placement of Administrator of Agency under the Direction of the Secretary of State
SEC. 221. CONTINUATION OF UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT AND PLACEMENT OF ADMINISTRATOR OF AGENCY UNDER THE DIRECTION OF THE SECRETARY OF STATE.
(a) CONTINUATION OF USAID AS FEDERAL AGENCY.—The United States Agency for International Development, established in the Department of State pursuant to the State Department Delegation of Authority Numbered 104 (26 Fed. Reg. 10608) and subsequently transferred to the United States International Development Cooperation Agency pursuant to the International Development Cooperation Agency Delegation of Authority Numbered 1 (44 Fed. Reg. 57521), shall be continued in existence as a Federal agency of the United States.
(b) PLACEMENT OF ADMINISTRATOR OF USAID UNDER DIRECTION OF SECRETARY OF STATE.—
(1) IN GENERAL.—The Administrator of the United States Agency for International Development, appointed pursuant to section 624(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2384(a))—
(A) shall continue to head such Agency; and
(B) shall be under the direction of the Secretary of State.
(2) OTHER REQUIREMENTS.—Except to the extent inconsistent with other provisions of this Act, the Administrator—
(A) shall continue to exercise all functions that the Administrator exercised before the effective date of this Act; and
(B) shall exercise all functions transferred to the Administrator pursuant to section 212.
(c) OTHER OFFICERS OF AID.—The other officers of the United States Agency for International Development, appointed pursuant to section 624(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2384(a)), shall continue to exercise such functions as the Administrator deems appropriate.
Subchapter C—Conforming Amendments
SEC. 231. CONFORMING AMENDMENTS.
(a) TITLE 5, UNITED STATES CODE.—Section 7103(a)(2)(B)(iv) of title 5, United States Code, is amended by striking ''the United States International Development Cooperation Agency'' and inserting ''the United States Agency for International Development''.
(b) INSPECTOR GENERAL ACT OF 1978.—Section 8A of the Inspector General Act of 1978 (5 U.S.C. App. 8A) is amended—
(1) in subsection (a)—
(A) by striking paragraph (2);
(B) by striking ''Agency for International Development—'' and all that follows through ''shall supervise'' and inserting ''Agency for International Development shall supervise''; and
(C) by striking ''; and'' at the end and inserting a period;
(2) by striking subsection (c); and

(3) by striking subsection (f).

(c) INTERNATIONAL SECURITY AND DEVELOPMENT COOPERATION ACT OF 1980.—Section 316 of the International Security and Development Cooperation Act of 1980 (22 U.S.C. 2151 note) is amended—

(1) in subsection (a)—

(A) in the first sentence, by striking ''Director of the United States International Development Cooperation Agency'' and inserting ''Administrator of the United States Agency for International Development''; and

(B) in the second sentence, by striking ''Director'' and inserting ''Administrator''; and

(2) in subsection (b), by striking ''Director'' and inserting ''Administrator''.

(d) STATE DEPARTMENT BASIC AUTHORITIES ACT OF 1956.—(1) Section 25(f) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2697(f)) is amended by striking ''Director of the United States International Development Cooperation Agency'' and inserting ''Administrator of the United States Agency for International Development''.

(2) Section 26(b) of such Act (22 U.S.C. 2698(b)) is amended by striking ''Director of the United States International Development Cooperation Agency'' and inserting ''Administrator of the United States Agency for International Development''.

(3) Section 32 of such Act (22 U.S.C. 2704) is amended in the second sentence by striking ''Director of the United States International Development Cooperation Agency'' and inserting ''Administrator of the United States Agency for International Development''.

(e) FOREIGN SERVICE ACT OF 1980.—(1) Section 202(a)(1) of the Foreign Service Act of 1980 (22 U.S.C. 3922(a)(1)) is amended by striking ''Director of the United States International Development Cooperation Agency'' and inserting ''Administrator of the United States Agency for International Development''.

(2) Section 210 of such Act (22 U.S.C. 3930) is amended in the second sentence by striking ''United States International Development Cooperation Agency'' and inserting ''United States Agency for International Development''.

(3) Section 1003(a) of such Act (22 U.S.C. 4103(a)) is amended by striking ''United States International Development Cooperation Agency'' and inserting ''United States Agency for International Development''.

(4) Section 1101(c) of such Act (22 U.S.C. 4131(c)) is amended by striking ''United States International Development Cooperation Agency'' and inserting ''United States Agency for International Development''.

(f) TITLE 26, UNITED STATES CODE.—(1) Section 170(m)(7) of title 26, United States Code, is amended by striking ''Director of the United States International Development Cooperation Agency'' and inserting ''Administrator of the United States Agency for International Development''.

(2) Section 2055(g)(6) of title 26, United States Code, is amended by striking ''Director of the United States International Development Cooperation Agency'' and inserting ''Administrator of the United States Agency for International Development''.

(g) TITLE 49, UNITED STATES CODE.—Section 40118(d) of title 49, United States Code, is amended by striking ''Director of the United States International Development Cooperation Agency'' and inserting ''Administrator of the United States Agency for International Development''.

(h) EXPORT ADMINISTRATION ACT OF 1979.—Section 6(g) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(g)) is amended—

(1) in the third sentence, by striking ''Director of the United States International Development Cooperation Agency'' and inserting ''Administrator of the United States Agency for International Development'';

(2) in the fourth sentence, by striking ''Director'' and inserting ''Administrator''; and

(3) in the sixth sentence, by striking ''Director of the United States International Development Cooperation Agency'' and inserting ''Administrator of the United States Agency for International Development''.

SEC. 232. OTHER REFERENCES.

Any reference in any statute, reorganization plan, Executive order, regulation, agreement, determination, or other official document or proceeding to—

(1) the Director of the United States International Development Cooperation Agency or any other officer or employee of the United States International Development Cooperation Agency shall be deemed to refer to the Administrator of the United States Agency for International Development; and

(2) the United States International Development Cooperation Agency shall be deemed to refer to the United States Agency for International Development.

SEC. 233. EFFECTIVE DATE.

This subchapter shall take effect 6 months after the date of the enactment of this Act.

TITLE III—FOREIGN ASSISTANCE REFORM

SEC. 301. GRADUATION FROM DEVELOPMENT ASSISTANCE.

Section 634 of the Foreign Assistance Act of 1961 (22 U.S.C. 2394) is amended to read as follows:

''SEC. 634. CONGRESSIONAL PRESENTATION DOCUMENTS.

''(a) REQUIREMENT FOR SUBMISSION.—As part of the annual requests for enactment of authorizations and appropriations for foreign assistance programs for each fiscal year, the President shall prepare and transmit to the Congress annual congressional presentation documents for the programs authorized under this Act and the Arms Export Control Act (22 U.S.C. 2751 et seq.).

''(b) MATERIALS TO BE INCLUDED.—The documents submitted pursuant to subsection (a) shall include—

''(1) the rationale and direct United States national interest for the allocation of assistance or contributions to each country, regional, or centrally- funded program, or organization, as the case may be;

''(2) a description of how each such program or contribution supports the objectives of this Act or the Arms Export Control Act, as the case may be;

''(3) a description of planned country, regional, or centrally-funded programs or contributions to international organizations and programs for the coming fiscal year; and

''(4) for each country for which assistance is requested under this Act or the Arms Export Control Act—

''(A) the total number of years since 1946 that the United States has provided assistance;

''(B) the total amount of bilateral assistance provided by the United States since 1946, including the principal amount of all loans, credits, and guarantees; and

''(C) the total amount of assistance provided to such country from all multilateral organizations to which the United States is a member, including all international financial institutions, the United Nations, and other international organizations.

''(c) GRADUATION FROM DEVELOPMENT ASSISTANCE.—

''(1) DETERMINATION.—As part of the congressional presentation documents transmitted to the Congress under this section, the President shall make a separate determination for each country identified in such documents for which bilateral development assistance is requested, estimating the year in which each such country will no longer be receiving bilateral development assistance.

''(2) DEVELOPMENT ASSISTANCE DEFINED.—For purposes of this section, the term ''development assistance'' means assistance under—

''(A) chapter 1 of part I of this Act;

''(B) chapter 10 of part I of this Act;

''(C) chapter 11 of part I of this Act; and

''(D) the Support for East European Democracy (SEED) Act of 1989 (22 U.S.C. 5401 et seq.).''.

SEC. 302. LIMITATION ON GOVERNMENT-TO-GOVERNMENT ASSISTANCE.

(a) IN GENERAL.—For each of the fiscal years 1998 and 1999, the President should allocate an aggregate level to private and voluntary organizations and cooperatives under the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) which reflects an increasing level allocated to such organizations and cooperatives under such Act since fiscal year 1995.

(b) DEFINITION.—For purposes of this section, the term ''private and voluntary organization'' means a private non-governmental organization which—

(1) is organized under the laws of a country;

(2) receives funds from private sources;

(3) operates on a not-for-profit basis with appropriate tax-exempt status if the laws of the country grant such status to not-for-profit organizations;

(4) is voluntary in that it receives voluntary contributions of money, time, or in-kind support from the public; and

(5) is engaged or intends to be engaged in voluntary, charitable, development, or humanitarian assistance activities.

(c) REPORT.—

(1) IN GENERAL.— Not later than September 30, 1997, the United States Agency for International Development shall submit a report to the Congress on the amount of its funding being channeled through and private and voluntary organizations.

(2) ADDITIONAL REQUIREMENTS.—(A) The report should use fiscal year 1995 as a baseline and include an implementation plan for steadily increasing the percentage of assistance channeled through such organizations, consistent with the funding commitment announced by Vice President Gore in March 1995.

(B) The report should also indicate the proportion of funds made available under the following provisions and channeled through such organizations:

(i) Chapter 11 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2295 et seq.).

(ii) The Support for East European Democracy (SEED) Act of 1989 (22 U.S.C. 5401 et seq.).

(iii) Chapter 4 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2346).

SEC. 303. MICRO- AND SMALL ENTERPRISE DEVELOPMENT CREDITS.

Section 108 of the Foreign Assistance Act of 1961 (22 U.S.C. 2151f) is amended to read as follows:

''SEC. 108. MICRO- AND SMALL ENTERPRISE DEVELOPMENT CREDITS.

''(a) FINDINGS AND POLICY.—The Congress finds and declares that—

''(1) the development of micro- and small enterprise, including cooperatives, is a vital factor in the stable growth of developing countries and in the development and stability of a free, open, and equitable international economic system;

''(2) it is, therefore, in the best interests of the United States to assist the development of the private sector in developing countries and to engage the United States private sector in that process;

''(3) the support of private enterprise can be served by programs providing credit, training, and technical assistance for the benefit of micro- and small enterprises; and

''(4) programs that provide credit, training, and technical assistance to private institutions can serve as a valuable complement to grant assistance provided for the purpose of benefiting micro- and small private enterprise.

''(b) PROGRAM.—To carry out the policy set forth in subsection (a), the President is authorized to provide assistance to increase the availability of credit to micro- and small enterprises lacking full access to credit, including through—

''(1) loans and guarantees to credit institutions for the purpose of expanding the availability of credit to micro- and small enterprises;

''(2) training programs for lenders in order to enable them to better meet the credit needs of micro- and small entrepreneurs; and

''(3) training programs for micro- and small entrepreneurs in order to enable them to make better use of credit and to better manage their enterprises.

''(c) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—There is authorized to be appropriated the following amounts for the following purposes (in addition to amounts otherwise available for such purposes):

''(A)(i) $1,500,000 for each of the fiscal years 1998 and 1999 to carry out subsection (b)(1).

''(ii) Funds authorized to be appropriated under this subparagraph shall be made available for the subsidy cost, as defined in section 502(5) of the Federal Credit Reform Act of 1990, for activities under such subsection.

''(B) $500,000 for each of the fiscal years 1998 and 1999 to carry out paragraphs (2) and (3) of subsection (b).

''(2) AVAILABILITY OF AMOUNTS.—Amounts authorized to be appropriated under paragraph (1) are authorized to remain available until expended.''.

SEC. 304. MICROENTERPRISE DEVELOPMENT GRANT ASSISTANCE.

Chapter 1 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) is amended by inserting after section 108, as amended by this Act, the following new section:

''SEC. 108A. MICROENTERPRISE DEVELOPMENT GRANT ASSISTANCE.

''(a) AUTHORIZATION.—(1) In carrying out this part, the Administrator of the United States Agency for International Development is authorized to provide grant assistance for programs of credit and other assistance for micro enterprises in developing countries.

''(2) Assistance authorized under paragraph (1) shall be provided through organizations that have a capacity to develop and implement microenterprise programs, including particularly—

''(A) United States and indigenous private and voluntary organizations;

''(B) United States and indigenous credit unions and cooperative organizations; or

''(C) other indigenous governmental and nongovernmental organizations.

''(3) Approximately one-half of the credit assistance authorized under paragraph (1) shall be used for poverty lending programs, including the poverty lending portion of mixed programs. Such programs—

''(A) shall meet the needs of the very poor members of society, particularly poor women; and

''(B) should provide loans of $300 or less in 1995 United States dollars to such poor members of society.

''(4) The Administrator should continue support for mechanisms that—

''(A) provide technical support for field missions;

''(B) strengthen the institutional development of the intermediary organizations described in paragraph (2); and

''(C) share information relating to the provision of assistance authorized under paragraph (1) between such field missions and intermediary organizations.

''(b) MONITORING SYSTEM.—In order to maximize the sustainable development impact of the assistance authorized under subsection (a)(1), the Administrator shall, in accordance with section 1115 of title 31, United States Code (relating to performance plans), establish a monitoring system that—

''(1) establishes performance goals for such assistance and expresses such goals in an objective and quantifiable form, to the extent feasible;

''(2) establishes performance indicators to be used in measuring or assessing the achievement of the goals and objectives of such assistance; and

''(3) provides a basis for recommendations for adjustments to such assistance to enhance the sustainable development impact of such assistance, particularly the impact of such assistance on the very poor, particularly poor women.''.

SEC. 305. PRIVATE SECTOR ENTERPRISE FUNDS.

The Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) is amended by inserting after section 601 the following new section:

''SEC. 601A. PRIVATE SECTOR ENTERPRISE FUNDS.

''(a) AUTHORITY.—(1) The President may provide funds and support to Enterprise Funds designated in accordance with subsection (b) that are or have been established for the purposes of promoting—

''(A) development of the private sectors of eligible countries, including small businesses, the agricultural sector, and joint ventures with United States and host country participants; and

''(B) policies and practices conducive to private sector development in eligible countries;

on the same basis as funds and support may be provided with respect to Enterprise Funds for Poland and Hungary under the Support for East European Democracy (SEED) Act of 1989 (22 U.S.C. 5401 et seq.).

''(2) Funds may be made available under this section notwithstanding any other provision of law, except sections 502B and 490 of this Act.

''(b) COUNTRIES ELIGIBLE FOR ENTERPRISE FUNDS.—(1) Except as provided in paragraph (2), the President is authorized to designate a private, nonprofit organization as eligible to receive funds and support pursuant to this section with respect to any country eligible to receive assistance under part I of this Act in the same manner and with the same limitations as set forth in section 201(d) of the Support for East European Democracy (SEED) Act of 1989 (22 U.S.C. 5421(d)).

''(2) The authority of paragraph (1) shall not apply to any country with respect to which the President is authorized to designate an enterprise fund under section 498B(c) of this Act or section 201 of the Support for East European Democracy (SEED) Act of 1989 (22 U.S.C. 5421).

''(c) TREATMENT EQUIVALENT TO ENTERPRISE FUNDS FOR POLAND AND HUNGARY.—Except as otherwise specifically provided in this section, the provisions contained in section 201 of the Support for East European Democracy (SEED) Act of 1989 (22 U.S.C. 5421) (excluding the authorizations of appropriations provided in subsection (b) of that section) shall apply to any Enterprise Fund that receives Funds and support under this section. The officers, members, or employees of an Enterprise Fund that receive funds and support under this section shall enjoy the same status under law that is applicable to officers, members, or employees of the Enterprise Funds for Poland and Hungary under section 201 of the Support for East European Democracy (SEED) Act of 1989 (22 U.S.C. 5421).

''(d) REPORTING REQUIREMENT.—Notwithstanding any other provision of this section, the requirement of section 201(p) of the Support for East European Democracy (SEED) Act of 1989 (22 U.S.C. 5421(p)), that an Enterprise Fund shall be required to publish an annual report not later than January 31 each year, shall not apply with respect to an Enterprise Fund that receives funds and support under this section for the first twelve months after it is designated as eligible to receive such funds and support.

''(e) FUNDING.—(1) Amounts made available for a fiscal year to carry out chapter 1 of part I of this Act (relating to development assistance) and to carry out chapter 4 of part II of this Act (relating to the economic support fund) shall be available for such fiscal year to carry out this section, in addition to amounts otherwise available for such purposes.

''(2) In addition to amounts available under paragraph (1) for a fiscal year, amounts made available for such fiscal year to carry out chapter 10 of part I of this Act (relating to the Development Fund for Africa) shall be available for such fiscal year to carry out this section with respect to countries in Africa.''.

SEC. 306. DEVELOPMENT CREDIT AUTHORITY.

The Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) is amended by inserting after section 106 the following:

''SEC. 107A. DEVELOPMENT CREDIT AUTHORITY.

''(a) GENERAL AUTHORITY.—The President is authorized to use credit authority (loans, loan guarantees, and other investments involving the extension of credit) to achieve any of the development purposes of this part in cases where—

''(1) the borrowers or activities are deemed sufficiently creditworthy and do not otherwise have access to such credit; and

''(2) the use of credit authority would be appropriate to the achievement of such development purposes.

''(b) PRIORITY SECTOR POLICIES AND ACTIVITIES.—

''(1) IN GENERAL.—To the maximum extent practicable, preference shall be given to the use of credit authority to promote—

''(A) micro- and small enterprise development policies of section 108;

''(B) sustainable urban and environmental activities pursuant to the policy directives set forth in this part; and

''(C) other development activities that will support and enhance grant-financed policy and institutional reforms under this part.

''(2) DEVELOPMENT CREDIT AUTHORITY.—The credit authority described in paragraph (1) shall be known as the 'Development Credit Authority'.

''(c) GENERAL AUTHORITY.—

''(1) AUTHORITY.—Of the amounts made available to carry out this chapter, chapters 10 and 11 of this part, chapter 4 of part II of this Act, and the Support for East European Democracy (SEED) Act of 1989 for fiscal years 1998 and 1999, not more than $13,000,000 for each such fiscal year may be made available to carry out this section.

''(2) LIMITATIONS.—(A) Funds made available under paragraph (1) shall be used for activities in the same geographic region for which such funds were originally allocated.

''(B) The President shall notify the congressional committees specified in section 634A at least fifteen days in advance of each transfer of funds under paragraph (1) in accordance with procedures applicable to reprogramming notifications under such section.

''(3) SUBSIDY COST.—Amounts made available under paragraph (1) shall be made available for the subsidy cost, as defined in section 502(5) of the Federal Credit Reform Act of 1990, for activities under this section.

''(4) ADMINISTRATIVE EXPENSES.—

''(A) AMOUNTS MADE AVAILABLE.—Of the amounts made available under paragraph (1) for a fiscal year, not more than $1,500,000 may be made available for administrative expenses to carry out this section.

''(B) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts made available under subparagraph (A), there are authorized to be appropriated for administrative expenses to carry out this section and section 221 $6,000,000 for each of the fiscal years 1998 and 1999.

''(C) TRANSFER AUTHORITY.—Amounts made available under and subparagraph (A) and amounts authorized to be appropriated under subparagraph (B) may be transferred and merged with amounts made available for 'Operating Expenses of the Agency for International Development'.

''(5) AVAILABILITY.—Amounts made available under paragraph (1) are authorized to remain available until expended.

''(d) GENERAL PROVISIONS APPLICABLE TO DEVELOPMENT CREDIT AUTHORITY.—

''(1) POLICY PROVISIONS.—In providing the credit assistance authorized by this section, the President should apply, as appropriate, the policy provisions in this part applicable to development assistance activities.

''(2) DEFAULT AND PROCUREMENT PROVISIONS.—

''(A) DEFAULT PROVISION.—The provisions of section 620(q) of this Act, or any comparable provisions of law, shall not be construed to prohibit assistance to a country in the event that a private sector recipient of assistance furnished under this section is in default in its payment to the United States for the period specified in such section.

''(B) PROCUREMENT PROVISION.—Assistance may be provided under this section without regard to section 604(a) of this Act.

''(3) TERMS AND CONDITIONS OF CREDIT ASSISTANCE.—(A) Assistance provided under this section shall be offered on such terms and conditions, including fees charged, as the President may determine.

''(B) The principal amount of loans made or guaranteed under this section in any fiscal year, with respect to any single country or borrower, may not exceed $100,000,000.

''(C) No payment may be made under any guarantee issued under this section for any loss arising out of fraud or misrepresentation for which the party seeking payment is responsible.

''(4) FULL FAITH AND CREDIT.—All guarantees issued under this section shall constitute obligations, in accordance with the terms of such guarantees, of the United States of America and the full faith and credit of the United States of America is hereby pledged for the full payment and performance of such obligations to the extent of the guarantee.

''(5) CO-FINANCING AND RISK SHARING.—

''(A) IN GENERAL.—(i) Assistance provided under this section shall be in the form of co-financing or risk sharing.

''(ii) Credit assistance may not be provided to a borrower under this section unless the Administrator of the United States Agency for International Development determines that there are reasonable prospects of repayment by such borrower.

''(B) ADDITIONAL REQUIREMENT.—The investment or risk of the United States in any one development activity may not exceed 80 percent of the total outstanding investment or risk.

''(6) ELIGIBLE BORROWERS.—

''(A) IN GENERAL.—(i) In order to be eligible to receive credit assistance under this section, a borrower shall be sufficiently credit worthy so that the estimated costs (as defined in section 502 of the Federal Credit Reform Act) of the proposed credit assistance for the borrower does not exceed 30 percent of the principal amount of credit assistance to be received.

''(ii)(I) In addition, with respect to the eligibility of foreign governments as an eligible borrowers under this section, the Administrator of the United States Agency for International Development shall make a determination that the additional debt of the government will not exceed the debt repayment capacity of the government.

''(II) In making the determination under subclause (I), the Administrator shall consult, as appropriate, with international financial institutions and other institutions or agencies that assess debt service capacity.

''(7) ASSESSMENT OF CREDIT RISK.—(A) The Administrator of the United States Agency for International Development shall use the Interagency Country Risk Assessment System (ICRAS) and the methodology approved by the Office of Management and Budget to assess the cost of risk credit assistance provided under this section to foreign governments.

''(B) With respect to the provision of credit to nongovernmental organizations, the Administrator—

''(i) shall consult with appropriate private sector institutions, including the two largest United States private sector debt rating agencies, prior to establishing the risk assessment standards and methodologies to be used; and

''(ii) shall periodically consult with such institutions in reviewing the performance of such standards and methodologies.

''(C) In addition, if the anticipated share of financing attributable to public sector owned or controlled entities, including the United States Agency for International Development, exceeds 49 percent, the Administrator shall determine the cost (as defined in section 502(5) of the Federal Credit Reform Act of 1990) of such assistance by using the cost and risk assessment determinations of the private sector co-financing entities.

''(8) USE OF UNITED STATES TECHNOLOGY, FIRMS, AND EQUIPMENT.—Activities financed under this section shall, to the maximum extent practicable, use or employ United States technology, firms, and equipment.''.

SEC. 307. FOREIGN GOVERNMENT PARKING FINES.

(a) IN GENERAL.—Chapter 1 of part III of the Foreign Assistance Act of 1961 (22 U.S.C. 2351 et seq.), as amended by this Act, is further amended by adding at the end the following new section:

''SEC. 620K. FOREIGN GOVERNMENT PARKING FINES.

''(a) IN GENERAL.—An amount equivalent to 110 percent of the total unpaid fully adjudicated parking fines and penalties owed to the District of Columbia, Virginia, Maryland, New York, and New York City by the government of a foreign country as of the end of a fiscal year, as certified and transmitted to the President by the chief executive officer of each State, City, or District, shall be withheld from obligation for such country out of funds available in the next fiscal year to carry out part I of this Act, until the requirement of subsection (b) is satisfied.

''(b) REQUIREMENT.—The requirement of this subsection is satisfied when the Secretary of State determines and certifies to the appropriate congressional committees that such fines and penalties are fully paid to the governments of the District of Columbia, Virginia, Maryland, and New York.

''(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—For purposes of this section, the term 'appropriate congressional committees' means the Committee on International Relations and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to fines certified as of the end of fiscal year 1998 or any fiscal year thereafter.

(c) TECHNICAL AMENDMENT.—The second section 620G of the Foreign Assistance Act of 1961, as added by section 149 of Public Law 104–164 (110 Stat. 1436)—

(1) is redesignated as section 620J of such Act; and

(2) is inserted after section 620I of such Act.

SEC. 308. WITHHOLDING UNITED STATES ASSISTANCE TO COUNTRIES THAT AID THE GOVERNMENT OF CUBA.

(a) IN GENERAL.—Except as provided in subsection (a), not later than 180 days after the date of the enactment of this Act, the President shall withhold assistance under the Foreign Assistance Act of 1961 to any foreign government providing economic, development, or security assistance for, or engaging in nonmarket based trade with the Government of Cuba.

(b) WAIVER.—The President may waive the provisions of subsection (a) if the President certifies to the appropriate congressional committees that the provision of United States assistance is important to the national security of the United States.

(c) NONMARKET BASED TRADE DEFINED.—For the purpose of this section, the term ''nonmarket based trade'' means exports, imports, exchanges, or other arrangements that are provided for goods and services on terms more favorable than those generally available in applicable markets or for comparable commodities, including—

(1) exports to the Cuban Government on terms that involve a grant, concessional price, guaranty, insurance, or subsidy;

(2) imports from the Cuban Government at preferential tariff rates;

(3) exchange arrangements that include advance delivery of commodities, arrangements in which the Cuban Government is not held accountable for unfulfilled exchange contracts, and arrangements under which Cuba does not pay appropriate transportation, insurance, or finance costs; and

(4) the exchange, reduction, or forgiveness of debt of the Cuban Government in exchange for a grant by the Cuban Government of an equity interest in a property, investment, or operation of the Cuban Government or of a Cuban national.

TITLE IV—DEFENSE AND SECURITY ASSISTANCE

CHAPTER 1—NARCOTICS CONTROL ASSISTANCE

SEC. 401. DEFINITION.

(a) IN GENERAL.—Section 481(e)(4) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291(e)(4)) is amended—

(1) in subparagraph (A)(ii), inserting ''or under chapter 5 of part II'' after ''(including chapter 4 of part II)''; and

(2) in subparagraph (B), by inserting before the semicolon at the end the following: '', other than sales or financing provided for narcotics-related purposes following notification in accordance with procedures applicable to reprogramming notifications under section 634A of this Act.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to assistance provided on or after the date of the enactment of this Act.

SEC. 402. AUTHORIZATION OF APPROPRIATIONS.

Section 482(a)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291a(a)(1)) is amended by striking ''$147,783,000 for fiscal year 1993 and $171,500,000 for fiscal year 1994'' and inserting ''$230,000,000 for each of the fiscal years 1998 and 1999''.

SEC. 403. AUTHORITY TO WITHHOLD BILATERAL ASSISTANCE AND OPPOSE MULTILATERAL DEVELOPMENT ASSISTANCE FOR MAJOR ILLICIT DRUG PRODUCING COUNTRIES, DRUG-TRANSIT COUNTRIES, AND MONEY LAUNDERING COUNTRIES.

(a) IN GENERAL.—Section 490 of the Foreign Assistance Act of 1961 (22 U.S.C. 2291j) is amended to read as follows:

''SEC. 490. AUTHORITY TO WITHHOLD BILATERAL ASSISTANCE AND OPPOSE MULTILATERAL DEVELOPMENT ASSISTANCE FOR MAJOR ILLICIT DRUG PRODUCING COUNTRIES, DRUG-TRANSIT COUNTRIES, AND MONEY LAUNDERING COUNTRIES.

''(a) IN GENERAL.—For every country identified in the report under section 489(a)(3), the President shall, on or after March 1, 1998, and March 1 of each succeeding year, to the extent considered necessary by the President to achieve the purposes of this chapter, take one or more of the following actions:

''(1) Withhold from obligation and expenditure any or all United States assistance allocated each fiscal year in the report required by section 653 for each such country.

''(2) Instruct the Secretary of the Treasury to instruct the United States Executive Director of each multilateral development bank to vote, on and after March 1 of each year, against any loan or other utilization of the funds of their respective institution to or for any such country.

''(b) CONSIDERATIONS.—In determining whether or not take one or more actions described in subsection (a), the President shall consider the extent to which—

''(1) the country has—

''(A) met the goals and objectives of the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, including action on such issues as illicit cultivation, production, distribution, sale, transport and financing, and money laundering, asset seizure, extradition, mutual legal assistance, law enforcement and transit cooperation, precursor chemical control, and demand reduction;

''(B) accomplished the goals described in an applicable bilateral narcotics agreement with the United States or a multilateral agreement;

''(C) reached agreement, or is negotiating in good faith to reach agreement, to ensure that banks and other financial institutions of the country maintain adequate records of large United States currency transactions;

''(D) reached agreement, or is negotiating in good faith to reach agreement, to establish a mechanism for exchanging adequate records on international currency transactions in connection with narcotics investigations and proceedings; and

''(E) taken legal and law enforcement measures to prevent and punish public corruption, especially by senior government officials, that facilitates the production, processing, or shipment of narcotic and psychotropic drugs and other controlled substances, or that discourages the investigation or prosecution of such acts; and

''(2) such actions will—

''(A) promote the purposes of this chapter; and

''(B) affect other United States national interests.

''(c) CONSULTATIONS WITH THE CONGRESS.—

''(1) CONSULTATIONS.—The President shall consult with the Congress on the status of counter-narcotics cooperation between the United States and each major illicit drug producing country, major drug-transit country, or major money laundering country.

''(2) PURPOSE.—

''(A) IN GENERAL.—The purpose of the consultations under paragraph (1) shall be to facilitate improved discussion and understanding between the Congress and the President on United States counter-narcotics goals and objectives with regard to the countries described in paragraph (1), including the strategy for achieving such goals and objectives.

''(B) REGULAR AND SPECIAL CONSULTATIONS.—In order to carry out subparagraph (A), the President (or senior officials designated by the President who are responsible for international narcotics programs and policies) shall meet with Members of Congress—

''(i) on a quarterly basis for discussions and consultations; and

''(ii) whenever time-sensitive issues arise.

''(d) DEFINITION.—For purposes of this section, the term 'multilateral development bank' means the International Bank for Reconstruction and Development, the International Development Association, the Inter-American Development Bank, the Asian Development Bank, the African Development Bank, and the European Bank for Reconstruction and Development.''.

(b) CONFORMING AMENDMENTS.—(1) Section 481(e)(8) of such Act (22 U.S.C. 2291(e)(8)) is amended by striking ''Committee on Foreign Affairs'' and inserting ''Committee on International Relations''.

(2) Section 485(b) of such Act (22 U.S.C. 2291d(b)) is amended by striking ''Committee on Foreign Affairs'' and inserting ''Committee on International Relations''.

(3) Section 488(a)(3) of such Act (22 U.S.C. 2291g(a)(3)) is amended by striking ''Committee on Foreign Affairs'' and inserting ''Committee on International Relations''.

(4) Section 489(a) of such Act (22 U.S.C. 2291h(a)) is amended—

(A) in paragraph (3)(A), by striking ''as determined under section 490(h)''; and

(B) in the matter preceding subparagraph (A) of paragraph (7), by striking ''paragraph (3)(D)'' and inserting ''paragraph (3)(C)''.

CHAPTER 2—NONPROLIFERATION, ANTITERRORISM, DEMINING, AND RELATED PROGRAMS

SEC. 411. NONPROLIFERATION, ANTITERRORISM, DEMINING, AND RELATED PROGRAMS.

Part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2301 et seq.) is amended by adding at the end the following (and conforming the table of contents accordingly):

''CHAPTER 9—NONPROLIFERATION, ANTITERRORISM, DEMINING AND RELATED PROGRAMS

''SEC. 581. NONPROLIFERATION AND DISARMAMENT FUND.

''(a) ESTABLISHMENT OF FUND.—The President shall establish a Nonproliferation and Disarmament Fund, which may be used notwithstanding any other provision of law, to promote bilateral and multilateral nonproliferation and disarmament activities—

''(1) to halt the proliferation of nuclear, biological, and chemical weapons, their delivery systems, related technologies, and other weapons;

''(2) to dismantle and destroy nuclear, biological, and chemical weapons, their delivery systems, and conventional weapons;

''(3) to prevent the diversion of weapons-related scientific and technical expertise; and

''(4) to support science and technology centers in Russia and the Ukraine.

''(b) PROHIBITED ACTIVITIES.—Amounts made available to carry out subsection (a) may not be used to implement United States obligations pursuant to bilateral or multilateral arm control treaties or nonproliferation accords, including the payment of salaries and expenses.

''(c) ADDITIONAL REQUIREMENTS.—

''(1) NOTIFICATION.—Amounts made available to carry out subsection (a) may be provided only if the congressional committees specified in section 634A of this Act are notified at least fifteen days before providing funds under such subsection in accordance with procedures applicable to reprogramming notifications under such section.

''(2) ASSISTANCE FOR THE INDEPENDENT STATES OF THE FORMER SOVIET UNION AND INTERNATIONAL ORGANIZATIONS.—Amounts made available to carry out subsection (a) may only be provided for the independent states of the former Soviet Union and international organizations if the Secretary of State—

''(A) determines it is in the national interest of the United States to do so; and

''(B) includes such determination in the notification described in paragraph (1).

''(d) AVAILABILITY OF AMOUNTS.—

''(1) IN GENERAL.—Of the amounts made available to carry out this chapter for fiscal years 1998 and 1999—

''(A) not less than $15,000,000 for each such fiscal year may be made available to carry out subsection (a); and

''(B) not more than $5,000,000 of the amount made available under subparagraph (A) for fiscal year 1998, and not more than $3,000,000 of such amount made available in fiscal year 1999, may be used to support export control programs.

''(2) AVAILABILITY.—Amounts made available under paragraph (1) are authorized to remain available until expended.

''SEC. 582. ASSISTANCE FOR ANTITERRORISM.

''Amounts made available to carry out this chapter for fiscal years 1998 and 1999 may be made available to carry out chapter 8 of part II of this Act.

''SEC. 583. ASSISTANCE FOR DEMINING.

''The President is authorized to provide assistance for demining activities, notwithstanding any other provision of law, including—

''(1) to enhance the ability of countries, international organizations, and nongovernmental organizations to detect and clear landmines; and

''(2) to educate affected populations about the dangers of landmines.

''SEC. 584. ASSISTANCE FOR RELATED PROGRAMS.

''(a) IN GENERAL.—Amounts made available to carry out this chapter for fiscal years 1998 and 1999 may be made available to carry out section 301 of this Act for voluntary contributions to the International Atomic Energy Agency (IAEA) and the Korean Peninsula Energy Development Organization (KEDO) and to programs administered by such organizations. –

''(b) LIMITATION.—Of the amounts made available under subsection (a) for fiscal years 1998 and 1999, not more than $30,000,000 may be made available for each fiscal year to KEDO for the administrative expenses and heavy fuel oil costs associated with implementation of the Agreed Framework.

''SEC. 585. DEFINITIONS.

''As used in this chapter—

''(1) AGREED FRAMEWORK.—The term ''Agreed Framework'' means the documents agreed to between the United States and the Democratic People's Republic of Korea on October 21, 1994, regarding elimination of the nuclear weapons program of the Democratic People's Republic of Korea and the provision of certain assistance to that country.

''(2) INDEPENDENT STATES OF THE FORMER SOVIET UNION.—The term 'independent states of the former Soviet Union' has the meaning

given such term in section 3 of the Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act of 1992 (22 U.S.C. 5801).

"SEC. 586. AUTHORIZATION OF APPROPRIATIONS.

''(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $110,000,000 for fiscal year 1998 and $111,000,000 for fiscal year 1999, in addition to amounts otherwise available for such purposes, to carry out the purpose of this chapter. –

''(b) ADMINISTRATIVE AUTHORITIES.—Any agency of the United States Government may utilize such funds in accordance with authority granted under this Act or under authority governing the activities of that agency.

''(c) DESIGNATION OF ACCOUNT.—Appropriations pursuant to subsection (a) may be referred to as the ''Nonproliferation, Antiterrorism, Demining and Related Programs Account'' or ''NADR Account''.

(b) REFERENCE IN OTHER PROVISIONS OF LAW.—A reference in any other provision of law to section 504 of the Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act of 1992 (22 U.S.C. 5854) shall be deemed to include a reference to chapter 9 of part II of the Foreign Assistance Act of 1961, as added by subsection (a).

(c) CONFORMING AMENDMENTS.—(1) Section 504 of the Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act of 1992 (22 U.S.C. 5854) is hereby repealed.

(2) The table of contents of such Act is amended by striking the item relating to section 504.

CHAPTER 3—FOREIGN MILITARY FINANCING PROGRAM

SEC. 421. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the President for grant assistance under section 23 of the Arms Export Control Act (22 U.S.C. 2763) and for the subsidy cost, as defined in section 502(5) of the Federal Credit Reform Act of 1990, of direct loans under such section—

(1) $3,318,000,000 for fiscal year 1998; and

(2) $3,274,250,000 for fiscal year 1999.

SEC. 422. ASSISTANCE FOR ISRAEL.

(a) MINIMUM ALLOCATION.—Of the amounts made available for fiscal years 1998 and 1999 for assistance under section 23 of the Arms Export Control Act (22 U.S.C. 2763; relating to the ''Foreign Military Financing Program''), not less than $1,800,000,000 for each such fiscal year shall be available only for Israel.

(b) TERMS OF ASSISTANCE.—

(1) GRANT BASIS.—The assistance provided for Israel for each fiscal year under subsection (a) shall be provided on a grant basis.

(2) EXPEDITED DISBURSEMENT—Such assistance shall be disbursed—

(A) with respect to fiscal year 1998, not later than 30 days after the date of the enactment of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1998, or by October 31, 1997, whichever is later; and

(B) with respect to fiscal year 1999, not later than 30 days after the date of the enactment of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1999, or by October 31, 1998, whichever is later.

(3) ADVANCED WEAPONS SYSTEMS.—To the extent that the Government of Israel requests that funds be used for such purposes, funds described in subsection (a) shall, as agreed by the Government of Israel and the Government of the United States, be available for advanced weapons systems, of which not less than $475,000,000 for each fiscal year shall be available only for procurement in Israel of defense articles and defense services, including research and development.

SEC. 423. ASSISTANCE FOR EGYPT.

(a) MINIMUM ALLOCATION.—Of the amounts made available for fiscal years 1998 and 1999 for assistance under section 23 of the Arms Export Control Act (22 U.S.C. 2763; relating to the ''Foreign Military Financing Program'' account), not less than $1,300,000,000 for each such fiscal year shall be available only for Egypt.

(b) TERMS OF ASSISTANCE.—The assistance provided for Egypt for each fiscal year under subsection (a) shall be provided on a grant basis.

SEC. 424. AUTHORIZATION OF ASSISTANCE TO FACILITATE TRANSITION TO NATO MEMBERSHIP UNDER NATO PARTICIPATION ACT OF 1994.

(a) MINIMUM ALLOCATION.—Of the amounts made available for fiscal years 1998 and 1999 for assistance under section 23 of the Arms Export Control Act (22 U.S.C. 2763; relating to the ''Foreign Military Financing Program''), not less than $50,900,000 for each such fiscal year shall be made available for the program established under section 203(a) of the NATO Participation Act of 1994 (title II of Public Law 103-447; 22 U.S.C. 1928 note).

(b) TERMS OF ASSISTANCE.—The assistance provided under subsection (a) may be provided on a grant basis, and may also be made available for the subsidy cost, as defined in section 502(5) of the Federal Credit Reform Act of 1990, of direct loans to countries eligible for assistance under the program established under section 203(a) of the NATO Participation Act of 1994 (title II of Public Law 103-447; 22 U.S.C. 1928 note).

SEC. 425. LOANS FOR GREECE AND TURKEY.

Of the amounts made available for fiscal year 1998 under section 23 of the Arms Export Control Act (22 U.S.C. 2763)—

(1) not more than $12,850,000 shall be made available for the subsidy cost, as defined in section 502(5) of the Federal Credit Reform Act of 1990, of direct loans for Greece; and

(2) not more than $33,150,000 shall be made available for such subsidy cost of direct loans for Turkey.

SEC. 426. LIMITATIONS ON LOANS.

Of the amounts made available for fiscal year 1999 under section 23 of the Arms Export Control (22 U.S.C. 2763) for the subsidy cost, as defined in section 502(5) of the Federal Credit Reform Act of 1990, of direct loans, no such amounts shall be made available to any country which has an Inter-Agency Country Risk Assessment Systems (ICRAS) rating of less than grade C-.

SEC. 427. ADMINISTRATIVE EXPENSES.

Of the amounts made available for fiscal years 1998 and 1999 for assistance under section 23 of the Arms Export Control Act (22 U.S.C. 2763; relating to the ''Foreign Military Financing Program''), not more than $23,250,000 for each of the fiscal years 1998 and 1999 may be made available for necessary expenses for the general costs of administration of military assistance and sales, including expenses incurred in purchasing passenger motor vehicles for replacement for use outside the United States.

CHAPTER 4—INTERNATIONAL MILITARY EDUCATION AND TRAINING

SEC. 431. AUTHORIZATION OF APPROPRIATIONS.

Section 542 of the Foreign Assistance Act of 1961 (22 U.S.C. 2347a) is amended by striking ''$56,221,000 for the fiscal year 1986 and $56,221,000 for the fiscal year 1987'' and inserting ''$50,000,000 for each of the fiscal years 1998 and 1999''.

SEC. 432. IMET ELIGIBILITY FOR PANAMA AND HAITI.

Notwithstanding section 660(c) of the Foreign Assistance Act of 1961 (22 U.S.C. 2420(c)), assistance under chapter 5 of part II of such Act (22 U.S.C. 2347) may be provided to Panama and Haiti for each of the fiscal years 1998 and 1999.

CHAPTER 5—TRANSFER OF NAVAL VESSELS TO CERTAIN FOREIGN COUNTRIES

SEC. 441. AUTHORITY TO TRANSFER NAVAL VESSELS.

(a) BRAZIL.—The Secretary of the Navy is authorized to transfer to the Government of Brazil the ''HUNLEY'' class submarine tender HOLLAND (AS 32).

(b) CHILE.—The Secretary of the Navy is authorized to transfer to the Government of Chile the ''KAISER'' class oiler ISHERWOOD (T–AO 191).

(c) EGYPT.—The Secretary of the Navy is authorized to transfer to the Government of Egypt the ''KNOX'' class frigates PAUL (FF 1080), MILLER (FF 1091), JESSE L. BROWN (FFT 1089), and MOINESTER (FFT 1097), and the ''OLIVER HAZARD PERRY'' class frigates FAHRION (FFG 22) and LEWIS B. PULLER (FFG 23).

(d) ISRAEL.—The Secretary of the Navy is authorized to transfer to the Government of Israel the ''NEWPORT'' class tank landing ship PEORIA (LST 1183).

(e) MALAYSIA.—The Secretary of the Navy is authorized to transfer to the Government of Malaysia the ''NEWPORT'' class tank landing ship BARBOUR COUNTY (LST 1195).

(f) MEXICO.—The Secretary of the Navy is authorized to transfer to the Government of Mexico the ''KNOX'' class frigate ROARK (FF 1053).

(g) TAIWAN.—The Secretary of the Navy is authorized to transfer to the Taipei Economic and Cultural Representative Office in the United States (which is the Taiwan instrumentality designated pursuant to section 10(a) of the Taiwan Relations Act) the ''KNOX'' class frigates WHIPPLE (FF 1062) and DOWNES (FF 1070).

(h) THAILAND.—The Secretary of the Navy is authorized to transfer to the Government of Thailand the ''NEWPORT'' class tank landing ship SCHENECTADY (LST 1185).

(i) FORM OF TRANSFERS.—Each transfer authorized by this section shall be on a sales basis under section 21 of the Arms Export Control Act (22 U.S.C. 2761; relating to the foreign military sales program).

SEC. 442. COSTS OF TRANSFERS.

Any expense of the United States in connection with a transfer authorized by this chapter shall be charged to the recipient.

SEC. 443. EXPIRATION OF AUTHORITY.

The authority granted by section 451 shall expire at the end of the 2-year period beginning on the date of the enactment of this Act.

SEC. 444. REPAIR AND REFURBISHMENT OF VESSELS IN UNITED STATES SHIPYARDS.

The Secretary of the Navy shall require, to the maximum extent possible, as a condition of a transfer of a vessel under this chapter, that the country to which the vessel is transferred have such repair or refurbishment of the vessel as is needed, before the vessel joins the naval forces of that country, performed at a shipyard located in the United States, including a United States Navy shipyard.

CHAPTER 6—INDONESIA MILITARY ASSISTANCE ACCOUNTABILITY ACT

SEC. 451. SHORT TITLE.

This chapter may be cited as the ''Indonesia Military Assistance Accountability Act''.

SEC. 452. FINDINGS.

The Congress finds the following:

(1)(A) Despite a surface adherence to democratic forms, the Indonesian political system remains strongly authoritarian.

(B) The government is dominated by an elite comprising President Soeharto (now in his sixth 5-year term), his close associates, and the military.

(C) The government requires allegiance to a state ideology known as ''Pancasila'', which stresses consultation and consensus, but is also used to limit dissent, to enforce social and political cohesion, and to restrict the development of opposition elements.

(2) The Government of Indonesia recognizes only one official trade union, has refused to register independent trade unions such as the Indonesian Prosperity Trade Union (SBSI), has arrested Muchtar Pakpahan, the General Chairman of the SBSI, on charges of subversion, and other labor activists, and has closed the offices and confiscated materials of the SBSI.

(3) Civil society organizations in Indonesia, such as environmental organizations, election-monitoring organizations, legal aid organizations, student organizations, trade union organizations, and community organizations, have been harassed by the Government of Indonesia through such means as detentions, interrogations, denial of permission for meetings, banning of publications, repeated orders to report to security forces or judicial courts, and illegal seizure of documents.

(4)(A) The armed forces of Indonesia continue to carry out torture and other severe violations of human rights in East Timor, Irian Jaya, and other parts of Indonesia, to detain and imprison East Timorese and others for nonviolent expression of political views, and to maintain unjustifiably high troop levels in East Timor.

(B) Indonesian civil authorities must improve their human rights performance in East Timor, Irian Jaya, and elsewhere in Indonesia, and aggressively prosecute violations.

(5) The Nobel Prize Committee awarded the 1996 Nobel Peace Prize to Bishop Carlos Felipe Ximenes Belo and Jose Ramos Horta for their tireless efforts to find a just and peaceful solution to the conflict in East Timor.

(6) In 1992, the Congress suspended the international military and education training (IMET) program for Indonesia in response to a November 12, 1991, shooting incident in East Timor by Indonesian security forces against peaceful Timorese demonstrators in which no progress has been made in accounting for the missing persons either in that incident or others who disappeared in 1995-96.

(7) On August 1, 1996, then Secretary of State Warren Christopher stated in testimony before the Committee on Foreign Relations of the Senate, ''I think there's a strong interest in seeing an orderly transition of power there [in Indonesia] that will recognize the pluralism that should exist in a country of that magnitude and importance.''.

(8) The United States has important economic, commercial, and security interests in Indonesia because of its growing economy and markets and its strategic location astride a number of key international straits which will only be strengthened by democratic development in Indonesia and a policy which promotes political pluralism and respect for universal human rights.

SEC. 453. LIMITATION ON MILITARY ASSISTANCE TO THE GOVERNMENT OF INDONESIA.

(a) IN GENERAL.—The United States shall not provide military assistance and arms transfers programs for a fiscal year to the Government of Indonesia unless the President determines and certifies to the Congress for that fiscal year that the Government of Indonesia meets the following requirements:

(1) DOMESTIC MONITORING OF ELECTIONS.—(A) The Government of Indonesia provides official accreditation to independent election-monitoring organizations, including the Independent Election Monitoring Committee (KIPP), to observe national elections without interference by personnel of the Government or of the armed forces.

(B) In addition, such organizations are allowed to assess such elections and to publicize or otherwise disseminate the assessments throughout Indonesia.

(2) PROTECTION OF NONGOVERNMENTAL ORGANIZATIONS.—The police or military of Indonesia do not confiscate materials from or otherwise engage in illegal raids on the offices or homes of members of both domestic or international nongovernmental organizations, including election-monitoring organizations, legal aid organizations, student organizations, trade union organizations, community organizations, environmental organizations, and religious organizations.

(3) ACCOUNTABILITY FOR ATTACK ON PDI HEADQUARTERS.—As recommended by the Government of Indonesia's National Human Rights Commission, the Government of Indonesia has investigated the attack on the headquarters of the Democratic Party of Indonesia (PDI) on July 27, 1996, prosecuted individuals who planned and carried out the attack, and made public the postmortem examination of the five individuals killed in the attack.

(4) RESOLUTION OF CONFLICT IN EAST TIMOR.—

(A) ESTABLISHMENT OF DIALOGUE.—The Government of Indonesia is doing everything possible to enter into a process of dialogue, under the auspices of the United Nations, with Portugal and East Timorese leaders of various viewpoints to discuss ideas toward a resolution of the conflict in East Timor and the political status of East Timor.

(B) REDUCTION OF TROOPS.—The Government of Indonesia has established and implemented a plan to reduce the number of Indonesian troops in East Timor.

(C) RELEASE OF POLITICAL PRISONERS.—Individuals detained or imprisoned for the nonviolent expression of political views in East Timor have been released from custody.

(5) IMPROVEMENT IN LABOR RIGHTS.—The Government of Indonesia has taken the following actions to improve labor rights in Indonesia:

(A) The Government has dropped charges of subversion, and previous charges against the General Chairman of the SBSI trade union, Muchtar Pakpahan, and released him from custody.

(B) The Government has substantially reduced the requirements for legal recognition of the SBSI or other legitimate worker organizations as a trade union.

(b) WAIVERS.—

(1) IN GENERAL.—The limitation on United States military assistance and arms transfers under subsection (a) shall not apply if the President determines and notifies the Congress that—

(A) an emergency exists that requires providing such assistance or arms transfers for the Government of Indonesia; or

(B) subject to paragraph (2), it is in the national interest of the United States to provide such assistance or arms transfers for the Government of Indonesia.

(2) APPLICABILITY.—A determination under paragraph (1)(B) shall not become effective until 15 days after the date on which the President notifies the Congress in accordance with such paragraph.

(c) EFFECTIVE DATE.—The limitation on United States military assistance and arms transfers under subsection (a) shall apply only with respect to assistance provided for, and arms transfers made pursuant to agreements entered into, fiscal years beginning after the date of enactment of this Act.

SEC. 454. UNITED STATES MILITARY ASSISTANCE AND ARMS TRANSFERS DEFINED.

As used in this chapter, the term ''military assistance and arms transfers'' means—

(1) small arms, crowd control equipment, armored personnel carriers, and such other items that can commonly be used in the direct violation of human rights; and

(2) assistance under chapter 5 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2347 et seq.; relating to international military education and training or ''IMET''), except such term shall not include Expanded IMET, pursuant to section 541 of such Act.

CHAPTER 7—OTHER PROVISIONS

SEC. 461. EXCESS DEFENSE ARTICLES FOR CERTAIN EUROPEAN COUNTRIES.

Section 105 of Public Law 104–164 (110 Stat. 1427) is amended by striking ''1996 and 1997'' and inserting ''1998 and 1999''.

SEC. 462. TRANSFER OF CERTAIN OBSOLETE OR SURPLUS DEFENSE ARTICLES IN THE WAR RESERVE ALLIES STOCKPILE TO THE REPUBLIC OF KOREA.

(a) AUTHORITY.—

(1) IN GENERAL.—Notwithstanding section 514 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321h), the President is authorized to transfer to the Republic of Korea, in return for concessions to be negotiated by the Secretary of Defense, with the concurrence of the Secretary of State, any or all of the items described in paragraph (2).

(2) ITEMS DESCRIBED.—The items described in this paragraph are equipment, tanks, weapons, repair parts, and ammunition that—

(A) are obsolete or surplus items;

(B) are in the inventory of the Department of Defense;

(C) are intended for use as reserve stocks for the Republic of Korea; and

(D) as of the date of enactment of this Act, are located in a stockpile in the Republic of Korea.

(b) CONCESSIONS.—The value of the concessions negotiated pursuant to subsection (a) shall be at least equal to the fair market value of the items transferred. The concessions may include cash compensation, services, waiver of charges otherwise payable by the United States, and other items of value.

(c) ADVANCE NOTIFICATION OF TRANSFER.—Not less than 30 days before making a transfer under the authority of this section, the President shall transmit to the Committee on Foreign Relations of the Senate, the Committee on International Relations of the House of Representatives, and the congressional defense committees a notification of the proposed transfer. The notification shall identify the items to be transferred and the concessions to be received.

(d) EXPIRATION OF AUTHORITY.—No transfer may be made under the authority of this section more than two years after the date of the enactment of this Act.

SEC. 463. ADDITIONAL REQUIREMENTS RELATING TO STOCKPILING OF DEFENSE ARTICLES FOR FOREIGN COUNTRIES.

(a) VALUE OF ADDITIONS TO STOCKPILES.—Section 514(b)(2)(A) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321h(b)(2)(A)) is amended by inserting before the period at the end the following: ''and $60,000,000 for fiscal year 1998''.

(b) REQUIREMENTS RELATING TO THE REPUBLIC OF KOREA AND THAILAND.—Section 514(b)(2)(B) of such Act (22 U.S.C 2321h(b)(2)(B)) is amended by adding at the end the following: ''Of the amount specified in subparagraph (A) for fiscal year 1998, not more than $40,000,000 may be made available for stockpiles in the Republic of Korea and not more than $20,000,000 may be made available for stockpiles in Thailand.''.

SEC. 464. DELIVERY OF DRAWDOWN BY COMMERCIAL TRANSPORTATION SERVICES.

Section 506 of the Foreign Assistance Act of 1961 (22 U.S.C.2318) is amended—

(1) in subsection (b)(2), by striking the period and inserting the following: '', including providing the Congress with a report detailing all defense articles, defense services, and military education and training delivered to the recipient country or international organization upon delivery of such articles or upon completion of such services or education and training. Such report shall also include whether any savings were realized by utilizing commercial transport services rather than acquiring those services from United States Government transport assets.'';

(2) by redesignating subsection (c) as subsection (d); and

(3) by inserting after subsection (b) the following:

''(c) For the purposes of any provision of law that authorizes the drawdown of defense or other articles or commodities, or defense or other services from an agency of the United States Government, such drawdown may include the supply of commercial transportation and related services that are acquired by contract for the purposes of the drawdown in question if the cost to acquire such commercial transportation and related services is less than the cost to the United States Government of providing such services from existing agency assets.''.

SEC. 465. CASH FLOW FINANCING NOTIFICATION.

Section 25 of the Arms Export Control Act (22 U.S.C. 2765) is amended—

(1) in the second subsection (d)—

(A) by striking ''(d)'' and inserting ''(e)''; and

(B) by striking the semicolon at the end and inserting a period; and

(2) by adding at the end the following:

''(f) For each country that has been approved for cash flow financing (as defined in subsection (e)) under section 23 of this Act (relating to the 'Foreign Military Financing Program'), any letter of offer and acceptance or other purchase agreement, or any amendment thereto, for a procurement in excess of $100,000,000 that is to be financed in whole or in part with funds made available under this Act shall be submitted in accordance with the procedures applicable to reprogramming notifications pursuant to section 634A of this Act and through the regular notification procedures of the Committee on Appropriations.''.

SEC. 466. MULTINATIONAL ARMS SALES CODE OF CONDUCT.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the President shall convene negotiations with all Wassenaar Arrangement countries for the purpose of establishing a multinational arms sales code of conduct.

(b) CONDUCT OF NEGOTIATIONS.—Such negotiations shall achieve agreement on restricting or prohibiting arms transfers to countries that—

(1) do not respect democratic processes and the rule of law;

(2) do not adhere to internationally-recognized norms on human rights; or

(3) are engaged in acts of armed aggression.

(c) REPORT.—Not later than 1 year after the date of the enactment of this Act, the President shall prepare and transmit to the Committee on International Relations of the House of Representative and the Committee on Foreign Relations of the Senate a report on—

(1) efforts to establish a multinational arms sales code of conduct;

(2) progress toward establishing such code of conduct; and

(3) any obstacles that impede the establishment of such code of conduct.

TITLE V—ECONOMIC ASSISTANCE

CHAPTER 1—ECONOMIC SUPPORT ASSISTANCE

SEC. 501. ECONOMIC SUPPORT FUND.

Section 532(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2346a(a)) is amended to read as follows:

''(a) There are authorized to be appropriated to the President to carry out the purposes of this chapter $2,388,350,000 for fiscal year 1998 and $2,350,600,000 for fiscal year 1999.''.

SEC. 502. ASSISTANCE FOR ISRAEL.

(a) MINIMUM ALLOCATION.—Of the amounts made available for fiscal years 1998 and 1999 for assistance under chapter 4 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2346; relating to the economic support fund), not less than $1,200,000,000 for each such fiscal year shall be available only for Israel.

(b) TERMS OF ASSISTANCE.—

(1) CASH TRANSFER.—The total amount of funds allocated for Israel for each fiscal year under subsection (a) shall be made available on a grant basis as a cash transfer.

(2) EXPEDITED DISBURSEMENT.—Such funds shall be disbursed—

(A) with respect to fiscal year 1998, not later than 30 days after the date of the enactment of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1998, or by October 31, 1997, whichever is later; and

(B) with respect to fiscal year 1999, not later than 30 days after the date of the enactment of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1999, or by October 31, 1998, whichever is later.

(3) ADDITIONAL REQUIREMENT.—In exercising the authority of this subsection, the President shall ensure that the amount of funds provided as a cash transfer to Israel does not cause an adverse impact on the total level of nonmilitary exports from the United States to Israel.

SEC. 503. ASSISTANCE FOR EGYPT.

(a) MINIMUM ALLOCATION.—Of the amounts made available for fiscal years 1998 and 1999 for assistance under chapter 4 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2346; relating to the economic support fund), not less than $815,000,000 for each such fiscal year shall be available only for Egypt.

(b) ADDITIONAL REQUIREMENT.—In exercising the authority of this section, the President shall ensure that the amount of funds provided as a cash transfer to Egypt does not cause an adverse impact on the total level of nonmilitary exports from the United States to Egypt.

(c) DECLARATION OF POLICY.—The Congress declares the following:

(1) Assistance to Egypt is based in great measure upon Egypt's continued implementation of the Camp David accords and the Egyptian-Israeli peace treaty.

(2) Fulfillment by Egypt of its obligations under the agreements described in paragraph (1) has been disappointing, particularly the failure by Egypt to meet fully its commitment made at Camp David to establish with Israel ''relationships normal to states at peace with one another'', and in its recent support for reimposing the Arab economic boycott of Israel.

(3) Support for future funding levels of assistance for Egypt will be determined largely on whether Egypt fulfills its obligations to develop normal relations with Israel and to promote peace with Israel and other critical United States interests both in Egypt and the wider Arab world.

SEC. 504. INTERNATIONAL FUND FOR IRELAND.

(a) FUNDING.—Of the amounts made available for fiscal years 1998 and 1999 for assistance under chapter 4 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2346; relating to the economic support fund), not more than $19,600,000 for each of the fiscal years 1998 and 1999 shall be available for the United States contribution to the International Fund for Ireland in accordance with the Anglo-Irish Agreement Support Act of 1986 (Public Law 99–415).

(b) ADDITIONAL REQUIREMENTS.—

(1) PURPOSES.—Section 2(b) of the Anglo-Irish Agreement Support Act of 1986 (Public Law 99–415; 100 Stat. 947) is amended by adding at the end the following new sentences: ''United States contributions shall be used in a manner that effectively increases employment opportunities in communities with rates of unemployment significantly higher than the local or urban average of unemployment in Northern Ireland. In addition, such contributions shall be used to benefit individuals residing in such communities.''.

(2) CONDITIONS AND UNDERSTANDINGS.—Section 5(a) of such Act is amended—

(A) in the first sentence—

(i) by striking ''The United States'' and inserting the following:

''(1) IN GENERAL.—The United States'';

(ii) by striking ''in this Act may be used'' and inserting the following: ''in this Act—

''(A) may be used'';

(iii) by striking the period and inserting ''; and''; and

(iv) by adding at the end the following:

''(B) may be provided to an individual or entity in Northern Ireland only if such individual or entity is in compliance with the principles of economic justice.''; and

(B) in the second sentence, by striking ''The restrictions'' and inserting the following:

''(2) ADDITIONAL REQUIREMENTS.—The restrictions''.

(3) PRIOR CERTIFICATIONS.—Section 5(c)(2) of such Act is amended—

(A) in subparagraph (A), by striking ''principle of equality'' and all that follows and inserting ''principles of economic justice; and''; and

(B) in subparagraph (B), by inserting before the period at the end the following: ''and will create employment opportunities in regions and communities of Northern Ireland suffering the highest rates of unemployment''.

(4) ANNUAL REPORTS.—Section 6 of such Act is amended—

(A) in paragraph (2), by striking ''and'' at the end;

(B) in paragraph (3), by striking the period and inserting ''; and''; and

(C) by adding at the end the following new paragraph:

''(4) each individual or entity receiving assistance from United States contributions to the International Fund has agreed in writing to comply with the principles of economic justice.''.

(5) REQUIREMENTS RELATING TO FUNDS.—Section 7 of such Act is amended by adding at the end the following:

''(c) PROHIBITION.—Nothing included herein shall require quotas or reverse discrimination or mandate their use.''.

(6) DEFINITIONS.—Section 8 of such Act is amended—

(A) in paragraph (1), by striking ''and'' at the end;

(B) in paragraph (2), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following new paragraphs:

''(3) the term 'Northern Ireland' includes the counties of Antrim, Armagh, Derry, Down, Tyrone, and Fermanagh; and

''(4) the term 'principles of economic justice' means the following principles:

''(A) Increasing the representation of individuals from underrepresented religious

groups in the workforce, including managerial, supervisory, administrative, clerical, and technical jobs.

''(B) Providing adequate security for the protection of minority employees at the workplace.

''(C) Banning provocative sectarian or political emblems from the workplace.

''(D) Providing that all job openings be advertised publicly and providing that special recruitment efforts be made to attract applicants from underrepresented religious groups.

''(E) Providing that layoff, recall, and termination procedures do not favor a particular religious group.

''(F) Abolishing job reservations, apprenticeship restrictions, and differential employment criteria which discriminate on the basis of religion.

''(G) Providing for the development of training programs that will prepare substantial numbers of minority employees for skilled jobs, including the expansion of existing programs and the creation of new programs to train, upgrade, and improve the skills of minority employees.

''(H) Establishing procedures to assess, identify, and actively recruit minority employees with the potential for further advancement.

''(I) Providing for the appointment of a senior management staff member to be responsible for the employment efforts of the entity and, within a reasonable period of time, the implementation of the principles described in subparagraphs (A) through (H).''.

(7) EFFECTIVE DATE.—The amendments made by this subsection shall take effect 180 days after the date of the enactment of this Act.

SEC. 505. ASSISTANCE FOR TRAINING OF CIVILIAN PERSONNEL OF THE MINISTRY OF DEFENSE OF THE GOVERNMENT OF NICARAGUA.

Notwithstanding section 531(e) of the Foreign Assistance Act of 1961 (22 U.S.C. 2346(e)), amounts made available for fiscal years 1998 and 1999 for assistance under chapter 4 of part II of such Act (22 U.S.C. 2346; relating to the economic support fund) may be made available for assistance and training for civilian personnel of the Ministry of Defense of the Government of Nicaragua if, prior to the provision of such assistance, the Secretary of State determines and reports to the Congress that such assistance is necessary to establishing a civilian Ministry of Defense capable of effective oversight and management of the Nicaraguan armed forces and ensuring respect for civilian authority and human rights.

SEC. 506. AVAILABILITY OF AMOUNTS FOR CUBAN LIBERTY AND DEMOCRATIC SOLIDARITY (LIBERTAD) ACT OF 1996 AND THE CUBAN DEMOCRACY ACT OF 1992.

Of the amounts made available for fiscal years 1998 and 1999 for assistance under chapter 4 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2346; relating to the economic support fund), not less than $2,000,000 for each such fiscal year shall be made available to carry out the programs and activities under the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 (22 U.S.C. 6021 et seq.) and the Cuban Democracy Act of 1992 (22 U.S.C. 6001 et seq.).

CHAPTER 2—DEVELOPMENT ASSISTANCE

Subchapter A—Development Assistance Authorities

SEC. 511. AUTHORIZATION OF APPROPRIATIONS.

(a) DEVELOPMENT ASSISTANCE FUND.—The Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) is amended by inserting after section 106 and before section 107A, as added by this Act, the following:

''SEC. 107. DEVELOPMENT ASSISTANCE FUND.

''(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the President to carry out sections 103 through 106, in addition to amounts otherwise available for such purposes, $1,203,000,000 for each of the fiscal years 1998 and 1999.

''(b) ADDITIONAL USE OF AMOUNTS.—Of the amounts authorized to be appropriated under subsection (a)—

''(1) the President may use such amounts as he deems appropriate to carry out the provisions of section 316 of the International Security and Development Cooperation Act of 1980;

''(2) $2,500,000 for fiscal year 1998 and $4,000,000 for fiscal year 1999 may be made available to carry out section 510 of the International Security and Development Cooperation Act of 1980 (relating to the African Development Foundation) (such amounts are in addition to amounts otherwise made available to carry out section 510 of such Act); and

''(3) $2,000,000 for fiscal year 1998 and $7,000,000 for fiscal year 1999 may be made available to carry out section 401 of the Foreign Assistance Act of 1969 (relating to the Inter-American Foundation) (such amounts are in addition to amounts otherwise made available to carry out section 401 of such Act).

''(c) AVAILABILITY.—The amounts authorized to be appropriated under subsection (a) are authorized to remain available until expended.''.

(b) DEVELOPMENT FUND FOR AFRICA.—Section 497 of the Foreign Assistance Act of 1961 (22 U.S.C. 2294) is amended to read as follows:

''(a) IN GENERAL.—Of the amounts made available to carry out sections 103 through 106 (including section 104(c)) for fiscal years 1998 and 1999, not less than $700,000,000 for each of the fiscal years 1998 and 1999 shall be made available to carry out this chapter (in addition to amounts otherwise available for such purposes).

''(b) AVAILABILITY.—Amounts made available under subsection (a) are authorized to remain available until expended.''.

(c) ASSISTANCE FOR THE INDEPENDENT STATES OF THE FORMER SOVIET UNION.—Section 498C(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2295c(a)) is amended by striking ''for fiscal year 1993 $410,000,000'' and inserting ''for economic assistance and related programs, $839,900,000 for fiscal year 1998 and $789,900,000 for fiscal year 1999''.

(d) ASSISTANCE FOR EAST EUROPEAN COUNTRIES.—

(1) IN GENERAL.—There are authorized to be appropriated to the President, in addition to amounts otherwise available for such purposes, $471,000,000 for fiscal year 1998 and $337,000,000 for fiscal year 1999 for economic assistance and related programs for Eastern Europe and the Baltic states under the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) and the Support for East European Democracy (SEED) Act of 1989 (22 U.S.C. 5401 et seq.).

(2) DEBT RELIEF FOR BOSNIA AND HERZEGOVINA.—Notwithstanding any other provision of law, of the amounts authorized to be appropriated for fiscal years 1998 and 1999 under paragraph (1), not more than $5,000,000 may be made available for the cost, as defined in section 502 of the Federal Credit Reform Act of 1990, of modifying direct loans and loan guarantees for Bosnia and Herzegovina.

(3) AVAILABILITY.—Amounts authorized to be appropriated under paragraph (1) are authorized to remain available until expended.

(e) INTER-AMERICAN FOUNDATION.—Section 401(s)(2) of the Foreign Assistance Act of 1969 (22 U.S.C. 290f(s)(2)) is amended to read as follows:

''(2)(A) There are authorized to be appropriated to the President to carry out programs under this section, in addition to amounts otherwise available for such purposes, $20,000,000 for fiscal year 1998 and $15,000,000 for fiscal year 1999.

''(B) Amounts authorized to be appropriated under subparagraph (A) are authorized to remain available until expended.''.

(f) AFRICAN DEVELOPMENT FOUNDATION.—The first sentence of section 510 of the International Security and Development Cooperation Act of 1980 (22 U.S.C. 290h–8) is amended by striking ''$3,872,000 for fiscal year 1986 and $3,872,000 for fiscal year 1987'' and inserting ''$11,500,000 for fiscal year 1998 and $10,000,000 for fiscal year 1999.''.

SEC. 512. CHILD SURVIVAL ACTIVITIES.

Section 104(c) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151b(c)) is amended to read as follows:

''(c) ASSISTANCE FOR CHILD SURVIVAL, HEALTH, BASIC EDUCATION FOR CHILDREN, AND DISEASE PREVENTION.—

''(1) AUTHORITY.—The President is authorized to furnish assistance, on such terms and conditions as he may determine, for child survival and health programs, including programs that address the special health and nutrition needs of children and mothers, and basic education programs for children. Assistance under this subsection may be used for the following:

''(A) Activities whose primary purpose is to reduce child morbidity and child mortality and which have a substantial, direct, and measurable impact on child morbidity and child mortality, such as—

''(i) immunization;

''(ii) oral rehydration;

''(iii) activities relating to Vitamin A deficiency, iodine deficiency, and other micronutrients;

''(iv) programs designed to reduce child malnutrition;

''(v) programs to prevent and treat acute respiratory infections;

''(vi) programs for the prevention, treatment, and control of, and research on, polio, malaria and other diseases primarily affecting children; and

''(vii) programs whose primary purpose is to prevent neonatal mortality.

''(B) Other child survival activities such as—

''(i) basic integrated health services;

''(ii) assistance for displaced and orphaned children;

''(iii) safe water and sanitation;

''(iv) health programs, and related education programs, which primarily address the needs of mothers and children; and

''(v) related health planning and research.

''(C) Basic education programs for mothers and children.

''(D) Other disease activities such as programs for the prevention, treatment and control of, and research on, tuberculosis, HIV/AIDS, and other diseases.

''(2) PRIORITY.—Child survival activities administered by the United States Agency for International Development under this subsection shall be primarily devoted to activities of the type described in paragraph (1)(A).

''(3) APPLICATION OF OTHER AUTHORITIES.—Funds made available to carry out this subsection that are provided for countries receiving assistance under chapters 10 and 11 of part I of this Act or the Support for East European Democracy (SEED) Act of 1989, may be made available—

''(A) only for the activities described in of paragraph (1); and

''(B) except to the extent inconsistent with subparagraph (A), pursuant to the authorities otherwise applicable to the provision of assistance for such countries.

''(4) INTERNATIONAL ORGANIZATIONS.—Funds made available to carry out this subsection may be used to make contributions on a grant basis to the United Nations Children's Fund (UNICEF) pursuant to section 301 of this Act.

''(5) PVO/CHILD SURVIVAL GRANTS PROGRAM.—Of amounts made available to carry out this subsection for a fiscal year, not less than $30,000,000 should be provided to the private and voluntary organizations under the PVO/Child Survival grants program carried out by the United States Agency for International Development.

''(6) REPORT.—The Administrator of the United States Agency for International Development shall report to Congress, as part of the congressional presentation document required under section 634 of this Act, the total amounts to be provided for activities under each subparagraph of paragraph (1).

''(7) AUTHORIZATION OF APPROPRIATIONS.—(A) In addition to amounts otherwise available for such purposes, and in addition to amounts made available under section 107, there are authorized to be appropriated to the President $600,000,000 for each of the fiscal years 1998 and 1999 for use in carrying out this subsection.

''(B) Amounts appropriated under this paragraph are authorized to remain available until expended.

''(8) DESIGNATION OF FUND.—Appropriations pursuant to this subsection may be referred to as the 'Child Survival and Disease Programs Fund'.''.

SEC. 513. REQUIREMENT ON ASSISTANCE TO THE RUSSIAN FEDERATION.

(a) IN GENERAL.—Of the amounts made available to carry out chapter 11 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2295 et seq.) for fiscal years 1998 and 1999, not more than $95,000,000 for each such fiscal year may be provided to the Russian Federation unless the President determines and reports to the Congress for each such fiscal year that—

(1) the Government of the Russian Federation has terminated all official cooperation with, and transfers of goods and technology to, ballistic missile or nuclear programs in Iran, and has taken all appropriate steps to prevent cooperation with, and transfers of goods and technology to, such programs in Iran by persons and entities subject to its jurisdiction; and

(2) the Government of the Russian Federation has terminated all official cooperation with, and transfers of goods and technology to, nuclear reactor projects in Cuba, and has taken all appropriate steps to prevent cooperation with, and transfers of goods and technology to, such projects in Cuba by persons and entities subject to its jurisdiction.

(b) ADDITIONAL LIMITATION.—

(1) IN GENERAL.—Notwithstanding subsection (a), none of the funds made available to carry out chapter 11 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2295 et seq.) for fiscal years 1998 and 1999 may be made available for the Russian Federation if the Russian Federation, on or after the date of the enactment of this Act, transfers an SS-N-22 missile system to the People's Republic of China.

(2) EXCEPTION.—Paragraph (1) shall not apply if the President determines that making such funds available is important to the national security interest of the United States. Any such determination shall cease to be effective 6 months after being made unless the President determines that its continuation is important to the national security interest of the United States.

SEC. 514. HUMANITARIAN ASSISTANCE FOR ARMENIA AND AZERBAIJAN.

(a) SENSE OF THE CONGRESS.—It is the sense of the Congress that the President should seek cooperation from the governments of Armenia and Azerbaijan to ensure that humanitarian assistance, including assistance delivered through nongovernmental organizations and private and voluntary organizations, shall be available to all needy citizens within Armenia and Azerbaijan, including those individuals in the region of Nagorno-Karabakh.

(b) REPORT.—The President shall prepare and transmit a report to the Congress on humanitarian needs throughout Armenia and Azerbaijan and the provision of assistance to meet such needs by United States and other donor organizations and states.

SEC. 515. AGRICULTURAL DEVELOPMENT AND RESEARCH ASSISTANCE.

(a) FINDINGS.—The Congress finds that the proportion of United States development assistance devoted to agricultural development and research has declined sharply from 17 percent in 1990 to 8 percent in 1996.

(b) SENSE OF THE CONGRESS.—It is the sense of the Congress that—

(1) United States investment in international agricultural development and research has been a critical part of many economic development successes;

(2) agricultural development and research advance food security, thereby reducing poverty, increasing political stability, and promoting United States exports; and

(3) the United States Agency for International Development should increase the emphasis it places on agricultural development and research and expand the role of agricultural development and research in poverty relief, child survival, and environmental programs.

SEC. 516. ACTIVITIES AND PROGRAMS IN LATIN AMERICA AND THE CARIBBEAN REGION AND THE ASIA AND THE PACIFIC REGION.

Of the amounts made available for fiscal years 1998 and 1999 for assistance under sections 103 through 106 of the Foreign Assistance Act of 1961 (22 U.S.C. 2151a through 2151d), including assistance under section 104(c) of such Act (22 U.S.C. 2151b(c)), the amount made available for activities and programs in Latin America and the Caribbean region and the Asia and the Pacific region should be in at least the same proportion to the total amount of such assistance made available as the amount identified in the congressional presentation documents for development assistance for each of the fiscal years 1998 and 1999, respectively, for each such region is to the total amount requested for development assistance for each such fiscal year.

SEC. 517. SUPPORT FOR AGRICULTURAL DEVELOPMENT ASSISTANCE.

(a) IN GENERAL.—For each of the fiscal years 1998 and 1999 the President should allocate an aggregate level to programs under section 103 of the Foreign Assistance Act of 1961 (22 U.S.C. 2151a; relating to agriculture, rural development, and nutrition) in amounts equal to the level provided to such programs in fiscal year 1997.

(b) INCREASING LEVELS.—If appropriations for programs under chapter 1 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.; relating to development assistance) increase in fiscal year 1998 or 1999 above levels provided in fiscal year 1997, the President should allocate an increasing level for programs under section 103 of such Act (22 U.S.C. 2151a; relating to agriculture, rural development, and nutrition).

Subchapter B—Operating Expenses

SEC. 521. OPERATING EXPENSES GENERALLY.

Section 667(a)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2427(a)(1)) is amended to read as follows:

''(1) $473,000,000 for fiscal year 1998 and $465,000,000 for fiscal year 1999 for necessary operating expenses of the United States Agency for International Development (other than the Office of the Inspector General of such agency);''.

SEC. 522. OPERATING EXPENSES OF THE OFFICE OF THE INSPECTOR GENERAL.

Section 667(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2427(a)), as amended by this Act, is further amended—

(1) by redesignating paragraph (2) as paragraph (3); and

(2) by inserting after paragraph (1) the following:

''(2) $29,047,000 for each of the fiscal years 1998 and 1999 for necessary operating expenses of the Office of the Inspector General of such agency; and''.

CHAPTER 3—URBAN AND ENVIRONMENTAL CREDIT PROGRAM

SEC. 531. URBAN AND ENVIRONMENTAL CREDIT PROGRAM.

(a) IN GENERAL.—The heading for title III of chapter 2 of part I of the Foreign Assistance Act of 1961 is amended to read as follows:

''TITLE III—URBAN AND ENVIRONMENTAL CREDIT PROGRAM''.

(b) REPEALS.—(1) Section 222(k) of the Foreign Assistance Act of 1961 (22 U.S.C. 2182(k)) is hereby repealed.

(2) Section 222A of such Act (22 U.S.C. 2182a) is hereby repealed.

(3) Section 223(j) of such Act (22 U.S.C. 2183(j)) is hereby repealed.

CHAPTER 4—THE PEACE CORPS

SEC. 541. AUTHORIZATION OF APPROPRIATIONS.

Section 3(b) of the Peace Corps Act (22 U.S.C. 2502(b)) is amended to read as follows:

''(b)(1) There are authorized to be appropriated to carry out the purposes of this Act $222,000,000 for fiscal year 1998 and $225,000,000 for fiscal year 1999.

''(2) Amounts authorized to be appropriated under paragraph (1)—

''(A) with respect to fiscal year 1998 are authorized to remain available until September 30, 1999; and

''(B) with respect to fiscal year 1999 are authorized to remain available until September 30, 2000.''.

SEC. 542. ACTIVITIES OF THE PEACE CORPS IN THE FORMER SOVIET UNION AND MONGOLIA.

Of the amounts made available for fiscal years 1998 and 1999 to carry out chapter 11 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2295 et seq.; relating to assistance for the independent states of the former Soviet Union), not more than $11,000,000 for each such fiscal year shall be available for activities of the Peace Corps in the independent states of the former Soviet Union (as defined in section 3 of the Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act of 1992) and Mongolia.

SEC. 543. AMENDMENTS TO THE PEACE CORPS ACT.

(a) TERMS AND CONDITIONS OF VOLUNTEER SERVICE.—Section 5 of the Peace Corps Act (22 U.S.C. 2504) is amended—

(1) in subsection (f)(1)(B), by striking ''Civil Service Commission'' and inserting ''Office of Personnel Management'';

(2) in subsection (h), by striking ''the Federal Voting Assistance Act of 1955'' and all that follows through the end of the subsection and inserting ''sections 5584 and 5732 of title 5, United States Code (and readjustment allowances paid under this Act shall be considered as pay for purposes of such section 5732), section 1 of the Act of June 4, 1920 (22 U.S.C. 214), and section 3342 of title 31, United States Code.''; and

(3) in subsection (j), by striking ''section 1757 of the Revised Statutes'' and all that

follows through the end of the subsection and inserting ''section 3331 of title 5, United States Code.''.

(b) GENERAL POWERS AND AUTHORITIES.—Section 10 of such Act (22 U.S.C. 2509) is amended—

(1) in subsection (a)(4), by striking ''31 U.S.C. 665(b)'' and inserting ''section 1342 of title 31, United States Code''; and

(2) in subsection (a)(5), by striking ''*Provided*, That'' and all that follows through the end of the paragraph and inserting '', except that such individuals shall not be deemed employees for the purpose of any law administered by the Office of Personnel Management.''.

(c) UTILIZATION OF FUNDS.—Section 15 of such Act (22 U.S.C. 2514) is amended—

(1) in the first sentence of subsection (c)—

(A) by striking ''Public Law 84–918 (7 U.S.C. 1881 et seq.)'' and inserting ''subchapter VI of chapter 33 of title 5, United States Code (5 U.S.C. 3371 et seq.)''; and

(B) by striking ''specified in that Act''and inserting ''or other organizations specified in section 3372(b) of such title''; and

(2) in subsection (d)—

(A) in paragraph (2), by striking ''section 9 of Public Law 60–328 (31 U.S.C. 673)'' and inserting ''section 1346 of title 31, United States Code'';

(B) in paragraph (6), by striking ''without regard to section 3561 of the Revised Statutes (31 U.S.C. 543)'';

(C) in paragraph (11)—

(i) by striking ''Foreign Service Act of 1946, as amended (22 U.S.C. 801 et seq.),'' and inserting ''Foreign Service Act of 1980 (22 U.S.C. 3901 et seq.)''; and

(ii) by striking ''and'' at the end;

(D) in paragraph (12), by striking the period at the end and by inserting ''; and''; and

(E) by adding at the end the following:

''(13) the transportation of Peace Corps employees, Peace Corps volunteers, dependents of employees and volunteers, and accompanying baggage, by a foreign air carrier when the transportation is between 2 places outside the United States without regard to section 40118 of title 49, United States Code.''.

(d) PROHIBITION ON USE OF FUNDS FOR ABORTIONS.—Section 15 of such Act (22 U.S.C. 2514) is amended, as amended by this Act, is further amended by adding at the end the following new subsection:

''(e) Funds made available for the purposes of this Act may not be used to pay for abortions.''.

CHAPTER 5—INTERNATIONAL DISASTER ASSISTANCE

SEC. 551. AUTHORITY TO PROVIDE RECONSTRUCTION ASSISTANCE.

Section 491 of the Foreign Assistance Act of 1961 (22 U.S.C. 2292) is amended—

(1) in subsection (a), by striking ''and rehabilitation'' and inserting '', rehabilitation, and reconstruction, as the case may be,'';

(2) in subsection (b), by striking ''and rehabilitation'' and inserting '', rehabilitation, and reconstruction''; and

(3) in subsection (c), by striking ''and rehabilitation'' and inserting '', rehabilitation, and reconstruction''.

SEC. 552. AUTHORIZATIONS OF APPROPRIATIONS.

Section 492(a) of the Foreign Assistance Act of 1961 (22 U.S.C. (22 U.S.C. 2292a(a)) is amended in the first sentence to read as follows: ''There are authorized to be appropriated to the President to carry out section 491, in addition to funds otherwise available for such purposes, $190,000,000 for each of the fiscal years 1998 and 1999.''.

CHAPTER 6—DEBT RELIEF

SEC. 561. DEBT RESTRUCTURING FOR FOREIGN ASSISTANCE.

Chapter 6 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2271 et seq.) is amended to read as follows:

''CHAPTER 6—DEBT RELIEF

''SEC. 461. SPECIAL DEBT RELIEF FOR POOR COUNTRIES.

''(a) AUTHORITY TO REDUCE DEBT.—The President may reduce amounts owed to the United States Government by a country described in subsection (b) as a result of—

''(1) loans or guarantees issued under this Act; or

''(2) credits extended or guarantees issued under the Arms Export Control Act (22 U.S.C. 2751 et seq.).

''(b) COUNTRY DESCRIBED.—A country described in this subsection is a country—

''(1) with a heavy debt burden that is eligible to borrow from the International Development Association but not from the International Bank for Reconstruction and Development (commonly referred to as an 'IDA-only' country);

''(2) the government of which—

''(A) does not have an excessive level of military expenditures;

''(B) has not repeatedly provided support for acts of international terrorism; and

''(C) is not failing to cooperate with the United States on international narcotics control matters;

''(3) the government (including the military or other security forces of such government) of which does not engage in a consistent pattern of gross violations of internationally recognized human rights; and

''(4) that is not ineligible for assistance because of the application of section 527(a) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995.

''(c) LIMITATIONS.—The authority under subsection (a) may be exercised—

''(1) only to implement multilateral official debt relief ad referendum agreements (commonly referred to as 'Paris Club Agreed Minutes'); and

''(2) only to the extent that appropriations for the cost of the modification, as defined in section 502 of the Congressional Budget Act of 1974, are made in advance.

''(d) CERTAIN PROHIBITIONS INAPPLICABLE.—A reduction of debt pursuant to the exercise of authority under subsection (a)—

''(1) shall not be considered assistance for purposes of any provision of law limiting assistance to a country; and

''(2) may be exercised notwithstanding section 620(r) of this Act or any comparable provision of law.

''(e) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—There are authorized to be appropriated to the President for the purpose of carrying out this section and the Foreign Operations, Export Financing, and Related Programs Supplemental Appropriations Act, 1994 (title VI of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1994; Public Law 103-306) $32,000,000 for each of the fiscal years 1998 and 1999.

''(2) AVAILABILITY.—Amounts authorized to be appropriated under paragraph (1) are authorized to remain available until expended.''.

SEC. 562. DEBT BUYBACKS OR SALES FOR DEBT SWAPS.

Part IV of the Foreign Assistance Act of 1961 (22 U.S.C. 2430 et seq.) is amended by adding at the end the following:

''SEC. 711. AUTHORITY TO ENGAGE IN DEBT BUYBACKS OR SALES.

''(a) LOANS ELIGIBLE FOR SALE, REDUCTION, OR CANCELLATION.—

''(1) AUTHORITY TO SELL, REDUCE, OR CANCEL CERTAIN LOANS.—Notwithstanding any other provision of law, the President may, in accordance with this section, sell to any eligible purchaser any concessional loan or portion thereof made before January 1, 1995, pursuant to this Act, to the government of any eligible country, as defined in section 702(6), or on receipt of payment from an eligible purchaser or such eligible country, reduce or cancel such loan or portion thereof, only for the purpose of facilitating—

''(A) debt-for-equity swaps, debt-for-development swaps, or debt-for-nature swaps; or

''(B) a debt buyback by an eligible country of its own qualified debt, only if the eligible country uses an additional amount of the local currency of the eligible country, equal to not less than 40 percent of the price paid for such debt by such eligible country, or the difference between the price paid for such debt and the face value of such debt, to support activities (i) that link conservation and sustainable use of natural resources with local community development, and (ii) for child survival and other child development activities, in a manner consistent with sections 707 through 710, if the sale, reduction, or cancellation would not contravene any term or condition of any prior agreement relating to such loan.

''(2) TERMS AND CONDITIONS.—Notwithstanding any other provision of law, the President shall, in accordance with this section, establish the terms and conditions under which loans may be sold, reduced, or canceled pursuant to this section.

''(3) ADMINISTRATION.—The Facility, as defined in section 702(8), shall notify the Administrator of the United States Agency for International Development of purchasers that the President has determined to be eligible, and shall direct such agency to carry out the sale, reduction, or cancellation of a loan pursuant to this section. Such agency shall make an adjustment in its accounts to reflect the sale, reduction, or cancellation.

''(4) LIMITATION.—To the extent that appropriations for the cost of the modification, as defined in section 502 of the Congressional Budget Act of 1974, are necessary, the authorities of this subsection shall be available only where such appropriations are made in advance.

''(b) DEPOSIT OF PROCEEDS.—The proceeds from the sale, reduction, or cancellation of any loan sold, reduced, or canceled pursuant to this section shall be deposited in an account or accounts established in the Treasury for the repayment of such loan.

''(c) ELIGIBLE PURCHASERS.—A loan may be sold pursuant to subsection (a)(1)(A) only to a purchaser who presents plans satisfactory to the President for using the loan for the purpose of engaging in debt-for-equity swaps, debt-for-development swaps, or debt-for-nature swaps.

''(d) DEBTOR CONSULTATIONS.—Before the sale to any eligible purchaser, or any reduction or cancellation pursuant to this section, of any loan made to an eligible country, the President shall consult with the country concerning the amount of loans to be sold, reduced, or canceled and their uses for debt-for-equity swaps, debt-for-development swaps, or debt-for-nature swaps.''.

CHAPTER 7—OTHER ASSISTANCE PROVISIONS

SEC. 571. EXEMPTION FROM RESTRICTIONS ON ASSISTANCE THROUGH NON-GOVERNMENTAL ORGANIZATIONS.

Section 123(e) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151u(e)) is amended to read as follows:

''(e)(1) Subject to paragraph (3), restrictions contained in this Act or any other provision of law with respect to assistance for a country shall not be construed to restrict assistance under this chapter, chapter 10, and

chapter 11 of this part, chapter 4 of part II, or the Support for East European Democracy (SEED) Act of 1989 (22 U.S.C. 5401 et seq.), in support of programs of nongovernmental organizations.

''(2) The President shall take into consideration, in any case in which a restriction on assistance for a country would be applicable but for this subsection, whether assistance for programs of nongovernmental organizations is in the national interest of the United States.

''(3) Whenever the authority of this subsection is used to furnish assistance in support of a program of a nongovernmental organization, the President shall notify the congressional committees specified in section 634A(a) of this Act in accordance with procedures applicable to reprogramming notifications under that section. Such notification shall describe the program assisted, the assistance provided, and the reasons for furnishing such assistance.''.

SEC. 572. FUNDING REQUIREMENTS RELATING TO UNITED STATES PRIVATE AND VOLUNTARY ORGANIZATIONS.

(a) IN GENERAL.—Section 123(g) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151u(g)) is amended to read as follows:

''(g) Funds made available to carry out this chapter or chapter 10 of this part may not be made available to any United States private and voluntary organization, except any cooperative development organization, that obtains less than 20 percent of its total annual funding for its international activities from sources other than the United States Government.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies with respect to funds made available for programs of any United States private and voluntary organization on or after the date of the enactment of this Act.

SEC. 573. DOCUMENTATION REQUESTED OF PRIVATE AND VOLUNTARY ORGANIZATIONS.

Section 620 of the Foreign Assistance Act of 1961 (22 U.S.C. 2370), as amended by this Act, is further amended by inserting after subsection (v), as added by this Act, the following:

''(w) None of the funds made available to carry out this Act shall be available to any private and voluntary organization which—

''(1) fails to provide upon timely request any document, file, or record necessary to the auditing requirements of the United States Agency for International Development; or

''(2) is not registered with the United States Agency for International Development.''.

SEC. 574. ENCOURAGEMENT OF FREE ENTERPRISE AND PRIVATE PARTICIPATION.

Section 601(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2351(a)) is amended—

(1) by striking ''(a)'' and inserting ''(a)(1)''; and

(2) by adding the following:

''(2) To the maximum extent feasible, in providing assistance under Part I of this Act, the President should give special emphasis to programs and activities that encourage the creation and development of private enterprise and free market systems, including—

''(A) the development of private cooperatives, credit unions, labor unions, and civic and professional associations;

''(B) the reform and restructuring of banking and financial systems; and

''(C) the development and strengthening of commercial laws and regulations, including laws and regulations to protect intellectual property.''.

SEC. 575. SENSE OF THE CONGRESS RELATING TO UNITED STATES COOPERATIVES AND CREDIT UNIONS.

It is the sense of the Congress that—

(1) United States cooperatives and cooperative development organizations and credit unions can provide an opportunity for people in developing countries to participate directly in democratic decisionmaking for their economic and social benefit through ownership and control of business enterprises and through the mobilization of local capital and savings; and

(2) such organizations should be utilized in fostering democracy, free markets, community-based development, and self-help projects.

SEC. 576. FOOD ASSISTANCE TO THE DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA.

None of the funds made available in this division and the amendments made by this division shall be made available for assistance for food to the Democratic People's Republic of Korea unless the President certifies to the Congress that—

(1) the Government of the Republic of Korea does not oppose the delivery of United States assistance for food to the Democratic People's Republic of Korea;

(2) the United States Government is confident that previous United States assistance for food and official concessional food deliveries have not been diverted to military needs;

(3) military stocks of the Democratic People's Republic of Korea have been tapped to respond to unmet food aid needs;

(4) the World Food Program and other international food delivery organizations have been permitted to take and have taken all reasonable steps to ensure that all upcoming food aid deliveries will not be diverted from intended recipients; and

(5) the Government of the United States has directly acted to encourage, and acting through appropriate international organizations, has encouraged such organizations to urge, the Democratic People's Republic of Korea to initiate fundamental structural reforms of its agricultural sector.

SEC. 577. WITHHOLDING OF ASSISTANCE TO COUNTRIES THAT PROVIDE NUCLEAR FUEL TO CUBA.

(a) IN GENERAL.—Section 620 of the Foreign Assistance Act of 1961 (22 U.S.C. 2370), as amended by this Act, is further amended by adding at the end the following:

''(y)(1) Except as provided in paragraph (2), the President shall withhold from amounts made available under this Act or any other Act and allocated for a country for a fiscal year an amount equal to the aggregate value of nuclear fuel and related assistance and credits provided by that country, or any entity of that country, to Cuba during the preceding fiscal year.

''(2) The requirement to withhold assistance for a country for a fiscal year under paragraph (1) shall not apply if Cuba—

''(A) has ratified the Treaty on the Non-Proliferation of Nuclear Weapons (21 UST 483) or the Treaty of Tlatelelco, and Cuba is in compliance with the requirements of either such Treaty;

''(B) has negotiated and is in compliance with full-scope safeguards of the International Atomic Energy Agency not later than two years after ratification by Cuba of such Treaty; and

''(C) incorporates and is in compliance with internationally accepted nuclear safety standards.

''(3) The Secretary of State shall prepare and submit to the Congress each year a report containing a description of the amount of nuclear fuel and related assistance and credits provided by any country, or any entity of a country, to Cuba during the preceding year, including the terms of each transfer of such fuel, assistance, or credits.''.

(b) EFFECTIVE DATE.—Section 620(y) of the Foreign Assistance Act of 1961, as added by subsection (a), shall apply with respect to assistance provided in fiscal years beginning on or after the date of the enactment of this Act.

TITLE VI—TRADE AND DEVELOPMENT AGENCY

SEC. 601. AUTHORIZATION OF APPROPRIATIONS.

Section 661(f)(1)(A) of the Foreign Assistance Act of 1961 (22 U.S.C. 2421(f)(1)(A)) is amended to read as follows:

''(1) AUTHORIZATION.—(A) There are authorized to be appropriated for purposes of this section, in addition to funds otherwise available for such purposes, $43,000,000 for each of the fiscal years 1998 and 1999.''.

TITLE VII—SPECIAL AUTHORITIES AND OTHER PROVISIONS

CHAPTER 1—SPECIAL AUTHORITIES

SEC. 701. ENHANCED TRANSFER AUTHORITY.

Section 610 of the Foreign Assistance Act of 1961 (22 U.S.C. 2360) is amended to read as follows:

''SEC. 610. TRANSFER BETWEEN ACCOUNTS.

''(a) GENERAL AUTHORITY.—Whenever the President determines it to be necessary for the purposes of this Act or the Arms Export Control Act (22 U.S.C. 2751 et seq.), not to exceed 20 percent of the funds made available to carry out any provision of this Act (except funds made available pursuant to title IV of chapter 2 of part I) or section 23 of the Arms Export Control Act (22 U.S.C. 2763)—

''(1) may be transferred to, and consolidated with, the funds in any other account or fund available to carry out any provision of this Act or the Arms Export Control Act; and

''(2) may be used for any purpose for which funds in that account or fund may be used.

''(b) LIMITATION ON AMOUNT OF INCREASE.—The total amount in the account or fund for the benefit of which transfer is made under subsection (a) during any fiscal year may not be increased by more than 20 percent of the amount of funds otherwise made available.

''(c) NOTIFICATION.—The President shall notify in writing the congressional committees specified in section 634A at least fifteen days in advance of each such transfer between accounts in accordance with procedures applicable to reprogramming notifications under such section.''.

SEC. 702. AUTHORITY TO MEET UNANTICIPATED CONTINGENCIES.

Paragraph (1) of section 451(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2261(a)(1)) is amended by striking ''$25,000,000'' and inserting ''$50,000,000''.

SEC. 703. SPECIAL WAIVER AUTHORITY.

(a) LAWS AFFECTED.—Section 614 of the Foreign Assistance Act of 1961 (22 U.S.C. 2364) is amended by striking subsections (a)(1) and (a)(2) and inserting the following:

''(a) AUTHORITY TO AUTHORIZE ASSISTANCE, SALES, AND OTHER ACTIONS; LIMITATIONS.—(1) The President may authorize assistance, sales, or other action under this Act, the Arms Export Control Act, or any annual (or periodic) foreign assistance authorization or appropriations legislation, without regard to any of the provisions described in subsection (b), if the President determines, and notifies in writing the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate—

''(A) with respect to assistance or other actions under chapter 2 or 5 of part II of this Act, or assistance, sales, or other actions under the Arms Export Control Act, that to do so is vital to the national security interests of the United States; and

''(B) with respect to other assistance or actions that to do so is important to the national interests of the United States.

''(2) The President may waive any provision described in paragraph (1), (2), or (3) of subsection (b) that would otherwise prohibit or restrict assistance or other action under any provision of law not described in those paragraphs if the President determines, and notifies in writing the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate, that to do so is important to the national interests of the United States.''.

(b) ANNUAL CEILINGS.—Section 614(a)(4) of such Act (22 U.S.C. 2364(a)(4)) is amended—

(1) in subparagraph (A)—

(A) in clause (i), by striking ''$750,000,000'' and inserting ''$1,000,000,000'';

(B) in clause (ii), by striking ''$250,000,000'' and inserting ''$500,000,000''; and

(C) in clause (iii), by striking ''$100,000,000'' and inserting ''$200,000,000''; and

(2) in subparagraph (C)—

(A) by striking ''$50,000,000'' and inserting ''$75,000,000''; and

(B) by striking $1,000,000,000'' and inserting ''$1,500,000,000''.

(c) LAWS WHICH MAY BE WAIVED.—Section 614 of such Act (22 U.S.C. 2364) is amended by striking subsections (b) and (c) and inserting the following:

''(b) LAWS WHICH MAY BE WAIVED.—The provisions referred to in subsections (a)(1) and (a)(2) are—

''(1) the provisions of this Act;

''(2) the provisions of the Arms Export Control Act;

''(3) the provisions of any annual (or periodic) foreign assistance authorization or appropriations legislation, including any amendment made by any such Act;

''(4) any other provision of law that restricts assistance, sales or leases, or other action under the Acts referred to in paragraph (1), (2), or (3); and

''(5) any law relating to receipts and credits accruing to the United States.''.

(d) CONFORMING AMENDMENT.—Section 614(a)(4)(B) of such Act (22 U.S.C 2364(a)(4)(B)) is amended by striking ''the Arms Export Control Act or under''.

SEC. 704. TERMINATION OF ASSISTANCE.

Section 617 of the Foreign Assistance Act of 1961 (22 U.S.C. 2367) is amended to read as follows:

''SEC. 617. TERMINATION OF ASSISTANCE.

''(a) IN GENERAL.—(1) In order to ensure the effectiveness of assistance provided under this Act, notwithstanding any other provision of law, funds made available under this Act or the Arms Export Control Act to carry out any program, project, or activity of assistance shall remain available for obligation for a period not to exceed 8 months after the date of termination of such assistance for the necessary expenses of winding up such programs, projects, or activities, and funds so obligated may remain available until expended.

''(2) Funds obligated to carry out any program, project, or activity of assistance before the effective date of the termination of such assistance are authorized to be available for expenditure for the necessary expenses of winding up such programs, projects, and activities, notwithstanding any provision of law restricting the expenditure of funds, and may be reobligated to meet any other necessary expenses arising from the termination of such assistance.

''(3) The necessary expenses of winding up programs, projects, and activities of assistance include the obligation and expenditure of funds to complete the training or studies outside their countries of origin of students whose course of study or training program began before assistance was terminated.

''(b) LIABILITY TO CONTRACTORS.—For the purpose of making an equitable settlement of termination claims under extraordinary contractual relief standards, the President is authorized to adopt as a contract or other obligation of the United States Government, and assume (in whole or in part) any liabilities arising thereunder, any contract with a United States or third-country contractor to carry out any program, project, or activity of assistance under this Act that was subsequently terminated pursuant to law.

''(c) GUARANTEE PROGRAMS.—Provisions of this or any other Act requiring the termination of assistance under this Act shall not be construed to require the termination of guarantee commitments that were entered into before the effective date of the termination of assistance.''.

SEC. 705. LOCAL ASSISTANCE TO HUMAN RIGHTS GROUPS IN CUBA.

Section 109 of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 (22 U.S.C. 6039) is amended by adding at the end the following:

''(d) LOCAL ASSISTANCE.—

''(1) IN GENERAL.—For the purposes of providing assistance to independent nongovernmental organizations and individuals in Cuba as authorized by subsection (a), amounts made available under such subsection may be used for assistance to individuals and nongovernmental organizations in Cuba and for local costs incurred in delivering such assistance.

''(2) CERTIFICATION.—A certification by a representative of a United States or local nongovernmental organization, or other entity, administering assistance described in paragraph (1), that such assistance is being used for its intended purpose, shall be deemed to satisfy any accountability requirement of the United States Agency for International Development for the administration of such assistance.''.

CHAPTER 2—REPEALS

SEC. 711. REPEAL OF OBSOLETE PROVISIONS.

(a) 1987 FOREIGN ASSISTANCE APPROPRIATIONS ACT.—Section 539(g)(2) of the Foreign Assistance and Related Programs Appropriations Act, 1987, as included in Public Law 99–591, is hereby repealed.

(b) 1986 ASSISTANCE ACT.—The Special Foreign Assistance Act of 1986 is hereby repealed except for section 1, section 204, and title III of such Act.

(c) 1985 ASSISTANCE ACT.—The International Security and Development Cooperation Act of 1985 is hereby repealed except for section 1, section 131, section 132, section 502, section 504, section 505, part B of title V (other than section 558 and section 559), section 1302, section 1303, and section 1304.

(d) 1985 JORDAN SUPPLEMENTAL ACT.—The Jordan Supplemental Economic Assistance Authorization Act of 1985 is hereby repealed.

(e) 1985 AFRICAN FAMINE ACT.—The African Famine Relief and Recovery Act of 1985 is hereby repealed.

(f) 1983 ASSISTANCE ACT.—The International Security and Development Assistance Authorization Act of 1983 is hereby repealed.

(g) 1983 LEBANON ASSISTANCE ACT.—The Lebanon Emergency Assistance Act of 1983 is hereby repealed.

(h) 1981 ASSISTANCE ACT.—The International Security and Development Cooperation Act of 1981 is hereby repealed except for section 1, section 709, and section 714.

(i) 1980 ASSISTANCE ACT.—The International Security and Development Cooperation Act of 1980 is hereby repealed except for section 1, section 110, section 316, and title V.

(j) 1979 DEVELOPMENT ASSISTANCE ACT.—The International Development Cooperation Act of 1979 is hereby repealed.

(k) 1979 SECURITY ASSISTANCE ACT.—The International Security Assistance Act of 1979 is hereby repealed.

(l) 1979 SPECIAL SECURITY ASSISTANCE ACT.—The Special International Security Assistance Act of 1979 is hereby repealed.

(m) 1978 DEVELOPMENT ASSISTANCE ACT.—The International Development and Food Assistance Act of 1978 is hereby repealed, except for section 1, title IV, and section 603(a)(2).

(n) 1978 SECURITY ASSISTANCE ACT.—The International Security Assistance Act of 1978 is hereby repealed.

(o) 1977 DEVELOPMENT ASSISTANCE ACT.—The International Development and Food Assistance Act of 1977 is hereby repealed except for section 1, section 132(b), and section 133.

(p) 1977 SECURITY ASSISTANCE ACT.—The International Security Assistance Act of 1977 is hereby repealed.

(q) 1976 SECURITY ASSISTANCE ACT.—The International Security Assistance and Arms Export Control Act of 1976 is hereby repealed except for section 1, section 201(b), section 212(b), section 601, and section 608.

(r) 1975 DEVELOPMENT ASSISTANCE ACT.—The International Development and Food Assistance Act of 1975 is hereby repealed.

(s) 1975 BIB ACT.—Public Law 94–104 is hereby repealed.

(t) 1974 ASSISTANCE ACT.—The Foreign Assistance Act of 1974 is hereby repealed.

(u) 1973 EMERGENCY ASSISTANCE ACT.—The Emergency Security Assistance Act of 1973 is hereby repealed.

(v) 1973 ASSISTANCE ACT.—The Foreign Assistance Act of 1973 is hereby repealed.

(w) 1971 ASSISTANCE ACT.—The Foreign Assistance Act of 1971 is hereby repealed.

(x) 1971 SPECIAL ASSISTANCE ACT.—The Special Foreign Assistance Act of 1971 is hereby repealed.

(y) 1969 ASSISTANCE ACT.—The Foreign Assistance Act of 1969 is hereby repealed except for the first section and part IV.

(z) 1968 ASSISTANCE ACT.—The Foreign Assistance Act of 1968 is hereby repealed.

(aa) 1964 ASSISTANCE ACT.—The Foreign Assistance Act of 1964 is hereby repealed.

(bb) LATIN AMERICAN DEVELOPMENT ACT.—The Latin American Development Act is hereby repealed.

(cc) 1959 MUTUAL SECURITY ACT.—The Mutual Security Act of 1959 is hereby repealed.

(dd) 1954 MUTUAL SECURITY ACT.—Sections 402 and 417 of the Mutual Security Act of 1954 are hereby repealed.

(ee) DEPARTMENT OF STATE AUTHORIZATION ACT, FISCAL YEARS 1982 AND 1983.—Section 109 of the Department of State Authorization Act, Fiscal Years 1982 and 1983, is hereby repealed.

(ff) DEPARTMENT OF STATE AUTHORIZATION ACT, FISCAL YEARS 1984 AND 1985.—Sections 1004 and 1005(a) of the Department of State Authorization Act, Fiscal Years 1984 and 1985, are hereby repealed.

(gg) SAVINGS PROVISION.—Except as otherwise provided in this Act, the repeal by this Act of any provision of law that amended or repealed another provision of law does not affect in any way that amendment or repeal.

DIVISION B—FOREIGN RELATIONS AUTHORIZATIONS ACT

TITLE X—GENERAL PROVISIONS

SEC. 1001. SHORT TITLE.

This division may be cited as the ''Foreign Relations Authorization Act, Fiscal Years 1998 and 1999'' and shall be effective for all purposes as if enacted as a separate Act.

SEC. 1002. STATEMENT OF HISTORY OF LEGISLATION.

This division consists of H.R. 1253, the Foreign Relations Authorization Act, Fiscal Years 1998 and 1999, which was introduced by Representative Smith of New Jersey on April

9, 1997, and amended and reported by the Subcommittee on International Operations and Human Rights of the Committee on International Relations on April 10, 1997.

SEC. 1003. DEFINITIONS.

The following terms have the following meanings for the purposes of this division:

(1) The term ''AID'' means the Agency for International Development.

(2) The term ''ACDA'' means the United States Arms Control and Disarmament Agency.

(3) The term ''appropriate congressional committees'' means the Committee on International Relations of the House of Representatives and the Committee of Foreign Relations of the Senate.

(4) The term ''Department'' means the Department of State.

(5) The term ''Federal agency'' has the meaning given to the term ''agency'' by section 551(1) of title 5, United States Code.

(6) The term ''Secretary'' means the Secretary of State.

(7) The term ''USIA'' means the United States Information Agency.

TITLE XI—AUTHORIZATION OF APPROPRIATIONS FOR DEPARTMENT OF STATE AND CERTAIN INTERNATIONAL AFFAIRS FUNCTIONS AND ACTIVITIES

SEC. 1101. ADMINISTRATION OF FOREIGN AFFAIRS.

The following amounts are authorized to be appropriated for the Department of State under ''Administration of Foreign Affairs'' to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States and for other purposes authorized by law, including the diplomatic security program:

(1) DIPLOMATIC AND CONSULAR PROGRAMS.—For ''Diplomatic and Consular Programs'', of the Department of State $1,291,977,000 for the fiscal year 1998 and $1,291,977,000 for the fiscal year 1999.

(2) SALARIES AND EXPENSES.—

(A) AUTHORIZATION OF APPROPRIATIONS.—For ''Salaries and Expenses'', of the Department of State $363,513,000 for the fiscal year 1998 and $363,513,000 for the fiscal year 1999.

(B) LIMITATIONS.—Of the amounts authorized to be appropriated by subparagraph (A) $2,000,000 for fiscal year 1998 and $2,000,000 for fiscal year 1999 are authorized to be appropriated only for the recruitment of minorities for careers in the Foreign Service and international affairs.

(3) CAPITAL INVESTMENT FUND.—For ''Capital Investment Fund'', of the Department of State $64,000,000 for the fiscal year 1998 and $64,000,000 for the fiscal year 1999.

(4) SECURITY AND MAINTENANCE OF BUILDINGS ABROAD.—For ''Security and Maintenance of Buildings Abroad'', $373,081,000 for the fiscal year 1998 and $373,081,000 for the fiscal year 1999.

(5) REPRESENTATION ALLOWANCES.—For ''Representation Allowances'', $4,300,000 for the fiscal year 1998 and $4,300,000 for the fiscal year 1999.

(6) EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE.—For ''Emergencies in the Diplomatic and Consular Service'', $5,500,000 for the fiscal 1998 and $5,500,000 for the fiscal year 1999.

(7) OFFICE OF THE INSPECTOR GENERAL.—For ''Office of the Inspector General'', $28,300,000 for the fiscal year 1998 and $28,300,000 for the fiscal year 1999.

(8) PAYMENT TO THE AMERICAN INSTITUTE IN TAIWAN.—For ''Payment to the American Institute in Taiwan'', $14,490,000 for the fiscal year 1998 and $14,490,000 for the fiscal year 1999.

(9) PROTECTION OF FOREIGN MISSIONS AND OFFICIALS.—For ''Protection of Foreign Missions and Officials'', $7,900,000 for the fiscal year 1998 and $7,900,000 for the fiscal year 1999.

(10) REPATRIATION LOANS.—For ''Repatriation Loans'', $1,200,000 for the fiscal year 1998 and $1,200,000 for the fiscal year 1999, for administrative expenses.

SEC. 1102. INTERNATIONAL ORGANIZATIONS, PROGRAMS, AND CONFERENCES.

(a) ASSESSED CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS.—There are authorized to be appropriated for ''Contributions to International Organizations'', $960,389,000 for the fiscal year 1998 and $987,590,000 for the fiscal year 1999 for the Department of State to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States with respect to international organizations and to carry out other authorities in law consistent with such purposes.

(b) VOLUNTARY CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS.—

(1) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for ''Voluntary Contributions to International Organizations'', $199,725,000 for the fiscal year 1998 and $199,725,000 for the fiscal year 1999.

(2) LIMITATIONS.—

(A) WORLD FOOD PROGRAM.—Of the amounts authorized to be appropriated under paragraph (1), $5,000,000 for the fiscal year 1998 and $5,000,000 for the fiscal year 1999 are authorized to be appropriated only for a United States contribution to the World Food Program.

(B) UNITED NATIONS VOLUNTARY FUND FOR VICTIMS OF TORTURE.—Of the amount authorized to be appropriated under paragraph (1), $3,000,000 for the fiscal year 1998 and $3,000,000 for the fiscal year 1999 are authorized to be appropriated only for a United States contribution to the United Nations Voluntary Fund for Victims of Torture.

(C) INTERNATIONAL PROGRAM ON THE ELIMINATION OF CHILD LABOR.—Of the amounts authorized to be appropriated under paragraph (1), $10,000,000 for the fiscal year 1998 and $10,000,000 for the fiscal year 1999 are authorized to be appropriated only for a United States contribution to the International Labor Organization for the activities of the International Program on the Elimination of Child Labor.

(3) AVAILABILITY OF FUNDS.—Amounts authorized to be appropriated under paragraph (1) are authorized to remain available until expended.

(c) ASSESSED CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES.—There are authorized to be appropriated for ''Contributions for International Peacekeeping Activities'', $240,000,000 for the fiscal year 1998 and $240,000,000 for the fiscal year 1999 for the Department of State to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States with respect to international peacekeeping activities and to carry out other authorities in law consistent with such purposes.

(d) VOLUNTARY CONTRIBUTIONS TO PEACEKEEPING OPERATIONS.—There are authorized to be appropriated for ''Peacekeeping Operations'', $87,600,000 for the fiscal year 1998 and $67,000,000 for the fiscal year 1999 for the Department of State to carry out section 551 of Public Law 87–195.

(e) INTERNATIONAL CONFERENCES AND CONTINGENCIES.—There are authorized to be appropriated for ''International Conferences and Contingencies'', $3,000,000 for the fiscal year 1998 and $3,000,000 for the fiscal year 1999 for the Department of State to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States with respect to international conferences and contingencies and to carry out other authorities in law consistent with such purposes.

(f) FOREIGN CURRENCY EXCHANGE RATES.—In addition to amounts otherwise authorized to be appropriated by subsections (a) and (b) of this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1998 and 1999 to offset adverse fluctuations in foreign currency exchange rates. Amounts appropriated under this subsection shall be available for obligation and expenditure only to the extent that the Director of the Office of Management and Budget determines and certifies to Congress that such amounts are necessary due to such fluctuations.

(g) LIMITATION ON UNITED STATES VOLUNTARY CONTRIBUTIONS TO UNITED NATIONS DEVELOPMENT PROGRAM.—

(1) Of the amounts made available for fiscal years 1998 and 1999 for United States voluntary contributions to the United Nations Development Program an amount equal to the amount the United Nations Development Program will spend in Burma during each fiscal year shall be withheld unless during such fiscal year, the President submits to the appropriate congressional committees the certification described in paragraph (2).

(2) The certification referred to in paragraph (1) is a certification by the President that all programs and activities of the United Nations Development Program (including United Nations Development Program—Administered Funds) in Burma—

(A) are focused on eliminating human suffering and addressing the needs of the poor;

(B) are undertaken only through international or private voluntary organizations that have been deemed independent of the State Law and Order Restoration Council (SLORC), after consultation with the leadership of the National League for Democracy and the leadership of the National Coalition Government of the Union of Burma;

(C) provide no financial, political, or military benefit to the SLORC; and

(D) are carried out only after consultation with the leadership of the National League for Democracy and the leadership of the National Coalition Government of the Union of Burma.

SEC. 1103. INTERNATIONAL COMMISSIONS.

The following amounts are authorized to be appropriated under ''International Commissions'' for the Department of State to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States and for other purposes authorized by law:

(1) INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO.—For ''International Boundary and Water Commission, United States and Mexico''—

(A) for ''Salaries and Expenses'' $18,490,000 for the fiscal year 1998 and $18,490,000 for the fiscal year 1999; and

(B) for ''Construction'' $6,493,000 for the fiscal year 1998 and $6,493,000 for the fiscal year 1999.

(2) INTERNATIONAL BOUNDARY COMMISSION, UNITED STATES AND CANADA.—For ''International Boundary Commission, United States and Canada'', $785,000 for the fiscal year 1998 and $785,000 for the fiscal year 1999.

(3) INTERNATIONAL JOINT COMMISSION.—For ''International Joint Commission'', $3,225,000 for the fiscal year 1998 and $3,225,000 for the fiscal year 1999.

(4) INTERNATIONAL FISHERIES COMMISSIONS.—For ''International Fisheries Commissions'', $14,549,000 for the fiscal year 1998 and $14,549,000 for the fiscal year 1999.

SEC. 1104. MIGRATION AND REFUGEE ASSISTANCE.

(a) MIGRATION AND REFUGEE ASSISTANCE.—

(1) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for

''Migration and Refugee Assistance'' for authorized activities, $623,000,000 for the fiscal year 1998 and $623,000,000 for the fiscal year 1999.

(2) LIMITATION REGARDING TIBETAN REFUGEES IN INDIA AND NEPAL.—Of the amounts authorized to be appropriated in paragraph (1), $1,000,000 for the fiscal year 1998 and $1,000,000 for the fiscal year 1999 are authorized to be available only for humanitarian assistance, including but not limited to food, medicine, clothing, and medical and vocational training, to Tibetan refugees in India and Nepal who have fled Chinese-occupied Tibet.

(b) REFUGEES RESETTLING IN ISRAEL.—There are authorized to be appropriated $80,000,000 for the fiscal year 1998 and $80,000,000 for the fiscal year 1999 for assistance for refugees resettling in Israel from other countries.

(c) HUMANITARIAN ASSISTANCE FOR DISPLACED BURMESE.—There are authorized to be appropriated $1,500,000 for the fiscal year 1998 and $1,500,000 for the fiscal year 1999 for humanitarian assistance, including but not limited to food, medicine, clothing, and medical and vocational training, to persons displaced as a result of civil conflict in Burma, including persons still within Burma.

(d) AVAILABILITY OF FUNDS.—Funds appropriated pursuant to this section are authorized to be available until expended.

SEC. 1105. ASIA FOUNDATION.

There are authorized to be appropriated for ''Asia Foundation'', $10,000,000 for the fiscal year 1998 and $10,000,000 for the fiscal year 1999 for the Department of State to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States with respect to Asia Foundation and to carry out other authorities in law consistent with such purposes.

SEC. 1106. UNITED STATES INFORMATIONAL, EDUCATIONAL, AND CULTURAL PROGRAMS.

The following amounts are authorized to be appropriated to carry out international information activities and educational and cultural exchange programs under the United States Information and Educational Exchange Act of 1948, the Mutual Educational and Cultural Exchange Act of 1961, Reorganization Plan Number 2 of 1977, the United States International Broadcasting Act of 1994, the Radio Broadcasting to Cuba Act, the Television Broadcasting to Cuba Act, the Board for International Broadcasting Act, the North/South Center Act of 1991, the National Endowment for Democracy Act, and to carry out other authorities in law consistent with such purposes:

(1) SALARIES AND EXPENSES.—For ''Salaries and Expenses'', $434,097,000 for the fiscal year 1998 and $434,097,000 for the fiscal year 1999.

(2) TECHNOLOGY FUND.—For ''Technology Fund'' for the United States Information Agency, $6,350,000 for the fiscal year 1998 and $6,350,000 for the fiscal year 1999.

(3) EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS.—

(A) FULBRIGHT ACADEMIC EXCHANGE PROGRAMS.—For the ''Fulbright Academic Exchange Programs'', $94,236,000 for the fiscal year 1998 and $94,236,000 for the fiscal year 1999.

(B) SOUTH PACIFIC EXCHANGES.—For the ''South Pacific Exchanges'', $500,000 for the fiscal year 1998 and $500,000 for the fiscal year 1999.

(C) EAST TIMORESE SCHOLARSHIPS.—For the ''East Timorese Scholarships'', $500,000 for the fiscal year 1998 and $500,000 for the fiscal year 1999.

(D) TIBETAN EXCHANGES.—For the ''Educational and Cultural Exchanges with Tibet'' under section 236 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236), $500,000 for the fiscal year 1998 and $500,000 for the fiscal year 1999.

(E) OTHER PROGRAMS.—For ''Hubert H. Humphrey Fellowship Program'', ''Edmund S. Muskie Fellowship Program'', ''International Visitors Program'', ''Mike Mansfield Fellowship Program'', ''Claude and Mildred Pepper Scholarship Program of the Washington Workshops Foundation'', ''Citizen Exchange Programs'', ''Congress-Bundestag Exchange Program'', ''Newly Independent States and Eastern Europe Training'', and ''Institute for Representative Government'', $97,995,000 for the fiscal year 1998 and $97,995,000 for the fiscal year 1999.

(4) INTERNATIONAL BROADCASTING ACTIVITIES.—

(A) AUTHORIZATION OF APPROPRIATIONS.—For ''International Broadcasting Activities'', $334,655,000 for the fiscal year 1998, and $334,655,000 for the fiscal year 1999.

(B) ALLOCATION.—Of the amounts authorized to be appropriated under subparagraph (A), the Director of the United States Information Agency and the Board of Broadcasting Governors shall seek to ensure that the amounts made available for broadcasting to nations whose people do not fully enjoy freedom of expression do not decline in proportion to the amounts made available for broadcasting to other nations.

(5) RADIO CONSTRUCTION.—For ''Radio Construction'', $30,000,000 for the fiscal year 1998, and $30,000,000 for the fiscal year 1999.

(6) RADIO FREE ASIA.—For ''Radio Free Asia'', $10,000,000 for the fiscal year 1998 and $10,000,000 for the fiscal year 1999.

(7) BROADCASTING TO CUBA.—For ''Broadcasting to Cuba'', $22,095,000 for the fiscal year 1998 and $22,095,000 for the fiscal year 1999.

(8) CENTER FOR CULTURAL AND TECHNICAL INTERCHANGE BETWEEN EAST AND WEST.—For ''Center for Cultural and Technical Interchange between East and West'', $10,000,000 for the fiscal year 1998 and $10,000,000 for the fiscal year 1999.

(9) NATIONAL ENDOWMENT FOR DEMOCRACY.—For ''National Endowment for Democracy'', $30,000,000 for the fiscal year 1998 and $30,000,000 for the fiscal year 1999.

(10) CENTER FOR CULTURAL AND TECHNICAL INTERCHANGE BETWEEN NORTH AND SOUTH.—For ''Center for Cultural and Technical Interchange between North and South'' $2,000,000 for the fiscal year 1998 and $2,000,000 for the fiscal year 1999.

SEC. 1107. UNITED STATES ARMS CONTROL AND DISARMAMENT.

There are authorized to be appropriated to carry out the purposes of the Arms Control and Disarmament Act—

(1) $44,000,000 for the fiscal year 1998 and $44,000,000 for the fiscal year 1999; and

(2) such sums as may be necessary for each of the fiscal years 1998 and 1999 for increases in salary, pay, retirement, other employee benefits authorized by law, and to offset adverse fluctuations in foreign currency exchange rates.

TITLE XII—DEPARTMENT OF STATE AUTHORITIES AND ACTIVITIES

CHAPTER 1—AUTHORITIES AND ACTIVITIES

SEC. 1201. REVISION OF DEPARTMENT OF STATE REWARDS PROGRAM.

(a) IN GENERAL.—Section 36 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2708) is amended to read as follows:

''SEC. 36. DEPARTMENT OF STATE REWARDS PROGRAM.

''(a) ESTABLISHMENT.—(1) There is established a program for the payment of rewards to carry out the purposes of this section.

''(2) The rewards program established by this section shall be administered by the Secretary of State, in consultation, where appropriate, with the Attorney General.

''(b) PURPOSE.—(1) The rewards program established by this section shall be designed to assist in the prevention of acts of international terrorism, international narcotics trafficking, and other related criminal acts.

''(2) At the sole discretion of the Secretary of State and in consultation, as appropriate, with the Attorney General, the Secretary may pay a reward to any individual who furnishes information leading to—

''(A) the arrest or conviction in any country of any individual for the commission of an act of international terrorism against a United States person or United States property;

''(B) the arrest or conviction in any country of any individual conspiring or attempting to commit an act of international terrorism against a United States person or United States property;

''(C) the arrest or conviction in any country of any individual for committing, primarily outside the territorial jurisdiction of the United States, any narcotics-related offense if that offense involves or is a significant part of conduct that involves—

''(i) a violation of United States narcotics laws and which is such that the individual would be a major violator of such laws; or

''(ii) the killing or kidnapping of—

''(I) any officer, employee, or contract employee of the United States Government while such individual is engaged in official duties, or on account of that individual's official duties, in connection with the enforcement of United States narcotics laws or the implementing of United States narcotics control objectives; or

''(II) a member of the immediate family of any such individual on account of that individual's official duties, in connection with the enforcement of United States narcotics laws or the implementing of United States narcotics control objectives; or

''(iii) an attempt or conspiracy to commit any of the acts described in clause (i) or (ii); or

''(D) the arrest or conviction in any country of any individual aiding or abetting in the commission of an act described in subparagraphs (A) through (C); or

''(E) the prevention, frustration, or favorable resolution of an act described in subparagraphs (A) through (C).

''(c) COORDINATION.—(1) To ensure that the payment of rewards pursuant to this section does not duplicate or interfere with the payment of informants or the obtaining of evidence or information, as authorized to the Department of Justice, the offering, administration, and payment of rewards under this section, including procedures for—

''(A) identifying individuals, organizations, and offenses with respect to which rewards will be offered;

''(B) the publication of rewards;

''(C) offering of joint rewards with foreign governments;

''(D) the receipt and analysis of data; and

''(E) the payment and approval of payment,

shall be governed by procedures developed by the Secretary of State, in consultation with the Attorney General.

''(2) Before making a reward under this section in a matter over which there is Federal criminal jurisdiction, the Secretary of State shall advise and consult with the Attorney General.

''(d) FUNDING.—(1) There is authorized to be appropriated to the Department of State from time to time such amounts as may be necessary to carry out the purposes of this section, notwithstanding section 102 of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987 (Public Law 99–93).

''(2) No amount of funds may be appropriated which, when added to the amounts previously appropriated but not yet obligated, would cause such amounts to exceed $15,000,000.

''(3) To the maximum extent practicable, funds made available to carry out this section should be distributed equally for the purpose of preventing acts of international terrorism and for the purpose of preventing international narcotics trafficking.

''(4) Amounts appropriated to carry out the purposes of this section shall remain available until expended.

''(e) LIMITATION AND CERTIFICATION.—(1) A reward under this section may not exceed $2,000,000.

''(2) A reward under this section of more than $100,000 may not be made without the approval of the President or the Secretary of State.

''(3) Any reward granted under this section shall be approved and certified for payment by the Secretary of State.

''(4) The authority of paragraph (2) may not be delegated to any other officer or employee of the United States Government.

''(5) If the Secretary determines that the identity of the recipient of a reward or of the members of the recipient's immediate family must be protected, the Secretary may take such measures in connection with the payment of the reward as he considers necessary to effect such protection.

''(f) INELIGIBILITY.—An officer or employee of any governmental entity who, while in the performance of his or her official duties, furnishes information described in subsection (b) shall not be eligible for a reward under this section.

''(g) REPORTS.—(1) Not later than 30 days after paying any reward under this section, the Secretary of State shall submit a report to the appropriate congressional committees with respect to such reward. The report, which may be submitted on a classified basis if necessary, shall specify the amount of the reward paid, to whom the reward was paid, and the acts with respect to which the reward was paid. The report shall also discuss the significance of the information for which the reward was paid in dealing with those acts.

''(2) Not later than 60 days after the end of each fiscal year, the Secretary of State shall submit an annual report to the appropriate congressional committees with respect to the operation of the rewards program authorized by this section. Such report shall provide information on the total amounts expended during such fiscal year to carry out the purposes of this section, including amounts spent to publicize the availability of rewards.

''(h) PUBLICATION REGARDING REWARDS OFFERED BY FOREIGN GOVERNMENTS.—Notwithstanding any other provision of this section, at the sole discretion of the Secretary of State the resources of the rewards program authorized by this section, shall be available for the publication of rewards offered by foreign governments regarding acts of international terrorism which do not involve United States persons or property or a violation of the narcotics laws of the United States.

''(i) DEFINITIONS.—As used in this section—

''(1) the term 'appropriate congressional committees' means the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate;

''(2) the term 'act of international terrorism' includes, but is not limited to—

''(A) any act substantially contributing to the acquisition of unsafeguarded special nuclear material (as defined in section 830(8) of the Nuclear Proliferation Prevention Act of 1994) or any nuclear explosive device (as defined in section 830(4) of that Act) by an individual, group, or non-nuclear weapon state (as defined in section 830(5) of that Act); and

''(B) any act, as determined by the Secretary of State, which materially supports the conduct of international terrorism, including the counterfeiting of United States currency or the illegal use of other monetary instruments by an individual, group, or country supporting international terrorism as determined for purposes of section 6(j) of the Export Administration Act of 1979;

''(3) the term 'United States narcotics laws' means the laws of the United States for the prevention and control of illicit traffic in controlled substances (as such term is defined for purposes of the Controlled Substances Act); and

''(4) the term 'member of the immediate family' includes—

''(A) a spouse, parent, brother, sister, or child of the individual;

''(B) a person to whom the individual stands in loco parentis; and

''(C) any other person living in the individual's household and related to the individual by blood or marriage.

''(j) DETERMINATIONS OF THE SECRETARY.—A determination made by the Secretary of State under this section shall be final and conclusive and shall not be subject to judicial review.''.

(b) USE OF EARNINGS FROM FROZEN ASSETS FOR PROGRAM.—

(1) AMOUNTS TO BE MADE AVAILABLE.—Up to 2 percent of the earnings accruing, during periods beginning October 1, 1998, on all assets of foreign countries blocked by the President pursuant to the International Emergency Powers Act (50 U.S.C. 1701 and following) shall be available, subject to appropriations Acts, to carry out section 36 of the State Department Basic Authorities Act, as amended by this section, except that the limitation contained in subsection (d)(2) of such section shall not apply to amounts made available under this paragraph.

(2) CONTROL OF FUNDS BY THE PRESIDENT.—The President is authorized and directed to take possession and exercise full control of so much of the earnings described in paragraph (1) as are made available under such paragraph.

SEC. 1202. FOREIGN SERVICE NATIONAL SEPARATION LIABILITY TRUST FUND.

Section 151 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (22 U.S.C. 4012a) is amended by adding at the end the following new subsection:

''(e) INTEREST.—The Secretary of the Treasury shall deposit amounts in the fund in interest-bearing accounts. Any interest earned on such deposits may be credited to the fund without further appropriation.''.

SEC. 1203. CAPITAL INVESTMENT FUND.

Section 135 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 2684a) is amended—

(1) in subsection (a) by inserting ''and enhancement'' after ''procurement'';

(2) in subsection (c) by striking ''are authorized to'' and inserting ''shall'';

(3) in subsection (d) by striking ''for expenditure to procure capital equipment and information technology'' and inserting in lieu thereof ''for purposes of subsection (a)''; and

(4) by amending subsection (e) to read as follows:

''(e) REPROGRAMMING PROCEDURES.—Funds credited to the Capital Investment Fund shall not be available for obligation or expenditure except in compliance with the procedures applicable to reprogrammings under section 34 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2710).''.

SEC. 1204. INTERNATIONAL CENTER RESERVE FUNDS.

Section 5 of the International Center Act (Public Law 90-533) is amended by adding at the end the following new sentence: ''Amounts in the reserve may be deposited in interest-bearing accounts and the Secretary may retain for the purposes set forth in this section any interest earned on such deposits without returning such interest to the Treasury of the United States and without further appropriation.''.

SEC. 1205. PROCEEDS OF SALE OF FOREIGN PROPERTIES.

Section 9 of the Foreign Service Buildings Act, 1926 (22 U.S.C. 300) is amended by adding at the end the following new subsection:

''(d) Any proceeds held or deposited pursuant to this section may be deposited in interest bearing accounts. The Secretary of State may retain interest earned on such deposits for the purposes of this section without returning such interest to the Treasury of the United States and interest earned may be obligated and expended without further appropriation.''.

SEC. 1206. REDUCTION OF REPORTING.

(a) REPORT ON FOREIGN SERVICE PERSONNEL IN EACH AGENCY.—Section 601(c)(4) of the Foreign Service Act of 1980 (22 U.S.C. 4001(c)(4)) is repealed.

(b) REPORT ON PARTICIPATION BY U.S. MILITARY PERSONNEL ABROAD IN U.S. ELECTIONS.—Section 101(b)(6) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff(b)(6)) is amended by striking ''of voter participation'' and inserting ''of uniformed services voter participation, a general assessment of overseas nonmilitary participation,''.

(c) COUNTRY REPORTS ON ECONOMIC POLICY AND TRADE PRACTICES.—Section 2202 of the Omnibus Trade and Competitiveness Act of 1988 (15 U.S.C. 4711) is repealed.

(d) ANNUAL REPORT ON SOCIAL AND ECONOMIC GROWTH.—Section 574 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1996 (Public Law 104-107) is repealed.

(e) REPORT.—Section 308 of the Chemical and Biological Weapons and Warfare Elimination Act of 1991 (22 U.S.C. 5606) is repealed.

SEC. 1207. CONTRACTING FOR LOCAL GUARDS SERVICES OVERSEAS.

Section 136(c) of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991 (22 U.S.C. 4864(c)) is amended—

(1) by amending paragraph (3) to read as follows:

''(3) in evaluating proposals for such contracts, award contracts to the technically acceptable firm offering the lowest evaluated price, except that proposals of United States persons and qualified United States joint venture persons (as defined in subsection (d)) shall be evaluated by reducing the bid price by 5 percent;'';

(2) by inserting ''and'' at the end of paragraph (5);

(3) by striking ''; and'' at the end of paragraph (6) and inserting a period; and

(4) by striking paragraph (7).

SEC. 1208. PREADJUDICATION OF CLAIMS.

Section 4(a) of the International Claims Settlement Act (22 U.S.C. 1623(a)) is amended—

(1) in the first sentence by striking ''1948, or'' and inserting ''1948,'';

(2) by inserting before the period at the end of the first sentence '', or included in a category of claims against a foreign government which is referred to the Commission by the Secretary of State''; and

(3) in paragraph (1) by striking ''the applicable'' and inserting ''any applicable''.

SEC. 1209. EXPENSES RELATING TO CERTAIN INTERNATIONAL CLAIMS AND PROCEEDINGS.

(a) RECOVERY OF CERTAIN EXPENSES.—The Department of State Appropriation Act of 1937 (49 Stat. 1321, 22 U.S.C. 2661) is amended in the fifth undesignated paragraph under the heading entitled ''INTERNATIONAL FISHERIES COMMISSION'' by striking ''extraordinary''.

(b) PROCUREMENT OF SERVICES.—Section 38(c) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2710(c)) is amended in the first sentence by inserting ''personal and'' before ''other support services''.

SEC. 1210. ESTABLISHMENT OF FEE ACCOUNT AND PROVIDING FOR PASSPORT INFORMATION SERVICES.

(a) DISPOSITION OF FEES.—Amounts collected by the Department of State pursuant to section 281 of the Immigration and Nationality Act (8 U.S.C. 1351), section 1 of the Passport Act of June 4, 1920 (22 U.S.C. 214), section 16 of the Act of August 18, 1856 (22 U.S.C. 4219), and section 9701 of title 31, United States Code, shall be deposited in a special fund of the Treasury.

(b) USE OF FUNDS.—Subject to subsections (d) and (e), amounts collected and deposited in the special fund in the Treasury pursuant to subsection (a) shall be available to the extent and in such amounts as are provided in advance in appropriations Acts for the following purposes:

(1) To pay all necessary expenses of the Department of State and the Foreign Service, including expenses authorized by the State Department Basic Authorities Act of 1956.

(2) Representation to certain international organizations in which the United States participates pursuant to treaties ratified pursuant to the advice and consent of the Senate or specific Acts of Congress.

(3) Acquisition by exchange or purchase of passenger motor vehicles as authorized by section 1343 of title 31, United States Code, section 201(c) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 481(c)), and section 7 of the State Department Basic Authorities Act (22 U.S.C. 2674).

(4) Expenses of general administration of the Department of State.

(5) To carry out the Foreign Service Buildings Act of 1926 (22 U.S.C. 292-300) and the Diplomatic Security Construction Program as authorized by title IV of the Omnibus Diplomatic Security and Antiterrorism Act of 1986 (22 U.S.C. 4851).

(c) AVAILABILITY OF FUNDS.—Amounts collected and deposited in the special fund pursuant to subsection (a) are authorized to remain available until expended.

(d) LIMITATION.—For any fiscal year, any amount deposited in the special fund under subsection (a) that exceeds $455,000,000 is authorized to be made available only if a notification is submitted in compliance with the procedures applicable to a reprogramming of funds under section 34 of the State Department Basic Authorities Act of 1956.

(e) PASSPORT INFORMATION SERVICES.—For each of the fiscal years 1998 and 1999, $5,000,000 of the amounts available in the fund shall be available only for the purpose of providing passport information without charge to citizens of the United States, including—

(1) information about who is eligible to receive a United States passport and how and where to apply;

(2) information about the status of pending applications; and

(3) names, addresses, and telephone numbers of State and Federal officials who are authorized to provide passport information in cooperation with the Department of State.

SEC. 1211. ESTABLISHMENT OF MACHINE READABLE FEE ACCOUNT.

Section 140(a) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236) is amended—

(1) by redesignating paragraph (4) as paragraph (6);

(2) by striking paragraph (5);

(3) by striking paragraphs (2) and (3) and inserting the following:

''(2) Amounts collected under the authority of paragraph (1) shall be deposited in a special fund of the Treasury.

''(3) Subject to paragraph (5), fees deposited in the special fund pursuant to paragraph (2) shall be available to the extent and in such amounts as are provided in advance in appropriations Acts for costs of the Department of State's border security program, including the costs of—

''(A) installation and operation of the machine readable visa and automated name-check process;

''(B) improving the quality and security of the United States passport;

''(C) passport and visa fraud investigations; and

''(D) the technological infrastructure to support and operate the programs referred to in subparagraphs (A) through (C).

''(4) Amounts deposited pursuant to paragraph (2) shall remain available for obligation until expended.

''(5) For any fiscal year, any amount collected pursuant to the authority of paragraph (1) that exceeds $140,000,000 is authorized to be made available only if a notification is submitted in compliance with the procedures applicable to a reprogramming of funds under section 34 of the State Department Basic Authorities Act of 1956.''.

SEC. 1212. RETENTION OF ADDITIONAL DEFENSE TRADE CONTROLS REGISTRATION FEES.

Section 45(a) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2717(a)) is amended—

(1) by striking ''$700,000 of the'' and inserting ''all'';

(2) at the end of paragraph (1) by striking ''and'';

(3) in paragraph (2)—

(A) by striking ''functions'' and inserting ''functions, including compliance and enforcement activities,''; and

(B) by striking the period at the end and inserting ''; and''; and

(4) by adding at the end the following new paragraph (3):

''(3) the enhancement of defense trade export compliance and enforcement activities to include compliance audits of United States and foreign parties, the conduct of administrative proceedings, end-use monitoring of direct commercial arms sales and transfer, and cooperation in criminal proceedings related to defense trade export controls.''.

SEC. 1213. TRAINING.

(a) INSTITUTE FOR TRAINING.—Section 701 of the Foreign Service Act of 1980 (22 U.S.C. 4021) is amended—

(1) by redesignating subsection (d)(4) as subsection (g); and

(2) by inserting after paragraph (3) of subsection (d) the following new subsections:

''(e)(1) The Secretary of State may, in the discretion of the Secretary, provide appropriate training and related services through the institution to employees of United States companies engaged in business abroad, and to the families of such employees.

''(2) In the case of any company under contract to provide services to the Department of State, the Secretary of State is authorized to provide job-related training and related services to any company employee who is performing such services.

''(3) Training under this subsection shall be on a reimbursable or advance-of-funds basis. Such reimbursements or advances shall be credited to the currently available applicable appropriation account.

''(4) Training and related services under this subsection is authorized only to the extent that it will not interfere with the institution's primary mission of training employees of the Department and of other agencies in the field of foreign relations.

''(f)(1) The Secretary of State is authorized to provide on a reimbursable basis training programs to Members of Congress or the judiciary.

''(2) Congressional staff members and employees of the judiciary may participate on a reimbursable, space-available basis in training programs offered by the institution.

''(3) Reimbursements collected under this subsection shall be credited to the currently available applicable appropriation account.

''(4) Training under this subsection is authorized only to the extent that it will not interfere with the institution's primary mission of training employees of the Department of State and of other agencies in the field of foreign relations.''.

(b) FEES FOR USE OF NATIONAL FOREIGN AFFAIRS TRAINING CENTER.—The State Department Basic Authorities Act of 1956 (22 U.S.C. 2669 et seq.) is amended by adding after section 52 the following new section:

''SEC. 53. FEES FOR USE OF THE NATIONAL FOREIGN AFFAIRS TRAINING CENTER.

''The Secretary is authorized to charge a fee for use of the National Foreign Affairs Training Center Facility of the Department of State. Funds collected under the authority of this section, including reimbursements, surcharges, and fees, shall be deposited as an offsetting collection to any Department of State appropriation to recover the costs of such use and shall remain available for obligation until expended.''.

SEC. 1214. RECOVERY OF COSTS OF HEALTH CARE SERVICES.

(a) AUTHORITIES.—Section 904 of the Foreign Service Act of 1980 (22 U.S.C. 4084) is amended—

(1) in subsection (a)—

(A) by striking ''and'' after ''employees,'', and

(B) by inserting before the period '', and (for care provided abroad) such other persons as are designated by the Secretary of State'';

(2) in subsection (d), by inserting '', subject to subsections (g) through (i)'' before ''the Secretary''; and

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

''(g)(1)(A) In the case of a covered beneficiary who is provided health care under this section and who is enrolled in a covered health benefits plan of a third-party payer, the United States shall have the right to collect from the third-party payer a reasonable charge amount for the care to the extent that the payment would be made under such plan for such care under the conditions specified in paragraph (2) if a claim were submitted by or on behalf of the covered beneficiary.

''(B) Such a covered beneficiary is not required to pay any deductible, copayment, or other cost-sharing under the covered health benefits plan or under this section for health care provided under this section.

''(2) With respect to health care provided under this section to a covered beneficiary, for purposes of carrying out paragraph (1)—

''(A) the reasonable charge amount (as defined in paragraph (9)(C)) shall be treated by the third-party payer as the payment basis otherwise allowable for the care under the plan;

''(B) under regulations, if the covered health benefits plan restricts or differentiates in benefit payments based on whether

a provider of health care has a participation agreement with the third-party payer, the Secretary shall be treated as having such an agreement as results in the highest level of payment under this subsection;

''(C) no provision of the health benefit plan having the effect of excluding from coverage or limiting payment of charges for certain care shall operate to prevent collection under subsection (a), including (but not limited to) any provision that limits coverage or payment on the basis that—

''(i) the care was provided outside the United States,

''(ii) the care was provided by a governmental entity,

''(iii) the covered beneficiary (or any other person) has no obligation to pay for the care,

''(iv) the provider of the care is not licensed to provide the care in the United States or other location,

''(v) a condition of coverage relating to utilization review, prior authorization, or similar utilization control has not been met, or

''(vi) in the case that drugs were provided, the provision of the drugs for any indicated purpose has not been approved by the Federal Food, Drug, and Cosmetic Administration;

''(D) if the covered health benefits plan contains a requirement for payment of a deductible, copayment, or similar cost-sharing by the beneficiary—

''(i) the beneficiary's not having paid such cost-sharing with respect to the care shall not preclude collection under this section, and

''(ii) the amount the United States may collect under this section shall be reduced by application of the appropriate cost-sharing;

''(E) amounts that would be payable by the third-party payer under this section but for the application of a deductible under subparagraph (D)(ii) shall be counted towards such deductible notwithstanding that under paragraph (1)(B) the individual is not charged for the care and did not pay an amount towards such care; and

''(F) the Secretary may apply such other provisions as may be appropriate to carry out this section in an equitable manner.

''(3) In exercising authority under paragraph (1)—

''(A) the United States shall be subrogated to any right or claim that the covered beneficiary may have against a third-party payer;

''(B) the United States may institute and prosecute legal proceedings against a third-party payer to enforce a right of the United States under this section; and

''(C) the Secretary may compromise, settle, or waive a claim of the United States under this section.

''(4) No law of any State, or of any political subdivision of a State, shall operate to prevent or hinder collection by the United States under this section.

''(5) If collection is sought from a third-party payer for health care furnished a covered beneficiary under this section, under regulations medical records of the beneficiary shall be made available for inspection and review by representatives of the third-party payer for the sole purpose of permitting the third-party payer to verify, consistent with this subsection that—

''(A) the care for which recovery or collection is sought were furnished to the beneficiary; and

''(B) except as otherwise provided in this subsection, the provision of such care to the beneficiary meets criteria generally applicable under the covered health benefits plan.

''(6) The Secretary shall establish (and periodically update) a schedule of reasonable charge amounts for health care provided under this section. The amount under such schedule for health care shall be based on charges or fee schedule amounts recognized by third-party payers under covered health benefits plans for payment purposes for similar health care services furnished in the Metropolitan Washington, District of Columbia, area.

''(7) The Secretary shall establish a procedure under which a covered beneficiary may elect to have subsection (h) apply instead of this subsection with respect to some or all health care provided to the beneficiary under this section.

''(8) Amounts collected under this subsection, under subsection (h), or under any authority referred to in subsection (i), from a third-party payer or from any other payer shall be deposited as an offsetting collection to any Department of State appropriation and shall remain available until expended.

''(9) For purposes of this section:

''(A) The term 'covered beneficiary' means a member or employee (or family member of such a member of employee) described in subsection (a) who is enrolled under a covered health benefits plan.

''(B)(i) Subject to clause (ii), the term 'covered health benefits plan' means a health benefits plan offered under the Federal Employees Health Benefits Program under chapter 89 of title 5, United States Code.

''(ii) Such term does not include such a health benefits plan (such as a plan of a staff-model health maintenance organization) as the Secretary determines pursuant to regulations to be structured in a manner that impedes the application of this subsection to individuals enrolled under the plan. To the extent practicable, the Secretary shall seek to disseminate to members of the Service and designated employees described in subsection (a) who are eligible to receive health care under this section the names of plans excluded under this clause.

''(C) The term 'reasonable charge amount' means, with respect to health care provided under this section, the amount for such care specified in the schedule established under paragraph (6).

''(D) The term 'third-party payer' means an entity that offers a covered health benefits plan.

''(h)(1) In the case of an individual who—

''(A) receives health care pursuant to this section; and

''(B)(i) is not a covered beneficiary (including by virtue of enrollment only in a health benefits plan excluded under subsection (g)(9)(B)(ii)), or

''(ii) is such a covered beneficiary and has made an election described in subsection (g)(7) with respect to such care,

the Secretary is authorized to collect from the individual the full reasonable charge amount for such care.

''(2) The United States shall have the same rights against such individuals with respect to collection of such amounts as the United States has with respect to collection of amounts against a third-party payer under subsection (g), except that the rights under this subsection shall be exercised without regard to any rules for deductibles, coinsurance, or other cost-sharing.

''(i) Subsections (g) and (h) shall apply to reimbursement for the cost of hospitalization and related outpatient expenses paid for under subsection (d) only to the extent provided in regulations. Nothing in this subsection, or subsections (g) and (h), shall be construed as limiting any authority the Secretary otherwise has with respect to obtaining reimbursement for the payments made under subsection (d).''.

(b) EFFECTIVE DATE.—(1) The amendments made by subsection (a) shall apply to items and services provided on and after the first day of the first month that begins more than 1 year after the date of the enactment of this Act.

(2) In order to carry out such amendments in a timely manner, the Secretary of State is authorized to issue interim, final regulations that take effect pending notice and opportunity for public comment.

SEC. 1215. FEE FOR USE OF DIPLOMATIC RECEPTION ROOMS.

The State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a et seq.) is amended by adding after section 53 (as added by section 213(b)) the following new section:

''SEC. 54. FEE FOR USE OF DIPLOMATIC RECEPTION ROOMS.

''The Secretary of State is authorized to charge a fee for use of the diplomatic reception rooms of the Department of State. Amounts collected under the authority of this section (including any reimbursements and surcharges) shall be deposited as an offsetting collection to any Department of State appropriation to recover the costs of such use and shall remain available for obligation until expended.''.

SEC. 1216. FEES FOR COMMERCIAL SERVICES.

Section 52 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2724) is amended in subsection (b) by adding at the end the following: ''Funds deposited under this subsection shall remain available for obligation until expended.''.

SEC. 1217. BUDGET PRESENTATION DOCUMENTS.

The Secretary of State shall include in the annual Congressional Presentation Document and the Budget in Brief, a detailed accounting of the total collections received by the Department of State from all sources, including fee collections. Reporting on total collections shall also include the previous year's collection and the projected expenditures from all collections accounts.

SEC. 1218. EXTENSION OF CERTAIN ADJUDICATION PROVISIONS.

The Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990 (Public Law 101–167) is amended—

(1) in section 599D (8 U.S.C. 1157 note)—

(A) in subsection (b)(3), by striking ''and 1997'' and inserting ''1997, 1998, and 1999''; and

(B) in subsection (e), by striking ''October 1, 1997'' each place it appears and inserting ''October 1, 1999''; and

(2) in section 599E (8 U.S.C. 1255 note) in subsection (b)(2), by striking ''September 30, 1997'' and inserting ''September 30, 1999''.

SEC. 1219. GRANTS TO OVERSEAS EDUCATIONAL FACILITIES.

Section 29 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2701) is amended by adding at the end the following: ''Notwithstanding any other provision of law, where the children of United States citizen employees of an agency of the United States Government who are stationed outside the United States attend educational facilities assisted by the Department of State under this section, such agency is authorized make grants to, or otherwise to reimburse or credit with advance payment, the Department of State for funds used in providing assistance to such educational facilities.''.

SEC. 1220. GRANTS TO REMEDY INTERNATIONAL CHILD ABDUCTIONS.

(a) GRANT AUTHORITY.—Section 7 of the International Child Abduction Remedies Act (42 U.S.C. 11606; Public Law 100-300) is amended by adding at the end the following new subsection:

''(e) GRANT AUTHORITY.—The United States Central Authority is authorized to make grants to, or enter into contracts or agreements with, any individual, corporation, other Federal, State, or local agency, or private entity or organization in the United States for purposes of accomplishing its responsibilities under the convention and this Act.''.

CHAPTER 2—CONSULAR AUTHORITIES OF THE DEPARTMENT OF STATE

SEC. 1241. USE OF CERTAIN PASSPORT PROCESSING FEES FOR ENHANCED PASSPORT SERVICES.

For each of the fiscal years 1998 and 1999, of the fees collected for expedited passport processing and deposited to an offsetting collection pursuant to the Department of State and Related Agencies Appropriations Act for Fiscal Year 1995 (Public Law 103–317; 22 U.S.C. 214), 30 percent shall be available only for enhancing passport services for United States citizens, improving the integrity and efficiency of the passport issuance process, improving the secure nature of the United States passport, investigating passport fraud, and deterring entry into the United States by terrorists, drug traffickers, or other criminals.

SEC. 1242. CONSULAR OFFICERS.

(a) PERSONS AUTHORIZED TO ISSUE REPORTS OF BIRTH ABROAD.—Section 33 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2705) is amended in paragraph (2) by inserting ''(or any United States citizen employee of the Department of State designated by the Secretary of State to adjudicate nationality abroad pursuant to such regulations as the Secretary may prescribe)'' after ''consular officer''.

(b) PROVISIONS APPLICABLE TO CONSULAR OFFICERS.—Section 31 of the Act of August 18, 1856 (Rev. Stat. 1689, 22 U.S.C. 4191), is amended by inserting ''and to such other United States citizen employees of the Department of State as may be designated by the Secretary of State pursuant to such regulations as the Secretary may prescribe'' after ''such officers''.

(c) PERSONS AUTHORIZED TO AUTHENTICATE FOREIGN DOCUMENTS—Section 3492(c) of title 18, United States Code, is amended by adding at the end the following: ''For purposes of this section and sections 3493 through 3496 of this title, a consular officer shall include any United States citizen employee of the Department of State designated to perform notarial functions pursuant to section 24 of the Act of August 18, 1856 (Rev. Stat. 1750, 22 U.S.C. 4221).

(d) PERSONS AUTHORIZED TO ADMINISTER OATHS.—Section 115 of title 35, United States Code, is amended by adding at the end the following: ''For purposes of this section a consular officer shall include any United States citizen employee of the Department of State designated to perform notarial functions pursuant to section 24 of the Act of August 18, 1856 (Rev. Stat. 1750, 22 U.S.C. 4221).

SEC. 1243. REPEAL OF OUTDATED CONSULAR RECEIPT REQUIREMENTS.

Sections 1726, 1727, and 1728 of the Revised Statutes of the United States (22 U.S.C. 4212, 4213, and 4214) (concerning accounting for consular fees) are repealed.

SEC. 1244. ELIMINATION OF DUPLICATE PUBLICATION REQUIREMENTS.

(a) FEDERAL REGISTER PUBLICATION OF TRAVEL ADVISORIES.—Section 44908(a) of title 49, United States Code, is amended—

(1) by striking paragraph (2); and

(2) by redesignating paragraph (3) as paragraph (2).

(b) PUBLICATION IN THE FEDERAL REGISTER OF TRAVEL ADVISORIES CONCERNING SECURITY AT FOREIGN PORTS.—Section 908(a) of the International Maritime and Port Security Act of 1986 (Public Law 99–399; 100 Stat. 891; 46 U.S.C. App. 1804(a)) is amended by striking the second sentence.

CHAPTER 3—REFUGEES AND MIGRATION

SEC. 1261. REPORT TO CONGRESS CONCERNING CUBAN EMIGRATION POLICIES.

Beginning 3 months after the date of the enactment of this Act and every subsequent 6 months, the Secretary of State shall include in the monthly report to Congress entitled ''Update on Monitoring of Cuban Migrant Returnees'' additional information concerning the methods employed by the Government of Cuba to enforce the United States-Cuba agreement of September 1994 to restrict the emigration of the Cuban people from Cuba to the United States and the treatment by the Government of Cuba of persons who have returned to Cuba pursuant to the United States-Cuba agreement of May 1995.

SEC. 1262. REPROGRAMMING OF MIGRATION AND REFUGEE ASSISTANCE FUNDS.

Section 34 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2706) is amended by adding at the end the following new subsection:

''(c) EMERGENCY WAIVER OF NOTIFICATION REQUIREMENT.—The Secretary of State may waive the notification requirement of subsection (a), if the Secretary determines that failure to do so would pose a substantial risk to human health or welfare. In the case of any waiver under this subsection, notification to the appropriate congressional committees shall be provided as soon as practicable, but not later than 3 days after taking the action to which the notification requirement was applicable, and shall contain an explanation of the emergency circumstances.''.

TITLE XIII—ORGANIZATION OF THE DEPARTMENT OF STATE; DEPARTMENT OF STATE PERSONNEL; THE FOREIGN SERVICE

CHAPTER 1—ORGANIZATION OF THE DEPARTMENT OF STATE

SEC. 1301. COORDINATOR FOR COUNTERTERRORISM.

(a) ESTABLISHMENT.—Section 1(e) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a(e)) is amended—

(1) by striking ''In'' and inserting the following:

''(1) In''; and

(2) by inserting at the end the following:

''(2) COORDINATOR FOR COUNTERTERRORISM.—

''(A) There shall be within the office of the Secretary of State a Coordinator for Counterterrorism (hereafter in this paragraph referred to as the 'Coordinator') who shall be appointed by the President, by and with the advice and consent of the Senate.

''(B)(i) The Coordinator shall perform such duties and exercise such power as the Secretary of State shall prescribe.

''(ii) The principal duty of the Coordinator shall be the overall supervision (including policy oversight of resources) of international counterterrorism activities. The Coordinator shall be the principal adviser to the Secretary of State on international counterterrorism matters. The Coordinator shall be the principal counterterrorism official within the senior management of the Department of State and shall report directly to the Secretary of State.

''(C) The Coordinator shall have the rank and status of Ambassador-at-Large. The Coordinator shall be compensated at the annual rate of basic pay in effect for a position at level IV of the Executive Schedule under section 5314 of title 5, United States Code, or, if the Coordinator is appointed from the Foreign Service, the annual rate of pay which the individual last received under the Foreign Service Schedule, whichever is greater.''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Section 161 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236) is amended by striking subsection (e).

(c) TRANSITION PROVISION.—The individual serving as Coordinator for Counterterrorism of the Department of State on the day before the effective date of this division may continue to serve in that position.

SEC. 1302. ELIMINATION OF STATUTORY ESTABLISHMENT OF CERTAIN POSITIONS OF THE DEPARTMENT OF STATE.

(a) ASSISTANT SECRETARY OF STATE FOR SOUTH ASIAN AFFAIRS.—Section 122 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (22 U.S.C. 2652b) is repealed.

(b) DEPUTY ASSISTANT SECRETARY OF STATE FOR BURDENSHARING.—Section 161 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 2651a note) is amended by striking subsection (f).

(c) ASSISTANT SECRETARY FOR OCEANS AND INTERNATIONAL ENVIRONMENTAL AND SCIENTIFIC AFFAIRS.—Section 9 of the Department of State Appropriations Authorization Act of 1973 (22 U.S.C. 2655a) is repealed.

SEC. 1303. ESTABLISHMENT OF ASSISTANT SECRETARY OF STATE FOR HUMAN RESOURCES.

Section 1(c) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a(c)) is amended by adding after paragraph (2) the following new paragraph:

''(3) ASSISTANT SECRETARY FOR HUMAN RESOURCES.—There shall be in the Department of State an Assistant Secretary for Human Resources who shall be responsible to the Secretary of State for matters relating to human resources including the implementation of personnel policies and programs within the Department of State and international affairs functions and activities carried out through the Department of State. The Assistant Secretary shall have substantial professional qualifications in the field of human resource policy and management.''.

SEC. 1304. ESTABLISHMENT OF ASSISTANT SECRETARY OF STATE FOR DIPLOMATIC SECURITY.

Section 1(c) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a(c)) as amended by section 1303 is further amended by adding after paragraph (3) the following new paragraph:

''(4) ASSISTANT SECRETARY FOR DIPLOMATIC SECURITY.—There shall be in the Department of State an Assistant Secretary for Diplomatic Security who shall be responsible to the Secretary of State for matters relating to diplomatic security. The Assistant Secretary shall have substantial professional qualifications in the field of Federal law enforcement, intelligence, or security.''.

SEC. 1305. SPECIAL ENVOY FOR TIBET.

(a) UNITED STATES SPECIAL ENVOY FOR TIBET.—The President should appoint within the Department of State a United States Special Envoy for Tibet, who shall hold office at the pleasure of the President.

(b) RANK.—A United States Special Envoy for Tibet appointed under subsection (a) shall have the personal rank of ambassador and shall be appointed by and with the advice and consent of the Senate.

(c) SPECIAL FUNCTIONS.—The United States Special Envoy for Tibet should be authorized and encouraged—

(1) to promote substantive negotiations between the Dalai Lama or his representatives and senior members of the Government of the People's Republic of China;

(2) to promote good relations between the Dalai Lama and his representatives and the United States Government, including meeting with members or representatives of the Tibetan government-in-exile; and

(3) to travel regularly throughout Tibet and Tibetan refugee settlements.

(d) DUTIES AND RESPONSIBILITIES.—The United States Special Envoy for Tibet should—

(1) consult with the Congress on policies relevant to Tibet and the future and welfare of all Tibetan people;

(2) coordinate United States Government policies, programs, and projects concerning Tibet; and

(3) report to the Secretary of State regarding the matters described in section 536(a)(2) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236).

SEC. 1306. RESPONSIBILITIES FOR BUREAU CHARGED WITH REFUGEE ASSISTANCE.

The Bureau of Migration and Refugee Assistance shall be the bureau within the Department of State with principal responsibility for assisting the Secretary in carrying out the Migration and Refugee Assistance Act of 1962 and shall not be charged with responsibility for assisting the Secretary in matters relating to family planning or population policy.

CHAPTER 2—PERSONNEL OF THE DEPARTMENT OF STATE; THE FOREIGN SERVICE

SEC. 1321. AUTHORIZED STRENGTH OF THE FOREIGN SERVICE.

(a) END FISCAL YEAR 1998 LEVELS.—The number of members of the Foreign Service authorized to be employed as of September 30, 1998—

(1) for the Department of State, shall not exceed 8,700, of whom not more than 750 shall be members of the Senior Foreign Service;

(2) for the United States Information Agency, shall not exceed 1,000, of whom not more than 140 shall be members of the Senior Foreign Service; and

(3) for the Agency for International Development, not to exceed 1070, of whom not more than 140 shall be members of the Senior Foreign Service.

(b) END FISCAL YEAR 1999 LEVELS.—The number of members of the Foreign Service authorized to be employed as of September 30, 1999—

(1) for the Department of State, shall not exceed 8,800, of whom not more than 750 shall be members of the Senior Foreign Service;

(2) for the United States Information Agency, not to exceed 1,000 of whom not more than 140 shall be members of the Senior Foreign Service; and

(3) for the Agency for International Development, not to exceed 1065 of whom not more than 135 shall be members of the Senior Foreign Service.

(c) DEFINITION.—For the purposes of this section, the term ''members of the Foreign Service'' is used within the meaning of such term under section 103 of the Foreign Service Act of 1980 (22 U.S.C 3903), except that such term does not include—

(1) members of the Service under paragraphs (6) and (7) of such section;

(2) members of the Service serving under temporary resident appointments abroad;

(3) members of the Service employed on less than a full-time basis;

(4) members of the Service subject to involuntary separation in cases in which such separation has been suspended pursuant to section 1106(8) of the Foreign Service Act of 1980; and

(5) members of the Service serving under non-career limited appointments.

(d) WAIVER AUTHORITY.—(1) Subject to paragraph (2), the President may waive any limitation under subsection (a) or (b) to the extent that such waiver is necessary to carry on the foreign affairs functions of the United States.

(2) Not less than 15 days before the President exercises a waiver under paragraph (1), such agency head shall notify the Chairman of the Committee on Foreign Relations of the Senate and the Chairman of the Committee on International Relations of the House of Representatives. Such notice shall include an explanation of the circumstances and necessity for such waiver.

SEC. 1322. NONOVERTIME DIFFERENTIAL PAY.

Title 5 of the United States Code is amended—

(1) in section 5544(a), by inserting after the fourth sentence the following new sentence: ''For employees serving outside the United States in areas where Sunday is a routine workday and another day of the week is officially recognized as the day of rest and worship, the Secretary of State may designate the officially recognized day of rest and worship as the day with respect to which the preceding sentence shall apply instead of Sunday.''; and

(2) at the end of section 5546(a), by adding the following new sentence: ''For employees serving outside the United States in areas where Sunday is a routine workday and another day of the week is officially recognized as the day of rest and worship, the Secretary of State may designate the officially recognized day of rest and worship as the day with respect to which the preceding sentence shall apply instead of Sunday.''.

SEC. 1323. AUTHORITY OF SECRETARY TO SEPARATE CONVICTED FELONS FROM SERVICE.

Section 610(a)(2) of the Foreign Service Act of 1980 (22 U.S.C. 4010(a)(2)) is amended in the first sentence by striking ''A member'' and inserting ''Except in the case of an individual who has been convicted of a crime for which a sentence of imprisonment of more than 1 year may be imposed, a member''.

SEC. 1324. CAREER COUNSELING.

(a) IN GENERAL.—Section 706(a) of the Foreign Service Act of 1980 (22 U.S.C. 4026(a)) is amended by adding at the end the following sentence: ''Career counseling and related services provided pursuant to this Act shall not be construed to permit an assignment to training or to another assignment that consists primarily of paid time to conduct a job search and without other substantive duties, except that career members of the Service who upon their separation are not eligible to receive an immediate annuity and have not been assigned to a post in the United States during the 12 months prior to their separation from the Service may be permitted up to 2 months of paid time to conduct a job search.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall be effective 180 days after the date of the enactment of this Act.

SEC. 1325. REPORT CONCERNING MINORITIES AND THE FOREIGN SERVICE.

The Secretary of State shall annually submit a report to the Congress concerning minorities and the Foreign Service officer corps. In addition to such other information as is relevant to this issue, the report shall include the following data (reported in terms of real numbers and percentages and not as ratios):

(1) The numbers and percentages of all minorities taking the written foreign service examination.

(2) The numbers and percentages of all minorities successfully completing and passing the written foreign service examination.

(3) The numbers and percentages of all minorities successfully completing and passing the oral foreign service examination.

(4) The numbers and percentages of all minorities entering the junior officers class of the Foreign Service.

(5) The numbers and percentages of all minorities in the Foreign Service officer corps.

(6) The numbers and percentages of all minority Foreign Service officers at each grade, particularly at the senior levels in policy directive positions.

(7) The numbers of and percentages of minorities promoted at each grade of the Foreign Service officer corps.

SEC. 1326. RETIREMENT BENEFITS FOR INVOLUNTARY SEPARATION.

(a) BENEFITS.—Section 609 of the Foreign Service Act of 1980 (22 U.S.C. 4009) is amended—

(1) in subsection (a)(2)(A) by inserting ''or any other applicable provision of chapter 84 of title 5, United States Code,'' after ''section 811,'';

(2) in subsection (a) by inserting ''or section 855, as appropriate'' after ''section 806''; and

(3) in subsection (b)(2)—

(A) by inserting ''(A) for those participants in the Foreign Service Retirement and Disability System,'' before ''a refund''; and

(B) by inserting before the period at the end ''; and (B) for those participants in the Foreign Service Pension System, benefits as provided in section 851''; and

(C) by inserting ''(for participants in the Foreign Service Retirement and Disability System) or age 62 (for participants in the Foreign Service Pension System)'' after ''age 60''.

(b) ENTITLEMENT TO ANNUITY.—Section 855(b) of the Foreign Service Act of 1980 (22 U.S.C. 4071d(b)) is amended—

(1) in paragraph (1) by inserting ''611,'' after ''608,'';

(2) in paragraph (1) by inserting ''and for participants in the Foreign Service Pension System'' after ''for participants in the Foreign Service Retirement and Disability System''; and

(3) in paragraph (3) by striking ''or 610'' and inserting ''610, or 611''.

(c) EFFECTIVE DATES.—

(1) Except as provided in paragraph (2), the amendments made by this section shall take effect on the date of the enactment of this Act.

(2) The amendments made by paragraphs (2) and (3) of subsection (a) and paragraphs (1) and (3) of subsection (b) shall apply with respect to any actions taken under section 611 of the Foreign Service Act of 1980 after January 1, 1996.

SEC. 1327. AVAILABILITY PAY FOR CERTAIN CRIMINAL INVESTIGATORS WITHIN THE DIPLOMATIC SECURITY SERVICE.

(a) IN GENERAL.—Section 5545a of title 5, United States Code, is amended by adding at the end the following:

''(k)(1) For purposes of this section, the term 'criminal investigator' includes an officer occupying a position under title II of Public Law 99–399 if—

''(A) subject to subparagraph (C), such officer meets the definition of such term under paragraph (2) of subsection (a) (applied disregarding the parenthetical matter before subparagraph (A) thereof);

''(B) the primary duties of the position held by such officer consist of performing—

''(i) protective functions; or

''(ii) criminal investigations; and

''(C) such officer satisfies the requirements of subsection (d) without taking into account any hours described in paragraph (2)(B) thereof.

''(2) In applying subsection (h) with respect to an officer under this subsection—

''(A) any reference in such subsection to 'basic pay' shall be considered to include amounts designated as 'salary';

''(B) paragraph (2)(A) of such subsection shall be considered to include (in addition to the provisions of law specified therein) sections 609(b)(1), 805, 806, and 856 of the Foreign Service Act of 1980; and

''(C) paragraph (2)(B) of such subsection shall be applied by substituting for 'Office of

Personnel Management' the following: 'Office of Personnel Management or the Secretary of State (to the extent that matters exclusively within the jurisdiction of the Secretary are concerned)'.''.

(b) IMPLEMENTATION.—Not later than the date on which the amendments made by this section take effect, each special agent of the Diplomatic Security Service who satisfies the requirements of subsection (k)(1) of section 5545a of title 5, United States Code, as amended by this section, and the appropriate supervisory officer, to be designated by the Secretary of State, shall make an initial certification to the Secretary of State that the special agent is expected to meet the requirements of subsection (d) of such section 5545a. The Secretary of State may prescribe procedures necessary to administer this subsection.

(c) TECHNICAL AND CONFORMING AMENDMENTS.—(1) Paragraph (2) of section 5545a(a) of title 5, United States Code, is amended (in the matter before subparagraph (A)) by striking ''Public Law 99–399)'' and inserting ''Public Law 99–399, subject to subsection (k))''.

(2) Section 5542(e) of such title is amended by striking ''title 18, United States Code,'' and inserting ''title 18 or section 37(a)(3) of the State Department Basic Authorities Act of 1956,''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the first day of the first applicable pay period—

(1) which begins on or after the 90th day following the date of the enactment of this Act; and

(2) on which date all regulations necessary to carry out such amendments are (in the judgment of the Director of the Office of Personnel Management and the Secretary of State) in effect.

SEC. 1328. LABOR MANAGEMENT RELATIONS.

Section 1017(e)(2) of the Foreign Service Act of 1980 (22 U.S.C. 4117(e)(2)) is amended to read as follows:

''(2) For the purposes of paragraph (1)(A)(ii) and paragraph (1)(B), the term 'management official' does not include chiefs of mission, principal officers or their deputies, administrative and personnel officers abroad, or individuals described in section 1002(12) (B), (C), and (D) who are not involved in the administration of this chapter or in the formulation of the personnel policies and programs of the Department.''.

SEC. 1329. OFFICE OF THE INSPECTOR GENERAL.

(a) PROCEDURES.—Section 209(c) of the Foreign Service Act of 1980 (22 U.S.C. 3929(c)) is amended by adding after paragraph (3) the following new paragraphs:

''(4) In the case of a formal interview where an employee is the likely subject or target of an Inspector General criminal investigation, the Inspector General shall make all best efforts to provide the employee with notice of the full range of his or her rights, including the right to retain counsel and the right to remain silent, as well as the identification of those attending the interview.

''(5) In carrying out the duties and responsibilities established under this section, the Inspector General shall develop and provide to employees—

''(A) information detailing their rights to counsel; and

''(B) guidelines describing in general terms the policies and procedures of the Office of Inspector General with respect to individuals under investigation, other than matters exempt from disclosure under other provisions of law.''.

(b) REPORT.—Not later than April 30, 1998, the Inspector General of the Department of State shall submit a report to the appropriate congressional committees which includes the following information:

(1) Detailed descriptions of the internal guidance developed or used by the Office of the Inspector General with respect to public disclosure of any information related to an ongoing investigation of any employee or official of the Department of State, the United States Information Agency, or the Arms Control and Disarmament Agency.

(2) Detailed descriptions of those instances for the year ending December 31, 1997, in which any disclosure of information to the public by an employee of the Office of Inspector General about an ongoing investigation occurred, including details on the recipient of the information, the date of the disclosure, and the internal clearance process for the disclosure.

TITLE XIV—UNITED STATES PUBLIC DIPLOMACY: AUTHORITIES AND ACTIVITIES FOR UNITED STATES INFORMATIONAL, EDUCATIONAL, AND CULTURAL PROGRAMS

SEC. 1401. EXTENSION OF AU PAIR PROGRAMS.

Section 1(b) of the Act entitled ''An Act to extend au pair programs.'' (Public Law 104–72; 109 Stat. 1065(b)) is amended by striking '', through fiscal year 1997''.

SEC. 1402. RETENTION OF INTEREST.

Notwithstanding any other provision of law, with the approval of the National Endowment for Democracy, grant funds made available by the National Endowment for Democracy may be deposited in interest-bearing accounts pending disbursement and any interest which accrues may be retained by the grantee without returning such interest to the Treasury of the United States and interest earned by be obligated and expended for the purposes for which the grant was made without further appropriation.

SEC. 1403. CENTER FOR CULTURAL AND TECHNICAL INTERCHANGE BETWEEN NORTH AND SOUTH.

Section 208(e) of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (22 U.S.C. 2075(e)) is amended by striking ''$10,000,000'' and inserting ''$4,000,000''.

SEC. 1404. USE OF SELECTED PROGRAM FEES.

Section 810 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1475e) is amended by inserting ''educational advising and counseling, exchange visitor program services, advertising sold by the Voice of America, receipts from cooperating international organizations and from the privatization of VOA Europe,'' after ''library services,''.

SEC. 1405. MUSKIE FELLOWSHIP PROGRAM.

(a) GUIDELINES.—Section 227(c)(5) of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (22 U.S.C. 2452 note) is amended—

(1) in the first sentence by inserting ''journalism and communications, education administration, public policy, library and information science,'' after ''business administration,''; and

(2) in the second sentence by inserting ''journalism and communications, education administration, public policy, library and information science,'' after ''business administration,''.

(b) REDESIGNATION OF SOVIET UNION.—Section 227 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (22 U.S.C. 2452 note) is amended—

(1) by striking ''Soviet Union'' each place it appears and inserting ''Independent States of the Former Soviet Union''; and

(2) in the section heading by inserting ''INDEPENDENT STATES OF THE FORMER'' after ''FROM THE''.

SEC. 1406. WORKING GROUP ON UNITED STATES GOVERNMENT SPONSORED INTERNATIONAL EXCHANGES AND TRAINING.

Section 112 of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2460) is amended by adding at the end the following new subsection:

''(g) WORKING GROUP ON UNITED STATES GOVERNMENT SPONSORED INTERNATIONAL EXCHANGES AND TRAINING.—(1) In order to carry out the purposes of subsection (f) and to improve the coordination, efficiency, and effectiveness of United States Government sponsored international exchanges and training, there is established within the United States Information Agency a senior-level interagency working group to be known as the Working Group on United States Government Sponsored International Exchanges and Training (hereinafter in this section referred to as ''the Working Group'').

''(2) For purposes of this subsection, the term 'Government sponsored international exchanges and training' means the movement of people between countries to promote the sharing of ideas, to develop skills, and to foster mutual understanding and cooperation, financed wholly or in part, directly or indirectly, with United States Government funds.

''(3) The Working Group shall be composed as follows:

''(A) The Associate Director for Educational and Cultural Affairs of the United States Information Agency, who shall act as Chair.

''(B) A senior representative designated by the Secretary of State.

''(C) A senior representative designated by the Secretary of Defense.

''(D) A senior representative designated by the Secretary of Education.

''(E) A senior representative designated by the Attorney General.

''(F) A senior representative designated by the Administrator of the Agency for International Development.

''(G) Senior representatives of other departments and agencies as the Chair determines to be appropriate.

''(4) Representatives of the National Security Adviser and the Director of the Office of Management and Budget may participate in the Working Group at the discretion of the adviser and the director, respectively.

''(5) The Working Group shall be supported by an interagency staff office established in the Bureau of Educational and Cultural Affairs of the United States Information Agency.

''(6) The Working Group shall have the following purposes and responsibilities:

''(A) To collect, analyze, and report data provided by all United States Government departments and agencies conducting international exchanges and training programs.

''(B) To promote greater understanding and cooperation among concerned United States Government departments and agencies of common issues and challenges in conducting international exchanges and training programs, including through the establishment of a clearinghouse for information on international exchange and training activities in the governmental and nongovernmental sectors.

''(C) In order to achieve the most efficient and cost-effective use of Federal resources, to identify administrative and programmatic duplication and overlap of activities by the various United States Government departments and agencies involved in Government sponsored international exchange and training programs, to identify how each Government sponsored international exchange and training program promotes United States foreign policy, and to report thereon.

''(D) Not later than 1 year after the date of the enactment of the Foreign Relations Authorization Act, Fiscal Years 1998 and 1999, to develop and thereafter assess, annually, a coordinated and cost-effective strategy for all United States Government sponsored

international exchange and training programs, and to issue a report on such strategy. This strategy will include an action plan for consolidating United States Government sponsored international exchange and training programs with the objective of achieving a minimum 10 percent cost saving through consolidation or the elimination of duplication.

''(E) Not later than 2 years after the date of the enactment of the Foreign Relations Authorization Act, Fiscal Years 1998 and 1999, to develop recommendations on common performance measures for all United States Government sponsored international exchange and training programs, and to issue a report.

''(F) To conduct a survey of private sector international exchange activities and develop strategies for expanding public and private partnerships in, and leveraging private sector support for, United States Government sponsored international exchange and training activities.

''(G) Not later than 6 months after the date of the enactment of the Foreign Relations Authorization Act, Fiscal Years 1998 and 1999, to report on the feasibility of transferring funds and program management for the ATLAS and/or the Mandela Fellows programs in South Africa from the Agency for International Development to the United States Information Agency. The report shall include an assessment of the capabilities of the South African Fulbright Commission to manage such programs and the cost advantages of consolidating such programs under one entity.

''(7) All reports prepared by the Working Group shall be submitted to the President, through the Director of the United States Information Agency.

''(8) The Working Group shall meet at least on a quarterly basis.

''(9) All decisions of the Working Group shall be by majority vote of the members present and voting.

''(10) The members of the Working Group shall serve without additional compensation for their service on the Working Group. Any expenses incurred by a member of the Working Group in connection with service on the Working Group shall be compensated by that member's department or agency.

''(11) With respect to any report promulgated pursuant to paragraph (6), a member may submit dissenting views to be submitted as part of the report of the Working Group.''.

SEC. 1407. EDUCATIONAL AND CULTURAL EXCHANGES AND SCHOLARSHIPS FOR TIBETANS AND BURMESE.

(a) ESTABLISHMENT OF EDUCATIONAL AND CULTURAL EXCHANGE FOR TIBETANS.—The Director of the United States Information Agency shall establish programs of educational and cultural exchange between the United States and the people of Tibet. Such programs shall include opportunities for training and, as the Director considers appropriate, may include the assignment of personnel and resources abroad.

(b) SCHOLARSHIPS FOR TIBETANS AND BURMESE.—

(1) IN GENERAL.—For each of the fiscal years 1998 and 1999, at least 30 scholarships shall be made available to Tibetan students and professionals who are outside Tibet, and at least 15 scholarships shall be made available to Burmese students and professionals who are outside Burma.

(2) WAIVER.—Paragraph (1) shall not apply to the extent that the Director of the United States Information Agency determines that there are not enough qualified students to fulfill such allocation requirement.

(3) SCHOLARSHIP DEFINED.—For the purposes of this section, the term ''scholarship'' means an amount to be used for full or partial support of tuition and fees to attend an educational institution, and may include fees, books, and supplies, equipment required for courses at an educational institution, living expenses at a United States educational institution, and travel expenses to and from, and within, the United States.

SEC. 1408. UNITED STATES-JAPAN COMMISSION.

(a) RELIEF FROM RESTRICTION OF INTERCHANGEABILITY OF FUNDS.—

(1) Section 6(4) of the Japan-United States Friendship Act (22 U.S.C. 2905(4)) is amended by striking ''needed, except'' and all that follows through ''United States'' and inserting ''needed''.

(2) The second sentence of section 7(b) of the Japan-United States Friendship Act (22 U.S.C. 2906(b)) is amended to read as follows: ''Such investment may be made only in interest-bearing obligations of the United States, in obligations guaranteed as to both principal and interest by the United States, in interest-bearing obligations of Japan, or in obligations guaranteed as to both principal and interest by Japan.''.

(b) REVISION OF NAME OF COMMISSION.—

(1) After the date of the enactment of this Act, the Japan-United States Friendship Commission shall be designated as the ''United States-Japan Commission''. Any reference in any provision of law, Executive order, regulation, delegation of authority, or other document to the Japan-United States Friendship Commission shall be considered to be a reference to the United States-Japan Commission.

(2) The heading of section 4 of the Japan-United States Friendship Act (22 U.S.C. 2903) is amended to read as follows:

''UNITED STATES-JAPAN COMMISSION''.

(3) The Japan-United States Friendship Act is amended by striking ''Japan-United States Friendship Commission'' each place such term appears and inserting ''United States-Japan Commission''.

(c) REVISION OF NAME OF TRUST FUND.—

(1) After the date of the enactment of this Act, the Japan-United States Friendship Trust Fund shall be designated as the ''United States-Japan Trust Fund''. Any reference in any provision of law , Executive order, regulation, delegation of authority, or other document to the Japan-United States Friendship Trust Fund shall be considered to be a reference to the United States-Japan Trust Fund.

(2) Section 3(a) of the Japan-United States Friendship Act (22 U.S.C. 2902(a)) is amended by striking ''Japan-United States Friendship Trust Fund'' and inserting ''United States-Japan Trust Fund''.

SEC. 1409. SURROGATE BROADCASTING STUDIES.

(a) RADIO FREE AFRICA.—Not later than 6 months after the date of the enactment of this Act, the United States Information Agency and the Board of Broadcasting Governors should conduct and complete a study of the appropriateness, feasibility, and projected costs of providing surrogate broadcasting service to Africa and transmit the results of the study to the appropriate congressional committees.

(b) RADIO FREE IRAN.—Not later than 6 months after the date of the enactment of this Act, the United States Information Agency and the Board of Broadcasting Governors should conduct and complete a study of the appropriateness, feasibility, and projected costs of a Radio Free Europe/Radio Liberty broadcasting service to Iran and transmit the results of the study to the appropriate congressional committees.

SEC. 1410. AUTHORITY TO ADMINISTER SUMMER TRAVEL/WORK PROGRAMS.

The Director of the United States Information Agency is authorized to administer summer travel/work programs without regard to preplacement requirements.

SEC. 1411. PERMANENT ADMINISTRATIVE AUTHORITIES REGARDING APPROPRIATIONS.

Section 701(f) of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1476(f)) is amended by striking paragraph (4).

SEC. 1412. AUTHORITIES OF THE BROADCASTING BOARD OF GOVERNORS.

(a) AUTHORITIES.—Section 305(a)(1) of the United States International Broadcasting Act of 1994 (22 U.S.C. 6204(a)(1)) is amended by striking ''direct and''.

(b) DIRECTOR OF THE BUREAU.—The first sentence of section 307(b)(1) of the United States International Broadcasting Act of 1994 (22 U.S.C.6206(b)(1)) is amended to read as follows: ''The Director of the Bureau shall be appointed by the Board with the concurrence of the Director of the United States Information Agency.''.

(c) RESPONSIBILITIES OF THE DIRECTOR.—Section 307 of the United States International Broadcasting Act of 1994 (22 U.S.C.6206) is amended by adding at the end the following new subsection:

''(c) RESPONSIBILITIES OF THE DIRECTOR.—The Director shall organize and chair a coordinating committee to examine long-term strategies for the future of international broadcasting, including the use of new technologies, further consolidation of broadcast services, and consolidation of currently existing public affairs and legislative relations functions in the various international broadcasting entities. The coordinating committee shall include representatives of RFA, RFE/RL, the Broadcasting Board of Governors, and, as appropriate, from the Office of Cuba Broadcasting, the Voice of America, and WorldNet.''.

(d) RADIO BROADCASTING TO CUBA.—Section 4 of the Radio Broadcasting to Cuba Act (22 U.S.C. 1465b) is amended by striking ''of the Voice of America'' and inserting ''of the International Broadcasting Bureau''.

(e) TELEVISION BROADCASTING TO CUBA.—Section 244(a) of the Television Broadcasting to Cuba Act (22 U.S.C. 1465cc(a)) is amended in the third sentence by striking ''of the Voice of America'' and inserting ''of the International Broadcasting Bureau''.

TITLE XV—INTERNATIONAL ORGANIZATIONS; UNITED NATIONS AND RELATED AGENCIES

CHAPTER 1—GENERAL PROVISIONS

SEC. 1501. SERVICE IN INTERNATIONAL ORGANIZATIONS.

(a) IN GENERAL.—Section 3582(b) of title 5, United States Code, is amended by striking all after the first sentence and inserting the following: ''On reemployment, he is entitled to the rate of basic pay to which he would have been entitled had he remained in the civil service. On reemployment, the agency shall restore his sick leave account, by credit or charge, to its status at the time of transfer. The period of separation caused by his employment with the international organization and the period necessary to effect reemployment are deemed creditable service for all appropriate civil service employment purposes. This subsection does not apply to a congressional employee.''.

(b) APPLICATION.—The amendment made by subsection (a) shall apply with respect transfers which take effect on or after the date of the enactment of this Act.

SEC. 1502. ORGANIZATION OF AMERICAN STATES.

Taking into consideration the long-term commitment by the United States to the affairs of this hemisphere and the need to build further upon the linkages between the United States and its neighbors, it is the sense of the Congress that the Secretary of State should make every effort to pay the United States assessed funding levels for the Organization of American States, which is uniquely

dependent on United States contributions and is continuing fundamental reforms in its structure and its agenda.

CHAPTER 2—UNITED NATIONS AND RELATED AGENCIES

SEC. 1521. REFORM IN BUDGET DECISIONMAKING PROCEDURES OF THE UNITED NATIONS AND ITS SPECIALIZED AGENCIES.

(a) ASSESSED CONTRIBUTIONS.—Of amounts authorized to be appropriated for ''Assessed Contributions to International Organizations'' by this Act, the President may withhold 20 percent of the funds appropriated for the United States assessed contribution to the United Nations or to any of its specialized agencies for any calendar year if the Secretary of State determines that the United Nations or any such agency has failed to implement or to continue to implement consensus-based decisionmaking procedures on budgetary matters which assure that sufficient attention is paid to the views of the United States and other member states that are the major financial contributors to such assessed budgets.

(b) NOTICE TO CONGRESS.—The President shall notify the Congress when a decision is made to withhold any share of the United States assessed contribution to the United Nations or its specialized agencies pursuant to subsection (a) and shall notify the Congress when the decision is made to pay any previously withheld assessed contribution. A notification under this subsection shall include appropriate consultation between the President (or the President's representative) and the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate.

(c) CONTRIBUTIONS FOR PRIOR YEARS.—Subject to the availability of appropriations, payment of assessed contributions for prior years may be made to the United Nations or any of its specialized agencies notwithstanding subsection (a) if such payment would further United States interests in that organization.

(d) REPORT TO CONGRESS.—Not later than February 1 of each year, the President shall submit to the appropriate congressional committees a report concerning the amount of United States assessed contributions paid to the United Nations and each of its specialized agencies during the preceding calendar year.

SEC. 1522. REPORTS ON EFFORTS TO PROMOTE FULL EQUALITY AT THE UNITED NATIONS FOR ISRAEL.

(a) CONGRESSIONAL STATEMENT.—It is the sense of the Congress that the United States must help promote an end to the persistent inequity experienced by Israel in the United Nations whereby Israel is the only longstanding member of the organization to be denied acceptance into any of the United Nation's regional blocs.

(b) REPORTS TO CONGRESS.—Not later than 90 days after the date of the enactment of this Act and on a quarterly basis thereafter, the Secretary of State shall submit to the appropriate congressional committees a report which includes the following information (in classified or unclassified form as appropriate):

(1) Actions taken by representatives of the United States to encourage the nations of the Western Europe and Others Group (WEOG) to accept Israel into their regional bloc.

(2) Efforts undertaken by the Secretary General of the United Nations to secure Israel's full and equal participation in that body.

(3) Specific responses received by the Secretary of State from each of the nations of the Western Europe and Others Group (WEOG) on their position concerning Israel's acceptance into their organization.

(4) Other measures being undertaken, and which will be undertaken, to ensure and promote Israel's full and equal participation in the United Nations.

SEC. 1523. UNITED NATIONS POPULATION FUND.

(a) LIMITATION.—Subject to subsections (b), (c), and (d)(2), of the amounts made available for each of the fiscal years 1998 and 1999 to carry out part I of the Foreign Assistance Act of 1961, not more than $25,000,000 shall be available for each such fiscal year for the United Nations Population Fund.

(b) PROHIBITION ON USE OF FUNDS IN CHINA.—None of the funds made available under this section shall be made available for a country program in the People's Republic of China.

(c) CONDITIONS ON AVAILABILITY OF FUNDS.—

(1) Not more than one-half of the amount made available to the United Nations Population Fund under this section may be provided to the Fund before March 1 of the fiscal year for which funds are made available.

(2) Amounts made available for each of the fiscal years 1998 and 1999 under part I of the Foreign Assistance Act of 1961 for the United Nations Population Fund may not be made available to the Fund unless—

(A) the Fund maintains amounts made available to the Fund under this section in an account separate from accounts of the Fund for other funds; and

(B) the Fund does not commingle amounts made available to the Fund under this section with other funds.

(d) REPORTS.—

(1) Not later than February 15, 1998, and February 15, 1999, the Secretary of State shall submit a report to the appropriate congressional committees indicating the amount of funds that the United Nations Population Fund is budgeting for the year in which the report is submitted for a country program in the People's Republic of China.

(2) If a report under paragraph (1) indicates that the United Nations Population Fund plans to spend China country program funds in the People's Republic of China in the year covered by the report, then the amount of such funds that the Fund plans to spend in the People's Republic of China shall be deducted from the funds made available to the Fund after March 1 for obligation for the remainder of the fiscal year in which the report is submitted.

SEC. 1524. CONTINUED EXTENSION OF PRIVILEGES, EXEMPTIONS, AND IMMUNITIES OF THE INTERNATIONAL ORGANIZATIONS IMMUNITIES ACT TO UNIDO.

Section 12 of the International Organizations Immunities Act (22 U.S.C. 288f-2) is amended by inserting ''and the United Nations Industrial Development Organization'' after ''International Labor Organization''.

TITLE XVI—ARMS CONTROL AND DISARMAMENT AGENCY

SEC. 1601. COMPREHENSIVE COMPILATION OF ARMS CONTROL AND DISARMAMENT STUDIES.

Section 39 of the Arms Control and Disarmament Act (22 U.S.C. 2579) is repealed.

SEC. 1602. USE OF FUNDS.

Section 48 of the Arms Control and Disarmament Act (22 U.S.C. 2588) is amended by striking ''section 11 of the Act of March 1, 1919 (44 U.S.C. 111)'' and inserting ''any other Act''.

TITLE XVII—FOREIGN POLICY PROVISIONS

SEC. 1701. UNITED STATES POLICY REGARDING THE INVOLUNTARY RETURN OF REFUGEES.

(a) IN GENERAL.—No funds authorized to be appropriated by this division shall be available to effect the involuntary return by the United States of any person to a country in which the person has a well founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion, except on grounds recognized as precluding protection as a refugee under the United Nations Convention Relating to the Status of Refugees of July 28, 1951, and the Protocol Relating to the Status of Refugees of January 31, 1967.

(b) MIGRATION AND REFUGEE ASSISTANCE.—No funds authorized to be appropriated by section 1104 of this Act or by section 2(c) of the Migration and Refugee Assistance Act of 1962 (22 U.S.C. 2601(c)) shall be available to effect the involuntary return of any person to any country unless the Secretary of State first notifies the appropriate congressional committees, except that in the case of an emergency involving a threat to human life the Secretary of State shall notify the appropriate congressional committees as soon as practicable.

(c) INVOLUNTARY RETURN DEFINED.—As used in this section, the term ''to effect the involuntary return'' means to require, by means of physical force or circumstances amounting to a threat thereof, a person to return to a country against the person's will, regardless of whether the person is physically present in the United States and regardless of whether the United States acts directly or through an agent.

SEC. 1702. UNITED STATES POLICY WITH RESPECT TO THE INVOLUNTARY RETURN OF PERSONS IN DANGER OF SUBJECTION TO TORTURE.

(a) IN GENERAL.—The United States shall not expel, extradite, or otherwise effect the involuntary return of any person to a country in which there are reasonable grounds for believing the person would be in danger of subjection to torture.

(b) DEFINITIONS.—

(1) IN GENERAL.—Except as otherwise provided, terms used in this section have the meanings given such terms under the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, subject to any reservations, understandings, declarations, and provisos contained in the United States resolution of advice and consent to ratification to such convention.

(2) INVOLUNTARY RETURN.—As used in this section, the term ''effect the involuntary return'' means to take action by which it is reasonably foreseeable that a person will be required to return to a country against the person's will, regardless of whether such return is induced by physical force and regardless of whether the person is physically present in the United States.

SEC. 1703. REPORTS ON CLAIMS BY UNITED STATES FIRMS AGAINST THE GOVERNMENT OF SAUDI ARABIA.

(a) IN GENERAL.—Within 60 days after the date of the enactment of this Act and every 120 days thereafter, the Secretary of State, in coordination with the Secretary of Defense and the Secretary of Commerce, shall report to the appropriate congressional committees on specific actions taken by the Department of State, the Department of Defense, and the Department of Commerce toward progress in resolving the commercial disputes between United States firms and the Government of Saudi Arabia that are described in the June 30, 1993, report by the Secretary of Defense pursuant to section 9140(c) of the Department of Defense Appropriations Act, 1993 (Public Law 102–396), including the additional claims noticed by the Department of Commerce on page 2 of that report.

(b) TERMINATION.—Subsection (a) shall cease to have effect when the Secretary of

State, in coordination with the Secretary of Defense and the Secretary of Commerce, certifies in writing to the appropriate congressional committees that the commercial disputes referred to in subsection (a) have been resolved satisfactorily.

SEC. 1704. HUMAN RIGHTS REPORTS.

Section 116(d) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151n) is amended—

(1) by striking ''January 31'' and inserting ''February 25'';

(2) redesignating paragraphs (3), (4), and (5) as paragraphs (4), (5), and (6), respectively; and

(3) by inserting after paragraph (2) the following new paragraph (3):

''(3) the status of child labor practices in each country, including—

''(A) whether such country has adopted policies to protect children from exploitation in the workplace, including a prohibition of forced and bonded labor and policies regarding acceptable working conditions; and

''(B) the extent to which each country enforces such policies, including the adequacy of resources and oversight dedicated to such policies;''.

SEC. 1705. REPORTS ON DETERMINATIONS UNDER TITLE IV OF THE LIBERTAD ACT.

Section 401 of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 (22 U.S.C. 6091) is amended by adding at the end the following:

''(e) REPORTS TO CONGRESS.—The Secretary of State shall, not later than 30 days after the date of the enactment of this subsection and every 3 months thereafter, submit to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate a report on the implementation of this section. Each report shall include—

''(1) an unclassified list, by economic sector, of the number of entities then under review pursuant to this section;

''(2) an unclassified list of all entities and a classified list of all individuals that the Secretary of State has determined to be subject to this section;

''(3) an unclassified list of all entities and a classified list of all individuals that the Secretary of State has determined are no longer subject to this section;

''(4) an explanation of the status of the review under way for the cases referred to in paragraph (1); and

''(5) an unclassified explanation of each determination of the Secretary of State under subsection (a) and each finding of the Secretary under subsection (c)—

''(A) since the date of the enactment of this Act, in the case of the first report under this subsection; and

''(B) in the preceding 3-month period, in the case of each subsequent report.''.

SEC. 1706. REPORTS AND POLICY CONCERNING DIPLOMATIC IMMUNITY.

(a) ANNUAL REPORT CONCERNING DIPLOMATIC IMMUNITY.—

(1) REPORT TO CONGRESS.—The Secretary of State shall prepare and submit to the Congress, annually, a report concerning diplomatic immunity entitled ''Report on Cases Involving Diplomatic Immunity''.

(2) CONTENT OF REPORT.—In addition to such other information as the Secretary of State may consider appropriate, the report under paragraph (1) shall include the following:

(A) The number of persons residing in the United States who enjoy full immunity from the criminal jurisdiction of the United States under laws extending diplomatic privileges and immunities.

(B) Each case involving an alien described in subparagraph (A) in which the appropriate authorities of a State, a political subdivision of a State, or the United States reported to the Department of State that the authority had reasonable cause to believe the alien committed a serious criminal offense within the United States.

(C) Each case in which the United States has certified that a person enjoys full immunity from the criminal jurisdiction of the United States under laws extending diplomatic privileges and immunities.

(D) The number of United States citizens who are residing in a receiving state and who enjoy full immunity from the criminal jurisdiction of such state under laws extending diplomatic privileges and immunities.

(E) Each case involving a United States citizen under subparagraph (D) in which the United States has been requested by the government of a receiving state to waive the immunity from criminal jurisdiction of the United States citizen.

(3) SERIOUS CRIMINAL OFFENSE DEFINED.—The term ''serious criminal offense'' means—

(A) any felony under Federal, State, or local law;

(B) any Federal, State, or local offense punishable by a term of imprisonment of more than 1 year ;

(C) any crime of violence as defined for purposes of section 16 of title 18, United States Code; or

(D) driving under the influence of alcohol or drugs or driving while intoxicated if the case involves personal injury to another individual.

(b) UNITED STATES POLICY CONCERNING REFORM OF DIPLOMATIC IMMUNITY.—It is the sense of the Congress that the Secretary of State should explore, in appropriate fora, whether states should enter into agreements and adopt legislation—

(1) to provide jurisdiction in the sending state to prosecute crimes committed in the receiving state by persons entitled to immunity from criminal jurisdiction under laws extending diplomatic privileges and immunities; and

(2) to provide that where there is probable cause to believe that an individual who is entitled to immunity from the criminal jurisdiction of the receiving state under laws extending diplomatic privileges and immunities committed a serious crime, the sending state will waive such immunity or the sending state will prosecute such individual.

SEC. 1707. CONGRESSIONAL STATEMENT WITH RESPECT TO EFFICIENCY IN THE CONDUCT OF FOREIGN POLICY.

It is the sense of the Congress that the Secretary, after consultation with the appropriate congressional committees, should submit a plan to the Congress to consolidate some or all of the functions currently performed by the Department of State, the agency for International Development, and the Arms Control and Disarmament Agency, in order to increase efficiency and accountability in the conduct of the foreign policy of the United States.

SEC. 1708. CONGRESSIONAL STATEMENT CONCERNING RADIO FREE EUROPE/RADIO LIBERTY.

It is the sense of the Congress that Radio Free Europe/Radio Liberty should continue surrogate broadcasting beyond the year 2000 to countries whose people do not yet fully enjoy freedom of expression. Recent events in Serbia, Belarus, and Slovakia, among other nations, demonstrate that even after the end of communist rule in such nations, tyranny under other names still threatens the freedom of their peoples, and hence the stability of Europe and the national security interest of the United States. The Broadcasting Board of Governors should therefore continue to allocate sufficient funds to Radio Free Europe/Radio Liberty to continue broadcasting at current levels to target countries and to increase these levels in response to renewed threats to freedom.

SEC. 1709. PROGRAMS OR PROJECTS OF THE INTERNATIONAL ATOMIC ENERGY AGENCY IN CUBA.

(a) WITHHOLDING OF UNITED STATES PROPORTIONAL SHARE OF ASSISTANCE.—

(1) IN GENERAL.—Section 307(c) of the Foreign Assistance Act of 1961 (22 U.S.C. 2227(c)) is amended—

(A) by striking ''The limitations'' and inserting ''(1) Subject to paragraph (2), the limitations''; and

(B) by adding at the end the following:

''(2)(A) Except as provided in subparagraph (B), with respect to funds authorized to be appropriated by this chapter and available for the International Atomic Energy Agency, the limitations of subsection (a) shall apply to programs or projects of such Agency in Cuba.

''(B)(i) Subparagraph (A) shall not apply with respect to programs or projects of the International Atomic Energy Agency that provide for the discontinuation, dismantling, or safety inspection of nuclear facilities or related materials, or for inspections and similar activities designed to prevent the development of nuclear weapons by a country described in subsection (a).

''(ii) Clause (i) shall not apply with respect to the Juragua Nuclear Power Plant near Cienfuegos, Cuba, or the Pedro Pi Nuclear Research Center unless Cuba—

''(I) ratifies the Treaty on the Non-Proliferation of Nuclear Weapons (21 UST 483) or the Treaty for the Prohibition of Nuclear Weapons in Latin America (commonly known as the Treaty of Tlatelolco);

''(II) negotiates full-scope safeguards of the International Atomic Energy Agency not later than two years after ratification by Cuba of such Treaty; and

''(III) incorporates internationally accepted nuclear safety standards.''.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on October 1, 1997, or the date of the enactment of this Act, whichever occurs later.

(b) OPPOSITION TO CERTAIN PROGRAMS OR PROJECTS.—The Secretary of State shall direct the United States representative to the International Atomic Energy Agency to oppose the following:

(1) Technical assistance programs or projects of the Agency at the Juragua Nuclear Power Plant near Cienfuegos, Cuba, and at the Pedro Pi Nuclear Research Center.

(2) Any other program or project of the Agency in Cuba that is, or could become, a threat to the security of the United States.

(c) REPORTING REQUIREMENTS.—

(1) REQUEST FOR IAEA REPORTS.—The Secretary of State shall direct the United States representative to the International Atomic Energy Agency to request the Director-General of the Agency to submit to the United States all reports prepared with respect to all programs or projects of the Agency that are of concern to the United States, including the programs or projects described in subsection (b).

(2) ANNUAL REPORTS TO THE CONGRESS.—Not later than 180 days after the date of the enactment of this Act, and on an annual basis thereafter, the Secretary of State, in consultation with the United States representative to the International Atomic Energy Agency, shall prepare and submit to the Congress a report containing a description of all programs or projects of the Agency in each country described in section 307(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2227(a)).

SEC. 1710. UNITED STATES POLICY WITH RESPECT TO JERUSALEM AS THE CAPITAL OF ISRAEL.

(a) LIMITATION.—Of the amounts authorized to be appropriated by section 1101(4) for ''Acquisition and Maintenance of Buildings Abroad'' $25,000,000 for the fiscal year 1998 and $75,000,000 for the fiscal year 1999 is authorized to be appropriated for the construction of a United States Embassy in Jerusalem, Israel.

(b) LIMITATION ON USE OF FUNDS FOR CONSULATE IN JERUSALEM.—None of the funds authorized to be appropriated by this division may be expended for the operation of a United States consulate or diplomatic facility in Jerusalem unless such consulate or diplomatic facility is under the supervision of the United States Ambassador to Israel.

(c) LIMITATION ON USE OF FUNDS FOR PUBLICATIONS.—None of the funds authorized to be appropriated by this division may be available for the publication of any official government document which lists countries and their capital cities unless the publication identifies Jerusalem as the capital of Israel.

(d) RECORD OF PLACE OF BIRTH.—For purposes of the registration of birth, certification of nationality, or issuance of a passport of a United States citizen born in the city of Jerusalem, upon request, the Secretary of State shall permit the place of birth to be recorded as Jerusalem, Israel.

SEC. 1711. REPORT ON COMPLIANCE WITH THE HAGUE CONVENTION ON INTERNATIONAL CHILD ABDUCTION.

Beginning 6 months after the date of the enactment of this Act and every 12 months thereafter during the fiscal years 1998 and 1999, the Secretary shall provide to the appropriate congressional committees a report on the compliance with the provisions of the the Hague Convention on the Civil Aspects of International Child Abduction by the signatories to such convention. Each such report shall include the following information:

(1) The number of applications for the return of children submitted by United States citizens to the Central Authority for the United States that remain unresolved more than 18 months after the date of filing.

(2) A list of the countries to which children in unresolved applications described in paragraph (1) are alleged to have been abducted.

(3) A list of the countries that have demonstrated a pattern of noncompliance with the obligations of such convention with respect to applications for the return of children submitted by United States citizens to the Central Authority for the United States.

(4) Detailed information on each unresolved case described in paragraph (1) and on actions taken by the Department of State to resolve each such case.

SEC. 1712. SENSE OF CONGRESS RELATING TO RECOGNITION OF THE ECUMENICAL PATRIARCHATE BY THE GOVERNMENT OF TURKEY.

It is the sense of the Congress that the United States—

(1) should recognize the Ecumenical Patriarchate and its nonpolitical, religious mission;

(2) should encourage the continued maintenance of the institution's physical security needs, as provided for under Turkish and international law; and

(3) should use its good offices to encourage the reopening of the Ecumenical Patriarchate's Halki Patriarchal School of Theology.

SEC. 1713. RETURN OF HONG KONG TO PEOPLE'S REPUBLIC OF CHINA.

It is the sense of the Congress that—

(1) the return of Hong Kong to the People's Republic of China should be carried out in a peaceful manner, with respect for the rule of law and respect for human rights, freedom of speech, freedom of the press, freedom of association, freedom of movement; and

(2) these basic freedoms are not incompatible with the rich culture and history of the People's Republic of China.

SEC. 1714. DEVELOPMENT OF DEMOCRACY IN THE REPUBLIC OF SERBIA.

(a) FINDINGS.—The Congress finds the following:

(1) The United States stands as a beacon of democracy and freedom in the world.

(2) A stable and democratic Republic of Serbia is important to the interests of the United States, the international community, and to peace in the Balkans.

(3) Democratic forces in the Republic of Serbia are beginning to emerge, notwithstanding the efforts of Europe's longest-standing communist dictator, Slobodan Milosevic.

(4) The Republic of Serbia completed municipal elections on November 17, 1996.

(5) In 14 of Serbia's 18 largest cities, and in a total of 42 major municipalities, candidates representing parties in opposition to the Socialist Party of President Milosevic and the Yugoslav United Left Party of his wife Mirjana Markovic won a majority of the votes cast.

(6) Socialist Party-controlled election commissions and government authorities thwarted the people's will by annulling free elections in the cities of Belgrade, Nis, Smederevska Palanka, and several other cities where opposition party candidates won fair elections.

(7) Countries belonging to the Organization for Security and Cooperation in Europe (OSCE) on January 3, 1997, called upon President Milosevic and all the political forces in the Republic of Serbia to honor the people's will and honor the election results.

(8) Hundreds of thousands of Serbs marched in the streets of Belgrade on a daily basis from November 20, 1996, through February 1997, demanding the implementation of the election results and greater democracy in the country.

(9) The partial reinstatement of opposition party victories in January 1997 and the subsequent enactment by the Serbian legislature of a special law implementing the results of all the 1996 municipal elections does not atone for the Milosevic regime's trampling of rule of law, orderly succession of power, and freedom of speech and of assembly.

(10) The Serbian authorities have sought to continue to hinder the growth of a free and independent news media in the Republic of Serbia, in particular the broadcast news media, and harassed journalists performing their professional duties.

(b) SENSE OF THE CONGRESS.—It is the sense of the Congress that—

(1) the United States, the Organization for Security and Cooperation in Europe (OSCE), and the international community should continue to press the Government of the Republic of Serbia to ensure the implementation of free, fair, and honest presidential and parliamentary elections in 1997, and to fully abide by their outcome;

(2) the United States, the OSCE, the international community, nongovernmental organizations, and the private sector should continue to promote the building of democratic institutions and civic society in the Republic of Serbia, help strengthen the independent news media, and press for the Government of the Republic of Serbia to respect the rule of law; and

(3) the normalization of relations between the Federal Republic of Yugoslavia and the United States requires, among other things, that President Milosevic and the leadership of Serbia—

(A) ensure the implementation of free, fair, and honest presidential and parliamentary elections in 1997;

(B) abide by the outcome of such elections; and

(C) promote the building of democratic institutions, including strengthening the independent news media and respecting the rule of law.

SEC. 1715. RELATIONS WITH VIETNAM.

(a) SENSE OF CONGRESS.—It is the sense of the Congress that—

(1) the development of a cooperative bilateral relationship between the United States and the Socialist Republic of Vietnam should facilitate maximum progress toward resolving outstanding POW/MIA issues, promote the protection of human rights including universally recognized religious, political, and other freedoms, contribute to regional stability, and encourage continued development of mutually beneficial economic relations;

(2) the satisfactory resolution of United States concerns with respect to outstanding POW/MIA, human rights, and refugee issues is essential to the full normalization of relations between the United States and Vietnam;

(3) the United States should upgrade the priority afforded to the ongoing bilateral human rights dialog between the United States and Vietnam by requiring the Department of State to schedule the next dialog with Vietnam, and all subsequent dialogs, at a level no lower than that of Assistant Secretary of State;

(4) during any future negotiations regarding the provision of Overseas Private Investment Corporation insurance to American companies investing in Vietnam and the granting of Generalized System of Preference status for Vietnam, the United States Government should strictly hold the Government of Vietnam to internationally recognized worker rights standards, including the right of association, the right to organize and bargain collectively, and the prohibition on the use of any forced or compulsory labor; and

(5) the Department of State should consult with other governments to develop a coordinated multilateral strategy to encourage Vietnam to invite the United Nations Special Rapporteur on Religious Intolerance to visit Vietnam to carry out inquiries and make recommendations.

(b) REPORT TO CONGRESS.—In order to provide Congress with the necessary information by which to evaluate the relationship between the United States and Vietnam, the Secretary shall report to the appropriate congressional committees, not later than 90 days after the enactment of this Act and every 180 days thereafter during fiscal years 1998 and 1999, on the extent to which—

(1) the Government of the Socialist Republic of Vietnam is cooperating with the United States in providing the fullest possible accounting of all unresolved POW/MIA cases and the recovery and repatriation of American remains;

(2) the Government of the Socialist Republic of Vietnam has made progress toward the release of all political and religious prisoners, including but not limited to Catholic, Protestant, and Buddhist clergy;

(3) the Government of the Socialist Republic of Vietnam is cooperating with requests by the United States to obtain full and free access to persons of humanitarian interest to the United States for interviews under the Orderly Departure (ODP) and Resettlement Opportunities for Vietnamese Refugees (ROVR) programs, and in providing exit visas for such persons;

(4) the Government of the Socialist Republic of Vietnam has taken vigorous action to end extortion, bribery, and other corrupt practices in connection with such exit visas; and

(5) the Government of the United States is making vigorous efforts to interview and resettle former reeducation camp victims, their immediate families including, but not limited to, unmarried sons and daughters, former United States Government employees, and other persons eligible for the ODP program, and to give such persons the full benefit of all applicable United States laws including, but not limited to, sections 599D and 599E of the Foreign Operations, Export Financing, and Related Programs Appropriations Act of 1990 (Public Law 101–167).

SEC. 1716. STATEMENT CONCERNING RETURN OF OR COMPENSATION FOR WRONGLY CONFISCATED FOREIGN PROPERTIES.

The Congress—

(1) welcomes the efforts of many post-Communist countries to address the complex and difficult question of the status of plundered properties;

(2) urges countries which have not already done so to return plundered properties to their rightful owners or, as an alternative, pay compensation, in accordance with principles of justice and in a manner that is just, transparent, and fair;

(3) calls for the urgent return of property formerly belonging to Jewish communities as a means of redressing the particularly compelling problems of aging and destitute survivors of the Holocaust;

(4) calls on the Czech Republic, Latvia, Lithuania, Romania, Slovakia, and any other country with restrictions which require those whose properties have been wrongly plundered by Nazi or Communist regimes to reside in or have the citizenship of the country from which they now seek restitution or compensation to remove such restrictions from their restitution or compensation laws;

(5) calls upon foreign financial institutions, and the states having legal authority over their operation, that possess wrongfully and illegally obtained property confiscated from Holocaust victims, from residents of former Warsaw Pact states who were forbidden by Communist law from obtaining restitution of such property, and from states that were occupied by Nazi, Fascist, or Communist forces, to assist and to cooperate fully with efforts to restore this property to its rightful owners; and

(6) urges post-Communist countries to pass and effectively implement laws that provide for restitution of, or compensation for, plundered property.

DIVISION C—FUNDING LEVELS

SEC. 2001. AUTHORIZATION OF APPROPRIATIONS FOR CERTAIN PROGRAMS.

Subject to section 634A of the Foreign Assistance Act of 1961, there are authorized to be appropriated to the President for fiscal year 1998, $116,878,000. Amounts made available pursuant to such authorization shall be transferred to and merged with funds made available to accounts authorized to be appropriated by this Act (and amendments made by this Act) that are below the President's fiscal year 1998 request. Amounts transferred and merged under this subsection may not increase an appropriation account above the President's fiscal year 1998 request.