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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. SUNUNU].

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
November 5, 1997.

I hereby designate the Honorable JOHN E. SUNUNU 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:

We pray, gracious God that whatever our obligations or whatever our time in life, we will experience purposeful challenges that engage the spirit and keep our hearts and minds filled with enthusiasm. Help us to be aware that there are always ways that we can contribute to the benefit of people about us or to help lift the burdens of others with their daily concerns. May Your Spirit, O God, so touch our spirits that our minds are alert, our hearts are compassionate, and our hands eager to do the good works that honor You and serve people whatever their need. In Your name we pray. 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.

Mr. ROGAN. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker'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.

Mr. ROGAN. 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 of rule I, further proceedings on this question are postponed.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

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

Mr. KUCINICH led the Pledge of Allegiance as follows:

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

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundegran, one of its clerks, announced that the Senate had passed without amendment bills of the House of the following titles:

H.R. 79. An act to provide for the conveyance of certain land in the Six Rivers National Forest in the State of California for the benefit of the Hoopa Valley Tribe;

H.R. 708. An act to require the Secretary of the Interior to conduct a study concerning grazing use and open space within and adjacent to Grand Teton National Park, Wyoming, and to extend temporarily certain grazing privileges; and

H.R. 2464. An act to amend the Immigration and Nationality Act to exempt internationally adopted children 10 years of age or younger from the immunization requirement in section 212(a)(1)(A)(ii) of such Act.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 813. An act to amend chapter 91 of title 18, United States Code, to provide criminal penalties for theft and willful vandalism at national cemeteries;

S. 940. An act to provide for a study of the establishment of Midway Atoll as a national memorial to the Battle of Midway, and for other purposes;

S. 1231. An act to authorize appropriations for fiscal years 1998 and 1999 for the United States Fire Administration, and for other purposes; and

S. 1324. An act to deauthorize a portion of the project for navigation, Biloxi Harbor, Mississippi.

The message also announced, that pursuant to section 4355(a) of title 10, United States Code, the Chair, on behalf of the Vice President, appoints the following Senator to the Board of Visitors of the United States Military Academy:

The Senator from New Jersey [Mr. LAUTENBERG] from the Committee on Appropriations, vice the Senator from Wisconsin [Mr. KOHL].

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain 15 one-minutes on each side.

CUTTING TAXES IS NOT SELFISH

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

Mr. NEUMANN. Mr. Speaker, I rise this morning to look at the results of last night's elections and see that the people have spoken and they do not believe it is selfish for the working families of this great Nation to want to keep more of their own money in their own home and spend it on their families, rather than sending it to whatever

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the taxing organization might be, whether it be Washington or their local tax burden.

We understand that the President said that he believes it is selfish, selfish, for people to support tax cuts. Mr. President, it is not selfish for our hard-working families that are going to receive the $400 per child tax credit to want to keep that money in their home to use on their families rather than send it to Washington, DC.

It is not selfish for a hard-working family that is maybe now working three jobs to want to keep more of their own hard-earned money in their family so they only need to work two jobs instead of three to make ends meet, so they can keep more money there and spend more time with their families because they are now only working two jobs instead of three. That is not selfish. That is family values of this great Nation that we live in. That is the opportunity for parents to spend more time with their children.

DEFEAT OF ''ISSUE 2'' A LESSON FOR ALL

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

Mr. KUCINICH. Mr. Speaker, yesterday one of the most important election issues in America was decided in the State of Ohio in favor of working families. Ohio ''Issue 2'' sought to reduce and eliminate many benefits accorded injured workers under the workers compensation system. When people are injured on the job, they have a right to fair compensation, but Issue 2 would have taken away that right.

A powerful coalition led by labor and other representatives of injured workers rose up to protect the moral, the economic, and the spiritual rights of people to be able to be fairly compensated when they are injured on the job.

The defeat of Issue 2 is a lesson for those who would seek to use the legislative process to deprive workers of their rights. It is also a lesson for those who would defy power which seems omnipotent, who believe that they could overcome the odds, assert their rights and triumph on behalf of working men and women.

COMMON SENSE NEEDED AT THE IRS

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

Mr. TIAHRT. Mr. Speaker, soon it will be cookies and tea at the IRS. They are holding an open house down at the IRS. It is their kinder and gentler version of the most feared bureaucracy in America.

After years of abusing Americans on repeated audits, after confiscating personal property and closing family businesses, after harassing local churches for returning contributions made freely by their parishoners, the IRS says, trust us. We did not do anything illegal. If we did, we will not do it again, but we do need to make some changes. It kind of sounds like campaign reform.

Mr. Speaker, there are a lot of good people working at the IRS put in very bad positions by their management. The best thing to do would be to eliminate the Tax Code and create a fairer and flatter tax. But in the meantime we should all vote for H.R. 2676, the IRS Restructuring and Reform Act, and get some common sense back at the IRS.

BRING SOME COMMON SENSE TO FOREIGN RELATIONS

(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, see if this makes sense. America gives billions of foreign aid to Russia; Russia then takes American cash and builds new weapons; Russia then offers to sell the old weapons to Iran. America trying to keep nuclear technology from Iran, and they buy the old weapons from Russia. Russia then asks America for more foreign aid. America trying to keep the Marx brothers out of Russia, and I do not mean Groucho, give Russia more foreign aid.

After all this, the State Department labels the National Council Resistance, the opposition party in Iran, fighting for democracy, trying to throw those bums out. They label them a terrorist group.

Unbelievable. How dumb can Uncle Sam be? Let us tell it like it is. Those Russian nuclear scientists are not hanging around Iran to watch belly dancers. What is next? Will the Pentagon lease Tehran?

Beam me up, Mr. Speaker. With a foreign policy like this, I do not know how we still have our sovereignty.

EARLY DETECTION SAVES LIVES

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

Mr. SNOWBARGER. Mr. Speaker, I have come to the floor to focus our Nation's attention on a disease that afflicts one in every 8 women and affects everyone's lives. Each year, more than 46,000 women lose their lives in a fight against breast cancer and it is this fact I find most distressing, because in many cases, early detection could have prevented the losses of life.

According to the American Cancer Society, nearly 9 out of every 10 women who are diagnosed with breast cancer survive. A major component in achieving this success rate is educating women to regularly conduct breast self-examinations. Again, early detection of breast cancer can prevent the loss of life.

In Kansas City, women are benefiting from the works of Florein Leiberman, who founded the Breast Exam Self Testing Program, known as the BEST Program. BEST is sponsored by Menorah Medical Center and is supported by 35 physicians who volunteer their time and expertise to provide a free clinic visit to help educate women on proper breast self-examination techniques.

Since 1985, more than 3,500 women have benefited from this program. In addition, BEST is working with local junior and senior high schools to help educate young women on ways to work on this disease.

BRING H.R. 856, SELF DETERMINATION FOR PUERTO RICO, TO THE FLOOR

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

Mr. ROMERO-BARCELÓ. Mr. Speaker, I rise to the occasion in support of H.R. 856, a bill to provide a process leading to the full self-determination for Puerto Rico. This bill seeks to put an end to the disenfranchisement of 3.8 million U.S. citizens in Puerto Rico. This bill is essential to strengthening our Democratic process.

The U.S. citizens of Puerto Rico have been partners of the United States since 1898, almost one century, having fought hand-in-hand to defend American principles and Democratic ideals worldwide. After having faithfully fought side-by-side with our fellow citizens in every armed conflict since 1917, Puerto Ricans are denied the right to exercise self-determination and their right to vote. As the United States preaches to the world on human rights and democracy, it has forgotton 3.8 million of its own citizens.

How can we ask Castro to hold a plebiscite and open elections in Cuba when this Nation, an example and inspiration of democracy, keeps 3.8 million of its own citizens disenfranchised? Please support H.R. 856. It is our responsibility. We must bring H.R. 856 to the floor soon.

ELECTION RESULTS SAY IT ALL

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

Mr. PAPPAS. Mr. Speaker, we frequently hear that liberal and conservative are nothing but labels, but Mr. Speaker, it is a question of vision contrasting between the liberal vision and the conservative vision for America.

Just a few days ago while campaigning in Alexandria, VA, President Clinton called the voters who support tax relief selfish. Well, Mr. Speaker, yesterday all throughout this country, in particular I would like to point out in the 13th district of New York, a district where VITO FOSSELLA was elected to replace Susan Molinari in the House of Representatives, a district that the Democrats said would be a bellwether test for what is to happen in 1998 in the

House elections. Mr. FOSSELLA was overwhelmingly elected by over 60 percent and we are fortunate to have him join this House this morning.

Mr. Speaker, selfishness is not an effort to keep more of what Americans earn, it is the right thing to do.

SAY ''NO'' TO FAST TRACK

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

Mr. DEFAZIO. Mr. Speaker, the full court corporate press for fast track legislation is on. The USA NAFTA captains are back. Remember these folks, colleagues? These are the same corporate CEO's that came here and promised NAFTA would be a boon for American workers. We would run trade surpluses with Mexico. Our people would be in full employment.

Guess what? These same folks are back. Their salaries are up dramatically, their profits are up, but 43 percent of them have laid off American workers. They have moved the jobs to Mexico. Twenty percent of them are documented for threatening their workers with moving their jobs to Mexico unless they accept lower wages, but for us, is it not wonderful? Twenty percent of them are also in the top givers of soft money to politicians.

They are here now in the back rooms and trying to get into your offices. Say no to the corporate money. Say yes to the American workers. Say no to fast track, no, no, no.

AMERICA NEEDS A NEW IRS

(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, we can control disease in America, but we cannot control the IRS. Here we go again, and as my mother used to say, same song, just a different verse. The IRS has found a new way to abuse the American taxpayer. This time they are reneging on an agreement with the restaurant industry.

After complaining for years that they are not able to tax the tips earned by hard-working restaurant employees, the IRS proposed a new voluntary taxation plan. Restaurants could, but were by no means obligated to, use this method of recording this income. To nobody's surprise, the IRS has now resorted to intimidation, threatening audits on any business that does not follow their extortionary demands.

This type of harassment must end. Fortunately, the IRS Restructuring and Reform Act of 1997 will prohibit this abuse of power. Yes, Mr. Speaker, today is a new day, and we need a new IRS. The time has come to restore the common sense and accountability of this country's tax collection agency.

□ 1015

CONGRATULATIONS, HOUSTON, FOR SUPPORTING AFFIRMATIVE ACTION

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I am very proud this morning to announce that the citizens of Houston, TX, are decent people. Resoundingly, yesterday they defeated a clone of proposition 209 out of California, and they proclaimed their commitment to affirmative action and equal opportunity for all. They rejected a referendum to deny the city of Houston the opportunity to implement affirmative action.

With congratulations to local elected officials and all of us who worked very hard, but most of all congratulations to the citizens of Houston, who understood what affirmative action is. It does not take away from someone else and give to another unfairly, it simply opens the door of opportunity for someone equally qualified.

To the Canady legislation to be marked up in the Committee on the Judiciary, be forewarned, the people of America are saying that equal opportunity is what we believe in and what this country stands for. We will fight all the way to maintain the opportunity for all citizens. Thank you, Houston, for standing for what America truly believes in, and that is equal opportunity and access for all of us, through an effort to defeat discriminatory practices by the use of affirmative action.

PRESIDENT WRONG TO LABEL TAXPAYERS SELFISH

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

Mr. ROGAN. Mr. Speaker, we Republicans believe that one of the greatest family values we can promote in Congress is to allow hard-working people to keep more of the money they have earned, and have the right to spend it on their families. How I wish the President would join us in that family value.

I was stunned to pick up the front page of the newspaper yesterday and to see the headline: ''Clinton Labels Tax Cut Selfish.'' I read from the newspaper, lest anybody think I am exaggerating: ''President Clinton yesterday called voters attracted to Republican tax cut promises selfish, saying they should be satisfied instead with a revived economy, and *happy* to pay for government services'' (emphasis added).

Yesterday, in Virginia he scolded voters for backing the selfishly gratifying pledge to slash taxes. ''This is going to be like one of those meals you order and you are hungry 30 minutes later,'' the President proclaimed.

Mr. President, I am gravely disappointed in these comments. For a leader who likes to remind us he ''feels our pain,'' I wish you would recognize the pain caused by oppressively high taxes on working American families. You have a chance to join us in the fight to return more of their money from the IRS to their pocketbooks. I urge you to reconsider who is the truly selfish one in this debate.

VOUCHER PROPOSAL DEFEAT IS VICTORY FOR PUBLIC SCHOOLS

(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, last night this body voted down the Gingrich voucher proposal. This was a great victory for America's public schools and a great victory, more important, for America's public school children. This Nation's commitment to public schools, to public education, is one of the cornerstones of our democratic society.

The notion, the notion that every child, regardless of race, gender, station in life, is entitled to public education, that is what we have been about in this great Nation.

Today our public schools do have a lot of problems. Vouchers is not the way to fix them. Vouchers simply provide an out for a lucky few, while draining precious resources that could be spent on replacing leaky roofs, buying new computers, or hiring new teachers. This is a way to take money from public education and put it to private education for the privileged and for the few.

Let me congratulate my colleagues who stood up on the floor last night. They stood up for public education, and they voted down the Gingrich voucher plan.

VOTES REFLECT SOLIDARITY WITH CHINESE IN STRUGGLE FOR DEMOCRACY

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

Ms. ROS-LEHTINEN. Mr. Speaker, the U.S. Congress has a unique opportunity today to stand in solidarity with the long-suffering Chinese people in their struggle for freedom, for democracy, for respect for human rights.

There is a series of bills before us today ranging from enforcing a ban on slave labor products to condemning the abhorrent practice of forced abortion.

The House will vote on sanctions on Chinese missile exports to Iran, as well as my bill, which will place human rights monitors in our Embassy and consulates in China.

We will send a message to the people of Tibet and Taiwan that we want them to have self-determination.

The House will vote on adopting a voluntary set of principles which promote good corporate citizenship by

United States companies doing business in China.

We pressure China to stop selling nuclear-related technology to countries such as Pakistan that are trying to develop nuclear weapons.

The House will increase funding for the National Endowment for Democracy to promote democracy in China, and we will express our disgust at the Chinese practice of harvesting and transplanting human organs from prisoners, and we will deny U.S. visas to those Chinese officials.

MAJOR ENVIRONMENTAL GROUPS UNIFIED IN OPPOSITION TO FAST TRACK

(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, the major environmental organizations, some of which were strong supporters of NAFTA in 1993, have expressed their opposition to the current fast track proposals moving through the House and Senate. The National Wildlife Federation, the National Audubon Society, and Defenders of Wildlife have joined with the Sierra Club, Friends of the Earth, and dozens of other grassroots environmental organizations around the country who oppose this legislation.

The debate currently raging over fast track is not a question of whether the United States enters into a global economy, it is a question of how we participate in that economy, and whether we should sacrifice the rights of workers in this country and around the world in the name of free trade. It is a question of whether we should capitulate to multinational corporations which would bargain down the environmental protection standards of nations around the world in the name of competitiveness.

Mr. Speaker, the United States cannot afford to encourage a race to the bottom when it comes to preserving the global environmental or the rights of workers to a safe workplace and a fair wage. We should vote down this fast track legislation when it comes up at the end of this week.

SUPPORT THE REPUBLICAN EDUCATION REFORM AGENDA

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

Mr. SHIMKUS. Mr. Speaker, as a former teacher in Edwardsville, IL, I often use my 1-minutes to praise teachers and students who have touched so many lives in central and southern Illinois. My past in education also makes me very aware of the need for reforms in our local schools.

That is why I rise today to urge parents, teachers, and students to embrace the bold education reform agenda that was proposed by my fellow Republicans. This education agenda includes six measures which provide every child in America with first-class learning opportunities in safe, secure schools where children can focus on learning and teachers can focus on teaching.

Sending more money to Washington bureaucrats is a policy of the past, and we must begin to give control of our schools back to the States, local schools, teachers, and our parents, where it belongs.

PROTECT AMERICA'S SOVEREIGNTY AND SLOW DOWN FAST TRACK

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

Mr. BOYD. Mr. Speaker, in the last few weeks I have grown increasingly concerned about the World Trade Organization's impact on our sovereignty. The WTO allows a panel of trade experts to rule that Federal and State laws are barriers to trade. If we do not take action to comply with the WTO's ruling, other nations then can level punitive tariffs against us.

While many have glossed this over, Congress has already changed one law to avoid these sanctions. The WTO has cases pending against several State and Federal laws. In Florida, we require foreign agricultural producers who ship crops into our State to pay for inspections when their produce enters our ports. These inspections protect locally grown crops from exposure to foreign-based infestations, which could devastate a multibillion-dollar agricultural industry.

While the State law does not violate any Federal statute, it is currently being challenged in the WTO. I would urge my colleagues to take a close look at the WTO before voting on fast track. Protect our sovereignty and slow down fast track.

IRS REFORM

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

Mr. KNOLLENBERG. Mr. Speaker, it is no wonder that the vast majority of Americans feel that nobody in Washington is on their side. Consider the IRS, as some speakers have already. For too long and for too many times, this agency has acted in an arrogant, heavy-handed fashion, running roughshod over hard-working taxpayers.

Fortunately, I believe Congress has listened to the American people and is now on the verge of passing a bill that will provide taxpayers with some much needed protections against the abuses of the IRS. This bill makes it easier for taxpayers to recover legal fees when the IRS is wrong. It allows taxpayers to sue the IRS for up to $100,000 for negligent collection practices, and most important, it shifts the burden of proof in court cases from a taxpayer to the IRS.

Mr. Speaker, it is time for Congress to stick up for the American people by standing up to the IRS. I urge my colleagues to support this important IRS reform.

INCONSISTENCY IN AMERICA'S FOREIGN POLICY

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

Mr. PAUL. Mr. Speaker, the Congress has never earned high marks for consistency. We do spend many hours debating the minor differences in the management of many centralized programs that are generally unwarranted. But when it comes to foreign policy, I see both sides of the aisle are eagerly agreeing with the President that we must threaten force and use of force in Iraq.

Yet, Mr. Speaker, there is no indication that this is a proper position. We have been told by the Ambassador to the United Nations that the reason we must threaten force in this area is that it is a direct threat to the security of the United Nations. Here all along I thought I was here in the Congress to protect the security of the United States.

We are inconsistent because the majority of Americans want us out of Bosnia. Most Members of Congress argue and vote to get us out of Bosnia. There is no indication that we are going to get out of Bosnia. Yet, here we are, chanting away that we should use force and threaten force in Bosnia. We do not have that same policy with China.

THE PRESIDENT JOINS REPUBLICANS IN ESSENTIAL IRS REFORM

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

Mr. ENGLISH of Pennsylvania. Mr. Speaker, in response to the last speaker, I would point out that Ralph Waldo Emerson once wrote that, ''A foolish consistency is the hobgoblin of little minds, adored by little statesmen and philosophers and divines.''

I think President Clinton must have meditated on Emerson when he recently flip-flopped on reforming the Internal Revenue Service. Although the Clinton administration originally opposed IRS restructuring, the President wisely sacrificed consistency and jumped on the bandwagon of the IRS reform bill developed by the Committee on Ways and Means.

Building on the recommendation of the bipartisan Kerry-Portman Commission, this reform legislation would overhaul IRS management by placing the agency under an independent oversight board. It would expand taxpayer

protections by enacting 28 new taxpayer rights, including the right to sue for negligence, to collect legal fees, to be notified of the reasons for an audit.

For the first time, taxpayers in advanced IRS proceedings will be considered innocent until proven guilty. This IRS reform bill is essential.

WOULD MEMBERS GIVE FAST TRACK AUTHORITY TO A PRESIDENT THEY SAY CANNOT BE TRUSTED?

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

Mr. TAYLOR of Mississippi. Mr. Speaker, my two previous colleagues stressed the importance of consistency in statesmanship. I am going to agree. For the past 6 years folks on this side of the aisle in particular have been saying that Bill Clinton could not be trusted, on a daily and almost hourly basis.

Well, if they really feel that way, I hope they will stick to their guns, because within the next week we will be called upon as Congressmen to give away our constitutionally mandated duty, given to us in article 1, section 8, clause 3 of the Constitution, to regulate commerce with foreign nations. Fast track will take that authority from Congress and give it to a President that they say cannot be trusted.

If Members really think he cannot be trusted, then do not give him our responsibilities. Under no circumstances should Congress be giving away our constitutionally-mandated duties. This is the highest law of the land. I would encourage all of us to live by it.

DO AMERICANS WANT MORE BUREAUCRACY OR MORE FREEDOM FOR EDUCATION AT THE LOCAL LEVEL?

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

Mr. PETERSON of Pennsylvania. Mr. Speaker, we have been having an ongoing educational debate here in Congress, in the 105th Congress. There are several issues that have come out that I want to share today.

Seven percent of the money for education comes from the Federal Government, yet 70 percent of the paperwork and red tape come from the Federal Government. We have discussed special education, vocational education, choice, charter schools, literacy.

The Democrats have worked for more money, more Federal control, more bureaucracy, which equals more taxes. The Republicans have fought for 90 percent to go to the classroom, which has normally been about 70 percent; for local control, allowing the community and parents to choose. Federal control means Federal bureaucracy and will not be in the best interests of our students.

Today I ask the American public, which do they want, more bureaucracy, or more freedom for education at the local level?

PRESIDENT CALLS VIRGINIANS SELFISH FOR SEEKING LOWER TAXES

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

Mr. HAYWORTH. Mr. Speaker, I noted with interest and I must admit, Mr. Speaker, a trace of disbelief the headline in yesterday's Washington Times: Clinton Labels Tax Cut Selfish.

□ 1030

Mr. Speaker, I would suggest to the President that it is not the American people who are selfish. Instead, it is a government that takes more and more and more of what people earn and then unfairly takes it away from them.

I would point out the experience of a 93-year-old American who suffered from Alzheimer's disease who sent a check to the Internal Revenue Service for $7,000. Even the IRS admitted that was a mistake. But when it came time to give that money back, the Internal Revenue Service said, no, the statute of limitations had run out. So the IRS was protected with its own selfishness.

Today, Mr. Speaker, in our bill to reform the Internal Revenue Service, we take away that statute of limitations. For that senior citizen's family, including an Arizona couple, we will try to make it right. No, it is not the people who are selfish; it is a brutal, repressive tax regime.

SELFISH TO VOTE TO SLOW THE SIZE AND GROWTH OF GOVERNMENT

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

Mr. FOLEY. Mr. Speaker, the President says it is selfish to vote to slow the size and wasteful growth of government.

Consider this: Have you looked at your phone bill lately with all the government fees? Have you looked at your cable bill and all of its government taxes and fees, your gas taxes when you fill up your car, your sales taxes on purchases, your property taxes on real estate, your State income taxes, your payroll taxes on earning, your excise taxes on beverages, your IRS taxes on income?

Only in Washington can one say the Lord giveth and the Government taketh away. When Washington takes it from you, it is called compassionate. When you want your money back from Washington because it is wasting it, you are called selfish.

Mr. Speaker, it is the American taxpayers' money, not ours, not Congress', not the White House's, the taxpayers'. It is not selfish to ask for fiscal discipline. It is not selfish to save for the future. It is not selfish to give more money to your children so that they can invest for their education. It is not selfish to ask government to restrain its wasteful spending patterns. It is time government recognizes that it is for the people, by the people, of the people, not for the President.

POLICY AGAINST CHINESE GOVERNMENT

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

Mr. ADERHOLT. Mr. Speaker, I rise today to ask my colleagues a question. What exactly are we waiting for? What trade practice? What military threat? What human rights atrocity will finally move us to take a stand against the policies of the Chinese Government?

America fought a war to end slavery, yet we wink at the sale of human body parts. We stand in line at the Holocaust Museum, yet we also line up to make deals with a government that murders Christians and Buddhists. We had sanctions against South Africa, yet we extend MFN to China. Why?

No one has a stronger desire to see U.S. businesses flourish, but profit comes at a price. If it costs a little more to make a product in the United States, I will gladly pay the difference.

History will judge us harshly if we fail to take a stand. I urge Members to vote for the Cox package and to support H.R. 1865, the Freedom from Religious Persecution Act.

THE JOURNAL

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

The question is on agreeing to the Speaker's approval of the Journal of the last day's proceedings.

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

Mr. ADERHOLT. 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 353, nays 48, not voting 31, as follows:

[Roll No. 575]

YEAS—353

Ackerman	Baesler	Bartlett
Aderholt	Baker	Barton
Allen	Baldacci	Bass
Andrews	Ballenger	Bateman
Archer	Barcia	Bentsen
Armey	Barrett (NE)	Bereuter
Bachus	Barrett (WI)	Berman

Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Boucher
Boyd
Brady
Brown (FL)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clement
Coble
Collins
Combest
Condit
Conyers
Cook
Costello
Cox
Coyne
Cramer
Crapo
Cummings
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeGette
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Eshoo
Etheridge
Evans
Ewing
Farr
Fattah
Fawell
Foley
Forbes
Ford
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (WA)
Hayworth
Hefner
Herger
Hill
Hilleary
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hunter
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson (WI)
Jones
Kanjorski
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Livingston
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
McKeon
McKinney
Meehan
Metcalf
Mica
Millender-McDonald
Miller (FL)
Minge
Mink
Moakley
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paul
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Rangel
Redmond
Regula
Reyes
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Rush
Ryun
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
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
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Sununu
Talent
Tanner
Tauzin
Taylor (NC)
Thomas
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Towns
Traficant
Turner
Upton
Velazquez
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Yates
Young (FL)

NAYS—48

Abercrombie
Becerra
Bonior
Borski
Brown (CA)
Brown (OH)
Clay
Clayton
Clyburn
DeFazio
DeLauro
English
Ensign
Everett
Fazio
Filner
Fox
Gephardt
Gibbons
Gutknecht
Hastings (FL)
Hefley
Hilliard
Hinchey
Hulshof
Johnson, E. B.
Kucinich
Lewis (GA)
Lipinski
LoBiondo
McDermott
McNulty
Menendez
Miller (CA)
Moran (KS)
Nussle
Oberstar
Pickett
Ramstad
Sabo
Schaffer, Bob
Stupak
Tauscher
Taylor (MS)
Thompson
Vento
Visclosky
Weller

NOT VOTING—31

Barr
Boswell
Coburn
Cooksey
Crane
Cubin
Davis (IL)
Delahunt
Dellums
Dixon
Engel
Flake
Foglietta
Gonzalez
Hutchinson
Hyde
Jefferson
Johnson, Sam
Kaptur
McIntyre
Meek
Mollohan
Riggs
Riley
Royce
Salmon
Schiff
Scott
Spence
Waters
Young (AK)

□ 1056

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

So the Journal was approved.

The result of the vote was announced as above recorded.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The Speaker laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, November 5, 1997.

Hon. NEWT GINGRICH,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: I have the honor to transmit herewith a facsimile copy of a letter received from Mr. Peter S. Kosinski, Deputy Executive Director, State Board of Elections, State of New York, indicating that, according to the unofficial returns for the general election held November 4, 1997, the Honorable Vito Fossella was elected Representative in Congress for the Thirteenth Congressional District, State of New York.

With warm regards,

ROBIN H. CARLE.

STATE OF NEW YORK,
STATE BOARD OF ELECTIONS,
Albany, NY, November 5, 1997.

ROBIN H. CARLE,
Clerk, House of Representatives, The Capitol, Washington, DC.

DEAR MS. CARLE: Based on the unofficial returns, Vito Fossella was elected to the Office of Representative in Congress from the 13th Congressional District of New York at the General Election held on November 4, 1997.

Sincerely,

PETER S. KOSINSKI,
Deputy Executive Director.

SWEARING IN OF THE HONORABLE VITO FOSSELLA, OF NEW YORK, AS A MEMBER OF THE HOUSE OF REPRESENTATIVES

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. VITO FOSSELLA] be permitted to take the oath of office today. His certificate of election has not arrived, but there is no contest, and no question has been raised with regard to his election.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The SPEAKER. The Chair requests that the Member-elect from New York present himself in the well of the House escorted by the New York delegation.

Mr. FOSSELLA appeared at the bar of the House and took the oath of office, as follows:

Do you solemnly swear that you will support and defend the Constitution of the United States against all enemies, foreign and domestic; that you will bear true faith and allegiance to the same; that you take this obligation freely, without any mental reservation or purpose of evasion, and that you will well and faithfully discharge the duties of the office on which you are about to enter. So help you God?

The SPEAKER. Congratulations, you are a Member of the House.

WELCOMING THE HONORABLE VITO FOSSELLA TO THE HOUSE OF REPRESENTATIVES

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

Mr. GILMAN. Mr. Speaker, it is indeed an honor to be able to introduce the newest Member of our New York delegation, VITO FOSSELLA, who is joined today by his good lady, Mary Pat, who is here with him watching this beautiful occasion.

□ 1100

Mr. Speaker, it is a great honor for the Staten Island population to have such an accomplished legislator join us. VITO was formerly on the New York City Council for many years. He is now going to fill the shoes of the 13th Congressional District, who was so ably represented by Mrs. Paxon, Susan, whom we all know and did such an outstanding job in the days gone by.

VITO, we wish you the best of luck. God bless in all of your new endeavors.

WELCOMING THE HONORABLE VITO FOSSELLA TO THE HOUSE OF REPRESENTATIVES

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

Mr. RANGEL. Mr. Speaker, this was hardly the way I expected this to turn out. Having said that, the Members of

the New York delegation take great pride in working together not only what we think is in the interests of our great State, but certainly of our wonderful country. We welcome you to the delegation, we welcome you to the Congress. We will be working with you for better appropriations, better support for our State, and a better America.

OPENING REMARKS OF THE HONORABLE VITO FOSSELLA

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

Mr. FOSSELLA. Mr. Speaker, this is truly perhaps the greatest honor that could be bestowed upon anyone. The fact that the great people of Brooklyn and Staten Island have given me the honor and the privilege and the opportunity to serve them in the U.S. House of Representatives is something that could not be eclipsed as a public servant.

On a personal note, let me thank from the bottom of my heart my lovely wife Mary Pat; my mother and father, Beth and Vito; and all my friends and family who made this journey down to Washington to share this special day with me. My son, the essence of our being, is not here with us, Dylan, but in absentia. We have our new child to be, my wife was expecting our second child yesterday, and she said that if I deliver, she will deliver. We are waiting.

In conclusion, not everyone voted for me yesterday, but to the people of Brooklyn and Staten Island and throughout this great, great country, the best in the history of the world, let me say that I will never break my covenant with them to represent every member of my congressional district and to fight for what I believe in, fight for this great country, fight for the rights and fight for freedom for all of us. Thank you very, very much. This is a tremendous honor.

INTERNAL REVENUE SERVICE RESTRUCTURING AND REFORM ACT OF 1997

Mr. DREIER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 303 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 303

Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the bill (H.R. 2676) to amend the Internal Revenue Code of 1986 to restructure and reform the Internal Revenue Service, and for other purposes. The bill shall be considered as read for amendment. The amendment in the nature of a substitute recommended by the Committee on Ways and Means now printed in the bill, modified by the amendments printed in the report of the Committee on Rules accompanying this resolution, shall be considered as adopted. All points of order against the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except: (1) two hours of debate on the bill, as amended, which shall be equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means; and (2) one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. SUNUNU). The gentleman from California [Mr. DREIER] is recognized for 1 hour.

Mr. DREIER. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Texas [Mr. FROST], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

(Mr. DREIER asked and was given permission to revise and extend his remarks and include extraneous material.)

Mr. DREIER. Mr. Speaker, this rule makes in order H.R. 2676, the IRS Restructuring and Reform Act of 1997, under a closed rule providing for 2 hours of debate in the House equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means.

The rule provides that the amendment in the nature of a substitute recommended by the House Committee on Ways and Means, as modified by the noncontroversial amendments printed in the report to accompany this rule, be considered as adopted.

The first amendment simply clarifies the authorization for low-income taxpayer clinics and the salaries of members of the IRS Oversight Board to address Budget Act violations.

The second amendment clarifies that IRS management and employees may address any flexibility issues in a demonstration project.

The third amendment is a Rules Committee substitute making a number of clarifying and technical changes to section 422 relating to the Joint Committee on Taxation's preparation of a tax complexity analysis.

The fourth amendment adds the text of H.R. 2645, the Tax Technical Corrections Act of 1997, which makes bipartisan and noncontroversial corrections to reflect the intent of the Taxpayer Relief Act of 1997.

Mr. Speaker, I want to applaud the gentleman from Texas [Mr. ARCHER] and the original sponsors of this bipartisan IRS reform bill, the gentleman from Ohio [Mr. PORTMAN] and the gentleman from Maryland [Mr. CARDIN]. Thanks to their tremendous skill and determination in moving this historic bill forward, we are about to end once and for all some of the most egregious and abusive practices of the Internal Revenue Service.

I also want to commend the gentleman from Ohio [Mr. PORTMAN] for his efforts as cochairman of the bipartisan National Commission on Restructuring the Internal Revenue Service. The Commission conducted a yearlong audit of the IRS and found a troubled agency that wastes billions of dollars in resources and lacks a culture of customer service. The audit also revealed an agency that is fraught with management, governance and oversight problems and is unaccountable to Congress and the American people.

These problems were further illustrated during 3 days of Senate Finance Committee hearings in September, which revealed an out-of-control agency that intentionally engages in unnecessary and sometimes illegal tactics to harass middle-income taxpayers who have limited due process rights.

If enacted, H.R. 2676 will bring about the first comprehensive reform of the IRS in four decades. It will make the IRS more user-friendly, among other things, establishing an independent governing board and shifting the burden of proof from the taxpayer to the IRS in disputes that reach Tax Court.

These reforms will make the IRS more accountable to the American people. They will enhance the fairness of the tax collection process by giving the taxpayer the benefit of the doubt when he or she has cooperated with the IRS and has documented evidence of compliance.

These reforms will not solve the more intractable problems brought on by a complicated and inefficient Tax Code itself. The solutions to those problems require comprehensive reform of the Internal Revenue Code, which I hope very much the House will address next year. But the reforms contained in H.R. 2676 will go a long way toward protecting the rights of taxpayers, making the IRS more accountable, and restoring public confidence in the way the IRS enforces our tax laws.

Mr. Speaker, I urge my colleagues to support this very fair and balanced rule, and I urge strong support, bipartisan support, of this bill.

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

EXPLANATION OF RULES COMMITTEE SUBSTITUTE TO SECTION 422 OF H.R. 2676

As reported by the House Committee on Ways and Means, Section 422 of H.R. 2676 requires the Joint Committee on Taxation to provide a ''Tax Complexity Analysis'' for legislation reported by the House Committee on Ways and Means and the Senate Committee on Finance and all conference reports that would amend the Internal Revenue Code. The analysis would identify those provisions in a bill or conference report that the staff of the Joint Committee on Taxation determines would add significant complexity or simplification to the tax laws. If the report accompanying such legislation does not include a Tax Complexity Analysis, the legislation would be subject to a point of order in the House and Senate.

The Rules Committee substitute makes a number of clarifying and technical changes to Section 422.

For purposes of the requirement that the Joint Committee on Taxation provide a ''Tax Complexity Analysis,'' the term ''legislation'' is further defined as ''bills or joint resolutions'' reported by the House Committee on Ways and Means, the Senate Committee on Finance or a committee of conference.

For purposes of compliance with Section 422, the Committee involved shall either include the Tax Complexity Analysis in the

committee report or cause it to be printed in the Congressional Record prior to consideration of the legislation in the House and Senate.

References to ''the staff'' of the Joint Committee on Taxation are removed.

Tax Complexity Analysis is defined as ''a report which is prepared by the Joint Committee on Taxation and which identifies the provisions of the legislation adding significant complexity or providing significant simplification (as determined by the Joint Committee on Taxation) and includes the basis for such determination.''

Language containing the point of order in the House of Representatives with respect to legislation reported by the Committee on Ways and Means and by a committee of conference is stricken from Section 8024 of the Internal Revenue Code and inserted in the rules of the House of Representatives. Specifically:

Clause 2(l) of House rule XI is amended to require the report of the Committee on Ways and Means on any bill or joint resolution containing any provision amending the Internal Revenue Code of 1986 to contain a Tax Complexity Analysis unless the Committee causes to have such Analysis printed in the Congressional Record prior to the consideration of the bill or joint resolution; and

House rule XXVIII is amended to prohibit consideration of a conference report which contains any provision amending the Internal Revenue Code unless the accompanying joint statement of managers contains a Tax Complexity Analysis, unless such Analysis is printed in the Congressional Record prior to the consideration of the report.

COMMITTEE ON RULES,
HOUSE OF REPRESENTATIVES,
Washington, DC, October 28, 1997.

Hon. BILL ARCHER,
Chairman, Committee on Ways and Means, Longworth House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: I am writing concerning H.R. 2676, The Internal Revenue Service Restructuring and Reform Act of 1997, which your committee ordered reported on October 22 by a vote of 33–4.

This legislation contains provisions in Title IV, Congressional Accountability for the Internal Revenue Service, which fall within the jurisdiction of the Committee on Rules.

The Committee on Rules does not intend to consider this bill as a matter of original jurisdiction. It is the intention of the Committee to address several concerns with the proposed language in Title IV during the Rules Committee's consideration of an appropriate rule for this legislation.

I reserve jurisdiction of the Committee on Rules over all bills relating to the rules, joint rules, and the order of business of the House. It would also be my intention to be represented on the conference committee on this bill. Thank you for your consideration.

Sincerely,

GERALD B. SOLOMON,
Chairman.

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

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

Mr. Speaker, I rise in support of H.R. 2676, the Internal Revenue Service Restructuring and Reform Act of 1997, and this rule which provides for its consideration. The rule is closed, but because this is vitally important legislation and is supported by both Democrats and Republicans, liberals, moderates and conservatives, I believe the House should proceed with the consideration of this legislation in order to speed it on its way to the President's desk.

Mr. Speaker, in my nearly 19 years in Congress, I have received many, many complaints from my constituents regarding their difficulties in resolving disputes with the Internal Revenue Service. The report of the Portman-Kerrey Commission, which detailed abuses and mismanagement within the agency coupled with recent congressional hearings which revealed very publicly a number of disturbing abuses perpetuated—perpetrated by the IRS against taxpayers have provided ample evidence that the many complaints we have all heard are based on real problems for real people.

Mr. Speaker, while the IRS must fulfill its mission of administering our tax laws and enforcing collection, the IRS cannot be permitted to abuse the rights of American taxpayers. H.R. 2676 will go a long way toward correcting abuses and ensuring that the agency is restructured in such a way that honest taxpayers need not fear undue harassment and reprisals from the IRS.

This legislation contains several provisions which will substantially strengthen taxpayers' rights in dealing with the IRS. This bill makes it more difficult for the IRS to hold a spouse responsible for mistakes made on taxpayer returns by the other spouse. It allows taxpayers to sue the Federal Government for up to $100,000 in civil damages caused by IRS employees who negligently disregard tax laws, and in those cases which come before the U.S. Tax Court, places the burden of proof on the IRS rather than on the taxpayer.

□ 1115

These are but a small part of this bill but important reforms that will help all honest and law-abiding taxpayers.

Mr. Speaker, the bill also establishes an oversight board for the IRS which will bring private sector expertise to the management and administration of the agency. The board will not have any responsibility for or authority over the development and formulation of Federal tax policy but would, instead, work to ensure that the agency works for the benefit of taxpayers and the country as a whole.

I am disappointed, however, that the Committee on Rules did not provide for the consideration of an amendment that I, along with my colleague from Pennsylvania, Mr. GEKAS, sought to have made part of H.R. 2676.

Our amendment seeks to correct a provision in current law which requires that local governments file W–2 forms for poll workers in spite of the fact that these workers are, for the most part, retired persons who earn only a hundred dollars or so for their work on election day. This requirement places a heavy financial and administrative burden on localities. I would hope that in the not too distant future the Congress will fix what is an onerous burden for local government.

Mr. Speaker, as a cosponsor of H.R. 2676, I am delighted that the Congress is taking action on this matter prior to our adjournment for the year. I encourage my colleagues to support the rule in order to move quickly to the consideration of this landmark legislation.

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

Mr. DREIER. Mr. Speaker, I yield 2 minutes to the gentleman from Sanibel, FL [Mr. GOSS], my very good friend and the distinguished chairman of the Subcommittee on Budget and Legislative Process and the Permanent Select Committee on Intelligence.

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

Mr. GOSS. Mr. Speaker, I thank my distinguished friend from the greater metropolitan downtown area of Claremont, CA, the vice chairman of the Committee on Rules and leader of many good causes in this House, for yielding me this time, and I rise in support of his rule. It is a closed rule, but it is a good rule; it is time tested for debating tax-related bills under the jurisdiction of the Committee on Ways and Means.

For years, millions of Americans have known what we are today finally acknowledging here on the floor of the House, that the IRS is inefficient, it is unaccountable, and it is often downright abusive for the very people who pay the salaries, the American taxpayer. Even the most routine audit can strike fear in the hearts of Americans, and even more disturbing is the belief by many Americans that the IRS targets based on partisan political motive.

The facts serve to underscore their anxiety. In 1993, the IRS gave the wrong answer to taxpayer questions millions of times. Last year, only one in five calls to the IRS customer hotline apparently got through, and even then we were not sure the answer was right.

Today we are taking the first concrete steps to clean up this agency. Congressional hearings have demonstrated clearly and poignantly the need for structural reform at the IRS, and we are acting. Built on the recommendations of the bipartisan commission chaired by the gentleman from Ohio [Mr. PORTMAN] and the gentleman from Maryland [Mr. CARDIN], H.R. 2676 will create mechanisms to ensure that the IRS serves Americans with the respect and dignity that we all deserve.

For starters, the bill creates an independent oversight board composed of private citizens. The board will place a needed check on the excesses of the agency as well as restore accountability for the American taxpayer. By changing the burden of proof in tax court proceedings, H.R. 2676 will make sure that law-abiding taxpayers are guaranteed the same basic rights offered in other judicial proceedings. They are still innocent until proven guilty, which is our way.

After weeks of stops and starts, hesitation, rhetoric, the Clinton administration has finally decided to join our effort in these first steps. They recognize this is a good effort. I welcome the President's conversion, and I urge my colleagues to support this fair rule and this important bipartisan bill.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from Maryland [Mr. CARDIN].

Mr. CARDIN. Mr. Speaker, I want to thank my friend from Texas [Mr. FROST] for yielding me this time.

I want to compliment the Committee on Rules for bringing out this rule, and I hope that it will receive strong support by both sides of the aisle.

During the consideration of the underlying bill by the Committee on Ways and Means, there was only one amendment that was not approved by the committee that was offered. I want to thank the Committee on Rules for dealing with that amendment by the gentleman from California [Mr. STARK] in the self-executing rule that adopts the amendment. So we have really taken care of all the concerns of Members that have offered changes.

The reason why this rule and the underlying bill will receive strong bipartisan support is that it was developed by the National Commission on Restructuring the IRS, and it was adopted in a bipartisan manner in that commission.

I particularly want to compliment our colleague, the gentleman from Ohio [Mr. PORTMAN], for the work that he did in leading that commission and keeping us focused on dealing with the problems of the IRS so that we could bring the bill to the floor in a way that it could receive strong support by all Members of this House.

I also want to compliment the gentleman from Texas [Mr. ARCHER], the chairman of the Committee on Ways and Means, and the gentleman from New York [Mr. RANGEL], the ranking member. The Committee on Ways and Means took a good bill and made it better, and we worked in a bipartisan way to do that.

By adopting this rule, this House has the opportunity to pass today a bill that will deal with the problems at the IRS before the next tax season. I hope that what we are doing here in this House, the other body will follow suit so that we can pass meaningful reform of the IRS now to help our taxpayers before April of next year.

Mr. DREIER. Mr. Speaker, I yield 2 minutes to the gentleman from Morris, IL [Mr. WELLER], my very good friend, a member of the Committee on Ways and Means.

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

Mr. WELLER. Mr. Speaker, let me begin as I rise in support of this rule and this bill to commend the chairman of the Committee on Ways and Means, the gentleman from Texas [Mr. ARCHER], and the ranking member, the gentleman from New York [Mr. RANGEL], for management of this bill, but particularly I want to commend the gentleman from Ohio [Mr. PORTMAN] and the gentleman from Maryland [Mr. CARDIN] for their leadership on managing this bill as well because this legislation is such an important victory for middle class taxpayers.

There is no agency in more need of reform than the Internal Revenue Service, and that is why we all stand here today in support of very important legislation, legislation that is really a long time coming, but legislation that is a big victory for the middle class.

There are two very, very important changes, fundamental changes, that are included in this legislation I would like to note, and probably the most important one is the one which shifts the burden of proof off the backs of the taxpayer and on to the IRS. There is no greater complaint that I hear back home in Illinois than, when someone is audited by the IRS, they are treated as guilty until proven innocent, whereas if someone is in a criminal court, they are innocent until proven guilty. This legislation gives the taxpayers, those who play by the rules, work hard, and pay their taxes on time, the same protections with the IRS that one enjoys in the courtroom. That is a big victory for the middle class.

And during this process, we also learned about some of the impact of what the IRS has done in the past and how they treat human beings. One of the issues that we also address in this is a particularly important issue to those that we call the unlucky and innocent spouse.

We discovered in many cases that someone who is a deadbeat parent is also a deadbeat taxpayer. In a case where you have a deadbeat dad who is not paying his child support and not paying his taxes, who do my colleagues think the IRS went after? That poor, unlucky, innocent working mom with the kids whose husband is not paying the child support. And the IRS showed up wanting to collect his taxes from her. This legislation puts in place more protections to protect the unlucky, innocent spouse.

These are two important victories, shifting the burden of proof so that someone is innocent until proven guilty with the IRS, and also another important victory is protecting the unlucky and innocent spouse.

My colleagues, this legislation deserves bipartisan support, and it is a big victory.

Mr. FROST. Mr. Speaker, I yield 4 minutes to the gentleman from Ohio [Mr. TRAFICANT].

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

Mr. TRAFICANT. Mr. Speaker, today is a day that I am very glad to see come, and in a way I am also sad. For 10 years I have worked to shift the burden of proof in the civil tax case, and I guess I am glad because today we finally get a chance to see that on the House floor.

What I am sad about, to be quite honest, is I have offered this bill for 10 years and could never get a hearing from my Democrat colleagues. I believe today's legislation will probably continue to keep a majority in this House for Republicans. And I know Democrats are saying, why does Mr. TRAFICANT say that? I think the Democrat Party is going to have to deal with the substantive issues and problems of our country if we want to take the House back.

I want to thank the Republican Party for including the Traficant provision. I want to thank the gentleman from Texas [Mr. ARCHER] and the gentleman from Ohio [Mr. PORTMAN], and I want to thank the gentleman from New York [Mr. RANGEL] and the gentleman from Maryland [Mr. CARDIN]. In all fairness, they were not in that position to make those decisions years ago, and maybe we would have had more success had we had it.

But I think there are some other people that have to be thanked. My strategy was to get the American people to support that legislation. The White House never wanted it. Quite frankly, no one wanted it. And now 98 percent of the American people support the burden of proof shift in a civil tax case, the No. 1 supported bill in the Congress. I want to thank Rush Limbaugh, I want to thank Michael Reagan, I want to thank Mary Matalin, I want to thank Blanquita Cullum, I want to thank Jane Wallace and Bay Buchanan and Pat Buchanan. I want to thank Ron Verb and Ron Novak. I want to thank Jeff and Flash Talk Show out of Cleveland and the great work they did in the Midwest. I want to thank Jack Anderson, George Will, the gentleman from New York [Mr. SOLOMON], Joseph Sobran. I want to thank everyone in America who helped to bring this day about. And I want to again commend the Republican Party; they have done the right thing.

Now just let me say this, that I do not know how much time I have left, but years ago a family in North Carolina by the name of Counsel had a problem, and Alex Counsel actually took his life, and when he did so, he left a message in the form of a suicide note to his wife. He said, Kay, I have taken my life in order to provide money for you and our family to fight the IRS, which is out of control and has taken liens against our property illegally. I have made the only decision I can, Kay. Take the insurance money and save our good name.

My colleagues, what has happened to us? How did we allow the greatest tenet of America's freedom, innocent until proven guilty, the accuser carries the burden, to be shifted like this in a court of law? I mean, what has happened to us?

Then you have IRS agents testifying behind screens with voice scramblers

because they, too, are afraid of the IRS.

Now I see some of the Democrat staffers laughing. Man, we have laughed on this one for sure.

It is the right thing to do. I support this rule, I support this bill, and I want to compliment Chairman BILL ARCHER, because without the gentleman from Texas [Mr. ARCHER] standing up to both the White House and the other body, my provision still is not free and clear, and I predict the other body will challenge it, and I predict the White House will come out against it, and now the IRS is putting the spin: It is not really going to do that much.

Well, just years ago they said it was going to bust the bank and it was going to make tax protesters and tax cheats win out. I think the IRS has given us a lot of lies over the years, and I believe this bill will help to straighten that out.

So I am sad to see that it is not the Democrat Party that has brought the bill, but I commend the Republicans.

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

Let me first say that I want to congratulate my friend from Ohio. I remember very well when he took me to the well and had me sign a discharge petition to release this burden of proof legislation, and it has taken a long time getting to this point. I remember he told me that I might be in trouble for signing that discharge petition when he stood over me as I did it, but I still followed his directive.

Mr. Speaker, I yield such time as he may consume to the gentleman from Glens Falls, NY [Mr. SOLOMON], my friend and the chairman of the Committee on Rules.

□ 1130

Mr. SOLOMON. I thank the gentleman from Claremont, CA [Mr. DREIER], the vice chairman of the Committee on Rules, for giving me the time to request unanimous consent to revise and extend my remarks and to praise the gentleman from Texas [Mr. ARCHER]; the gentleman from Ohio [Mr. PORTMAN]; the gentleman from California [Mr. DREIER]; and especially the gentleman from Ohio [Mr. TRAFICANT]. Without him, this legislation never would have reached this floor, and I commend him for it.

Mr. Speaker, I thank the gentleman from California for yielding me the time.

Mr. Speaker, a Washington Post magazine spoof in December of 1991 on the role of the IRS succinctly characterizes many Americans view of the IRS today. It read, ''In a sweeping post-coup reform move, Gorbachev abolished the Communist Party and fired thousands of entrenched hard-line Kremlin bureaucrats, all of whom were immediately hired by the Internal Revenue Service.''

Now we know that IRS employees are not former Kremlin agents but the characterization of IRS agents as part of an American Gestapo contingent strikes a nerve among the American people.

Many taxpayers are forced to live in fear that making a minor error in the myriad tax forms and requirements they are faced with each year will result in a demanding visit by an IRS agent or even a severe punishment. Today the IRS is a bureaucracy out of control because of the lack of proper checks and balances, which are pillars of the American system of government.

In recognition of this out of control bureaucracy and the growing cries for fundamental reform by the American people, the National Commission on Restructuring the IRS, chaired by Representative PORTMAN and Senator KERREY of Nebraska was established. Its yearlong mission was to make recommendations for modernizing and improving its efficiency and taxpayer services. On June 25, 1997, the Commission issued a comprehensive report making recommendations relating to the executive branch governance and management of the IRS, congressional oversight of the IRS, personnel flexibility, customer service and compliance, technology modernization, electronic filing, tax law simplification, taxpayer rights, and financial accountability.

These extensive recommendations provided the foundation for the legislation this House will be considering today.

H.R. 2676, the IRS Restructuring and Reform Act, introduced by Representatives ARCHER, PORTMAN, and CARDIN, builds on the commission's recommendations to form a comprehensive IRS reform package.

For example, the bill establishes the Internal Revenue Service Oversight Board, within the Treasury Department, whose general responsibilities are to oversee the Internal Revenue Service in its administration, management, conduct, direction and supervision of the execution and application of our country's internal revenue laws.

The bill also makes it unlawful for the President, Vice President, their employees and all Cabinet heads to request that any officer or employee of the IRS conduct or terminate an audit or begin or terminate an investigation with respect to any particular taxpayers.

Perhaps even more important, this reform package shifts the burden of proof in any court tax proceeding from the taxpayer to the Secretary of the Treasury. This bill will greatly increase the accountability and efficiency of the IRS and will help to restore the confidence and faith of the American people in its government.

Mr. Speaker, I would also be remiss if I did not commend our colleagues Chairman BILL ARCHER and Representative ROB PORTMAN of the Ways and Means Committee for their steadfast and thorough efforts in producing this legislation.

The bipartisan work of the commission combined with the bipartisan efforts of the Ways and Means Committee have produced meaningful reform that will be to the benefit of every American taxpayer.

Mr. Speaker, the Constitution grants this Congress the authority to raise the revenue necessary to run the Federal Government. While I would contend that this Congress has a long way to go toward reforming our overall tax system, this first reform effort in four decades of the agency charged with collecting that revenue, is a giant leap in responsibility fulfilling this constitutional duty.

For these reasons, I urge all of my colleagues to support this fair rule and to support this historic legislation.

Mr. DREIER. Mr. Speaker, I yield 2 minutes to the gentleman from Omaha, NE [Mr. CHRISTENSEN], the future Governor.

Mr. CHRISTENSEN. Mr. Speaker, I thank my friend for yielding me this time.

Mr. Speaker, this is a great day. It is a great day for all of us, but it is a great day for the gentleman from Ohio [Mr. TRAFICANT]. There has not been anybody who has been in the well fighting for this day longer, more arduously, than he. It is hard to believe why some staffers over there on the Democrat side are scowling at the gentleman and have their arms crossed. They just do not get it. They do not understand what the IRS has done to the taxpayer.

The gentleman's provision on taking the burden of proof off the taxpayer is going to turn what has been a lopsided situation for a number of years and turn it back in favor of the taxpayer.

In America, we have always known the principle that one is presumed innocent until proven guilty. But in the IRS, as long as I have known about it and as long as I have heard the gentleman from Ohio [Mr. TRAFICANT] talking about it, one is guilty, and one has to prove one's innocence. His provision is going to change that.

So I thank the gentleman from Ohio for his fight, and I thank him for everything that he is doing. Nebraskans thank the gentleman, and western Nebraskans thank the gentleman. As I have talked to them a number of times, they wanted the gentleman from Ohio [Mr. TRAFICANT] to come out to Nebraska and talk about IRS reform and talk about changing the way things are done in Washington.

Mr. Speaker, the Department of Treasury could have fixed this, but they never got it done, they never attempted it. But the gentleman from Ohio [Mr. PORTMAN] and the gentleman from Nebraska [Mr. KERREY], on the Senate side, put this legislation together with the help of my chairman, the gentleman from Texas [Mr. ARCHER].

This provision also as an authority called the oversight board that is going to be having some real citizens that are nongovernmental citizens putting their expertise to work. I believe that this board will provide some commonsense oversight that is much needed in this area.

The IRS has got to do a better job of providing fair tax treatment that it has been commissioned to do. This bill is a small step in the right direction until we pull out the IRS by its roots, as my chairman has hoped to do for a very long time, and move to either a sales tax or a flat tax approach. This is an intermediary step; it is a step in the right direction. I thank the gentleman from New York for assisting us with this. He has been a great support and we thank him for his help.

Mr. Speaker. I rise in strong support today for H.R. 2676, the Internal Revenue Service Restructuring and Reform Act of 1997.

Some say the three most frightening letters of the alphabet are IRS—and for good reason.

The IRS is one of the most bureaucratic, outdated, and inefficient government agencies and it touches every hard-working, tax-paying American.

The IRS Restructuring and Reform Act would help fix what ails the IRS.

In America, people are presumed innocent until proven guilty. In the IRS, it is the other way around—the taxpayer bears the burden of proving himself or herself innocent.

This bill shifts the burden of proof in court proceedings from the taxpayer to the IRS.

This bill also creates an Independent Oversight Board that includes non-governmental experts who can bring new thinking and a more tax-payer oriented culture to the IRS.

If the Department of Treasury could have fixed the IRS, they would have done so already.

This oversight board will have real power and authority—it won't just be another governmental advisory board.

Those of us committed to easing the burden on taxpayers will continue to work to replace the income tax with a more simple and fair Tax Code.

But as long as we have an income tax, the IRS must do a better job of providing fair treatment and efficient customer service to the Nation's taxpayers. This bill is a step in that direction.

I urge my fellow colleagues to cast their vote for a more fair and efficient IRS for America's taxpayers. Thank you Mr. Speaker, I yield back the balance of my time.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from Texas [Mr. GREEN].

Mr. GREEN. Mr. Speaker, I would like to thank my colleague from Texas and a member of the Committee on Rules for allowing me to speak in support of not only the rule today, but also the IRS reform bill.

As a cosponsor of the bill of the gentleman from Ohio [Mr. TRAFICANT] earlier, I support one of the issues particularly that is in this bill, where the reform would allow for the burden of proof to be placed on the IRS instead of on the taxpayer, but I also want to compliment both the Democratic Members and the Republican Members and my colleague the gentleman from Houston, Texas [Mr. ARCHER], on the bill. I know from the Republican side, we hear this is a small step, but let me tell my colleagues, this is a much bigger step than it may be considered, because in my two terms here before, we did not get to this point, even during the last session of Congress, to get to the point where we can really talk about an IRS reform bill.

Mr. Speaker, it is a bipartisan bill. I am glad the President decided to support it, but there are a number of Democrats who supported the issue long before the Committee on Ways and Means brought it up. If one is mistreated by a government agency, whether it be the IRS or HUD or anyone else, or EPA, it is not a Democratic or Republican problem, it is a problem that we all need to address, and that is why I think it is important that this bill is a bipartisan bill today. Again, I congratulate the people who put it together on the Committee on Ways and Means.

I support the change that puts the burden of proof on the IRS, in tax disputes that come before the IRS tax court. People's lives have been turned into a living hell by a system that assumed they were guilty as charged and before they actually knew what they were guilty of. Again, I think we understand that that burden of proof is so important because if a person accused of a criminal crime in our country is innocent until proven guilty, we need to do that at least in the tax courts of our land.

I am also pleased that the President will continue to appoint the IRS Commissioner and to remove the Commissioner at will. As we increase the power and the influence of the Independent Advisory Board, it is important to make sure the final authority rests with an elected office; and whether on the Republican side one agrees with this President or not, it is important that an elected official have that authority, because the buck stops there.

Taxpayers also receive other rights in the bill, such as innocent spouses will no longer be held responsible by mistakes made by the other spouse on tax returns. That is why I encourage my colleagues to vote for the bill and the rule.

Mr. Speaker, I rise in support of the IRS reform bill.

Mr. Speaker, I believe the bill we have before us will bring much-needed reform to the Internal Revenue Service and Relief to those Americans who are audited to be treated fairly.

As a long-time sponsor of the bill by Mr. TRAFICANT, I support the change that will place the burden of proof on the IRS in most tax disputes that will come before the IRS Tax Court. As the recent congressional hearings demonstrated, people's lives have turned into a living hell by a system that assumed they were guilty as charged.

I am also pleased the President will retain the ability to appoint the IRS Commissioner and to remove the Commissioner at will. As we increase the power and influence of the independent advisory board, it is important to place the final authority over the performance of the Commissioner with the President. The buck stops there.

Taxpayers will also receive other rights on this bill: innocent spouses will no longer be held responsible for mistakes made by the other spouse on a tax return. And taxpayers will be able to sue the Government for civil damages caused by IRS employees who negligently disregard laws.

I urge support for this bill.

Mr. FROST. Mr. Speaker, if the gentleman has no other speakers, then we urge adoption of the rule and adoption of the bill, and yield back the balance of our time.

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume to say that this is our great opportunity to finally deal with this issue of the burden of proof, which has been a long time in coming. The leadership of the gentleman from Texas [Mr. ARCHER] and the gentleman from Ohio [Mr. PORTMAN] and others have made this day possible, and I am very happy that we have seen our colleagues on the other side of the aisle come, not quite kicking and screaming, but they have now come enthusiastically in support of what I think is very good public policy.

With that, I urge support of the previous question, support of the rule and support of the bill that will come from my friends on the Committee on Ways and Means.

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

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

□ 1145

Mr. BUNNING. Mr. Speaker, pursuant to House Resolution 303, I call up the bill (H.R. 2676) to amend the Internal Revenue Code of 1986 to restructure and reform the Internal Revenue Service, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. SUNUNU). Pursuant to House Resolution 303, the amendment in the nature of a substitute printed in the bill, modified by the amendments printed in House Report 105–380, is adopted.

The text of the committee amendment in the nature of a substitute, as modified by the amendments printed in House Report 105–380, is as follows:

H.R. 2676

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

SECTION 1. SHORT TITLE; AMENDMENT OF 1986 CODE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Internal Revenue Service Restructuring and Reform Act of 1997''.

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) TABLE OF CONTENTS.—

Sec. 1. Short title; amendment of 1986 Code; table of contents.

TITLE I—EXECUTIVE BRANCH GOVERNANCE AND SENIOR MANAGEMENT OF THE INTERNAL REVENUE SERVICE

Subtitle A—Executive Branch Governance and Senior Management

Sec. 101. Internal Revenue Service Oversight Board.

Sec. 102. Commissioner of Internal Revenue; other officials.

Sec. 103. Other personnel.

Sec. 104. Prohibition on executive branch influence over taxpayer audits and other investigations.

Subtitle B—Personnel Flexibilities

Sec. 111. Personnel flexibilities.

TITLE II—ELECTRONIC FILING

Sec. 201. Electronic filing of tax and information returns.

Sec. 202. Due date for certain information returns filed electronically.
Sec. 203. Paperless electronic filing.
Sec. 204. Return-free tax system.
Sec. 205. Access to account information.

TITLE III—TAXPAYER PROTECTION AND RIGHTS

Sec. 300. Short title.

Subtitle A—Burden of Proof

Sec. 301. Burden of proof.

Subtitle B—Proceedings by Taxpayers

Sec. 311. Expansion of authority to award costs and certain fees.
Sec. 312. Civil damages for negligence in collection actions.
Sec. 313. Increase in size of cases permitted on small case calendar.

Subtitle C—Relief for Innocent Spouses and for Taxpayers Unable To Manage Their Financial Affairs Due to Disabilities

Sec. 321. Spouse relieved in whole or in part of liability in certain cases.
Sec. 322. Suspension of statute of limitations on filing refund claims during periods of disability.

Subtitle D—Provisions Relating to Interest

Sec. 331. Elimination of interest rate differential on overlapping periods of interest on income tax overpayments and underpayments.
Sec. 332. Increase in overpayment rate payable to taxpayers other than corporations.

Subtitle E—Protections for Taxpayers Subject to Audit or Collection Activities

Sec. 341. Privilege of confidentiality extended to taxpayer's dealings with non-attorneys authorized to practice before Internal Revenue Service.
Sec. 342. Expansion of authority to issue taxpayer assistance orders.
Sec. 343. Limitation on financial status audit techniques.
Sec. 344. Limitation on authority to require production of computer source code.
Sec. 345. Procedures relating to extensions of statute of limitations by agreement.
Sec. 346. Offers-in-compromise.
Sec. 347. Notice of deficiency to specify deadlines for filing Tax Court petition.
Sec. 348. Refund or credit of overpayments before final determination.
Sec. 349. Threat of audit prohibited to coerce Tip Reporting Alternative Commitment Agreements.

Subtitle F—Disclosures to Taxpayers

Sec. 351. Explanation of joint and several liability.
Sec. 352. Explanation of taxpayers' rights in interviews with the Internal Revenue Service.
Sec. 353. Disclosure of criteria for examination selection.
Sec. 354. Explanations of appeals and collection process.

Subtitle G—Low Income Taxpayer Clinics

Sec. 361. Low income taxpayer clinics.

Subtitle H—Other Matters

Sec. 371. Actions for refund with respect to certain estates which have elected the installment method of payment.
Sec. 372. Cataloging complaints.
Sec. 373. Archive of records of Internal Revenue Service.
Sec. 374. Payment of taxes.
Sec. 375. Clarification of authority of Secretary relating to the making of elections.
Sec. 376. Limitation on penalty on individual's failure to pay for months during period of installment agreement.

Subtitle I—Studies

Sec. 381. Penalty administration.
Sec. 382. Confidentiality of tax return information.

TITLE IV—CONGRESSIONAL ACCOUNTABILITY FOR THE INTERNAL REVENUE SERVICE

Subtitle A—Oversight

Sec. 401. Expansion of duties of the Joint Committee on Taxation.
Sec. 402. Coordinated oversight reports.

Subtitle B—Budget

Sec. 411. Funding for century date change.
Sec. 412. Financial Management Advisory Group.

Subtitle C—Tax Law Complexity

Sec. 421. Role of the Internal Revenue Service.
Sec. 422. Tax complexity analysis.

TITLE V—CLARIFICATION OF DEDUCTION FOR DEFERRED COMPENSATION

Sec. 501. Clarification of deduction for deferred compensation.

TITLE I—EXECUTIVE BRANCH GOVERNANCE AND SENIOR MANAGEMENT OF THE INTERNAL REVENUE SERVICE

Subtitle A—Executive Branch Governance and Senior Management

SEC. 101. INTERNAL REVENUE SERVICE OVERSIGHT BOARD.

(a) IN GENERAL.—Section 7802 (relating to the Commissioner of Internal Revenue) is amended to read as follows:

"SEC. 7802. INTERNAL REVENUE SERVICE OVERSIGHT BOARD.

''(a) ESTABLISHMENT.—There is established within the Department of the Treasury the Internal Revenue Service Oversight Board (hereafter in this subchapter referred to as the 'Oversight Board').

''(b) MEMBERSHIP.—

''(1) COMPOSITION.—The Oversight Board shall be composed of 11 members, as follows:

''(A) 8 members shall be individuals who are not Federal officers or employees and who are appointed by the President, by and with the advice and consent of the Senate.

''(B) 1 member shall be the Secretary of the Treasury or, if the Secretary so designates, the Deputy Secretary of the Treasury.

''(C) 1 member shall be the Commissioner of Internal Revenue.

''(D) 1 member shall be an individual who is a representative of an organization that represents a substantial number of Internal Revenue Service employees and who is appointed by the President, by and with the advice and consent of the Senate.

''(2) QUALIFICATIONS AND TERMS.—

''(A) QUALIFICATIONS.—Members of the Oversight Board described in paragraph (1)(A) shall be appointed solely on the basis of their professional experience and expertise in 1 or more of the following areas:

''(i) Management of large service organizations.

''(ii) Customer service.

''(iii) Federal tax laws, including tax administration and compliance.

''(iv) Information technology.

''(v) Organization development.

''(vi) The needs and concerns of taxpayers.

In the aggregate, the members of the Oversight Board described in paragraph (1)(A) should collectively bring to bear expertise in all of the areas described in the preceding sentence.

''(B) TERMS.—Each member who is described in paragraph (1)(A) or (D) shall be appointed for a term of 5 years, except that of the members first appointed under paragraph (1)(A)—

''(i) 1 member shall be appointed for a term of 1 year,

''(ii) 1 member shall be appointed for a term of 2 years,

''(iii) 2 members shall be appointed for a term of 3 years, and

''(iv) 2 members shall be appointed for a term of 4 years.

Such terms shall begin on the date of appointment.

''(C) REAPPOINTMENT.—An individual who is described in paragraph (1)(A) may be appointed to no more than two 5-year terms on the Oversight Board.

''(D) VACANCY.—Any vacancy on the Oversight Board shall be filled in the same manner as the original appointment. 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 for the remainder of that term.

''(E) SPECIAL GOVERNMENT EMPLOYEES.—During the entire period that an individual appointed under paragraph (1)(A) is a member of the Oversight Board, such individual shall be treated as—

''(i) serving as a special government employee (as defined in section 202 of title 18, United States Code) and as described in section 207(c)(2) of such title 18, and

''(ii) serving as an officer or employee referred to in section 101(f) of the Ethics in Government Act of 1978 for purposes of title I of such Act.

''(3) QUORUM.—6 members of the Oversight Board shall constitute a quorum. A majority of members present and voting shall be required for the Oversight Board to take action.

''(4) REMOVAL.—

''(A) IN GENERAL.—Any member of the Oversight Board may be removed at the will of the President.

''(B) SECRETARY AND COMMISSIONER.—An individual described in subparagraph (B) or (C) of paragraph (1) shall be removed upon termination of employment.

''(C) REPRESENTATIVE OF INTERNAL REVENUE SERVICE EMPLOYEES.—The member described in paragraph (1)(D) shall be removed upon termination of employment, membership, or other affiliation with the organization described in such paragraph.

''(5) CLAIMS.—

''(A) IN GENERAL.—Members of the Oversight Board who are described in paragraph (1)(A) or (D) shall have no personal liability under Federal law with respect to any claim arising out of or resulting from an act or omission by such member within the scope of service as a member. The preceding sentence shall not be construed to limit personal liability for criminal acts or omissions, willful or malicious conduct, acts or omissions for private gain, or any other act or omission outside the scope of the service of such member on the Oversight Board.

''(B) EFFECT ON OTHER LAW.—This paragraph shall not be construed—

''(i) to affect any other immunities and protections that may be available to such member under applicable law with respect to such transactions,

''(ii) to affect any other right or remedy against the United States under applicable law, or

''(iii) to limit or alter in any way the immunities that are available under applicable law for Federal officers and employees.

''(c) GENERAL RESPONSIBILITIES.—

''(1) IN GENERAL.—The Oversight Board shall oversee the Internal Revenue Service in its administration, management, conduct, direction, and supervision of the execution and application of the internal revenue laws or related statutes and tax conventions to which the United States is a party.

''(2) EXCEPTIONS.—The Oversight Board shall have no responsibilities or authority with respect to—

''(A) the development and formulation of Federal tax policy relating to existing or proposed internal revenue laws, related statutes, and tax conventions,

''(B) law enforcement activities of the Internal Revenue Service, including compliance activities

such as criminal investigations, examinations, and collection activities, or

''(C) specific procurement activities of the Internal Revenue Service.

''(3) RESTRICTION ON DISCLOSURE OF RETURN INFORMATION TO OVERSIGHT BOARD MEMBERS.—No return, return information, or taxpayer return information (as defined in section 6103(b)) may be disclosed to any member of the Oversight Board described in subsection (b)(1)(A) or (D). Any request for information not permitted to be disclosed under the preceding sentence, and any contact relating to a specific taxpayer, made by a member of the Oversight Board so described to an officer or employee of the Internal Revenue Service shall be reported by such officer or employee to the Secretary and the Joint Committee on Taxation.

''(d) SPECIFIC RESPONSIBILITIES.—The Oversight Board shall have the following specific responsibilities:

''(1) STRATEGIC PLANS.—To review and approve strategic plans of the Internal Revenue Service, including the establishment of—

''(A) mission and objectives, and standards of performance relative to either, and

''(B) annual and long-range strategic plans.

''(2) OPERATIONAL PLANS.—To review the operational functions of the Internal Revenue Service, including—

''(A) plans for modernization of the tax system,

''(B) plans for outsourcing or managed competition, and

''(C) plans for training and education.

''(3) MANAGEMENT.—To—

''(A) recommend to the President candidates for appointment as the Commissioner of Internal Revenue and recommend to the President the removal of the Commissioner,

''(B) review the Commissioner's selection, evaluation, and compensation of senior managers, and

''(C) review and approve the Commissioner's plans for any major reorganization of the Internal Revenue Service.

''(4) BUDGET.—To—

''(A) review and approve the budget request of the Internal Revenue Service prepared by the Commissioner,

''(B) submit such budget request to the Secretary of the Treasury, and

''(C) ensure that the budget request supports the annual and long-range strategic plans.

The Secretary shall submit the budget request referred to in paragraph (4)(B) for any fiscal year to the President who shall submit such request, without revision, to Congress together with the President's annual budget request for the Internal Revenue Service for such fiscal year.

''(e) BOARD PERSONNEL MATTERS.—

''(1) COMPENSATION OF MEMBERS.—

''(A) IN GENERAL.—Each member of the Oversight Board who is described in subsection (b)(1)(A) shall be compensated at a rate not to exceed $30,000 per year. All other members of the Oversight Board shall serve without compensation for such service.

''(B) CHAIRPERSON.—In lieu of the amount specified in subparagraph (A), the Chairperson of the Oversight Board shall be compensated at a rate not to exceed $50,000.

''(2) TRAVEL EXPENSES.—The members of the Oversight Board shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business for purposes of attending meetings of the Oversight Board.

''(3) STAFF.—At the request of the Chairperson of the Oversight Board, the Commissioner shall detail to the Oversight Board such personnel as may be necessary to enable the Oversight Board to perform its duties. Such detail shall be without interruption or loss of civil service status or privilege.

''(4) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairperson of the Oversight Board may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

''(f) ADMINISTRATIVE MATTERS.—

''(1) CHAIR.—The members of the Oversight Board shall elect for a 2-year term a chairperson from among the members appointed under subsection (b)(1)(A).

''(2) COMMITTEES.—The Oversight Board may establish such committees as the Oversight Board determines appropriate.

''(3) MEETINGS.—The Oversight Board shall meet at least once each month and at such other times as the Oversight Board determines appropriate.

''(4) REPORTS.—The Oversight Board shall each year report to the President and the Congress with respect to the conduct of its responsibilities under this title.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 4946(c) (relating to definitions and special rules for chapter 42) is amended—

(A) by striking ''or'' at the end of paragraph (5),

(B) by striking the period at the end of paragraph (6) and inserting '', or'', and

(C) by adding at the end the following new paragraph:

''(7) a member of the Internal Revenue Service Oversight Board.''.

(2) The table of sections for subchapter A of chapter 80 is amended by striking the item relating to section 7802 and inserting the following new item:

''Sec. 7802. Internal Revenue Service Oversight Board.''

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall take effect on the date of the enactment of this Act.

(2) NOMINATIONS TO INTERNAL REVENUE SERVICE OVERSIGHT BOARD.—The President shall submit nominations under section 7802 of the Internal Revenue Code of 1986, as added by this section, to the Senate not later than 6 months after the date of the enactment of this Act.

SEC. 102. COMMISSIONER OF INTERNAL REVENUE; OTHER OFFICIALS.

(a) IN GENERAL.—Section 7803 (relating to other personnel) is amended to read as follows:

''SEC. 7803. COMMISSIONER OF INTERNAL REVENUE; OTHER OFFICIALS.

''(a) COMMISSIONER OF INTERNAL REVENUE.—

''(1) APPOINTMENT.—

''(A) IN GENERAL.—There shall be in the Department of the Treasury a Commissioner of Internal Revenue who shall be appointed by the President, by and with the advice and consent of the Senate, to a 5-year term. The appointment shall be made without regard to political affiliation or activity.

''(B) VACANCY.—Any individual appointed to fill a vacancy in the position of Commissioner occurring before the expiration of the term for which such individual's predecessor was appointed shall be appointed only for the remainder of that term.

''(C) REMOVAL.—The Commissioner may be removed at the will of the President.

''(2) DUTIES.—The Commissioner shall have such duties and powers as the Secretary may prescribe, including the power to—

''(A) administer, manage, conduct, direct, and supervise the execution and application of the internal revenue laws or related statutes and tax conventions to which the United States is a party; and

''(B) recommend to the President a candidate for appointment as Chief Counsel for the Internal Revenue Service when a vacancy occurs, and recommend to the President the removal of such Chief Counsel.

If the Secretary determines not to delegate a power specified in subparagraph (A) or (B), such determination may not take effect until 30 days after the Secretary notifies the Committees on Ways and Means, Government Reform and Oversight, and Appropriations of the House of Representatives, the Committees on Finance, Government Operations, and Appropriations of the Senate, and the Joint Committee on Taxation.

''(3) CONSULTATION WITH BOARD.—The Commissioner shall consult with the Oversight Board on all matters set forth in paragraphs (2) and (3) (other than paragraph (3)(A)) of section 7802(d).

''(b) ASSISTANT COMMISSIONER FOR EMPLOYEE PLANS AND EXEMPT ORGANIZATIONS.—There is established within the Internal Revenue Service an office to be known as the 'Office of Employee Plans and Exempt Organizations' to be under the supervision and direction of an Assistant Commissioner of Internal Revenue. As head of the Office, the Assistant Commissioner shall be responsible for carrying out such functions as the Secretary may prescribe with respect to organizations exempt from tax under section 501(a) and with respect to plans to which part I of subchapter D of chapter 1 applies (and with respect to organizations designed to be exempt under such section and plans designed to be plans to which such part applies) and other nonqualified deferred compensation arrangements. The Assistant Commissioner shall report annually to the Commissioner with respect to the Assistant Commissioner's responsibilities under this section.

''(c) OFFICE OF TAXPAYER ADVOCATE.—

''(1) IN GENERAL.—

''(A) ESTABLISHMENT.—There is established in the Internal Revenue Service an office to be known as the 'Office of the Taxpayer Advocate'. Such office shall be under the supervision and direction of an official to be known as the 'Taxpayer Advocate' who shall be appointed with the approval of the Oversight Board by the Commissioner of Internal Revenue and shall report directly to the Commissioner. The Taxpayer Advocate shall be entitled to compensation at the same rate as the highest level official reporting directly to the Commissioner of Internal Revenue.

''(B) RESTRICTION ON SUBSEQUENT EMPLOYMENT.—An individual who is an officer or employee of the Internal Revenue Service may be appointed as Taxpayer Advocate only if such individual agrees not to accept any employment with the Internal Revenue Service for at least 5 years after ceasing to be the Taxpayer Advocate.

''(2) FUNCTIONS OF OFFICE.—

''(A) IN GENERAL.—It shall be the function of the Office of Taxpayer Advocate to—

''(i) assist taxpayers in resolving problems with the Internal Revenue Service,

''(ii) identify areas in which taxpayers have problems in dealings with the Internal Revenue Service,

''(iii) to the extent possible, propose changes in the administrative practices of the Internal Revenue Service to mitigate problems identified under clause (ii), and

''(iv) identify potential legislative changes which may be appropriate to mitigate such problems.

''(B) ANNUAL REPORTS.—

''(i) OBJECTIVES.—Not later than June 30 of each calendar year, the Taxpayer Advocate shall report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate on the objectives of the Taxpayer Advocate for the fiscal year beginning in such calendar year. Any such report shall contain full and substantive analysis, in addition to statistical information.

''(ii) ACTIVITIES.—Not later than December 31 of each calendar year, the Taxpayer Advocate shall report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate on the activities of the Taxpayer Advocate during the fiscal year ending during such calendar year. Any

such report shall contain full and substantive analysis, in addition to statistical information, and shall—

''(I) identify the initiatives the Taxpayer Advocate has taken on improving taxpayer services and Internal Revenue Service responsiveness,

''(II) contain recommendations received from individuals with the authority to issue Taxpayer Assistance Orders under section 7811,

''(III) contain a summary of at least 20 of the most serious problems encountered by taxpayers, including a description of the nature of such problems,

''(IV) contain an inventory of the items described in subclauses (I), (II), and (III) for which action has been taken and the result of such action,

''(V) contain an inventory of the items described in subclauses (I), (II), and (III) for which action remains to be completed and the period during which each item has remained on such inventory,

''(VI) contain an inventory of the items described in subclauses (I), (II), and (III) for which no action has been taken, the period during which each item has remained on such inventory, the reasons for the inaction, and identify any Internal Revenue Service official who is responsible for such inaction,

''(VII) identify any Taxpayer Assistance Order which was not honored by the Internal Revenue Service in a timely manner, as specified under section 7811(b),

''(VIII) contain recommendations for such administrative and legislative action as may be appropriate to resolve problems encountered by taxpayers,

''(IX) identify areas of the tax law that impose significant compliance burdens on taxpayers or the Internal Revenue Service, including specific recommendations for remedying these problems,

''(X) in conjunction with the National Director of Appeals, identify the 10 most litigated issues for each category of taxpayers, including recommendations for mitigating such disputes, and

''(XI) include such other information as the Taxpayer Advocate may deem advisable.

''(iii) REPORT TO BE SUBMITTED DIRECTLY.—Each report required under this subparagraph shall be provided directly to the committees described in clauses (i) and (ii) without any prior review or comment from the Oversight Board, the Secretary of the Treasury, any other officer or employee of the Department of the Treasury, or the Office of Management and Budget.

''(C) OTHER RESPONSIBILITIES.—The Taxpayer Advocate shall—

''(i) monitor the coverage and geographic allocation of problem resolution officers, and

''(ii) develop guidance to be distributed to all Internal Revenue Service officers and employees outlining the criteria for referral of taxpayer inquiries to problem resolution officers.

''(3) RESPONSIBILITIES OF COMMISSIONER.—The Commissioner shall establish procedures requiring a formal response to all recommendations submitted to the Commissioner by the Taxpayer Advocate within 3 months after submission to the Commissioner.''.

(b) CONFORMING AMENDMENTS.—

(1) The table of sections for subchapter A of chapter 80 is amended by striking the item relating to section 7803 and inserting the following new item:

''Sec. 7803. Commissioner of Internal Revenue; other officials.''

(2) Subsection (b) of section 5109 of title 5, United States Code, is amended by striking ''7802(b)'' and inserting ''7803(b)''.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall take effect on the date of the enactment of this Act.

(2) CURRENT OFFICERS.—

(A) In the case of an individual serving as Commissioner of Internal Revenue on the date of the enactment of this Act who was appointed to such position before such date, the 5-year term required by section 7803(a)(1) of the Internal Revenue Code of 1986, as added by this section, shall begin as of the date of such appointment.

(B) Section 7803(c)(1)(B) of such Code, as added by this section, shall not apply to the individual serving as Taxpayer Advocate on the date of the enactment of this Act.

SEC. 103. OTHER PERSONNEL.

(a) IN GENERAL.—Section 7804 (relating to the effect of reorganization plans) is amended to read as follows:

''SEC. 7804. OTHER PERSONNEL.

''(a) APPOINTMENT AND SUPERVISION.—Unless otherwise prescribed by the Secretary, the Commissioner of Internal Revenue is authorized to employ such number of persons as the Commissioner deems proper for the administration and enforcement of the internal revenue laws, and the Commissioner shall issue all necessary directions, instructions, orders, and rules applicable to such persons.

''(b) POSTS OF DUTY OF EMPLOYEES IN FIELD SERVICE OR TRAVELING.—Unless otherwise prescribed by the Secretary—

''(1) DESIGNATION OF POST OF DUTY.—The Commissioner shall determine and designate the posts of duty of all such persons engaged in field work or traveling on official business outside of the District of Columbia.

''(2) DETAIL OF PERSONNEL FROM FIELD SERVICE.—The Commissioner may order any such person engaged in field work to duty in the District of Columbia, for such periods as the Commissioner may prescribe, and to any designated post of duty outside the District of Columbia upon the completion of such duty.

''(c) DELINQUENT INTERNAL REVENUE OFFICERS AND EMPLOYEES.—If any officer or employee of the Treasury Department acting in connection with the internal revenue laws fails to account for and pay over any amount of money or property collected or received by him in connection with the internal revenue laws, the Secretary shall issue notice and demand to such officer or employee for payment of the amount which he failed to account for and pay over, and, upon failure to pay the amount demanded within the time specified in such notice, the amount so demanded shall be deemed imposed upon such officer or employee and assessed upon the date of such notice and demand, and the provisions of chapter 64 and all other provisions of law relating to the collection of assessed taxes shall be applicable in respect of such amount.''.

(b) CONFORMING AMENDMENTS.—

(1) Subsection (b) of section 6344 is amended by striking ''section 7803(d)'' and inserting ''section 7804(c)''.

(2) The table of sections for subchapter A of chapter 80 is amended by striking the item relating to section 7804 and inserting the following new item:

''Sec. 7804. Other personnel.''

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 104. PROHIBITION ON EXECUTIVE BRANCH INFLUENCE OVER TAXPAYER AUDITS AND OTHER INVESTIGATIONS.

(a) IN GENERAL.—Part I of subchapter A of chapter 75 (relating to crimes, other offenses, and forfeitures) is amended by adding after section 7216 the following new section:

''SEC. 7217. PROHIBITION ON EXECUTIVE BRANCH INFLUENCE OVER TAXPAYER AUDITS AND OTHER INVESTIGATIONS.

''(a) PROHIBITION.—It shall be unlawful for any applicable person to request any officer or employee of the Internal Revenue Service to conduct or terminate an audit or other investigation of any particular taxpayer with respect to the tax liability of such taxpayer.

''(b) REPORTING REQUIREMENT.—Any officer or employee of the Internal Revenue Service receiving any request prohibited by subsection (a) shall report the receipt of such request to the Chief Inspector of the Internal Revenue Service.

''(c) EXCEPTIONS.—Subsection (a) shall not apply to—

''(1) any request made to an applicable person by the taxpayer or a representative of the taxpayer and forwarded by such applicable person to the Internal Revenue Service,

''(2) any request by an applicable person for disclosure of return or return information under section 6103 if such request is made in accordance with the requirements of such section, or

''(3) any request by the Secretary of the Treasury as a consequence of the implementation of a change in tax policy.

''(d) PENALTY.—Any person who willfully violates subsection (a) or fails to report under subsection (b) shall be punished upon conviction by a fine in any amount not exceeding $5,000, or imprisonment of not more than 5 years, or both, together with the costs of prosecution.

''(e) APPLICABLE PERSON.—For purposes of this section, the term 'applicable person' means—

''(1) the President, the Vice President, any employee of the executive office of the President, and any employee of the executive office of the Vice President, and

''(2) any individual (other than the Attorney General of the United States) serving in a position specified in section 5312 of title 5, United States Code.''

(b) CLERICAL AMENDMENT.—The table of sections for part I of subchapter A of chapter 75 is amended by adding after the item relating to section 7216 the following new item:

''Sec. 7217. Prohibition on executive branch influence over taxpayer audits and other investigations.''

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to requests made after the date of the enactment of this Act.

Subtitle B—Personnel Flexibilities

SEC. 111. PERSONNEL FLEXIBILITIES.

(a) IN GENERAL.—Part III of title 5, United States Code, is amended by adding at the end the following new subpart:

''Subpart I—Miscellaneous

''CHAPTER 93—PERSONNEL FLEXIBILITIES RELATING TO THE INTERNAL REVENUE SERVICE

''Sec.
''9301. General requirements.
''9302. Flexibilities relating to performance management.
''9303. Staffing flexibilities.
''9304. Flexibilities relating to demonstration projects.

''§ 9301. General requirements

''(a) CONFORMANCE WITH MERIT SYSTEM PRINCIPLES, ETC.—Any flexibilities under this chapter shall be exercised in a manner consistent with—

''(1) chapter 23, relating to merit system principles and prohibited personnel practices; and

''(2) provisions of this title (outside of this subpart) relating to preference eligibles.

''(b) REQUIREMENT RELATING TO UNITS REPRESENTED BY LABOR ORGANIZATIONS.—

''(1) WRITTEN AGREEMENT REQUIRED.—Employees within a unit with respect to which a labor organization is accorded exclusive recognition under chapter 71 shall not be subject to the exercise of any flexibility under section 9302, 9303, or 9304, unless there is a written agreement between the Internal Revenue Service and the organization permitting such exercise.

''(2) DEFINITION OF A WRITTEN AGREEMENT.—In order to satisfy paragraph (1), a written agreement—

''(A) need not be a collective bargaining agreement within the meaning of section 7103(8); and

''(B) may not be an agreement imposed by the Federal Service Impasses Panel under section 7119.

''(3) INCLUDIBLE MATTERS.—The written agreement may address any flexibilities under section 9302, 9303, or 9304, including any matter proposed to be included in a demonstration project under section 9304.

''§ 9302. Flexibilities relating to performance management

''(a) IN GENERAL.—The Commissioner of Internal Revenue shall, within a year after the date of the enactment of this chapter, establish a performance management system which—

''(1) subject to section 9301(b), shall cover all employees of the Internal Revenue Service other than—

''(A) the members of the Internal Revenue Service Oversight Board;

''(B) the Commissioner of Internal Revenue; and

''(C) the Chief Counsel for the Internal Revenue Service;

''(2) shall maintain individual accountability by—

''(A) establishing standards of performance which—

''(i) shall permit the accurate evaluation of each employee's performance on the basis of the individual and organizational performance requirements applicable with respect to the evaluation period involved, taking into account individual contributions toward the attainment of any goals or objectives under paragraph (3);

''(ii) shall be communicated to an employee before the start of any period with respect to which the performance of such employee is to be evaluated using such standards; and

''(iii) shall include at least 2 standards of performance, the lowest of which shall denote the retention standard and shall be equivalent to fully successful performance;

''(B) providing for periodic performance evaluations to determine whether employees are meeting all applicable retention standards; and

''(C) using the results of such employee's performance evaluation as a basis for adjustments in pay and other appropriate personnel actions; and

''(3) shall provide for (A) establishing goals or objectives for individual, group, or organizational performance (or any combination thereof), consistent with Internal Revenue Service performance planning procedures, including those established under the Government Performance and Results Act of 1993, the Information Technology Management Reform Act of 1996, Revenue Procedure 64–22 (as in effect on July 30, 1997), and taxpayer service surveys, (B) communicating such goals or objectives to employees, and (C) using such goals or objectives to make performance distinctions among employees or groups of employees.

For purposes of this title, performance of an employee during any period in which such employee is subject to standards of performance under paragraph (2) shall be considered to be 'unacceptable' if the performance of such employee during such period fails to meet any retention standard.

''(b) AWARDS.—

''(1) FOR SUPERIOR ACCOMPLISHMENTS.—In the case of a proposed award based on the efforts of an employee or former employee of the Internal Revenue Service, any approval required under the provisions of section 4502(b) shall be considered to have been granted if the Office of Personnel Management does not disapprove the proposed award within 60 days after receiving the appropriate certification described in such provisions.

''(2) FOR EMPLOYEES WHO REPORT DIRECTLY TO THE COMMISSIONER.—

''(A) IN GENERAL.—In the case of an employee of the Internal Revenue Service who reports directly to the Commissioner of Internal Revenue, a cash award in an amount up to 50 percent of such employee's annual rate of basic pay may be made if the Commissioner finds such an award to be warranted based on such employee's performance.

''(B) NATURE OF AN AWARD.—A cash award under this paragraph shall not be considered to be part of basic pay.

''(C) TAX ENFORCEMENT RESULTS.—A cash award under this paragraph may not be based solely on tax enforcement results.

''(D) ELIGIBLE EMPLOYEES.—Whether or not an employee is an employee who reports directly to the Commissioner of Internal Revenue shall, for purposes of this paragraph, be determined under regulations which the Commissioner shall prescribe, except that in no event shall more than 8 employees be eligible for a cash award under this paragraph in any calendar year.

''(E) LIMITATION ON COMPENSATION.—For purposes of applying section 5307 to an employee in connection with any calendar year to which an award made under this paragraph to such employee is attributable, subsection (a)(1) of such section shall be applied by substituting 'to equal or exceed the annual rate of compensation for the Vice President for such calendar year' for 'to exceed the annual rate of basic pay payable for level I of the Executive Schedule, as of the end of such calendar year'.

''(F) APPROVAL REQUIRED.—An award under this paragraph may not be made unless—

''(i) the Commissioner of Internal Revenue certifies to the Office of Personnel Management that such award is warranted; and

''(ii) the Office approves, or does not disapprove, the proposed award within 60 days after the date on which it is so certified.

''(3) BASED ON SAVINGS.—

''(A) IN GENERAL.—The Commissioner of Internal Revenue may authorize the payment of cash awards to employees based on documented financial savings achieved by a group or organization which such employees comprise, if such payments are made pursuant to a plan which—

''(i) specifies minimum levels of service and quality to be maintained while achieving such financial savings; and

''(ii) is in conformance with criteria prescribed by the Office of Personnel Management.

''(B) FUNDING.—A cash award under this paragraph may be paid from the fund or appropriation available to the activity primarily benefiting or the various activities benefiting.

''(C) TAX ENFORCEMENT RESULTS.—A cash award under this paragraph may not be based solely on tax enforcement results.

''(c) OTHER PROVISIONS.—

''(1) NOTICE PROVISIONS.—In applying sections 4303(b)(1)(A) and 7513(b)(1) to employees of the Internal Revenue Service, '15 days' shall be substituted for '30 days'.

''(2) APPEALS.—Notwithstanding the second sentence of section 5335(c), an employee of the Internal Revenue Service shall not have a right to appeal the denial of a periodic step increase under section 5335 to the Merit Systems Protection Board.

''§ 9303. Staffing flexibilities

''(a) ELIGIBILITY TO COMPETE FOR A PERMANENT APPOINTMENT IN THE COMPETITIVE SERVICE.—

''(1) ELIGIBILITY OF QUALIFIED VETERANS.—

''(A) IN GENERAL.—No veteran described in subparagraph (B) shall be denied the opportunity to compete for an announced vacant competitive service position within the Internal Revenue Service by reason of—

''(i) not having acquired competitive status; or

''(ii) not being an employee of that agency.

''(B) DESCRIPTION.—An individual shall, for purposes of a position for which such individual is applying, be considered a veteran described in this subparagraph if such individual—

''(i) is either a preference eligible, or an individual (other than a preference eligible) who has been separated from the armed forces under honorable conditions after at least 3 years of active service; and

''(ii) meets the minimum qualification requirements for the position sought.

''(2) ELIGIBILITY OF CERTAIN TEMPORARY EMPLOYEES.—

''(A) IN GENERAL.—No temporary employee described in subparagraph (B) shall be denied the opportunity to compete for an announced vacant competitive service position within the Internal Revenue Service by reason of not having acquired competitive status.

''(B) DESCRIPTION.—An individual shall, for purposes of a position for which such individual is applying, be considered a temporary employee described in this subparagraph if—

''(i) such individual is then currently serving as a temporary employee in the Internal Revenue Service;

''(ii) such individual has completed at least 2 years of current continuous service in the competitive service under 1 or more term appointments, each of which was made under competitive procedures prescribed for permanent appointments;

''(iii) such individual's performance under each term appointment referred to in clause (ii) met all applicable retention standards; and

''(iv) such individual meets the minimum qualification requirements for the position sought.

''(b) RATING SYSTEMS.—

''(1) IN GENERAL.—Notwithstanding subchapter I of chapter 33, the Commissioner of Internal Revenue may establish category rating systems for evaluating job applicants for positions in the competitive service, under which qualified candidates are divided into 2 or more quality categories on the basis of relative degrees of merit, rather than assigned individual numerical ratings. Each applicant who meets the minimum qualification requirements for the position to be filled shall be assigned to an appropriate category based on an evaluation of the applicant's knowledge, skills, and abilities relative to those needed for successful performance in the job to be filled.

''(2) TREATMENT OF PREFERENCE ELIGIBLES.—Within each quality category established under paragraph (1), preference eligibles shall be listed ahead of individuals who are not preference eligibles. For other than scientific and professional positions at or higher than GS–9 (or equivalent), preference eligibles who have a compensable service-connected disability of 10 percent or more, and who meet the minimum qualification standards, shall be listed in the highest quality category.

''(3) SELECTION PROCESS.—An appointing authority may select any applicant from the highest quality category or, if fewer than 3 candidates have been assigned to the highest quality category, from a merged category consisting of the highest and second highest quality categories. Notwithstanding the preceding sentence, the appointing authority may not pass over a preference eligible in the same or a higher category from which selection is made, unless the requirements of section 3317(b) or 3318(b), as applicable, are satisfied, except that in no event may certification of a preference eligible under this subsection be discontinued by the Internal Revenue Service under section 3317(b) before the end of the 6-month period beginning on the date of such employee's first certification.

''(c) INVOLUNTARY REASSIGNMENTS AND REMOVALS OF CAREER APPOINTEES IN THE SENIOR EXECUTIVE SERVICE.—Neither section 3395(e)(1) nor section 3592(b)(1) shall apply with respect to the Internal Revenue Service.

''(d) PROBATIONARY PERIODS.—Notwithstanding any other provision of law or regulation, the Commissioner of Internal Revenue may establish a period of probation under section 3321 of up to 3 years for any position if, as determined by the Commissioner, a shorter period would be insufficient for the incumbent to demonstrate complete proficiency in such position.

''(e) PROVISIONS THAT REMAIN APPLICABLE.—No provision of this section exempts the Internal Revenue Service from—

''(1) any employment priorities established under direction of the President for the placement of surplus or displaced employees; or

''(2) its obligations under any court order or decree relating to the employment practices of the Internal Revenue Service.

''§ 9304. Flexibilities relating to demonstration projects

''(a) AUTHORITY TO CONDUCT.—The Commissioner of Internal Revenue may, in accordance with this section, conduct 1 or more demonstration projects to improve personnel management; provide increased individual accountability; eliminate obstacles to the removal of or imposing any disciplinary action with respect to poor performers, subject to the requirements of due process; expedite appeals from adverse actions or performance-based actions; and promote pay based on performance.

''(b) GENERAL REQUIREMENTS.—Except as provided in subsection (c), each demonstration project under this section shall comply with the provisions of section 4703.

''(c) SPECIAL RULES.—For purposes of any demonstration project under this section—

''(1) AUTHORITY OF COMMISSIONER.—The Commissioner of Internal Revenue shall exercise the authority provided to the Office of Personnel Management under section 4703.

''(2) PROVISIONS NOT APPLICABLE.—The following provisions of section 4703 shall not apply:

''(A) Paragraphs (3) through (6) of subsection (b).

''(B) Paragraphs (1), (2)(B)(ii), and (4) of subsection (c).

''(C) Subsections (d) through (g).

''(d) NOTIFICATION REQUIRED TO BE GIVEN.—

''(1) TO EMPLOYEES.—The Commissioner of Internal Revenue shall notify employees likely to be affected by a project proposed under this section at least 90 days in advance of the date such project is to take effect.

''(2) TO CONGRESS AND OPM.—The Commissioner of Internal Revenue shall, with respect to each demonstration project under this section, provide each House of Congress and the Office of Personnel Management with a report, at least 30 days in advance of the date such project is to take effect, setting forth the final version of the plan for such project. Such report shall, with respect to the project to which it relates, include the information specified in section 4703(b)(1).

''(e) LIMITATIONS.—No demonstration project under this section may—

''(1) provide for a waiver of any regulation prescribed under any provision of law referred to in paragraph (2)(B)(i) or (3) of section 4703(c);

''(2) provide for a waiver of subchapter V of chapter 63 or subpart G of part III (or any regulations prescribed under such subchapter or subpart);

''(3) provide for a waiver of any law or regulation relating to preference eligibles as defined in section 2108 or subchapter II or III of chapter 73 (or any regulations prescribed thereunder);

''(4) permit collective bargaining over pay or benefits, or require collective bargaining over any matter which would not be required under section 7106; or

''(5) include a system for measuring performance that provides for only 1 level of performance at or above the level of fully successful or better.

''(f) PERMISSIBLE PROJECTS.—Notwithstanding any other provision of law, a demonstration project under this section—

''(1) may establish alternative means of resolving any dispute within the jurisdiction of the Equal Employment Opportunity Commission, the Merit Systems Protection Board, the Federal Labor Relations Authority, or the Federal Service Impasses Panel; and

''(2) may permit the Internal Revenue Service to adopt any alternative dispute resolution procedure that a private entity may lawfully adopt.

''(g) CONSULTATION AND COORDINATION.—The Commissioner of Internal Revenue shall consult with the Director of the Office of Personnel Management in the development and implementation of each demonstration project under this section and shall submit such reports to the Director as the Director may require. The Director or the Commissioner of Internal Revenue may terminate a demonstration project under this section if either of them determines that the project creates a substantial hardship on, or is not in the best interests of, the public, the Federal Government, employees, or qualified applicants for employment with the Internal Revenue Service.

''(h) TERMINATION.—Each demonstration project under this section shall terminate before the end of the 5-year period beginning on the date on which the project takes effect, except that any such project may continue beyond the end of such period, for not to exceed 2 years, if the Commissioner of Internal Revenue, with the concurrence of the Director, determines such extension is necessary to validate the results of the project. Not later than 6 months before the end of the 5-year period and any extension under the preceding sentence, the Commissioner of Internal Revenue shall, with respect to the demonstration project involved, submit a legislative proposal to the Congress if the Commissioner determines that such project should be made permanent, in whole or in part.''

(b) CLERICAL AMENDMENT.—The analysis for part III of title 5, United States Code, is amended by adding at the end the following:

''Subpart I—Miscellaneous

''93. Personnel Flexibilities Relating to the Internal Revenue Service ..... 9301''.

(c) EFFECTIVE DATE.—This section shall take effect on the date of enactment of this Act.

TITLE II—ELECTRONIC FILING

SEC. 201. ELECTRONIC FILING OF TAX AND INFORMATION RETURNS.

(a) IN GENERAL.—It is the policy of the Congress that paperless filing should be the preferred and most convenient means of filing tax and information returns, and that by the year 2007, no more than 20 percent of all such returns should be filed on paper.

(b) STRATEGIC PLAN.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Treasury or the Secretary's delegate (hereafter in this section referred to as the ''Secretary'') shall establish a plan to eliminate barriers, provide incentives, and use competitive market forces to increase electronic filing gradually over the next 10 years while maintaining processing times for paper returns at 40 days. To the extent practicable, such plan shall provide that all returns prepared electronically for taxable years beginning after 2001 shall be filed electronically.

(2) ELECTRONIC COMMERCE ADVISORY GROUP.—To ensure that the Secretary receives input from the private sector in the development and implementation of the plan required by paragraph (1), the Secretary shall convene an electronic commerce advisory group to include representatives from the small business community and from the tax practitioner, preparer, and computerized tax processor communities and other representatives from the electronic filing industry.

(c) PROMOTION OF ELECTRONIC FILING AND INCENTIVES.—Section 6011 is amended by redesignating subsection (f) as subsection (g) and by inserting after subsection (e) the following new subsection:

''(f) PROMOTION OF ELECTRONIC FILING.—

''(1) IN GENERAL.—The Secretary is authorized to promote the benefits of and encourage the use of electronic tax administration programs, as they become available, through the use of mass communications and other means.

''(2) INCENTIVES.—The Secretary may implement procedures to provide for the payment of appropriate incentives for electronically filed returns.''

(d) ANNUAL REPORTS.—Not later than June 30 of each calendar year after 1997, the Chairperson of the Internal Revenue Service Oversight Board, the Secretary, and the Chairperson of the electronic commerce advisory group established under subsection (b)(2) shall report to the Committees on Ways and Means, Appropriations, and Government Reform and Oversight of the House of Representatives, the Committees on Finance, Appropriations, and Government Affairs of the Senate, and the Joint Committee on Taxation, on—

(1) the progress of the Internal Revenue Service in meeting the goal of receiving electronically 80 percent of tax and information returns by 2007;

(2) the status of the plan required by subsection (b); and

(3) the legislative changes necessary to assist the Internal Revenue Service in meeting such goal.

SEC. 202. DUE DATE FOR CERTAIN INFORMATION RETURNS FILED ELECTRONICALLY.

(a) IN GENERAL.—Section 6071 (relating to time for filing returns and other documents) is amended by redesignating subsection (b) as subsection (c) and by inserting after subsection (a) the following new subsection:

''(b) ELECTRONICALLY FILED INFORMATION RETURNS.—Returns made under subparts B and C of part III of this subchapter which are filed electronically shall be filed on or before March 31 of the year following the calendar year to which such returns relate.''

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to returns required to be filed after December 31, 1999.

SEC. 203. PAPERLESS ELECTRONIC FILING.

(a) IN GENERAL.—Section 6061 (relating to signing of returns and other documents) is amended—

(1) by striking ''Except as otherwise provided by'' and inserting the following:

''(a) GENERAL RULE.—Except as otherwise provided by subsection (b) and'', and

(2) by adding at the end the following new subsection:

''(b) ELECTRONIC SIGNATURES.—

''(1) IN GENERAL.—The Secretary shall develop procedures for the acceptance of signatures in digital or other electronic form. Until such time as such procedures are in place, the Secretary may waive the requirement of a signature for all returns or classes of returns, or may provide for alternative methods of subscribing all returns, declarations, statements, or other documents required or permitted to be made or written under internal revenue laws and regulations.

''(2) TREATMENT OF ALTERNATIVE METHODS.—Notwithstanding any other provision of law, any return, declaration, statement or other document filed without signature under the authority of this subsection or verified, signed or subscribed under any method adopted under paragraph (1) shall be treated for all purposes (both civil and criminal, including penalties for perjury) in the same manner as though signed and subscribed. Any such return, declaration, statement or other document shall be presumed to have been actually submitted and subscribed by the person on whose behalf it was submitted.

''(3) PUBLISHED GUIDANCE.—The Secretary shall publish guidance as appropriate to define and implement any waiver of the signature requirements.''

(b) ACKNOWLEDGMENT OF ELECTRONIC FILING.—Section 7502(c) is amended to read as follows:

''(c) REGISTERED AND CERTIFIED MAILING; ELECTRONIC FILING.—

''(1) REGISTERED MAIL.—For purposes of this section, if any return, claim, statement, or other document, or payment, is sent by United States registered mail—

''(A) such registration shall be prima facie evidence that the return, claim, statement, or other

document was delivered to the agency, officer, or office to which addressed, and

''(B) the date of registration shall be deemed the postmark date.

''(2) CERTIFIED MAIL; ELECTRONIC FILING.—The Secretary is authorized to provide by regulations the extent to which the provisions of paragraph (1) with respect to prima facie evidence of delivery and the postmark date shall apply to certified mail and electronic filing.''.

(c) ESTABLISHMENT OF PROCEDURES FOR OTHER INFORMATION.—In the case of taxable periods beginning after December 31, 1998, the Secretary of the Treasury or the Secretary's delegate shall, to the extent practicable, establish procedures to accept, in electronic form, any other information, statements, elections, or schedules, from taxpayers filing returns electronically, so that such taxpayers will not be required to file any paper.

(d) PROCEDURES FOR COMMUNICATIONS BETWEEN IRS AND PREPARER OF ELECTRONICALLY FILED RETURNS.—The Secretary shall establish procedures for taxpayers to authorize, on electronically filed returns, the preparer of such returns to communicate with the Internal Revenue Service on matters included on such returns.

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 204. RETURN-FREE TAX SYSTEM.

(a) IN GENERAL.—The Secretary of the Treasury or the Secretary's delegate shall develop procedures for the implementation of a return-free tax system under which appropriate individuals would be permitted to comply with the Internal Revenue Code of 1986 without making the return required under section 6012 of such Code for taxable years beginning after 2007.

(b) REPORT.—Not later than June 30 of each calendar year after 1999, such Secretary shall report to the Committee on Ways and Means of the House of Representatives, the Committee on Finance of the Senate, and the Joint Committee on Taxation on—

(1) what additional resources the Internal Revenue Service would need to implement such a system,

(2) the changes to the Internal Revenue Code of 1986 that could enhance the use of such a system,

(3) the procedures developed pursuant to subsection (a), and

(4) the number and classes of taxpayers that would be permitted to use the procedures developed pursuant to subsection (a).

SEC. 205. ACCESS TO ACCOUNT INFORMATION.

Not later than December 31, 2006, the Secretary of the Treasury or the Secretary's delegate shall develop procedures under which a taxpayer filing returns electronically would be able to review the taxpayer's account electronically, but only if all necessary safeguards to ensure the privacy of such account information are in place.

TITLE III—TAXPAYER PROTECTION AND RIGHTS

SEC. 300. SHORT TITLE.

This title may be cited as the ''Taxpayer Bill of Rights 3''.

Subtitle A—Burden of Proof

SEC. 301. BURDEN OF PROOF.

(a) IN GENERAL.—Chapter 76 (relating to judicial proceedings) is amended by adding at the end the following new subchapter:

''Subchapter E—Burden of Proof

''Sec. 7491. Burden of proof.

''SEC. 7491. BURDEN OF PROOF.

''(a) GENERAL RULE.—The Secretary shall have the burden of proof in any court proceeding with respect to any factual issue relevant to ascertaining the income tax liability of a taxpayer.

''(b) LIMITATIONS.—Subsection (a) shall only apply with respect to an issue if—

''(1) the taxpayer asserts a reasonable dispute with respect to such issue,

''(2) the taxpayer has fully cooperated with the Secretary with respect to such issue, including providing, within a reasonable period of time, access to and inspection of all witnesses, information, and documents within the control of the taxpayer, as reasonably requested by the Secretary, and

''(3) in the case of a partnership, corporation, or trust, the taxpayer is described in section 7430(c)(4)(A)(ii).

''(c) SUBSTANTIATION.—Nothing in this section shall be construed to override any requirement of this title to substantiate any item.''

(b) CONFORMING AMENDMENTS.—

(1) Section 6201 is amended by striking subsection (d) and redesignating subsection (e) as subsection (d).

(2) The table of subchapters for chapter 76 is amended by adding at the end the following new item:

''Subchapter E. Burden of proof.''

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to court proceedings arising in connection with examinations commencing after the date of the enactment of this Act.

Subtitle B—Proceedings by Taxpayers

SEC. 311. EXPANSION OF AUTHORITY TO AWARD COSTS AND CERTAIN FEES.

(a) AWARD OF HIGHER ATTORNEY'S FEES BASED ON COMPLEXITY OF ISSUES.—Clause (iii) of section 7430(c)(1)(B) (relating to the award of costs and certain fees) is amended by inserting ''the difficulty of the issues presented in the case, or the local availability of tax expertise,'' before ''justifies a higher rate''.

(b) AWARD OF ADMINISTRATIVE COSTS INCURRED AFTER 30-DAY LETTER.—Paragraph (2) of section 7430(c) is amended by striking the last sentence and inserting the following:

''Such term shall only include costs incurred on or after whichever of the following is the earliest: (i) the date of the receipt by the taxpayer of the notice of the decision of the Internal Revenue Service Office of Appeals, (ii) the date of the notice of deficiency, or (iii) the date on which the 1st letter of proposed deficiency which allows the taxpayer an opportunity for administrative review in the Internal Revenue Service Office of Appeals is sent.''.

(c) AWARD OF FEES FOR CERTAIN ADDITIONAL SERVICES.—Paragraph (3) of section 7430(c) is amended to read as follows:

''(3) ATTORNEY'S FEES.—

''(A) IN GENERAL.—For purposes of paragraphs (1) and (2), fees for the services of an individual (whether or not an attorney) who is authorized to practice before the Tax Court or before the Internal Revenue Service shall be treated as fees for the services of an attorney.

''(B) PRO BONO SERVICES.—In any case in which the court could have awarded attorney's fees under subsection (a) but for the fact that an individual is representing the prevailing party for no fee or for a fee which (taking into account all the facts and circumstances) is no more than a nominal fee, the court may also award a judgment or settlement for such amounts as the court determines to be appropriate (based on hours worked and costs expended) for services of such individual but only if such award is paid to such individual or such individual's employer.''

(d) DETERMINATION OF WHETHER POSITION OF UNITED STATES IS SUBSTANTIALLY JUSTIFIED.—Subparagraph (B) of section 7430(c)(4) is amended by redesignating clause (iii) as clause (iv) and by inserting after clause (ii) the following new clause:

''(iii) EFFECT OF LOSING ON SUBSTANTIALLY SIMILAR ISSUES.—In determining for purposes of clause (i) whether the position of the United States was substantially justified, the court shall take into account whether the United States has lost in courts of appeal for other circuits on substantially similar issues.''

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to costs incurred (and, in the case of the amendment made by subsection (c), services performed) more than 180 days after the date of the enactment of this Act.

SEC. 312. CIVIL DAMAGES FOR NEGLIGENCE IN COLLECTION ACTIONS.

(a) IN GENERAL.—Section 7433 (relating to civil damages for certain unauthorized collection actions) is amended—

(1) in subsection (a), by inserting '', or by reason of negligence,'' after ''recklessly or intentionally'', and

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by inserting ''($100,000, in the case of negligence)'' after ''$1,000,000'', and

(B) in paragraph (1), by inserting ''or negligent'' after ''reckless or intentional''.

(b) REQUIREMENT THAT ADMINISTRATIVE REMEDIES BE EXHAUSTED.—Paragraph (1) of section 7433(d) is amended to read as follows:

''(1) REQUIREMENT THAT ADMINISTRATIVE REMEDIES BE EXHAUSTED.—A judgment for damages shall not be awarded under subsection (b) unless the court determines that the plaintiff has exhausted the administrative remedies available to such plaintiff within the Internal Revenue Service.''

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to actions of officers or employees of the Internal Revenue Service after the date of the enactment of this Act.

SEC. 313. INCREASE IN SIZE OF CASES PERMITTED ON SMALL CASE CALENDAR.

(a) IN GENERAL.—Subsection (a) of section 7463 (relating to disputes involving $10,000 or less) is amended by striking ''$10,000'' each place it appears and inserting ''$25,000''.

(b) CONFORMING AMENDMENTS.—

*(1) The section heading for section 7463 is amended by striking ''**$10,000**'' and inserting ''**$25,000**''.*

(2) The item relating to section 7463 in the table of sections for part II of subchapter C of chapter 76 is amended by striking ''$10,000'' and inserting ''$25,000''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to proceedings commencing after the date of the enactment of this Act.

Subtitle C—Relief for Innocent Spouses and for Taxpayers Unable To Manage Their Financial Affairs Due to Disabilities

SEC. 321. SPOUSE RELIEVED IN WHOLE OR IN PART OF LIABILITY IN CERTAIN CASES.

(a) IN GENERAL.—Subpart B of part II of subchapter A of chapter 61 is amended by inserting after section 6014 the following new section:

''SEC. 6015. INNOCENT SPOUSE RELIEF; PETITION TO TAX COURT.

''(a) SPOUSE RELIEVED OF LIABILITY IN CERTAIN CASES.—

''(1) IN GENERAL.—Under procedures prescribed by the Secretary, if—

''(A) a joint return has been made under section 6013 for a taxable year,

''(B) on such return there is an understatement of tax attributable to erroneous items of 1 spouse,

''(C) the other spouse establishes that in signing the return he or she did not know, and had no reason to know, that there was such understatement,

''(D) taking into account all the facts and circumstances, it is inequitable to hold the other spouse liable for the deficiency in tax for such taxable year attributable to such understatement, and

''(E) the other spouse claims (in such form as the Secretary may prescribe) the benefits of this subsection not later than the date which is 2 years after the date of the assessment of such deficiency,

then the other spouse shall be relieved of liability for tax (including interest, penalties, and other amounts) for such taxable year to the extent such liability is attributable to such understatement.

''(2) APPORTIONMENT OF RELIEF.—If a spouse who, but for paragraph (1)(C), would be relieved of liability under paragraph (1), establishes that in signing the return such spouse did not know, and had no reason to know, the extent of such understatement, then such spouse shall be relieved of liability for tax (including interest, penalties, and other amounts) for such taxable year to the extent that such liability is attributable to the portion of such understatement of which such spouse did not know and had no reason to know.

''(3) UNDERSTATEMENT.—For purposes of this subsection, the term 'understatement' has the meaning given to such term by section 6662(d)(2)(A).

''(4) SPECIAL RULE FOR COMMUNITY PROPERTY INCOME.—For purposes of this subsection, the determination of the spouse to whom items of gross income (other than gross income from property) are attributable shall be made without regard to community property laws.

''(b) PETITION FOR REVIEW BY TAX COURT.—In the case of an individual who has filed a claim under subsection (a) within the period specified in subsection (a)(1)(E)—

''(1) IN GENERAL.—Such individual may petition the Tax Court (and the Tax Court shall have jurisdiction) to determine such claim if such petition is filed during the 90-day period beginning on the earlier of—

''(A) the date which is 6 months after the date such claim is filed with the Secretary, or

''(B) the date on which the Secretary mails by certified or registered mail a notice to such individual denying such claim.

Such 90-day period shall be determined by not counting Saturday, Sunday, or a legal holiday in the District of Columbia as the last day of such period.

''(2) RESTRICTIONS APPLICABLE TO COLLECTION OF ASSESSMENT.—

''(A) IN GENERAL.—Except as otherwise provided in section 6851 or 6861, no levy or proceeding in court for collection of any assessment to which such claim relates shall be made, begun, or prosecuted, until the expiration of the 90-day period described in paragraph (1), nor, if a petition has been filed with the Tax Court, until the decision of the Tax Court has become final. Rules similar to the rules of section 7485 shall apply with respect to the collection of such assessment.

''(B) AUTHORITY TO ENJOIN COLLECTION ACTIONS.—Notwithstanding the provisions of section 7421(a), the beginning of such proceeding or levy during the time the prohibition under subparagraph (A) is in force may be enjoined by a proceeding in the proper court, including the Tax Court. The Tax Court shall have no jurisdiction under this paragraph to enjoin any action or proceeding unless a timely petition for a determination of such claim has been filed and then only in respect of the amount of the assessment to which such claim relates.

''(C) JEOPARDY COLLECTION.—If the Secretary makes a finding that the collection of the tax is in jeopardy, nothing in this subsection shall prevent the immediate collection of such tax.

''(c) SUSPENSION OF RUNNING OF PERIOD OF LIMITATIONS.—The running of the period of limitations in section 6502 on the collection of the assessment to which the petition under subsection (b) relates shall be suspended for the period during which the Secretary is prohibited by subsection (b) from collecting by levy or a proceeding in court and for 60 days thereafter.

''(d) APPLICABLE RULES.—

''(1) ALLOWANCE OF APPLICATION.—Except as provided in paragraph (2), notwithstanding any other law or rule of law (other than section 6512(b), 7121, or 7122), credit or refund shall be allowed or made to the extent attributable to the application of this section.

''(2) RES JUDICATA.—In the case of any claim under subsection (a), the determination of the Tax Court in any prior proceeding for the same taxable periods in which the decision has become final, shall be conclusive except with respect to the qualification of the spouse for relief which was not an issue in such proceeding. The preceding sentence shall not apply if the Tax Court determines that the spouse participated meaningfully in such prior proceeding.

''(3) LIMITATION ON TAX COURT JURISDICTION.—If a suit for refund is begun by either spouse pursuant to section 6532, the Tax Court shall lose jurisdiction of the spouse's action under this section to whatever extent jurisdiction is acquired by the district court or the United States Court of Federal Claims over the taxable years that are the subject of the suit for refund.''

(b) SEPARATE FORM FOR APPLYING FOR SPOUSAL RELIEF.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Treasury shall develop a separate form with instructions for use by taxpayers in applying for relief under section 6015(a) of the Internal Revenue Code of 1986, as added by this section.

(c) CONFORMING AMENDMENTS.—

(1) Section 6013 is amended by striking subsection (e).

(2) Subparagraph (A) of section 6230(c)(5) is amended by striking ''section 6013(e)'' and inserting ''section 6015''.

(d) CLERICAL AMENDMENT.—The table of sections for subpart B of part II of subchapter A of chapter 61 is amended by inserting after the item relating to section 6014 the following new item:

''Sec. 6015. Innocent spouse relief; petition to Tax Court.''

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to understatements for taxable years beginning after the date of the enactment of this Act.

SEC. 322. SUSPENSION OF STATUTE OF LIMITATIONS ON FILING REFUND CLAIMS DURING PERIODS OF DISABILITY.

(a) IN GENERAL.—Section 6511 (relating to limitations on credit or refund) is amended by redesignating subsection (h) as subsection (i) and by inserting after subsection (g) the following new subsection:

''(h) RUNNING OF PERIODS OF LIMITATION SUSPENDED WHILE TAXPAYER IS UNABLE TO MANAGE FINANCIAL AFFAIRS DUE TO DISABILITY.—

''(1) IN GENERAL.—In the case of an individual, the running of the periods specified in subsections (a), (b), and (c) shall be suspended during any period of such individual's life that such individual is financially disabled.

''(2) FINANCIALLY DISABLED.—

''(A) IN GENERAL.—For purposes of paragraph (1), an individual is financially disabled if such individual is unable to manage his financial affairs by reason of his medically determinable physical or mental impairment which can be expected to result in death or which has lasted or can be expected to last for a continuous period of not less than 12 months. An individual shall not be considered to have such an impairment unless proof of the existence thereof is furnished in such form and manner as the Secretary may require.

''(B) EXCEPTION WHERE INDIVIDUAL HAS GUARDIAN, ETC.—An individual shall not be treated as financially disabled during any period that such individual's spouse or any other person is authorized to act on behalf of such individual in financial matters.''

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to periods of disability before, on, or after the date of the enactment of this Act but shall not apply to any claim for credit or refund which (without regard to such amendment) is barred by the operation of any law or rule of law (including res judicata) as of January 1, 1998.

Subtitle D—Provisions Relating to Interest

SEC. 331. ELIMINATION OF INTEREST RATE DIFFERENTIAL ON OVERLAPPING PERIODS OF INTEREST ON INCOME TAX OVERPAYMENTS AND UNDERPAYMENTS.

(a) IN GENERAL.—Section 6621 (relating to determination of rate of interest) is amended by adding at the end the following new subsection:

''(d) ELIMINATION OF INTEREST ON OVERLAPPING PERIODS OF INCOME TAX OVERPAYMENTS AND UNDERPAYMENTS.—To the extent that, for any period, interest is payable under subchapter A and allowable under subchapter B on equivalent underpayments and overpayments by the same taxpayer of tax imposed by chapters 1 and 2, the net rate of interest under this section on such amounts shall be zero for such period.''

(b) CONFORMING AMENDMENT.—Subsection (f) of section 6601 (relating to satisfaction by credits) is amended by adding at the end the following new sentence: ''The preceding sentence shall not apply to the extent that section 6621(d) applies.''

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to interest for calendar quarters beginning after the date of the enactment of this Act.

SEC. 332. INCREASE IN OVERPAYMENT RATE PAYABLE TO TAXPAYERS OTHER THAN CORPORATIONS.

(a) IN GENERAL.—Subparagraph (B) of section 6621(a)(1) (defining overpayment rate) is amended to read as follows:

''(B) 3 percentage points (2 percentage points in the case of a corporation).''

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to interest for calendar quarters beginning after the date of the enactment of this Act.

Subtitle E—Protections for Taxpayers Subject to Audit or Collection Activities

SEC. 341. PRIVILEGE OF CONFIDENTIALITY EXTENDED TO TAXPAYER'S DEALINGS WITH NON-ATTORNEYS AUTHORIZED TO PRACTICE BEFORE INTERNAL REVENUE SERVICE.

Section 7602 (relating to examination of books and witnesses) is amended by adding at the end the following new subsection:

''(d) PRIVILEGE OF CONFIDENTIALITY EXTENDED TO TAXPAYER'S DEALINGS WITH NON-ATTORNEYS AUTHORIZED TO PRACTICE BEFORE INTERNAL REVENUE SERVICE.—

''(1) IN GENERAL.—In any noncriminal proceeding before the Internal Revenue Service, the taxpayer shall be entitled to the same common law protections of confidentiality with respect to tax advice furnished by any qualified individual (in a manner consistent with State law for such individual's profession) as the taxpayer would have if such individual were an attorney.

''(2) QUALIFIED INDIVIDUAL.—For purposes of paragraph (1), the term 'qualified individual' means any individual (other than an attorney) who is authorized to practice before the Internal Revenue Service.''

SEC. 342. EXPANSION OF AUTHORITY TO ISSUE TAXPAYER ASSISTANCE ORDERS.

Section 7811(a) (relating to taxpayer assistance orders) is amended—

(1) by striking ''Upon application'' and inserting the following:

''(1) IN GENERAL.—Upon application'',

(2) by moving the text 2 ems to the right, and

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

''(2) ISSUANCE OF TAXPAYER ASSISTANCE ORDERS.—For purposes of determining whether to issue a taxpayer assistance order, the Taxpayer Advocate shall consider the following factors, among others:

''(A) Whether there is an immediate threat of adverse action.

''(B) Whether there has been an unreasonable delay in resolving taxpayer account problems.

''(C) Whether the taxpayer will have to pay significant costs (including fees for professional representation) if relief is not granted.

''(D) Whether the taxpayer will suffer irreparable injury, or a long-term adverse impact, if relief is not granted.

''(3) STANDARD WHERE ADMINISTRATIVE GUIDANCE NOT FOLLOWED.—In cases where any Internal Revenue Service employee is not following applicable published administrative guidance (including the Internal Revenue Manual), the Taxpayer Advocate shall construe the factors taken into account in determining whether to issue a taxpayer assistance order in the manner most favorable to the taxpayer.''

SEC. 343. LIMITATION ON FINANCIAL STATUS AUDIT TECHNIQUES.

Section 7602 is amended by adding at the end the following new subsection:

''(e) LIMITATION ON EXAMINATION ON UNREPORTED INCOME.—The Secretary shall not use financial status or economic reality examination techniques to determine the existence of unreported income of any taxpayer unless the Secretary has a reasonable indication that there is a likelihood of such unreported income.''

SEC. 344. LIMITATION ON AUTHORITY TO REQUIRE PRODUCTION OF COMPUTER SOURCE CODE.

(a) IN GENERAL.—Section 7602 is amended by adding at the end the following new subsection:

''(f) LIMITATION ON AUTHORITY TO REQUIRE PRODUCTION OF COMPUTER SOURCE CODE.—

''(1) IN GENERAL.—No summons may be issued under this title, and the Secretary may not begin any action under section 7604 to enforce any summons, to produce or examine any tax-related computer source code.

''(2) EXCEPTION WHERE INFORMATION NOT OTHERWISE AVAILABLE TO VERIFY CORRECTNESS OF ITEM ON RETURN.—Paragraph (1) shall not apply to any portion of a tax-related computer source code if—

''(A) the Secretary is unable to otherwise reasonably ascertain the correctness of any item on a return from—

''(i) the taxpayer's books, papers, records, or other data, or

''(ii) the computer software program and the associated data which, when executed, produces the output to prepare the return for the period involved, and

''(B) the Secretary identifies with reasonable specificity such portion as to be used to verify the correctness of such item.

The Secretary shall be treated as meeting the requirements of subparagraphs (A) and (B) after the 90th day after the Secretary makes a formal request to the taxpayer and the owner or developer of the computer software program for the material described in subparagraph (A)(ii) if such material is not provided before the close of such 90th day.

''(3) OTHER EXCEPTIONS.—Paragraph (1) shall not apply to—

''(A) any inquiry into any offense connected with the administration or enforcement of the internal revenue laws, and

''(B) any tax-related computer source code developed by (or primarily for the benefit of) the taxpayer or a related person (within the meaning of section 267 or 707(b)) for internal use by the taxpayer or such person and not for commercial distribution.

''(4) TAX-RELATED COMPUTER SOURCE CODE.—For purposes of this subsection, the term 'tax-related computer source code' means—

''(A) the computer source code for any computer software program for accounting, tax return preparation or compliance, or tax planning, or

''(B) design and development materials related to such a software program (including program notes and memoranda).

''(5) RIGHT TO CONTEST SUMMONS.—The determination of whether the requirements of subparagraphs (A) and (B) of paragraph (2) are met or whether any exception under paragraph (3) applies may be contested in any proceeding under section 7604.

''(6) PROTECTION OF TRADE SECRETS AND OTHER CONFIDENTIAL INFORMATION.—In any court proceeding to enforce a summons for any portion of a tax-related computer source code, the court may issue any order necessary to prevent the disclosure of trade secrets or other confidential information with respect to such source code, including providing that any information be placed under seal to be opened only as directed by the court.''

(b) APPLICATION OF SPECIAL PROCEDURES FOR THIRD-PARTY SUMMONSES.—Paragraph (3) of section 7609(a) (defining third-party recordkeeper) is amended by striking ''and'' at the end of subparagraph (H), by striking a period at the end of subparagraph (I) and inserting '', and'', and by adding at the end the following:

''(J) any owner or developer of a tax-related computer source code (as defined in section 7602(f)(4)).

Subparagraph (J) shall apply only with respect to a summons requiring the production of the source code referred to in subparagraph (J) or the program and data described in section 7602(f)(2)(A)(ii) to which such source code relates.''

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to summonses issued more than 90 days after the date of the enactment of this Act.

SEC. 345. PROCEDURES RELATING TO EXTENSIONS OF STATUTE OF LIMITATIONS BY AGREEMENT.

(a) IN GENERAL.—Paragraph (4) of section 6501(c) (relating to the period for limitations on assessment and collection) is amended—

(1) by striking ''Where'' and inserting the following:

''(A) IN GENERAL.—Where'',

(2) by moving the text 2 ems to the right, and

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

''(B) NOTICE TO TAXPAYER OF RIGHT TO REFUSE OR LIMIT EXTENSION.—The Secretary shall notify the taxpayer of the taxpayer's right to refuse to extend the period of limitations, or to limit such extension to particular issues, on each occasion when the taxpayer is requested to provide such consent.''

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to requests to extend the period of limitations made after the date of the enactment of this Act.

SEC. 346. OFFERS-IN-COMPROMISE.

(a) ALLOWANCES FOR BASIC LIVING EXPENSES.—Section 7122 (relating to offers-in-compromise) is amended by adding at the end the following new subsection:

''(c) ALLOWANCES FOR BASIC LIVING EXPENSES.—The Secretary shall develop and publish schedules of national and local allowances designed to provide that taxpayers entering into a compromise have an adequate means to provide for basic living expenses.''

(b) PREPARATION OF STATEMENT RELATING TO OFFERS-IN-COMPROMISE.—The Secretary of the Treasury shall prepare a statement which sets forth in simple, nontechnical terms the rights of a taxpayer and the obligations of the Internal Revenue Service relating to offers-in-compromise. Such statement shall—

(1) advise taxpayers who have entered into a compromise agreement of the advantages of promptly notifying the Internal Revenue Service of any change of address or marital status, and

(2) provide notice to taxpayers that in the case of a compromise agreement terminated due to the actions of 1 spouse or former spouse, the Internal Revenue Service will, upon application, reinstate such agreement with the spouse or former spouse who remains in compliance with such agreement.

SEC. 347. NOTICE OF DEFICIENCY TO SPECIFY DEADLINES FOR FILING TAX COURT PETITION.

(a) IN GENERAL.—The Secretary of the Treasury or the Secretary's delegate shall include on each notice of deficiency under section 6212 of the Internal Revenue Code of 1986 the date determined by such Secretary (or delegate) as the last day on which the taxpayer may file a petition with the Tax Court.

(b) LATER FILING DEADLINES SPECIFIED ON NOTICE OF DEFICIENCY TO BE BINDING.—Subsection (a) of section 6213 (relating to restrictions applicable to deficiencies; petition to Tax Court) is amended by adding at the end the following new sentence: ''Any petition filed with the Tax Court on or before the last date specified for filing such petition by the Secretary in the notice of deficiency shall be treated as timely filed.''

(c) EFFECTIVE DATE.—Subsection (a) and the amendment made by subsection (b) shall apply to notices mailed after December 31, 1998.

SEC. 348. REFUND OR CREDIT OF OVERPAYMENTS BEFORE FINAL DETERMINATION.

(a) TAX COURT PROCEEDINGS.—Subsection (a) of section 6213 is amended—

(1) by striking '', including the Tax Court.'' and inserting '', including the Tax Court, and a refund may be ordered by such court of any amount collected within the period during which the Secretary is prohibited from collecting by levy or through a proceeding in court under the provisions of this subsection.'', and

(2) by striking ''to enjoin any action or proceeding'' and inserting ''to enjoin any action or proceeding or order any refund''.

(b) OTHER PROCEEDINGS.—Subsection (a) of section 6512 is amended by striking the period at the end of paragraph (4) and inserting '', and'', and by inserting after paragraph (4) the following new paragraphs:

''(5) As to any amount collected within the period during which the Secretary is prohibited from making the assessment or from collecting by levy or through a proceeding in court under the provisions of section 6213(a), and

''(6) As to overpayments the Secretary is authorized to refund or credit pending appeal as provided in subsection (b).''

(c) REFUND OR CREDIT PENDING APPEAL.—Paragraph (1) of section 6512(b) is amended by adding at the end the following new sentence: ''If a notice of appeal in respect of the decision of the Tax Court is filed under section 7483, the Secretary is authorized to refund or credit the overpayment determined by the Tax Court to the extent the overpayment is not contested on appeal.''

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 349. THREAT OF AUDIT PROHIBITED TO COERCE TIP REPORTING ALTERNATIVE COMMITMENT AGREEMENTS.

The Secretary of the Treasury or the Secretary's delegate shall instruct employees of the Internal Revenue Service that they may not threaten to audit any taxpayer in an attempt to coerce the taxpayer into entering into a Tip Reporting Alternative Commitment Agreement.

Subtitle F—Disclosures to Taxpayers

SEC. 351. EXPLANATION OF JOINT AND SEVERAL LIABILITY.

The Secretary of the Treasury or the Secretary's delegate shall, as soon as practicable, but not later than 180 days after the date of the enactment of this Act, establish procedures to clearly alert married taxpayers of their joint and several liabilities on all appropriate publications and instructions.

SEC. 352. EXPLANATION OF TAXPAYERS' RIGHTS IN INTERVIEWS WITH THE INTERNAL REVENUE SERVICE.

The Secretary of the Treasury or the Secretary's delegate shall, as soon as practicable, but not later than 180 days after the date of the enactment of this Act, revise the statement required by section 6227 of the Omnibus Taxpayer Bill of Rights (Internal Revenue Service Publication No. 1) to more clearly inform taxpayers of their rights—

(1) to be represented at interviews with the Internal Revenue Service by any person authorized to practice before the Internal Revenue Service, and

(2) to suspend an interview pursuant to section 7521(b)(2) of the Internal Revenue Code of 1986.

SEC. 353. DISCLOSURE OF CRITERIA FOR EXAMINATION SELECTION.

(a) IN GENERAL.—The Secretary of the Treasury or the Secretary's delegate shall, as soon as practicable, but not later than 180 days after the date of the enactment of this Act, incorporate into the statement required by section 6227 of the Omnibus Taxpayer Bill of Rights (Internal Revenue Service Publication No. 1) a statement which sets forth in simple and nontechnical terms the criteria and procedures for selecting taxpayers for examination. Such statement shall not include any information the disclosure of which would be detrimental to law enforcement, but shall specify the general procedures used by the Internal Revenue Service, including whether taxpayers are selected for examination on the basis of information available in the media or on the basis of information provided to the Internal Revenue Service by informants.

(b) TRANSMISSION TO COMMITTEES OF CONGRESS.—The Secretary shall transmit drafts of the statement required under subsection (a) (or proposed revisions to any such statement) to the Committee on Ways and Means of the House of Representatives, the Committee on Finance of the Senate, and the Joint Committee on Taxation on the same day.

SEC. 354. EXPLANATIONS OF APPEALS AND COLLECTION PROCESS.

The Secretary of the Treasury or the Secretary's delegate shall, as soon as practicable but not later than 180 days after the date of the enactment of this Act, include with any 1st letter of proposed deficiency which allows the taxpayer an opportunity for administrative review in the Internal Revenue Service Office of Appeals an explanation of the appeals process and the collection process with respect to such proposed deficiency.

Subtitle G—Low Income Taxpayer Clinics

SEC. 361. LOW INCOME TAXPAYER CLINICS.

(a) IN GENERAL.—Chapter 77 (relating to miscellaneous provisions) is amended by adding at the end the following new section:

"SEC. 7525. LOW INCOME TAXPAYER CLINICS.

''(a) IN GENERAL.—The Secretary may, subject to the availability of appropriated funds, make grants to provide matching funds for the development, expansion, or continuation of qualified low income taxpayer clinics.

''(b) DEFINITIONS.—For purposes of this section—

''(1) QUALIFIED LOW INCOME TAXPAYER CLINIC.—

''(A) IN GENERAL.—The term 'qualified low income taxpayer clinic' means a clinic that—

''(i) does not charge more than a nominal fee for its services (except for reimbursement of actual costs incurred), and

''(ii)(I) represents low income taxpayers in controversies with the Internal Revenue Service, or

''(II) operates programs to inform individuals for whom English is a second language about their rights and responsibilities under this title.

''(B) REPRESENTATION OF LOW INCOME TAXPAYERS.—A clinic meets the requirements of subparagraph (A)(ii)(I) if—

''(i) at least 90 percent of the taxpayers represented by the clinic have incomes which do not exceed 250 percent of the poverty level, as determined in accordance with criteria established by the Director of the Office of Management and Budget, and

''(ii) the amount in controversy for any taxable year generally does not exceed the amount specified in section 7463.

''(2) CLINIC.—The term 'clinic' includes—

''(A) a clinical program at an accredited law school in which students represent low income taxpayers in controversies arising under this title, and

''(B) an organization described in section 501(c) and exempt from tax under section 501(a) which satisfies the requirements of paragraph (1) through representation of taxpayers or referral of taxpayers to qualified representatives.

''(3) QUALIFIED REPRESENTATIVE.—The term 'qualified representative' means any individual (whether or not an attorney) who is authorized to practice before the Internal Revenue Service or the applicable court.

''(c) SPECIAL RULES AND LIMITATIONS.—

''(1) AGGREGATE LIMITATION.—Unless otherwise provided by specific appropriation, the Secretary shall not allocate more than $3,000,000 per year (exclusive of costs of administering the program) to grants under this section.

''(2) LIMITATION ON ANNUAL GRANTS TO A CLINIC.—The aggregate amount of grants which may be made under this section to a clinic for a year shall not exceed $100,000.

''(3) MULTI-YEAR GRANTS.—Upon application of a qualified low income taxpayer clinic, the Secretary is authorized to award a multi-year grant not to exceed 3 years.

''(4) CRITERIA FOR AWARDS.—In determining whether to make a grant under this section, the Secretary shall consider—

''(A) the numbers of taxpayers who will be served by the clinic, including the number of taxpayers in the geographical area for whom English is a second language,

''(B) the existence of other low income taxpayer clinics serving the same population,

''(C) the quality of the program offered by the low income taxpayer clinic, including the qualifications of its administrators and qualified representatives, and its record, if any, in providing service to low income taxpayers, and

''(D) alternative funding sources available to the clinic, including amounts received from other grants and contributions, and the endowment and resources of the institution sponsoring the clinic.

''(5) REQUIREMENT OF MATCHING FUNDS.—A low income taxpayer clinic must provide matching funds on a dollar for dollar basis for all grants provided under this section. Matching funds may include—

''(A) the salary (including fringe benefits) of individuals performing services for the clinic, and

''(B) the cost of equipment used in the clinic. Indirect expenses, including general overhead of the institution sponsoring the clinic, shall not be counted as matching funds.''

(b) CLERICAL AMENDMENT.—The table of sections for chapter 77 is amended by adding at the end the following new section:

''Sec. 7525. Low income taxpayer clinics.''

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

Subtitle H—Other Matters

SEC. 371. ACTIONS FOR REFUND WITH RESPECT TO CERTAIN ESTATES WHICH HAVE ELECTED THE INSTALLMENT METHOD OF PAYMENT.

(a) IN GENERAL.—Section 7422 is amended by redesignating subsection (j) as subsection (k) and by inserting after subsection (i) the following new subsection:

''(j) SPECIAL RULE FOR ACTIONS WITH RESPECT TO ESTATES FOR WHICH AN ELECTION UNDER SECTION 6166 IS MADE.—

''(1) IN GENERAL.—The district courts of the United States and the United States Court of Federal Claims shall have jurisdiction over any action brought by the representative of an estate to which this subsection applies to determine the correct amount of the estate tax liability of such estate (or for any refund with respect thereto) even if the full amount of such liability has not been paid.

''(2) ESTATES TO WHICH SUBSECTION APPLIES.—This subsection shall apply to any estate if, as of the date the action is filed—

''(A) an election under section 6166 is in effect with respect to such estate,

''(B) no portion of the installments payable under such section have been accelerated, and

''(C) all installments the due date for which is on or before the date the action is filed have been paid.

''(3) PROHIBITION ON COLLECTION OF DISALLOWED LIABILITY.—If the court redetermines under paragraph (1) the estate tax liability of an estate, no part of such liability which is disallowed by a decision of such court which has become final may be collected by the Secretary, and amounts paid in excess of the installments determined by the court as currently due and payable shall be refunded.''

(b) EXTENSION OF TIME TO FILE REFUND SUIT.—Section 7479 (relating to declaratory judgments relating to eligibility of estate with respect to installment payments under section 6166) is amended by adding at the end the following new subsection:

''(c) EXTENSION OF TIME TO FILE REFUND SUIT.—The 2-year period in section 6532(a)(1) for filing suit for refund after disallowance of a claim shall be suspended during the 90-day period after the mailing of the notice referred to in subsection (b)(3) and, if a pleading has been filed with the Tax Court under this section, until the decision of the Tax Court has become final.''

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to any claim for refund filed after the date of the enactment of this Act.

SEC. 372. CATALOGING COMPLAINTS.

In collecting data for the report required under section 1211 of Taxpayer Bill of Rights 2 (Public Law 104–168), the Secretary of the Treasury or the Secretary's delegate shall maintain records of taxpayer complaints of misconduct by Internal Revenue Service employees on an individual employee basis.

SEC. 373. ARCHIVE OF RECORDS OF INTERNAL REVENUE SERVICE.

(a) IN GENERAL.—Subsection (l) of section 6103 (relating to confidentiality and disclosure of returns and return information) is amended by adding at the end the following new paragraph:

''(17) DISCLOSURE TO NATIONAL ARCHIVES AND RECORDS ADMINISTRATION.—The Secretary shall, upon written request from the Archivist of the United States, disclose or authorize the disclosure of returns and return information to officers and employees of the National Archives and Records Administration for purposes of, and only to the extent necessary in, the appraisal of records for destruction or retention. No such officer or employee shall, except to the extent authorized by subsections (f), (i)(7), or (p), disclose any return or return information disclosed under the preceding sentence to any person other than to the Secretary, or to another officer or employee of the National Archives and Records Administration whose official duties require such disclosure for purposes of such appraisal.''

(b) CONFORMING AMENDMENTS.—Section 6103(p) is amended—

(1) in paragraph (3)(A), by striking ''or (16)'' and inserting ''(16), or (17)'',

(2) in paragraph (4), by striking ''or (14)'' and inserting '', (14), or (17)'' in the matter preceding subparagraph (A), and

(3) in paragraph (4)(F)(ii), by striking ''or (15)'' and inserting '', (15), or (17)''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to requests made by the Archivist of the United States after the date of the enactment of this Act.

SEC. 374. PAYMENT OF TAXES.

The Secretary of the Treasury or the Secretary's delegate shall establish such rules, regulations, and procedures as are necessary to allow payment of taxes by check or money order made payable to the United States Treasury.

SEC. 375. CLARIFICATION OF AUTHORITY OF SECRETARY RELATING TO THE MAKING OF ELECTIONS.

Subsection (d) of section 7805 is amended by striking ''by regulations or forms''.

SEC. 376. LIMITATION ON PENALTY ON INDIVIDUAL'S FAILURE TO PAY FOR MONTHS DURING PERIOD OF INSTALLMENT AGREEMENT.

(a) IN GENERAL.—Section 6651 (relating to failure to file tax return or to pay tax) is amended by adding at the end the following new subsection:

''(h) LIMITATION ON PENALTY ON INDIVIDUAL'S FAILURE TO PAY FOR MONTHS DURING PERIOD OF INSTALLMENT AGREEMENT.—No addition to the tax shall be imposed under paragraph (2) or (3) of subsection (a) with respect to the tax liability of an individual for any month during which an installment agreement under section 6159 is in effect for the payment of such tax to the extent that imposing an addition to the tax under such paragraph for such month would result in the aggregate number of percentage points of such addition to the tax exceeding 9.5.''

(b) EFFECTIVE DATE.—The amendment made by this section shall apply for purposes of determining additions to the tax for months beginning after the date of the enactment of this Act.

Subtitle I—Studies

SEC. 381. PENALTY ADMINISTRATION.

The Joint Committee on Taxation shall conduct a study—

(1) reviewing the administration and implementation by the Internal Revenue Service of the penalty reform provisions of the Omnibus Budget Reconciliation Act of 1989, and

(2) making any legislative and administrative recommendations it deems appropriate to simplify penalty administration and reduce taxpayer burden.

Such study shall be submitted to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate not later than 9 months after the date of enactment of this Act.

SEC. 382. CONFIDENTIALITY OF TAX RETURN INFORMATION.

The Joint Committee on Taxation shall conduct a study of the scope and use of provisions regarding taxpayer confidentiality, and shall report the findings of such study, together with such recommendations as it deems appropriate, to the Congress not later than one year after the date of the enactment of this Act. Such study shall examine the present protections for taxpayer privacy, the need for third parties to use tax return information, and the ability to achieve greater levels of voluntary compliance by allowing the public to know who is legally required to file tax returns, but does not file tax returns.

TITLE IV—CONGRESSIONAL ACCOUNTABILITY FOR THE INTERNAL REVENUE SERVICE

Subtitle A—Oversight

SEC. 401. EXPANSION OF DUTIES OF THE JOINT COMMITTEE ON TAXATION.

(a) IN GENERAL.—Section 8021 (relating to the powers of the Joint Committee on Taxation) is amended by adding at the end the following new subsections:

''(e) INVESTIGATIONS.—The Joint Committee shall review all requests (other than requests by the chairman or ranking member of a Committee or Subcommittee) for investigations of the Internal Revenue Service by the General Accounting Office, and approve such requests when appropriate, with a view towards eliminating overlapping investigations, ensuring that the General Accounting Office has the capacity to handle the investigation, and ensuring that investigations focus on areas of primary importance to tax administration.

''(f) RELATING TO JOINT HEARINGS.—

''(1) IN GENERAL.—The Chief of Staff, and such other staff as are appointed pursuant to section 8004, shall provide such assistance as is required for joint hearings described in paragraph (2).

''(2) JOINT HEARINGS.—On or before April 1 of each calendar year after 1997, there shall be a joint hearing of two members of the majority and one member of the minority from each of the Committees on Finance, Appropriations, and Government Affairs of the Senate, and the Committees on Ways and Means, Appropriations, and Government Reform and Oversight of the House of Representatives, to review the strategic plans and budget for the Internal Revenue Service. After the conclusion of the annual filing season, there shall be a second annual joint hearing to review the other matters outlined in section 8022(3)(C).''

(b) EFFECTIVE DATES.—

(1) Subsection (e) of section 8021 of the Internal Revenue Code of 1986, as added by subsection (a) of this section, shall apply to requests made after the date of enactment of this Act.

(2) Subsection (f) of section 8021 of the Internal Revenue Code of 1986, as added by subsection (a) of this section, shall take effect on the date of the enactment of this Act.

SEC. 402. COORDINATED OVERSIGHT REPORTS.

(a) IN GENERAL.—Paragraph (3) of section 8022 (relating to the duties of the Joint Committee on Taxation) is amended to read as follows:

''(3) REPORTS.—

''(A) To report, from time to time, to the Committee on Finance and the Committee on Ways and Means, and, in its discretion, to the Senate or House of Representatives, or both, the results of its investigations, together with such recommendations as it may deem advisable.

''(B) To report, annually, to the Committee on Finance and the Committee on Ways and Means on the overall state of the Federal tax system, together with recommendations with respect to possible simplification proposals and other matters relating to the administration of the Federal tax system as it may deem advisable.

''(C) To report, annually, to the Committees on Finance, Appropriations, and Government Affairs of the Senate, and to the Committees on Ways and Means, Appropriations, and Government Reform and Oversight of the House of Representatives, with respect to—

''(i) strategic and business plans for the Internal Revenue Service;

''(ii) progress of the Internal Revenue Service in meeting its objectives;

''(iii) the budget for the Internal Revenue Service and whether it supports its objectives;

''(iv) progress of the Internal Revenue Service in improving taxpayer service and compliance;

''(v) progress of the Internal Revenue Service on technology modernization; and

''(vi) the annual filing season.''

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of the enactment of this Act.

Subtitle B—Budget

SEC. 411. FUNDING FOR CENTURY DATE CHANGE.

It is the sense of Congress that the Internal Revenue Service efforts to resolve the century date change computing problems should be funded fully to provide for certain resolution of such problems.

SEC. 412. FINANCIAL MANAGEMENT ADVISORY GROUP.

The Commissioner shall convene a financial management advisory group consisting of individuals with expertise in governmental accounting and auditing from both the private sector and the Government to advise the Commissioner on financial management issues, including—

(1) the continued partnership between the Internal Revenue Service and the General Accounting Office;

(2) the financial accounting aspects of the Internal Revenue Service's system modernization;

(3) the necessity and utility of year-round auditing; and

(4) the Commissioner's plans for improving its financial management system.

Subtitle C—Tax Law Complexity

SEC. 421. ROLE OF THE INTERNAL REVENUE SERVICE.

It is the sense of Congress that the Internal Revenue Service should provide the Congress with an independent view of tax administration, and that during the legislative process, the tax writing committees of the Congress should hear from front-line technical experts at the Internal Revenue Service with respect to the administrability of pending amendments to the Internal Revenue Code of 1986.

SEC. 422. TAX COMPLEXITY ANALYSIS.

(a) REQUIRING ANALYSIS TO ACCOMPANY CERTAIN LEGISLATION.—

(1) IN GENERAL.—Chapter 92 (relating to powers and duties of the Joint Committee on Taxation) is amended by adding at the end the following new section:

''SEC. 8024. TAX COMPLEXITY ANALYSIS.

''(a) IN GENERAL.—If—

''(1) a bill or joint resolution is reported by the Committee on Finance of the Senate, the Committee on Ways and Means of the House of Representatives, or any committee of conference, and

''(2) such legislation includes any provision amending the Internal Revenue Code of 1986,

the report for such legislation shall contain a Tax Complexity Analysis unless the committee involved causes to have the Tax Complexity Analysis printed in the Congressional Record prior to the consideration of the legislation in the House of Representatives or the Senate (as the case may be).

''(b) LEGISLATION SUBJECT TO POINT OF ORDER.—It shall not be in order in the Senate to consider any bill or joint resolution described in subsection (a) required to be accompanied by a Tax Complexity Analysis that does not contain a Tax Complexity Analysis.

''(c) RESPONSIBILITIES OF THE COMMISSIONER.—The Commissioner shall provide the Joint Committee on Taxation with such information as is necessary to prepare Tax Complexity Analyses.

''(d) TAX COMPLEXITY ANALYSIS DEFINED.—For purposes of this section, the term 'Tax Complexity Analysis' means, with respect to a bill or joint resolution, a report which is prepared by the Joint Committee on Taxation and which identifies the provisions of the legislation adding significant complexity or providing significant simplification (as determined by the Joint Committee) and includes the basis for such determination.''

(2) CLERICAL AMENDMENT.—The table of sections for chapter 92 is amended by adding at the end the following new item:

''Sec. 8024. Tax complexity analysis.''

(b) LEGISLATION SUBJECT TO POINT OF ORDER IN HOUSE OF REPRESENTATIVES.—

(1) LEGISLATION REPORTED BY COMMITTEE ON WAYS AND MEANS.—Clause 2(l) of rule XI of the Rules of the House of Representatives is amended by adding at the end the following new subparagraph:

''(8) The report of the Committee on Ways and Means on any bill or joint resolution containing any provision amending the Internal Revenue Code of 1986 shall include a Tax Complexity Analysis prepared by the Joint Committee on Taxation in accordance with section 8024 of the Internal Revenue Code of 1986 unless the Committee on Ways and Means causes to have such Analysis printed in the Congressional Record prior to the consideration of the bill or joint resolution.''.

(2) CONFERENCE REPORTS.—Rule XXVIII of the Rules of the House of Representatives is amended by adding at the end the following new clause:

''7. It shall not be in order to consider the report of a committee of conference which contains any provision amending the Internal Revenue Code of 1986 unless—

''(a) the accompanying joint explanatory statement contains a Tax Complexity Analysis prepared by the Joint Committee on Taxation in accordance with section 8024 of the Internal Revenue Code of 1986, or

''(b) such Analysis is printed in the Congressional Record prior to the consideration of the report.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to legislation considered on or after January 1, 1998.

TITLE V—CLARIFICATION OF DEDUCTION FOR DEFERRED COMPENSATION

SEC. 501. CLARIFICATION OF DEDUCTION FOR DEFERRED COMPENSATION.

(a) IN GENERAL.—Subsection (a) of section 404 is amended by adding at the end the following new paragraph:

''(11) DETERMINATIONS RELATING TO DEFERRED COMPENSATION.—

''(A) IN GENERAL.—For purposes of determining under this section—

''(i) whether compensation of an employee is deferred compensation, and

''(ii) when deferred compensation is paid,

no amount shall be treated as received by the employee, or paid, until it is actually received by the employee.

''(B) EXCEPTION.—Subparagraph (A) shall not apply to severance pay.''

(b) SICK LEAVE PAY TREATED LIKE VACATION PAY.—Paragraph (5) of section 404(a) is amended by inserting ''or sick leave pay'' after ''vacation pay''.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to taxable years ending after October 8, 1997.

(2) CHANGE IN METHOD OF ACCOUNTING.—In the case of any taxpayer required by this section to change its method of accounting for its first taxable year ending after October 8, 1997—

(A) such change shall be treated as initiated by the taxpayer,

(B) such change shall be treated as made with the consent of the Secretary of the Treasury, and

(C) the net amount of the adjustments required to be taken into account by the taxpayer under section 481 of the Internal Revenue Code of 1986 shall be taken into account in such first taxable year.

TITLE VI—TAX TECHNICAL CORRECTIONS ACT OF 1997

SEC. 601. SHORT TITLE.

This title may be cited as the ''Tax Technical Corrections Act of 1997''.

SEC. 602. DEFINITIONS.

For purposes of this title—

(1) 1986 CODE.—The term ''1986 Code'' means the Internal Revenue Code of 1986.

(2) 1997 ACT.—The term ''1997 Act'' means the Taxpayer Relief Act of 1997.

SEC. 603. AMENDMENTS RELATED TO TITLE I OF 1997 ACT.

(a) AMENDMENTS RELATED TO SECTION 101(a) OF 1997 ACT.—

(1) Subsection (d) of section 24 of the 1986 Code is amended—

(A) by striking paragraphs (3) and (4),

(B) by redesignating paragraph (5) as paragraph (3), and

(C) by striking paragraphs (1) and (2) and inserting the following new paragraphs:

''(1) IN GENERAL.—In the case of a taxpayer with 3 or more qualifying children for any taxable year, the aggregate credits allowed under subpart C shall be increased by the lesser of—

''(A) the credit which would be allowed under this section without regard to this subsection and the limitation under section 26(a), or

''(B) the amount by which the aggregate amount of credits allowed by this subpart (without regard to this subsection) would increase if the limitation imposed by section 26(a) were increased by the excess (if any) of—

''(i) the taxpayer's social security taxes for the taxable year, over

''(ii) the credit allowed under section 32 (determined without regard to subsection (n)) for the taxable year.

The amount of the credit allowed under this subsection shall not be treated as a credit allowed under this subpart and shall reduce the amount of credit otherwise allowable under subsection (a) without regard to section 26(a).

''(2) REDUCTION OF CREDIT TO TAXPAYER SUBJECT TO ALTERNATIVE MINIMUM TAX.—The credit determined under this subsection for the taxable year shall be reduced by the excess (if any) of—

''(A) the amount of tax imposed by section 55 (relating to alternative minimum tax) with respect to such taxpayer for such taxable year, over

''(B) the amount of the reduction under section 32(h) with respect to such taxpayer for such taxable year.''

(2) Paragraph (3) of section 24(d) of the 1986 Code (as redesignated by paragraph (1)) is amended by striking ''paragraph (3)'' and inserting ''paragraph (1)''.

(b) AMENDMENTS RELATED TO SECTION 101(b) OF 1997 ACT.—

(1) The subsection (m) of section 32 of the 1986 Code added by section 101(b) of the 1997 Act is amended to read as follows:

''(n) SUPPLEMENTAL CHILD CREDIT.—

''(1) IN GENERAL.—In the case of a taxpayer with respect to whom a credit is allowed under section 24 for the taxable year, the credit otherwise allowable under this section shall be increased by the lesser of—

''(A) the credit which would be allowed under section 24 without regard to this subsection and the limitation under section 26(a), or

''(B) the amount by which the aggregate amount of credits allowed by subpart A (without regard to this subsection) would be reduced if the limitation imposed by section 26(a) were reduced by the excess (if any) of—

''(i) the credit allowed by this section (without regard to this subsection) for the taxable year, over

''(ii) the taxpayer's social security taxes (as defined in section 24(d)) for the taxable year.

The credit determined under this subsection shall be allowed without regard to any other provision of this section, including subsection (d).

''(2) COORDINATION WITH OTHER CREDITS.—

''(A) IN GENERAL.—The amount of the credit under this subsection shall reduce the amount of the credit otherwise allowable under section 24, but the amount of the credit under this subsection (and such reduction) shall not otherwise be taken into account in determining the amount of any other credit allowable under this part.

''(B) TREATMENT OF CREDIT UNDER SECTION 24(d).—For purposes of this subsection, the credit determined under section 24(d) shall be treated as not allowed under section 24.''

SEC. 604. AMENDMENTS RELATED TO TITLE II OF 1997 ACT.

(a) AMENDMENTS RELATED TO SECTION 201 OF 1997 ACT.—

(1) The item relating to section 25A in the table of sections for subpart A of part IV of subchapter A of chapter 1 of the 1986 Code is amended to read as follows:

''Sec. 25A. Hope and Lifetime Learning credits.''

(2) Subsection (a) of section 6050S of the 1986 Code is amended to read as follows:

''(a) IN GENERAL.—Any person—

''(1) which is an eligible educational institution—

''(A) which receives payments for qualified tuition and related expenses with respect to any individual for any calendar year, or

''(B) which makes reimbursements or refunds (or similar amounts) to any individual of qualified tuition and related expenses,

''(2) which is engaged in a trade or business of making payments to any individual under an insurance arrangement as reimbursements or refunds (or similar amounts) of qualified tuition and related expenses, or

''(3) except as provided in regulations, any person which is engaged in a trade or business and, in the course of which, receives from any individual interest aggregating $600 or more for any calendar year on 1 or more qualified education loans,

shall make the return described in subsection (b) with respect to the individual at such time as the Secretary may by regulations prescribe.''

(3) Subparagraph (A) of section 201(c)(2) of the 1997 Act is amended to read as follows:

''(A) Subparagraph (B) of section 6724(d)(1) (relating to definitions) is amended by redesignating clauses (x) through (xv) as clauses (xi) through (xvi), respectively, and by inserting after clause (ix) the following new clause:

'' '(x) section 6050S (relating to returns relating to payments for qualified tuition and related expenses),' ''.

(b) AMENDMENTS RELATED TO SECTION 211 OF 1997 ACT.—

(1) Paragraph (3) of section 135(c) of the 1986 Code is amended to read as follows:

''(3) ELIGIBLE EDUCATIONAL INSTITUTION.—The term 'eligible educational institution' has the meaning given such term by section 529(e)(5).''.

(2) Subparagraph (A) of section 529(c)(3) of the 1986 Code is amended by striking ''section 72(b)'' and inserting ''section 72''.

(c) AMENDMENTS RELATED TO SECTION 213 OF 1997 ACT.—

(1)(A) Section 530(b)(1)(E) of the 1986 Code (defining education individual retirement account) is amended to read as follows:

''(E) Any balance to the credit of the designated beneficiary on the date on which the beneficiary attains age 30 shall be distributed within 30 days after such date to the beneficiary or, if the beneficiary dies before attaining age 30, shall be distributed within 30 days after the date of death to the estate of such beneficiary.''

(B) Subsection (d) of section 530 of the 1986 Code is amended by adding at the end the following new paragraph:

''(8) DEEMED DISTRIBUTION ON REQUIRED DISTRIBUTION DATE.—In any case in which a distribution is required under subsection (b)(1)(E), any balance to the credit of a designated beneficiary as of the close of the 30-day period referred to in such subsection for making such distribution shall be deemed distributed at the close of such period.''

(2)(A) Paragraph (1) of section 530(d) of the 1986 Code is amended by striking ''section 72(b)'' and inserting ''section 72''.

(B) Subsection (e) of section 72 of the 1986 Code is amended by inserting after paragraph (8) the following new paragraph:

''(9) EXTENSION OF PARAGRAPH (2)(B) TO QUALIFIED STATE TUITION PROGRAMS AND EDUCATIONAL INDIVIDUAL RETIREMENT ACCOUNTS.—Notwithstanding any other provision of this subsection, paragraph (2)(B) shall apply to amounts received under a qualified State tuition program (as defined in section 529(b)) or under an education individual retirement account (as defined in section 530(b)). The rule of paragraph (8)(B) shall apply for purposes of this paragraph.''

(3) So much of section 530(d)(4)(C) of the 1986 Code as precedes clause (ii) thereof is amended to read as follows:

''(C) CONTRIBUTIONS RETURNED BEFORE DUE DATE OF RETURN.—Subparagraph (A) shall not apply to the distribution of any contribution made during a taxable year on behalf of the designated beneficiary if—

''(i) such distribution is made on or before the day prescribed by law (including extensions of

time) for filing the beneficiary's return of tax for the taxable year or, if the beneficiary is not required to file such a return, the 15th day of the 4th month of the taxable year following the taxable year, and''.

(4) Subparagraph (C) of section 135(c)(2) of the 1986 Code is amended—

(A) by inserting ''AND EDUCATION INDIVIDUAL RETIREMENT ACCOUNTS'' in the heading after ''PROGRAM'', and

(B) by striking ''section 529(c)(3)(A)'' and inserting ''section 72''.

(5) Subparagraph (A) of section 4973(e)(1) of the 1986 Code is amended by inserting before the comma ''(or, if less, the sum of the maximum amounts permitted to be contributed under section 530(c) by the contributors to such accounts for such year)''.

(d) AMENDMENT RELATED TO SECTION 224 OF 1997 ACT.—Section 170(e)(6)(F) of the 1986 Code (relating to termination) is amended by striking ''1999'' and inserting ''2000''.

(e) AMENDMENTS RELATED TO SECTION 225 OF 1997 ACT.—

(1) The last sentence of section 108(f)(2) of the 1986 Code is amended to read as follows:

''The term 'student loan' includes any loan made by an educational organization described in section 170(b)(1)(A)(ii) or by an organization exempt from tax under section 501(a) to refinance a loan to an individual to assist the individual in attending any such educational organization but only if the refinancing loan is pursuant to a program of the refinancing organization which is designed as described in subparagraph (D)(ii).''

(2) Section 108(f)(3) of the 1986 Code is amended by striking ''(or by an organization described in paragraph (2)(E) from funds provided by an organization described in paragraph (2)(D))''.

(f) AMENDMENTS RELATED TO SECTION 226 OF 1997 ACT.—

(1) Section 226(a) of the 1997 Act is amended by striking ''section 1397E'' and inserting ''section 1397D''.

(2) Section 1397E(d)(4)(B) of the 1986 Code is amended by striking ''local education agency as defined'' and inserting ''local educational agency as defined''.

SEC. 605. AMENDMENTS RELATED TO TITLE III OF 1997 ACT.

(a) AMENDMENTS RELATED TO SECTION 301 OF 1997 ACT.—Section 219(g) of the 1986 Code is amended—

(1) by inserting ''or the individual's spouse'' after ''individual'' in paragraph (1), and

(2) by striking paragraph (7) and inserting:

''(7) SPECIAL RULE FOR SPOUSES WHO ARE NOT ACTIVE PARTICIPANTS.—If this subsection applies to an individual for any taxable year solely because their spouse is an active participant, then, in applying this subsection to the individual (but not their spouse)—

''(A) the applicable dollar amount under paragraph (3)(B)(i) shall be $150,000, and

''(B) the amount applicable under paragraph (2)(A)(ii) shall be $10,000.''

(b) AMENDMENTS RELATED TO SECTION 302 OF 1997 ACT.—

(1) Section 408A(c)(3)(A) of the 1986 Code is amended by striking ''shall be reduced'' and inserting ''shall not exceed an amount equal to the amount determined under paragraph (2)(A) for such taxable year, reduced''.

(2) Section 408A(c)(3) of the 1986 Code (relating to limits based on modified adjusted gross income) is amended—

(A) by inserting ''or a married individual filing a separate return'' after ''joint return'' in subparagraph (A)(ii), and

(B) by striking ''and the deduction under section 219 shall be taken into account'' in subparagraph (C)(i).

(3) Section 408A(d)(2) of the 1986 Code (defining qualified distribution) is amended by striking subparagraph (B) and inserting the following:

''(B) DISTRIBUTIONS WITHIN NONEXCLUSION PERIOD.—A payment or distribution from a Roth IRA shall not be treated as a qualified distribution under subparagraph (A) if such payment or distribution is made before the exclusion date for the Roth IRA.

''(C) EXCLUSION DATE.—For purposes of this section, the exclusion date for any Roth IRA is the first day of the taxable year immediately following the 5-taxable year period beginning with—

''(i) the first taxable year for which a contribution to any Roth IRA maintained for the benefit of the individual was made, or

''(ii) in the case of a Roth IRA to which 1 or more qualified rollover contributions were made—

''(I) from an individual retirement plan other than a Roth IRA, or

''(II) from another Roth IRA to the extent such contributions are properly allocable to contributions described in subclause (I),

the most recent taxable year for which any such qualified rollover contribution was made.''

(4) Section 408A(d)(3) of the 1986 Code (relating to rollovers from IRAs other than Roth IRAs) is amended by adding at the end the following:

''(F) SPECIAL RULE FOR APPLYING SECTION 72.—

''(i) IN GENERAL.—If—

''(I) any distribution from a Roth IRA is made before the exclusion date, and

''(II) any portion of such distribution is properly allocable to a qualified rollover contribution described in paragraph (2)(C)(ii),

then section 72(t) shall be applied as if such portion were includible in gross income.

''(ii) LIMITATION.—Clause (i) shall apply only to the extent of the amount includible in gross income under subparagraph (A)(i) by reason of the qualified rollover contribution.

''(G) SPECIAL RULES FOR CONTRIBUTIONS TO WHICH 4-YEAR AVERAGING APPLIES.—In the case of a qualified rollover contribution to a Roth IRA of a distribution to which subparagraph (A)(iii) applied, the following rules shall apply:

''(i) DEATH OF DISTRIBUTEE.—

''(I) IN GENERAL.—If the individual required to include amounts in gross income under such subparagraph dies before all of such amounts are included, all remaining amounts shall be included in gross income for the taxable year which includes the date of death.

''(II) SPECIAL RULE FOR SURVIVING SPOUSE.—If the spouse of the individual described in subclause (I) acquires the Roth IRA to which such qualified rollover contribution is properly allocable, the spouse may elect to include the remaining amounts described in subclause (I) in the spouse's gross income in the taxable years of the spouse ending with or within the taxable years of such individual in which such amounts would otherwise have been includible.

''(ii) ADDITIONAL TAX FOR EARLY DISTRIBUTION.—

''(I) IN GENERAL.—If any distribution from a Roth IRA is made before the exclusion date, and any portion of such distribution is properly allocable to such qualified rollover contribution, the distributee's tax under this chapter for the taxable year in which the amount is received shall be increased by 10 percent of the amount of such portion not in excess of the amount includible in gross income under subparagraph (A)(i) by reason of such qualified rollover contribution.

''(II) TREATMENT OF TAX.—For purposes of this title, any tax imposed by subclause (I) shall be treated as a tax imposed by section 72(t) and shall be in addition to any other tax imposed by such section.''

(5)(A) Section 408A(d)(4) of the 1986 Code is amended to read as follows:

''(4) AGGREGATION AND ORDERING RULES.—

''(A) AGGREGATION RULES.—Section 408(d)(2) shall be applied separately with respect to—

''(i) Roth IRAs and other individual retirement plans,

''(ii) Roth IRAs described in paragraph (2)(C)(ii) and Roth IRAs not so described, and

''(iii) Roth IRAs described in paragraph (2)(C)(ii) with different exclusion dates.

''(B) ORDERING RULES.—For purposes of applying section 72 to any distribution from a Roth IRA which is not a qualified distribution, such distribution shall be treated as made—

''(i) from contributions to the extent that the amount of such distribution, when added to all previous distributions from the Roth IRA, does not exceed the aggregate contributions to the Roth IRA, and

''(ii) from such contributions in the following order:

''(I) Qualified rollover contributions to the extent includible in gross income in the manner described in paragraph (3)(A)(iii).

''(II) Qualified rollover contributions not described in subclause (I) to the extent includible in gross income under paragraph (3)(A).

''(III) Contributions not described in subclause (I) or (II).

Such rules shall also apply in determining the character of qualified rollover contributions from one Roth IRA to another Roth IRA.''

(B) Section 408A(d)(1) of the 1986 Code is amended to read as follows:

''(1) EXCLUSION.—Any qualified distribution from a Roth IRA shall not be includible in gross income.''

(6)(A) Section 408A(d) of the 1986 Code (relating to distribution rules) is amended by adding at the end the following:

''(6) TAXPAYER MAY MAKE ADJUSTMENTS BEFORE DUE DATE.—

''(A) IN GENERAL.—Except as provided by the Secretary, if, on or before the due date for any taxable year, a taxpayer transfers in a trustee-to-trustee transfer any contribution to an individual retirement plan made during such taxable year from such plan to any other individual retirement plan, then, for purposes of this chapter, such contribution shall be treated as having been made to the transferee plan (and not the transferor plan).

''(B) SPECIAL RULES.—

''(i) TRANSFER OF EARNINGS.—Subparagraph (A) shall not apply to the transfer of any contribution unless such transfer is accompanied by any net income allocable to such contribution.

''(ii) NO DEDUCTION.—Subparagraph (A) shall apply to the transfer of any contribution only to the extent no deduction was allowed with respect to the contribution to the transferor plan.

''(C) DUE DATE.—For purposes of this paragraph, the due date for any taxable year is the last date for filing the return of tax for such taxable year (including extensions).''

(B) Section 408A(d)(3) of the 1986 Code, as amended by this subsection, is amended by striking subparagraph (D) and by redesignating subparagraphs (E), (F), and (G) as subparagraphs (D), (E), and (F), respectively.

(7) Section 302(b) of the 1997 Act is amended by striking ''Section 4973(b)'' and inserting ''Section 4973''.

(8) Section 408A of the 1986 Code is amended by adding at the end the following new subsection:

''(f) INDIVIDUAL RETIREMENT PLAN.—For purposes of this section, except as provided by the Secretary, the term 'individual retirement plan' shall not include a simplified employee pension or a simple retirement account.''

(c) AMENDMENTS RELATED TO SECTION 303 OF 1997 ACT.—

(1) Section 72(t)(8)(E) of the 1986 Code is amended—

(A) by striking ''120 days'' and inserting ''120th day'', and

(B) by striking ''60 days'' and inserting ''60th day''.

(2)(A) Section 402(c) of the 1986 Code is amended by adding at the end the following:

''(11) DENIAL OF ROLLOVER TREATMENT FOR TRANSFERS OF HARDSHIP DISTRIBUTIONS TO INDIVIDUAL RETIREMENT PLANS.—This subsection shall not apply to the transfer of any hardship distribution described in section 401(k)(2)(B)(i)(IV) from a qualified cash or deferred arrangement to an eligible retirement plan described in clause (i) or (ii) of paragraph (8)(B).''

(B) The amendment made by this paragraph shall apply to distributions made after December 31, 1997.

(d) AMENDMENTS RELATED TO SECTION 311 OF 1997 ACT.—

(1) Subsection (h) of section 1 of the 1986 Code (relating to maximum capital gains rate) is amended to read as follows:

''(h) MAXIMUM CAPITAL GAINS RATE.—

''(1) IN GENERAL.—If a taxpayer has a net capital gain for any taxable year, the tax imposed by this section for such taxable year shall not exceed the sum of—

''(A) a tax computed at the rates and in the same manner as if this subsection had not been enacted on the greater of—

''(i) taxable income reduced by the net capital gain, or

''(ii) the lesser of—

''(I) the amount of taxable income taxed at a rate below 28 percent, or

''(II) taxable income reduced by the adjusted net capital gain,

''(B) 10 percent of so much of the adjusted net capital gain (or, if less, taxable income) as does not exceed the excess (if any) of—

''(i) the amount of taxable income which would (without regard to this paragraph) be taxed at a rate below 28 percent, over

''(ii) the taxable income reduced by the adjusted net capital gain,

''(C) 20 percent of the adjusted net capital gain (or, if less, taxable income) in excess of the amount on which a tax is determined under subparagraph (B),

''(D) 25 percent of the excess (if any) of—

''(i) the unrecaptured section 1250 gain (or, if less, the net capital gain), over

''(ii) the excess (if any) of—

''(I) the sum of the amount on which tax is determined under subparagraph (A) plus the net capital gain, over

''(II) taxable income, and

''(E) 28 percent of the amount of taxable income in excess of the sum of the amounts on which tax is determined under the preceding subparagraphs of this paragraph.

''(2) REDUCED CAPITAL GAIN RATES FOR QUALIFIED 5-YEAR GAIN.—

''(A) REDUCTION IN 10-PERCENT RATE.—In the case of any taxable year beginning after December 31, 2000, the rate under paragraph (1)(B) shall be 8 percent with respect to so much of the amount to which the 10-percent rate would otherwise apply as does not exceed qualified 5-year gain, and 10 percent with respect to the remainder of such amount.

''(B) REDUCTION IN 20-PERCENT RATE.—The rate under paragraph (1)(C) shall be 18 percent with respect to so much of the amount to which the 20-percent rate would otherwise apply as does not exceed the lesser of—

''(i) the excess of qualified 5-year gain over the amount of such gain taken into account under subparagraph (A) of this paragraph, or

''(ii) the amount of qualified 5-year gain (determined by taking into account only property the holding period for which begins after December 31, 2000),

and 20 percent with respect to the remainder of such amount. For purposes of determining under the preceding sentence whether the holding period of property begins after December 31, 2000, the holding period of property acquired pursuant to the exercise of an option (or other right or obligation to acquire property) shall include the period such option (or other right or obligation) was held.

''(3) NET CAPITAL GAIN TAKEN INTO ACCOUNT AS INVESTMENT INCOME.—For purposes of this subsection, the net capital gain for any taxable year shall be reduced (but not below zero) by the amount which the taxpayer takes into account as investment income under section 163(d)(4)(B)(iii).

''(4) ADJUSTED NET CAPITAL GAIN.—For purposes of this subsection, the term 'adjusted net capital gain' means net capital gain reduced (but not below zero) by the sum of—

''(A) unrecaptured section 1250 gain, and

''(B) 28 percent rate gain.

''(5) 28 PERCENT RATE GAIN.—For purposes of this subsection—

''(A) IN GENERAL.—The term '28 percent rate gain' means the excess (if any) of—

''(i) the sum of—

''(I) the aggregate long-term capital gain from property held for more than 1 year but not more than 18 months,

''(II) collectibles gain, and

''(III) section 1202 gain, over

''(ii) the sum of—

''(I) the aggregate long-term capital loss (not described in subclause (IV)) from property referred to in clause (i)(I),

''(II) collectibles loss,

''(III) the net short-term capital loss, and

''(IV) the amount of long-term capital loss carried under section 1212(b)(1)(B) to the taxable year.

''(B) SPECIAL RULES.—

''(i) SHORT SALES AND OPTIONS.—Rules similar to the rules of subsections (b) and (d) of section 1233 shall apply to substantially identical property, and section 1092(f) with respect to stock, held for more than 1 year but not more than 18 months.

''(ii) SECTION 1256 CONTRACTS.—Amounts treated as long-term capital gain or loss under section 1256(a)(3) shall be treated as attributable to property held for more than 18 months.

''(6) COLLECTIBLES GAIN AND LOSS.—For purposes of this subsection—

''(A) IN GENERAL.—The terms 'collectibles gain' and 'collectibles loss' mean gain or loss (respectively) from the sale or exchange of a collectible (as defined in section 408(m) without regard to paragraph (3) thereof) which is a capital asset held for more than 18 months but only to the extent such gain is taken into account in computing gross income and such loss is taken into account in computing taxable income.

''(B) PARTNERSHIPS, ETC.—For purposes of subparagraph (A), any gain from the sale of an interest in a partnership, S corporation, or trust which is attributable to unrealized appreciation in the value of collectibles shall be treated as gain from the sale or exchange of a collectible. Rules similar to the rules of section 751 shall apply for purposes of the preceding sentence.

''(7) UNRECAPTURED SECTION 1250 GAIN.—For purposes of this subsection—

''(A) IN GENERAL.—The term 'unrecaptured section 1250 gain' means the excess (if any) of—

''(i) the amount of long-term capital gain (not otherwise treated as ordinary income) which would be treated as ordinary income if—

''(I) section 1250(b)(1) included all depreciation and the applicable percentage under section 1250(a) were 100 percent, and

''(II) only gain from property held for more than 18 months were taken into account, over

''(ii) the excess (if any) of—

''(I) the amount described in paragraph (5)(A)(ii), over

''(II) the amount described in paragraph (5)(A)(i).

''(B) LIMITATION WITH RESPECT TO SECTION 1231 PROPERTY.—The amount described in subparagraph (A)(i) from sales, exchanges, and conversions described in section 1231(a)(3)(A) for any taxable year shall not exceed the net section 1231 gain (as defined in section 1231(c)(3)) for such year.

''(8) SECTION 1202 GAIN.—For purposes of this subsection, the term 'section 1202 gain' means an amount equal to the gain excluded from gross income under section 1202(a).

''(9) QUALIFIED 5-YEAR GAIN.—For purposes of this subsection, the term 'qualified 5-year gain' means the amount of long-term capital gain which would be computed for the taxable year if only gains from the sale or exchange of property held by the taxpayer for more than 5 years were taken into account. The determination under the preceding sentence shall be made without regard to collectibles gain, gain described in paragraph (7)(A)(i), and section 1202 gain.

''(10) COORDINATION WITH RECAPTURE OF NET ORDINARY LOSSES UNDER SECTION 1231.—If any amount is treated as ordinary income under section 1231(c), such amount shall be allocated among the separate categories of net section 1231 gain (as defined in section 1231(c)(3)) in such manner as the Secretary may by forms or regulations prescribe.

''(11) REGULATIONS.—The Secretary may prescribe such regulations as are appropriate (including regulations requiring reporting) to apply this subsection in the case of sales and exchanges by pass-thru entities and of interests in such entities.

''(12) PASS-THRU ENTITY DEFINED.—For purposes of this subsection, the term 'pass-thru entity' means—

''(A) a regulated investment company,

''(B) a real estate investment trust,

''(C) an S corporation,

''(D) a partnership,

''(E) an estate or trust,

''(F) a common trust fund,

''(G) a foreign investment company which is described in section 1246(b)(1) and for which an election is in effect under section 1247, and

''(H) a qualified electing fund (as defined in section 1295).

''(13) SPECIAL RULES FOR PERIODS DURING 1997.—

''(A) DETERMINATION OF 28 PERCENT RATE GAIN.—In applying paragraph (5)—

''(i) the amount determined under subclause (I) of paragraph (5)(A)(i) shall include long-term capital gain (not otherwise described in paragraph (5)(A)(i)) which is properly taken into account for the portion of the taxable year before May 7, 1997,

''(ii) the amounts determined under subclause (I) of paragraph (5)(A)(ii) shall include long-term capital loss (not otherwise described in paragraph (5)(A)(ii)) which is properly taken into account for the portion of the taxable year before May 7, 1997, and

''(iii) clauses (i)(I) and (ii)(I) of paragraph (5)(A) shall be applied by not taking into account any gain and loss on property held for more than 1 year but not more than 18 months which is properly taken into account for the portion of the taxable year after May 6, 1997, and before July 29, 1997.

''(B) OTHER SPECIAL RULES.—

''(i) DETERMINATION OF UNRECAPTURED SECTION 1250 GAIN NOT TO INCLUDE PRE-MAY 7, 1997

GAIN.—The amount determined under paragraph (7)(A)(i) shall not include gain properly taken into account for the portion of the taxable year before May 7, 1997.

''(ii) OTHER TRANSITIONAL RULES FOR 18-MONTH HOLDING PERIOD.—Paragraphs (6)(A) and (7)(A)(i)(II) shall be applied by substituting '1 year' for '18 months' with respect to gain properly taken into account for the portion of the taxable year after May 6, 1997, and before July 29, 1997.

''(C) SPECIAL RULES FOR PASS-THRU ENTITIES.—In applying this paragraph with respect to any pass-thru entity, the determination of when gains and loss are properly taken into account shall be made at the entity level.''

(2) IN GENERAL.—Paragraph (3) of section 55(b) of the 1986 Code is amended to read as follows:

''(3) MAXIMUM RATE OF TAX ON NET CAPITAL GAIN OF NONCORPORATE TAXPAYERS.—The amount determined under the first sentence of paragraph (1)(A)(i) shall not exceed the sum of—

''(A) the amount determined under such first sentence computed at the rates and in the same manner as if this paragraph had not been enacted on the taxable excess reduced by the lesser of—

''(i) the net capital gain, or

''(ii) the sum of—

''(I) the adjusted net capital gain, plus

''(II) the unrecaptured section 1250 gain, plus

''(B) 10 percent of so much of the adjusted net capital gain (or, if less, taxable excess) as does not exceed the amount on which a tax is determined under section 1(h)(1)(B), plus

''(C) 20 percent of the adjusted net capital gain (or, if less, taxable excess) in excess of the amount on which tax is determined under subparagraph (B), plus

''(D) 25 percent of the amount of taxable excess in excess of the sum of the amounts on which tax is determined under the preceding subparagraphs of this paragraph.

In the case of taxable years beginning after December 31, 2000, rules similar to the rules of section 1(h)(2) shall apply for purposes of subparagraphs (B) and (C). Terms used in this paragraph which are also used in section 1(h) shall have the respective meanings given such terms by section 1(h) but computed with the adjustments under this part.''.

(3) Section 57(a)(7) of the 1986 Code is amended by adding at the end the following new sentence: ''In the case of stock the holding period of which begins after December 31, 2000 (determined with the application of the last sentence of section 1(h)(2)(B)), the preceding sentence shall be applied by substituting '28 percent' for '42 percent'.''.

(4) Paragraphs (11) and (12) of section 1223, and section 1235(a), of the 1986 Code are each amended by striking ''1 year'' each place it appears and inserting ''18 months''.

(e) AMENDMENTS RELATED TO SECTION 312 OF 1997 ACT.—

(1) Section 121(c)(1) of the 1986 Code is amended to read as follows:

''(1) IN GENERAL.—In the case of a sale or exchange to which this subsection applies, the ownership and use requirements of subsection (a), and subsection (b)(3), shall not apply; but the dollar limitation under paragraph (1) or (2) of subsection (b), whichever is applicable, shall be equal to—

''(A) the amount which bears the same ratio to such limitation (determined without regard to this paragraph) as

''(B)(i) the shorter of—

''(I) the aggregate periods, during the 5-year period ending on the date of such sale or exchange, such property has been owned and used by the taxpayer as the taxpayer's principal residence, or

''(II) the period after the date of the most recent prior sale or exchange by the taxpayer to which subsection (a) applied and before the date of such sale or exchange, bears to

''(ii) 2 years.''.

(2) Section 312(d)(2) of the 1997 Act (relating to sales before date of enactment) is amended by inserting ''on or'' before ''before'' each place it appears in the text and heading.

(f) AMENDMENT RELATED TO SECTION 313 OF 1997 ACT.—Section 1045 of the 1986 Code is amended by adding at the end the following new subsection:

''(c) LIMITATION ON APPLICATION TO PARTNERSHIPS AND S CORPORATIONS.—Subsection (a) shall apply to a partnership or S corporation for a taxable year only if at all times during such taxable year all of the partners in the partnership, or all of the shareholders of the S corporation, are natural persons or estates.''

SEC. 606. AMENDMENTS RELATED TO TITLE V OF 1997 ACT.

(a) AMENDMENTS RELATED TO SECTION 501 OF 1997 ACT.—

(1) Subsection (c) of section 2631 of the 1986 Code is amended by striking ''an individual who dies'' and inserting ''a generation-skipping transfer''.

(2) Subsection (f) of section 501 of the 1997 Act is amended by inserting ''(other than the amendment made by subsection (d))'' after ''this section''.

(b) AMENDMENTS RELATED TO SECTION 502 OF 1997 ACT.—

(1) Subsection (a) of section 2033A of the 1986 Code is amended to read as follows:

''(a) EXCLUSION.—

''(1) IN GENERAL.—In the case of an estate of a decedent to which this section applies, the value of the gross estate shall not include the lesser of—

''(A) the adjusted value of the qualified family-owned business interests of the decedent otherwise includible in the estate, or

''(B) the exclusion limitation with respect to such estate.

''(2) EXCLUSION LIMITATION.—

''(A) IN GENERAL.—The exclusion limitation with respect to any estate is the amount of reduction in the tentative tax base with respect to such estate which would be required in order to reduce the tax imposed by section 2001(b) (determined without regard to this section) by an amount equal to the maximum credit equivalent benefit.

''(B) MAXIMUM CREDIT EQUIVALENT BENEFIT.—For purposes of subparagraph (A), the term 'maximum credit equivalent benefit' means the excess of—

''(i) the amount by which the tentative tax imposed by section 2001(b) (determined without regard to this section) would be reduced if the tentative tax base were reduced by $675,000, over

''(ii) the amount by which the applicable credit amount under section 2010(c) with respect to such estate exceeds such applicable credit amount in effect for 1998.

''(C) TENTATIVE TAX BASE.—For purposes of this paragraph, the term 'tentative tax base' means the amount with respect to which the tax imposed by section 2001(b) would be computed without regard to this section.''

(2) Section 2033A(b)(3) of the 1986 Code is amended to read as follows:

''(3) INCLUDIBLE GIFTS OF INTERESTS.—The amount of the gifts of qualified family-owned business interests determined under this paragraph is the sum of—

''(A) the amount of such gifts from the decedent to members of the decedent's family taken into account under section 2001(b)(1)(B), plus

''(B) the amount of such gifts otherwise excluded under section 2503(b),

to the extent such interests are continuously held by members of such family (other than the decedent's spouse) between the date of the gift and the date of the decedent's death.''

(c) AMENDMENTS RELATED TO SECTION 503 OF THE 1997 ACT.—

(1) Clause (iii) of section 6166(b)(7)(A) of the 1986 Code is amended to read as follows:

''(iii) for purposes of applying section 6601(j), the 2-percent portion (as defined in such section) shall be treated as being zero.''

(2) Clause (iii) of section 6166(b)(8)(A) of the 1986 Code is amended to read as follows:

''(iii) 2-PERCENT INTEREST RATE NOT TO APPLY.—For purposes of applying section 6601(j), the 2-percent portion (as defined in such section) shall be treated as being zero.''

(d) AMENDMENT RELATED TO SECTION 505 OF THE 1997 ACT.—Paragraphs (1) and (2) of section 7479(a) of the 1986 Code are each amended by striking ''an estate,'' and inserting ''an estate (or with respect to any property included therein),''.

(e) AMENDMENTS RELATED TO SECTION 506 OF THE 1997 ACT.—

(1) Subsection (c) of section 2504 of the 1986 Code is amended by striking ''was assessed or paid'' and inserting ''was finally determined for purposes of this chapter''.

(2) Paragraph (1) of section 506(e) of the 1997 Act is amended by striking ''and (c)'' and inserting '', (c), and (d)''.

SEC. 607. AMENDMENTS RELATED TO TITLE VII OF 1997 ACT.

(a) AMENDMENT RELATED TO SECTION 1400 OF 1986 CODE.—Section 1400(b)(2)(B) of the 1986 Code is amended by inserting ''as determined on the basis of the 1990 census'' after ''percent''.

(b) AMENDMENTS RELATED TO SECTION 1400B OF 1986 CODE.—

(1) Section 1400B(d)(2) of the 1986 Code is amended by inserting ''as determined on the basis of the 1990 census'' after ''percent''.

(2) Section 1400B(b) of the 1986 Code is amended by redesignating paragraphs (6) and (7) as paragraphs (5) and (6), respectively.

(c) AMENDMENTS RELATED TO SECTION 1400C OF 1986 CODE.—

(1) Paragraph (1) of section 1400C(c) of the 1986 Code is amended to read as follows:

''(1) IN GENERAL.—The term 'first-time homebuyer' means any individual if such individual (and if married, such individual's spouse) had no present ownership interest in a principal residence in the District of Columbia during the 1-year period ending on the date of the purchase of the principal residence to which this section applies.''

(2) Subparagraph (B) of section 1400C(e)(2) of the 1986 Code is amended by inserting before the period ''on the date the taxpayer first occupies such residence''.

(3) Paragraph (3) of section 1400C(e) of the 1986 Code is amended by striking all that follows ''principal residence'' and inserting ''on the date such residence is purchased.''

(4) Subsection (i) of section 1400C of the 1986 Code is amended to read as follows:

''(i) APPLICATION OF SECTION.—This section shall apply to property purchased after August 4, 1997, and before January 1, 2001.''

(5) Subsection (c) of section 23 of the 1986 Code is amended by inserting ''and section 1400C'' after ''other than this section''.

(6) Subparagraph (C) of section 25(e)(1) of the 1986 Code is amended by striking ''section 23'' and inserting ''sections 23 and 1400C''.

SEC. 608. AMENDMENTS RELATED TO TITLE IX OF 1997 ACT.

(a) AMENDMENT RELATED TO SECTION 901 OF 1997 ACT.—Section 9503(c)(7) of the 1986 Code is amended—

(1) by striking ''resulting from the amendments made by'' and inserting ''(and transfers to the Mass Transit Account) resulting

from the amendments made by subsections (a) and (b) of section 901 of'', and

(2) by inserting before the period ''and deposits in the Highway Trust Fund (and transfers to the Mass Transit Account) shall be treated as made when they would have been required to be made without regard to section 901(e) of the Taxpayer Relief Act of 1997''.

(b) AMENDMENT RELATED TO SECTION 907 OF 1997 ACT.—Paragraph (2) of section 9503(e) of the 1986 Code is amended by striking the last sentence and inserting the following new sentence: ''For purposes of the preceding sentence, the term 'mass transit portion' means, for any fuel with respect to which tax was imposed under section 4041 or 4081 and otherwise deposited into the Highway Trust Fund, the amount determined at the rate of—

''(A) except as otherwise provided in this sentence, 2.86 cents per gallon,

''(B) 1.77 cents per gallon in the case of any partially exempt methanol or ethanol fuel (as defined in section 4041(m)) none of the alcohol in which consists of ethanol,

''(C) 1.86 cents per gallon in the case of liquefied natural gas,

''(D) 2.13 cents per gallon in the case of liquefied petroleum gas, and

''(E) 9.71 cents per MCF (determined at standard temperature and pressure) in the case of compressed natural gas.''

(c) AMENDMENT RELATED TO SECTION 976 OF 1997 ACT.—Section 6103(d)(5) of the 1986 Code is amended by striking ''section 967 of the Taxpayer Relief Act of 1997.'' and inserting ''section 976 of the Taxpayer Relief Act of 1997. Subsections (a)(2) and (p)(4) and sections 7213 and 7213A shall not apply with respect to disclosures or inspections made pursuant to this paragraph.''

SEC. 609. AMENDMENTS RELATED TO TITLE X OF 1997 ACT.

(a) AMENDMENTS RELATED TO SECTION 1001 OF 1997 ACT.—

(1) Paragraph (2) of section 1259(b) of the 1986 Code is amended—

(A) by striking ''debt'' each place it appears in clauses (i) and (ii) of subparagraph (A) and inserting ''position'',

(B) by striking ''and'' at the end of subparagraph (A), and

(C) by redesignating subparagraph (B) as subparagraph (C) and by inserting after subparagraph (A) the following new subparagraph:

''(B) any hedge with respect to a position described in subparagraph (A), and''.

(2) Section 1259(d)(1) of the 1986 Code is amended by inserting ''(including cash)'' after ''property''.

(3) Subparagraph (D) of section 475(f)(1) of the 1986 Code is amended by adding at the end the following new sentence: ''Subsection (d)(3) shall not apply under the preceding sentence for purposes of applying sections 1402 and 7704.''

(4) Subparagraph (C) of section 1001(d)(3) of the 1997 Act is amended by striking ''within the 30-day period beginning on'' and inserting ''before the close of the 30th day after''.

(b) AMENDMENTS RELATED TO SECTION 1012 OF 1997 Act.—

(1) Paragraph (1) of section 1012(d) of the 1997 Act is amended by striking ''1997, pursuant'' and inserting ''1997; except that the amendment made by subsection (a) shall apply to such distributions only if pursuant''.

(2) Subparagraph (A) of section 355(e)(3) of the 1986 Code is amended—

(A) by striking ''shall not be treated as described in'' and inserting ''shall not be taken into account in applying'', and

(B) by striking clause (iv) and inserting the following new clause:

''(iv) The acquisition of stock in the distributing corporation or any controlled corporation to the extent that the percentage of stock owned directly or indirectly in such corporation by each person owning stock in such corporation immediately before the acquisition does not decrease.''

(c) AMENDMENTS RELATED TO SECTION 1014 OF 1997 ACT.—

(1) Paragraph (1) of section 351(g) of the 1986 Code is amended by adding ''and'' at the end of subparagraph (A) and by striking subparagraphs (B) and (C) and inserting the following new subparagraph:

''(B) if (and only if) the transferor receives stock other than nonqualified preferred stock—

''(i) subsection (b) shall apply to such transferor, and

''(ii) such nonqualified preferred stock shall be treated as other property for purposes of applying subsection (b).''

(2) Clause (ii) of section 354(a)(2)(C) of 1986 Code is amended by adding at the end the following new subclause:

''(III) EXTENSION OF STATUTE OF LIMITATIONS.—The statutory period for the assessment of any deficiency attributable to a corporation failing to be a family-owned corporation shall not expire before the expiration of 3 years after the date the Secretary is notified by the corporation (in such manner as the Secretary may prescribe) of such failure, and such deficiency may be assessed before the expiration of such 3-year period notwithstanding the provisions of any other law or rule of law which would otherwise prevent such assessment.''

(d) AMENDMENT RELATED TO SECTION 1024 OF 1997 ACT.—Section 6331(h)(1) of the 1986 Code is amended by striking ''The effect of a levy'' and inserting ''If the Secretary approves a levy under this subsection, the effect of such levy''.

(e) AMENDMENTS RELATED TO SECTION 1031 OF 1997 ACT.—

(1) Subsection (l) of section 4041 of the 1986 Code is amended by striking ''subsection (e) or (f)'' and inserting ''subsection (f) or (g)''.

(2) Subsection (b) of section 9502 of the 1986 Code is amended by moving the sentence added at the end of paragraph (1) to the end of such subsection.

(3) Subsection (c) of section 6421 of the 1986 Code is amended—

(A) by striking ''(2)(A)'' and inserting ''(2)'', and

(B) by adding at the end the following sentence: ''Subsection (a) shall not apply to gasoline to which this subsection applies.''

(f) AMENDMENTS RELATED TO SECTION 1032 OF 1997 ACT.—

(1) Section 1032(a) of the 1997 Act is amended by striking ''Subsection (a) of section 4083'' and inserting ''Paragraph (1) of section 4083(a)''.

(2) Section 1032(e)(12)(A) of the 1997 Act shall be applied as if ''gasoline, diesel fuel,'' were the material proposed to be stricken.

(3) Paragraph (1) of section 4101(e) of the 1986 Code is amended by striking ''dyed diesel fuel and kerosene'' and inserting ''such fuel in a dyed form''.

(g) AMENDMENT RELATED TO SECTION 1055 OF 1997 ACT.—Section 6611(g)(1) of the 1986 Code is amended by striking ''(e), and (h)'' and inserting ''and (e)''.

(h) AMENDMENT RELATED TO SECTION 1083 OF 1997 ACT.—Section 1083(a)(2) of the 1997 Act is amended—

(1) by striking ''21'' and inserting ''20'', and

(2) by striking ''22'' and inserting ''21''.

(i) AMENDMENT RELATED TO SECTION 1084 OF 1997 ACT.—

(1) Paragraph (3) of section 264(a) of the 1986 Code is amended by striking ''subsection (c)'' and inserting ''subsection (d)''.

(2) Paragraph (4) of section 264(a) of the 1986 Code is amended by striking ''subsection (d)'' and inserting ''subsection (e)''.

(3) Paragraph (4) of section 264(f) of the 1986 Code is amended by adding at the end the following new subparagraph:

''(E) MASTER CONTRACTS.—If coverage for each insured under a master contract is treated as a separate contract for purposes of sections 817(h), 7702, and 7702A, coverage for each such insured shall be treated as a separate contract for purposes of subparagraph (A). For purposes of the preceding sentence, the term 'master contract' shall not include any group life insurance contract (as defined in section 848(e)(2)).''

(4)(A) Clause (iv) of section 264(f)(5)(A) of the 1986 Code is amended by striking the second sentence.

(B) Subparagraph (B) of section 6724(d)(1) of the 1986 Code is amended by striking ''or'' at the end of clause (xv), by striking the period at the end of clause (xvi) and inserting '', or'', and by adding at the end the following new clause:

''(xvii) section 264(f)(5)(A)(iv) (relating to reporting with respect to certain life insurance and annuity contracts).''

(C) Paragraph (2) of section 6724(d) of the 1986 Code is amended by striking ''or'' at the end of subparagraph (Y), by striking the period at the end of subparagraph (Z) and inserting ''or'', and by adding at the end the following new subparagraph:

''(AA) section 264(f)(5)(A)(iv) (relating to reporting with respect to certain life insurance and annuity contracts).''

(j) AMENDMENT RELATED TO SECTION 1085 OF 1997 ACT.—Paragraph (5) of section 32(c) of the 1986 Code is amended—

(1) by inserting before the period at the end of subparagraph (A) ''and increased by the amounts described in subparagraph (C)'',

(2) by adding ''or'' at the end of clause (iii) of subparagraph (B), and

(3) by striking all that follows subclause (II) of subparagraph (B)(iv) and inserting the following:

''(III) other trades or businesses.

For purposes of clause (iv), there shall not be taken into account items which are attributable to a trade or business which consists of the performance of services by the taxpayer as an employee.

''(C) CERTAIN AMOUNTS INCLUDED.—An amount is described in this subparagraph if it is—

''(i) interest received or accrued during the taxable year which is exempt from tax imposed by this chapter, or

''(ii) amounts received as a pension or annuity, and any distributions or payments received from an individual retirement plan, by the taxpayer during the taxable year to the extent not included in gross income.

Clause (ii) shall not include any amount which is not includible in gross income by reason of section 402(c), 403(a)(4), 403(b), 408(d) (3), (4), or (5), or 457(e)(10).''

(k) AMENDMENT RELATED TO SECTION 1088 OF 1997 ACT.—Section 1088(b)(2)(C) of the 1997 Act is amended by inserting ''more than 1 year'' before ''after''.

(l) AMENDMENT RELATED TO SECTION 1089 OF 1997 ACT.—Paragraphs (1)(C) and (2)(C) of section 664(d) of the 1986 Code are each amended by adding '', and'' at the end.

SEC. 610. AMENDMENTS RELATED TO TITLE XI OF 1997 ACT.

(a) AMENDMENT RELATED TO SECTION 1103 OF 1997 ACT.—The paragraph (3) of section 59(a) added by section 1103 of the 1997 Act is redesignated as paragraph (4).

(b) AMENDMENT RELATED TO SECTION 1121 OF 1997 ACT.—Section 1298(a)(2)(B) of the 1986 Code is amended by adding at the end the following new sentence: ''Section 1297(e)

shall not apply in determining whether a corporation is a passive foreign investment company for purposes of this subparagraph.''

(c) AMENDMENT RELATED TO SECTION 1122 OF 1997 ACT.—Section 672(f)(3)(B) of the 1986 Code is amended by striking ''section 1296'' and inserting ''section 1297''.

(d) AMENDMENT RELATED TO SECTION 1123 OF 1997 ACT.—The subsection (e) of section 1297 of the 1986 Code added by section 1123 of the 1997 Act is redesignated as subsection (f).

(e) AMENDMENT RELATED TO SECTION 1144 OF 1997 ACT.—Paragraphs (1) and (2) of section 1144(c) of the 1997 Act are each amended by striking ''6038B(b)'' and inserting ''6038B(c) (as redesignated by subsection (b))''.

SEC. 611. AMENDMENTS RELATED TO TITLE XII OF 1997 ACT.

(a) AMENDMENT RELATED TO SECTION 1204 OF 1997 ACT.—The last sentence of section 162(a) of the 1986 Code is amended by striking ''investigate'' and all that follows and inserting ''investigate or prosecute, or provide support services for the investigation or prosecution of, a Federal crime.''

(b) AMENDMENTS RELATED TO SECTION 1205 OF 1997 ACT.—

(1) Section 6311(e)(1) of the 1986 Code is amended by striking ''section 6103(k)(8)'' and inserting ''section 6103(k)(9)''.

(2) Paragraph (8) of section 6103(k) of the 1986 Code (as added by section 1205(c)(1) of the 1997 Act) is redesignated as paragraph (9).

(3) The heading for section 7431(g) of the 1986 Code is amended by striking ''(8)'' and inserting ''(9)''.

(4) Section 1205(c)(3) of the 1997 Act shall be applied as if it read as follows:

''(3) Section 6103(p)(3)(A), as amended by section 1026(b)(1)(A), is amended by striking ''or (8)'' and inserting ''(8), or (9)''.

(5) Section 1213(b) of the 1997 Act is amended by striking ''section 6724(d)(1)(A)'' and inserting ''section 6724(d)(1)''.

(c) AMENDMENT RELATED TO SECTION 1226 OF 1997 ACT.—Section 1226 of the 1997 Act is amended by striking ''ending on or'' and inserting ''beginning''.

(d) AMENDMENT RELATED TO SECTION 1285 OF 1997 ACT.—Section 7430(b) of the 1986 Code is amended by redesignating paragraph (5) as paragraph (4).

SEC. 612. AMENDMENTS RELATED TO TITLE XIII OF 1997 ACT.

(a) Section 646 of the 1986 Code is redesignated as section 645.

(b) The item relating to section 646 in the table of sections for subpart A of part I of subchapter J of chapter 1 of the 1986 Code is amended by striking ''Sec. 646'' and inserting ''Sec. 645''.

(c) Paragraph (1) of section 2652(b) of the 1986 Code is amended by striking ''section 646'' and inserting ''section 645''.

(d) Paragraph (3) of section 1(g) of the 1986 Code is amended by striking subparagraph (C) and by redesignating subparagraph (D) as subparagraph (C).

(e) Section 641 of the 1986 Code is amended by striking subsection (c) and by redesignating subsection (d) as subsection (c).

(f) Paragraph (4) of section 1361(e) of the 1986 Code is amended by striking ''section 641(d)'' and inserting ''section 641(c)''.

(g) Subparagraph (A) of section 6103(e)(1) of the 1986 Code is amended by striking clause (ii) and by redesignating clauses (iii) and (iv) as clauses (ii) and (iii), respectively.

SEC. 613. AMENDMENTS RELATED TO TITLE XIV OF 1997 ACT.

(a) AMENDMENT RELATED TO SECTION 1434 OF 1997 ACT.—Paragraph (2) of section 4052(f) of the 1986 Code is amended by striking ''this section'' and inserting ''such section''.

(b) AMENDMENT RELATED TO SECTION 1436 OF 1997 ACT.—Paragraph (2) of section 4091(a) of the 1986 Code is amended by inserting ''or on which tax has been credited or refunded'' after ''such paragraph''.

SEC. 614. AMENDMENTS RELATED TO TITLE XV OF 1997 ACT.

(a) AMENDMENT RELATED TO SECTION 1501 OF 1997 ACT.—The paragraph (8) of section 408(p) of the 1986 Code added by section 1501(b) of the 1997 Act is redesignated as paragraph (9).

(b) AMENDMENT RELATED TO SECTION 1505 OF 1997 ACT.—Section 1505(d)(2) of the 1997 Act is amended by striking ''(b)(12)'' and inserting ''(b)(12)(A)(i)''.

(c) AMENDMENT RELATED TO SECTION 1531 OF 1997 ACT.—Subsection (f) of section 9811 of the 1986 Code (as added by section 1531 of the 1997 Act) is redesignated as subsection (e).

SEC. 615. AMENDMENTS RELATED TO TITLE XVI.

(a) AMENDMENTS RELATED TO SECTION 1601(d) OF 1997 ACT.—

(1) AMENDMENTS RELATED TO SECTION 1601(d)(1)—

(A) Section 408(p)(2)(D)(i) of the 1986 Code is amended by striking ''or (B)'' in the last sentence.

(B) Section 408(p) of the 1986 Code is amended by adding at the end the following:

''(10) SPECIAL RULES FOR ACQUISITIONS, DISPOSITIONS, AND SIMILAR TRANSACTIONS.—

''(A) IN GENERAL.—An employer which fails to meet any applicable requirement by reason of an acquisition, disposition, or similar transaction shall not be treated as failing to meet such requirement during the transition period if—

''(i) the employer satisfies requirements similar to the requirements of section 410(b)(6)(C)(i)(II), and

''(ii) the qualified salary reduction arrangement maintained by the employer would satisfy the requirements of this subsection after the transaction if the employer which maintained the arrangement before the transaction had remained a separate employer.

''(B) APPLICABLE REQUIREMENT.—For purposes of this paragraph, the term 'applicable requirement' means—

''(i) the requirement under paragraph (2)(A)(i) that an employer be an eligible employer,

''(ii) the requirement under paragraph (2)(D) that an arrangement be the only plan of an employer, and

''(iii) the participation requirements under paragraph (4).

''(C) TRANSITION PERIOD.—For purposes of this paragraph, the term 'transition period' means the period beginning on the date of any transaction described in subparagraph (A) and ending on the last day of the second calendar year following the calendar year in which such transaction occurs.''

(C) Section 408(p)(2) of the 1986 Code is amended—

(i) by striking ''the preceding sentence shall apply only in accordance with rules similar to the rules of section 410(b)(6)(C)(i)'' in the last sentence of subparagraph (C)(i)(II) and inserting ''the preceding sentence shall not apply'', and

(ii) by striking clause (iii) of subparagraph (D).

(2) AMENDMENT TO SECTION 1601(d)(4).—Section 1601(d)(4)(A) of the 1997 Act is amended—

(A) by striking ''Section 403(b)(11)'' and inserting ''Paragraphs (7)(A)(ii) and (11) of section 403(b)'', and

(B) by striking ''403(b)(1)'' in clause (ii) and inserting ''403(b)(10)''.

(b) AMENDMENT RELATED TO SECTION 1601(f)(4) OF 1997 ACT.—Subsection (d) of section 6427 of the 1986 Code is amended—

(1) by striking ''HELICOPTERS'' in the heading and inserting ''OTHER AIRCRAFT USES'', and

(2) by inserting ''or a fixed-wing aircraft'' after ''helicopter''.

SEC. 616. AMENDMENT RELATED TO OMNIBUS BUDGET RECONCILIATION ACT OF 1993.

(a) IN GENERAL.—Section 196(c) of the 1986 Code is amended by striking ''and'' at the end of paragraph (6), by striking the period at the end of paragraph (7), and insert '', and'', and by adding at the end the following new paragraph:

''(8) the employer social security credit determined under section 45B(a).''

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in the amendments made by section 13443 of the Revenue Reconciliation Act of 1993.

SEC. 617. AMENDMENT RELATED TO TAX REFORM ACT OF 1984.

(a) IN GENERAL.—Paragraph (3) of section 136(c) of the Tax Reform Act of 1984 is amended by adding at the end the following flush sentence:

''The treatment under the preceding sentence shall apply to each period after June 30, 1983, during which such members are stapled entities, whether or not such members are stapled entities for all periods after June 30, 1983.''

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if included in the Tax Reform Act of 1984 as of the date of the enactment of such Act.

SEC. 618. AMENDMENT RELATED TO TAX REFORM ACT OF 1986.

(a) IN GENERAL.—Section 6401(b)(1) of the 1986 Code is amended by striking ''and D'' and inserting ''D, and G''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if included in the amendments made by section 701(b) of the Tax Reform Act of 1986.

SEC. 619. MISCELLANEOUS CLERICAL AND DEADWOOD CHANGES.

(a)(1) Section 6421 of the 1986 Code is amended by redesignating subsections (j) and (k) as subsections (i) and (j), respectively.

(2) Subsection (b) of section 34 of the 1986 Code is amended by striking ''section 6421(j)'' and inserting ''section 6421(i)''.

(3) Subsections (a) and (b) of section 6421 of the 1986 Code are each amended by striking ''subsection (j)'' and inserting ''subsection (i)''.

(b) Sections 4092(b) and 6427(q)(2) of the 1986 Code are each amended by striking ''section 4041(c)(4)'' and inserting ''section 4041(c)(2)''.

(c) Sections 4221(c) and 4222(d) of the 1986 Code are each amended by striking ''4053(a)(6)'' and inserting ''4053(6)''.

(d) Paragraph (5) of section 6416(b) of the 1986 Code is amended by striking ''section 4216(e)(1)'' each place it appears and inserting ''section 4216(d)(1)''.

(e) Paragraph (3) of section 6427(f) of the 1986 Code is amended by striking '', (e),''.

(f)(1) Section 6427 of the 1986 Code, as amended by paragraph (2), is amended by redesignating subsections (n), (p), (q), and (r) as subsections (m), (n), (o), and (p), respectively.

(2) Paragraphs (1) and (2)(A) of section 6427(i) of the 1986 Code are each amended by striking ''(q)'' and inserting ''(o)''.

(g) Subsection (e) of section 9502 of the 1986 Code is amended to read as follows:

''(e) CERTAIN TAXES ON ALCOHOL MIXTURES TO REMAIN IN GENERAL FUND.—For purposes of this section, the amounts which would (but for this subsection) be required to be appropriated under subparagraphs (A), (C), and (D) of subsection (b)(1) shall be reduced by—

''(1) 0.6 cent per gallon in the case of taxes imposed on any mixture at least 10 percent of which is alcohol (as defined in section 4081(c)(3)) if any portion of such alcohol is ethanol, and

''(2) 0.67 cent per gallon in the case of fuel used in producing a mixture described in paragraph (1).''

(h)(1) Clause (i) of section 9503(c)(2)(A) of the 1986 Code is amended by adding ''and'' at the end of subclause (II), by striking subclause (III), and by redesignating subclause (IV) as subclause (III).

(2) Clause (ii) of such section is amended by striking ''gasoline, special fuels, and lubricating oil'' each place it appears and inserting ''fuel''.

(i) The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 620. EFFECTIVE DATE.

Except as otherwise provided in this title, the amendments made by this title shall take effect as if included in the provisions of the Taxpayer Relief Act of 1997 to which they relate.

The SPEAKER pro tempore. The gentleman from Kentucky [Mr. BUNNING] and the gentleman from New York [Mr. RANGEL] each will control 1 hour.

The Chair recognizes the gentleman from Kentucky [Mr. BUNNING].

GENERAL LEAVE

Mr. BUNNING. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 2676.

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

There was no objection.

Mr. BUNNING. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, I rise in support of the IRS reform bill. It is no secret the IRS is out of control. When agents testified before Congress in hoods out of fear of reprisal, and when honest taxpayers are hounded into bankruptcy, it is time for the Congress to step in and say, enough is enough.

The bill before us today puts some commonsense boundaries around the IRS. By setting up an oversight board of private sector experts, we force this service to move forward into the 21st century. Considering how the IRS has wasted billions on modernizing its computers, and that the year 2000 computer disaster creeps closer every day, the oversight board is incredibly important.

By forcing the IRS, and not the taxpayer, to carry the burden of proof in disputes, we protect legal, law-abiding citizens and end harassing and frivolous claims by maverick agents. By strengthening the confidentiality rules, we make it easier for taxpayers to get professional advice about their returns without having to worry about being tripped up by legal tricks.

Mr. Speaker, I think many people have forgotten that the ''S'' in IRS stands for ''service,'' government servicing the taxpayers, not the other way around. By passing this bill today, we remind the IRS of its proper role, and about just who is in charge in America: The taxpayer.

Mr. Speaker, I urge support of the bill, and I reserve the balance of my time.

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

Mr. Speaker, I rise in support of H.R. 2676. I rise in strong support because of the bipartisan nature of the solution of a very serious problem that our Nation faces with the Internal Revenue Service. I do not think anyone can deny that we are basically dealing with a group of dedicated people that do a very difficult job, but a very complex Tax Code that we have given to them. Yet, out of all of this, for whatever reasons, we were able to see vividly during the Senate hearings how certain people in that Service, probably because of lack of direction and governance, were abusing American taxpayers.

Prior to this time there is no question that people in the tax-writing committee, which has the responsibility for oversight, was moving towards reform. But it was the restructuring commission that the gentleman from California [Mr. MATSUI] and the gentleman from Maryland [Mr. CARDIN] and the gentleman from Ohio [Mr. PORTMAN] sat on that actually wrestled with it, took testimony, and came up with ways in which we could enjoy the expertise of the private sector and bring some balance, not only in terms of technology, but in terms of better protecting the taxpayer.

Mr. Speaker, the gentleman from California [Mr. MATSUI] was replaced by Congressman Cohen, and they were able to work together with the administration and come up with a bill. There are some that have said that the administration came to this reform position screaming and scratching and crying, but the truth of the matter is there were many objections in the bill, and these corrections were made by Republicans and Democrats. We come forth with a bill that is not only workable, but desired today.

Let me say on this House floor, which I have said about the chairman, the gentleman from Texas [Mr. ARCHER] before, that Chairman ARCHER had the opportunity to bring that same type of a show to the House of Representatives, to bring a response to an emotional situation, which indeed Members of Congress and the whole country saw.

Instead of doing that, he allowed Members working on this bill to work their will in a bipartisan way and made contributions to perfect the bill, and worked to bring together Democrats and Republicans, not with a workable bill, but with a desired bill. I think it is not only a credit to him, but a credit to the full committee, that we send notice to the Internal Revenue Service that we expect better performance, we expect to provide the oversight, but we do not expect to do it at the expense of the individual workers who are dedicated.

So I support this, and I particularly want to pay tribute to the gentleman from Maryland [Mr. CARDIN] and the gentleman from Ohio [Mr. PORTMAN], who worked with the administration and the leadership in the House, as well as the Committee on Ways and Means, to bring a bill to the floor that hardly has controversy.

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

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

Mr. Speaker, the bill we vote on today will give David, the taxpayer, a bigger slingshot to use against the IRS Goliath. But as proud as I am of this bill, it is just the beginning. Reforming the IRS is a very important first step, but the real culprit behind the scenes is the complexities of the current Internal Revenue Code.

What America needs is a new tax system, one that is fairer, simpler, less intrusive, less costly, and one that creates more economic growth for the American people, because that is what determines the size of the paychecks that families receive in this country. That is the American dream.

Actually, I should say, not just less intrusive. We should have a Tax Code that gets the IRS completely and totally out of the lives of every individual American. I believe we must rip the income tax out by its roots and throw it away, so it can never grow back.

As helpful as this legislation will be to taxpayers struggling with the IRS, I personally will not be satisfied until the tax system itself is repealed. But until that great day comes, this bill will be a valuable helping hand to millions of taxpayers who need and deserve a stronger slingshot.

This bill does three things to protect taxpayers in their dealings with the IRS: No. 1, in America, criminals are innocent until proven guilty, but taxpayers do not receive the same benefit of the doubt. This legislation shifts the burden of proof in court proceedings from the taxpayer to the IRS. No longer will taxpayers have to prove beyond the burden of credible evidence that they are innocent. As a result, taxpayers will benefit from more favorable settlements, even before they ever get to court.

The gentleman from Ohio [Mr. TRAFICANT], like Paul Revere riding in the night, he was the one to first sound the alarm about the burden of proof. Now change is coming, and the gentleman from Ohio [Mr. TRAFICANT] deserves our thanks.

No. 2, we create 28 new taxpayer rights, including the right to sue the IRS for damages caused by negligence of the IRS employees in the collection process. We make it easier for a taxpayer to recover legal fees and costs when the IRS is wrong. We pay 4 million taxpayers higher refunds when the IRS holds up their check, plus we protect thousands of innocent spouses, often divorced women, so they are less likely to be punished by the IRS for mistakes made on their joint returns by their former spouses.

We, for the first time, make the IRS responsible for any rules that they give in writing to taxpayers. Taxpayers now

will be able to rely on anything in writing that they receive from the IRS.

We remove any suspicion that politics will be allowed to enter audit decisions, because we make it a felony for any Cabinet-level official, including the President and the Vice President, to direct the IRS to audit or terminate an audit for any particular taxpayer.

No. 3, if the Department of the Treasury could have fixed the IRS, they would have done so a long time ago. So our bill creates an independent oversight board that includes nongovernmental experts who can bring new thinking and a more taxpayer-oriented culture to the IRS. Like a breath of fresh air, this board will have real power and authority to change the direction of the IRS. No more will we be told, you appropriated $4 billion for a new computer system, but it does not work. That is intolerable.

Mr. Speaker, the protections provided in this bill go a long way to helping solve peoples' worst problems with the IRS, but as long as our Nation taxes its citizens on the basis of income, it will be impossible to completely fix the IRS. This bill is a strong helping hand, and it is long overdue, but the mission will not be complete until the taxpayers are protected and the IRS becomes nonexistent in the individual lives of all Americans. I look forward to that day.

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

Mr. RANGEL. Mr. Speaker, I yield 5 minutes to the gentleman from Maryland [Mr. CARDIN].

Mr. CARDIN. Mr. Speaker, I rise in strong support of H.R. 2676, the Internal Revenue Service Restructuring Act of 1997. This bipartisan legislation to reform the IRS builds on work of the National Commission on Restructuring the IRS, which was chaired by our colleague, the gentleman from Ohio, [Mr. ROB PORTMAN], and Senator KERREY.

I particularly want to congratulate the gentleman from Ohio, [Mr. ROB PORTMAN], for the leadership he has shown throughout this period in keeping us focused on our objective to bring about a bill that could not only pass, but be signed into law. He did a great job, and I congratulate him on that effort. I am very proud to have joined the gentleman from Ohio in cosponsoring H.R. 2292, which has a strong bipartisan support in this House.

Chairman Archer and the Committee on Ways and Means took a very good bill and made it better. With the strong support in this House and from the President, this bill should be quickly enacted.

I also want to acknowledge the work the gentleman from New York [Mr. RANGEL] and the gentleman from Pennsylvania [Mr. COYNE] did on our side of the aisle, keeping us focused on getting a bill that could enjoy bipartisan support.

I thank the gentlewoman from Connecticut [Mrs. JOHNSON], the chairman of the Oversight Committee, for the role that she played. I appreciate the role Mr. Kies in the staff did in keeping us focused on getting our job done. There is a lot of credit that should be shared in this legislation.

The legislation before us marks the first fundamental reform in the IRS in nearly a half a century. The problems of the IRS are familiar: billions of dollars squandered on a bungled computer modernization effort, telephones unanswered, taxpayers too often treated with disrespect or suspicion.

These problems have not emerged recently. They are not the legacy of one administration, but of decades. These are not the problems of individual employees. In fact, the employees of the IRS have come forward to help us understand the problem, and they have helped us craft a solution today.

This administration, and particularly Secretary Rubin, have been more attentive to the problems of the IRS and more dedicated to seeking solutions than any in recent years. Secretary Rubin has made important changes in the management of the IRS, and those efforts have begun to show results. But much more remains to be done.

Congressional action is needed in order to ensure that the reforms of the IRS do not depend on any particular individual or administration. The solution proposed in this bill is the creation of an oversight board that will bring private sector expertise in the areas where the IRS needs it the most. The creation of this board, with a real role in the planning and oversight of the strategic plans for major reorganizations in the budget of the IRS, is the most important element in bringing reform to this troubled agency. The board is a permanent entity that will provide continuing oversight for the IRS.

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IRS reform requires not just a new management structure involving a partnership between the board, the Secretary, and the Commissioner, it will also require improved performance by those of us in Congress. Over the long run, we cannot build an IRS that serves the American people unless we write a Tax Code that the IRS can explain and the people can understand.

This bill takes the first step toward tax reform. The bill does not reform our Tax Code but reforms the way we collect revenues. Reform of the practices of the IRS will make it easier for us to concentrate on the underlying problems in the Tax Code itself.

Our tax system is based on voluntary compliance. More than 80 percent of Americans pay their taxes without dispute. An IRS that can answer taxpayer phone calls and provide accurate, reliable information will help us increase voluntary compliance. For the overwhelming majority of Americans who abide by the law and pay their taxes, the IRS should stand for information, respect, and service. Abuse of collection practices must become a thing of the past. At the same time, the IRS must become a more efficient agency in enforcing laws against those who seek to escape their legal obligations.

Mr. Speaker, the IRS is charged with the vital task of collecting revenues needed to fund the basic and essential operations of Government. When the IRS is mismanaged in the way that it creates fear and anxiety among taxpayers, the result is to undermine the confidence of the American people in their Government. The purpose of this legislation is to reform the IRS so that we can begin to restore that badly damaged confidence.

Today, this body will act in time for the next tax season. The legislation has the support of the administration. I hope the other body will follow the leadership of this House and enact meaningful IRS reform in order to help the taxpayers of this Nation.

Mr. Speaker, I rise in strong support of H.R. 2676, the Internal Revenue Service Restructuring Act of 1997. This bipartisan legislation to reform the Internal Revenue Service builds on the recommendations of the National Commission on Restructuring the IRS, which was chaired by our colleague, Representative PORTMAN and Senator KERREY.

I am very proud to have joined Representative PORTMAN in cosponsoring H.R. 2292, which has had strong bipartisan support in this House. Chairman ARCHER and the Ways and Means Committee took that very good bill and made it better. With strong support in this House and from the President, this bill should move quickly to enactment.

The legislation before us marks the first fundamental reform of the IRS in nearly half a century. It will bring a new structure to the IRS, a structure that is designed to change the way the IRS treats its customers, the American taxpayers.

The problems at the IRS are familiar—billions of dollars squandered on a bungled computer modernization effort, telephones unanswered, taxpayers too often treated with disrespect or suspicion. These problems have not emerged recently—they are not the legacy of one administration, but of decades. These are not the problems of individual employees. In fact, the employees of the IRS have come forward to help us understand the problem, and they have helped us craft the solution today.

This administration, and particularly Secretary Rubin, has been more attentive to the problems of the IRS and more dedicated in seeking solutions than any in recent years. Secretary Rubin has made important changes in the management of the IRS, and those efforts have begun to show results.

But much more remains to be done. Congressional action is needed in order to ensure that reform at the IRS does not depend on any particular individual or administration.

The solution proposed in this bill is the creation of an oversight board that will bring private sector expertise in the areas where the IRS needs it most. The creation of this board, with a real role in the planning and oversight of the strategic plans, major reorganizations, and the budgets of the IRS, is a most important element in bringing reform to this troubled agency. The board is a permanent entity that will provide continuing oversight of the IRS.

IRS reform requires not just a new management structure, involving a partnership between the board, the Secretary, and the Commissioner. It will also require improved performance by those of us in Congress.

Legislative oversight of the IRS is too unfocused, with too many masters and not enough coordination among committees. The bill attempts to bring some order and structure to the current system. Over the long run, we can't build an IRS that serves the American people unless we write a Tax Code that the IRS can explain and the people can understand.

This bill takes the first step toward tax reform. The bill does not reform our Tax Code, but it reforms the way we collect revenues. Reform of the practices of the IRS will make it easier for us to concentrate on the underlying problems in the Tax Code itself.

A big part of the problem with the IRS is the agency's inability to provide taxpayers with accurate information regarding their tax status. This simply has to stop, and this bill will help.

Our tax system is based on voluntary compliance. More than 80 percent of Americans pay their taxes without dispute. An IRS that can answer taxpayer's phone calls, and provide accurate, reliable information, will help increase voluntary compliance.

For the overwhelming majority of Americans, who abide by the law and pay their taxes, the IRS should stand for ''Information, Respect, and Service.'' Abusive collection practices must become a thing of the past. At the same time, the IRS must become a more effective agency at enforcing the law against those who seek to escape their legal obligations.

In addition to the governance and oversight provisions, the bill contains a new set of provisions to be added to the Taxpayer Bill of Rights. The provisions address many problems that taxpayers have encountered in dealing with the IRS, and their enactment will help solve those problems.

I would add, however, that the broader objective of this bill must be to change the culture of the IRS to make it a taxpayer-friendly organization so that future Taxpayer Bills of Rights will not be necessary.

Mr. Speaker, the Internal Revenue Service is charged with the vital task of collecting the revenue needed to fund the basic and essential operations of Government. When the IRS is mismanaged in ways that create fear and anxiety among taxpayers, the result is to undermine the confidence of the American people in their Government. The purpose of this legislation is to reform the IRS so that we can begin to restore that badly damaged confidence.

Mr. ARCHER. Mr. Speaker, I yield 1 minute to the gentlewoman from Ohio [Ms. PRYCE].

Ms. PRYCE of Ohio. Mr. Speaker, I thank the chairman for yielding me this time.

I rise in strong support of this bill. I congratulate the chairman, and I congratulate also my colleague, the gentleman from Ohio [Mr. PORTMAN], for all the hard work and dedication that he has brought to this issue and, with him, the gentleman from Ohio [Mr. TRAFICANT] who has long championed this cause and kept our feet to the fire.

It should not be difficult to convince any of my colleagues in this body that the IRS needs to be reformed. Each and every one of us provides case work to our constituents, and we have all heard the numerous, tragic horror stories about how the IRS has unfairly treated honest, hard-working taxpayers. I could go on and on and enumerate those stories, but I do not have to; we have all heard the same ones.

Mr. Speaker, no one here is claiming that H.R. 2676 is a panacea for our ailing tax system. It does not abolish the IRS or scrap the Tax Code, as many of our constituents would like. But until we do that, and we will do that, this bill takes a step toward installing a modicum of fairness into a system for those who are simply forced to comply with the Tax Code's painful provisions.

Mr. ARCHER. Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan [Mr. CAMP].

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

Mr. CAMP. Mr. Speaker, I rise in strong support of H.R. 2676, the Internal Revenue Service Restructuring and Reform Act of 1997. Our bill boils down to one simple fact—the taxpayer should be treated like a customer, not a criminal. Shouldn't a customer be able to expect an answer from a telephone hotline? Well, the General Accounting Office found that in 1996, only 21 percent of calls to the IRS were even answered. One-half of the 22 percent error rate on paper 1040 forms is due to IRS employee error—IRS employees inputting the wrong numbers and data. If the IRS were a private company, it would have gone bankrupt years ago. H.R. 2676 is an important first step in reforming our tax system. It focuses on three things: first, we shift the burden of proof to the IRS. In the United States, you're considered innocent until proven guilty. But not with the IRS—the taxpayer bears the burden of proving himself innocent. Our bill changes that.

Second, we give taxpayers the right to sue the IRS for damages caused by negligence, and other important rights like protections for an innocent spouse whose ex-husband or ex-wife engaged in tax abuse. Finally, we bring new thinking and a more customer-oriented culture to the IRS, with a private board to give direction and leadership to the IRS.

The bill we are debating today is the first step. The bigger problem is a tax code gone wild, full of complexity and ambiguity. That tax code, with over 17,000 pages of IRS laws and regulations, leads to many of the problems the IRS faces today. With 480 tax forms and 280 forms to explain the forms, its no wonder the taxpayer is often confused. Businesses spend on average each year 3.6 billion manhours filling out and complying with tax forms. American individuals spend 1.8 billion hours filling out tax forms. That is simply unacceptable. I look forward to continuing our work of reforming our tax system.

Mr. ARCHER. Mr. Speaker, I yield 1 minute to the gentlewoman from Texas [Ms. GRANGER].

Ms. GRANGER. Mr. Speaker, I rise today in strong support of the IRS Restructuring and Reform Act of 1997. This simple proposal will help make the IRS more efficient in its operations and more accountable to its boss, the people.

Recent hearings in the Senate have only confirmed what millions of Americans have always known, the IRS is outdated, out of touch, and out of control. Today we can bring to a vote two simple changes to the way the IRS does business. These are not radical changes. They are reasonable steps toward accountability and fairness.

First, this bill will put an oversight board of citizens in charge of reviewing the IRS. In our system of checks and balances, this is a much needed and long overdue check on the IRS.

Second, this bill will bring the IRS into the American way of dealing with the American people. We all know that our criminal justice system tries to ensure fairness by represuming that the accused are innocent until proven guilty, so why is it the IRS files charges against you or your company, you are considered guilty until proven innocent? In other words, a common criminal is presumed innocent until proven guilty when he has his day in court but the rest of us are guilty until proven innocent in Tax Court. Today we can change this, Mr. Speaker. Let us give the taxpayers the benefit of the doubt and the tax collectors the burden of proof.

Mr. ARCHER. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. ENGLISH], a respected member of the Committee on Ways and Means.

Mr. ENGLISH of Pennsylvania. Mr. Speaker, I thank the chairman for yielding me the time.

It is stunning, but the IRS is the only place in the American system of law where a citizen is guilty until proven innocent. Traditionally, the taxpayer, when notified by the IRS that his tax payments failed, in their view, to satisfy his tax obligation, carried the burden of proof in demonstrating that his tax payment is accurate. The presumption is for the IRS and against the taxpayer. In my view, this is just plain wrong.

This legislation addresses that issue. This legislation, which is based on the recommendations of the Committee on Ways and Means, Subcommittee on Oversight, creates 28 new taxpayer rights essential to restoring to the individuals a sense of fairness in their dealings with the IRS. In my view, the most important of these is a shift in the burden of proof from the taxpayer to the IRS in any court proceedings where factual information is disputed.

Let me be clear about this. The taxpayer is still required to cooperate. The taxpayer is still required to provide the information which is in the taxpayer's control. But those taxpayers who do cooperate and who provide all the necessary information see a shift back in an appropriate way in the burden of proof. From my standpoint, this will dramatically restore fairness in this situation.

Also, H.R. 2676 creates an independent citizen board to hold the IRS accountable for change. The IRS sees a

variety of new taxpayer rights, including a right to sue the IRS for negligence, a right to know when you are being audited and why, and expanded rights for citizen spouses.

This legislation is so important to move us forward to change the system, to change the IRS in a way that I think is very fundamental. I support this legislation. I am excited about it. I appreciate the chance, Mr. Speaker, to rise in support of it.

Mr. RANGEL. Mr. Speaker, I yield 2 minutes to the gentleman from Texas [Mr. GREEN].

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

Mr. GREEN. Mr. Speaker, I thank my ranking member of the Committee on Ways and Means, not only for the time this morning but also for the effort on this piece of legislation. I know it is a very bipartisan piece of legislation because about 2 weeks ago the President agreed to sign onto it. Even before that, there were a lot of Democrats who were interested in the issue, particularly shifting of the burden of proof, cosponsors of a bill by a Democratic Member, our colleague, the gentleman from Ohio [Mr. TRAFICANT].

The bill is a good effort because, one, it transfers the burden of proof to the IRS and again makes it fair for the taxpayer that they would know, going into the Tax Court, that the IRS has to show that someone is actually violating the law on taxes.

Also, I think it is important because the President will continue the appointment of the commissioner. Even though we have an advisory board with some authority, we need to have an elected official. With the President being the one that does it with authority over the IRS, we do not need to delegate that to an appointed board because so often in any level of government, whether it be Federal, State, or even local government, the elected official needs to have the final version, the buck stops at the office of the President. And I think this is good because it leaves that authority in appointing the IRS commissioner with the White House and with the person, whoever the President may be. That is important.

I think because of the hearings in the Senate last week or over the last 2 weeks, again, it is not something new. I know the gentleman from Texas [Mr. ARCHER] knows it, a long time member of the Committee on Ways and Means, knows that this issue will, if we address it today, 2 years from now we may have to do it again. That is the way Government works. We try and correct problems now, and we will fix them again if we have to, whether it be next year or the year after.

That is why Congress is in session, to correct problems for the people that we represent. That is why I think this bill is a good bill. I hope we can pass it both through the House and Senate and get it signed by the President.

Mr. PORTMAN. Mr. Speaker, I yield 1 minute to the gentleman from South Dakota [Mr. THUNE].

Mr. THUNE. Mr. Speaker, I want to thank the chairman of the full committee and the gentleman from Ohio [Mr. PORTMAN] for the hard work that they have done on this important issue.

When this first started being debated, a lot of the liberal cynics out there said that it is just one of those things that the Republican leadership is doing to drum up support among their base. Then they started hearing the stories, and as more and more of the stories unfolded, people started believing we have a problem in this country with respect to the IRS.

This is a first bold, dramatic step, I think, in what I hope will be a long journey that will end up with reforming the Tax Code, which is at the crux of what our problem is in this country. But this proposal today makes important reforms that, for the first time in 45 years, we are doing something to reform the IRS and giving citizens, the people who have to pay the taxes, more input into this process.

I think it is an important, as I said, first step which allows for more input at the grass roots level for the people who have to abide by the tax laws that we make in this country. I hope it will be the first step in what will be a long journey toward reforming the Tax Code in this country. I am delighted to see the bipartisan support for this. I think that we will pass it with a huge vote and hopefully get on with the business of reforming the Tax Code.

Mr. RANGEL. Mr. Speaker, I yield 2 minutes to the gentleman from Rhode Island [Mr. WEYGAND].

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

Mr. WEYGAND. Mr. Speaker, I want to thank our ranking member, the gentleman from New York [Mr. RANGEL], and the gentleman from Ohio [Mr. PORTMAN], and the chairman of the Committee on Ways and Means for bringing this before us.

As a Democrat and as a former small business owner, I can tell my colleagues, the people that are out there for this kind of reform are begging for this reform. This is a wonderful, very prospective, very proactive kind of legislation that will help many people.

I remember many of my colleagues in the small business community talking about the problems they had with the IRS. These are people that are solid citizens, people that are paying their taxes and that, when an IRS agent walks into their office, all of a sudden they become guilty without ever having a chance to prove their innocence. They have to go out there and actually reverse what we have considered for many years the basics of the United States justice system, and that is, you are innocent until proven guilty.

One small business owner came to me and said, an agent came into my office one day unannounced, requested of me to write out a check for $2,000, wanted a copy of the form that I filed with the IRS. And I grabbed all my papers, I put them all together, and I felt awkward in front of all my employees, he said, I had to go down to the IRS office.

When I got down there, I showed them a copy of the form that I had filed on time, I showed them a copy of the check that I had paid with their stamp on the back side, yet they went through that entire record. I felt like a criminal when I was simply just trying to do business the proper way and pay my taxes on time.

This bill will change that. This will make sure that the honest citizen, the citizen that is out there, is going to have a fair chance. It will not give up any of the rights that they presently have under the present jurist system, and it will give them the kind of reform that we need, not because we are Democrats or Republicans but because we are honest people that believe in paying our taxes, but we also believe we should have a fair shake.

I applaud the ranking member. I applaud the chairman. This is long overdue. This is something we all should support. I encourage the support of all my colleagues.

Mr. PORTMAN. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia [Mr. COLLINS], a colleague of mine on the Committee on Ways and Means.

□ 1215

Mr. COLLINS. Mr. Speaker, I thank my colleague the gentleman from Ohio [Mr. PORTMAN] for yielding me this time and for his hard work in this area of restructuring the IRS.

Since being in Congress for the last 5 years, I have had a lot of inquiries from constituencies about problems they have had and told me about experiences they have had with IRS. Just recently, I held a townhall meeting in Columbus, GA, where we invited in some of the constituency to talk about some of their personal experiences and also to have some input and ideas as to how they felt like the IRS could better handle their situation.

It was a very enlightening townhall meeting, one of the best we ever held. But it was also one that did not come to bash the IRS, it just came with ideas and experiences and some suggestions. We even had an accountant in that talked about the IRS, and not in a bad way, but in a way that he felt would be constructive as we put together this bill to restructure the IRS.

Also, he mentioned the complexity of tax codes and how the complexity of the tax codes also is causing a lot of problems, not only for our constituency, but also for the Service itself that has to administer the collection of funds that we use to operate this Government.

We are taking this from the top down, looking at the management of the IRS and how the management is structured. Hopefully, that will have a

change in attitude all the way through the Service, all the way down to those who answer the telephone, oftentimes after going through long steps of different types of answering services to get to a real live person to talk to.

But we have hopes that that attitude will change and that our constituency will be better handled and better served through our representatives at the IRS. Also, as mentioned by several people who were not at the meeting but have spoken to me personally about the IRS and about the employee and the attitude and structure comes the suggestion that we also need to look at how we hire, the hiring practices at the IRS, as well as other areas of the Government, and that we hire people who are competent, who are dedicated to serving the individuals in the constituency and not just hiring people to fill slots.

I fully support restructuring the IRS.

Mr. RANGEL. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. COYNE], who served on the IRS restructuring committee. He has made such a great contribution to getting this bill to the floor.

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

Mr. COYNE. Mr. Speaker, I rise today in support of this legislation, which will make important reforms in the operation and management of the Internal Revenue Service.

There is broad consensus on the need for significant changes in the IRS operation and management. The vast majority of the provisions of the McCrery-Portman-Cardin bill are noncontroversial. There has been disagreement, however, about one provision in an earlier version of this bill, and that is whether an oversight board composed primarily of private sector appointees should be given substantial control over the agency and the IRS Commissioner, himself or herself.

Negotiations between the administration and Congress over the past few months produced a compromise in which the President retained the authority to appoint and fire the IRS Commissioner and in which the oversight board and the administration would each submit an IRS budget to Congress.

As a result of these changes, H.R. 2676 was reported out of the Committee on Ways and Means with broad bipartisan support. I want to commend Secretary Rubin and the members of the Committee on Ways and Means for all of their hard work on legislation over the past few months.

I believe that this bill, if enacted, taxpayers will experience a fairer, more efficient and more responsive IRS in the coming years. I urge support for H.R. 2676.

Mr. Speaker, I rise today in support of this legislation, which will make important reforms in the operation and management of the Internal Revenue Service.

When I was appointed to the National Commission on Restructuring the IRS, I was well aware of the problems at this agency. As a member of the House and Ways and Means Committee, I had sat through many hearings on IRS reform over the years. There was, in fact, a very broad consensus among Ways and Means Committee members and members of the IRS Restructuring Commission on the need for significant changes in IRS operations and management.

We all agreed on the need for greater flexibility linked with greater accountability, as well as greater reliance on outside sources of expertise and technological know-how. The vast majority of the Commission's recommendations reflected this broad consensus.

There was disagreement among Commission members, however, about one recommendation in particular—whether an oversight board composed primarily of private sector appointees should be given substantial control over the agency and the IRS Commissioner. The majority of Commission members supported creating a board of directors that would have the authority to hire and fire the IRS Commissioner, and which would approve the agency's budget and strategic plans. A number of Commission members, myself included, thought that such a change would have the unintended effect of actually reducing the accountability of the IRS. We also believed that investing the authority over the IRS budget and strategic planning in a board dominated by private sector individuals could raise serious questions about conflicts of interest between board members public responsibilities and their private sector employers' interests.

As the legislation introduced by Senator KERREY and Representative PORTMAN, which reflected the Commission's recommendations, was considered by the Ways and Means Committee, public discussion of this bill focused on this one controversial provision in the bill—the issue of what authority the oversight board should have. The vast majority of the provisions in the Kerrey-Portman bill were noncontroversial.

Negotiations between the administration and Congress on the powers of the oversight board continued almost until the Ways and Means Committee markup of this bill began, but these negotiations eventually produced a compromise in which the President retained the authority to appoint and fire the IRS Commissioner, and in which the oversight board and the administration would each submit an IRS budget to Congress. As a result of these changes, H.R. 2676 was reported out of the Ways and Means Committee with broad bipartisan support.

I believe that enactment of this legislation will improve IRS operations and management significantly. The bill contains a number of important provisions, including language expanding congressional oversight and measures intended to promote electronic filing of tax returns over the next 10 years. The bill also includes a taxpayers' bill of rights section which contains a number of provisions to prevent or discourage abusive behavior by IRS employees, to clarify and codify the protections available to taxpayers in proceedings with the IRS, and to provide relief for innocent spouses of tax cheats.

In closing I want to make one additional point. In the course of debate over this legislation, many Members have succumbed to the temptation to bash the IRS. I think that such attacks are unfair, inappropriate, and irresponsible. Clearly, there have been problems at this agency, but it is important to point out that the IRS Restructuring Commission found no evidence suggesting that those abusive practices were widespread—or even very common.

The IRS is responsible for enforcing the compliance of more than 100 million taxpayers with a complex Tax Code. The agency processes over 200 million forms a year and administers gross receipts of roughly $1½ trillion. The congressional hearings on IRS abuses produced 2,000 claims of IRS excesses nationwide. While no abuse is acceptable, I think that we need to look at these cases in the context of the agency's overall performance, which is impressive. Our income tax system relies on voluntary compliance. Our compliance rate is over 80 percent. We have the lowest effective tax rate of any of the major industrialized nations. I think that those facts should be considered as well.

Finally, to the extent that the IRS went too far in certain cases in seeking to maximize revenue, we should not place all of the blame on the IRS. Congress has, in no small way, pressured the IRS to maximize revenues—and Congress has insisted that IRS adopt the types of performance measures that apparently drove IRS field offices to excess in certain circumstances. In the end, Congress must tell the IRS how it should balance the often competing concerns of productivity and fairness.

I want to commend Secretary Rubin and Representatives PORTMAN, JOHNSON, and RANGEL for all of their hard work on this legislation over the last few months. I believe that if this bill is enacted, taxpayers will experience a fairer, more efficient, and more responsive IRS in the coming years.

I urge my colleagues to support H.R. 2676.

Mr. PORTMAN. Mr. Speaker, I yield 2 minutes to the gentleman from Louisiana [Mr. MCCRERY], a member of the Committee on Ways and Means.

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

Mr. MCCRERY. Mr. Speaker, I rise today to do two things. No. 1, praise the IRS Reform Act that we will pass today; and No. 2, tell my colleagues and the country that, while this is certainly a good bill, it will offer only slight relief from the burden that the real culprit, our Tax Code, places on our people and their work.

First the praise. This is indeed an excellent piece of legislation constructed by two of the most able members of the Committee on Ways and Means, the gentleman from Ohio [Mr. PORTMAN] and the gentleman from Maryland [Mr. CARDIN], and the gentleman from Texas [Mr. ARCHER], our excellent chairman.

This legislation will make the IRS more accountable by creating an independent oversight board. It would also establish several important taxpayer rights, such as the ability to sue for legal fees when the IRS is wrong and shift the burden of proof in tax court from the taxpayer to the IRS. Finally, this legislation includes measures to ease the transition to electronic filing of taxes, thus relieving some of the burden on small businesses.

Mr. Speaker, the admonition is that this is not enough. As long as we have the complex Tax Code that we have, no amount of IRS reform will be sufficient to relieve the costly burden of compliance. Let me share with my colleagues a few numbers.

Thirty-six. That is the number of times the paperwork received each year by the IRS would circle the Earth. Five and a half million. That is the number of words in our Tax Code and the regulations. It is nearly seven times longer than the Bible. Five billion, 400 million. The number of hours Americans spent complying with Federal tax forms. One hundred fifty-seven billion. That is the number of dollars spent by the private sector to comply with income tax laws.

Mr. Speaker, I am glad we are going to pass this badly needed IRS reform bill. It is a great piece of legislation. But, Mr. Speaker, we ought not to leave here today thinking that we have done all that needs to be done to relieve our citizens of the crushing burden our current tax system places on them. That burden will not be lifted until we throw the Tax Code in the trash can and start all over, until we create a fairer, simpler tax system for everyone.

Mr. RANGEL. Mr. Speaker, I yield myself 30 seconds to respond to the previous speaker.

I want to agree with him that this Tax Code that we have is very complicated, and I think that not only taxpayers, but people on both sides of the aisle would like to do something with it. But he should be reminded that, for the last 3 years, his party really has been in charge of the Tax Code. So I hope he is proud of what they have produced during these 3 years. And every Democrat would like to join with him in trying to reform it.

Mr. Speaker, I yield to the gentleman from Tennessee [Mr. TANNER].

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

Mr. TANNER. Mr. Speaker, I want to thank the gentleman from Texas [Mr. ARCHER] and the gentleman from New York [Mr. RANGEL] and the gentleman from Ohio [Mr. PORTMAN] and the gentleman from Maryland [Mr. CARDIN] and others who worked so long, and I want to thank the gentlewoman from Washington [Ms. DUNN] in a few minutes.

But let me just say at the outset that the tax man has been and will continue to be an easy target since Biblical times. The fact is that the function of the IRS is necessary. Its sole purpose is to collect taxes. No one likes to pay taxes, so their anger is projected upon those who do the collecting.

We have to have taxes to fund the vital and necessary functions of the Government, defense, interstate highways, food inspection, public health, FAA, and other missions that only the Government can and must do for all of us. We cannot change the function or the nature of the work the IRS performs, but we can change the approach.

The IRS has not been reformed in over 40 years. Currently, it seems to many of us, that the emphasis of the IRS is on collection at all costs by any means necessary. As a result, the IRS is antiquated, less responsive, more aggressive with a persona akin to private-sector collection agencies. The IRS needs a makeover to reshape their image, and they need fresh, new, innovative ideas and new vision. We seek to do that today.

We need to transform the IRS from a collection agency to a taxpayer customer-oriented agency which values individual taxpayers and citizens and treats them with respect and dignity and not just as a number.

To accomplish this, many of us believe we need to look to the private sector for vision and direction. This bill accomplishes that objective. Also, included in the measures are an expanded taxpayers bill of rights, which the gentlewoman from Washington [Ms. DUNN] and I introduced to end fishing expeditions, curb IRS summons authority to provide greater protection for taxpayer information, and to require the IRS to demonstrate just cause to pursue an audit.

Mr. Speaker, I urge support for H.R. 2676.

Mr. PORTMAN. Mr. Speaker, I yield 30 seconds to my friend, the gentleman from Louisiana [Mr. MCCRERY].

Mr. McCRERY. Mr. Speaker, I just want to use 30 seconds to respond to my friend the gentleman from New York [Mr. RANGEL], who pointed out that Republicans have been in control for the last 3 years.

That is true. Democrats were in control for 40 years prior to that, and most of the complexity was built under their tenure. However, I do hope that the gentleman from New York [Mr. RANGEL] will join with me and others who agree that the Tax Code is too complex and promote overall tax reform for this country. It is in all of our interests to do that.

Mr. RANGEL. Mr. Speaker, I yield myself 30 seconds.

We are trying desperately hard to keep partisanship out of this. But if it is going to take my colleagues 37 more years to simplify the tax system, then I do not think the taxpayers are going to get much relief.

It just seems to me that it should not take 3 years to get what we would want done and it would be more like 3 months. So let us say next year we are going to do it, we are going to come up with something and in a bipartisan way work together with the way the gentleman from Ohio [Mr. PORTMAN] has found so easy to work with we Democrats on this bill.

Mr. Speaker, I yield 1½ minutes to the gentleman from North Carolina [Mr. ETHERIDGE].

Mr. ETHERIDGE. Mr. Speaker, I thank my friend the gentleman from New York [Mr. RANGEL] for yielding me the time.

I rise today in support of this bill to reform the IRS service. I want to thank my friend the gentleman from New York [Mr. RANGEL], the gentleman from Maryland [Mr. CARDIN] and the gentleman from Texas [Mr. ARCHER] for their leadership in this important issue.

When the people of the Second District of North Carolina sent me to this body, they wanted an advocate, someone who would stand up for them in the people's House. And I am pleased to support this piece of legislation on behalf of the people of my district. Working families in North Carolina and across this country face enough challenges in their lives without the added burden of the things we have heard about in recent months of certain members of the IRS who are out of control. If a criminal has a right to be presumed innocent before the courts, so should the American taxpayers.

The Congress has taken a strong bipartisan step forward in working for American families and can do it by enacting the first comprehensive reform of the IRS since 1952. The IRS reform bill, H.R. 2676, is based on an aggressive 3-point plan, which shifts the burden of proof from the taxpayer to the IRS, creates 28 new taxpayer rights, and overhauls the management of the agency through the creation of an independent board.

Mr. Speaker, I would urge Members on both sides of the aisle to move forward for the hard-working families of America.

Mr. PORTMAN. Mr. Speaker, I yield 2 minutes to the gentlewoman from Washington [Ms. DUNN], who added some valuable provisions in the taxpayer rights section of this legislation.

Ms. DUNN. Mr. Speaker, I must say we are delighted that in only 3 years of holding the majority, we have been able to put together a bipartisan piece of legislation that shows real listening to our constituents and results in upgrading and making much more positive the IRS.

Throughout my tenure in Congress, I have heard from thousands of constituents who have talked to me about numerous problems they have had with our system of taxation and particularly with the IRS. The theme has been the intrusive and sometimes abusive interference of the Internal Revenue System when taxpayers were only trying to be honest.

One of my constituents, Mr. Speaker, was told by the IRS that his wife was dead even though he produced his wife and her doctor before a local IRS agent. Another constituent, a local businessman, was forced to undergo a costly, long-lasting audit by the IRS because of a supposed discrepancy of 65 cents, only to find out that the IRS was wrong.

This agency operates too often, Mr. Speaker, under the belief that taxpayers are trying to cheat the Government. The bill that we propose today is the first step in providing citizens

greater tax fairness, protections from the abuse of the IRS. Our bill includes provisions proposed by the gentleman from Tennessee [Mr. TANNER] and myself for an increased confidentiality protection for taxpayers and for the tax advice that they receive from their advisers. Currently, the IRS can subpoena even the thought process of a taxpayer unless that taxpayer is represented by an attorney.

Our bill also reins in the lifestyle audits that can currently be initiated by something as simple as a new car in the driveway unless there is reasonable indication of unreported income. So no more fishing expeditions.

Mr. Speaker, while the language in the bill is not as broad as we proposed, and in our particular proposals the gentleman from Tennessee [Mr. TANNER] and I will continue through this bill into the next year to ensure that every taxpayer is afforded confidentiality protections currently enjoyed by only those who can afford attorneys and those who through this new legislation can afford an accountant.

We intend to make it clear to the IRS and the courts that Congress does intend for them to be limited to the scope of their information gathering ability. I encourage support of this bill.

□ 1230

Mr. RANGEL. Mr. Speaker, I yield 1 minute to the gentleman from Ohio [Mr. STRICKLAND].

Mr. STRICKLAND. Mr. Speaker, I was walking down the sidewalk in a small town in my district recently, and an older woman in a wheelchair called to me. I went over and sat down and talked with her for a while. During the course of that conversation, she said to me, ''Congressman, I wish you would just chew up the IRS and spit it out.'' I asked that sweet, gentle, older woman why she felt as strongly as she did, and she said, ''I believe the IRS contributed to my husband's death because they hounded him,'' and she said, ''It didn't bother me as much as him because I'm a tough old bird.''

I walked away thinking that it is sad that any American would ever feel that way about an agency of our Government. And so I came to the floor today mostly to say thank you to my Ohio colleague [Mr. PORTMAN] for all the work he has done on this. I know many have worked on this legislation. This may be the most significant piece of legislation directly affecting the lives of American citizens that this Congress deals with.

Mr. PORTMAN. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. HERGER], a member of the Committee on Ways and Means.

Mr. HERGER. Mr. Speaker, today I rise in strong support of H.R. 2676, the IRS Restructuring and Reform Act. In town hall meetings throughout my northern California congressional district and wherever I go, I hear from taxpayers who are fed up with IRS abuses and who are demanding Congress to take steps to reform this agency. Today we move forward with strong bipartisan legislation that will not only reform the way the IRS does business, but will also restructure the agency to help assure that taxpayers are better protected from IRS abuses in the future.

This legislation makes a number of important changes. First, it shifts the burden of proof from the taxpayer to the IRS in disputed tax cases that reach U.S. Tax Court. No longer will taxpayers be considered guilty until they are able to prove themselves innocent.

Second, this bill expands taxpayer rights by providing citizens 28 new legal protections against the IRS. When taken together, these 28 new taxpayer rights will shift the IRS's primary focus from heavy enforcement to customer service.

Finally, this bill will establish a more accountable IRS oversight structure. This new board, which will bring to the IRS outside expertise, will assist in fundamentally changing the culture and management of the IRS.

The gentleman from Texas [Mr. ARCHER], the gentleman from Ohio [Mr. PORTMAN] and the gentleman from Maryland [Mr. CARDIN] are to be commended for their efforts on IRS reform. I would urge my colleagues to support this common-sense yet long overdue legislation.

Mr. RANGEL. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin [Mr. KLECZKA], a member of the Committee on Ways and Means.

Mr. KLECZKA. Mr. Speaker, I thank the gentleman from New York for yielding me this time to speak on the IRS Restructuring and Reform Act of 1997. As a member of the Committee on Ways and Means, I was pleased that we were able to formulate a bipartisan bill that will benefit all American taxpayers.

I must say that I have had several conversations with the gentleman from Maryland [Mr. CARDIN] and also the gentleman from Ohio [Mr. PORTMAN] on the bill, and I was quite surprised that we were able to work together to come to this day.

One of the most difficult hurdles in formulating the legislation was determining the structure and responsibilities of the oversight board. I had strong reservations and concerns about the IRS Restructuring Committee's recommendation that the board made up of private individuals have the power to hire and to fire the IRS commissioner. Fortunately, a workable compromise was made that gives the oversight board significant input into the workings of the IRS, but keeps the appointment of the Commissioner in the hands of the President.

This bill also contains some important provisions protecting the rights of taxpayers. For example, innocent spouses will now have an easier time of attaining this protective status. In addition, attorney/client confidentiality privileges are being extended to protect taxpayers who choose to confide with their certified tax preparer, their certified public accountant. Finally the burden of proof for taxpayers who cooperate in IRS proceedings will now fall to the IRS should the case go to court.

These are some of the changes that should make dealing with the IRS much easier. Today we are moving forward with the legislation that sends a strong message to all our constituents. We have heard your frustrations with the IRS, and we are taking actions to right these wrongs.

Mr. PORTMAN. Mr. Speaker, I enjoyed working with the gentleman. We did have a lot of good, constructive conversations, and the gentleman helped to make it a better bill.

Mr. Speaker, I yield such time as he may consume to the gentleman from Texas [Mr. PAUL].

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

Mr. PAUL. Mr. Speaker, I rise in support of this legislation. It is a step in the right direction. Get rid of the Code, get rid of the IRS, and get rid of the income tax.

Mr. Speaker, I rise in tepid support of H.R. 2676, the Internal Revenue Service Restructuring and Reform Act of 1997. As most recently evidenced by Senate hearings, taxpayers across the country are clamoring for real reform. Yet, instead of delivering genuine reform, the Congress delivers an Oversight Board made up, in part, of experts from the fields of management, customer service, Federal tax laws, and information technology—in other words, more guards to oversee the watchdogs.

I can support this bill because it partially shifts the burden of proving guilt from the taxpayer to the Government. Innocent until proven guilty is a tenet that permeates any free society but has somehow been ignored with respect to the Internal Revenue Service's imposition of criminal penalties. Additionally, this bill makes political audits by executive branch officials felonies punishable by fine and/or imprisonment.

While these small steps are laudable, in light of the massive nature of the problem, the complexity of the Tax Code, and the oppressive nature of the excessive taxation under which we are currently so heavenly burdened, this bill is but token reform. The current taxation problem is rooted in the excessive spending by Government resulting from a bad case of congressional activism under which the legislative body has repeatedly overstepped it's article I, section 8, constitutional powers.

No one likes to pay taxes—almost. The large majority of people in any society enjoy the benefits that come to them through Government programs, yet, essentially no one likes to have their taxes increased, believing they are always on the short end of receiving benefits in return. And this of course is true. The most people never get back what is taken from them in the form of taxes.

Oliver Wendell Holmes, however, was different. He claimed he likes to pay taxes saying: ''I like to pay taxes. With them I buy civilization.'' In a more famous quote, Holmes said:

''Taxes are what we pay for civilized society.'' A more accurate statement might be that taxes, especially if collected with the tactics of the IRS, are what permits Governments to act in a most uncivilized manner.

Teddy Roosevelt, during the Progressive era, 1902, appointed Oliver Wendell Holmes, Chief Justice of the Supreme Court, a time during which the ground work was laid for the modern welfare state later promoted by Teddy's cousin FDR. And it was not too many years after the appointment of Oliver Wendell Holmes to the Supreme Court that these progressive ideas led to the establishment of the income tax, the IRS, and an equally threatening organization, the Federal Reserve.

Frank Chadorow had a much better understanding of what the income tax meant. ''Income taxation is in principle the worst of all forms of taxation because it begins by asserting the prior right of the state to all wealth.'' This principle can be applied to almost all taxes. A tax on inheritance could be considered even worse since we accumulate property and capital often with after taxed money. Since all taxes are essentially a tax on productive effort, whether it be corporate tax or even a sales tax, this principle is certainly accurate when the revenues are used for redistributive purposes.

I see nothing wrong with the slogan ''taxation is theft,'' when the revenues are used to transfer wealth or privilege from one group or person to another. In spite of all the talk in recent months regarding the method of taxation and the abuse by the IRS these basic principles are not being discussed. There has been too much emphasis placed on the taxing process rather than the philosophical principles that not only endorse but encourage an abusive tax system.

The recent Senate hearings on IRS procedures however were very beneficial in that they were reported by the major media and confirmed what most Americans suspected. Probably the most outrageous confirmation was that IRS agents did confess to a deliberate policy directed toward the weak and the poor to intimidate and make examples of them. Agents testified that the wealthy and the sophisticated were generally left alone because they were more capable of defending their rights. This is an outrage that should not be forgotten and should be used as a strong motivation to eventually do something about our tax system.

The fact the some citizens have even committed suicide over the pressure of facing the tax collectors is something that should not ever happen in the civilized society that Holmes claimed we were paying for. Thousands of Americans are quite willing to pay the penalties and excess tax without challenging the Government even when they know they are right because the emotional and financial penalty of fighting the IRS is too great.

For the last four decades it has become known to most Americans that both Republican and Democratic administrations have been willing to use the IRS, and for that matter other regulatory agencies, to punish their political enemies. It seems that the current administration has refined this technique to near perfection. It has been quite willing to attack, through the Tax Code, those foundations and groups that oppose Clinton's policies while ignoring the friendly ones.

If we indeed lived in a truly civilized society individuals would be willing to come forth and reveal the Government's atrocities against its own people instead of choosing to hide their identity. The fact that IRS agents are hidden behind screens makes one think that they believe they belong to an organization such as the Mafia and if discovered they themselves would become a victim. It reminds me of the horrible pictures that we see of our FBI, BATF, and DEA agents making questionable raids on private citizens with stocking caps over their heads. In a civilized and free society, Government agents would act as our servants and not convey an appearance of a criminal element. But, nearly two decades ago Milton Friedman asked ''When you sit across the table from a representative of the IRS who is auditing your tax return, which one of you is the master and which the servant?''

In light of recent revelations the administration was quick to defend the IRS and explain the need for a strong collection agency. What else could we expect? However, even the administration senses that the public is on the verge of revolt and quickly added that certain reforms would be necessary. Reforms suggested by the administration included an advisory board, of course without clout, as well as making sure the IRS offices were kept open for longer periods of time including Saturdays. The advisory board would be used to advocate suspensions of seizure of property when appropriate. Sure. When an agency of Government is acting outside the law, i.e., the Constitution, while continuously making numerous errors, then expanding their hours seems to me to only compound our problem, not reduce them. Though I'm sure some Americans will see this as a positive for the administration, hardly will this do anything to help the problem.

Even the Republican proposal to have a private board with more clout doesn't address the real problem. And another Taxpayer's Bill of Rights won't help either. If a private board is being appointed, what would keep the establishment from appointing friendly people to the board? I can't see where this would be any different from the IRS being supervised by political hacks from the Treasury Department. This whole notion that better service can be given to the taxpayer is a bit preposterous. The fact that we call this the Internal Revenue Service is an obvious misnomer. How can an agency of Government that sets out to confiscate our wealth provide a service to us? It is just as preposterous to refer to victims as customers. Taxpayers are no more customers of an organization providing a service than the man in the moon. This type of wording is nothing more than the newspeak of which Orwell wrote. So far the reforms advocated by the administration and the Congress will do nothing to solve our long-term problems.

Other more serious reforms have been suggested, such as eliminating the current Tax Code and replacing it with a flat tax or a national sales tax. Both of these proposals come up far short of dealing with the real problem. Supporters of both proposals never touch the problem of the Social Security, Medicare, flat tax of 17 percent which not only is here to stay but will surely rise. Since these programs are sacred no one can suggest that something should be done about them. But in reality, as I have mentioned before, the Social Security and Medicare tax is an income tax that is used for general revenues as the trust funds are nonexistent.

When one adds the tax that the employer and the employees pays, which is the real labor cost, each individual is paying 17 percent of their income up to $65,000, which is a truly regressive income tax. If a flat tax of 17 percent is added we are immediately at 34 percent and rising. With a flat tax this high and with removal of tax exemptions for everything, and especially our donations as well as our interest on our houses, we are actually setting the stage for a much higher tax rate which will make no one happy. Sure, there might be a little less difficulty figuring out the code, a cost in and of itself, but if one can save some money by having a complex code this could actually be better than a simple code where we are forced to divvy up more to the welfare state. Besides, the flat tax that is proposed has exemptions for low income so immediately it is a flat tax after a certain amount thus it is in reality a graduated tax. Businesses would still have to deduct the expense of doing business prior to reporting their profits.

A national sales tax has also been bantered around as an alternative to the income tax. Where it too has some advantages, reducing the effects of the complicated Tax Code and making filling out our tax returns easier, it also has many short-comings. First, nobody knows precisely what rate would be require to pay all the bills. Some have suggested 15 percent, others believe it will be over 30 percent, which I am inclined to believe. The reason it's impossible to calculate is that at a certain level of taxation there will be a motivation to avoid the sales tax by expanding the underground economy.

The argument is made that the sale tax is a good way to collect revenue because those who are ducking taxes like the drug dealers and other criminals will be forced to pay the sales tax when they buy luxury items. There is nothing automatic about that assumption. Besides, IRS agents, who may be called something else, will be required to monitor every small business and every small profession to make sure that the revenues are collected and deposited in the Treasury. I can imagine that many small businesses and entrepreneurs working at home will have every bit as many records to fill out as they do now with their tax return. Obviously, reforming the tax collecting system to make productive Americans happy is much more difficult than meets the eye. Many Americans and Washington politicians are overly optimistic about changing the method of collection as the solution to the problems we face with our over exuberant revenuers.

Changing the collecting system, if the goal is to pay the bills and avoid a deficit, does nothing to solve the real problem of disenchantment with Government and the disgust with high taxes as well as with the prodding Federal bureaucrats who invade every aspect of our lives.

What is really upsetting most productive Americans is the fact that they have to work until July 3, before they get to keep any of their earnings for themselves. It's ironic that July 4th is our first day of independence from all taxation. This does not even take into consideration the inflation tax, i.e., the loss of value of our purchasing power, as our Government continues to diminish the value of the dollar.

The inflation tax is something that is much more difficult to understand and yet is the tax of last resort of all authoritarian governments.

We are now at the point where the American people are starting to rebel against any increase in taxation. In spite of the fact that we cannot pay our bills we were actually able, for political reasons, to make a token cut in some taxes last summer. This sill not prevent our Government, acting through the Federal Reserve, from creating new credit when necessary thus diminishing the value of the money already held. On this tax, however, because it's difficult to see and the victims harder to find, the measurement is elusive. For this reason I am predicting that when push comes to shove with the budget it will be the ultimate tax used on the American people in an effort to continue to finance the welfare/warfare state. The real tragedy of this is that perceptions of the value of the dollar make it almost impossible to predict who the victims are going to be and when the value of the dollar will suddenly change. For instance it was quite clear when the recent devaluation hit the Mexican Peso it occurred suddenly and sharply and the victims were the middle-class and the poor throughout the country. But it was not gradual, steady and logical because the inflation tax frequently comes in sudden bursts.

The attention that token reforms are getting today, whether it be reforming the current system and devising a friendlier IRS or talking about a flat tax or a sales tax, actually is more of a distraction than a constructive debate. I am not saying this is intentionally done or of no value but I think that is the result of the current discussion.

The reason for this is that fundamentally and foremost it's not a tax problem we face. The basic problem confronting us as a country is a spending problem. Concentrating only on taxes, which is okay to a degree, avoids the subject of the size of government and the reason why the Government spends so much of the Nation's output. If we concentrate only on taxes and we avoid the subject of the role of Government and why the Government wants more of our money, we cannot and will not solve the problem. The goal ought to be to shrink the size of government and lower taxes. As bad as the income tax is on principle, an income tax of 3 percent on all money earned would not cause a tax revolt and most Americans would voluntarily pay their taxes. Even a national sales tax of 5 percent would not prompt a hue and cry over the tax system. The problem, of course, is that the Government is spending way too much money and there is no serious effort to cut back.

Recent budgetary efforts in Washington indicates that there's not much chance that the current Congress is going to do anything about cutting back. The welfare state is alive and well. Even the National Endowment for the Arts could not be cut, Clinton's health program is being implemented by the Republican Congress, public housing money is increasing, and just recently, in our Education Committee, a Republican proposal supported by Democrats to increase national educational expenditure for the purpose of promoting charter schools was easily passed, although it authorized a new $100 million program.

As long as this attitude prevails on the spending side, Saturday morning hours for the IRS and keeping telephone lines open 24 hours or having a review panel or instituting a sales tax or a flax tax will do nothing other than delay the serious discussion about reducing the role of government in our lives, in our economy and in the world at large.

Supply side economics pushed by many during the 1980's argued strenuously for lower tax rates with which I agreed. But the goal of the supply siders was merely to stimulate the economy so that higher revenues would flow to Washington—a bad motivation. It is possible that with lower tax rate the economy would pick up but if the result was higher tax revenues, these revenues should be used to further cut taxes not increase expenditures. At the same time the supply siders were pushing the lower tax rates for the purpose of increasing revenues, they were advocating higher and higher budgets for the IRS to enhance the ability of the tax collectors. The Reagan administration was quite receptive to this principle believing that if a $1 billion in additional funds was given to the IRS it promised to produce $17 billion more in revenues through the process of harassment, intimidation and audit. Even this year the Treasury bill appropriation, which contained the pay raise for the Members of Congress, had an increase in the IRS budget of 9 percent giving them an increase of more than a half billion dollars to do exactly what they have been doing for decades. So, in the middle of the hearings on the Hill revealing the outrageous tactics of the IRS, and at the same time the politicians were propagandizing for tax reform, the large majority of Democrats and Republicans were voting for a huge increase in the IRS budget to continue the very process they were publicly condemning.

Today the atmosphere in Washington can be described as deceptively optimistic. Many of those who were preaching cutbacks and austerity a few years ago are claiming great victories with the accomplishment of a balanced budget. This budget is not balanced regardless of what the politicians are saying. Last year's national debt went up nearly $200 billion when the funds taken from the trust funds are considered. Members are actually sitting around figuring out how to spend the excess they expect over the next several years. What they don't understand is that their projections of our future spending habits, the tax revenues, interest rates, and the state of the economy are unknown to them and quite frankly are going to be a lot different than their optimistic projections.

All taxes are extracted from the productive effort of the people. Whether the tax comes through an income tax, a sales tax, an inheritance tax, a school tax, property tax, or whatever, this is the method whereby the state confiscates the productive effort from the people. Governments produce nothing. All governments can do is use force to redistribute wealth and pay off their political cronies. The name of the game is power. Power is achieved by the politicians through the control of people's income through a taxing system as well as manipulating the value of money. As Chief Justice John Marshall said: ''The power to tax is the power to destroy.'' It is not just a coincidence that those who introduced us to the welfare state, the Progressives of the early 20th century, believed both in the power to tax as well as the power to inflate.

In our relatively free society where productive efforts still exist and a profit motive remains, big government programs can be tolerated and funded for long periods of time. But as time goes on the productive ability of corporations and individuals is diminished as are all our freedoms for personal freedom cannot long exist without economic freedom. Today, we are living under conditions which encourage the export of capital and the exporting of jobs while encouraging the immigration of individuals who will do quite well living off our welfare state. In spite of the euphoria now being expressed in Washington, at the height of our so-called recovery, the conditions are set for soon recognizing that productive efforts are being impeded by our tax and regulatory system and there has been absolutely no serious intent to change our spending habits. The welfare/warfare state is moving briskly along and is being encouraged by the deceptive pronouncements that our budget is balanced and all we need to do is change the method by which we collect revenues.

We do not have a technical problem or an IRS code problem. We have a problem in defining the proper role for government. As long as the majority of the American people still believe it's in their best interests to have a government that redistributes wealth and polices the world, this crisis will continue to build. A proper sized government would require minimal taxes and would be designed for the protection of liberty and equal justice for all. We have come a long way from those intentions of the Founders of this country, but we'll soon face a crisis of confidence and be forced once again to decide for ourselves just what kind of government we want and how much government will tolerate. Let's hope and pray that those of us who believe in limited government and maximum individual freedom will use the events of the coming years to promote the cause of liberty and not just tinker with the Tax Code. When that day comes the big tax debates will probably be; should we have a 5-percent import tax or a 10-percent import tax and we will not be dealing with a Federal income tax nor a Federal sales tax at all. Moreover, we will not be concerning ourselves with triffling reforms of a revenue agency which harasses our people and eats out our substance. Let us hasten that day.

Mr. PORTMAN. Mr. Speaker, I yield 2 minutes to the gentleman from Arizona [Mr. HAYWORTH], a member of the Committee on Ways and Means.

Mr. HAYWORTH. I thank the gentleman from Ohio for yielding me this time.

Mr. Speaker, I have heard from many of my constituents, but this morning I heard from an Arizonan who made an indelible impression and really brought a face to this debate, Mr. Speaker. His name is Bob Brockamp. Bob's grandfather, Stan McGill, at age 93 several years ago made a mistake in writing a check to the Internal Revenue Service. He meant to write a check, Mr. Speaker, for $700. He added an extra zero. $7,000. Other merchants and other entities with whom Mr. McGill had dealt understood that he was having problems. Indeed, he was in the stages of Alzheimer's disease, and they would say, ''Obviously there's been a mistake in his remittance, we're sending back a significant portion of that money.'' Just about every business he dealt with caught that mistake, but the IRS, when it received a check for $7,000, kept the money.

Mr. McGill passed away. Bob's mom received basically a threat from the Internal Revenue Service. Even though

her late father had paid $7,000 more than he owed, the Internal Revenue Service said to Mrs. Brockamp that his estate owed $1,000, and she should pay it if she wanted to keep her home and personal property.

The Brockamps tried to fight this in court. They took it all the way to the Supreme Court. The Supreme Court ruled 9 to 0, ''Gee, Brockamps, you might be right on this morally, but you're incorrect legally because the statute of limitations has run out.''

Mr. Speaker, one of the many great things we do in today's legislation is to change the statute of limitations, indeed to remove the statute of limitations or suspend that statute for those taxpayers who are mentally and/or physically disabled and unable to understand what they were doing. Sadly, it will not help Stan McGill, but it will help thousands of senior Americans across the country. Support this legislation. Let us make a move positively for America.

Mr. RANGEL. Mr. Speaker, we would not be talking about burden of proof if it were not for the tenacity of the gentleman from Ohio [Mr. TRAFICANT]. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio.

Mr. PORTMAN. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio [Mr. TRAFICANT].

The SPEAKER pro tempore (Mr. PEASE). The gentleman from Ohio [Mr. TRAFICANT] is recognized for 5 minutes.

Mr. TRAFICANT. Mr. Speaker, I want to commend the Republican Party, the gentleman from Texas [Mr. ARCHER], the gentleman from Georgia [Mr. GINGRICH], the gentleman from Ohio [Mr. PORTMAN], and also along with the gentleman from New York [Mr. RANGEL] and the gentleman from Maryland [Mr. CARDIN] for this great bill. This is a great day. I want to also commend the Republican Party for beginning the dialog to change the Tax Code.

By the way, I would like to see us reduce income taxes in half and couple it with a small sales tax, require a two-thirds vote to increase it, and exemptions for poor people.

But let me say this today. In America, an American citizen accused shall be considered innocent until proven guilty, and the accuser shall carry the burden of proof in that matter. Where, ladies and gentlemen, in God's name have the bureaucrats been able to seduce Congress over the years to change that provision? If it is good enough for mass murderers, it should be good enough for Mom and Dad, our taxpayers.

I come to the floor here today because I know the White House has not signed off on this last provision. The Secretary of the Treasury questions its revenue impact, and the other body still has some reservations. I want the gentleman from New York [Mr. RANGEL] to imagine if we could travel back in time with all this technology, that Members of Congress decided to go to Philadelphia and look into the Founders. Mr. Madison leans over to Mr. Jefferson, he says, ''Great stuff here, isn't it, Tom?'' And Jefferson says, ''Great day. Aptly named the Bill of Rights, Mr. Madison. Do you agree, Ben?''

Ben Franklin says, ''Hey, don't let it be written that Ben Franklin's not for this.'' Freedom of religion, freedom of speech, trial by a jury of our peers, no search warrant without seizure. A great day. ''Do you agree, Mr. Hancock?''

''I think it's great, but I think we should run it by George. Mr. Washington?''

''Fellows, this is great, but what is it going to cost? What are the revenue impacts? We better hire some accountants and score it.''

Unbelievable. We know George Washington never said that. The House of Representatives must insist today to put the Bill of Rights back in the Tax Code of the United States of America because if it was up to the IRS, they would score the Bill of Rights, and, by God, we would not have it.

Those IRS workers are not demons. We have created a monster. Most of them are good people. But in America the people govern. It is time to take our Government back. Today's vote is the most important vote we will cast in that whole process.

I thank the gentleman from Ohio [Mr. PORTMAN] for working hard to include my provision in this bill. I want to thank the gentleman from Georgia [Mr. LINDER], the gentleman from Georgia [Mr. COLLINS], the gentlewoman from Washington [Ms. DUNN], all of you.

Let me say this before I close out. I am not on a first-name basis with anybody at the White House, but I will make a house call over this provision that I have worked for for 10 years. Some 98 percent of the American people understood it and supported it.

I am glad to see there is no partisanship here today. The gentleman from New York [Mr. RANGEL], one of the most qualified Democrats we have ever had on Ways and Means, was not in the position to take a stand on the Traficant provision. But I am going to compliment the Republican Party here today for swallowing hard and including my provision. I know it was not easy. I know there are still some words in there that I am not totally crazy about, and they know that as well. But we can ratchet down the beginning, and I am hoping that next year after a track record of the burden of proof language change, you will consider two things from JIM TRAFICANT: Cleaning up that language on burden of proof which can be improved; and, second of all, dealing more specifically with the seizure practices of the IRS and look at the Traficant provision that says before they can seize your property, they must have judicial consent, you must have a notice of a hearing, and you shall be present and allowed to be represented at such hearing.

But let me tell you what. No one is going to be totally satisfied with anything. I am satisfied today. I am satisfied today that the Republican Party included a Democrat provision that, by God, I could not get heard on my own side of the aisle. I compliment you, I thank you, and let me say this. Keep the burden-of-proof provision in that final bill.

Mr. PORTMAN. Mr. Speaker, I once again want to commend the gentleman for his persistence and for his patience and for his strong support now of the legislation, a 10-year crusade.

Mr. Speaker, I yield 2 minutes to the gentleman from Minnesota [Mr. RAMSTAD], a member of the Committee on Ways and Means.

Mr. RAMSTAD. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, as a cosponsor of this important legislation to provide a sweeping overhaul of the IRS, I appreciated the opportunity to work in a bipartisan, pragmatic and collaborative way with the gentleman from Ohio [Mr. PORTMAN], the gentleman from New York [Mr. RANGEL], the gentleman from Maryland [Mr. CARDIN], the gentleman from Texas [Mr. ARCHER] and other members of the Committee on Ways and Means.

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We promised, Mr. Speaker, tax relief for the American people, and we delivered. We also promised a major overhaul of the IRS, and today we must deliver again.

Mr. Speaker, this first comprehensive reform of the Internal Revenue Service in over 45 years is long overdue. I have heard from countless constituents about IRS abuses like most of my colleagues have about unfair and selective audits, arbitrary rulings, communications couched in gobbledygook and legalese. Mr. Speaker, these kinds of abuses of the American taxpayers must stop now. We must never forget we work for the taxpayers of the United States of America, and this legislation will make a big difference to the taxpayers of this country.

It is high time we change the IRS from an adversarial organization to a consumer-friendly, service-oriented organization. Let us pass this important bipartisan IRS reform bill today. Let us pass these 28 new rights for taxpayers. Let us overhaul the management of the IRS and hold the IRS accountable. Let us shift the burden of proof, as the gentleman from Ohio [Mr. TRAFICANT] has so eloquently called for for 10 years. Let us shift the burden of proof in tax cases from the taxpayer to the Government. Mr. Speaker, the taxpayers of America deserve nothing less.

Mr. RANGEL. Mr. Speaker, I yield 2 ½ minutes to the gentlewoman from Florida [Mrs. THURMAN].

Mrs. THURMAN. Mr. Speaker, I thank the ranking member, the gentleman from New York [Mr. RANGEL], for yielding this time to me. I want to

express my strong support for this legislation.

The oversight committee conducted a series of hearings on the problems facing the IRS and the American taxpayers who must deal with the IRS. The committee took seriously the negative experiences of taxpayers before drafting this bill.

The goal of this bill is that IRS operate efficiently while treating all Americans with the respect they deserve. This bill will ensure that incidents of harassment and intimidation against law-abiding taxpayers become a thing of the past.

Some of the provisions of H.R. 2676 codify reforms already implemented by the administration. Others come from the bipartisan National Commission on Restructuring the IRS. All of these are necessary. The taxpayer bill of rights language will protect innocent spouses from having to pay tax penalties for the action of their spouses. The bill also provides civil damages to the taxpayer when IRS employees negligently disregard the law. The bill shifts the burden of proof onto the IRS in Tax Court cases when the taxpayer has cooperated fully with reasonable requests for information. This is long overdue. These are real and not just cosmetic reforms. The IRS needs to do a better job of educating the people of the availability of taxpayer services.

As Members of Congress, we all try to help our constituents who have tax problems. In Florida, we have used an excellent taxpayer advocate in the IRS Jacksonville office. She has been able to resolve many longstanding tax problems of the people of Florida's Fifth District. I encourage taxpayers to contact their advocates. They might be able to quickly resolve some of their tax problems, and it is time to move forward.

I also want to remind my colleagues and the taxpayers that on Saturday, November 15, the IRS will hold the first of its monthly problem-solving days in each of its 33 district offices. This day will give taxpayers and practitioners the opportunity to resolve problem tax cases.

The IRS is encouraging, and I think this is important, is encouraging taxpayers to contact the IRS as soon as possible to schedule an appointment in the nearest district office. I hope that taxpayers with outstanding problems will take advantage of this.

Mr. Speaker, H.R. 2676 represents an important step in returning government to the people it represents. I urge the support of this bipartisan bill.

Mr. PORTMAN. Mr. Speaker, I yield 3 minutes to the gentlewoman from Connecticut [Mrs. JOHNSON], the chair of the Subcommittee on Oversight of the Committee on Ways and Means, who played a very important role in electronic filing, taxpayer rights, and many other provisions of this legislation.

Mrs. JOHNSON of Connecticut. Mr. Speaker, I rise in strong support of this legislation, and I want to commend my colleague, the gentleman from Ohio [Mr. PORTMAN], for his leadership of what was a yearlong process of analyzing the serious problems plaguing the IRS and taking responsibility for developing solutions to those problems as the House chair of the Reform Commission. I commend him as well for his careful stewardship of the commission's report, educating Members on its substance, being open to rethinking some of its difficult issues, and, as a member of my subcommittee, working with us to strengthen and enlarge the taxpayers' rights.

Today we will adopt the most dramatic reform of the IRS since 1952. The three-point plan will overhaul the tax-writing process to help simplify the Code and protect taxpayers. It will create an independent oversight board to bring private sector expertise to the table to modernize the IRS's technology and create a customer service culture that can provide timely and accurate answers to questions and assist taxpayers with problems.

Third, it will create 28 new taxpayer rights, including the right to sue the IRS for damages resulting from the IRS's negligence, shifting the burden of proof to the IRS in the Tax Court, and for the first time taxpayers will be able to report abusive agent behavior to the IRS without fear of retaliation. Letters threatening an audit if someone does not participate in some voluntary program will end, and for the first time taxpayers will be given an explanation of the reasons for an audit and their rights in that process.

This should end politically inspired activities, it should end costly multiyear audits, even in cases where the person audited has been found to be owed money by the Government, and for the first time 30,000 innocent spouses will be saved $30 million in taxes because they will not have to pay taxes owed by their former spouses, not by them. Too often the deadbeat dad not paying child support or taxes gets off while the innocent spouse is dunned by the IRS because she is available and she is responsible.

The 28 taxpayer protections will protect taxpayers forcefully and fairly, and I am proud of the work of my subcommittee in shaping these recommendations and in strengthening the taxpayers' protections.

I urge support of this bill as it represents a giant step forward, but I urge the committee to move forward with tax simplification which is the route of reform.

Mr. RANGEL. Mr. Speaker, I yield 4½ minutes to the gentleman from Maryland [Mr. HOYER] to express his views. Whenever anyone talks about improving how we collect taxes, his name, whether it was a Republican or Democratic President, was always there. He has worked very hard in not only trying to improve the present system but trying to improve the present piece of legislation.

Mr. PORTMAN. Mr. Speaker, I yield 1 minute to the gentleman from Maryland [Mr. HOYER].

Mr. HOYER. Mr. Speaker, I thank the gentleman from New York for his comments.

As a preface, I have served on the Subcommittee on Treasury, Postal Service, and General Government since January 1983. It is the responsibility of that subcommittee to oversee the Internal Revenue Service's budget and its management practices.

In the last three terms of Congress under Democratic and Republican leadership, our subcommittee has raised very substantial questions, and we have worked with the distinguished gentlewoman from Connecticut on those issues and the distinguished staff of her subcommittee who has done such an outstanding job.

I want to say to the gentleman from Ohio [Mr. PORTMAN] and to Senator KERREY, as they know, that I think their efforts have produced a good work product. I think the commission raised many appropriate questions and recommended some very solid solutions. Having said that, I want to preface my remarks by saying that I ask no colleague to follow me in either adopting my premises or my vote, not one, because I understand the power of the rhetoric that precedes this bill to reform the IRS.

There have been a lot of columns written on this issue. Jim Glassman, not an apologist for Democratic policies, says do not reform the IRS, and he says Republicans talk grandly about simplification but this year passed legislation adding 285 new sections and 824 amendments to the tax law.

Mortimer Caplin, a distinguished former IRS commissioner, said this:

> The proposed overall design by the Restructuring Commission and its statutory offspring is deeply flawed. It would obscure the core focus of the IRS, blur the lines of authority, and hamstring efficiency.

The good news, my colleagues, is that under Secretary Rubin and Deputy Secretary Summers, for the first time since I have been on the Appropriations Committee, there has been a focus on management issues in addition to tax policy issues. As a result, very substantial things are happening at the IRS.

We are starting to get a handle on tax systems modernization, which was a disaster under the Reagan administration, under the Bush administration, and under the early Clinton administration, because the IRS clearly did not get a handle on its information systems technology. The good news is, we are now doing just that. We have an outstanding person that was recruited specifically to take on this task.

The Senate just a few days ago confirmed Mr. Charles Rossotti as the new Commissioner of the IRS. He is the former president of the American Management Systems, Inc., a firm of 7,000 people in northern Virginia. He has been doing exactly what IRS needs to

do, in the private sector: Handling information and providing quick, user-friendly responses in an efficient manner. This administration has moved to make sure that the IRS makes many of the changes proposed by the restructuring commission.

Now, having said that, the administration, myself, and others raised very substantial questions about the bill that was originally introduced.

I might say tangentially, there has been no speaker raising any questions prior to me about the problems with this legislation. However, numerous responsible, thoughtful, conservative observers have said that this is not the way to go.

On its surface the legislation which we consider today is about IRS reform. The proponents claim that it will be the answer to all of our concerns about an agency which has admittedly failed to manage its operations well.

However, too many of my colleagues believe that the simple creation of a private sector oversight board will lead to a more user-friendly and responsive IRS.

I would argue that the net effect of H.R. 2676 will be nothing more than phony tax populism as described by Gloria Borger of U.S. News.

And while there are many provisions in this bill which I support, I think the empowerment of a private sector board, with far-ranging powers, will do little more than add just another layer of bureaucracy.

The taxpayer bill of rights title is necessary to provide much needed relief to innocent spouses and those who, because they are ill, are not able to file for a tax refund in a timely manner.

There are also provisions in the bill which I support that are designed to increase electronic filing.

However, the bill creates an unnecessary and more complicated organizational structure at the IRS, which I believe will have the overall effect of less accountability.

While there is no doubt a role for private sector advice and expertise, what the IRS needs is more accountability, not less.

H.R. 2676 would place management in the hands of people who, however well-meaning, are loyal and accountable to the firms and businesses that employ them.

And while IRS bashing may be both fun and easy, I would suggest that if we are truly attempting to make the IRS more user friendly, we ought to take a closer look at the tax writers, not the tax collectors.

As the national commission on restructuring the IRS concluded, Congress' attempt to micro-manage the IRS and its frequent changes of the Tax Code, have undermined the ability of the IRS to manage efficiently in the long or short term.

No matter how many managerial changes we make, it will not make the IRS more user friendly. We ought to focus on improving education and services for taxpayers, better training for IRS employees, modernizing computers, and simplifying the overall Tax Code.

Let's not hamstring the Commissioner's ability to enact real IRS reform by fooling ourselves into believing that adding another layer of bureaucracy in the chain of command is going to solve IRS' problems.

Let's build upon the progress started by Secretary Rubin and ensure that we enter the 21st century with an IRS that is customer-friendly, technologically-advanced, and governed ''by the people, for the people.''

Let us not delegate authority of the IRS to private interests who could easily undermine public confidence in the Agency and dramatically decrease voluntary tax compliance.

Are we all against the outrageous actions of the IRS? Absolutely. Should we take every action possible to eliminate the abuse of citizens that has occurred by IRS personnel or any other person in government? Absolutely.

□ 1300

But let me point out to my colleagues, that as Charles Krauthammer wrote so compellingly just a few days ago, ''The IRS does not write the rules it must enforce. Congress and the President do, and the rules are now an insane 9,451 pages long. The Tax Code is so extraordinarily complicated that no taxpayer can ever be sure he has fully complied with the law.''

That is the difficulty the IRS has in implementing the Code, and your commission said so. Your commission said one of the problems IRS has is that the Congress has not given them stable and steady funding levels. Your commission also said that there was not a systemic problem, and I appreciated those honest remarks.

I would hope, Mr. Speaker, that as we vote on this legislation, and clearly it will pass with over 400 votes so that we can all go home and say we are for IRS reform. My colleagues recognize that if one is not for IRS reform on appropriation bills and on tax bills, it will not happen. We will not be able to hide behind this vote.

I will look forward to the conference committee. In my opinion, the chairman of the Committee on Finance wants to go in exactly the wrong direction, as reported today in the papers, exactly the wrong direction, and that is what I fear. I would hope that we would look carefully at the product of the conference committee and ensure ourselves that we are in fact doing the right thing for the taxpayers of America.

Mr. PORTMAN. Mr. Speaker, I yield myself just 30 seconds to respond briefly, and then I would like to yield to the gentleman from Missouri. But with regard to the gentleman's comments, again I appreciate the supportive words he said. I would ask him again to read the legislation, because he has misstated what the oversight board's responsibilities are. They do not come up with the budget for the IRS, the Congress still does that of course ultimately, but in fact the Treasury Department will send its own budget. We do get an informational budget which I think is going to be very important, particularly to the appropriators.

Second, he talks about an additional layer of bureaucracy. What we are doing here is we are providing oversight that does not currently exist. We are filling a void; it is not an additional layer of bureaucracy.

Mr. Speaker, I yield 2½ minutes to the gentleman from Missouri [Mr. HULSHOF], a member of the Committee on Ways and Means, who has improved this legislation.

Mr. HULSHOF. Mr. Speaker, I accept the invitation of the preceding speaker to go beyond the rhetoric and talk about the outrages.

Mr. Speaker, let not my words today be an indictment against the hard-working men and women that are our tax collectors that are trying to do the best job they can. But as a Member of the House Committee on Ways and Means, particularly the Subcommittee on Oversight, we have the responsibility of looking at the inner workings of the Internal Revenue Service, and here are some of the examples we have seen already this calendar year. Earlier this year, we learned that over 100 IRS agents conducted unauthorized inspections of individual taxpayer records.

Example No. 2: The IRS delayed its notification to business owners of a new requirement to electronically file payroll taxes, and then the agency threatened these same business owners with severe sanctions for noncompliance.

Example No. 3: The error and fraud rate in one program alone, the earned income credit, is nearly 21 percent. Five billion dollars were erroneously paid out of tax money last year alone.

If these examples of mismanagement are not troubling enough, they pale in comparison to a recent Associated Press story that hit the newspapers in Missouri, and that is that the IRS is now targeting the victims of the great flood of 1993 with audits of these individual taxpayers who cannot document their losses because receipts were washed away in the flood.

Now, Mr. Speaker, the next time that the rivers in this country run high, Americans should not have to look after their family heirlooms, their prized possessions, their loved ones, and their tax records. Clearly, the time has come to institute bold management reforms.

I agree with the preceding speaker, the gentleman from Maryland [Mr. HOYER]. We also have to begin to talk about fundamental reform of the tax system. We have to talk about a fundamental discourse about how to change and simplify the Tax Code. But this legislation will begin to implement that taxpayer service. Shifting

the focus from audit quotas and collection goals to taxpayer service, to enhance taxpayer rights, allow individuals to collect attorney's fees when the IRS is wrong.

It is time to return the word ''service'' to the Internal Revenue Service. This restructuring bill does that, and I urge its support.

Mr. RANGEL. Mr. Speaker, I yield 2 minutes to the gentleman from Mississippi [Mr. TAYLOR].

Mr. TAYLOR of Mississippi. Mr. Speaker, I thank the gentleman for yielding me this time.

I would also like to thank the gentleman from Ohio [Mr. PORTMAN] for bringing this to the floor, and above all, I would like to thank the gentleman from Ohio [Mr. TRAFICANT]. It is said that Moses, after first freeing his people from the Pharaoh, and then wandering for 40 years in the desert, never got to see the promised land. That is sort of how the gentleman from Ohio [Mr. TRAFICANT] must feel after his 10 years of trying to get this done.

Mr. Speaker, I agree with the gentleman from Ohio. Had the Democratic leadership done its job and allowed this to come to the floor when the Democrats controlled the House and allowed the gentleman from Georgia [Mr. DEAL] to bring his welfare reform bill to the floor when the Democrats still controlled this House, we would probably still be in the majority.

But having said that, let me compliment all of the people that worked to make this possible, because it is right under American law that a person is innocent until proven guilty, and therefore, it should only be that a taxpayer is innocent of breaking the law until the tax court proves him guilty.

Second, I think it is very important that those people, and I have had a very close friend contact me and say that he thinks the only reason he was audited was because he helped me in one of my campaigns. That is wrong. If that is what really happened, it is wrong, and the people who did that should be punished. This bill would provide a $5,000 fine and up to 5 years in jail to any executive branch employee who is convicted of using undue influence over an IRS audit.

Third, I hope that this is just the beginning of true tax reform in this country. I say to my colleagues today, or actually this Friday is the day that the apprentice welders at the shipyards back home get their first paycheck, they will pay more in income taxes than all of the cruise ships who do more than $9 billion worth of business in American ports will pay collectively. They use our ports, they use our firemen, our police, our Corps of Engineers to dredge the channel, our Coast Guard to rescue them when they have trouble at sea. They pay nothing in corporate income taxes.

So it is simply not fair to allow that to happen. We need to follow up this great first step with the closing of the loopholes that allow the big guys to get off scot-free.

Mr. PORTER. Mr. Speaker, I yield 1½ minutes to the gentleman from Florida [Mr. MILLER].

Mr. MILLER of Florida. Mr. Speaker, I thank the gentleman for yielding me this time.

This is a good time to be talking about this issue as the President has come out supporting this issue. It is kind of surprising that the President is sporting this issue, but on Monday of this week he talks about how selfish the taxpayers are to want to cut taxes. So at least he will say let us reform the legislation, even though he does not like the idea of cutting taxes.

While I support this bill, I have concern that the bill does little to mitigate the impact of the bureaucratic unions on the restructuring efforts. In 1996, Congress made serious attempts to downsize and reform the IRS. These efforts, however, were hampered by the union that represents the IRS employees. As pointed out in a Washington Post article, the union was more concerned with keeping their dues than helping Congress and their union Members make the IRS operate better.

I am also disturbed about the abuse of official time that has taken place at the IRS. Official time is, ''authorized paid time off for Federal employees to engage in union activities.'' In layman's terms, that is union work at taxpayers' expense.

Although there may be some legitimate functions for using official time, the amount is skyrocketing at the IRS. Last year alone, the employees logged in over 718,000 hours; 718,000 hours paid by the taxpayers for official time to do union work. This is a 55-percent increase since 1993.

I realize the Chairman's limitations in addressing these issues, but want to bring them to their attention and appreciate the interest in addressing this issue in the future. I applaud this bill and believe it is a big win for the rights of hard-working taxpayers.

Mr. RANGEL. Mr. Speaker, I yield 3 minutes to the gentleman from Missouri [Mr. GEPHARDT], the Democratic leader. It should be noted that he was the first to reach out to the gentleman from Ohio [Mr. PORTMAN] and the Republican leadership to make certain that this did not become a partisan issue.

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

Mr. GEPHARDT. Mr. Speaker, I would like to commend the gentleman from Ohio [Mr. PORTMAN], who worked so hard to bring this legislation together and brought together the bipartisan bill. I would like to commend the gentleman from New York [Mr. RANGEL], and the gentleman from Maryland [Mr. CARDIN], who worked so hard on our side, with the gentleman from Ohio, [Mr. PORTMAN] and others to do this, and this truly is a bipartisan bill.

I strongly support this bill to reform the Internal Revenue Service. In my view, we are taking an important step to increase the accountability of the IRS and to shift the balance of power back toward the taxpayer. But it is important to remember that this bill is not the end game in our battle to make the tax system fairer.

Let us make sure that this bipartisan step taken today will not fall prey to partisan fodder for next year's campaign. House Republicans, I hope, will pressure their Senate leaders to pass this bill. Let us get it in place before the tax season so that people can benefit immediately.

Over the last several weeks we saw the abuses which took place at the IRS, abuses which caused Americans to become even more outraged by our system of taxation. There have been countless numbers of stories about abuses of the enforcement power of the IRS. However, one incident which took place in my hometown of St. Louis, I think sums up what is wrong and what this bill begins to address.

In 1993, Missouri suffered from record flooding which destroyed thousands of homes and belongings. There was a designation of a Federal disaster, and we made special arrangements for individuals to deduct their losses suffered from the flood. Amazingly, 3 years after the natural disaster took place, there was a manmade disaster which revisited the flood's victims.

The IRS challenged over 200 households about the value of the loss they claimed. Taxpayers were asked to prove the market value of lost assets when they had their records wiped out by the flood itself. A woman who lost her mobile home was forced to pay $10,000 in back taxes from this incident.

Now, this is not a case of IRS agents who have run amok, this is a case where common sense, good common sense and fairness was not applied. People who were allegedly victims of a disaster were victimized once again by their own Government. This bill will help eliminate horror stories like this from being repeated.

This is just the beginning to a critical process of radically overwhelming our entire tax system. We also need to restore some sanity to the process of filing and preparing taxes. We need to take the major step of abolishing the Tax Code itself and then writing and rewriting a Tax Code that allows people to make decisions based on their families' best interest, a Tax Code that eliminates gimmicks and loopholes that only benefit the wealthiest taxpayers.

One thing is for certain. Democrats are going to fight for the working men and women of this country to get a system that works for them. The American people have had enough of a tax system that is secretive, adversarial, and unfair. Let us start making change happen. Let us make it fair today for working people, and let us start today and let us get our friends in the other body to follow the lead of this bipartisan group to make historic change in our Tax Code.

Mr. PORTER. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania [Mr. FOX].

Mr. FOX of Pennsylvania. Mr. Speaker, I thank the gentleman for yielding me this time.

Many individuals have experienced enforcement powers of the IRS at their worst. Reports by GAO uncovered tales told by many taxpayers of unfair, unruly, and sometimes illegal treatment by IRS employees toward taxpayers demanding additional taxes and even seizing property for payment of taxes that could not effectively be challenged without substantial investment of time and money on the part of the taxpayer.

Thankfully, beginning in 1996, the gentleman from Ohio, [Mr. PORTMAN], and the gentleman from Nebraska Senator BOB KERREY, were appointed to cochair a bipartisan commission to study and make recommendations to Congress about suitable reforms. H.R. 2676 is a result of that commission.

I can say to my colleagues, this bill will prohibit specific Government officials from requesting that the IRS conduct or suspend an audit, stop fishing expeditions by the IRS, require probable cause for IRS investigations, direct the Treasury to study the implementation of a paper-free tax system, extend confidentiality privileges, provide statutory rules governing innocent spouse relief, change the burden of proof to the IRS and not the taxpayer, and finally, an oversight board. All of this makes this bill one worthy of passage in a bipartisan fashion.

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Mr. RANGEL. Mr. Speaker, I yield 3½ minutes to the gentleman from Massachusetts [Mr. NEAL], a member of the Committee on Ways and Means.

Mr. NEAL of Massachusetts. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, while I rise in support of the Internal Revenue Service Restructuring and Reform Act of 1997, I also want to temper my support with a couple of warnings. While this legislation would restructure the Internal Revenue Service to provide better oversight, greater continuity of leadership, improved access to expert advice from the private sector, and additional management flexibility, I also think that there are potential difficulties on the horizon.

There has long been an agreement on the need for fundamental reform of the IRS, and I certainly commend the work of the National Commission on Restructuring the IRS. I support a majority of the recommendations made by the National Commission, and I am certainly pleased that further improvements have been made to the additional legislation introduced by the gentleman from Ohio [Mr. PORTMAN] and the gentleman from Maryland [Mr. CARDIN]. They have worked diligently to modify their original bills to reflect the concerns of many of us on the Committee on Ways and Means concerning governance.

I believe that the Constitution requires that the IRS Commissioner be appointed, hired, and, if necessary, fired by the President. The legislation today before us keeps the President ultimately responsible for the actions of the IRS and the decisions of its Commissioner. The Department of Treasury would still have a role in the oversight and management of the IRS. A key component of the bill is taxpayer rights. These provisions will provide new protections and assistance to millions of taxpayers. I support the overall goals of this legislation.

Let me relate two concerns. First, I am concerned about the authority given to a newly created oversight board. This oversight board has the authority to review and approve strategic plans of the IRS, and review and approve the Commissioner's plans for major reorganization. Under this bill, eight private sector individuals would have this authority.

The bill is not clear on what happens to our tax administration system under these new board authorities if a consensus is not reached among the board members, or if the IRS Commissioner and Treasury Secretary disagree with the views of private sector individuals.

Second, I am concerned about the provision in the shift of burden of proof. This bill provides for the burden of proof to be raised to the Secretary of the Treasury in any court proceeding with respect to factual issues if the taxpayer asserts a reasonable dispute with respect to the taxpayer's income liability.

The shift in the burden of proof could result in unintended consequences. It could result in the IRS conducting more intrusive examinations, and the IRS issuing more subpoenas and more summonses to third parties in search of evidence. This provision could induce taxpayers simply not to keep records.

Our tax system is voluntary, and we have an overall compliance rate of 85 percent, the envy of much of the industrialized world. The individual nonbusiness compliance rate is 97.5 percent. The individual business compliance rate is 70 percent, and the shift of burden of proof could indeed, if we are not careful, make it worse.

Mr. Speaker, the IRS conducts more than 2 million audits each year, but only about 30,000 cases reach court annually. This provision could have more far-reaching consequences. It could help aggressive taxpayers avoid taxation. We should make it easier for taxpayers to deal with the IRS, but I do not think we should make it easier for taxpayers to evade taxes. This provision needs to be improved, because those who voluntarily comply with our tax system simply deserve more.

Mr. PORTMAN. Mr. Speaker, I yield 3 minutes to the gentleman from Nevada [Mr. ENSIGN], a very valued member of the Committee on Ways and Means.

Mr. RANGEL. Mr. Speaker, I yield 30 seconds to the gentleman from Nevada [Mr. ENSIGN].

The SPEAKER pro tempore. The gentleman from Nevada [Mr. ENSIGN] is recognized for 3½ minutes.

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

Mr. ENSIGN. Mr. Speaker, this bill that we have before us today is brought forth in a bipartisan fashion. I would like to recognize my colleagues on the Committee on Ways and Means, the gentleman from Ohio [Mr. PORTMAN] and the gentleman from Maryland [Mr. CARDIN]. They have done outstanding work. This is a very good bill, and I think we are hearing a lot of reasons why this is a good bill today. But the American people have been way ahead of the Congress for many, many years. They have recognized how intrusive the IRS has been.

In my city of Las Vegas, the IRS is viewed almost like the KGB or Gestapo was once viewed in other countries. This is not necessarily the fault of individual IRS employees. This is the fault of the U.S. Congress and the Presidents of past, who have passed an incredibly complex Tax Code.

Former Representative Sam Gibbons said, in a retreat that we had a couple of years ago, that there was no single Member of Congress more responsible than he himself was for messing up our Tax Code. That was because every single time that they tried to reform the Tax Code, because of all the special interest groups that we have up here, it gets more complex. And the more complex it is, the more incentive there is for the IRS to do some of the shenanigans that they do.

I said before that the American people are way ahead of the Congress. The American people are demanding not tax reform, but tax replacement. Every place I go around my district, people are saying, we have to lower the tax rates. As we are replacing the Tax Code, we have to address this issue. That issue is the issue of fairness. We have to define exactly what fair is.

During hearings in front of the Committee on Ways and Means a couple of years ago, I asked Jack Kemp, the gentleman from Texas, [Mr. DICK ARMEY] and the gentleman from Missouri, [Mr. DICK GEPHARDT] what their definition was. Jack Kemp and the gentleman from Texas, [Mr. DICK ARMEY], said, when everybody is treated the same. The definition of the gentleman from Missouri, [Mr. DICK GEPHARDT] was, based on your ability to pay.

That means if somebody works twice as hard, you have a farmer over here who works twice as many hours a week, happens to make twice as much money because they work twice as hard, they should be penalized by paying a higher tax rate than the farmer over here who does not work quite as hard.

Mr. Speaker, we need to have a fair Tax Code in America that does not penalize people who work harder, who

make the sacrifices necessary to be successful. In America we have been about rewarding success in the past. Let us get back to where success is treated in a manner that we want more people to try to achieve it, like we do in school. We do not penalize people for getting A's in school. We should not penalize people for wanting to be entrepreneurs, for wanting to create jobs in America, for wanting to be successful themselves.

This is the fundamental issue that we have to get to, not only today, by reforming the way the IRS works, but truly to get to overall tax replacement with a fair, simple, lower tax rate and tax system.

Mr. RANGEL. Mr. Speaker, will the gentleman yield?

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

Mr. RANGEL. Mr. Speaker, I would ask one question, which is, basically, how long would the gentleman say, as a new member of the committee, it would take to draft this legislation to bring it to the committee and to pass this new tax that the gentleman wants? How long would it take to do it?

Mr. ENSIGN. Mr. Speaker, as we have seen going through the committee, the administration is against replacing the income tax as we know it, based on their testimony from the Committee on Ways and Means.

Mr. RANGEL. Mr. Speaker, I would like to reword my question. Forget the administration. The gentleman is in the majority. He has the majority of the votes. How long would it take for him to get a bill passed?

Mr. Speaker, I yield 2 minutes to the gentlewoman from Connecticut [Mrs. KENNELLY], a member of the committee.

Mrs. KENNELLY of Connecticut. Mr. Speaker, I rise in support of this IRS reform. Let there be no doubt that IRS abuses will not be tolerated. Many of the unfortunate situations that were brought forth by the Senate hearings are already improper or illegal under the law, and obviously should not be tolerated.

There also, unfortunately, was something we found out that happened, that there was some kind of pervasive atmosphere in some of the offices that tied advancement to collection. As a result, throughout the offices, if you did not collect, you did not get advanced. This moved on to the point that common courtesy and common sense were forgotten. This also cannot be tolerated. I think these hearings have brought this forth.

Having said that, I do also want to mention that there are many, many, many thousands of people working for the IRS that were carrying out their duties in a courteous and commonsense manner. We should recognize that. However, the bureaucracy absolutely should know that their day is over.

I would also like to point out that in all of the debate of this issue, one fact has been obscured, that the enhanced taxpayers' bill of rights has always enjoyed broad support in a bipartisan manner. In fact, the very first Taxpayer bill of rights was enacted some years ago, and I believe this should be an ongoing process.

Finally, I believe the legislation is significantly improved over the earlier versions, and all members of the Committee on Ways and Means worked on this. But I believe it can require further improvement, particularly in the area of burden of proof and conflict of interest.

For instance, in committee the gentleman from California [Mr. STARK] offered an amendment to preclude IRS board members from representing clients before the IRS. Unfortunately, this amendment did not pass. I think as Members look at this, as other Members in the body look at this, this could be remedied, because this obviously will cause conflict down the line.

I support this, and am glad this bill has been improved. It certainly was needed, and I hope everybody listened and learned from the lessons of the Senate hearings.

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

Mr. Speaker, I would like to say that this is an historic moment. We are considering landmark legislation today. It is the first time in 45 years that we have attempted as a Congress to enact fundamental reforms at the IRS.

I want to start by thanking the gentleman from Texas, Mr. BILL ARCHER, chairman of the Committee on Ways and Means, not just on behalf of me, but really on behalf of the millions of Americans who will be positively affected by this legislation, the taxpayers. For the past year and a half he has consistently supported this reform effort; first, the bipartisan National Commission on Restructuring the IRS that I cochaired, and then the legislation that came out of that Commission.

It was the gentleman from Texas, Mr. BILL ARCHER who made this the Committee on Ways and Means' top priority for the fall. It was he who moved it expeditiously for the floor. We would not be here having this debate today if it were not for his support.

I also want to thank my cosponsor, the gentleman from Maryland, Mr. BEN CARDIN. He worked with me on this legislation long before it was fashionable on his side of the aisle. He looked at the legislation carefully, independently. He judged the bill on its merits, rather than listening to, frankly, the critics in the administration and others. He actually took the time to study it himself. He stood up for what he believed in. As a result, he improved the final product.

I want to commend the gentleman from New York, Mr. CHARLIE RANGEL, senior Democrat on the Committee on Ways and Means, who I think today as I have heard him talk has just joined the Scrap the Code Tour. But the gentleman from New York, Mr. CHARLIE RANGEL, played a very important role as a bridge between the Congress and the Clinton administration.

This is a very comprehensive and ambitious package of reforms. Members have heard a lot of people talk about it. As such, it is the product of a lot of hard work by a lot of good people: Members and staff of the IRS Subcommittee on Oversight, chaired by the gentlewoman from Connecticut, Mrs. NANCY JOHNSON, who did a tremendous job on taxpayer rights, electronic filing and other committee issues; the full Committee on Ways and Means staff, many of whom are here today; the Joint Tax Committee staff, Ken Kies and others; the Government Reform and Oversight Committee had jurisdiction over this, and they helped us on this.

Regarding the Committee on Appropriations, the gentleman from Maryland, Mr. STENY HOYER, talked earlier about the appropriators. The gentleman from Arizona, Mr. JIM KOLBE, and the gentleman from Maryland, Mr. STENY HOYER, had a lot of input into this process, as did their staffs; and finally, the Committee on the Budget and the Committee on Rules. Both of those committees also had jurisdiction over parts of this comprehensive legislation.

Also, I give thanks to the many outside groups who spent a lot of time working on this legislation and gave us valuable input. Then, when we had a good package together, they went out and sold it to their members, the people at the grass roots. The National Taxpayers Union, Americans for Tax Reform, the NFIB, the Chamber, Citizens Against Government Waste, and yes, the tax preparer community again gave us valuable input and helped us to put that together. They work closely with the taxpayers and the IRS every day. They know this will help. That is why they are supporting it.

Special thanks to people who were there from the beginning, to each member of the National Commission on Restructuring the IRS, including my cochair, of course, Senator BOB KERREY of Nebraska; but also our colleague Senator CHUCK GRASSLEY of Iowa, and the gentleman from Pennsylvania, Mr. BILL COYNE; the Commission staff; and finally, to my own personal staff, who have gone well beyond the call of duty.

The Commission conducted a yearlong audit of the IRS and made specific legislative recommendations for change. It was successful, I think, for two reasons. First, we kept politics out of it. In fact, we brought expertise in. The people who were represented on the Commission brought the kind of expertise to bear that we needed to solve the real problems at the IRS.

Commission members not only included a former IRS Commissioner, the heads of the New York and California State tax systems, but also a small businessman, a representative of the

people who work at the IRS, technology experts, taxpayer advocates.

And the Commission did its homework. We conducted 15 days of hearings in and out of Washington, interviewed all the senior level IRS managers, and for the first time ever actually conducted interviews with 300 on-line IRS employees to find out from them what the problems were. Finally, we listened carefully to the concerns and stories of the taxpayers who foot the bill.

After our year-long audit, we ended up with more than 50 specific reform recommendations for the most comprehensive overhaul of the agency since 1952. The IRS Restructuring and Reform Act before us today takes these recommendations and, I think, improves on them. Others have given a good overview of the bill. Let me just touch on a view of the points.

□ 1330

First, while this effort focuses on making the tax collection system work much better, not the Internal Revenue Code itself, the commission found, as many of my colleagues have discussed today, that we also need to simplify our Tax Code. We take the first step in doing that in this legislation.

We do so by putting in place new legislative incentives for tax simplification as compared to every other incentive around here which is for more complexity. We also force the IRS to be at the table to tell us what a great-sounding new tax legislative proposal is going to result in, in terms of new tax schedules, time for the taxpayer to fill them out, and work for the IRS.

The bill also targets Congress by consolidating and streamlining congressional oversight. There are now seven committees that give the IRS advice. We streamline it, and we force these committees to come together and to send a clear and consistent and single message to the Internal Revenue Service from Capitol Hill.

The overall thrust of this bill is to make service to the taxpayer, not heavy handed enforcement, but service to the taxpayer the top priority of the IRS. It does so in a number of ways. Importantly, it dramatically increases IRS accountability for getting the job done by establishing a more effective IRS oversight body.

You have heard other Members talk about the oversight board today. The important thing is that it brings expertise to the IRS that is absolutely needed and is not there now. Second, it provides continuity, stability of leadership, so that over time we actually have changes that are going to work for the taxpayers so we are not up here 3 or 4 or 5 years from now discussing the same problems.

With this input from nongovernmental experts to hold the IRS responsible for answering the phones, getting the computers to work, ensuring that IRS employees are trained, and, yes, treating taxpayers more courteously, with more respect, we will have a new IRS.

Much of the media attention has focused on the oversight board, what is often overlooked, is that we actually give the IRS commissioner more power, more tools to be able to manage the agency, to get the job done day-to-day.

We give the commissioner a 5-year term so the commissioner's responsibilities go beyond any single administration. We also give the commissioner the ability to bring in his or her own team of senior managers. Charles Rossotti was just confirmed by the Senate this week. I think he will be a good IRS commissioner. He brings management experience and information technology experience that is badly needed. We need to give him these tools because without them, frankly, he is going to have a very difficult job doing what he wants to do, which is to turn the IRS around and make it a taxpayer service organization.

Taxpayer rights. If Members saw the Senate Committee on Finance hearings, they know that we do need new rights in legislation for taxpayers. The bill provides us 28 specific new taxpayer rights, like allowing taxpayers to recover damages when the IRS does something wrongful, like the burden of proof shift we have heard about from the gentleman from Ohio [Mr. TRAFICANT] and others, like protecting innocent spouses from IRS harassment. All of these are extremely important. They compliment the other provisions of the bill.

Very importantly, this legislation also creates a new system within the IRS to evaluate employees. Again, it has been overlooked by many, but this is one of the most fundamental changes in terms of changing the culture at the IRS. The new system would evaluate employees and managers not on the amount of money, taxes, they collect, but on the degree to which they are providing good service to the taxpayer.

It also puts in place unprecedented personnel flexibility to allow IRS managers to promote folks who are doing a good job within the agency and, yes, to fire the bad apples at the agency. This is called reinventing government. We are not just talking about it today, we are actually passing legislation to do so. Again, along with the other reforms, this is what is going to change the culture at the IRS.

There are many other key provisions in this legislation: Establishing new financial accountability to force the IRS to balance its own books; knocking down barriers to electronic filing, which is a win-win for the taxpayer and the IRS; and, finally, making the taxpayer advocate truly independent so that that taxpayer advocate is indeed an independent advocate for the taxpayer.

Taken as a whole, these legislative changes, this whole package, will create a new IRS that treats the taxpayer with respect, gives the taxpayer the service they deserve. We have to remember, this troubled agency touches more Americans than any other Federal entity. Today, all of us as taxpayers are the real winners.

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

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

I would like to take some time to again congratulate the gentleman that just spoke, not just because of the expertise that he brought in perfecting a bill, but his ability to reach across the aisle to make it very easy for the members of the committee to at least take a look at what he is talking about.

I notice a provision that is very close to the gentleman, and that is the tax complexity analysis that he spoke about in the well. I would like to yield to the gentleman to respond. If this was an existing law, how would this apply to the bill that was reported out of our committee?

Mr. PORTMAN. Mr. Speaker, will the gentleman yield?

Mr. RANGEL. I yield to the gentleman from Ohio.

Mr. PORTMAN. Mr. Speaker, I think if this had been in place, we would have had a better tax bill enacted this summer by the U.S. Congress. I think we would have known more about what the complexities are, not just for the taxpayer but for the tax collection agency.

Mr. RANGEL. Well, I do not want to get involved in how the bill came to the floor, but the gentleman is asking the people that are responsible for doing what we tell them to do. We are the ones that made their job difficult, and the gentleman and I agree on that, and so does the chairman. We have beat up on them because they did it poorly, but it was our complex legislation that they had to administer.

The gentleman and I are now seeking to improve the Code after, as the mumblers would say on the floor, after 37 years of Democratic fiascoes. We have had a similar extension of 3 years of Republican fiascoes. Now we are saying, let us clean it up. I share with the gentleman that unless we attempt to do this in a bipartisan way, it will be America that loses.

I just want to compliment the gentleman for the direction that he is going. I hope when we say we have to work together to scrap the Code, as the gentleman likes to say, or to pull up the IRS by the roots, that we are talking about pulling up this Tax Code by the roots and replacing it with something that is fair and equitable. We cannot agree unless we see what the gentleman is talking about. For 3 years, I have not seen it. But I look forward to working with the gentleman, hoping that the other side, while they are talking about scrapping, pulling up, and getting rid of, would give us something to work with.

Mr. Speaker, I yield 2 minutes to the gentleman from Michigan [Mr. LEVIN], a distinguished member of the Committee on Ways and Means.

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

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

I rise in support of this bill. It is a positive step in the direction of restoring and increasing confidence in a system that relies on taxpayer compliance to be successful. It addresses the responsibility that both the Congress and the administration must play in improving the accountability and customer service of an agency, as said here, that touches the lives of nearly all Americans.

The bill contains a number of provisions which will reform the IRS. It will improve the use of technology at the IRS by enhancing the electronic filing of tax returns and other documents. It is unacceptable in this day and age that the IRS does not have the most up-to-date computer technology.

It will expand taxpayer relief for the innocent spouse and provide tax refund relief to taxpayers during periods of disability. It will also expand relief to taxpayers through taxpayer assistance orders, grants for low-income clinics, and penalty relief for those who have installment agreements with the IRS. The revised bill also retains the accountability of the administration over the IRS by retaining the President's authority to hire and fire the IRS commissioner.

This bill is an important step in addressing critical management and oversight issues at the IRS, but it is not a panacea. There remain some issues in this legislation that we need to continue to work on. I have met with IRS officials in Michigan to discuss problems, and I intend to continue to do so.

We do need to look at the Tax Code itself and debate differences of opinion about how to improve it. In doing so, the aim must be to benefit the citizens that we represent, not to jockey for position at the next election.

Mr. PORTMAN. Mr. Speaker, I yield 5 minutes to the gentleman from Florida [Mr. SHAW], chairman of a subcommittee of the Committee on Ways and Means and former CPA and recovering lawyer, who added a great deal to this legislation.

Mr. SHAW. Mr. Speaker, I thank the gentlemen for yielding me this time.

I would like to congratulate the gentleman and the gentleman from Maryland [Mr. CARDIN], the gentleman from Texas [Mr. ARCHER], and the gentleman from New York [Mr. RANGEL] for getting together and bringing such a wonderful bill that is long past due to the floor of this Congress.

I think perhaps the most shivering words that anybody can hear is the knock on the door or the phone call or the letter that starts out, I am from the IRS, because of the complexity of the Tax Code and the problems involved in filing one's own return.

Not too many years ago, I think it was just 2 years ago, an accounting problem was given to the top accounting firms in the United States and asked them to take this example and, from this, to devise an income tax return and to figure the tax liability from that set of circumstances that were given. Out of the many tax preparers that participated in this experiment, not one of them came up with the same tax liability. It was not even close. It was thousands and thousands of dollars apart. It just shows the tremendous complexities of the Tax Code and the problems that they have.

During the debate on the floor, I know it has been going back and forth as to the complexities that were put into the Tax Code and whether the Democrats or Republicans did it. I do not think that makes any difference. It is this Congress that is bringing about the correction and is bringing it about in a bipartisan way, as a beginning, I would say, as a beginning.

Under the new rules that we have imposed upon ourselves, when we give somebody a tax break, we have got to work in revenue somewhere else in the Code. What has this developed over the years? It has developed a patchwork quilt. It has provided for us a real mess that is going to take a lot of effort, a lot of bipartisan effort, to straighten out.

The only way to do it is to try to get together and to at least get some bipartisan support. It is not going to be complete. There will be a lot of controversy when it finally goes. But this Code has to be ripped up by the roots.

Now, this is going to balance the playing field as far as the Internal Revenue Service for the taxpayers. This is tremendously important. The Internal Revenue Service should be more of a service rather than a policeman in watching over the taxpayers.

But in doing this, it is just basic fairness. We do not want to give the police in this country a criminal code that is so complicated that they do not know how to administer it or to enforce it, but yet we have done this with the IRS. To make it worse, we have provided that the taxpayer has no privacy or right of confidentiality with their CPA.

In this regard, I think it is most important that when somebody is talking to their tax preparer, when they are going over all their books and records, that they know that their tax preparer is not going to be called in and questioned because he has no particular rights of confidentiality. This particular bill will correct this situation and let the taxpayer have confidence, the same confidence that he has in dealing with his lawyer, and that is only fair.

I think one of the other big things in this bill that other Members have talked about today but is tremendously important, it puts the burden of proof on the IRS instead of the taxpayer.

I remember in studying the Tax Code as a student in college and at law school that it always was confusing to me how we could have this sense of justice where a taxpayer has to prove his innocence as far as the amount of taxes that are owed in order to prove his case and the IRS really does not have to prove anything. This is bringing about fairness, and for the first time the burden of proof will be on the IRS.

This is a tremendous bill. This is a first step. I want to say, it is only a first step in ripping out the entire Code to reform the Code and perhaps even give us the opportunity, the historic opportunity, to take, eliminate the income tax as we know it today and, in its place, put another type of revenue collection for the Federal Government that will be fairer, easier to administer, and much easier and fairer in being able to enforce by the Federal Government.

Again, my compliments for all of those who put this bill in place. It certainly is, I think, a very, very good day in the history of the U.S. House of Representatives.

□ 1345

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

Mr. Speaker, let me associate myself with the remarks of the gentleman from Florida [Mr. SHAW] that we have in a bipartisan way moved forward in trying to correct the abuses and better the collection of taxes. I do not see anything in this bill that deals with the simplification, even though there is hope that this bipartisan spirit will continue.

I have been invited to join this Scrap the Code trip, and I accept. Let us scrap it. But I think they ought to, anyone that is going to join with them in this effort, to at least talk about what they are going to replace it with. There are just as many different views on their side as there is on our side. But I do not think it is fair to the American people, as political as it may sound, to promise them that they are getting rid of this complex Tax Code, which none of us are proud of, and not tell them what they are replacing it with.

Mr. PORTMAN. Mr. Speaker, will the gentleman yield?

Mr. RANGEL. I yield to the gentleman from Ohio.

Mr. PORTMAN. Mr. Speaker, the gentleman from New York [Mr. RANGEL] just said that there is nothing in this legislation with regard to simplification. As the gentleman from New York [Mr. RANGEL] is aware, there is for the first time ever in this legislation the requirement that my colleague or I or anybody else who has a new tax idea has to subject it to this simplification analysis. And if we do not do that, my colleague or I or any other Member can raise a point of order on the floor of the House.

This is not the flat tax. It is not the sales tax. It is not scrapping the code and starting over. But it is a first small, baby step in the right direction, because every incentive now, as my colleague knows, goes the other way, and he talked about it earlier.

Mr. RANGEL. When this reaches the President's desk, let us, my colleague and I, talk about that provision.

Mr. Speaker, I yield 2 minutes to the gentleman from North Carolina [Mr. PRICE].

Mr. PRICE of North Carolina. Mr. Speaker, like other Members, I have helped many, many constituents resolve disputes with the Internal Revenue Service.

In one case earlier this year, a Raleigh man trying to make good on his back taxes was not told that he had the option of setting up a payment plan. Instead, the IRS placed a lien on his bank account. In another case, a woman who had set up a payment plan and made every payment on time received notice that her plan had been canceled and her entire balance was due within 2 weeks.

Fortunately, I was able to help these constituents. But not every taxpayer is able to come to their Member of Congress. We need to fix the system for everybody. We need to restructure the IRS. We need to do away with tax collection quotas. We need to revise rigid rules. And we need to set customer service oriented collection policies that are geared toward assisting taxpayers in complying with the law rather than punishing them.

H.R. 2676 is based on the recommendations of the bipartisan National Commission on Restructuring the IRS. It will strengthen taxpayer rights and modernize the administration of the IRS. The new IRS Oversight Board, made up of a majority of private sector professionals, will have the authority to eliminate collection quotas and measure performance by the quality of service that agents provide.

Mr. Speaker, passage of H.R. 2676 will restructure the IRS and pave the way for further reform and simplification of the Tax Code. I urge my colleagues to vote for this long overdue legislation.

Mr. PORTMAN. Mr. Speaker, I yield 1 minute to the gentleman from Montana [Mr. HILL].

Mr. HILL. Mr. Speaker, I rise in strong support of the Portman-McCrery reform of the IRS.

Mr. Speaker, nothing evokes greater fear in the heart of taxpayers, in the hearts of small business owners than does a notice from the IRS. Men and women who obey the law, follow the rules, and respect their responsibilities to collect and report and pay taxes have great fear of the IRS.

Why is it that law-abiding people fear this organization? Well, the reason is, what we saw in the Senate hearings just a few days ago, reported abuses by the employees in the IRS and abuses in terms of how the IRS is oriented toward dealing with the public. We do not need hearings in the House of Representatives to know that the IRS is frequently causing great conflict for taxpayers.

H.R. 2676 is a good start because it focuses on serving the public and serving taxpayers rather than enforcement. It changes performance standards so people are rated on the basis of how well they serve the public rather than how strictly they enforce the law. It creates an oversight board of citizens. It creates a taxpayers' advocate. It creates accountability, Mr. Speaker. And that is why I support the measure.

Mr. RANGEL. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas [Ms. JACKSON-LEE].

[Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman from New York [Mr. RANGEL] for yielding me the time, and I thank the committee for its leadership.

The discussion that we have had on the floor today emphasizes that we have come now full circle to recognize that concerns by citizens about the IRS are well-founded. Although we pay tribute to those hard-working Internal Revenue Service employees that work day after day doing their job, it is important that we now in a bipartisan manner reform the IRS. I think that is important.

This is not a Republican piece of legislation. It is not a Democratic piece of legislation. In fact, I would like to see more things being done. But I am here to generally speak to the fact that we are, at least, doing something. And I will continue to review H.R. 2676, along with its many amendments, to determine its adaptability to the concerns that I have.

First of all, I held a hearing with constituents in my district in Houston where they testified to many examples of problems with the IRS. The story of a doctor who was obviously not leaving town, and who attempted to resolve his problems with the IRS; when an IRS agent came into his office to physically remove him from his medical practice while he was attending to his patients and then to further close down his doors. What about the law enforcement officer, wounded and injured and in his hospital bed, only to find out that his house had been foreclosed on and other tragic situations happening while he was recuperating from a job injury. These are the kinds of grievances that we face all the time.

I am delighted that we are looking at opportunities, for example, to move the burden of proof so that taxpayers in IRS court cases are considered innocent until being proven guilty. I am interested, of course, in the oversight board. I think that has great possibilities. And certainly I am concerned about the fairness of IRS audits. The common law privilege of attorney-client privilege for those authorized to practice before the IRS will now be afforded, as it should be to persons—tax advisors—representing taxpayers before the IRS. It will also end the use and abuse of summons by the IRS in looking for documents. A spouse who may be innocent for the mistakes of another spouse in preparing a tax return will also now be afforded tax relief.

Let me conclude, Mr. Speaker, by explaining parts of IRS reform legislation, the Taxpayers Justice Act of 1997, that I intend to offer in the legislation. It provides for a true taxpayer's citizen's advocate located in IRS regions throughout the Nation, serving as a watchdog over the IRS. Additional provisions relating to eliminating discrimination in the workplace and solving unfair tax burdens put on the divorced spouse.

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

Mr. Speaker, I rise today in support of reforming the Internal Revenue Service to make it more efficient, accountable, modern and taxpayer friendly. This is the call from the constituents of the 18th Congressional District in Texas that I heard when I recently held a town hall forum on IRS abuses of taxpayers.

The stories of coercion, corruption and scare tactics of IRS agents that I heard were more than enough for me to prepare for introduction of my own IRS reform bill. Entitled the "Taxpayer Justice Act of 1997" it has many of the provisions that are being offered today in this comprehensive reform bill.

My bill called for civil and criminal penalties if there is a finding of abuse of taxpayer's rights. Therefore, I can endorse the opening up of the Government for civil liability for taxpayer abuse. This bill would extend the liability of the government for IRS abuse caused by those who may negligently diregard our tax laws. This is a safeguard that I know taxpayers are demanding and one that I strongly support.

The establishment of an independent oversight board by the President is another provision in my bill as well. There is no doubt that such oversight of the administrative functions of the IRS is necessary after the disclosure of the atrocities that I heard and the stories that came forward from the citizens in Houston. There were, in fact, cases of possible suicide over the tactics that were used and it is time to end such abuses. The oversight board will have the responsibility to review and advise the Secretary of the Treasury about customer service measures that will make sense. Such oversight is necessary if we are to make the IRS more efficient.

Shifting the burden of proof to the IRS is another practical measure that makes good sense and one that is in my bill as well. In every other proceeding where the government is moving against a citizen in a court of law, the government bears the burden of proving the facts. It is high time that the IRS come in line with this time-honored tradition of the government bearing the burden of proving any factual issue it is asserting in a court of law.

This burden of proof will be enforced after the taxpayer has fully cooperated with the IRS with respect to the factual issue. A taxpayer would be required to provide access to the information, witnesses and documents within the control of the taxpayer. This makes the proceeding more in line with every other court proceeding and makes it fair.

This bill would also correct meaningful measures that will insure taxpayer fairness in IRS audits and collection activities. The common law privilege of attorney-client privilege for those tax advisors authorized to practice

before the IRS will now be afforded as it should be. It would also end the use and abuse of summons by the IRS in looking for documents. Under this bill the IRS would be required to make reasonable inquiries and could not issue a summons until it has used other reasonable methods to ascertain where the information it is seeking may be.

The bill also provides for making more information available to the taxpayers. It requires the IRS to print and make available to taxpayers explanations that make sense and clarify a variety of complicated matters. Married taxpayers will be alerted to liabilities that they would be jointly liable for even though only one spouse earned the income.

A spouse who may be innocent for the mistakes of another spouse in preparing a tax return will also now be afforded relief from tax liability, interest and penalties. Now a spouse who has nothing to do with the preparation of the return is fully liable for the mistakes. This wrong and would be corrected by this bill.

Again, Mr. Speaker, it is high time that we have the IRS reform that the American people have been calling for. I support this bill and urge my colleagues to vote for it.

Mr. PORTMAN. Mr. Speaker, I ask the gentleman from New York [Mr. RANGEL] if he has any additional speakers?

Mr. RANGEL. Mr. Speaker, I have no speakers at this time.

CALL OF THE HOUSE

Mr. PORTMAN. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The call was taken by electronic device, and the following Members responded to their names:

[Roll No. 576]

ANSWERED ''PRESENT''—407

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dellums
Deutsch
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fazio
Filner
Flake
Foglietta
Foley
Forbes
Ford
Fossella
Fowler
Fox
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
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
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (NY)
Manton
Manzullo
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHale
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paul
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Redmond
Regula
Reyes
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roybal-Allard
Royce
Rush
Ryun
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Torres
Towns
Traficant
Turner
Upton
Velazquez
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Young (FL)

□ 1413

The SPEAKER pro tempore (Mr. PEASE). On this rollcall, 407 Members have recorded their presence by electronic device, a quorum.

Under the rule, further proceedings under the call are dispensed with.

INTERNAL REVENUE SERVICE RESTRUCTURING AND REFORM ACT OF 1997

The SPEAKER pro tempore. In the debate on H.R. 2676, the gentleman from New York [Mr. RANGEL] has 7½ minutes remaining and the gentleman from Ohio [Mr. PORTMAN] has 6¼ minutes remaining.

The Chair recognizes the gentleman from New York [Mr. RANGEL].

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

□ 1415

I rise in support of H.R. 2676. First, I would like to thank the chairman of the Committee on Ways and Means for creating an atmosphere which allowed the gentleman from Maryland [Mr. CARDIN] and the gentleman from Ohio [Mr. PORTMAN] to take the best that came out of the commission, not only to work with it in a bipartisan way, but to bring it to Members who did not serve on the commission so that they would be able to work and improve upon it.

The administration has had strong objections over the original document. This could have been played up politically that the President was trying to protect the status quo, but the Secretary of Treasury was not only involved in the meetings but encouraged to know that no Republican and no Democrat was locked in concrete except to the extent that the IRS needed improvement and it had to be done and it was going to be done now.

The Democratic Leader, the gentleman from Missouri [Mr. GEPHARDT], publicly said that they were not there, that the Democrats were not there, except to join with our Republican friends to get a bipartisan solution to a serious problem.

So, Mr. Speaker, we are here today for the first time in a long time knowing that we have taken one gigantic step forward to give some small comfort to the taxpayer that at least we, in the Congress, are providing the oversight to try to make the collection easier.

But, Mr. Speaker, we all agree that this is only a first step. We cannot give a very complicated, complex Tax Code to anybody and expect them not to have problems in its execution. If anyone abuses their rights as a public servant with the taxpayer, that person should be pulled up at the roots and got rid of. There should be no excuse for any public servant treating taxpayers in a disrespectful way. But there should be no excuse for us to talking about pulling up the IRS by the roots unless we are prepared to say we are going to pull up the Tax Code by the roots.

And I would want to say this, that if we can get this Portman-Cardin spirit

of cooperation going, let us try to do it in talking about this bus trip that is going to pull up the Code by the roots, and I ask whether or not there is an extra seat on that bus that I can join in. The only thing I would want to know is, where is the bus going, what is the itinerary, how much is it going to cost, and, most importantly, when is it going to end? This bus that has been pulling up the Tax Code by the roots has been in a bus depot for 3 years.

If we are going to do anything to correct the system, and God knows we agree it has to be simplified, let us try to do this too in a bipartisan way, the same way we have been so successful in recognizing a problem and trying to bring a resolution.

Finally, Mr. Speaker, I would want to say that I would encourage the administration to take a lesson from the books of the House of Representatives and not only just support this, but to encourage the other body not to politicize this issue.

We are moving swiftly, we are moving swiftly toward the end of our legislative business for this year. It would do us no good to compliment each other for this bipartisan effort if the other body is not on board. We all know that next year something chemically is going to take over us as we all seek reelection. I would suggest that it is more important to get this important piece of legislation passed than to give other people an opportunity to make political hay out of it.

I conclude by thanking the leadership on both sides of the aisle, again, the gentleman from Ohio [Mr. PORTMAN], the gentleman from Maryland [Mr. CARDIN], and those Members who worked so hard, not to get their names in the newspaper or to have TV interviews, but to do what was best for the country and what was best for the Internal Revenue Service, but most importantly, what was in the best interests of American taxpayers.

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

Mr. PORTMAN. Mr. Speaker, I yield the balance of my time to the gentleman from Texas [Mr. ARCHER], the chairman of the Committee on Ways and Means, and, as I said earlier this afternoon, we would not be here on the floor this afternoon debating this critical issue if not for the gentleman from Texas, [Mr. ARCHER].

Mr. ARCHER. Mr. Speaker, I thank the gentleman from Ohio for yielding this time to me. But before I close, there is one person here who deserves very special recognition, and that is Bob Brockamp of Prescott, AZ, who is the personification of an IRS victim. He and his family have suffered an injustice that no one should endure.

In 1994, 93-year-old grandfather Stanley McGill mistakenly sent a $7,000 check to the IRS. Unfortunately, by the time Bob and his family caught the error and tried to get their money back, the 3-year statute of limitations on refunds had expired, and even though the IRS admitted that Bob's grandfather owed only $700, not $7,000, they would not refund the balance of the money.

Mr. McGill was senile and had made the same mistake before by adding extra zeros to checks mistakenly and overpaying his bills by thousands of dollars. But in these instances where his local hospital and pharmacy were overpaid, they sent the money back. The IRS would not.

Bob's family fought the IRS for 8 years all the way to the U.S. Supreme Court. A 3-year statute of limitations prevented the IRS from returning the money that was not theirs in the first place said the Court. And while it is too late to help Bob and his family, the bill that we vote on today allows the IRS finally to waive the statute of limitations on refunds for the sick and the disabled, ensuring that no other American will have to go through what the Brockamp family went through.

Mr. Speaker, the U.S. Congress owes Bob and his family an apology. The last thing an ailing senior citizen and their family should have to do is worry about the IRS. Thanks to the good fight that Bob and his family waged to obtain justice, thousands of taxpayers in the future will worry no more.

And, Mr. Speaker, I am delighted the President has finally seen the light and decided to support this bill. The gentleman from Ohio [Mr. PORTMAN], the gentlewoman from Connecticut [Mrs. JOHNSON], and the gentleman from Maryland [Mr. CARDIN] worked long and hard to put it together, and, as we have heard today, they deserve much praise.

But, Mr. Speaker, in the end our task is not to thank each other for what we do today. Our thanks should go to the American people, the people who sent us here. Today's vote is a victory for all Americans who believe Washington should not change its ways to greater and greater power but should change its ways so the American people will not have to change theirs.

Congress no longer solves problems by raising taxes, as was true for too many Congresses. We now solve problems by restoring hope, power, and opportunity to the people who pay the taxes.

Mr. Speaker, I am proud to add that fixing the IRS continues a remarkably productive record for this Congress. We cut taxes and passed legislation to balance the budget, we saved Medicare from bankruptcy, and we fixed the failed welfare state. We cut the cost of the Congress of the United States by $200 million a year, and now we are fixing the IRS. We reduced the deficit from $203 billion in November of 1994 to $30 billion today. More than 5 million new jobs have been created, interest rates have dropped from 8 percent to 6 percent, and the stock market has virtually doubled.

But mark my words, we are just warming up. I believe we must completely and totally get the IRS out of the lives of every single American. We must look the IRS in the eye and say it is not their money, it is the people's money. The politicians and the IRS must stop reaching into the people's wallets, taking from them what the people have earned and what they need for themselves.

So, Mr. Speaker, the bill we will vote on today represents more than fixing the IRS. The bill is about our values, our principles, our convictions. It is about right and wrong; it is about putting taxpayers first.

As the first chairman of the Committee on Ways and Means in memory who continues to do his own tax return, and, I must say, in longhand, not by computer, I can say today to the American people, with this vote we heard them, we understand them, we know what they are going through, we are on their side. They are the producers, they make things happen, we should follow in Washington, and that is what this bill is all about. So instead of thanking each other, we should say thanks to the American people who have made this the greatest country on the face of the Earth.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, today the House considered legislation to reform and restructure the Internal Revenue Service. The House voted overwhelmingly to approve this reform legislation and I also voted for the bill. I did have concerns over a proposed shift of the burden of proof but I feel that the provision was changed enough to ensure that the Government's hands would not be tied when going after tax evaders and those who commit tax fraud.

The congressional hearings on the IRS not only opened the public's eyes to intimidation and harassment by a small number of IRS agents and supervisors, the hearings have also motivated Congress to offer a large number of bills that seek to change the way that the IRS does business.

I admit that the IRS has a few employees who abuse their power, forgetting that they are servants to the public, not masters of it. I can also personally attest to the fact that there are problems in the manner in which the IRS conducts audits and undertakes collection. However, Mr. President, I am afraid that the anti-IRS rhetoric being employed by some in Congress has unfairly attacked and tainted the majority of hardworking and honest IRS employees and is negatively affecting their morale and productivity.

Mr. Speaker, I am honored to have a large number of hardworking and honest IRS employees in my district at the IRS Mid-States Regional Office.

Mr. Speaker, those employees are not afraid of a new debate on the role of the IRS. They are not frightened by calls for reform and making their fellow workers more accountable to the taxpayers. What they are concerned about is that they are being unfairly singled out and negatively portrayed as unfit, uncaring, and unprofessional employees of the Government.

As Congress continues to consider more IRS reform initiatives, which now number between 10 and 11, we must be careful and responsible with both our words and actions. We must be sensitive to how our words affect

those who are truly committed to public service.

I have heard from some of my constituents who work for the IRS and I am truly concerned about the morale of these dedicated and good employees as a result of the extremely negative rhetoric which well-intentioned lawmakers have used to describe the operation of the agency.

Mr. Speaker, we must remember that most IRS employees want to work with—and have worked with—lawmakers to bridge the gap between the IRS and the taxpayer.

Mr. Speaker, today I rose in favor of sensible, well-thought out reform of the Internal Revenue Service but I ask that we truly focus on reform, not rhetoric.

At the same time, I stand to support those great employees at the IRS midstates regional office in Dallas. They believe in public service, customer service, and accountability to taxpayers. They are patriotic and deserving of our respect and thanks, not our rhetoric and disdain.

Mr. KILDEE. Mr. Speaker, I rise today to express my strong support for H.R. 2676, the Internal Revenue Service Restructuring and Reform Act. I believe everyone would agree that commonsense reform of the IRS has been long overdue.

Mr. Speaker, over the years, I have had many constituents call my Michigan offices to complain about problems with the IRS. In fact, each year, I work with our local IRS office to put together a tax assistance night where IRS employeers actually work directly with taxpayers to address their questions.

This bipartisan legislation will set up a new citizen oversight board and make the IRS more accountable to average Americans. Most importantly, this bill will ensure that the sacred principle of innocent until proven guilty is extended to every hard-working, honest American.

This bill is the critical first step to ensuring that our tax system remains both fair and equitable to all working individuals and families. That is why I urge my colleagues to support H.R. 2676.

Mr. CRANE. Mr. Speaker, I rise in support of H.R. 2676, the Internal Revenue Service Restructuring and Reform Act.

First, I would like to compliment my Ways and Means colleague, Mr. PORTMAN, who served as a cochairman of the IRS restructuring commission, for his work on this issue. I also want to thank our chairman, BILL ARCHER, for the prompt committee action on the IRS commission recommendations.

My office regularly assists my constituents who have had problems dealing with the IRS and I am quite familiar with the frustrations of taxpayers dealing with this agency. Of course, opposition to paying taxes and a mistrust of government is ingrained in Americans. Before our war of independence, colonists showed their disapproval of a British tax with the Boston tea party. After the Revolution, Americans took on our newly formed government with the whiskey rebellion. While we have not witnessed similar events in recent history, the IRS is easily the most hated agency of the Federal Government. But the hatred of the IRS is not just the hatred of taxes, but a genuine fear of the seemingly unchecked power the IRS wields over taxpayers.

Congressional hearings this year have demonstrated that the IRS is an agency out of control. Rather than serving taxpayers, IRS bureaucrats too often make Americans feel like slaves to the government. We know that IRS managers established audit goals for their employees to advance in the agency. In other words, IRS employees performance was evaluated by the amount of money extracted from taxpayers, not by dealing with the merits of each individual taxpayer's return. IRS employees came before Congress only under the condition of anonymity because they feared retribution by their colleagues. Taxpayers from all over the United States told stories of intimidation and clear abuses of power exercised by IRS agents. It is clear that many IRS employees were living up to their ignominious reputation.

To the credit of IRS employees, they do have a difficult job. The Internal Revenue Code is thousands of pages of ambiguous laws and regulations which can be interpreted, and often is, any number of ways. This is one of the reasons I have argued for so many years that Congress must scrap the current tax code and replace it with a flat tax that applies the same tax rate to all Americans simply and fairly.

Although this bill does not replace the Tax Code, I believe the reforms proposed in the bill, including the establishment of the oversight board will go a long way in addressing some of the problems at the IRS. Now, citizen board members will sit in judgment of the IRS for a change. I am also encouraged that this bill will, in many circumstances, shift the burden of proof from the taxpayer to the IRS. While thieves, murderers, and rapists are innocent until proven guilty in America, taxpayers are assumed guilty by the IRS until they prove themselves innocent. I know my Democrat friend JIM TRAFICANT has worked tirelessly on this issue and has made the point that it took a Republican Congress to actually get this provision put into law. I have proudly supported him in his efforts over the years and thank him for his work.

I also want to mention some of the other reforms in this bill. Specifically, the bill will allow taxpayers to get reimbursed for attorney's fees when they prevail against the IRS. Another provision will extend the privilege of confidentiality to conversations with tax accountants who provide the same tax advice that tax attorneys provide. The bill will also protect innocent spouses from tax liability on joint returns when they are unaware of misstatements or misreporting made by the other spouse.

Mr. Speaker, clearly the American people are eager to have these reforms. I am glad to see that President Clinton finally got that message and has agreed to support this bill. I urge all my colleagues to support H.R. 2676 and I hope that we can soon see it enacted into law.

Mr. DAVIS of Florida. Mr. Speaker, today I rise in support of H.R. 2676, the Internal Revenue Service Restructuring and Reform Act, an important first step in restoring the American taxpayer's faith both in the tax system and in the ability of their government to be efficient and responsive to their needs. This legislation, stemming largely from the Kerry-Portman Commission's recommendations, represents true bipartisan cooperation to address the growing concerns of citizens and their elected representatives over the management and activities of the IRS.

H.R. 2676 makes substantial improvements to both the oversight and the management of the IRS, incorporating increased input from the private sector while protecting the overall integrity of the agency. In addition, this bill contains provisions designed to strengthen the rights of the American taxpayer when confronted by the IRS, including a long overdue shift of the burden of proof within the U.S. Tax Court from the taxpayer to the agency. Certainly, our tax laws, like the rest of our judicial system, should be based on the presumption that a citizen is innocent until proven guilty.

While I support these much needed changes to improve the responsiveness and efficiency of the IRS, we must not forget that many of the problems this legislation seeks to remedy have their roots in the Internal Revenue Code itself, which continues to grow in complexity with each new tax law passed by Congress. Even the important tax cut passed earlier this session as part of the balanced budget agreement added hundreds of additional pages to the Internal Revenue Code. I believe our next step must be to thoroughly re-evaluate the overall Tax Code and begin a meaningful dialog on alternatives to the current system.

Mr. Speaker, I urge all of my colleagues to support the legislation before us today which will ensure that, within the current tax structure, the American taxpayer will receive fairer and more efficient treatment by the Internal Revenue Service and I look forward to working with my colleagues on both sides of the aisle in exploring options for streamlining the Tax Code.

Ms. HOOLEY of Oregon. Mr. Speaker, it's time to overhaul the Internal Revenue Service—the most inefficient and the least user-friendly Government agency in America.

If any Member of this Congress still has doubts about legislation to overhaul our Nation's tax collecting agency, they should consider two cases of IRS abuse that I have been confronted with in the last few months. The first involves a woman whose bank account was frozen because her ex-husband died owing a tax debt that he had accumulated after the couple's divorce. The second involves a single mother who is working her way through college. The IRS lost the rebate check she was owed. The check was deposited in someone else's bank account, and 8 months later she still hasn't gotten her money—let alone the interest she would have earned on the refund.

These women are representative of the myriad of miscalculations and errors which have plagued the IRS in recent years. My district is not alone in facing an out of control IRS, naturally, and the difficulties that have cost these two women money, time, and peace of mind are repeated daily with alarming regularity around the country.

Reform of this beleaguered agency can no longer be postponed, and I believe that the IRS Restructuring and Reform Act accomplishes this task in a fair, efficient and bipartisan manner. Once this bill becomes law, I am confident that taxpayers will soon be blessed with a fairer, more user-friendly Internal Revenue Service.

Mr. PACKARD. Mr. Speaker, common sense tells me that the IRS is far too large and intrusive. Consider that the IRS has more than 136,000 employees, while the INS has only 6,500 border patrol agents—about 20 times more people to take our money than to protect our borders. That is simply outrageous.

Today, the House will consider the IRS Restructuring and Reform Act. This legislation will enact 28 new protections that enhance taxpayer rights when citizens become involved in IRS dispute and will effectively shift the burden of proof from the taxpayer to the IRS in court proceedings. By leveling the playing field between honest citizens and an out of control Government agency, the American taxpayers come up the big winners.

Mr. Speaker, all people want is a fair system. In America, that should never be too much to ask for. Nobody should be made to feel like a criminal for trying to do the right thing. The IRS has terrorized everyone from retirees, homemakers, single-parent families, and even a Little League girls softball team. We need to put an end to that.

Republicans hope this is the first step toward a comprehensive overhaul of the current Tax-Code and elimination of the IRS altogether. We are now clearly on our way to eliminating the IRS and its code altogether. More and more inside-the-beltway critics, including the President, are simply getting out of the way as Republicans move this agenda forward. Those who have defended the IRS in the past realize this is a battle they just can't win. I encourage all of my colleagues to support the IRS Restructuring and Reform Act.

Mr. BENTSEN. Mr. Speaker, I rise today in support of H.R. 2676, legislation to reform the Internal Revenue Service and better protect the rights of taxpayers. I am proud to be a cosponsor of this legislation. The need for this legislation could not be more clear after the recent Senate Finance Committee hearings that exposed IRS practices that are abusive to taxpayers and simply unacceptable for a Government agency. These hearings rightly angered most Americans, including myself. They added to the finding of the National Commission on Restructuring the IRS that found the agency to be woefully mismanaged and plagued by computerization problems and poor customer service.

These hearings and the commission's findings make it imperative that Congress act quickly to reform the IRS to improve its management, make it more customer-friendly, and better protect the rights of taxpayers.

This legislation shifts the burden of proof from taxpayers to the IRS in disputes in civil tax court proceedings. Last year, approximately 30,000 cases went to tax court. Under the legislation, taxpayers would still be required to back up claims with documentation, but the court would no longer presume that the IRS is correct when the facts are in dispute.

It also creates an independent 11-member board to oversee IRS management and develop strategy for the agency. The board would be made up of eight members from the private sector, the Treasury Secretary, the IRS commissioner, and a representative of the IRS employees union.

It expands the existing Taxpayer Bill of rights by creating 28 new taxpayer protections. these rights will allow taxpayers to sue the IRS for up to $100,000 in damages if IRS agents are negligent when trying to collect taxes; makes it easier for an innocent spouse to escape liability for taxes owed by the other spouse or an ex-spouse; make more cases eligible for resolution in a tax version of small-claims court; provide funding for clinics to help low-income taxpayers; and extend the attorney-client confidentiality privilege to accountants and others authorized to practice before the IRS.

These protections build on the existing Taxpayer Bill of Rights, which Congress enacted in 1996 with my support. The 1996 law created an Office of Taxpayer Advocate at the IRS to investigate taxpayer complaints about IRS enforcement actions. That law also raised the penalties for IRS employees who recklessly and intentionally disregard the Internal Revenue Code when dealing with taxpayers.

The legislation also places new limits on penalties to taxpayers for repayment of back taxes. It reduces the maximum penalty for 25 percent of the unpaid amount, plus interest, to 9.5 percent for taxpayers who reach a payment agreement with the IRS. Another change would equalize interest penalties for underpayment and overpayment of taxes. Currently, the IRS charges taxpayers a higher interest rate as a penalty for underpayment than the IRS itself pays when it owes taxpayers for overpayments. This is unfair and should be changed. Together, these changes will save taxpayers more than $1.2 billion over 5 years.

The IRS has the critical job of enforcing our tax laws and raising revenue, but there is no reason why it cannot treat taxpayers more like customers and less like potential criminals. Government employees, including those at the IRS, are providing an honorable service to the public, but they must always remember it is the public for whom they work. That is what we do with this legislation Congress is about to approve.

Mr. GALLEGLY. Mr. Speaker, I would like to express my strong support for restructuring the Internal Revenue Service.

We have heard time and again the horror stories taxpayers have experienced at the hands of this ruthless agency. H.R. 2676 levels the playing field between taxpayers and the IRS and reins in its ominous power. The Portman-Archer reform bill protects the taxpayers and restores their rights.

Holding the IRS accountable to the taxpayers is a complete reversal from how the system currently operates. This legislation prohibits IRS employees and IRS units from being evaluated based on enforcement results, but rather requires evaluations be based on the quality of taxpayer service they provide. Moreover, H.R. 2676 creates an independent board to oversee the IRS, taking control from political appointees at the Treasury Department and giving the board real power and authority to hold the IRS accountable for a change.

The reforms also include the unprecedented shift of the burden of proof from the taxpayer to the IRS, and, it enhances taxpayer rights with 28 new protections when citizens become involved in disputes with the IRS.

Mr. Speaker, fixing the IRS is no simple task, but this legislation is the first step in protecting taxpayers and the complete overhaul of our tax system. It's time the IRS was accountable to the American public, not the other way around.

Mr. FRELINGHUYSEN. Mr. Speaker, I rise today in support of H.R. 2676, the Internal Revenue Service Restructuring and Reform Act of 1997. It is time to make the Internal Revenue Service as accountable to the taxpayer as the taxpayer is to the IRS.

Millions of Americans are still talking about the recent IRS hearings on Capitol Hill, where the abusive activities of the Internal Revenue Service were revealed. These activities included collection quotas and ''financial status'' audits, utter lack of service, and the personal and economic devastation of innocent and decent taxpaying citizens.

The American people heard from IRS agents testifying behind privacy screens with their voices altered telling about which innocent taxpayers they selected for audits, namely, those who didn't have the resources to fight back. We also heard how just getting a question answered could become a tiresome process for a taxpayer. And furthermore, that only 21 percent of the calls the IRS receives are even answered, and, of those, too many are answered incorrectly. In 1993 alone, the IRS gave 8½ million wrong answers to taxpayers trying to comply with Byzantine tax regulations.

Mr. Speaker, we all recognize that there are thousands of hardworking employees at the IRS that do their job well. But while it is understandable that extracting $1.5 trillion from American taxpayers by enforcing a tax code thousands of pages long is no easy task, the bottom line is that the IRS' mistreatment of taxpayers must be stopped.

Mr. Speaker, the solution to curbing IRS abuses has two parts.

First, the IRS must be reformed. H.R. 2676 is the first comprehensive reform legislation of the Internal Revenue Service since 1952. This bill will restructure the IRS by forming a nine-member oversight board, made up of private citizens, with real authority to hold the IRS accountable for change.

New taxpayer rights would be enacted, including the right to sue for negligence, collect legal fees and be notified of the reasons for an audit. The Taxpayer Advocate's Office also would be strengthened, and, most significant, the burden of proof in tax disputes would be shifted from the taxpayer to the IRS. Taxpayer service would become a top priority of the IRS and the practice of evaluating employees and IRS offices on collection results would be prohibited.

Second, now is the time to begin a national debate on reforming the current tax system by making it fairer and simpler. Put bluntly, we need a system that the American people can comprehend. Several competing plans have already been proposed. They include plans for a flat income tax, a retail consumption tax or a value-added tax. This most important debate must be taken directly to the American people to get their ideas and suggestions for change.

Mr. Speaker, for 60 years Washington patched together a tax code so complex that it threatens the basic fairness of the system. Through the many loopholes built into the code, individuals pay vastly different amounts in taxes, and, in some cases, pay no taxes at all. For this very reason, the American people have become cynical about our tax system. Genuine tax reform and simplification, and comprehensive reform of the IRS, is the only way to restore faith in a system that has for too long been unworthy of our trust.

Mr. CALVERT. Mr. speaker, I rise today in support of HR 2676, legislation to restructure and reform the Internal Revenue Service. I believe this is the most important issue currently being debated in households and businesses throughout the country. This is an enormous task for Congress, but one I believe we are ready, willing and able to tackle.

Ever since this issue became a national debate, I have heard from many constituents about their experiences with the IRS. To no one's surprise, the stories were filled with fear and anguish and anger. I did not hear one positive story. This has only reinforced my belief that the IRS is an agency that abuses its power and takes advantage of honest citizens. We have allowed our current system to become monstrous, unmanageable, and in some cases corrupt, and it is up to us to end the IRS as we know it and scrap the current tax code.

The legislation before us today is straightforward and non-partisan. This is not the debate about choosing between a flat tax or a national sales tax. It is not about whether we are Republicans or Democrats. This about representing our constituents and responding to their requests for help. It is unconscionable that criminals in this country are innocent until proven guilty, but taxpayers are not. HR 2676 will change this practice and finally hold the IRS accountable to taxpayers and force the IRS to bear the burden of proof when conducting an audit.

I am committed to improving the tax code and reforming the IRS. HR 2676 is much needed legislation that will benefit every American and I will be voting in favor of this much needed reform. I urge my colleagues on both sides of the aisle to do the same.

Mr. PORTER. Mr. Speaker, I am pleased that the House is considering legislation to reform the Internal Revenue Service. It is clear that abuse of taxpayers has occurred at the IRS and I believe that Congress should legislate changes to ensure this abuse does not continue. However, I also believe it is important that Congress take some responsibility for the adversarial attitude that exists at the IRS toward taxpayers. Two decades ago there was a very real concern in Congress that a growing number of individuals were negligent in paying their taxes. Based on this concern, Congress encouraged the IRS to step up its efforts to see that taxpayers were complying with the law. While Congress did not direct the IRS to harass or intimidate taxpayers, there was a certain degree of pressure placed on the agency to produce results. Unfortunately, this resulted in a culture at the IRS which tolerates abuse of authority. I believe that this bill will effectively correct this behavior and send a clear message that Congress does not condone or tolerate unfair treatment of taxpayers. I encourage my colleagues to join together and support H.R. 2676.

Mr. FAZIO of California. Mr. Speaker, I am proud to be a strong supporter of this legislation that will bring the first comprehensive reform of the IRS since 1952. This bill brings badly needed accountability, continuity, and expertise to this troubled agency.

I have heard from several of my friends and neighbors that have told me horror stories of mishandled cases and IRS agents that have acted inappropriately. There were also the inexcusable examples of abuse that were exposed in both the Senate and House hearings. All of these stories act to echo the call for reform.

This bipartisan legislation gives a comprehensive solution to the problems at the IRS by shifting the burden of proof in Tax court hearings from the taxpayer to the IRS and includes several provisions that will strengthen taxpayers' rights in dealing with the IRS. The bill also creates a new system of oversight that will help bring about lasting change throughout the organization.

The shifting of the burden of proof to the IRS will allow the taxpayer to be innocent until proven guilty in disputes that come before the U.S. Tax Court if the taxpayer has cooperated by providing the IRS access to all relevant information and documents. By changing the burden of proof this provision acts as a cost saving measure that will encourage the IRS to settle more cases before proceeding with a costly trial.

Other provisions of this bill that work to strengthen taxpayers rights include: provisions which protect an innocent spouse from being held liable for the tax liability that are caused by mistakes made by the other spouse on tax returns; allow taxpayers to sue the government for up to $100,000 in civil damages caused by negligent IRS employees who have violated the law; prohibit politically motivated audits; provide for grants to low income taxpayer clinics to help needy Americans in their disputes with the IRS; and encourages electronic filing of tax returns.

This bill reflects true compromise and I am proud to support it.

Mr. ADAM SMITH of Washington. Mr. Speaker, I rise today in support of H.R. 2676, the Internal Revenue Service Restructuring and Reform Act. As a proud cosponsor of this bill, I also want to thank the Commission chaired by Congressman PORTMAN and Senator KERREY, along with Chairman ARCHER and the Ranking Member of the Ways and Means Committee, Mr. RANGEL, for bringing us to where we are today.

I was disheartened to find that more than 150 people have contacted my office this year looking for help with the IRS. Most of those individuals are honest, hard-working people who don't mind paying their fair share of taxes, they just want the IRS to be more helpful. Sometimes the IRS has made mistakes and admitted wrongdoing, yet the agency won't correct them and adjust the taxpayer's bill. Other times, the taxpayer simply has questions and can't get a straight answer from the IRS.

Mr. Speaker, one of my primary goals in Congress is to help restore people's faith and trust in their government. Without public confidence in our democracy, it is impossible to lead this nation into the next century. This bill to reform the IRS to make it more accountable and customer-friendly is one important step Congress must take in order to regain some of the public's trust in government.

This bill will make the IRS more accountable by creating an outside oversight board with real power to perform consistent, ongoing oversight of IRS management and practices. It will make it easier for a taxpayer to comply with tax laws because when they request information or ask questions, they will be able to get answers. Furthermore, Congress will finally be forced to provide the oversight it has been so delinquent in doing.

Mr. Speaker, I urge all of my colleagues to support H.R. 2676. It is a good bill, and a very important step toward restoring the public's trust in our government.

Mr. STARK. Mr. Speaker, I rise in opposition to H.R. 2676 which is before the House today.

Though it is true that certain provisions in the bill are good—the Taxpayers Bill of Rights and the electronic filing of tax returns—there is not enough good in this bill to warrant support for it today. Some provisions are repetitions of current law or can be accomplished without change in law.

However, there are some serious flaws included the bill which prevent it from achieving the underlying goal of modernizing the IRS and improving taxpayer service.

OVERSIGHT BOARD

The creation of the IRS board is most troublesome. The Government should seek the expertise of private sector individuals in advisory capacity; however, private sector individuals should not make key decisions on critical aspects of IRS management, operations, and taxpayers service. The IRS must be directly accountable to the administration with strict oversight by the Congress. The board adds a layer which reduces accountability, not enhances it.

This board is not only unwise but likely to be ineffective. A private sector board meeting once a month and without ability to hire staff of its own will not ensure a better managed IRS, or a more accountable IRS.

There is a peril to privatization without clear rules on conflict of interest and ethics but that is what we have before the House for consideration today. I challenge my colleagues to explain how the union representative is supposed to navigate the conflict of interest laws; how can one person vote on key management decisions while continuing to represent workers on a daily basis?

During committee consideration, I offered an amendment to impose clear prohibitions on private sector board members so that they could not represent a client against the IRS and so the one year post-employment restrictions would apply to board members. The committee rejected this clear amendment in a roll call vote of 14 to 23.

The language on ethics and conflicts of interest that miraculously appears in the bill today is unclear and vague in its requirements for private sector board members. As a criminal provision, it is grossly inadequate.

BURDEN OF PROOF

The shift in the burden of proof is an idea that sounds taxpayer friendly but will result in a far more intrusive IRS.

Former Republican Commissioner Fred Goldberg stated before Ways and Means that ''of necessity, the IRS would be forced to resort to far more aggressive techniques in auditing taxpayers and developing cases.''

This change is a bad idea which will result more record keeping requirements, more revenue agents, more audits, more tax litigation.

INFLUENCING IRS AUDITS

Lastly, it is intriguing that the bill imposes criminal sanctions on the President, Vice President, and Cabinet officials for requesting that the IRS conduct or terminate an audit of a specific taxpayer.

My Republican colleagues stated that they knew of no such abuse by the executive branch but they failed to apply the same criminal laws to Members of Congress. Did my Republican colleagues want to reserve the right to ask for audits—or pull the plug on audits—with impunity?

Mr. Speaker, the flaws in this bill are too serious to merit its enactment into law. I urge my colleagues to vote no on H.R. 2676.

Mrs. FOWLER. Mr. Speaker, I rise today in support of reforming the IRS. We are often

cautioned around here against throwing babies out with bathwater. In the case of the IRS, we are fast approaching the point of throwing out the water, the tub and everything else.

A complicated Tax Code, coupled with an out-of-control bureaucracy bent on punitive enforcement instead of efficient collection has created a situation that this Congress must address. Today's legislation is a starting point.

It is going to take time to overhaul the Tax Code. In the meantime, I think we all agree that the abuses at the IRS must stop today. This bill does just that. It levels the playing field between the taxpayer and the tax collector, it makes customer service a priority not an anomaly, and it puts in place some common sense management reforms at the agency itself.

This is a good first step, Mr. Speaker, in our mission to create a fairer tax system for all Americans. I urge my colleagues to support the bill.

Mr. CHABOT. Mr. Speaker, I rise in strong support of the Internal Revenue Service Restructuring and Reform Act.

I want to single out for special recognition, my colleague from Ohio, Mr. PORTMAN, for the tremendous work he has done over the last several months on this critical issue. We in Cincinnati greatly appreciate his tireless efforts on behalf of all American taxpayers.

The legislation before us this afternoon is taxpayer-friendly. It makes a number of important reforms in the areas of IRS daily operations, congressional oversight, and I think most importantly, taxpayers' rights. The legislation recognizes the time-honored American understanding that one is innocent until proven guilty by shifting the responsibility of proving one's case in tax liability disputes from the individual taxpayer to the Internal Revenue Service. This, I believe most taxpayers would agree, is a reform long overdue.

Mr. Speaker, today's legislation is a great step in the right direction. We are bringing the IRS under control. Next we must bring taxes under control. While we have taken the first steps and have legislated tax relief for working American families, that relief will not come soon enough nor will the tax cuts be large enough. The President and his free-spending allies in the Congress have seen to that. But, notwithstanding the objections of our liberal friends, we must move forward with those efforts. The American people are taxed too much. And they will not be satisfied until we take even larger steps to relieve them of some of that burden. The fruits of labor belong to the working people, not to the government. And we will be failing in our duties to those hard-working taxpayers unless we step up our efforts to provide them with substantial tax relief.

I urge support of the legislation and I encourage my colleagues to supplement this important tax reform measure with tax reduction legislation in the very near future.

Mr. BALLENGER. Mr. Speaker, I rise today to express my full support for H.R. 2676, the IRS Restructuring and Reform Act. In addition, I wish to praise Chairman BILL ARCHER and our colleagues on the Ways and Means Committee for bringing to light endless injustices against the American taxpayers. H.R. 2676 implements the recommendations of the year-long National Commission on Restructuring the IRS and provides taxpayers new protections and rights to address many of the abuses spotlighted in congressional hearings. Our colleagues ROB PORTMAN and BEN CARDIN also deserve recognition for their sponsorship of this commission and their tireless advocacy of its recommendations.

I believe it is important to remind our constituents that it was the Republican-led Congress which made possible this major reform initiative and the implementing legislation we have before us today. H.R. 2676 proposes the first major reform of the IRS since 1952. For three years, Republican committee heads with responsibility for the budget and oversight of this federal agency have worked to advance this reform agenda. After weeks of congressional hearings and outrage expressed by the American people, the media finally began reporting on the dark side of this Federal agency. And, after weeks of resistance to the major recommendations of the National Commission on Restructuring the IRS, and following the endorsement of reform efforts by the leader of the House Democrats, President Clinton—and the defenders of the status quo in his administration—decided they had to join this bandwagon for reform. The good news in this debate is that a presidential veto of these important reforms appears less likely.

Let me repeat, this legislative priority never would have been identified or pursued had it not been for the landslide 1994 congressional elections which swept Republicans into control of the legislative branch of our Federal Government. I am proud that we have made protection of the American taxpayers and tax relief the hallmarks of our leadership. As I have stated before, congressional Republicans need time to review the legislative mistakes of the past 40 years of Democrat control of the Congress. We have been working quietly to build the case for major reforms of the Federal Government, and today we are seeing the fruit of our efforts.

The recent congressional oversight hearings on IRS management problems gave the victims of IRS harassment human faces and gained the national spotlight for this important issue. These hearings also generated a great deal of interest among my constituents in the 10th Congressional District of North Carolina. In addition to a stream of calls and letters urging my support in general for a package of IRS management reforms, the owner of a small business came by one of my district offices with a letter she wanted me to pass along to Chairman ARCHER.

With painstaking detail, my constituent outlined what she and her family—and employees—earlier faced at the hands of overzealous IRS agents. The agents harassed her 77-year-old parents who are in poor health and, on one occasion, delayed her mother's departure for a doctor's appointment. The agents even followed her mother to a store once and prevented her from exiting her car while they hurled questions at her. The taxpayer's daughter suffered problems at school, resulting in medical problems for both of them. After her employees were contacted by phone and in person by agents at their homes, many were scared and considered looking for other work. I agree with my constituent that these agents appeared to be on a mission to destroy her. Although the issue was business taxes, these Federal employees seemed willing to destroy her personal reputation in order to collect the taxes. Regrettably, she could identify with the financial and emotional stresses which the witnesses had shared earlier with the congressional panel and the viewing public.

I am certain my colleagues all can attest to similar battles which consumed their constituents' lives and resources, and in some cases threatened their health. While some IRS districts have been charged with especially egregious collection actions, it seems that the taxman has spread the pain fairly evenly to constituents in every congressional district.

The situation of another constituent illustrates what I believe to be the single biggest problem with agency procedures used to settle outstanding tax liability. Taxpayers who owe back taxes to the IRS, have reached a payment agreement and comply with the terms of the agreement, are still subjected to ongoing penalties. Penalties in this instance have more than doubled the original outstanding tax burden. This is ridiculous! When an agreement is negotiated with the IRS and signed, further penalties should be eliminated. By ending these penalties, I also believe taxpayers would have greater incentive to enter into payment agreements. I agree with my constituents that the IRS should first and foremost provide ''customer service,'' be guided by common sense regulations, and treat all taxpayers with simple human decency.

I believe the solution to the problems with our tax system begins with the enactment of H.R. 2676, the IRS Restructuring and Reform Act. The IRS Restructuring and Reform Act would:

First, create an 11-member IRS Oversight Board, with 8 members who are not Federal officers or employees. This board will have real authority to oversee the IRS and will bring private sector expertise to the agency.

Second, encourage the use of electronic (or paperless) filing which should dramatically reduce the high error rate of IRS employees who input incorrect numbers from paper 1040 forms.

Third, create a Taxpayer Bill of Rights 3, which will provide 28 new protections for taxpayers that will enhance their rights when they become involved in disputes with the IRS. These protections:

Shift the burden of proof from taxpayers to the IRS in court proceedings when a taxpayer has fully cooperated during administrative proceedings; allow recovery of up to $100,000 for negligent IRS collection actions; allow taxpayers to recover attorneys' fees when they prevail against the IRS; give taxpayers easier access to the tax court's equivalent of a ''small claims court;'' expand the ability of ''innocent spouses''—often divorced women—to be relieved from liability for additional taxes which the IRS determines are owed on a joint return filed during the couple's marriage; and require that taxpayers are given a reason for any audit.

Fourth, expand the oversight role by Congress of the agency.

As a taxpayer myself, I feel these changes in IRS management and procedures are long overdue. I welcome the opportunity to speak to this issue on behalf of my constituents. I urge my colleagues to join with me today in voting for the IRS Restructuring and Reform Act of 1997.

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

The SPEAKER pro tempore (Mr. PEASE). Pursuant to House Resolution

303, the previous question is ordered on the bill, as amended.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

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

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

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 426, nays 4, not voting 4, as follows:

[Roll No. 577]

YEAS—426

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Flake
Foglietta
Foley
Forbes
Ford
Fossella
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
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
Kasich
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
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
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
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Redmond
Regula
Reyes
Riggs
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
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
Spratt
Stabenow
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Towns
Traficant
Turner
Upton
Velazquez
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)

NAYS—4

Hoyer
Matsui
McDermott
Stark

NOT VOTING—4

Cubin
Gonzalez
Riley
Schiff

□ 1447

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 2676, INTERNAL REVENUE SERVICE RESTRUCTURING AND REFORM ACT OF 1997

Mr. PORTMAN. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 2676, the Clerk of the House be authorized to correct section numbers, punctuation, and cross-references, and to make such other technical and conforming changes as may be necessary to reflect the actions of this House in amending H.R. 2676.

The SPEAKER pro tempore [Mr. PEASE]. Is there objection to the request of the gentleman from Ohio?

There was no objection.

ANNOUNCEMENT OF INTENTION TO OFFER RESOLUTION RAISING QUESTION OF PRIVILEGES OF THE HOUSE

Mr. BECERRA. Mr. Speaker, pursuant to clause 2 of rule IX, I hereby give notice of my intention to offer a resolution which raises a question of the privileges of the House.

The form of the resolution is as follows:

Whereas, Loretta Sanchez was issued a certificate of election as the duly elected Member of Congress from the 46th District of California by the Secretary of the State of California and was seated by the U.S. House of Representatives on January 7, 1997; and

Whereas A Notice of Contest of Election was filed with the Clerk of the House by Mr. Robert Dornan on December 26, 1996; and

Whereas the Task Force on the Contested Election in the 46th District of California met on February 26, 1997 in Washington, D.C. on April 19, 1997 in Orange County, California and October 24, 1997 in Washington, D.C. and

Whereas Mr. Dornan's unproven allegations and the actions of the Committee on House Oversight have resulted in an unprecedented attack against Latino voters and created a chilling effect with a message to Latinos that their votes are suspect; and

Whreas the allegations made by Mr. Robert Dornan have been largely found to be without merit: charges of improper voting from a business, rather than a resident address; underage voting; double voting; and charges of unusually large number of individuals voting from the same address. It was found that voting from the same address included a Marines barracks and the domicile of nuns, that business addresses were legal residences for the individuals, including the zoo keeper of the Santa Ana zoo, that duplicate voting was by different individuals and those accused of underage voting were of age; and

Whereas the Committee on House Oversight has issued unprecedented subpoenas to the Immigration and Naturalization Service to compare their records with Orange County voter registration records, the first time in any election in the history of the United States that the INS has been asked by Congress to verify the citizenship of voters; and

Whereas the INS has complied with the Committee's request and, at the Committee's request, has been doing a manual check of its paper files and providing worksheets containing supplemental information on that manual check to the Committee on House Oversight for over five months; and

Whereas the Committee on House Oversight, subpoenaed the records seized by the District Attorney of Orange County on February 13, 1997 and has received and reviewed all records pertaining to registration efforts of that group; and

Whereas the House Oversight Committee is not pursuing a duplicate and dilatory review of materials already in the Committees possession by the Secretary of State of California; and

Whereas the Task Force on the Contested Election in the 46th District of California and the Committee have been reviewing these materials and has all the information it needs regarding who voted in the 46th District and all the information it needs to make judgments concerning those votes; and

Whereas the Committee on House Oversight has after over nine months of review and investigation failed to present credible evidence to change the outcome of the election of Congresswoman Sanchez and is pursuing never ending and unsubstantiated areas of review; and

Whereas, Contestant Robert Dornan has not shown or provided credible evidence that the outcome of the election is other than Congresswoman Sanchez's election to the Congress; and

Whereas, after nearly a year and the expenditure of over $500,000, the continued probe of the Sanchez election represents a direct attack on Latino voters and an attempt to silence the voice of new citizens; and

Whereas, the Committee on House Oversight should complete its review of this matter and bring this contest to an end: Now, therefore, be it

Resolved, That unless the Committee on House Oversight has sooner reported a recommendation for its final disposition, the contest in the 46th District of California is dismissed upon the expiration of November 7, 1997.

The SPEAKER pro tempore. Under rule IX, a resolution offered from the floor by a Member other than the majority leader or the minority leader as a question of the privileges of the House has immediate precedence only at a time designated by the Chair within 2 legislative days after the resolution is properly noticed.

Pending that designation, the form of the resolution noticed by the gentleman from California [Mr. BECERRA] will appear in the RECORD at this point.

The Chair will not at this point determine whether the resolution constitutes a question of privilege. That determination will be made at the time designated for consideration of the resolution.

ANNOUNCEMENT OF INTENTION TO OFFER RESOLUTION RAISING QUESTION OF PRIVILEGES OF THE HOUSE

Ms. VELÁZQUEZ. Mr. Speaker, pursuant to clause 2 of rule IX, I hereby give notice of my intention to offer a resolution which raises a question of the privileges of this House.

The form of the resolution is as follows:

Whereas, Loretta Sanchez was issued a certificate of election as the duly elected Member of Congress from the 46th District of California by the Secretary of the State of California and was seated by the U.S. House of Representatives on January 7, 1997; and

Whereas A Notice of Contest of Election was filed with the Clerk of the House by Mr. Robert Dornan on December 26, 1996; and

Whereas the Task Force on the Contested Election in the 46th District of California met on February 26, 1997 in Washington, D.C. on April 19, 1997 in Orange County, California and October 24, 1997 in Washington, D.C. and

Whereas Mr. Dornan's unproven allegations and the actions of the Committee on House Oversight have resulted in an unprecedented attack against Latino voters and created a chilling effect with a message to Latinos that their votes do not count;

Whereas the allegations made by Mr. Robert Dornan have been largely found to be without merit: charges of improper voting from a business, rather than a resident address; underage voting; double voting; and charges of unusually large number of individuals voting from the same address. It was found that voting from the same address included a Marines barracks and the domicile of nuns, that business addresses were legal residences for the individuals, including the zoo keeper of the Santa Ana zoo, that duplicate voting was by different individuals and those accused of underage voting were of age; and

Whereas the Committee on House Oversight, subpoenaed the records seized by the District Attorney of Orange County on February 13, 1997 and has received and reviewed all records pertaining to registration efforts of that group; and

Whereas the House Oversight Committee is not perusing a duplicate and dilatory review of materials already in the Committees possession by the Secretary of State of California;

Whereas the Task Force on the Contested Election in the 46th District of California and the Committee have been reviewing these materials and has all the information it needs regarding who voted in the 46th District and all the information it needs to make judgments concerning those votes; and

Whereas the Committee on House Oversight has after nine months of review and investigation failed to present credible evidence to change the outcome of the election of Congresswoman Sanchez and is pursuing never ending and unsubstantiated areas of review; and

Whereas, Contestant Robert Dornan has not shown or provided credible evidence that the outcome of the election is other than Congresswoman Sanchez's election to the Congress; and

Whereas, after nearly a year and the expenditure of over $500,000, of taxpayer's money, the continued probe of the Sanchez election unfairly targets Latino voters and discourages their full participation in the democratic process;

Whereas, the Committee on House Oversight should complete its review of this matter and bring this contest to an end: Now, therefore, be it

Resolved, That unless the Committee on House Oversight has sooner reported a recommendation for its final disposition, the contest in the 46th District of California is dismissed upon the expiration of November 7, 1997.

The SPEAKER pro tempore. Without objection, the Chair's previous ruling under rule IX will be entered in the RECORD at this point.

There was no objection.

The text of the Chair's prior statement is as follows:

Under rule IX, a resolution offered from the floor by a Member other than the Majority Leader or the Minority Leader as a question of the privileges of the House has immediate precedence only at a time designated by the Chair within two legislative days after the resolution is properly noticed.

Pending that designation, the form of the resolution noticed by the gentlewoman from New York will appear in the RECORD at this point.

The Chair will not at this point determine whether the resolution constitutes a question of privilege. That determination will be made at the time designated for consideration of the resolution.

ANNOUNCEMENT OF INTENTION TO OFFER RESOLUTION RAISING QUESTION OF PRIVILEGES OF THE HOUSE

Mr. MENENDEZ. Mr. Speaker, pursuant to clause 2 of rule IX, I hereby give notice of my intention to offer a resolution which raises a question of the privileges of the House.

The form of the resolution is as follows:

Whereas, Loretta Sanchez was issued a certificate of election as the duly elected Member of Congress from the 46th District of California by the Secretary of the State of California and was seated by the U.S. House of Representatives on January 7, 1997; and

Whereas A Notice of Contest of Election was filed with the Clerk of the House by Mr. Robert Dornan on December 26, 1996; and

Whereas the allegations made by Mr. Robert Dornan have been largely found to be without merit, including his charges of improper voting from a business, rather than a resident address; underage voting; double voting; and charges of unusually large number of individuals voting from the same address. It was found that those accused of voting from the same address included a Marines barracks and the domicile of nuns, that business addresses were legal residences for the individuals, including the zoo keeper of the Santa Ana zoo, that duplicate voting was by different individuals and those accused of underage voting were of age; and

Whereas the Committee on House Oversight has issued unprecedented subpoenas to the Immigration and Naturalization Service to compare their records with Orange County voter registration records, the first time in any election in the history of the United States that the INS has been asked by the Congress to verify the citizenship of voters; and

Whereas the privacy rights of United States citizens have been violated by the Committee's improper use of those INS records;

Whereas the INS itself has questioned the validity and accuracy of the Committee's use of INS documents; and has continued to question the validity and accuracy of the Committee's use of INS documents; and

Whereas the INS has complied with the Committee's request and, at the Committee's request, has been doing a manual check of its paper files and providing worksheets containing supplemental information on that manual check to the Committee on House Oversight for over five months; and

Whereas the Committee on House Oversight, subpoenaed the records seized by the District Attorney of Orange County on February 13, 1997 and has received and reviewed all records pertaining to registration efforts of that group; and

Whereas some Members of the House Oversight Committee are now seeking a duplicate and dilatory review of materials already in the Committee's possession by the Secretary of State of California; and which review can not produce a different result than that which the Committee could produce, upon using the same documents; and

Whereas the Task Force on the Contested Election in the 46th District of California and the Committee have been reviewing these materials and have all the information they need regarding who voted in the 46th District and all the information they need to make a judgment concerning those votes; and

Whereas the Committee on House Oversight has after nine months of review and investigation failed to present credible evidence to change the outcome of the election

of Congresswoman Sanchez and is now, in place of producing such credible evidence, pursuing never ending and unsubstantiated areas of review; and

Whereas, Contestant Robert Dornan has after nearly one year not shown or provided credible evidence sufficient to demonstrate that the outcome of the election is other than Congresswoman Sanchez's election to the Congress; and

Whereas, it is the contestant's proof of burden to do so;

Whereas, the Committee on House Oversight should complete its review of this matter and bring this contest to an end: Now, therefore, be it

Resolved, That unless the Committee on House Oversight has sooner reported a recommendation for its final disposition, the contest in the 46th District of California is dismissed upon the expiration of November 7, 1997.

□ 1500

The SPEAKER pro tempore (Mr. PEASE). Without objection, the Chair's previous ruling under rule IX will be entered in the RECORD at this point.

There was no objection.

The text of the Chair's prior statement is as follows:

Under rule IX, a resolution offered from the floor by a Member other than the Majority Leader or the Minority Leader as a question of the privileges of the House has immediate precedence only at a time designated by the Chair within two legislative days after the resolution is properly noticed.

Pending that designation, the form of the resolution noticed by the gentleman from New Jersey [Mr. MENENDEZ] will appear in the RECORD at this point.

The Chair will not at this point determine whether the resolution constitutes a question of privilege. That determination will be made at the time designated for consideration of the resolution.

ANNOUNCEMENT OF INTENTION TO OFFER RESOLUTION RAISING QUESTION OF PRIVILEGES OF THE HOUSE

Mr. MARTINEZ. Mr. Speaker, pursuant to clause 2 of rule IX, I hereby give notice of my intention to offer a resolution which raises a question of the privileges of the House.

The form of the resolution is as follows:

1(b). Whereas, Loretta Sanchez was issued a certificate of election as the duly elected Member of Congress from the 46th District of California by the Secretary of State of California and was seated by the U.S. House of Representatives on January 7, 1997; and

Whereas A Notice of Contest of Election was filed with the Clerk of the House by Mr. Robert Dornan on December 26, 1996; and

Whereas the Task Force on the Contested Election in the 46th District of California met on February 26, 1997 in Washington, D.C., on April 19, 1997 in Orange County, California and October 24, 1997 in Washington, D.C. and

Whereas Mr. Dornan's unproven allegations and the actions of the Committee on House Oversight have resulted in an unprecedented attack against Latino voters and created a chilling effect with a message to Latinos that their votes do not count;

Whereas the allegations made by Mr. Robert Dornan have been largely found to be without merit: charges of improper voting from a business, rather than a resident address; underage voting; double voting; and charges of unusually large number of individuals voting from the same address. It was found that voting from the same address included a Marines barracks and the domicile of nuns, that business addresses were legal residences for the individuals and those accused of underage voting were of age; and

Whereas the Committee on House Oversight has issued unprecedented subpoenas to the Immigration and Naturalization Service to compare their records with Orange County voter registration records, the first time in any election in the history of the United States that the INS has been asked by Congress to verify the citizenship of voters; and

Whereas the I.N.S. has complied with the Committee's request and, at the Committee's request, has been doing a manual check of its paper files and providing worksheets containing supplemental information on the manual check to the Committee on House Oversight for over five months; and

Whereas the Committee on House Oversight subpoenaed the records seized by the district attorney of Orange County on February 13, 1997 and has received and reviewed all records pertaining to registration efforts of that group; and

Whereas the House Oversight Committee is now pursuing a duplicate and dilatory review of materials already in the committee's possession by the secretary of state of California; and

Whereas the Task Force on the Contested Election in the 46th District of California and the committee have been reviewing these materials and has all the information it needs regarding who voted in the 46th District and all the information it needs to make judgements concerning those votes; and

Whereas the Committee on House Oversight has after over nine months of review and investigation failed to present credible evidence to change the outcome of the election of Congresswoman Sanchez and is pursing never ending and unsubstantiated areas of review; and

Whereas, Contestant Robert Dornan has not shown or provided credible evidence that the outcome of the election is other than Congresswoman Sanchez's election to the Congress; and

Whereas, the privacy rights of thousands have been trampled with the sharing of I.N.S. files with second and third parties, half of which were Latino surnames;

Whereas the Committee on House Oversight should complete its review of this matter and bring this contest to an end and now therefore be it;

Resolved, That unless the Committee on House Oversight has sooner reported a recommendation for its final disposition, the contest in the 46th District of California is dismissed upon the expiration of November 7, 1997.

The SPEAKER pro tempore. Without objection, the Chair's previous ruling under rule IX will be entered in the RECORD at this point.

There was no objection.

The text of the Chair's prior statement is as follows:

Under rule IX, a resolution offered from the floor by a Member other than the Majority Leader or the Minority Leader as a question of the privileges of the House has immediate precedence only at a time designated by the Chair within two legislative days after the resolution is properly noticed.

Pending that designation, the form of the resolution noticed by the gentleman from California [Mr. MARTINEZ] will appear in the RECORD at this point.

The Chair will not at this point determine whether the resolution constitutes a question of privilege. That determination will be made at the time designated for consideration of the resolution.

ANNOUNCEMENT OF INTENTION TO OFFER RESOLUTION RAISING QUESTION OF PRIVILEGES OF THE HOUSE

Mr. ORTIZ. Mr. Speaker, pursuant to clause 2 of rule IX, I hereby give notice of my intention to offer a resolution which raises a question of the privileges of the House.

The form of the resolution is as follows:

Whereas, Loretta Sanchez was issued a certificate of election as the duly elected Member of Congress from the 46th District of California by the Secretary of the State of California and was seated by the U.S. House of Representatives on January 7, 1997; and

Whereas A Notice of Contest of Election was filed with the Clerk of the House by Mr. Robert Dornan on December 26, 1996; and

Whereas the Task Force on the Contested Election in the 46th District of California met on February 26, 1997 in Washington, D.C. on April 19, 1997 in Orange County, California and October 24, 1997 in Washington, D.C. and

Whereas Mr. Dornan's unproven allegations and the actions of the Committee on House Oversight have resulted in an unprecedented attack against Latino voters and created a chilling effect with a message to Latinos that their votes do not count; and

Whereas the allegations made by Mr. Robert Dornan have been largely found to be without merit: charges of improper voting from a business, rather than a resident address; underage voting; double voting; and charges of unusually large number of individuals voting from the same address. It was found that voting from the same address included a Marines barracks and the domicile of nuns, that business addresses were legal residences for the individuals, including the zoo keeper of the Santa Ana zoo, that duplicate voting was by different individuals and those accused of underage voting were of age; and

Whereas the Committee on House Oversight has issued unprecedented subpoenas to the Immigration and Naturalization Service to compare their records with Orange County voter registration records, the first time in any election in the history of the United States that the INS has been asked by Congress to verify the citizenship of voters; and

Whereas the INS has complied with the Committee's request and, at the Committee's request, has been doing a manual check of its paper files and providing worksheets containing supplemental information on that manual check to the Committee on House Oversight for over five months; and

Whereas the Committee on House Oversight, subpoenaed the records seized by the District Attorney of Orange County on February 13, 1997 and has received and reviewed all records pertaining to registration efforts of that group; and

Whereas the House Oversight Committee is now pursuing a duplicate and dilatory review of materials already in the Committees possession by the Secretary of State of California;

Whereas the Task Force on the Contested Election in the 46th District of California and the Committee have been reviewing these materials and has all the information it needs regarding who voted in the 46th District and all the information it needs to make judgments concerning those votes; and

Whereas the Committee on House Oversight has after nine months of review and investigation failed to present credible evidence to change the outcome of the election of Congresswoman Sanchez and is pursuing never ending and unsubstantiated areas of review; and

Whereas, Contestant Robert Dornan has not shown or provided credible evidence that the outcome of the election is other than Congresswoman Sanchez's election to the Congress; and

Whereas, after nearly a year and the expenditure of over $500,000, the continued probe of the Sanchez election represents a direct attack on Latino voters and an attempt to silence the voice of new citizens; and

Whereas, the Committee on House Oversight should complete its review of this matter and bring this contest to an end and now therefore be it;

Resolved, that unless the Committee on House Oversight has sooner reported a recommendation for its final disposition, the contest in the 46th District of California is dismissed upon the expiration of November 7, 1997.

The SPEAKER pro tempore. Without objection, the Chair's previous ruling under rule IX will be entered in the RECORD at this point.

There was no objection.

The text of the Chair's prior statement is as follows:

Under rule IX, a resolution offered from the floor by a Member other than the Majority Leader or the Minority Leader as a question of the privileges of the House has immediate precedence only at a time designated by the Chair within two legislative days after the resolution is properly noticed.

Pending that designation, the form of the resolution noticed by the gentleman from Texas [Mr. ORTIZ] will appear in the RECORD at this point.

The Chair will not at this point determine whether the resolution constitutes a question of privilege. That determination will be made at the time designated for consideration of the resolution.

ANNOUNCEMENT OF INTENTION TO OFFER RESOLUTION RAISING QUESTION OF PRIVILEGES OF THE HOUSE

Mr. SERRANO. Mr. Speaker, pursuant to clause 2 of rule IX, I hereby give notice of my intention to offer a resolution which raises a question of the privileges of the House.

The form of the resolution is as follows:

Whereas Loretta Sanchez was issued a certificate of election as the duly elected Member of Congress from the 46th District of California by the Secretary of the State of California and was seated by the U.S. House of Representatives on January 7, 1997; and

Whereas a Notice of Contest of Election was filed with the Clerk of the House by Mr. Robert Dornan on December 26, 1996; and

Whereas the Task Force on the Contested Election in the 46th District of California met on February 26, 1997 in Washington, D.C., on April 19, 1997, in Orange County, California, and October 24, 1997 in Washington, D.C.; and

Whereas Mr. Dornan's unproven allegations and the actions of the Committee on House Oversight have resulted in an unprecedented attack against Latino voters and created a chilling effect with a message to Latinos that their votes do not count; and

Whereas the allegations made by Mr. Robert Dornan have been largely found to be without merit: charges of improper voting from a business, rather than a resident address; of underage voting; of double voting; and of unusually large numbers of individuals voting from the same address. It was found that those voting from the same address included a Marine barracks and the domicile of nuns, that business addresses were legal residences for the individuals voting, including the zoo keeper of the Santa Ana zoo, that duplicate voting was by different individuals, and that those accused of underage voting were of age; and

Whereas the Committee on House Oversight has issued unprecedented subpoenas to the Immigration and Naturalization Service to compare their records with Orange County voter registration records, the first time in any election in the history of the United States that the INS has been asked by the Congress to verify the citizenship of voters; and

Whereas the INS has complied with the Committee's request, and, at the Committee's request, has been manually checking its paper files and providing worksheets containing supplemental information on that manual check to the Committee on House Oversight for over five months; and

Whereas the Committee on House Oversight, subpoenaed the records seized by the District Attorney of Orange County on February 13, 1997 and has received and reviewed all records pertaining to registration efforts of that group; and

Whereas the Committee on House Oversight is not pursuing a duplicative and dilatory review of materials already in the Committee's possession by the Secretary of State of California; and

Whereas the Task Force on the Contested Election in the 46th District of California and the Committee have been reviewing these materials and have all the information necessary regarding who voted in the 46 District and all the information necessary to make judgements concerning those votes; and

Whereas the Committee on House Oversight has, after nine months of review and investigation failed to present credible evidence to change the outcome of the election of Congresswoman Sanchez and is pursuing never-ending and unsubstantiated areas of review; and

Whereas, Mr. Robert Dornan has not shown or provided credible evidence that the outcome of the election is other than Congresswoman Sanchez' election to the Congress; and

Whereas, the continued probe of the Sanchez election represents a direct attack on Latino voters and an attempt to silence the voice of new citizens; and those who seek to organize them; and

Whereas, the Committee on House Oversight should complete its review of this matter and bring this contest to an end: now therefore be it:

Resolved, That unless the Committee on House Oversight has sooner reported a recommendation for its final disposition, the contest in the 46th District of California is dismissed upon the expiration of November 7, 1997.

□ 1515

The SPEAKER pro tempore (Mr. PEASE). Without objection, the Chair's prior statement will appear in the RECORD at this point.

There was no objection.

The text of the Chair's prior statement is as follows:

Under rule IX, a resolution offered from the floor by a Member other than the Majority Leader or the Minority Leader as a question of the privileges of the House has immediate precedence only at a time designated by the Chair within two legislative days after the resolution is properly noticed.

Pending that designation, the form of the resolution noticed by the gentleman from New York [Mr. SERRANO] will appear in the RECORD at this point.

The Chair will not at this point determine whether the resolution constitutes a question of privilege. That determination will be made at the time designated for consideration of the resolution.

ANNOUNCEMENT OF INTENTION TO OFFER RESOLUTION RAISING QUESTION OF PRIVILEGES OF THE HOUSE

Mr. GUTIERREZ. Mr. Speaker, pursuant to clause 2 of rule IX, I hereby give notice of my intention to offer a resolution which raises a question of the privileges of the House.

The form of the resolution is as follows:

Whereas, Loretta Sanchez was issued a certificate of election as the duly elected Member of Congress from the 46th District of California by the Secretary of the State of California and was seated by the U.S. House of Representatives on January 7, 1997; and

Whereas A Notice of Contest of Election was filed with the Clerk of the House by Mr. Robert Dornan on December 26, 1996; and

Whereas the Task Force on the Contested Election in the 46th District of California met on February 26, 1997 in Washington, D.C. on April 19, 1997 in Orange County, California and October 24, 1997 in Washington, D.C. and

Whereas Mr. Dornan's unproven allegations and the actions of the Committee on House Oversight have resulted in an unprecedented attack against Latino voters and created a chilling effect with a message to latinos that their votes do not count; and

Whereas the allegations made by Mr. Robert Dornan have been largely found to be without merit: charges of improper voting from a business, rather than a resident address; underage voting; double voting; and charges of unusually large number of individuals voting from the same address. It was found that voting from the same address included a Marines barracks and the domicile of nuns, that business addresses were legal residences for the individuals, including the zoo keeper of the Santa Ana zoo, that duplicate voting was by different individuals and those accused of underage voting were of age; and

Whereas the Committee on House Oversight has issued unprecedented subpoenas to the Immigration and Naturalization Service to compare their records with Orange County voter registration records, the first time in any election in the history of the United States that the INS has been asked by Congress to verify the citizenship of voters; and

Whereas the INS has complied with the Committee's request and, at the Committee's request, has been doing a manual check of its paper files and providing worksheets containing supplemental information on that manual check to the Committee on House Oversight for over five months; and

Whereas the Committee on House Oversight, subpoenaed the records seized by the District Attorney of Orange County on February 13, 1997 and has received and reviewed all records pertaining to registration efforts of that group; and

Whereas the House Oversight Committee is not pursuing a duplicate and dilatory review

of materials already in the Committees possession by the Secretary of State of California;

Whereas the Task Force on the Contested Election in the 46th District of California and the Committee have been reviewing these materials and has all the information it needs regarding who voted in the 46th District and all the information it needs to make judgments concerning those votes; and

Whereas the Committee on House Oversight has after nine months of review and investigation failed to present credible evidence to change the outcome of the election of Congresswoman Sanchez and is pursuing never ending and unsubstantiated areas of review; and

Whereas, Contestant Robert Dornan has not shown or provided credible evidence that the outcome of the election is other than Congresswoman Sanchez's election to the Congress; and

Whereas, after nearly a year and the expenditure of over $500,000, where Latinos voters have been the target, due process requires that this inquisition of the voters of California's 46th Congressional District end; and

Whereas, the Committee on House Oversight should complete its review of this matter and bring this contest to an end now therefore be it;

Resolved, That unless the Committee on House Oversight has sooner reported a recommendation for its final disposition, the contest in the 46th District of California is dismissed upon the expiration of November 7, 1997.

The SPEAKER pro tempore. Without objection, the Chair's prior statement will appear in the RECORD at this point.

There was no objection.

The text of the Chair's prior statement is as follows:

Under rule IX, a resolution offered from the floor by a Member other than the Majority Leader or the Minority Leader as a question of the privileges of the House has immediate precedence only at a time designated by the Chair within two legislative days after the resolution is properly noticed.

Pending that designation, the form of the resolution noticed by the gentleman from Illinois [Mr. GUTIERREZ] will appear in the RECORD at this point.

The Chair will not at this point determine whether the resolution constitutes a question of privilege. That determination will be made at the time designated for consideration of the resolution.

ANNOUNCEMENT OF INTENTION TO OFFER RESOLUTION RAISING QUESTION OF PRIVILEGES OF THE HOUSE

Mr. UNDERWOOD. Mr. Speaker, pursuant to clause 2 of rule IX, I hereby give notice of my intention to offer a resolution which raises a question of the privileges of the House.

The form of the resolution is as follows:

Whereas, Loretta Sanchez was issued a certificate of election as the duly elected Member of Congress from the 46th District of California by the Secretary of State of California and was seated by the U.S. House of Representatives on January 7, 1997; and

Whereas A Notice of Contest of Election was filed with the Clerk of the House by Mr. Robert Dornan on December 26, 1996; and

Whereas the Task Force on the Contested Election in the 46th District of California met on February 26, 1997 in Washington, D.C. on April 19, 1997 in Orange County, California and October 24, 1997 in Washington, D.C. and

Whereas Mr. Dornan's unproven allegations and the actions of the Committee on House Oversight have resulted in an unprecedented attack against Latino voters and created a chilling effect with a message to Latinos that their votes are suspect;

Whereas the Committee on House Oversight has issued unprecedented subpoenas to the Immigration and Naturalization Service to compare their records with Orange County voter registration records, the first time in any election in the history of the United States that the INS has been asked by Congress to verify the citizenship of voters; and

Whereas the INS has complied with the Committee's request and, at the Committee's request, has been doing a manual check of its paper files and providing worksheets containing supplemental information on that manual check to the Committee on House Oversight for over five months; and

Whereas the Committee on House Oversight, subpoenaed the records seized by the District Attorney of Orange County on February 13, 1997 and has received and reviewed all records pertaining to registration efforts of that group; and

Whereas the House Oversight Committee is not pursuing a duplicate and dilatory review of materials already in the Committees possession by the Secretary of State of California; and

Whereas the Task Force on the Contested Election in the 46th District of California and the Committee have been reviewing these materials and has all the information it needs regarding who voted in the 46th District and all the information it needs to make judgments concerning those votes; and

Whereas the Committee on House Oversight has after nine months of review and investigation failed to present credible evidence to change the outcome of the election of Congresswoman Sanchez and is pursuing never ending and unsubstantiated areas of review; and

Whereas, Contestant Robert Dornan has not shown or provided credible evidence that the outcome of the election is other than Congresswoman Sanchez's election to the Congress; and

Whereas, nearly a year and the expenditure of over $500,000, where voters with spanish surnames voters have been the primary target, due process requires that this inquisition of the voters of California's 46th Congressional District end;

Whereas, the Committee on House Oversight should complete its review of this matter and bring this contest to an end: now, therefore, be it

Resolved, That unless the Committee on House Oversight has sooner reported a recommendation for its final disposition, the contest in the 46th District of California is dismissed upon the expiration of November 7, 1997.

The SPEAKER pro tempore. Without objection, the Chair's prior statement will appear in the RECORD at this point.

There was no objection.

The text of the Chair's prior statement is as follows:

Under rule IX, a resolution offered from the floor by a Member other than the majority leader or the minority leader as a question of the privileges of the House has immediate precedence only at a time designated by the Chair within 2 legislative days after the resolution is properly noticed.

Pending that designation, the form of the resolution noticed by the gentleman from Guam [Mr. UNDERWOOD] will appear in the RECORD at this point.

The Chair will not at this point determine whether the resolution constitutes a question of privilege. That determination will be made at the time designated for consideration of the resolution.

ANNOUNCEMENT OF INTENTION TO OFFER RESOLUTION RAISING QUESTION OF PRIVILEGES OF THE HOUSE

Mr. REYES. Mr. Speaker, pursuant to clause 2 of rule IX, I hereby give notice of my intention to offer a resolution which raises a question of the privileges of the House.

The form of the resolution is as follows:

Whereas, Loretta Sanchez was issued a certificate of election as the duly elected Member of Congress from the 46 District of California by the Secretary of the State of California and was seated by the U.S. House of Representatives on January 7, 1997; and

Whereas A Notice of Contest of Election was filed with the Clerk of the House by Mr. Robert Dornan on December 26, 1996; and

Whereas the Task Force on the Contested Election in the 46th District of California met on February 26, 1997 in Washington, D.C. on April 19, 1997 in Orange County, California and October 24, 1997 in Washington, D.C. and

Whereas Mr. Dornan's unproven allegations and the actions of the Committee on House Oversight have resulted in an unprecedented attack against Latino voters and created a chilling effect with a message to Latinos that their votes are suspect;

Whereas the allegations made by Mr. Robert Dornan have been largely found to be without merit: charges of improper voting from a business, rather than a resident address; underage voting; double voting; and charges of unusually large number of individuals voting from the same address. It was found that voting from the same address included a Marines barracks and the domicile of nuns, that business addresses were legal residences for the individuals, including the zoo keeper of the Santa Ana zoo, that duplicate voting was by different individuals and those accused of underage voting were of age; and

Whereas the Committee on House Oversight has issued unprecedented subpoenas to the Immigration and Naturalization Service to compare their records with Orange County voter registration records, the first time in any election in the history of the United States that the INS has been asked by the Congress to verify the citizenship of voters; and

Whereas the INS has complied with the Committee's request and, at the Committee's request, has been doing a manual check of its paper files and providing worksheets containing supplemental information on that manual check to the Committee on House Oversight for over five months; and

Whereas the Committee on House Oversight, subpoenaed the records seized by the District Attorney of Orange County on February 13, 1997 and has received and reviewed all records pertaining to registration efforts of that group; and

Whereas the House Oversight Committee is now pursuing a duplicate and dilatory review of materials already in the Committees possession by the Secretary of State of California; and

Whereas the Task Force on the Contested Election in the 46th District of California and the Committee have been reviewing these materials and has all the information it needs regarding who voted in the 46 District and all the information it needs to make judgments concerning those votes; and

Whereas the Committee on House Oversight has after over nine months of review and investigation failed to present credible evidence to change the outcome of the election of Congresswoman Sanchez and is presuming never ending and unsubstantiated areas of review; and

Whereas, Contestant Robert Dornan has not shown or provided credible evidence that the outcome of the election is other than Congresswoman Sanchez's election to the Congress; and

Whereas, the privacy rights of thousands have been trampled with the sharing of INS files with second and third parties, half of which were Latino surnames and one-third Asian surnames;

Whereas, the Committee on House Oversight should complete its review of this matter and bring this contest to an end: Now, therefore, be it

Resolved, That unless the Committee on House Oversight has sooner reported a recommendation for its final disposition, the contest in the 46th District of California is dismissed upon the expiration of November 7, 1997.

The SPEAKER pro tempore. Without objection, the Chair's prior statement will appear in the RECORD at this point.

There was no objection.

The text of the Chair's prior statement is as follows:

Under rule IX, a resolution offered from the floor by a Member other than the majority leader or the minority leader as a question of the privileges of the House has immediate precedence only at a time designated by the Chair within 2 legislative days after the resolution is properly noticed.

Pending that designation, the form of the resolution noticed by the gentleman from Texas [Mr. REYES] will appear in the RECORD at this point.

The Chair will not at this point determine whether the resolution constitutes a question of privilege. That determination will be made at the time designated for consideration of the resolution.

ANNOUNCEMENT OF INTENTION TO OFFER RESOLUTION RAISING QUESTION OF PRIVILEGES OF THE HOUSE

Mr. TORRES. Mr. Speaker, pursuant to clause 2 of rule IX, I hereby give notice of my intention to offer a resolution which raises a question of the privileges of the House.

The form of the resolution is as follows:

Whereas, Loretta Sanchez was issued a certificate of election as the duly elected Member of Congress from the 46th District of California by the Secretary of the State of California and was seated by the U.S. House of Representatives on January 7, 1997; and

Whereas A Notice of Contest of Election was filed with the Clerk of the House by Mr. Robert Dornan on December 26, 1996; and

Whereas the Task Force on the Contested Election in the 46th District of California met on February 26, 1997 in Washington, D.C. on April 19, 1997 in Orange County, California and October 24, 1997 in Washington, D.C. and

Whereas Mr. Dornan's unproven allegations and the actions of the Committee on House Oversight have resulted in an unprecedented attack against Latino voters and created a chilling effect with a message to Latinos that their votes are suspect;

Whereas the allegations made by Mr. Robert Dornan have been largely found to be without merit: charges of improper voting from a business, rather than a resident address; underage voting; double voting; and charges of unusually large number of individuals voting from the same address. It was found that voting from the same address included a Marines barracks and the domicile of nuns, that business addresses were legal residences for the individuals, including the zoo keeper of the Santa Ana zoo, that duplicate voting was by different individuals and those accused of underage voting were of age; and

Whereas the Committee on House Oversight has issued unprecedented subpoenas to the Immigration and Naturalization Service to compare their records with Orange County voter registration records, the first time in any election in the history of the United States that the INS has been asked by Congress to verify the citizenship of voters; and

Whereas the INS has complied with the Committee's request and, at the Committee's request, has been doing a manual check of its paper files and providing worksheets containing supplemental information on that manual check to the Committee on House Oversight for over five months; and

Whereas the Committee on House Oversight, subpoenaed the records seized by the District Attorney of Orange County on February 13, 1997 and has received and reviewed all records pertaining to registration efforts of that group; and

Whereas the House Oversight Committee is not pursuing a duplicate and dilatory review of materials already in the Committees possession by the Secretary of State of California;

Whereas the Task Force on the Contested Election in the 46th District of California and the Committee have been reviewing these materials and has all the information it needs regarding who voted in the 46th District and all the information it needs to make judgments concerning those votes; and

Whereas the Committee on House Oversight has after over nine months of review and investigation failed to present credible evidence to change the outcome of the election of Congresswoman Sanchez and is pursuing never ending and unsubstantiated areas of review; and

Whereas, Contestant Robert Dornan has not shown or provided credible evidence that the outcome of the election is other than Congresswoman Sanchez's election to the Congress; and

Whereas, the privacy rights of thousands have been trampled with the sharing of INS files with second and third parties, half of which were Latino surnames;

Whereas, the Committee on House Oversight should complete its review of this matter and bring this contest to an end: Now, therefore, be it

Resolved, That unless the Committee on House Oversight has sooner reported a recommendation for its final disposition, the contest in the 46th District of California is dismissed upon the expiration of November 7, 1997.

□ 1530

The SPEAKER pro tempore (Mr. CALVERT). Without objection, the Chair's previous ruling under rule IX will be entered in the RECORD at this point.

There was no objection.

The text of the Chair's prior statement is as follows:

Under rule IX, a resolution offered from the floor by a Member other than the Majority Leader or the Minority Leader as a question of the privileges of the House has immediate precedence only at a time designated by the Chair within two legislative days after the resolution is properly noticed.

Pending that designation, the form of the resolution noticed by the gentleman from California [Mr. TORRES] will appear in the RECORD at this point.

The Chair will not at this point determine whether the resolution constitutes a question of privilege. That determination will be made at the time designated for consideration of the resolution.

ANNOUNCEMENT OF INTENTION TO OFFER RESOLUTION RAISING QUESTION OF PRIVILEGES OF THE HOUSE

Ms. ROYBAL-ALLARD. Mr. Speaker, pursuant to clause 2 of rule IX, I hereby give notice of my intention to offer a resolution which raises a question of the privileges of the House.

The form of the resolution is as follows:

Whereas, Loretta Sanchez was issued a certificate of election as the duly elected Member of Congress from the 46th District of California by the Secretary of the State of California and was seated by the U.S. House of Representatives on January 7, 1997; and

Whereas A Notice of Contest of Election was filed with the Clerk of the House by Mr. Robert Dornan on December 26, 1996; and

Whereas the Task Force on the Contested Election in the 46th District of California met on February 26, 1997 in Washington, D.C. on April 19, 1997 in Orange County, California and October 24, 1997 in Washington, D.C.; and

Whereas Mr. Dornan's unproven allegations and the actions of the Committee on House Oversight have resulted in an unprecedented attack against Latino voters and created a chilling effect with a message to Latinos that their votes are suspect; and

Whereas the allegations made by Mr. Robert Dornan have been largely found to be without merit: charges of improper voting from a business, rather than a resident address; underage voting; double voting; and charges of an unusually large number of individuals voting from the same address. It was found that voting from the same address included a Marines barracks and the domicile of nuns, that business addresses were legal residences for the individuals, including the zoo keeper of the Santa Ana zoo, that duplicate voting was by different individuals and those accused of underage voting were of age; and

Whereas the Committee on House Oversight has issued unprecedented subpoenas to the Immigration and Naturalization Service to compare their records with Orange County voter registration records, the first time in any election in the history of the United States that the INS has been asked by the Congress to verify the citizenship of voters; and

Whereas the INS has complied with the Committee's request and, at the Committee's request, has been doing a manual check of its paper files and providing worksheets containing supplemental information on that manual check to the Committee on House Oversight for over five months; and

Whereas the Committee on House Oversight, subpoenaed the records seized by the District Attorney of Orange County on February 13, 1997 and has received and reviewed all records pertaining to registration efforts of that group; and

Whereas the House Oversight Committee is not pursuing a duplicate and dilatory review of materials already in the Committees possession by the Secretary of State of California;

Whereas the Task Force on the Contested Election in the 46th District of California and the Committee have been reviewing these materials and has all the information it needs regarding who voted in the 46th District and all the information it needs to make judgments concerning those votes; and

Whereas the Committee on House Oversight has after nine months of review and investigation failed to present credible evidence to change the outcome of the election of Congresswoman Sanchez and is presuming never ending and unsubstantiated areas of review; and

Whereas, Contestant Robert Dornan has not shown or provided credible evidence that the outcome of the election is other than Congresswoman Sanchez's election to the Congress; and

Whereas, the continued probe of the Sanchez election unfairly targets Latino voters and discourages their full participation in the democratic process; and

Whereas, the Committee on House Oversight should complete its review of this matter and bring this contest to an end: Now, therefore, be it

Resolved, That unless the Committee on House Oversight has sooner reported a recommendation for its final disposition, the contest in the 46th District of California is dismissed upon the expiration of November 7, 1997.

The SPEAKER pro tempore. Without objection, the Chair's previous ruling under rule IX will be entered in the RECORD at this point.

There was no objection.

The text of the Chair's prior statement is as follows:

Under rule IX, a resolution offered from the floor by a Member other than the Majority Leader or the Minority Leader as a question of the privileges of the House has immediate precedence only at a time designated by the Chair within two legislative days after the resolution is properly noticed.

Pending that designation, the form of the resolution noticed by the gentlewoman from California [Ms. ROYBAL-ALLARD] will appear in the RECORD at this point.

The Chair will not at this point determine whether the resolution constitutes a question of privilege. That determination will be made at the time designated for consideration of the resolution.

ANNOUNCEMENT OF INTENTION TO OFFER RESOLUTION RAISING QUESTION OF PRIVILEGES OF THE HOUSE

Mr. HINOJOSA. Mr. Speaker, pursuant to clause 2 of rule IX, I hereby give notice of my intention to offer a resolution which raises a question of the privileges of the House.

The form of the resolution is as follows:

Whereas, Loretta Sanchez was issued a certificate of election as the duly elected Member of Congress from the 46 District of California by the Secretary of the State of California and was seated by the U.S. House of Representatives on January 7, 1997; and

Whereas A Notice of Contest of Election was filed with the Clerk of the House by Mr. Robert Dornan on December 26, 1996; and

Whereas the Task Force on the Contested Election in the 46th District of California met on February 26, 1997 in Washington, D.C. on April 19, 1997 in Orange County, California and October 24, 1997 in Washington, D.C.; and

Whereas Mr. Dornan's unproven allegations and the actions of the Committee on House Oversight have resulted in an unprecedented attack against Latino voters and created a chilling effect with a message to Latinos that their votes do not count; and

Whereas the allegations made by Mr. Robert Dornan have been largely found to be without merit: charges of improper voting from a business, rather than a resident address; underage voting; double voting; and charges of unusually large number of individuals voting from the same address. It was found that voting from the same address included a Marines barracks and the domicile of nuns, that business addresses were legal residences for the individuals, including the zoo keeper of the Santa Ana zoo, that duplicate voting was by different individuals and those accused of underage voting were of age; and

Whereas the Committee on House Oversight has issued unprecedented subpoenas to the Immigration and Naturalization Service to compare their records with Orange County voter registration records, the first time in any election in the history of the United States that the INS has been asked by the Congress to verify the citizenship of voters; and

Whereas the INS has complied with the Committee's request and, at the Committee's request, has been doing a manual check of its paper files and providing worksheets containing supplemental information on that manual check to the Committee on House Oversight for over five months; and

Whereas the Committee on House Oversight, subpoenaed the records seized by the District Attorney of Orange County on February 13, 1997 and has received and reviewed all records pertaining to registration efforts of that group; and

Whereas the House Oversight Committee is now pursuing a duplicate and dilatory review of materials already in the Committees possession by the Secretary of State of California; and

Whereas the Task Force on the Contested Election in the 46th District of California and the Committee have been reviewing these materials and has all the information it needs regarding who voted in the 46th District and all the information it needs to make judgments concerning those votes; and

Whereas the Committee on House Oversight has after nine months of review and investigation failed to present credible evidence to change the outcome of the election of Congresswoman Sanchez and is pursuing never ending and unsubstantiated areas of review; and

Whereas, Contestant Robert Dornan has not shown or provided credible evidence that the outcome of the election is other than Congresswoman Sanchez' election to the Congress; and

Whereas, the continued probe of the Sanchez election unfairly targets Latino voters and discourages their full participation in the democratic process; and

Whereas, the Committee on House Oversight should complete its review of this matter and bring this contest to an end: Now, therefore, be it

Resolved, That unless the Committee on House Oversight has sooner reported a recommendation for its final disposition, the contest in the 46th District of California is dismissed upon the expiration of November 7, 1997.

The SPEAKER pro tempore. Without objection, the Chair's previous ruling under rule IX will be entered in the RECORD at this point.

There was no objection.

The text of the Chair's prior statement is as follows:

Under rule IX, a resolution offered from the floor by a Member other than the Majority Leader or the Minority Leader as a question of the privileges of the House has immediate precedence only at a time designated by the Chair within two legislative days after the resolution is properly noticed.

Pending that designation, the form of the resolution noticed by the gentleman from Texas [Mr. HINOJOSA] will appear in the RECORD at this point.

The Chair will not at this point determine whether the resolution constitutes a question of privilege. That determination will be made at the time designated for consideration of the resolution.

ANNOUNCEMENT OF INTENTION TO OFFER RESOLUTION RAISING QUESTION OF PRIVILEGES OF THE HOUSE

Mr. ROMERO-BARCELO. Mr. Speaker, pursuant to clause 2 of rule IX, I hereby give notice of my intention to offer a resolution which raises a question of the privileges of the House.

The form of the resolution is as follows:

Whereas, Loretta Sanchez was issued a certificate of election as the duly elected Member of Congress from the 46th District of California by the Secretary of the State of California and was seated by the U.S. House of Representatives on January 7, 1997; and

Whereas A Notice of Contest of Election was filed with the Clerk of the House by Mr. Robert Dornan on December 26, 1996; and

Whereas the Task Force on the Contested Election in the 46th District of California met on February 26, 1997 in Washington, D.C. on April 19, 1997 in Orange County, California and October 24, 1997 in Washington, D.C.; and

Whereas Mr. Dornan's unproven allegations and the actions of the Committee on House Oversight have resulted in an unprecedented attack against Hispanic voters and created a chilling effect with a message to Hispanics that their votes de not count;

Whereas the allegations made by Mr. Robert Dornan have been largely found to be without merit: charges of improper voting from a business, rather than a resident address; underage voting; double voting; and charges of unusually large number of individuals voting from the same address. It was found that voting from the same address included a Marines barracks and the domicile of nuns, that business addresses were legal residences for the individuals, including the zoo keeper of the Santa Ana zoo, that duplicate voting was by different individuals and those accused of underage voting were of age; and

Whereas the Committee on House Oversight has issued unprecedented subpoenas to the Immigration and Naturalization Service to compare their records with Orange County voter registration records, the first time in any election in the history of the United States that the INS has been asked by Congress to verify the citizenship of voters; and

Whereas the INS has complied with the Committee's request and, at the Committee's request, has been doing a manual check of its paper files and providing worksheets containing supplemental information on that manual check to the Committee on House Oversight for over five months; and

Whereas the Committee on House Oversight, subpoenaed the records seized by the District Attorney of Orange County on February 13, 1997 and has received and reviewed all records pertaining to registration efforts of that group; and

Whereas the House Oversight Committee is not persuing a duplicate and dilatory review of materials already in the Committees possession by the Secretary of State of California; and

Whereas the Task Force on the Contested Election in the 46th District of California and the Committee have been reviewing these materials and has all the information it needs regarding who voted in the 46th District and all the information it needs to make judgements concerning those votes; and

Whereas the Committee on House Oversight has after nine months of review and investigation failed to present credible evidence to change the outcome of the election of Congresswoman Sanchez and is pursuing never ending and unsubstantiated areas of review; and

Whereas, Contestant Robert Dornan has not shown or provided credible evidence that the outcome of the election is other than Congresswoman Sanchez's election to the Congress; and

Whereas, after nearly a year and the expenditure of over $500,000, the inquisition of voters of California's 46th Congressional District has resulted in the intimidation of Hispanic voters;

Whereas, the Committee on House Oversight should complete its review of this matter and bring this contest to an end Now therefore, be it;

Resolved, That unless the Committee on House Oversight has sooner reported a recommendation for its final disposition, the contest in the 46th District of California is dismissed upon the expiration of November 7, 1997.

□ 1545

The SPEAKER pro tempore (Mr. PEASE). Without objection, the Chair's previous ruling under rule IX will be entered in the RECORD at this point.

There was no objection.

The text of the Chair's prior statement is as follows:

Under rule IX, a resolution offered from the floor by a Member other than the majority leader or the minority leader as a question of the privileges of the House has immediate precedence only at a time designated by the Chair within 2 legislative days after the resolution is properly noticed.

Pending that designation, the form of the resolution noticed by the gentleman from Puerto Rico [Mr. ROMERO-BARCELÓ] will appear in the RECORD at this point.

The Chair will not at this point determine whether the resolution constitutes a question of privilege. That determination will be made at the time designated for consideration of the resolution.

ANNOUNCEMENT OF INTENTION TO OFFER RESOLUTION RAISING QUESTION OF PRIVILEGES OF THE HOUSE

Mr. RODRIGUEZ. Mr. Speaker, pursuant to clause 2 of rule IX, I hereby give notice of my intention to offer a resolution which raises a question of the privileges of the House.

The form of the resolution is as follows:

Whereas, Loretta Sanchez was issued a certificate of election as the duly elected Member of Congress from the 46th District of California by the Secretary of State of California and was seated by the U.S. House of Representatives on January 7, 1997; and

Whereas A Notice of Contest of Election was filed with the Clerk of the House by Mr. Robert Dornan on December 26, 1996; and

Whereas the Task Force on the Contested Election in the 46th District of California met on February 26, 1997 in Washington, D.C. on April 19, 1997 in Orange County, California and October 24, 1997 in Washington, D.C.; and

Whereas Mr. Dornan's unproven allegations and the actions of the Committee on House Oversight have resulted in an unprecedented attack against Latino voters and created a chilling effect with a message to Latinos that their votes are suspect; and

Whereas the allegations made by Mr. Robert Dornan have been largely found to be without merit: charges of improper voting from a business, rather than a resident address; underage voting; double voting; and charges of unusually large number of individuals voting from the same address. It was found that voting from the same address included a Marines barracks and the domicile of nuns, that business addresses were legal residences for the individuals, including the zoo keeper of the Santa Ana zoo, that duplicate voting was by different individuals and those accused of underage voting were of age; and

Whereas the Committee on House Oversight has issued unprecedented subpoenas to the Immigration and Naturalization Service to compare their records with Orange County voter registration records, the first time in any election in the history of the United States that the INS has been asked by Congress to verify the citizenship of voters; and

Whereas the INS has complied with the Committee's request and, at the Committee's request, has been doing a manual check of its paper files and providing worksheets containing supplemental information on that manual check to the Committee on House Oversight for over five months; and

Whereas the Committee on House Oversight, subpoenaed the records seized by the District Attorney of Orange County on February 13, 1997 and has received and reviewed all records pertaining to registration efforts of that group; and

Whereas the House Oversight Committee is now pursuing a duplicate and dilatory review of materials already in the Committees possession by the Secretary of State of California; and

Whereas the Task Force on the Contested Election in the 46th District of California and the Committee have been reviewing these materials and has all the information it needs regarding who voted in the 46th District and all the information it needs to make judgments concerning those votes; and

Whereas the Committee on House Oversight has after over nine months of review and investigation failed to present credible evidence to change the outcome of the election of Congresswoman Sanchez and is pursuing never ending and unsubstantiated areas of review; and

Whereas, Contestant Robert Dornan has not shown or provided credible evidence that the outcome of the election is other than Congresswoman Sanchez's election to the Congress; and

Whereas, after nearly a year and the expenditure of over $500,000, the continued probe of the Sanchez election unfairly targets Latino voters and discourages their full participation in the democratic process; and

Whereas, the Committee on House Oversight should complete its review of this matter and bring this contest to an end and now therefore be it:

Resolved, That unless the Committee on House Oversight has sooner reported a recommendation for its final disposition, the contest in the 46th District of California is dismissed upon the expiration of November 7, 1997.

The SPEAKER pro tempore. Without objection, the Chair's previous ruling under rule IX will be entered in the RECORD at this point.

There was no objection.

The text of the Chair's prior statement is as follows:

Under rule IX, a resolution offered from the floor by a Member other than the Majority Leader or the Minority Leader as a question of the privileges of the House has immediate precedence only at a time designated by the Chair within two legislative days after the resolution is properly noticed.

Pending that designation, the form of the resolution noticed by the gentleman from Texas [Mr. RODRIGUEZ] will appear in the RECORD at this point.

The Chair will not at this point determine whether the resolution constitutes a question of privilege. That determination will be made at the time designated for consideration of the resolution.

PARLIAMENTARY INQUIRY

Mr. SOLOMON. Mr. Speaker, may I propound a parliamentary inquiry?

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. SOLOMON. Mr. Speaker, I have sat here for over an hour now waiting to bring before this body nine very, very important measures dealing with our relationship with the Communist People's Republic of China, and during that hour we have been delayed, we have listened to a number of notices of questions of privilege. One of them was by our good friend, and she is a good friend, the gentlewoman from California [Ms. ROYBAL-ALLARD], and as I listened to her make notice, I came across the October 31, 1997, page H9814, CONGRESSIONAL RECORD, which is entitled ''An Announcement of Intention to Offer Resolution Raising Question of Privileges of the House,'' and it seems to me that the gentlewoman from California repeated exactly what she had noticed on October 31.

My question to the Chair is, it would seem, whether intentional or unintentional, that that would be deleterious in rising to make notice on the same question while one was pending. What is the parliamentary situation there?

The SPEAKER pro tempore. The Chair will examine the announced resolution to determine whether it is identical to another one considered by the House on the same day.

ANNOUNCEMENT OF COMMITTEE ON RULES MEETING

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

Mr. SOLOMON. Mr. Speaker, I have asked for this time for the purposes of making an announcement about a Committee on Rules meeting.

Mr. Speaker, we have just witnessed another, I believe, 14 or 15, I did not count the number, questions of privileges being noticed on the floor dealing with the Sanchez/Dornan situation. This brings to, just a guesstimate, to about 45 that now are pending. We have delayed the actions of the House by 1 hour, more than 1 hour just now. If we

were to entertain those 45-plus notices over the next couple of days, that would take up probably 24 legislative hours of this body.

This body has been working diligently to try to complete the work of the House so that we can adjourn for this year. As everyone knows, there are three appropriation bills that are contentious. One of those deals with the Census issue which we are told now is about to be worked out. Another dealt with an abortion issue on the Foreign Operations appropriation bill. We are told that the gentleman from New Jersey [Mr. SMITH] has just about completed a compromise on that, and we are told that the gentleman from Pennsylvania [Mr. GOODLING], in negotiations with the House, has just about completed a compromise on the testing.

So that the only issues really to come before this body between now and the time that we would adjourn would be those three appropriation bills, the fast track bill, whether my colleagues are for or against it, I happen to be opposed to it, and some other measures such as these nine United States-China relation bills that are terribly important on the floor, now that it is going to take about 14 or 15 hours.

My point is, we have been delayed now so that we will not be able to complete the day's work on these China bills even if we stay until midnight, which we are, incidentally. We are going to stay at least until midnight. But even then, we will have to carry over five or six of these China bills until tomorrow, and then that just delays any chance that we might have had, I think, of adjourning for the year this Saturday, and even perhaps this Sunday.

But that part is irrelevant. The part that concerns me is that in all of the notices that have been brought before the House, I believe, and I say this sincerely, with no animosity, and I will not yield until I am finished, but I will be glad to at some point, I just believe, I sincerely believe, that they are deleterious in nature, and I have discussed this with the Speaker of the House and asked him if he would not declare them deleterious, keeping in mind that if one or two wanted to be offered each day, certainly knowing the sincerity by some Members of the other side of the aisle that we ought to, as my colleagues know, go along with that. But the Speaker is hesitant to do that because he wants to keep comity in the House.

But, nevertheless, it is the responsibility of the Committee on Rules to see to it that we complete our work on this session, and that is why I have scheduled a Committee on Rules meeting, and I would make notice to the members of the Committee on Rules that we will be considering in the Committee on Rules a two-thirds waiver for remaining appropriation bills from now until Sunday, which means that if the appropriation bills were complete, we could bring them up in the same day.

This is, and when I finish I will yield, this is typical of nomenclature that we do each year. We would also include in that rule permission for suspension days to be brought up with notice to the minority any day between now and Sunday so that we could take care of those significant issues that were not controversial and perhaps deal with them between now and Sunday.

But, also, I am just going to reluctantly recommend to the leadership that we limit in some way the notices that Members can bring on questions of privilege. Perhaps, and I have not decided how we will do this, but perhaps giving that right to the minority leader and the majority leader so that we can have negotiations that try to work out some comity and complete the work of the House. It is terribly important for the American people.

Mr. Speaker, I yield to the gentleman from San Diego, CA [Mr. HUNTER].

Mr. HUNTER. Mr. Speaker, let me just say that I support what he is trying to do for the simple reason that I have heard the notices read over and over again protesting the fact that we do not have a result yet in the election contest, and I just say to my friends that the notices are written in such a way that they are totally one-sided, there is no time for debate, and I sit there looking at the newspaper headlines in California saying that the secretary of state has found that 60 percent of the registrations by one group of people who were registered and voted manipulated—it says that 60 percent of these registrations were illegal.

And yet the idea, if my colleagues listen to the text of the privileged resolutions, which, in essence, are arguments themselves, they talk about Marine barracks being questioned and nuns being questioned. And of course those may be in the huge universe of tens of thousands of people, but the fact that one group alone was found to have had 60 percent of their registrations being fraudulent, and the idea that this House should not investigate that, and that there is no chance for a debate on these privileged motions, they are simply read over and over again in rote.

□ 1600

They were obviously written in such a way as to make the argument in the resolution itself.

Ms. DELAURO. Mr. Speaker, will the gentleman yield?

Mr. HUNTER. I am not going to yield until I am able to finish my sentence.

That, I think, offers no value to this deliberative body, because there is absolutely no time given on the other side, and it gives the impression to the people out in the countryside that there is not a group that had 60 percent fraudulent registrations, which in fact has been the finding of the secretary of state, which would justify any deliberative body in the world at least the idea that we should go forward and at least have a further investigation until we find all the information.

Mr. SOLOMON. Mr. Speaker, reclaiming my time, first of all, I have to yield to the gentleman from Texas who asked me to yield in the first place, and then, if the gentlewoman would let him speak for her, because we have to get on with the regular order.

Ms. DELAURO. Well, I would like to correct the RECORD in a couple of ways, if I can.

Mr. SOLOMON. Well, Mr. Speaker, I will first yield to the gentleman from Texas.

Would the gentleman from Texas rather I yield to the gentlewoman from Connecticut?

Mr. HINOJOSA. Mr. Speaker, that is fine.

Mr. SOLOMON. I just did not want to slight the gentleman from Texas.

Ms. DELAURO. Mr. Speaker, I thank my colleague for yielding. There are two points here. One has to do with our colleague, the gentlewoman from California [Ms. ROYBAL-ALLARD] who, in fact, has introduced two privileged motions, two different dates. Both are different, if the gentleman will check and take a look at the Record.

Mr. SOLOMON. Mr. Speaker, would the gentlewoman explain to us how they are different?

Ms. DELAURO. Let me just finish.

Second, there is nothing, nothing, nothing we would like better on this side of the aisle on this issue than to have the opportunity for debate. Every time one of these, after the notice and the vote comes due, we would love to have a debate. In fact, what happens is that a Member gets up and calls for the motion to be tabled, so in fact, we cannot have a debate.

Mr. SOLOMON. Mr. Speaker, reclaiming my time, we have already had that debate.

Ms. DELAURO. Allow us the opportunity to have the debate on this.

Mr. SOLOMON. Mr. Speaker, regular order. Reclaiming my time, the Gephardt debate amendment, or questions of privileges, has been debated on the floor. I now yield back.

REQUEST FOR PERMISSION TO SPEAK OUT OF ORDER

Mr. HEFNER. Mr. Speaker, I ask unanimous consent to be recognized out of order for 5 minutes.

Mr. SOLOMON. Mr. Speaker, we have to continue with regular order.

Ms. DELAURO. Mr. Speaker, the gentleman from New York spoke out of order for 5 minutes, or longer than that.

Mr. SOLOMON. Mr. Speaker, I object.

The SPEAKER pro tempore (Mr. CALVERT). Objection is heard.

PROVIDING FOR CONSIDERATION OF NINE MEASURES RELATING TO THE POLICY OF THE UNITED STATES WITH RESPECT TO THE PEOPLE'S REPUBLIC OF CHINA

Mr. SOLOMON. Mr. Speaker, by direction of the Committee on Rules, I

call up House Resolution 302 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 302

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 2358) to provide for improved monitoring of human rights violations in the People's Republic of China. The bill shall be considered as read for amendment. The amendments recommended by the Committee on International Relations now printed in the bill and the amendments printed in part 1-A of the report of the Committee on Rules accompanying this resolution shall be considered as adopted. All points of order against the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, and any further amendment thereto to final passage without intervening motion except: (1) one hour of debate on the bill, as amended, which shall be equally divided and controlled by the chairman and ranking minority member of the Committee on International Relations or their designees; (2) the further amendment specified in part 1-B of the report of the Committee on Rules, if offered by Representative Gilman or his designee, which shall be in order without intervention of any point of order, shall be considered as read, and shall be separately debatable for thirty minutes equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instructions.

SEC. 2. After disposition of or postponement of further proceedings on H.R. 2232, it shall be in order without intervention of any point of order to consider in the House the bill (H.R. 2195) to provide for certain measures to increase monitoring of products of the People's Republic of China that are made with forced labor. The bill shall be considered as read for amendment. The amendment in the nature of a substitute recommended by the Committee on Ways and Means now printed in the bill shall be considered as adopted. The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except: (1) one hour of debate on the bill, as amended, which shall be equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means or their designees; and (2) one motion to recommit with or without instructions.

SEC. 3. After disposition of or postponement of further proceedings on H.R. 2195, it shall be in order to consider in the House the resolution (H. Res. 188) urging the executive branch to take action regarding the acquisition by Iran of C-802 cruise missiles. The resolution shall be considered as read for amendment. The amendments printed in part 2 of the report of the Committee on Rules shall be considered as adopted. The previous question shall be considered as ordered on the resolution and the preamble, as amended, to final adoption without intervening motion except: (1) one hour of debate on the resolution, as amended, which shall be equally divided and controlled by the chairman and ranking minority member of the Committee on International Relations or their designees; and (2) one motion to recommit with or without instructions.

SEC. 4. After disposition of or postponement of further proceedings on H. Res. 188, it shall be in order to consider in the House the bill (H.R. 967) to prohibit the use of United States funds to provide for the participation of certain Chinese officials in international conferences, programs, and activities and to provide that certain Chinese officials shall be ineligible to receive visas and excluded from admission to the United States. The bill shall be considered as read for amendment. The amendments recommended by the Committee on International Relations now printed in the bill shall be considered as adopted. The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except: (1) one hour of debate on the bill, as amended, which shall be equally divided and controlled by the chairman and ranking minority member of the Committee on International Relations or their designees; and (2) one motion to recommit with or without instructions.

SEC. 5. After disposition of or postponement of further proceedings on H.R. 967, it shall be in order to consider in the House the bill (H.R. 2570) to condemn those officials of the Chinese Communist Party, the Government of the People's Republic of China, and other persons who are involved in the enforcement of forced abortions by preventing such persons from entering or remaining in the United States. The bill shall be considered as read for amendment. The amendment printed in part 3 of the report of the Committee on Rules shall be considered as adopted. The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary or their designees; and (2) one motion to recommit with or without instructions.

SEC. 6. After disposition of or postponement of further proceedings on H.R. 2570, it shall be in order to consider in the House the bill (H.R. 2386) to implement the provisions of the Taiwan Relations Act concerning the stability and security of Taiwan and United States cooperation with Taiwan on the development and acquisition of defensive military articles. The bill shall be considered as read for amendment. The amendment in the nature of a substitute recommended by the Committee on International Relations now printed in the bill, modified by the amendments printed in part 4 of the report of the Committee on Rules, shall be considered as adopted. The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except: (1) one hour of debate on the bill, as amended, which shall be equally divided and controlled by the chairman and ranking minority member of the Committee on International Relations or their designees; and (2) one motion to recommit with or without instructions.

SEC. 7. After disposition of or postponement of further proceedings on H.R. 2386, it shall be in order to consider in the House the bill (H.R. 2605) to require the United States to oppose the making of concessional loans by international financial institutions to any entity in the People's Republic of China. The bill shall be considered as read for amendment. The amendments printed in part 5 of the report of the Committee on Rules shall be considered as adopted. The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except: (1) one hour of debate on the bill, as amended, which shall be equally divided and controlled by the chairman and ranking minority member of the committee on Banking and Financial Services or their designees; and (2) one motion to recommit with or without instructions.

SEC. 8. After disposition of or postponement of further proceedings on H.R. 2605, it shall be in order to consider in the House the bill (H.R. 2647) to ensure that commercial activities of the People's Liberation Army of China or any Communist Chinese military company in the United States are monitored and are subject to the authorities under the International Emergency Economic Powers Act. The bill shall be considered as read for amendment. The previous question shall be considered as ordered on the bill to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on International Relations or their designees; and (2) one motion to recommit.

SEC. 9. After disposition of or postponement of further proceedings on H.R. 2647, it shall be in order to consider in the House the bill (H.R. 2232) to provide for increased international broadcasting activities in China. The bill shall be considered as read for amendment. The amendment in the nature of a substitute recommended by the Committee on International Relations now printed in the bill shall be considered as adopted. The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except: (1) one hour of debate on the bill, as amended, which shall be equally divided and controlled by the chairman and ranking minority member of the Committee on International Relations or their designees; and (2) one motion to recommit with or without instructions.

SEC. 10. During consideration of any measures pursuant to this resolution, the list of questions on which the Chair may postpone proceedings under clause 5(b)(1) of rule I shall be considered to include (as though in one of the subdivisions (A) through (E)) both the question of adopting an amendment and the question of adopting a motion to recommit.

The SPEAKER pro tempore. The gentleman from New York [Mr. SOLOMON] is recognized for 1 hour.

AMENDMENT OFFERED BY MR. SOLOMON

Mr. SOLOMON. Mr. Speaker, I offer a technical amendment to the resolution. After clearing a technical printing error with the gentleman from Ohio [Mr. HALL], a member of the Committee on Rules, I ask unanimous consent that the amendment to House Resolution 302 placed at the desk be considered as adopted.

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

There was no objection.

Mr. SOLOMON. Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. GILMAN].

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

Mr. GILMAN. Mr. Speaker, I thank the Chairman of the Committee on Rules for yielding to me.

I am pleased to rise in support of House Resolution 302 providing for consideration of nine measures relating to the policy of the United States with respect to the People's Republic of China.

Mr. Speaker, I am pleased to rise in support of the rule (H. Res. 302) providing for consideration of nine measures relating to the policy of the United States with respect to the People's Republic of China.

Today the House addresses major aspects of the United States-China relationship in bringing these measures to the floor.

Many ask: Why are we taking up these measures? The answer is simple. We are taking up these measures because we made a

promise to the American people when the House unanimously adopted House Resolution 461 in June 1996.

That resolution, which was introduced by Mr. SOLOMON and Mr. COX, called for hearings and legislation by the cognizant House committees on issues of concern to the American people regarding the People's Republic of China. We're keeping our promise.

This legislative package is an effort to separate such issues as human rights, proliferation, and the advancement of democracy from our annual debate about China's trade status—the MFN issue.

The American people are deeply concerned about our relationship with China—all of our colleagues receive letters, phone calls, and other communications about it. We are responding to our constituents.

The Chinese are watching our actions closely. This is an opportune time to be open and to be frank with the new Chinese leadership that the American people and Congress are concerned about a number of important issues in our bilateral relationship.

Many of us in the Congress, and many of the American people, believe that the administration is soft-peddling issues which we as Americans feel strongly about—such as human rights, democratization, trade, Tibet, Taiwan, and our national security.

This legislation expresses the strong sentiment of the Congress and the American people on these issues and urges the administration to take appropriate action.

Seven of the nine bills fall within the sole or shared jurisdiction of the Committee on International Relations. I am pleased with the work of the Rules Committee on these measures. Accordingly, I urge support for the rule so that we can proceed with consideration of these bills.

Mr. SOLOMON. Mr. Speaker, for the purposes of debate only, I yield half of our time, 30 minutes, to the gentleman from Ohio [Mr. HALL], pending which I yield myself such time as I might consume. During consideration of the resolution, all time yielded is for the purposes of debate only.

Mr. Speaker, the Committee on Rules has granted one rule which provides for the consideration of nine bills relating to United States-China policy. Each of the nine bills will be considered separately. Each bill will receive one hour of debate equally divided between the chairman and ranking member of the committee of jurisdiction or their designees. In addition, the rule provides that one motion to recommit, with or without instructions, will be in order on each of the nine bills.

With that, I will proceed to describe briefly the procedure for each of those 9 bills.

The first bill the rules makes in order is H.R. 2358, the Political Freedom in China Act, under a modified, closed amendment process. In addition, the rule makes in order and waives points of order against the Gilman-Markey amendment specified in the Committee on Rules, report to be separately debatable for 30 minutes.

The rule then provides for the consideration of H.R. 2195, the Slave Labor Products Act, under a closed amendment process. House Resolution 188, the fighting missile proliferation resolution, is to be considered under a modified, closed amendment process as well.

The rule then provides for the consideration of H.R. 967, the Free the Clergy Act, under a closed amendment process. The rule provides for the consideration of H.R. 2570, the Forced Abortion Condemnation Act.

Next, the rule provides for consideration of H.R. 2386, the Taiwan Missile Defense Act. The rule provides for the consideration of H.R. 2605, the China Subsidization Act. Next, the rule provides for the consideration of H.R. 2647, the Denial of Normal Commercial Status to the Chinese People Liberation Army. The rule then provides for the consideration of H.R. 2232, the Radio Free Asia Act.

Finally, the rule provides that the Speaker may postpone proceedings on the question of adopting an amendment and the question of adopting a motion to recommit.

□ 1615

Mr. Speaker, this is a fair, balanced rule. It makes in order four amendments by Democratic Members, two amendments by Republican Members, and six amendments which are bipartisan in nature.

Mr. Speaker, on the substance of the bill, let me just say that the day has finally arrived on this floor. Today we will consider a series of bills on China that I have just outlined that, together, represent a comprehensive approach to dealing with the myriad of problems presented by the criminal behavior of the Communist dictatorship in Beijing.

Year after year we in this Congress go through the routine process of attempting to deny but then granting most-favored-nation trading status to this regime, despite its endless list of crimes against humanity, crimes against innocent human beings. Then we forget about it for a year while China continues its human rights abuses, its grossly unfair trading practices, its huge military buildup, its sale of weapons and technology to rogue regimes like Iran, its religious persecutions of innocent, helpless human beings, and even worse, Mr. Speaker, selling ready-to-assemble factories to Middle East countries that produce chemical and biological weapons, including deadly nerve gas and other deadly germ warfare that could be used on American soldiers when they are called upon to defend another country, like Kuwait against Iraq. Members should read the newspaper and watch television and see what is happening with this man Hussein in Iraq.

The nine bipartisan bills we offer here today, and I emphasize ''bipartisan,'' will help us break this vicious cycle. Each of them deals with a different aspect of our relationship with China, or addresses a particular transgression committed by this Communist dictatorship.

Mr. Speaker, I must at this point heap praise on the man I think most responsible for putting this package together and getting it to this floor this far, our Republican policy committee chairman, the gentleman from California, Mr. CHRIS COX. The gentleman from California [Mr. COX] and his staff have done diligent work, outstanding work over these past several months, as a matter of fact, several years, in overseeing this effort, and our hats certainly go off to him, and certainly I know it is appreciated by the oppressed people of China.

I would also like to thank the relevant committees which have reported out or discharged this legislation, including the Committee on Ways and Means, the Committee on Banking and Financial Services, the Committee on the Judiciary, the Committee on National Security, and especially the committee which did the lions' share of work, the Committee on International Relations, under the able leadership of my good friend, the gentleman from New York, Mr. BEN GILMAN.

Finally, Mr. Speaker, I would like to thank the minority leader, the gentleman from Missouri [Mr. GEPHARDT], the gentlewoman from California [Ms. NANCY PELOSI], the gentleman from Ohio [Mr. TONY HALL], and so many other Democrat Members on the other side of the aisle who have been unswerving in their support of a free China, and who also helped make this package a legislative reality.

Mr. Speaker, passage of these bills by this House is absolutely essential here today. Even if one were a supporter of MFN, one must admit that China's behavior is absolutely unacceptable, and this Congress cannot just stand idly by and do nothing about it, especially after the President of the United States fell all over himself last week rolling out the red carpet for this Chinese dictator, and offering him a bag of goodies in return for a couple of empty promises. We will be back here next year and 2 years from now, and I will recall those empty promises to Members, and Members will tell me that they were not fulfilled.

Let us look at the facts. On trade matters, hardly a day goes by when the economic and trade picture with China does not get worse. China's refusal to grant fair and open access to American goods has resulted in our trade deficit with that country skyrocketing to $38 billion last year, and toward $50 billion this year.

Do Members know how many American people were put out of work because of that? The people that make this shirt I am wearing here no longer have jobs. This has cost thousands of American jobs, and this Congress refuses to do anything about it, up until today.

While this package will not affect most-favored-nation trading status with China, the bill of the gentlewoman from Florida [Mrs. FOWLER] does attempt to address the problem of

the Chinese People's Liberation Army's huge commercial empire by requiring the executive branch to compile a list of People's Liberation Army companies, and authorizing the President to restrict trade with them under the International Emergency Economic Powers Act. Considering the crimes committed by the Chinese People's Liberation Army, as well as its clearly unfair trading practices. This is clearly the least we can do.

On the matter of human rights, hardly a day goes by without reading of yet another act of aggression, another act of duplicity, or another affront to humanity committed by these butchers of Beijing.

Consider this: The same people who conducted the massacre in Tiananmen Square and the inhumane oppression of Tibet, and if Members do not think they are being oppressed, go there and see firsthand what is happening to those poor people, they have been busily eradicating the last remnants of the democracy movement in China. It is gone, Mr. Speaker.

As we all know, according to this year's State Department human rights report, in 1996, China stepped up efforts to cut off expressions of protest, and had effectively silenced all opposition by intimidation, exile, or imprisonment. That is our State Department's report, Mr. Speaker. Read it.

I emphasize the words ''stepped up,'' Mr. Speaker. Human rights in China are getting worse, not better. This package attempts to deal with this fact through a variety of means. H.R. 2358 that was introduced by the gentlewoman from Florida [Ms. ROS-LEHTINEN] provides for $2 million for additional diplomats dedicated to monitoring human rights to be posted throughout all of China, so we can see and we can have reports coming back to us.

Another bill introduced by the gentleman from New Jersey [Mr. SMITH] provides additional moneys for customs inspectors to monitor and enforce existing prohibitions on slave labor, of which Communist China is the world's premier user. And some of the people around here sing their praises. They still use slave labor, starving people to produce goods to sell in this country, like this shirt I am wearing, and 80 percent cheaper than we can make it in our country. And we sit here and do nothing about it?

The Free the Clergy Act, H.R. 967, of the gentleman from New York [Mr. BEN GILMAN] denies visas to Chinese officials that are engaged in China's rampant religious persecution, and prohibits funding of travel to the United States for officials of Communist China's sham official churches. Do Members not know that that will send a message?

In a similar vein, the gentlewoman from Florida [Mrs. TILLIE FOWLER] would deny visas to those officials involved in China's odious practice of forced abortions. They are bad enough, abortions in themselves, but forced abortions?

And the gentleman from California [Mr. ED ROYCE] will increase funding for Radio Free Asia with the intent of achieving 24-hours-a-day broadcasting in China in multiple languages and in dialects, so that the people behind that Chinese iron curtain can see what is going on and can hear that there are people out there, that there is a beacon of hope for them.

In the field of national security, what we see is a relentless Chinese military buildup, ever more frequent exports of technology and weapons of mass destruction, and an increasingly belligerent Chinese foreign policy that even threatens to use those missiles on Los Angeles.

Where are all the Members from California? They ought to be terribly, terribly upset about that. Here is one back here.

While every other major country has reduced its military spending, Communist China has increased its military spending by double digits for a number of years now, and has already increased their military spending by 50 percent in just the last several years, while we in America and every other democracy in the world is cutting back. Why are they doing that? What have they got on their minds? What are they buying with all of that money? Soviet-made Sunburn missiles from Russia, that is what, and Soviet and Russian-made SU–27 Flankers, Kilo submarines, and a host of other equipment and technology that will allow China to, among other things, continue to intimidate the democratic society of Taiwan.

Meanwhile, China's irresponsible proliferation activities continue to go unabated, despite last week's paper promises. The fact is that China continues to export ballistic missile and nuclear technology to Pakistan, and missile, nuclear and chemical weapons technology to the avowed enemy of America.

Who says we are their enemy? Iran says we are their enemy. Yet China gives them the same nuclear technology that now we are telling them we are going to give to China. It is outrageous, Mr. Speaker.

This package also deals with these national security problems in several different ways. One bill calls for enforcement of the Gore-McCain Act, this is the law of the land, in light of China's C–802 missile shipments to Iran. That 1992 act calls for sanctions against countries which arm Iran, but the President and the Vice President have been ignoring the law, declining even to issue a waiver. Why? I wonder why.

H.R. 2386, introduced by the gentleman from California [Mr. DUNCAN HUNTER], requires a report on the missile defense needs of Taiwan, and calls for sales of missile defense technology to Taiwan as soon as possible, so they can meet this threat.

Finally, Mr. Speaker, I myself introduced an attempt to shut down the taxpayer-funded money flow to this rogue regime, which makes what we are doing here today necessary by requiring the United States to oppose all so-called soft money loans to China.

Here is this country. We are going to have people come on the floor today and they are going to praise this China's Government and say how successful they are, and look at their great economy. And we still give them money in foreign aid? We give our taxpayers' money to them?

Mr. Speaker, this world is upside down. It is high time for substantive and creative responses to the aforementioned affronts against humanity committed by this despotic dictatorship in China. That is what these nine bills are all about, and I would urge every Member to come over here, participate in this 10 hours of debate on the issues that I have just brought before Members. We need to do that not only for the people that are suffering under communism in China today, but we need to do it for the protection of the American people in the future.

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

AMENDMENT OFFERED BY MR. SOLOMON

The SPEAKER pro tempore (Mr. CALVERT). Without objection, the Clerk will report the amendment to the resolution that was previously agreed to.

There was no objection.

The Clerk read as follows:

Amendment offered by Mr. SOLOMON:

The first sentence of section 2 is amended by striking ''H.R. 2232'' and inserting in lieu thereof ''H.R. 2358''.

Mr. HALL of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this resolution, House Resolution 302, is a compound rule that will allow consideration under a very closed amendment process. It allows nine separate bills or resolutions responding to human rights abuses in China.

As my colleague, the gentleman from New York, has described, this rule provides 1 hour of general debate for each bill, equally divided and controlled by the chairman and the ranking minority member of the committee of original jurisdiction.

The rule permits only one floor amendment to be offered to one of the nine bills. No other floor amendments can be offered to that bill or any of the other nine bills in the China package. The rule self-executes 11 other amendments to some of the bills.

Mr. Speaker, I do share with my colleague, the gentleman from New York [Mr. SOLOMON], an abomination of the human rights abuses in China. During my service in Congress, as others have done, I have devoted myself to improving human rights conditions in many of the forgotten places around the world. Therefore, I do appreciate the work of the gentleman, as well as the Committee on International Relations

chairman, the gentleman from New York [Mr. GILMAN), and the ranking member, the gentleman from Indiana [Mr. HAMILTON] for their continued focus on China's human rights abuses. China's brutal suppression of religious and political freedoms are well known. China has cracked down on political dissent, imprisoned and tortured people for their religious beliefs, and supported the proliferation of weapons of mass destruction.

China continues forced abortions for many women who do not follow the one-child-per-family policy, and the House of Representatives and the United States cannot remain silent on these human rights abuses.

The United States must do more than just talk about human rights abuses. We must take action that leads to improving the lives of the Chinese people. The bills before us today contain a number of creative approaches. They are the result of a great deal of effort by many House committees. It is an act of leadership and courage for us to consider them.

□ 1630

Unfortunately, I do not agree with the actions of the Committee on Rules in moving the China package forward under this process. I agree that there is a sense of urgency, and in fact I wish that the House had moved with stronger force to stop many human rights abuses that I and others have pointed out over the past two decades.

However, I believe that the speed of the process denies the opportunity for House Members to participate in the shaping of this legislation, and it increases the risk that the final product will not represent our best effort. For these reasons, I reluctantly oppose the rule.

Last night during consideration by the Committee on Rules, the distinguished ranking minority member of the Committee on International Relations, the gentleman from Indiana [Mr. HAMILTON], testified he had serious substantial concerns about this package of legislation. He also had serious concerns about the process. He pointed out that some of the bills had no hearings and there has been inadequate consultation with the administration and the intelligence community. The result, he warned, is likely to produce a flawed product that will not have the intent we seek and will not reflect well on Congress.

The Committee on Rules did self-execute amendments that will improve the package. I am thankful to the committee for making these changes and for including Democratic amendments.

However, this is the least preferable way to make the changes. It puts the Committee on Rules in the role of the decisionmaker, circumventing the normal committee process, and denies the opportunity for all House Members to vote on the self-executing amendments. With one exception, House Members are denied the opportunity to offer their own amendments on the floor.

Mr. Speaker, I believe that speed and efficiency are necessary when important issues such as human rights come up. But under this rule, we are sacrificing too much of the rights of House Members and risking making too many mistakes to consider the China legislative package.

I would urge my colleagues to reject this rule and a very flawed process.

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

Mr. SOLOMON. Mr. Speaker, I yield 3 minutes and 30 seconds to the gentleman from Claremont, CA [Mr. DREIER], the vice chairman of the Committee on Rules. He is an outstanding supporter of human rights throughout this world. I wish I had more time than 3 minutes to yield to him. There will be ample other time during the 10 hours of general debate.

Mr. DREIER. Mr. Speaker, I thank my friend for yielding me this time.

I rise in strong support of this rule and to say that I am in agreement with many of the points that my friend from New York made. Probably the most important one to me is the fact that it is true over the years we constantly focus on the debate on whether or not we should renew most-favored-nation trading status with the People's Republic of China and then, while we have talked about many things, we unfortunately do not get on that road toward pursuing many of the very justifiable concerns that we have, and that is what this is all about today.

Before we had the vote on renewal of MFN earlier this year, the Speaker asked my colleague from Illinois [Mr. PORTER] and me to put together a package which includes, in fact, an overwhelming majority of the items included in this legislation. We worked with the gentleman from New York [Mr. SOLOMON] and the gentleman from California [Mr. COX] and many other Members who got involved in this process, and in a bipartisan way we introduced H.R. 2095 with 40 cosponsors. And it is bipartisan; we have 14 Democrats who joined as cosponsors of that measure.

I am not going to stand here and be one of those that the gentleman from New York [Mr. SOLOMON]) mentioned, who is going to praise the Chinese Government or, in fact, say that they are all very rich. I am a very strong critic of the actions of the Government of the People's Republic of China and those concerns which all of us share. I am not going to say that they are a rich country because they are not a rich country.

But I will say that if we look at the 5,000-year history of the People's Republic of China, clearly, market reforms have been the most powerful force for change, and our commercial relations with the People's Republic of China have been integral toward pursuing those reforms which have addressed many of the concerns that exist among the 1.3 billion people.

As I say, there are very deep and disturbing problems which do need to be addressed, and we are today taking a proactive position in trying to look at those.

I think that we need to shift the policy of debate simply on the issue of trade toward those ways that we can promote our American values, the Western values of human freedom, democracy, the rule of law, and respect for international norms. That is why I believe that when we look at the items included in H.R. 2095, we do many of those things that need to be addressed.

One of them I think is very important, and that is to increase funding for the National Endowment for Democracy. We have been key toward encouraging village elections throughout China. While some are critics of village elections, I think that anything we can do to encourage democratization, even if it is coming from the ground up where we now have, unlike during the Mao years, non-Communist candidates and we have in fact secret ballots, things that did not exist when village elections were taking place decades ago, those are positive. The International Republican Institute is on the front line toward helping literally hundreds of millions of people to participate there.

There are many other items that we have included in this measure, funding for Radio Free Asia and the Voice of America, and I believe that we have a very good package by and large. There are some things in this measure which concern me, but I do believe that those things that encourage greater political pluralism are things that we can support as a country.

With that, I urge my colleagues to support the rule.

Mr. HALL of Ohio. Mr. Speaker, I yield 9 minutes to the gentleman from Indiana [Mr. HAMILTON], the ranking minority member of the Committee on International Relations.

Mr. HAMILTON. Mr. Speaker, I thank the gentleman from Ohio for yielding me this time.

I rise today to urge defeat of the rule. I do so with some reluctance, but I am concerned that we are about to embark on a debate that is not going to reflect well on the House of Representatives. We will set back U.S.-China relations and do harm to important American interests.

Some of the bills that we will consider are acceptable; some are not. On balance, I think bringing these bills forward now will do more harm than good in the U.S.-China relationship. A China debate by the Congress is entirely appropriate, if it is properly done. I have got substantive and procedural concerns about this package. I am concerned about the cumulative impact of this collection of bills.

The administration opposes almost all of these bills. I do not assume that the administration is right in all cases and the House wrong, but I am troubled that no process was followed to try to work out the differences on the bills.

Let me just say a word about the relationship with China. It is a terribly complex relationship. It is one of the most difficult foreign policy relationships in the world to manage, even in the best of times. The relationship often makes us uncomfortable. China as a country has many faults and does many things we do not like. The two countries have vastly different perspectives on a whole host of problems, as was obvious to all of us who heard President Jiang Zemin for even a few minutes last week.

But China is too big and too important to ignore. Notwithstanding our differences, we do have many common interests with China. The relationship has deteriorated very badly since 1989. We have just concluded an important summit meeting between the President of the United States and the President of China. I think that summit served real purposes and it put the U.S.-China dialogue back on track. We have got very tough problems ahead of us.

China has a long way to go before its behavior is acceptable to the international community. But looking over the last 25 years, China has evolved from a country ostracized by much of the world to a more acceptable and accepted member of the global community, although it is not there yet, by any measure.

I believe that China is making progress toward a market economy and a deeper integration into the world and has taken some steps toward a more open and accountable society. Even on the most difficult aspect of our relationship, human rights, personal freedom has expanded in recent years as a result of economic growth, and there has been some easing of governmental authority over everyday life.

I acknowledge that China has a very long way to go, and I agree with many of the protests against certain aspects of China policy. No one of us can guarantee the future. Direct conflict with China cannot be ruled out. We are at a moment of decision with China. Either China will decide to live by the rules that bind the rest of the international community or it will go off on its own, a threat to its neighbors and to vital U.S. interests. We are not going to control that decision, but we can influence it. It is in this context that the House takes up this package of legislation.

Cumulatively, these measures will be perceived as anti-China bills. What concerns me most about the package of bills and some of the rhetoric that will accompany them is that the House will be perceived as demonizing China and China may very well respond in kind.

I do not believe it serves American interests today to paint China, with all of its faults and with all of the concerns we have about its conduct, as a second evil empire. That is not the prescription for a productive relationship. While I support some of the measures before us today, as a whole I do not think these bills have been well considered.

We have not had a single hearing on several of the bills. Consultation with the administration has been limited and in some cases nonexistent. Administration positions and preferences have been ignored without even an effort to take the views of the executive branch into account. Members have been denied an opportunity to offer serious and substantive amendments. A flawed process is likely to produce a flawed result. In terms of substance, the deficiencies of this package are apparent.

Some of the bills, such as the one on cruise missiles to Iran, make very close judgments concerning the violation of existing laws without adequate intelligence briefings or consultations. Some of the measures before us are overly broad or vague. I might mention the two bills that deny U.S. visas to large numbers of unspecified Chinese. Some of the bills fail to take into account probable Chinese reactions and how these could affect American interests.

It would, for example, not serve U.S. interests if China were to bar admission into China for Billy Graham or other American religious leaders in retaliation for our denying visas to their religious officials. Some of the bills, such as the Taiwan ballistic missile development bill, could be counterproductive and produce a result very different from what we intend. Some of the bills, including H.R. 2570 on forced abortion and H.R. 967 on religious persecution, certainly worthy in their purpose, would create administrative nightmares for those responsible for their execution. In short, these are far-reaching bills with major substantive problems.

One question I ask is, what is the hurry? The Senate is not scheduled to take up these bills this year. We are about to adjourn. We have time to take a more deliberative approach and to produce a better product. I, of course, endorse the right and the responsibility of the Congress to express its views on important foreign policy issues, but our institutional right should be carefully and deliberately exercised.

On these delicate matters of foreign policy toward China, we should consult closely and work cooperatively with the President. It simply does not help American foreign policy for the Congress to charge off in one direction and the President in another. That is precisely what we are doing as we consider these bills.

A process should be followed that is unhurried and deliberate. We need to make every effort to debate China policy at a time and in a manner that does not frustrate the President's ability to conduct U.S. foreign policy. I do not think we have met those responsibilities.

My concern is that we are about to rush into actions that will not reflect favorably on the House of Representatives and could damage the Nation's interests. For these reasons, Mr. Speaker, I ask my colleagues to vote no on this rule.

Mr. SOLOMON. Mr. Speaker, could the Chair advise us how much time remains on both sides?

□ 1645

The SPEAKER pro tempore (Mr. CALVERT). The gentleman from New York [Mr. SOLOMON] has 11½ minutes remaining. The gentleman from Ohio [Mr. HALL] has 17½ minutes remaining.

Mr. SOLOMON. Mr. Speaker, I yield 2 minutes to the gentleman from Nebraska [Mr. BEREUTER], the very distinguished member of the Committee on Foreign Affairs. He came with me to this body 19 years ago and he is a very respected Member in Lincoln, NE.

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

Mr. BEREUTER. Mr. Speaker, I thank the gentleman from New York [Mr. SOLOMON] for yielding me the time.

As chairman of the Subcommittee on Asia and the Pacific and as someone who has carefully followed events in the People's Republic of China for some time, this Member rises to address the legislative initiative orchestrated by the gentleman from New York [Mr. SOLOMON], distinguished chairman of the Committee on Rules, and the gentleman from California [Mr. COX].

The legislative package that is before this body today contains a great many provisions that this gentleman fully supports. Some of the amendments made in order seem very appropriate. Others will be examined in debate. And some, perhaps, should be offered but cannot be offered. But I do believe a structured rule was essential.

The initiative on Radio Free Asia has been authored by the distinguished gentleman from California [Mr. ROYCE], an initiative also proposed by the gentleman from New Jersey [Mr. SMITH] and this Member and recommended by our distinguished Speaker. It is a common sense proposal that would facilitate the flow of unfiltered information to tens of millions of Chinese.

Similarly, an initiative supporting ballistic missile defense for Taiwanese is unfortunately now merited, as is the proposal for additional State Department personnel to monitor human rights conditions. These are all worthwhile initiatives.

However, Mr. Speaker, there is the high prospect for a frenetic overtone to this unfolding debate. The underlying psychology of some of my colleagues seems to be to regain the initiative vis-a-vis the PRC. Mr. Speaker, the United States never lost the initiative.

The United States is the preeminent military, economic, and political power in the world today. Yes, it is true that China, together with much of the rest of Asia, has experienced major growth—but that is not a threat to us. This Member is a realist—we should not be creating enemies where none need exist.

Mr. Speaker, this Member fully shares the hope, desire, and commitment that human

rights and democracy will flourish within the PRC. By focusing on the details of very specific human rights abuses that one finds in today's headlines, it is easy to ignore the dramatic, undeniable progress that has occurred, and continues to occur. The China of today simply is not the China with which President Richard Nixon forged an opening in 1972. Rather, today's China is vibrant and rapidly changing. It is dynamic. In terms of personal prosperity, in terms of individual choice, in terms of access to outside sources of information and freedom of movement within the country, the Chinese undeniably enjoy increased freedom. Public dissent, however, is severely limited.

Moreover, just last year modest legal reforms were advanced in the area of criminal procedures which make it more likely that individuals will be considered innocent until proven guilty, will have the right to a lawyer at the time of detention, and will be able to challenge the arbitrary powers of the police. Although these reforms have far too many conditions or limitations that permit the government to suppress political dissent, they nonetheless represent progress toward rule of law in China.

All the village level, it would seem that a remarkable transformation has taken place without anyone noticing. Village elections, once the sole domain of local communist party functionaries, have in many but far from all cases, suddenly become contested events—with noncommunists elected to some posts. This Member is not pretending that very serious, deeply rooted problems do not continue; they do. But the critics of the PRC should stop pretending that conditions for the average individual in China has not dramatically improved; of course, that varies greatly from region to region in China.

Mr. Speaker, this Member is absolutely convinced that democracy and broader respect for human rights inevitably will come to China. There is no way the Chinese leaders in Beijing can prevent the flow of information and ideas into their country. We can have at least some effect here, either positive or negatively.

Simply put, Mr. Speaker, as President Clinton said, time is on our side. The objective that everyone will profess so loudly on this floor today will come in time if we do not blow it. Making China our adversary will not advance political nor religious rights, nor will it advance the security of Taiwan.

This Member would, therefore, simply urge, in the course of today's debate, that a measure of past-to-present analysis and a long-term perspective on what is actually in America's national interest should be applied to the debate about to unfold on the various resolutions in the China legislative package the rule makes in order today.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentlewoman from California [Ms. HARMAN].

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

Ms. HARMAN. Mr. Speaker, I rise in strong support of this rule and commend the gentleman from New York [Mr. SOLOMON], chairman of the Committee on Rules, for his care and fairness in drafting it.

As a mother of four, I know that perfection is not an option, and I certainly agree with many speakers that this rule is not perfect. Nevertheless, I feel that it is timely and that it brings many important subjects to our attention. I would say to our colleagues who disagree with some of these resolutions and proposed amendments, vote against them. I may vote against some, too. But do not vote against this rule.

Let me make a couple of other points. Last week, as has been noted, the President of China was here. I thought his visit was very productive. I support the economic relationship with China and have voted twice against discontinuing most-favored-nation status for China. That does not mean, however, that I think that issues concerning human rights and proliferation are unimportant. I think they are very important. And this is our opportunity to address those, too, and to address those in a timely way before we adjourn.

On one subject, I would like to make a further point; and that is the language in this rule that automatically reports the text of House Concurrent Resolution 121 into House Resolution 188. Resolution 188 is offered by the gentleman from New York [Mr. GILMAN], and it concerns proliferation of missile technology from China to Iran. The addition to the other language is the full text of an amendment I have offered that has been reported unanimously by the Committee on House International Relations and has also been introduced in the other body, with many cosponsors, to direct the administration to impose sanctions on Russian firms that are engaging in missile proliferation to Iran. That is as urgent a threat as the Chinese proliferation. Combining the two makes the point more effectively. I look forward to a time later today when both will be passed.

In conclusion, Mr. Speaker, I urge strong support of this rule and commend those involved for a very fair and complete process.

Mr. SOLOMON. Mr. Speaker, I yield 2 minutes to the gentleman from Florida [Mr. DIAZ-BALART], one of the true defenders of human rights in this body. He is a member of our Committee on Rules.

Mr. DIAZ-BALART. Mr. Speaker, these nine bills that I strongly support bringing to the floor through this rule make a necessary statement, Mr. Speaker, a statement that I think, unfortunately, has not been made by the President of the United States. I certainly have not heard the President of the United States make it. And that is very clear, very simple, we want China to be free.

Yes, we recognize that China cannot be ignored, but we want freedom for the Chinese people. The reality of the matter, Mr. Speaker, is the international community generally is today engaged in a policy of massive capital and technology transfers to China in the context of what I would refer to as the ugly face capitalism, the utilization of a system that permits extraordinary profits for major investors because of the lack, the total lack, of labor rights existing in that country.

Now, with that ugly face of capitalism and the increase of the gross domestic product that is occurring in China may come, and it always does with GDP, comes military power. I am convinced that unless the Chinese people are able to throw off the yoke of their oppressors, our children, Mr. Speaker, and their children will have to face very dangerous consequences, perhaps horrible consequences, the massive capital and technology transfer that China is benefiting from today.

So I believe that it is important that we make the statement and that we take the substantive steps that we will be taking with these bills. It is, obviously, very difficult for the people of China to free themselves when international capitalism is pouring billions of dollars into the coffers of the communist oppressors, billions that they use to maintain their oppressive apparatus. We can and I believe we must, and I believe the Congress is in fact saying with these bills, we do not accept the status quo, we want freedom for China.

Mr. HALL of Ohio. Mr. Speaker, I yield 3 minutes to the gentleman from Mississippi [Mr. TAYLOR].

Mr. TAYLOR of Mississippi. Mr. Speaker, I thank the gentleman from Ohio [Mr. HALL] for yielding me the time.

Mr. Speaker, I would like to point out that this whole debate reminds me of a chapter of a book called ''365 Days,'' where a doctor, Dr. Glasser, who treated patients during the Vietnam war, makes mention of the fact that our medics during the Vietnam conflict, when soldiers were so severely wounded that there was nothing that could be done for them, would often give them a sweettart and tell the dying soldier that it was for the pain; and somehow the soldiers, wanting to think they would get better, would actually feel better.

That is about what these bills do. It is like giving a dying soldier a sweettart. It does not save him. But maybe it is a psychological thing for the American people that somehow we will feel better about the fact that one of the world's most brutal dictatorial regimes has a $40 billion trade surplus with our country and that they use that money to arm our votes.

I would hope that people would vote against this rule. Because I would like to offer an amendment to where, if we are really going to address the trade problems and the wrongs in the People's Republic of China, why do we not do something very simple, why do we not instruct our trade agencies and the people responsible for tariffs to, on a quarterly basis, look and see what the Chinese charge us for access to their markets and then adjust our tariffs to meet theirs. It is called fairness.

That bill is already drafted. I would like the opportunity to offer it as an amendment. The gentleman from New York [Mr. SOLOMON] is the chairman of the Committee on Rules. I would like an open rule so that one of these bills could be amended to do just that.

Mr. SOLOMON. Mr. Speaker, will the gentleman yield?

Mr. TAYLOR of Mississippi. I yield to the gentleman from New York.

Mr. SOLOMON. Mr. Speaker, let me say to the gentleman from Mississippi [Mr. TAYLOR] that we have a protocol that we have followed that we cleared with the Democratic minority that we would only consider those bills that have been reported from the committees.

The gentleman from Missouri [Mr. GEPHARDT], as a matter of fact, has a bill dealing with the WTO that I am his major cosponsor of. We could not make that in order, Mr. GEPHARDT understands that, because the Committee on Ways and Means would not report it unfortunately.

I would like to cosponsor the gentleman's legislation if he introduces it, and I will do everything I can to help him move it.

Mr. TAYLOR of Mississippi. Mr. Speaker, I think the gentleman from New York [Mr. SOLOMON] has just made my point. I think we ought to have an open rule. I do not think a handful of people in the Republican leadership or a handful of people in the Democratic leadership or just those people who are fortunate enough to serve on the Committee on Ways and Means should make this decision. I think everyone in this House should make the decision where we seek some basic level of fairness between what we charge the Chinese, which is almost nothing, to have access to our markets, which indeed in many instances are made by slave labor, and they are charging us anywhere from 30 to 40 percent for our goods and they have a 40-percent trade surplus with our country, which means they are the winner.

All I want is fairness and opportunity for Members of this body to decide whether or not we can have that level of fairness. For that reason, and especially since the gentleman from New York [Mr. SOLOMON], chairman of the distinguished Committee on Rules, would like the opportunity to vote for that bill, I would encourage every Member of this body to vote against the rule so that it would be open for debate so we have an opportunity to vote on just that.

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

Mr. SOLOMON. Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. COX], who is most responsible for bringing all of this legislation to the floor. He is the chairman of our policy committee for the Republican Party.

Mr. COX of California. Mr. Speaker, I thank the chairman, the gentleman from New York [Mr. SOLOMON] for yielding me the time.

The recent visit of President Jiang Zemin has focused the attention of the American people on our relations with the People's Republic of China in a very constructive way. To the extent that the summit was meant to promote cordial relations between our two states and friendly dialog, it was a success. For President Jiang was warmly received, he was provided a 21-gun salute, a State dinner, a breakfast here on Capitol Hill with our congressional leadership, and he even had a chance to address the American people on the ''McNeil-Lehrer News Hour.''

Because we respect his position as the head of the Communist Party and as the President of the People's Republic of China, and because we recognize the importance of cordial relations with the world's most populous nation, we received him properly and openly. But there is more to our relationship than summitry and warm expressions of goodwill. We also must do the hard work of hammering out our distinctions on security issues, on the proliferation of technology for weapons of mass destruction, and on human rights, all of which are of fundamental importance, not just to the peoples of our countries, but to the people of the whole world.

For many years, United States policy toward the People's Republic of China has been mired in debate over MFN status, most favored nation trade status for the People's Republic of China. This is a stalemate that has frustrated all sides of the debate and hindered the development of a coherent China policy that addresses the diverse aspects of our relationship, many of which have little, if anything, to do with trade.

The attempt to refract every element of our policy toward the People's Republic of China through this single annual debate on trade policy has failed to do justice to what the gentleman from Indiana [Mr. HAMILTON] rightly observes as a complex relationship. Because the choice presented in the MFN debate was binary, it was like a light switch on and off, we could not calibrate our responses to the nuance and change in the relationship. Even worse, the threat of MFN denial lost credibility with China's Government, providing the United States with little leverage on either trade or nontrade issues.

To move beyond this stalemate, the House adopted House Resolution 461 a year and a half ago, in June 1996. This resolution passed the House with bipartisan support. Let me quantify what I mean by ''bipartisan support.'' The vote was 411–7. It is stated, the debate over Communist China's most favored nation trade status cannot bear the weight of the entire relationship between the United States and the People's Republic of China. Instead, the bill enumerated in detail a series of concerns about the activities of the Communist Chinese military, about China's human rights record and about their economic and trade policy, and it charged the standing House committees of jurisdiction with holding hearings and reporting out appropriate legislation tailored to these separate concerns.

Six of our standing committees have now fulfilled that charge and sent to the floor nine separate pieces of legislation that contain discrete and measured responses to each of the serious issues in our bilateral relationship with the People's Republic of China.

□ 1700

Together these bills comprise a very positive policy for freedom that does not involve MFN but that does provide needed clarity to these important issues.

This effort remains thoroughly bipartisan. I want to recognize the hard work and the positive contributions of the Democrats as well as Republicans who have put this package together. It is the reason that I am addressing Members from the minority side of the aisle. I wanted to walk across to tangibly illustrate just how much we have worked together with the gentleman from Missouri [Mr. GEPHARDT], the minority leader; with the gentlewoman from California [Ms. PELOSI] and the gentleman from California [Mr. LANTOS], as well as the authors of the legislation that we will be considering: The gentleman from Illinois [Mr. PORTER], the gentleman from California [Mr. DREIER], the gentleman from New York [Mr. GILMAN], the gentleman from Nebraska [Mr. BEREUTER], the gentleman from New York [Mr. SOLOMON], the gentleman from South Carolina [Mr. SPENCE], the gentlewoman from Florida [Mrs. FOWLER], the gentlewoman from Florida [Ms. ROS-LEHTINEN], the gentleman from California [Mr. HUNTER], the gentleman from New Jersey [Mr. SMITH], and the gentleman from California [Mr. ROYCE] as well as scores of our colleagues.

Our policy for freedom supports a growing, positive relationship with a free China and it recognizes that the people of China are not the same as the regime in China.

Mr. Speaker, I would like to conclude with a brief story from Chinese history, and a thought:

When the Ming Dynasty replaced the Mongols in the 14th century, China embarked on its own Age of Exploration, an era that antedated, and rivaled in every respect, the exploration and the discovery that was going on in Europe at the time. Chinese fleets scoured the Indian Ocean. They visited Indonesia, Ceylon, even the Red Sea and Africa, where they brought back giraffes to surprise and amaze people back home.

But this is where Chinese exploration ended. Who knows? With a little more wind, they might have rounded the Cape of Good Hope before the Portuguese. They might have reached Europe. They might even have discovered America.

Today, the irrepressible dreams of human freedom live on in China's diverse and tolerant peoples. But China's

explorers and discoverers are kept down by the worst of the 20th century's legacies, the last vestiges of totalitarianism, which also live on still in Communist China.

It is my hope that as we close the 20th century, America, whose unique mission in the world is to promote freedom, can provide the Chinese people with a little wind at their back so that this time they will round the corner, this time they really will be free, and so that our friendship will truly be strong and the world will be a much safer place.

Mr. Speaker, I thank the gentleman from New York [Mr. SOLOMON] for bringing this package together with the cooperation of both majority and minority Members and for the splendid debate that I know that we will have in the next 10 hours.

Mr. SOLOMON. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida [Mr. GOSS].

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

Mr. GOSS. Mr. Speaker, I rise in support of this rule.

I thank the distinguished chairman of the Rules Committee, Mr. SOLOMON, for yielding time and I rise in strong support of this fair rule to expedite the consideration of these nine important initiatives.

Mr. Speaker, we are nearing the end of the session and we are taking steps to ensure full debate on these important topics without bogging the House down in days and days of speechmaking. This rule strikes a responsible balance. In my view it is well past time that Congress send a clear message challenging the human rights conduct, weapons proliferation, and hostile intelligence activity of the People's Republic of China. As chairman of the Permanent Select Committee on Intelligence, I have been closely following these and other issues to be discussed today. We have examined the activities of Chinese intelligence and military officers in the United States and we have studied the evidence of proliferation by China of weapons of mass destruction. We have also closely examined the brutal conduct of the Chinese Government toward many of its own citizens. The record is clear and tremendously unsettling—it is not one of freedom, but one of repression. China, whether we like it or not, is one of the single greatest national security concerns facing us today.

Today we are finally taking concrete action, some basic steps to demonstrate our real concern about the intentions and activities of the Chinese regime. Through these nine bills we will encourage enforcement of the 1992 Iran-Iraq Nonproliferation Act. We will monitor the access of and deny United States subsidies and United States visas to Chinese intelligence officers and others who work against America and its interests. We will promote human rights in China and punish those who persecute, who perform abortions, and who exploit forced labor. In short, we will define a congressional agenda toward China, one of freedom and tolerance.

Mr. Speaker, I applaud the efforts of all Members who have helped bring these important bills to the floor. I especially commend my friend from California, Mr. COX, for his steady leadership in this crucial national security area. I intend to maintain a clear and high priority focus on China in my capacity as chairman of HPSCI.

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

The previous question was ordered.

The SPEAKER pro tempore [Mr. CALVERT]. The question is on the resolution.

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

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

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

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 237, nays 184, not voting 12, as follows:

[Roll No. 578]

YEAS—237

Abercrombie
Aderholt
Archer
Armey
Bachus
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
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Crane
Crapo
Cunningham
Davis (VA)
Deal
DeLay
Deutsch
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Eshoo
Everett
Ewing
Fawell
Foley
Forbes
Fossella
Fowler
Fox
Franks (NJ)
Frelinghuysen
Furse
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Greenwood
Gutknecht
Hall (TX)
Hansen
Harman
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
Johnson (CT)
Johnson (WI)
Johnson, Sam
Jones
Kasich
Kelly
Kim
Kind (WI)
King (NY)
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lucas
Manzullo
McCarthy (NY)
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Moran (KS)
Moran (VA)
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Ortiz
Oxley
Packard
Pappas
Parker
Paul
Paxon
Pease
Pelosi
Peterson (PA)
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Redmond
Regula
Riggs
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
Stabenow
Stearns
Stump
Sununu
Talent
Tauzin
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)

NAYS—184

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

NOT VOTING—12

Brown (FL)
Conyers
Cubin
Flake
Foglietta
Gonzalez
McKinney
Morella
Petri
Riley
Schiff
Schumer

□ 1729

The Clerk announced the following pair:

On this vote:

Mr. Riley for, with Ms. McKinney against.

Messrs. JACKSON of Illinois, CUMMINGS, REYES, and ADAM

SMITH of Washington changed their vote from ''yea'' to ''nay.''

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

□ 1730

PERMISSION TO CONSIDER MEMBER AS FIRST SPONSOR OF H.R. 2009

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that I may hereafter be considered as the first sponsor of H.R. 2009, a bill initially introduced by former Representative Capps of California, for the purposes of adding cosponsors and requesting reprintings pursuant to clause 4 of rule XXII.

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

There was no objection.

POLITICAL FREEDOM IN CHINA ACT OF 1997

Ms. ROS-LEHTINEN. Mr. Speaker, pursuant to House Resolution 302, and as the designee of the chairman of the Committee on International Relations, I call up the bill (H.R. 2358) to provide for improved monitoring of human rights violations in the People's Republic of China, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The bill is considered read for amendment.

The text of H.R. 2358 is as follows:

H.R. 2358

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 ''Political Freedom in China Act of 1997''.

SEC. 2. FINDINGS.

The Congress makes the following findings:

(1) The Congress concurs in the following conclusions of the United States Department on human rights in the People's Republic of China in 1996:

(A) The People's Republic of China is ''an authoritarian state'' in which ''citizens lack the freedom to peacefully express opposition to the party-led political system and the right to change their national leaders or form of government''.

(B) The Government of the People's Republic of China has ''continued to commit widespread and well documented human rights abuses, in violation of internationally accepted norms, stemming from the authorities' intolerance of dissent, fear of unrest, and the absence or inadequacy of laws protecting basic freedoms''.

(C) ''[a]buses include torture and mistreatment of prisoners, forced confessions, and arbitrary and incommunicado detention''.

(D) ''[p]rison conditions remained harsh [and] [t]he Government continued severe restrictions on freedom of speech, the press, assembly, association, religion, privacy, and worker rights''.

(E) ''[a]lthough the Government denies that it holds political prisoners, the number of persons detained or serving sentences for 'counterrevolutionary crimes' or 'crimes against the state' and for peaceful political or religious activities are believed to number in the thousands''.

(F) ''[n]on-approved religious groups, including Protestant and Catholic groups . . . experienced intensified repression''.

(G) ''[s]erious human rights abuses persist in minority areas, including Tibet, Zinjiang, and Inner Mongolia[, and] [c]ontrols on religion and other fundamental freedoms in these areas have also intensified''.

(H) ''[o]verall in 1996, the authorities stepped up efforts to cut off expressions of protest or criticism. All public dissent against the party and government was effectively silenced by intimidation, exile, the imposition of prison terms, administrative detention, or house arrest. No residents were known to be active at year's end.''.

(2) In addition to the State Department, credible independent human rights organizations have documented an increase in repression in China during 1996, and effective destruction of the dissident movement through the arrest and sentencing of the few remaining pro-democracy and human rights activists not already in prison or exile.

(3) Among those were Wang Dan, a student leader of the 1989 pro-democracy protests, sentenced on October 30, 1996, to 11 years in prison on charges of conspiring to subvert the Government; Li Hai, sentenced to 9 years in prison on December 18, 1996, for gathering information on the victims of the 1989 crackdown, which according to the court's verdict constituted ''state secrets''; and Liu Nianchun, an independent labor organizer, sentenced to 3 years of ''re-education through labor'' on July 4, 1996, due to his activities in connection with a petition campaign calling for human rights reforms.

(4) Many political prisoners are suffering from poor conditions and ill-treatment leading to serious medical and health problems, including—

(A) Wei Jingsheng, sentenced to 14 years in prison on December 13, 1996, for conspiring to subvert the government and for ''communication with hostile foreign organizations and individuals, amassing funds in preparation for overthrowing the government and publishing anti-government articles abroad,'' is currently held in Jile No. 1 Prison (formerly the Nanpu New Life Salt Farm) in Hebei province, where he reportedly suffers from severe high blood pressure and a heart condition, worsened by poor conditions of confinement;

(B) Gao Yu, a journalist sentenced to 6 years in prison on November 1994 and honored by UNESCO in May 1997, has a heart condition; and

(C) Chen Longde, a leading human rights advocate now serving a 3-year reeducation through labor sentence imposed without trial in August 1995, has reportedly been subject to repeated beatings and electric shocks at a labor camp for refusing to confess his guilt.

(5) In 1997, only 1 official in the United States Embassy in Beijing is assigned to human monitoring human rights in the People's Republic of China, and no officials are assigned to monitor human rights in United States consulates in the People's Republic of China.

SEC. 3. AUTHORIZATION OF APPROPRIATIONS FOR ADDITIONAL PERSONNEL AT DIPLOMATIC POSTS TO MONITOR HUMAN RIGHTS IN THE PEOPLE'S REPUBLIC OF CHINA.

There are authorized to be appropriated to support personnel to monitor political repression in the People's Republic of China in the United States Embassy in Beijing, as well as the American consulates in Guangzhou, Shanghai, Shenyang, Chengud, and Hong Kong, $2,200,000 for fiscal years 1998 and $2,200,000 for fiscal year 1999.

The SPEAKER pro tempore. Pursuant to House Resolution 302, the amendments printed in the bill and the amendments printed in part 1–A of House Report 105–336 are adopted.

The text of H.R. 2358, as amended pursuant to House Resolution 302, is as follows:

H.R. 2358

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 ''Political Freedom in China Act of 1997''.

SEC. 2. FINDINGS.

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(1) The Congress concurs in the following conclusions of the United States State Department on human rights in the People's Republic of China in 1996:

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(B) The Government of the People's Republic of China has ''continued to commit widespread and well documented human rights abuses, in violation of internationally accepted norms, stemming from the authorities' intolerance of dissent, fear of unrest, and the absence or inadequacy of laws protecting basic freedoms''.

(C) ''[a]buses include torture and mistreatment of prisoners, forced confessions, and arbitrary and incommunicado detention''.

(D) ''[p]rison conditions remained harsh [and] [t]he Government continued severe restrictions on freedom of speech, the press, assembly, association, religion, privacy, and worker rights''.

(E) ''[a]though the Government denies that it holds political prisoners, the number of persons detained or serving sentences for 'counterrevolutionary crimes' or 'crimes against the state', or for peaceful political or religious activities are believed to number in the thousands''.

(F) [n]onapproved religious groups, including Protestant and Catholic groups . . . experienced intensified repression''.

(G) ''[s]erious human rights abuses persist in minority areas, including Tibet, Xinjiang, and Inner Mongolia[, and] [c]ontrols on religion and on other fundamental freedoms in these areas have also intensified''.

(H) ''[o]verall in 1996, the authorities stepped up efforts to cut off expressions of protest or criticism. All public dissent against the party and government was effectively silenced by intimidation, exile, the imposition of prison terms, administrative detention, or house arrest. No dissidents were known to be active at year's end.''.

(2) In addition to the State Department, credible independent human rights organizations have documented an increase in repression in China during 1995, and effective destruction of the dissident movement through the arrest and sentencing of the few remaining pro-democracy and human rights activists not already in prison or exile.

(3) Among those were Wang Dan, a student leader of the 1989 pro-democracy protests, sentenced on October 30, 1996, to 11 years in prison on charges of conspiring to subvert the Government; Li Hai, sentenced to 9 years in prison on December 18, 1996, for gathering information on the victims of the 1989 crackdown, which according to the court's verdict constituted ''state secrets''; Liu Nianchun,

an independent labor organizer, sentenced to 3 years of ''re-education through labor'' on July 4, 1996, due to his activities in connection with a petition campaign calling for human rights reforms, and Ngodrup Phuntsog, a Tibetan national, who was arrested in Tibet in 1987 immediately after he returned from a 2-year trip to India, where the Tibetan government in exile is located, and following a secret trial was convicted by the Government of the People's Republic of China of espionage on behalf of the 'Ministry of Security of the Dalai clique'.

(4) Many political prisoners are suffering from poor conditions and ill-treatment leading to serious medical and health problems, including—

(A) Wei Jingsheng, sentenced to 14 years in prison on December 13, 1996, for conspiring to subvert the government and for ''communication with hostile foreign organizations and individuals, amassing funds in preparation for over-throwing the government and publishing anti-government articles abroad,'' is currently held in Jile No. 1 Prison (formerly the Nanpu New Life Salt Farm) in Hebei province, where he reportedly suffers from severe high blood pressure and a heart condition, worsened by poor conditions of confinement;

(B) Gao Yu, a journalist sentenced to 6 years in prison on November 1994 and honored by UNESCO in May 1997, has a heart condition; and

(C) Chen Longde, a leading human rights advocate now serving a 3-year reeducation through labor sentence imposed without trial in August 1995, has reportedly been subject to repeated beatings and electric shocks at a labor camp for refusing to confess his guilt.

(5) The People's Republic of China, as a member of the United Nations, is expected to abide by the provisions of the Universal Declaration of Human Rights.

(6) The People's Republic of China is a party to numerous international human rights conventions, including the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

SEC. 3. CONDUCT OF FOREIGN RELATIONS.

(a) RELEASE OF PRISONERS.—The Secretary of State, in all official meetings with the Government of the People's Republic of China, should request the immediate and unconditional release of Ngodrup Phuntsog and other prisoners of conscience in Tibet, as well as in the People's Republic of China.

(b) ACCESS TO PRISONS.—The Secretary of State should seek access for international humanitarian organizations to Drapchi prison and other prisons in Tibet, as well as in the People's Republic of China, to ensure that prisoners are not being mistreated and are receiving necessary medical treatment

(c) DIALOGUE ON FUTURE OF TIBET.—The Secretary of State, in all official meetings with the Government of the People's Republic of China, should call on that country to begin serious discussions with the Dalai Lama or his representatives, without preconditions, on the future of Tibet.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS FOR ADDITIONAL PERSONNEL AT DIPLOMATIC POSTS TO MONITOR HUMAN RIGHTS IN THE PEOPLE'S REPUBLIC OF CHINA.

There are authorized to be appropriated to support personnel to monitor political repression in the People's Republic of China in the United States Embassies in Beijing and Kathmandu, as well as the American consulates in Guangzhou, Shanghai, Shenyang, Chengdu, and Hong Kong, $2,200,000 for fiscal year 1998 and $2,200,000 for fiscal year 1999.

SEC. 5. DEMOCRACY BUILDING IN CHINA.

(a) AUTHORIZATION OF APPROPRIATIONS FOR NED.—In addition to such sums as are otherwise authorized to be appropriated for the ''National Endowment for Democracy'' for fiscal years 1998 and 1999, there are authorized to be appropriated for the ''National Endowment for Democracy'' $5,000,000 for fiscal year 1998 and $5,000,000 for fiscal year 1999, which shall be available to promote democracy, civil society, and the development of the rule of law in China.

(b) EAST ASIA-PACIFIC REGIONAL DEMOCRACY FUND.—The Secretary of State shall use funds available in the East Asia-Pacific Regional Democracy Fund to provide grants to nongovernmental organizations to promote democracy, civil society, and the development of the rule of law in China.

SEC. 6. HUMAN RIGHTS IN CHINA.

(a) REPORTS.—Not later than March 30, 1998, and each subsequent year thereafter, the Secretary of State shall submit to the International Relations Committee of the House of Representatives and the Foreign Relations Committee of the Senate an annual report on human rights in China, including religious persecution, the development of democratic institutions, and the rule of law. Reports shall provide information on each region of China.

(b) PRISONER INFORMATION REGISTRY.—The Secretary of State shall establish a Prisoner Information Registry for China which shall provide information on all political prisoners, prisoners of conscience, and prisoners of faith in China. Such information shall include the charges, judicial processes, administrative actions, use of forced labor, incidences of torture, length of imprisonment, physical and health conditions, and other matters related to the incarceration of such prisoners in China. The Secretary of State is authorized to make funds available to nongovernmental organizations presently engaged in monitoring activities regarding Chinese political prisoners to assist in the creation and maintenance of the registry.

SEC. 7. SENSE OF CONGRESS CONCERNING ESTABLISHMENT OF A COMMISSION ON SECURITY AND COOPERATION IN ASIA.

It is the sense of the Congress that Congress, the President, and the Secretary of State should work with the governments of other countries to establish a Commission on Security and Cooperation in Asia which would be modeled after the Commission on Security and Cooperation in Europe.

SEC. 8. SENSE OF CONGRESS REGARDING DEMOCRACY IN HONG KONG.

It is the sense of the Congress that the people of Hong Kong should continue to have the right and ability to freely elect their legislative representatives, and that the procedure for the conduct of the elections of the first legislature of the Hong Kong Special Administrative Region should be determined by the people of Hong Kong through an election law convention, a referendum, or both.

SEC. 9. SENSE OF THE CONGRESS RELATING TO ORGAN HARVESTING AND TRANSPLANTING IN THE PEOPLE'S REPUBLIC OF CHINA.

It is the sense of the Congress that—

(1) the Government of the People's Republic of China should stop the practice of harvesting and transplanting organs for profit from prisoners that it executes;

(2) the Government of the People's Republic of China should be strongly condemned for such organ harvesting and transplanting practice;

(3) the President should bar from entry into the United States any and all officials of the Government of the People's Republic of China known to be directly involved in such organ harvesting and transplanting practice;

(4) individuals determined to be participating in or otherwise facilitating the sale of such organs in the United States should be prosecuted to the fullest possible extent of the law; and

(5) the appropriate officials in the United States should interview individuals, including doctors, who may have knowledge of such organ harvesting and transplanting practice.

The SPEAKER pro tempore. After 1 hour of debate on the bill, as amended, it shall be in order to consider the further amendment specified in part 1–B of the report, if offered by the gentleman from New York [Mr. GILMAN], or his designee, which shall be considered read and debatable for 30 minutes, equally divided and controlled by the proponent and an opponent.

The gentlewoman from Florida [Ms. ROS-LEHTINEN] and the gentleman from New Jersey [Mr. MENENDEZ] each will control 30 minutes of debate on the bill.

The Chair recognizes the gentlewoman from Florida [Ms. ROS-LEHTINEN].

GENERAL LEAVE

Ms. ROS-LEHTINEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this measure.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

(Ms. ROS-LEHTINEN asked and was given permission to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, the bill before us today, H.R. 2358, the Political Freedom in China Act, is an attempt to give the people of China a voice. It is a message of support to the human rights dissidents, to the political activists, to those who are persecuted each and every day because they have the courage to stand up for their beliefs and disagree with their government.

The message this bill sends is that the United States Congress values the right of the Chinese people to be free, to determine their fate, and to express their will. This bill says to the people of China, the United States Congress takes your plight seriously and we are willing to provide a tool, a more efficient and transparent mechanism to monitor human rights violations. This bill is that tool.

Among other provisions, this bill assigns additional diplomats to the United States embassy and consulates, whose sole responsibility will be to monitor human rights violations in China. It would also station one American human rights monitor in Nepal.

It requires State Department officials to raise human rights concerns in every meeting with Chinese officials. It authorizes increased funding for the National Endowment for Democracy projects in China.

This bill requires the State Department to establish a prisoner information registry for China that will gather

and provide information on all political prisoners held in Chinese gulags.

This legislation also supports the continuation of democratic reforms for the people of Hong Kong.

Last week, while China's Communist leader was greeted with pomp and circumstance, treated more like a movie star than the leader of a regime which turns its tanks and weapons against its very own people, thousands of innocent Chinese people were being detained without process, others disappeared, and others were executed.

As the Chinese President toured various cities in the United States, as he spoke at Harvard University, his regime continued to severely restrict the freedom of speech, freedom of the press, freedom of assembly, freedom of religion, privacy, and worker rights.

The grim reality of China's dictatorship is clearly outlined in the latest State Department Human Rights Report on China which states:

> The Chinese government continued to commit widespread and well-documented human rights abuses. Abuses include torture, mistreatment of prisoners, forced confessions, arbitrary and lengthy incommunicado detention.

More importantly, our State Department report underscored that the situation is getting worse.

> Overall in 1996,

the report says,

> the authorities stepped up efforts to cut off expression of protests or criticism.

Our State Department report continues:

> All public dissent against the party and government was effectively silenced by intimidation, by exile, by the imposition of prison terms, by administrative detention, or by house arrest.

The gentleman from California [Mr. DREIER] and the gentleman from Illinois [Mr. PORTER] have incorporated their amendments in our bill, which provide funds to the National Endowment for Democracy to assist these human rights groups in China, and it calls for an annual State Department report to the Congress on the progress being made on this critical issue. Their amendment also calls on our State Department to take further steps to work with human rights groups in that country.

Let us not be fooled. A dictator is a dictator is a dictator. The dictator's thirst for power, for control, knows no bounds. As a result, a dictator does not loosen his hold on the people. A dictator tightens his grip with each challenge, regardless of the magnitude or source. The situation in China is a good example of this.

Just when one thinks that the atrocities cannot get any worse, recent news reports indicate that the Chinese regime is preselling the organs of prisoners destined for execution.

The gentlewoman from Washington [Mrs. SMITH] has incorporated her amendment in our bill, which highlights the fact that the regime is harvesting these organs for sale to the highest bidder. Perhaps the Chinese regime is looking at this as a new industry for its economy.

Furthermore, the regime in China is intensifying its campaign to systematically erase the culture, population and religion of Tibet. It has arrested thousands of Tibetan Buddhist priests and nuns and has destroyed between 4,000 to 5,000 monasteries.

The gentleman from Hawaii [Mr. ABERCROMBIE] has added his amendment to the bill, which helps bring human rights in China and Tibet to the forefront of any negotiations of our State Department that we may have with China by highlighting the plight of political prisoners and prisoners of conscience in that country.

Religious persecution, as noted by our colleague from Hawaii, extends to hundreds of Protestant pastors, of Catholic priests who, like Bishop Su who was again arrested on October 8, disappear in the gulag that is China's jails.

We must act, and we must act now. We cannot sit idly by, hoping that other approaches may take effect and lead to a change in China.

What about the gross violations that will take place in the meantime? Can we ignore those realities? Can we ignore our moral responsibility to the people of China?

The bill before us offers a concrete solution, a viable option to begin turning back the tide of abuse and torture by the Chinese regime.

I would especially like to thank the architect of this package of China bills, the gentleman from California [Mr. COX], whose commitment and dedication to this effort has helped bring about this package of China-related bills to the floor today, and of course to the gentleman from New York [Mr. GILMAN], our chairman, for his unwavering support and leadership on this issue.

I urge all of my colleagues to vote in favor of the bill before us, the Political Freedom in China Act.

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

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

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

Mr. MENENDEZ. Mr. Speaker, I rise in support of the legislation, H.R. 2358, a bill that if our colleagues support, which we believe they will, puts Congress in concurrence with many of the conclusions of the Department of State in its 1996 human rights report with respect to the People's Republic of China, including the fact that China is an authoritarian State, that the Government of China has continued to commit widespread and well-documented human rights abuses; that abuses include torture and mistreatment of prisoners for its confessions and arbitrary and incommunicado detention, that the number of persons detained are believed to be in the thousands, and that overall, in 1996, the authorities stepped up efforts to cut off expressions of protest or criticism.

But all dissent against the party and government was effectively silenced by intimidation, exile, the imposition of prison terms, administrative detention, or house arrest, and that as a result of those activities, no dissidents were known to be active at the end of 1996.

So for all of those and many other reasons, it is fitting and appropriate that we in fact provide the resources to create the opportunity to fully monitor Chinese political repression.

Mr. Speaker, I yield 4½ minutes to the distinguished gentleman from Hawaii [Mr. ABERCROMBIE].

Mr. ABERCROMBIE. Mr. Speaker, the gentlewoman from Florida [Ms. ROS-LEHTINEN]; the gentleman from New York [Mr. GILMAN]; the gentleman from New York [Mr. SOLOMON]; also the gentleman from California [Mr. MARTINEZ] and the gentleman from Indiana [Mr. HAMILTON], and the gentlewoman from California [Ms. PELOSI] have led the way on this bill, on these series of bills.

I rise in support of H.R. 2358. This bill relates to imprisonment, to abuse and human rights violations perpetrated on nonviolent political activists in the People's Republic of China. It goes without saying, Mr. Speaker, that U.S.-China relations are important, and that our government should pursue improved ties with China. It is equally important, however, that the pursuit of improved relations should not cause us to forget the victims of human rights abuses.

Our concern stems from widely recognized standards of international behavior and our core values as a Nation. It is in the context of those values and standards, standards which the People's Republic of China has herself formally subscribed, and I want to emphasize to the Members, we are not trying to impose anything on the People's Republic of China, other than what the People's Republic has already signed up for.

We as Members of Congress call the world's attention to ongoing human rights violations and prisoners of conscience in China and Tibet. One of the most effective means, Mr. Speaker, of directing attention to the plight of such prisoners is to focus on the circumstances of individual prisoners. By doing so, we transpose the issue from the realm of abstraction to real-life men and women whose bodies are subjected to torture and neglect, whose minds are cruelly punished with techniques deliberately designed to induce confusion, demoralization and despair.

Time and again, ex-prisoners of repressive regimes tell us that the single most important gift they can receive is the news they are not forgotten by the outside world, that others know of their suffering and that others are working for their release.

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That is why the Congressional Human Rights Caucus and the Congressional Working Group on China and the emphasis in this bill is urging every Member of Congress to adopt a prisoner in China or Tibet, and to publicize his or her plight, and to demand his or her release.

All of us, Mr. Speaker, can adopt one of these prisoners, make that prisoner our own, so they will not be forgotten. They will understand that the flicker of light of freedom will come from the floor of this House today and will shine, and those people will know it. It will warm their hearts and give them hope for the future.

The self-executing rule for H.R. 2358 adds my amendment, which will include Mr. Ngodrup Phuntsog among the number of specifically named prisoners of conscience. Mr. Phuntsog is a Tibetan restaurateur whose crime was to provide tea and food to proindependence demonstrators. For this he was sentenced in 1989 on the spurious charge of espionage to 11 years in prison.

Mr. Speaker, Mr. Phuntsog was sentenced to 11 years in prison. Think of it. We are gathered together here today on this floor, with all the freedoms at our command, and this gentleman sits in prison for 11 years, and an additional 4 years deprivation of political rights.

It is feared that his treatment in Lhasa's Drapchi Prison is extremely harsh. We lack precise information on his health and treatment, but reports from our colleague, the gentleman from Virginia [Mr. FRANK WOLF] give cause for serious concern.

Recently the gentleman from Virginia [Mr. WOLF] visited Tibet unofficially. He found widespread repression, including credible reports of the maltreatment of political prisoners, and my amendment helps direct the spotlight of international attention to the cell where Ngodrup Phuntsog and others are being held under conditions we can only imagine.

My amendment complements the underlying bill by addressing the wider issue of human rights in China and Tibet. It calls for a policy which seeks the immediate and unconditional release of all prisoners of conscience in China and Tibet, access to international humanitarian organizations in prisons in China and Tibet, to ensure that the prisoners are not being maltreated or neglected, and the commencement of negotiations between the People's Republic of China and the Dalai Lama without preconditions on the future of Tibet.

I urge all my colleagues, Mr. Speaker, all my colleagues, to vote for the Nation's highest ideals, and to send, above all, a message of hope to prisoners of conscience in China and Tibet. Vote for H.R. 2358.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield 3 minutes to our colleague, the gentleman from New York [Mr. GILMAN], the esteemed chairman of the Committee on International Relations.

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

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

Mr. Speaker, I am pleased to rise in strong support of H.R. 2358, the Political Freedom in China Act of 1997. This bill authorizes $2 million for fiscal years 1998 and 1999 to be appropriated to the State Department to ensure that there are adequate personnel to monitor political repression in the People's Republic of China in the United States Embassy in Beijing, as well as the American consulates in Kathmandu, Guangzhou, Shanghai, Shenyang, Chengdu, and Hong Kong.

Testimony and reports from both private nongovernmental organizations and the administration clearly stated the importance of having more State Department personnel assigned solely to monitor human rights of the people living under the rule of Government of the People's Republic of China.

I want to commend the distinguished chairwoman of our committee's Subcommittee on International Economic Policy and Trade, the gentlewoman from Florida [Ms. ROS-LEHTINEN] for introducing this measure.

The China section of the State Department Country Reports on Human Rights Practices for 1996 states that overall in 1996, the authorities stepped up efforts to cut off expressions of protest or criticism. All public dissent against the party and Government were effectively silenced by intimidation, by exile, the imposition of prison terms, by administrative detention, or house arrest. No dissidents were known to be active at the year's end.

The repression of human rights and the people living under the rule of the Government of the People's Republic of China has reached levels not even experienced in the former Soviet Union. In illegally occupied Tibet, people are in prison for even listening to Radio Free Asia, to the Voice of America, and for possessing a photograph of His Holiness, the Dalai Lama.

Regrettably, current U.S. policy toward China is held hostage by mostly short-term, narrowly defined business interests. H.R. 2358 attempts to address this problem by bringing balance and logic back into our China policy, by addressing the important cornerstone of our American values, the protection and advancement of fundamental human rights of people around the world.

Once human rights and the rule of law are addressed, then long-term business interests can operate in a safe, conducive environment, one that benefits the worker, the student, and businesses. Accordingly, Mr. Speaker, I urge full support for this legislation.

Mr. HAMILTON. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Maryland [Mr. CARDIN].

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

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

Mr. Speaker, I rise in support of H.R. 2358. Too often our discussions of China's horrendous human rights conditions are limited to the issue of trade. Today we can discuss human rights independently, demonstrating its true significance to us in the United States.

Perhaps Columbia University Professor Andrew Nathan expressed it best when he stated, ''Human rights in China are of national interest to the United States. Countries that respect the rights of their citizens are less likely to start wars, export drugs, harbor terrorists, or produce refugees. The greater the power of the country without human rights, the greater the danger to the United States.''

Mr. Speaker, China's record on human rights is deplorable. It is outrageous. In regards to religious groups, unauthorized religious congregations are forced to register. Their members have been beaten and fined. There was recently a raid on the bishop leader of a Catholic diocese. That is outrageous. We cannot allow that to continue.

Freedom of speech is still under siege in China. The Minister of Civil Affairs imposed an indefinite and nationwide moratorium on new social bodies. The people of China are being stifled. From Tibet to forced abortions, the list goes on and on and on. We all know the circumstances within China.

Mr. Speaker, this bill will allow us to establish the monitoring of political repression within China. The bill is necessary, the bill is right, and I hope this body will approve this measure by an overwhelming number.

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

Ms. ROS-LEHTINEN. Mr. Speaker, I yield 2 minutes to our colleague, the gentleman from California [Mr. ROHRABACHER].

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

Mr. Speaker, we are at a defining moment. The Communist Chinese authorities and the oppressed people of China and other countries around the world are watching. They will note what we are doing here today.

During the cold war, America made some strategic alliances with sometimes dictatorial regimes. Perhaps the most blatant of these strategic alliances was that we established a positive relationship between the Communist government of China and the United States of America.

The cold war is over. If it ever made any sense for us to be locked arm in arm with an oppressive regime, it makes no sense today. The people, the free people of the world, the people who look to the United States of America, know we mean what we say.

President Clinton, during the last visit of this Communist dictator to our country just a few weeks ago, had some words to say. Unless we put muscle behind those words, it will have the opposite impact than what the American

people think. It will actually demoralize those people who believe in freedom overseas, and it will create strength among the Communist dictators to hold power, if they think those words about human rights were nothing more than word confetti for the American people.

No, today the U.S. Congress is going to act. This piece of legislation is the first of many that will prove to the world that America still is the beacon of hope and justice for all the oppressed people of the world. When it comes down to the bottom line, the American people are serious when we talk about freedom and justice, and that those people around the world who believe in freedom and justice, they will be our friends. We are on their side, and not the side of the oppressor.

Mr. Speaker, there is a relationship between peace, prosperity, and liberty. Let us stand for liberty today, and we will have peace and we will have prosperity in the long run. If we do not, it will hurt America.

Mr. HAMILTON. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Indiana [Mr. ROEMER].

Mr. ROEMER. Mr. Speaker, I thank the distinguished ranking member and my good friend, the gentleman from Indiana [Mr. HAMILTON], for yielding me the time.

Mr. Speaker, I rise in strong support of the President's policy of constructive engagement, I rise in strong support of MFN for China, and I rise in very strong support of continuing to have a pillar of our foreign policy be constructed on human rights.

I therefore endorse the amendment offered by the gentlewoman from Florida [Ms. ROS-LEHTINEN], which will authorize $2.2 million for each of the next 2 years to help monitor political repression in China, and show to Americans, to the Chinese, and the people around the world that we are indeed devoted and dedicated to human rights practices being greatly improved in China.

I do want to say that there are some concerns that I have with some parts of the underlying language in this bill. For instance, the amendment would extend the time for congressional consideration of the President's certifications from 30 days to 120 days of continuous session.

That 120 days of continuous session may, in fact, make it very difficult, according to the administration and the President's State Department, for us to then engage with the Chinese in these congressional considerations of the President's recommendations on nuclear nonproliferation and business arrangements in China.

But I do want to say my strong support for the gentlewoman's underlying amendments, her commitment to human rights, the United States' commitment to human rights.

We come to the exchange that the President had with Jiang Zemin right down the street at the White House, where a press reporter asked, how do you both see what happened in Tiananmen Square? Jiang Zemin said, in effect, that this threatened their national security and their actions were, therefore, legitimate.

President Clinton, standing right next to him, said he strongly disagreed with what took place in Tiananmen Square, that they had very different views on human rights, and that they should continue a constructive engagement, but we should continue to see big, big changes in human rights, in nuclear nonproliferation policy, in trade areas, in political repression; in us now allowing three people to be sent to China now, three of our religious leaders, to help try to open up China, and also, Bishop Su, a Catholic, was recently released from imprisonment in China; small steps, not enough. This amendment by the gentlewoman will certainly help. I strongly support it.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. SOLOMON].

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

Mr. SOLOMON. Mr. Speaker, let me just rise in strong support of this great legislation, and commend the gentlewoman from Florida, [Ms. ILEANA ROS-LEHTINEN], for sponsoring this bill, and for her steadfast support of freedom around this world, and especially in China.

Mr. Speaker, as I alluded to in my remarks on the rule, this bill is really the least we can do to fight inhumane repression in Communist China.

By increasing funding the number of State Department human rights monitors in and around China, we will be much more able to get a true picture of what is happening in that vast country.

And we already know some of that.

We know that hardly a day goes by without reading of yet another act of aggression, another act of duplicity, or another affront to humanity committed by the dictatorship in Beijing.

Consider human rights: The same people who conducted the massacre in Tiananman Square, and the inhumane oppression of Tibet, have been busily eradicating the last remnants of the democracy movement in China.

According to the U.S. State Department's annual human rights report, and I quote: "Overall in 1996, the authorities stepped up efforts to cut off expressions of protest or criticism. All public dissent against the party and government was effectively silenced by intimidation, exile, the imposition of prison terms, administrative detention, or house arrest."

I emphasize the words "stepped up," Mr. Speaker. Human rights in China are getting worse.

China has also ramped up its already severe suppression of religious activity.

That is why we need this bill, Mr. Speaker.

Mr. Speaker, I am glad that we were able in the Rules Committee to self execute some excellent amendments to this bill by members of both parties.

Mr. ABERCROMBIE and Mr. GILMAN are to be commended for bringing the subject of China's humiliating policies in Tibet to the fore with their amendments.

And LINDA SMITH'S amendment condemning China's practice of harvesting organs from prisoners sheds light on yet another example of the odious nature of this regime.

This bill deserves unanimous support.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield 4 minutes to our colleague, the gentlewoman from Washington [Mrs. LINDA SMITH], who is the author of the amendment in our bill against the harvesting and selling of organs of political prisoners in China.

Mrs. LINDA SMITH of Washington. Mr. Speaker, I rise today in support of this bill, called the Political Freedom in China Act of 1997, but I would especially like to commend its author. This is not a fun thing to talk about, but she has worked very hard to bring it to the floor today.

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Mr. Speaker, included in the Political Freedom in China Act is a provision from several of us in the House. It is House Concurrent Resolution 180, which was originally introduced by the gentlewoman from California [Ms. PELOSI], the gentleman from New York [Mr. GILMAN], the gentleman from New York [Mr. SOLOMON], the gentleman from Illinois [Mr. HYDE], the gentleman from New Jersey [Mr. SMITH], the gentleman from Virginia [Mr. WOLF], and the gentleman from California [Mr. COX], chair of the Republican Policy Committee, as well as [Mr. WELDON], the gentleman from Kansas [Mr. TIAHRT], and the gentleman from Connecticut [Mr. GEJDENSON].

This language expresses the sense of Congress that the Chinese Government should be condemned for its practice of executing prisoners and selling their organs for transplant. It also says that any Chinese official directly involved in these executions and operations should be barred from entering the United States ever.

Finally, it calls upon U.S. officials to prosecute those who are illegally marketing and selling these organs in the United States. Wealthy Americans are reported to be paying $30,000 and then travel to China, where they receive the kidney of an executed prisoner at a special hospital operated by the People's Liberation Army.

Mr. Speaker, while reports of prisoners being executed have gone on, these reports, for several years, it was not until just a month ago that there was a broadcast by "Primetime Live," an ABC program, that brought the issue into focus.

I am going to submit for the RECORD a copy of the transcript. This will show what we saw on the program, and I would like it to be a part of the CONGRESSIONAL RECORD.

It showed the People's Liberation Army preparing in hospitals for the prisoners. It showed the prisoners being executed as guards and soldiers

repositioned the guns at the base of their neck to be assured that when they were executed there were no organs destroyed. Then it showed the interview of several people who had received or been a part of the operations or the sale of the organs in the United States. We have received a letter from the head of the FBI, Director Louis Freeh of the FBI, stating that he is fully committed to aggressively investigate this, and for this we commend him.

But this act fits very well together because it says that we are going to spend money on China. We are going to spend $2.2 million for the next 2 years so the State Department can look into these issues. Right now the Chinese Government denies it in spite of the facts. But this bill will carry people into China and require that light be shined on this atrocious practice.

Mr. HAMILTON. Mr. Speaker, I yield 3 minutes to the gentleman from Missouri [Mr. GEPHARDT], the distinguished minority leader.

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

Mr. GEPHARDT. Mr. Speaker, I rise today to speak about an issue of values, an issue where there is a clear distinction between right and wrong and where we can stand on the right side of history.

The United States serves as the beacon of liberty in our world. We are a nation founded on ideals, the idea that every person, from whatever racial or ethnic or religion or belief, is endowed by God with inalienable rights, the right of life, the right of liberty. We must never forget this.

Americans have shed blood on five continents in support of these ideas. Americans have expended extensive resources in support of these ideas. These are not ideas that Americans take lightly or ideas that we can just discard. These ideas are powerful enough to cause people to risk their lives and have caused people to give up their lives.

It has become fashionable to keep the Declaration of Independence folded up inside our suit pockets for use on certain occasions, Fourth of July parades, Bicentennial celebration, political campaigns. It is not something to keep folded up or hidden away. It is something to wear on our sleeves, to remember and to rededicate ourselves to. It is not for rhetorical flourishes and empty celebration but for inspiration for our actions and our deeds.

We must not be willing to keep the ideas in that sacred text folded up and in a drawer in order to not offend our important foreign visitor from the Republic of China.

The proper time to be talking about this subject would have been 2 weeks ago before President Jiang Zemin left our country. We should have spoken out on this floor prior to the President's visit, at a time when 1 billion people on the other side of the world were craning their necks to listen.

We had an opportunity to make it perfectly clear that while we put great importance on having a cordial and productive relationship with the people of China, we will never forget that our Nation's bedrock principles are not relative. The freedoms that Thomas Jefferson wrote of over 200 years ago are universal and timeless. They are absolute. If Albert Einstein were here today, a man who fled Nazi tyranny to America, I know that he would say that those laws of freedom are as absolute as any theory of physics.

We should not have to trade away our conscience with our commerce. We must pursue a policy of active engagement on a whole range of issues, not downplay our differences.

I think the President of China was very happy with his reception in this country. From his perspective, the trip was a total success. He was able to put on a tricornered hat in Williamsburg, the State where Jefferson formulated his vision of human rights, without facing any strong challenge to the undemocratic and brutal rule of the Chinese Communist government. He was able to put forth his preposterous theory about the relativity of human rights and call the issue of Tibet an internal matter.

Well, we should not be happy with the fact that he is happy over his trip to the United States, and neither should any American who believes that our bedrock ideals are absolute, eternal, and paramount to issues of commerce.

Human rights is at the core of our bedrock ideals. That is why I am speaking about this bill. Human rights is just one of many issues that we need to debate and deal with concerning our relationship with China. The list is long: Weapons proliferation, forced abortion, religious persecution, organ transplants, democracy in Hong Kong, Tibet, trade, and others. The bill is just one step down a very long road that we must take if we want to get to the point where the United States and China have truly normal relations.

I urge all of my colleagues to cast a proud vote for H.R. 2358, to authorize additional funding for human rights monitoring in China. Wei Jingsheng, one of the most prominent imprisoned Chinese dissidents, has had his writings from prison published in a book entitled ''The Courage to Stand Alone.'' He has been in prison for the crime of advocating human rights and democracy in China, nothing more radical or outlandish than that. Listen to what he has to say about human rights.

He said: Human rights themselves have objective standards which cannot be subjected to legislation and cannot be changed by the will of the Government. He said: They are common objective standards which apply to all governments and all individuals, and no one is entitled to special standards.

Let us today hold the Chinese Government to the same standards we hold every country in the world to. Let us not make a special dispensation for this country because of the fact that we think there are 2 billion eyes to watch American movies or 1 billion mouths to drink American soft drinks.

When democracy comes to China, let the record show that America firmly and constantly stood and argued for the cause of human rights and freedom. When the day of reckoning comes, when freedom rings out throughout that great land, let people say, America stood for the cause of right; Americans did not let their economic self-interest blind them in our cause.

I urge Members to join with me in voting for this bill to honor the Jeffersonian legacy and all those who sacrificed their lives for it, to refute the belief of the Chinese Government that we are not serious about human rights, and to make sure that Wei and others do not stand alone, that every person in the United States stands beside them every day.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield 2 minutes to the gentleman from Arizona [Mr. SALMON].

Mr. SALMON. Mr. Speaker, I think the American people have been treated to a really special opportunity today because we have been able to see Members from virtually across the political spectrum in this place come together on such a crucial issue, to express care and concern about one of the most fundamental rights that we hold, and that is the ability to worship according to the dictates of your conscience and to speak out according to your beliefs. I am really pleased to be here today to support this piece of legislation.

The 21-gun salute is over. The state dinner is over. The press events at Independence Hall in Colonial Williamsburg are over. China wanted to achieve a new image in the West as a result of this summit, but Americans had a different plan in mind. Through their protests, they sent a different message to the Chinese leadership.

It reminds me of the message that President Reagan delivered to Mikhael Gorbachev in Geneva in 1958. Natan Sharansky tells the story in his wonderful book ''Fear No Evil.'' He says Reagan told Gorbachev that the Soviet Union would not change its image in the world until he let Sharansky go.

So it is with China. The photos at the White House or at Harvard will not give China the respect and the superpower status that they seek. Rather, freeing Chinese political prisoners, freeing Wei Jingsheng and Wang Dan, freeing other Chinese who are in prison merely for voicing their opinions or worshiping their God, in sum, only by ending the laogai can the Chinese leadership achieve world respect, status, and, one day, admiration. Until then, we stand not with the Government of China but we stand with the people of China.

I yield to the gentleman from California (Mr. Dreier).

Mr. DREIER. Mr. Speaker, I would like to congratulate my friend, the

gentleman from Arizona [Mr. SALMON], for his leadership of one of the most brilliant parts of this measure, taking the Helsinki concept, the CSCE concept on human rights, and applying that here. And working with my friend, the gentleman from Illinois [Mr. PORTER], and others, we have gone a long way in this measure.

The NED provisions which my friend from Florida mentioned are important, and getting the business community focused on business, and getting our Government to focus on this human rights issue is very, very helpful. I would like to congratulate my friend.

Mr. HAMILTON. Mr. Speaker, I yield 3 minutes and 30 seconds to the gentlewoman from California [Ms. PELOSI].

Ms. PELOSI. Mr. Speaker, I want to congratulate all of the Members who came together to find our common ground to speak out for promoting human rights and freedom in China and Tibet. I particularly want to commend the gentlewoman from Florida [Ms. ROS-LEHTINEN] for her initiative in presenting this very important legislation that we have before us which would provide funding to increase the monitors to monitor human rights violations in China.

Mr. Speaker, those who oppose some of the efforts that we have been putting forth to promote human rights in China have said that our efforts will isolate China, that we want to isolate China. Nothing could be further from the truth.

I have the privilege of representing San Francisco. A large number of people in my district are Chinese Americans. They are just like the rest of Americans, they are not a monolith. They all do not agree on the tactics of using MFN, but they all agree that a freer China will make the world safer, and that is something that we all must work and strive for.

That is why I was so very disappointed last week when, in preparation for Jiang Zemin's visit, President Clinton, in his speech laying out his plan for U.S.-China relations, put forth six areas of profound interest between our two countries: the environment, trade, fighting narcotics, et cetera. But he did not include promoting a freer China or human rights in China or promoting democratic freedoms as one of those areas of profound interest.

I think the last week has demonstrated, with the protests, et cetera, that although that might not have been a priority in the President's speech, it is a priority for the American people. And the Ros-Lehtinen legislation today will help us promote human rights in China.

□ 1815

The administration, instead, chose to roll out the red carpet to the head of the regime that rolled out the tanks in Tiananmen Square. They gave a 21-gun salute to the leader of the military that proliferates weapons of mass destruction and brutally occupies Tibet. And they toasted at a dinner, they toasted the man who controls the torture of Wei Jingsheng and many other political prisoners of conscience and religious prisoners, as well.

When President Jiang was here, some of us had the opportunity to meet with him. And in that meeting, he denied that there was any political repression in China, that there was not any harvesting of organs for profit, it was just a rumor, when that is well documented, that there is religious freedom clearly blossoming in China. And I presented him something that I will refer to later, the religious freedom legislation, a letter from Ignatius Cardinal Kung asking him to free the Catholic bishops who have been sent to prison or to labor camps. He denied categorically that China had every proliferated weapons of mass destruction.

While President Jiang was in the state of denial and calling all of this just rumor, political prisoners were suffering in China. We must monitor that. While he was denying that this was taking place, prisoners of conscience were suffering in China. We want the message to go out to them that their suffering and their courage and their determination to promote a freer China is shared by Americans who promote Democratic values throughout the world. And this additional funding for monitoring will help to document, so that the American people will know and that we can say to the president when he denies it is happening, President Jiang, who denies it happens, we know and the prisoners know that we care about them.

I urge my colleagues to support this legislation.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield 4½ minutes to the gentleman from California [Mr. COX], who is the architect of the package of bills before us today and tomorrow stating the policy of the United States Congress regarding China's abuses.

Mr. COX of California. Mr. Speaker, I thank the gentlewoman from Florida [Ms. ROS-LEHTINEN], author of the bill, for yielding me time.

It has been a pleasure to work with my colleagues in the majority and minority parties on such an important measure that is not just a sense of the Congress resolution, that does not just express outrage, it is not just a cry of pain, but rather, that does something, something within our control. We can, and we will as a result of this legislation, keep track of what is going on in the People's Republic of China as never before.

As my colleague the gentlewoman from California [Ms. PELOSI] has just pointed out, when President Jiang visited with us and when we breakfasted here with him in the Capitol, he simply denied that there were human rights problems in the People's Republic of China. He told a nationwide TV audience, ''China does not feel that it has done anything wrong in the field of human rights.'' And yet, we know from the Clinton administration's report, which has been cited several times on the floor during this debate, that exactly the opposite is true.

Not only has the human rights situation not been improving as a result of or in connection with or coincidence with our policy of engagement, it has been getting worse. Quoting, from the Clinton State Department's report, ''The authorities stepped up efforts to cut off expressions of protest or criticism. All public dissent against the party,'' that is the Communist Party, the only party permitted in the People's Republic of China, ''and the Government was effectively silenced.''

We are discussing this legislation and the need for it immediately in the wake of President Jiang's visit. And it is fair to ask whether anything happened at the summit that militates now against this initiative or whether this initiative will jeopardize any of the summit's accomplishments. That requires us to pierce the fog of the summit's atmospherics and realistically assess its concrete results.

In this respect, the remarks of my colleagues who spoke immediately prior to me make it very, very clear that, yes, President Jiang, just as conventional wisdom holds, had a successful summit. He stuck to his agenda. He got his way. But the people of China, particularly the political prisoners of China, particularly those few whose human rights cases have been so visibly raised and so consistently raised by the United States that we expected perhaps in the glow of the summit they might win their release, got precisely nothing. For Wang Dan, for Wei Jingsheng, this was not a successful summit at all.

Wei Jingsheng, whom some have called the father of Chinese democracy, was once, just like solidarity leader Lech Walesa, an electrician. But this son of a Communist Party official has spent most of his adult life in Communist Chinese prisons and reeducation camps.

In 1978, Wei posted his essays on freedom, his writings on freedom, written in large characters, on a stretch of masonry that became known as Democracy Wall. And in return, the Communist government sentenced him to 14 years in some of Communist China's worst prisons. Just 6 months before his final year in confinement, he was briefly released on the eve of the International Olympic Committee's deciding whether to let Beijing host the year 2000 Olympics. When the People's Republic of China lost its Olympic bid, Wei was immediately arrested again.

For nearly 2 years after that, he was held in secret detention without any specific charges. And finally, in 1996, Wei Jingsheng was given a show trial on shamelessly straightforward charges of writing in behalf of democracy. The Communist authorities kept the trial closed to the public and the press and even denied him the legal counsel offered by two United States

Attorneys General, one a Democrat, Nicholas Katzenbach and the other a Republican, Richard Thornburgh.

Today, Wei Jingsheng is 46-years-old. He suffers from heart disease and arthritis at this early age, he is my age, that caused him debilitating back pain. The last time his family saw him, he was unable to keep his head upright. As part of a campaign to break his spirit, the Communist authorities have cut off the heat to his solitary confinement cell in winter, kept him under lights to deny him sleep, and refused him medical attention.

This is the kind of abuse that we are after in this legislation. This is the reason that the Ros-Lehtinen bill is so important and the reason I am so proud to join with my colleagues, Republican and Democrat, in support of this legislation.

Mr. HASTINGS of Florida. Mr. Speaker, we continue to reserve our time in light of the fact that there may be additional speakers. Perhaps the gentlewoman from Florida [Ms. ROS-LEHTINEN] will continue to yield time.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield 1½ minutes to our colleague the gentleman from Florida [Mr. SCARBOROUGH].

Mr. SCARBOROUGH. Mr. Speaker, I thank the gentlewoman from Florida [Ms. ROS-LEHTINEN] for yielding me the time and also for addressing such an important issue as human rights in China.

I heard the gentleman from California [Mr. COX] talk about Wei being sent to jail and brutally tortured for writing on behalf of democracy. This past week, I had the thrill of meeting Harry Wu, one of the great figures, along with Wei, fighting for democracy in the latter half of the 20th century. He characterized today's so-called engagement policy as basically no different from the appeasement policy in Munich.

> We are feeding a communist giant. When you are talking about a communist giant, you have to know that this is a military giant. Forty-seven years ago we had a debate, who lost China? Pretty soon we will have another debate, who rebuilt communist China?

We have got to step forward with the moral courage and recognize once and for all that the greatest exports that will ever come from the United States of America are not military hardware or nuclear technology, but are the ideals of freedom, Jeffersonian democracy and the things that have made America great for over 200 years.

I hope today is a starting point where Republicans and Democrats, conservatives and liberals, can come together on this most vital issue of human rights in China and across the globe. We have a great opportunity.

A.M. Rosenthal, writing in the New York Times, said,

> After World War II, much of the Western left edged off from the fight for human rights in communist countries. Conservatives looked away almost everywhere else. The losers were the people in the cells.

I hope that both sides can understand that we need to fight for freedom regardless of whether we are conservatives or liberals.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself such time as I may consume.

As one who has visited China three times this year, I join my colleagues in allowing that this is an appropriate measure for us to undertake. Because, clearly, there are matters ongoing that are vitally in need of our continuous observation, our continuous analysis, our continuing observation from the standpoint of what is necessary for us as legislators to undertake, and also to be able to assist in allowing that the State Department, through its actions, are able to undertake those things that are necessary to analyze the human rights violations and report them to us so that we may take appropriate action.

In that sense, Mr. Speaker, I stand along with our colleagues who have offered this measure in strong support of saying in the great hopes that it will bring us to a point whereby we may be in a better position when we are speaking with reference to United States-China relations.

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

Ms. ROS-LEHTINEN. Mr. Speaker, I yield 1½ minutes to our colleague, the gentleman from Pennsylvania [Mr. FOX].

Mr. FOX of Pennsylvania. Mr. Speaker, I rise in support of H.R. 2358, to provide for improved monitoring of human rights violations in the People's Republic of China. I compliment my colleague from Florida [Ms. ROS-LEHTINEN] for her leadership in this issue.

I especially support that amendment that calls on the People's Republic of China to stop harvesting and transplanting organs from prisoners. The organ harvesting program in China has meant millions of dollars to the Chinese military. The Chinese Government says organ harvesting involves criminals who voluntarily consent. The facts show otherwise. China's assertion that these are the facts makes a mockery of the international principles adopted after Nazi medical experiments were uncovered and outlawed.

No other country in the world at this time is known to use the organs of prisoners except for China and to take them in an involuntary fashion. They appear to have turned a chilling execution of thousands of people who did not even commit capital crimes into a multimillion dollar black market of a kind the world has never seen.

Accordingly, others have joined me in Congress to write to President Clinton and Secretary of State Albright noting that 4,000 people a year who are reportedly executed in China for committing minor crimes and they go from arrest to execution in order to harvest their organs for sale on the black market. This is not justice. This is murder for profit.

I hope my colleagues would join me in supporting the gentlewoman from Florida [Ms. ROS-LEHTINEN] in this forward-thinking legislation, which is the most important human rights issue that we will face in the 105th Congress. This is a bipartisan piece of legislation that should enjoy support of both sides of the aisle.

I would also ask my colleagues to join me in signing a letter to the Chinese Ambassador asking him to take swift action against this practice of harvesting organs from prisoners.

Mr. HASTINGS of Florida. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Illinois [Mr. PORTER].

Mr. PORTER. Mr. Speaker, I thank the gentleman from Florida [Mr. HASTINGS] for so kindly yielding me the time.

Let me thank the gentlewoman from Florida [Ms. ROS-LEHTINEN], the gentleman from New York [Mr. SOLOMON], the gentleman from California [Mr. DRIER], and so many of my colleagues, including the gentleman from Arizona [Mr. KOLBE], the gentleman from Arizona [Mr. SALMON], the gentleman from California [Mr. MATSUI], the gentleman from New Jersey [Mr. SMITH), and the gentleman from New York [Mr. GILMAN], all who have participated in creating some of the concepts that have been embodied in this legislation.

We began meeting earlier this year, convinced that the annual debate on MFN had ceased to provide any positive results in terms of China policy and desiring to fashion a package of tools that were better equipped to address specific problems that we saw in U.S. policy toward China and better geared toward promoting the values that we hoped to see take root in that country. These ideas have been mostly incorporated in this legislation and I think will go a long way toward getting a true engagement with China, not just a debate within the Congress, but a true engagement that has the potential of truly changing Chinese society.

It represents a great step forward in changing the nature of congressional discussion of U.S.-China policy. It makes efforts that mark a new and more mature debate on the important policy and the impact of our relations with China. I have been and continue to be an outspoken critic of those Chinese government policies and actions which constrain the people of China or threaten U.S. interests.

An abysmal human rights record, a belligerent attitude toward neighboring countries, a penchant for disregarding obligations under domestic and international law, a widespread and endemic system of corruption and cronyism, a willingness to arm rogue regimes with weapons of mass destruction, these are the characteristics of the Chinese regime that disturb and alarm the Congress and the American people.

□ 1830

As I said before and set out with my colleagues to do with H.R. 2195, Congress must address these issues with

ideas and options which look to the specific problem and seek an appropriate solution. Efforts to withdraw MFN trading status from China do not meet these goals. It is a blunt instrument that is not directly related to the problems we seek to address, and most significantly, with the Senate and the President opposed, MFN would never be withdrawn in any event, and MFN withdrawal is therefore what I consider to be a dead-end policy option which will never actually effect change in Chinese society.

The package of bills before Congress tonight has the potential to do so and I believe should be commended to every Member. I believe that the committee of jurisdiction, International Affairs, has done an excellent job in fashioning this package. I commend this effort and everyone who has been involved in it. I am proud to stand on the floor of the House today and send a strong message that Congress cares about American values and about promoting those values abroad.

By increasing funding for democracy activities, expanding monitoring of human rights abuses, intensifying efforts to broadcast information into China, denying visas to Chinese who flaunt international law or American values, expressing our support for the free and democratic government of Taiwan, promoting contact between agents of change in Chinese society and their American counterparts, and expecting United States businesses in China to be a force for positive change, we are directly addressing these problems with pro-active solutions. We are taking concrete steps to promote American values that have a proven track record of success—democratic self-governance, rule by laws created with the consent and active participation of the people, freedom and individual liberties.

Today, we will begin in a new debate on China. I am hopeful that it will yield positive results on all sides. I urge all of my colleagues to support H.R. 2358 and the rest of this legislative package.

While it is not perfect it is an important step and one that we must take if we hope to welcome the day that China becomes part of the community of peaceful, democratic, law-abiding nations. That is a day all Americans—and I suspect, most Chinese—look forward to.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey [Mr. SMITH], who has been the leader on the Subcommittee on International Operations and Human Rights, talking about the many abuses of the Chinese regime, especially in relation to Chinese slave products.

Mr. SMITH of New Jersey. Mr. Speaker, I thank the gentlewoman for yielding me this time. I want to congratulate the distinguished gentlewoman for this legislation and her strong human rights leadership in this House.

H.R. 2358, Mr. Speaker, addresses the important question as to whether the cornerstone of our foreign policy should be the promotion of universally recognized human rights. Looking at the State Department budget, and my subcommittee oversees on the authorizing side the State Department budget, we see that the Bureau of Democracy, Human Rights and Labor has 52 employees and a budget of just over $6 million. By way of contrast, the Public Affairs Office is about twice as large, with 115 employees and a budget of over $10 million. Even the Protocol Office has 62 employees, 10 more employees than the whole Human Rights Bureau. Each of the six regional bureaus has an average of 1,500 employees. These are the bureaus the Human Rights Bureau sometimes has to contend with in ensuring that human rights is accorded its rightful priority against competing concerns, and they have a combined budget of about $1 billion, or about 160 times the budget of the Human Rights Bureau.

This gross disparity in resource allocation is not only a poignant symbol of the imbalance in our foreign policy priority, it is also an important practical consequence. It has practical consequences. For instance, Washington officials from the regional bureaus develop their expertise by taking frequent trips to the regions in which they specialize. Officials in the Human Rights Bureau, however, below the rank of Deputy Assistant Secretary almost never have the budgets for such trips.

It is an unfortunate fact of life that we usually get what we pay for, and it appears that the American taxpayers are paying for more State Department protocol and public relations and less for human rights. By adding $2.2 million in each of the next 2 fiscal years for monitoring human rights in the People's Republic of China, this bill will help to redress the terrible imbalance in the current State Department budget.

Let me also point out, and I appreciate the earlier comments of the distinguished gentleman from Missouri [Mr. GEPHARDT], the minority leader, when he quoted from Wei Jingsheng, that great human rights champion in the People's Republic of China, who today is languishing in a gulag in Laogai because of his strong beliefs. I met with Wei when he was let out to try to procure the Olympics 2000 for the Chinese dictatorship. They thought that symbolic gesture would garner that for them. He was only out for a couple of weeks, several weeks. I met with him, talked to him for about 3 hours. Two weeks later or so he met with Assistant Secretary of State for Human Rights and Democracy John Shattuck. The next day after meeting with the point person for the Clinton administration on human rights, Wei Jingsheng was grabbed off the streets and thrown into prison, and he is there now, unfortunately suffering. We know that he has been beaten. At one point he was beaten so bad he could not even raise his head, and his sister and others who care deeply for him fear for his life.

We need greater monitoring. We need more surveillance to know what is going on. One or two people designated in Beijing or Shanghai or elsewhere is not adequate to the test.

Let me also say I am very appreciative to the gentlewoman from Washington, Mrs. LINDA SMITH, for her language that she has added to this bill with regard to the organs that are used from executed prisoners. Let me just say we have had two hearings on that in my subcommittee. It is a horrific reality. We need to rein in on it, and we need, I think, do everything possible to shut down that gruesome process.

Mr. HAMILTON. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, this bill authorizes $2.2 million for each of the next 2 years to support U.S. Embassy and consulate personnel to monitor political repression in China. I think it is a constructive bill. This is one of the bills in this package of nine that I will support. I think it sends the Chinese a signal that we care very deeply about human rights, that human rights will be a major component in our relationship with China.

I will tell my colleagues that the administration has some reservations about this bill. They consider it duplicative and unnecessary, but I do think it is a constructive, positive bill. I commend the gentlewoman from Florida for sponsoring it and pushing it forward and for others who have spoken in support of it. I intend to vote for this bill. I urge my colleagues to do the same.

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

Ms. ROS-LEHTINEN. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. HUNTER].

Mr. HUNTER. Mr. Speaker, I thank the gentlewoman for yielding me this time and for her leadership and all my colleagues who have worked so hard to see that we not only export goods from this country, but that we export goodness and morality. De Tocqueville said America is great because America is good.

Somewhere in China, there are people just like the person that the gentleman from New Jersey [Mr. SMITH] just described who are in cramped prison quarters, some of whom have been tortured, some of whom are right now undergoing physical pain. The administration said we should engage with China to see to it that we move China from this repressive situation to one in which people are allowed to dissent without being incarcerated, without being hurt, without being subdued by the military force.

This is engagement. It is not right to ask a businessman who is about ready to close a business deal at the same time to bring up the problem that a dissident has in a particular prison. He is not going to do that. He needs to close a deal, he needs to get the check, he needs to get the money. It is important to have personnel who are assigned to this monitoring task solely, who can really focus and really specify.

This is an excellent bill. I support it fully.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself the balance of my time.

The SPEAKER pro tempore (Mr. HASTINGS of Washington). The gentlewoman from Florida [Ms. ROS-LEHTINEN] is recognized for 1 minute.

Ms. ROS-LEHTINEN. Mr. Speaker, this bill does more than send a message to the repressive Chinese regime. It puts respect for human rights at the forefront of our discussions with Chinese officials. It forces our own Government to recognize that these values that we hold so dear and which have helped in forging our democracy, which are free speech, freedom to worship, freedom of assembly, those values will be part, an important part, an essential part of our foreign policy.

We cannot continue to sweep these issues of the violations of human rights aside merely because they are uncomfortable for us to discuss with the Chinese. If we ignore these violations, the political dissidents, the opposition in China, will suffer even more oppression. Let us be their voice today. Let us celebrate democracy, human rights and freedom for the Chinese people by supporting this bill, and indeed the entire package of bills before us.

In summation, I ask that we do what is right; what is just; what we know we must do. I ask that you support H.R. 2358.

Others may choose to ignore the pleas and cries of anguish of the Chinese people, but the United States Congress must not.

The United States Congress must send a clear message to the Chinese regime and to the world that it will defend the rights of all people to be free of oppression, of subjugation, of persecution.

The U.S. Congress must stand firm in the face of dictators and declare its support for those who cannot speak for themselves. The United States Congress must stand up to China's Communist regime—not just with rhetoric, but with concrete actions.

We must tell the Chinese regime that the United States Congress will not sit on the sidelines any longer; that we are ready to take the necessary steps to help being an end to the atrocities and violations of human rights and basic liberties.

H.R. 2358 is the tool. It is the action supporting the message.

To summarize, H.R. 2358 assigns new diplomats to American embassies and consulates for the exclusive purpose of monitoring human rights in China.

H.R. 2358 denies entry into the United States to any Chinese official found to be involved in the trafficking of human organs from political prisoners in China.

The bill increases the number of legislative days to review the President's required certification that China is complying with the agreement for nuclear cooperation. It would also require a Congressional vote of approval for the certification.

H.R. 2358 requires State Department officials to raise human rights concerns in every meeting with Chinese officials.

Adds $10 million in funding for National Endowment for Democracy projects in China.

Calls on the State Department to issue an annual report on the human rights situation and to establish a Prisoner Information Registry for China.

It supports the continuation of democratic freedoms for the people of Hong Kong.

In essence, H.R. 2358 is a comprehensive bill which includes the contributions of several of my distinguished colleagues. I thank them for their commitment and dedication to the issue of human rights in China, and for their ongoing courage to stand up for what is right.

As you cast your vote, I want you to think of the people of China; think about the political prisoners and the persecuted.

I want you to think about the values that have made this country great—about the sense of humanity that has guided us through the history of the Republic. The United States has a responsibility as the post-cold war leader to set the example for others to follow.

We can set a positive example right now. I urge you to support H.R. 2358.

The SPEAKER pro tempore. All time for general debate has expired.

It is now in order to consider the further amendment specified in part 1–B of House Report 105–379.

AMENDMENT OFFERED BY MR. GILMAN

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

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

The text of the amendment is as follows:

Amendment offered by Mr. Gilman:

Convert the existing provisions of the bill to a TITLE I, and add at the end the following:

TITLE II—AGREEMENT ON NUCLEAR COOPERATION

(A) AMENDMENT TO JOINT RESOLUTION RELATING TO AGREEMENT FOR NUCLEAR COOPERATION.—The joint resolution entitled ''Joint Resolution relating to the approval and implementation of the proposed agreement for nuclear cooperation between the United States and the People's Republic of China (Public Law 99–183; approved December 16, 1985) is amended—

(1) in subsection (b)—

(A) by inserting ''and subject to section 2,'' after ''or any international agreement,''; and

(B) in paragraph (1) by striking ''thirty'' and inserting ''120''; and

(2) by adding at the end the following:

''SEC. 2. (a) ACTION BY CONGRESS TO DISAPPROVE CERTIFICATION.—No license may be issued for the export to the People's Republic of China of any nuclear material, facilities, or components subject to the Agreement, and no approval for the transfer or retransfer to the People's Republic of China of any nuclear material, facilities, or components subject to the Agreement shall be given if, during the 120-day period referred to in subsection (b)(1) of the first section, there is enacted a joint resolution described in subsection (b) of this section.

''(b) DESCRIPTION OF JOINT RESOLUTION.—A joint resolution is described in this subsection if it is a joint resolution which has a provision disapproving the President's certification under subsection (b)(1), or a provision or provisions modifying the manner in which the Agreement is implemented, or both.

''(c) PROCEDURES FOR CONSIDERATION OF JOINT RESOLUTIONS.—

''(1) REFERENCE TO COMMITTEES.—Joint resolutions—

''(A) may be introduced in either House of Congress by any member of such House; and

''(B) shall be referred, in the House of Representatives, to the Committee on International Relations and, in the Senate, to the Committee on Foreign Relations.

It shall be in order to amend such joint resolutions in the committees to which they are referred.

''(2) FLOOR CONSIDERATIONS.—(A) The provisions of section 152(d) and (e) of the Trade Act of 1974 (19 U.S.C. 2192(d) and (e)) (relating to the floor consideration of certain resolutions in the House and Senate) apply to joint resolutions described in subsection (b).

''(B) It is not in order for—

''(i) the House of Representatives to consider any joint resolution described in subsection (b) that has not been reported by the Committee on International Relations; and

''(ii) the Senate to consider any joint resolution described in subsection (b) that has not been reported by the Committee on Foreign Relations.

''(c) CONSIDERATION OF SECOND RESOLUTION NOT IN ORDER.—It shall not be in order in either the House of Representatives or the Senate to consider a joint resolution described in subsection (b) (other than a joint resolution described in subsection (b) received from the other House), if that House has previously adopted such a joint resolution.

''(d) PROCEDURES RELATING TO CONFERENCE REPORTS IN THE SENATE.—

''(1) CONSIDERATION.—Consideration in the Senate of the conference report on any joint resolution described in subsection (b), including consideration of all amendments in disagreement (and all amendments thereto), and consideration of all debatable motions and appeals in connection therewith, shall be limited to 10 hours, to be equally divided between, and controlled by, the majority leader and the minority leader or their designees. Debate on any debatable motion or appeal related to the conference report shall be limited to 1 hour, to be equally divided between, and controlled by, the mover and the manager of the conference report.

''(2) DEBATE ON AMENDMENTS IN DISAGREEMENT.—In any case in which there are amendments in disagreement, time on each amendment shall be limited to 30 minutes, to be equally divided between, and controlled by, the manager of the conference report and the minority leader or his designee. No amendment to any amendment in disagreement shall be received unless it is a germane amendment.

''(3) CONSIDERATION OF VETO MESSAGE.—Consideration in the Senate of any veto message with respect to a joint resolution described in subsection (b), including consideration of all debatable motions and appeals in connection therewith, shall be limited to 10 hours, to be equally divided between, and controlled by, the majority leader and the minority leader or their designees.''.

The SPEAKER pro tempore. Pursuant to House Resolution 302, the gentleman from New York [Mr. GILMAN] and the gentleman from Indiana [Mr. HAMILTON] each will control 15 minutes.

The Chair recognizes the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Speaker, I yield 7½ minutes to the gentleman from Massachusetts [Mr. MARKEY] and ask unanimous consent that he may be permitted to yield that time to other Members.

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

There was no objection.

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

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

Mr. GILMAN. Mr. Speaker, the President has announced his intention to submit to Congress the certification necessary to implement the 1985 United States-China Nuclear Cooperation Agreement, thereby enabling the People's Republic of China to obtain United States nuclear technology. No United States President, not President Reagan nor Bush, and until now not President Clinton, has made such a certification. Why? Because Communist China's nuclear, chemical, biological and missile proliferation makes it the Wal-Mart of international commerce. China's record is not only reprehensible, it mocks repeated assurances to our Nation that it would stop proliferating to countries such as Pakistan and Iran.

In that regard, I urge all Members to examine the compendium I am placing in the RECORD, a compendium dated November 4, 1997, detailing China's nuclear nonproliferation promises from 1981 through 1997. Yet despite promises and subsequent violations of those promises, the Clinton administration is willing to open the door to China for critical United States nuclear assets.

Moreover in the wake of last week's summit, we have heard nothing that gives us confidence that the Chinese are willing to provide ironclad, enforceable assurances that any promises with regard to the transfer of nuclear technology to Iran would be kept.

Permit me, Mr. Speaker, to describe the possible shortfalls in the agreement negotiated by the Clinton administration in order to begin nuclear commerce with China. The Chinese have pledged only to halt new nuclear cooperation with Iran, thereby allowing continued cooperation between China and Iran on at least two existing contracts. Moreover, a possible loophole in the Chinese pledge could permit the resurrection of a contract that has been suspended, but not canceled to build a uranium enrichment facility in Iran since that contract would not fall into the category of any new nuclear cooperation.

The administration made no headway with the Chinese on conditioning nuclear cooperation with Pakistan or with any other country besides Iran, and the administration did not secure any agreement with China that would halt the transfer of nuclear-capable missiles to Iran or to other countries.

Mr. Speaker, because of these and other concerns, I have joined with the distinguished gentleman from Massachusetts [Mr. MARKEY] to introduce this amendment which achieves two important goals. It extends from 30 to 120 days the time for Congress to review the President's certification to China. It also establishes expedited procedures in the House and Senate for consideration of a resolution of disapproval of that certification or further modifications to the 1985 agreement should that prove necessary. Our legislation ensures that the Congress has adequate time to examine China's record of compliance with its nonproliferation commitments, particularly its pledge to provide no new nuclear assistance to Iran and to take appropriate legislative action if that is deemed necessary.

Mr. Speaker, we stand at a critical juncture with respect to our nonproliferation policy toward China. Implementing a nuclear cooperation agreement is not a step that should be taken lightly with any nation. With China, it is vital that we get it right the first time. Accordingly, I urge my colleagues to adopt this amendment and to adopt the underlying bill.

Mr. Speaker, the text of the compendium referred to in my remarks is as follows:

''The question of assurance does not exist. China and Iran currently do not have any nuclear cooperation . . . We do not sell nuclear weapons to any country or transfer related technology. This is our long-standing position, this policy is targeted at all countries.'' Foreign Ministry spokesman Shen Guofang, Los Angles, 11/2/97, Reuters, 11/3/97.

''We don't have to take it on faith . . . We received clear-cut, specific assurances.'' Senior US official, AFP, 10/31/97 (referring to China's vow not to commence new nuclear cooperation with Iran.)

China will . . . not help other countries develop nuclear weapons. At the same time, China also holds that *prevention of nuclear proliferation should not affect international cooperation on the peaceful use of nuclear energy*. The US administration is clear on this point and so is the international community.'' Foreign Ministry spokesman Tang Guoqiang, Beijing, 10/30/97, Ta Kung Pao, 10/31/97 (emphasis added).

''President Jiang and I agreed that the United States and China share a strong interest in stopping the spread of weapons of mass destruction and other sophisticated weaponry in unstable regions and rogue states; notably, Iran. I welcome the steps China has taken and the clear assurances it has given today to help prevent the proliferation of nuclear weapons and related technology.'' President Bill Clinton, press conference, Washington, D.C., 10/29/97.

''In May 1996, China committed *not to provide [unsafeguarded nuclear] assistance* to . . . Pakistan or *anywhere* else. We have monitored this pledge very carefully over the course of the last 16, 18 months, and the Chinese appear to be taking their pledge very seriously. We have no basis to conclude that they have acted inconsistently with this May 1996 commitment. Also, the Chinese have provided assurances with respect to nuclear cooperation with Iran. What *they have assured us is that they . . . are not going to engage in new nuclear cooperation with Iran*, and that they will complete a few existing projects, and these are projects which are not of proliferation concern. They [will] complete them within a relatively short period of time . . . the assurances we received are . . . sufficiently *specific and clear* to meet the requirements of our law and to advance our national security interests, and they are in the form of writing. They're written, confidential communications . . . I would call them *authoritative, written communications* . . . Today was when the final exchange took place . . . We will make [them] available to members of Congress in confidence, because these are confidential diplomatic communications, an opportunity to read and judge for themselves these written assurances that we've been given . . . [Q] assurances specifically—different countries, specifically, say, Iran, Pakistan? . . . [A] Yes, just Iran . . . they have safeguarded peaceful nuclear cooperation with both *Pakistan and India*, and they told that at this particular point, *they're not prepared to suspend those projects* . . . The President made very clear to him that this was an essential requirement; we needed to have this assurance on Iran, or there could be no certification . . . [Q] Who is the assurance addressed to? [A] We're not going to discuss the . . . specifics of the issue. [Q] Is it in a letter, though, that's addressed to someone in particular in the U.S. government? [A] It's an authoritative, written communication.'' Senior Administration Official, press briefing, The White House, 10/29/97, emphasis added.

''We have received assurances from the Chinese that they will not engage in any new nuclear cooperation with Iran, and that the existing cooperation—there are two projects in particular—will end. That is the assurance we have received. As to the form of that assurance, we will be discussing that with Congress . . . ''. Sandy Berger, National Security Advisory, press conference, 10/29/97

''The United States and China reiterate their commitment not to provide any assistance unsafeguarded nuclear facilities and nuclear explosion programs.'' Joint U.S.-China Statement, The White House, 10/29/97.

''China has taken new, concrete steps to prevent nuclear proliferation that threaten the interests of both countries. China has . . . Provided assurances addressing U.S. concerns about nuclear cooperation with Iran . . . ''. White House Fact Sheet, ''Accomplishments of US/China Summit.'' 10/29/97.

''. . . I think we have reached a point where we're satisfied that we have the assurances that we need to have that China is not engaging, will not engage in assistance to states developing nuclear weapons, which would enable the President to go forward with the Peaceful Nuclear Energy Agreement of 1985'' Senior White House official, press conference, Washington, D.C., 10/29/97.

''China adopts a cautious and responsible attitude toward nuclear exports. It has never transferred nuclear weapons or relevant technology to any other country. China's stand against nuclear weapons proliferation is consistent with clear-cut; that is, China has consistently opposed nuclear weapons proliferation. It does not advocate, encourage, or engage in nuclear weapons proliferation, nor has it helped other countries develop nuclear weapons. In the meantime, China takes the view that *the fight against nuclear weapons proliferation should not affect international cooperation on the peaceful use of nuclear energy*. The American side is well aware of the Chinese position on that.'' Foreign Ministry spokesman Tang Guoqiang, Beijing Central Peoples Radio, 10/28/97 (emphasis added)

''I wish to emphasize once again China has never transferred nuclear weapons or relevant technology to other countries, including Iran . . . China has never done it in the past, we do not do it now, nor will be do it in the future.'' Foreign Ministry spokesman Shen Guofang, Kyodo, 10/21/97.

''. . . China adheres to the policy that it does not advocate, encourage or engage in proliferation of nuclear weapons nor assist other countries in developing nuclear weapons. For many years the Chinese Government has exercised strict and effective control over nuclear and nuclear-related export, including exchanges of personnel and information, and has abided by the following three principles: (1) serving peaceful purposes only; (2) accepting IAEA safeguards; (3)

forbidding transfer to any third country without China's consent. With regard to any nuclear export, the recipient government is always requested to provide to the Chinese side an assurance in writing to acknowledge the above three principles and the export can proceed only after approval by relevant Chinese authorities . . . [regulations] strictly prohibit any exchange of nuclear weapons related technology and information with other countries . . . No [Chinese] agency or company is allowed to conduct cooperation or exchange of personnel and technological data with nuclear facilities not under IAEA safeguards . . . [these] regulations are applicable . . . also to all activities related to nuclear explosive devices . . . the Chinese side wishes to emphasize that *the prevention of nuclear proliferation should in no way affect or hinder the normal nuclear cooperation for peaceful uses among countries, let along be used as an excuse for discrimination and even application of willful sanctions against developing countries.* The prevention of nuclear proliferation and peaceful uses of nuclear energy constitute the two sides of one coin . . . this is the consistent policy of China.'' Ambassador Li Changhe, Statement at Meeting of Zangger Committee, Vienna, 10/16/97 (emphasis added).

''China's position on nuclear proliferation is very clear . . . It does not advocate, encourage, or engage in nuclear proliferation, nor does it assist other countries in developing nuclear weapons. It always undertakes its international legal obligations of preventing nuclear proliferation . . . China has always been cautious and responsible in handling its nuclear exports and exports of materials and facilities that might lead to nuclear proliferation.'' Statement by Foreign Ministry spokesman Cui Tiankai, Beijing, Xinhua, 9/15/97.

''The state highly controls nuclear exports and strictly performs the international obligation on nonproliferation of nuclear weapons it has undertaken. The state does not advocate, encourage and engage in proliferation of nuclear weapons, and does not help other countries develop nuclear weapons. Nuclear exports are used only for peaceful purposes and are subjected to International Atomic Energy Agency's guarantee and supervision . . . The state prohibits assistance to nuclear facilities not subject to International Atomic Energy Agency's guarantee and supervision, and does not engage in nuclear exports or personnel and technological exchanges and cooperation with them.'' Regulations of the PRC on Control of Nuclear Exports, Xinhua, 9/11/97.

''Our country . . . has followed the policy of not advocating, not encouraging, and not engaging in the proliferation of nuclear weapons, and not helping other countries to develop nuclear weapons . . . all relevant agencies and units engaged in the activities of foreign economic trade must thoroughly implement our country's policy on nuclear exports; that is, not advocating, encouraging, or engaging in the proliferation of nuclear weapons and not helping other countries develop nuclear weapons; only using nuclear export items for peaceful purposes, accepting the International Atomic Energy Agency's safeguards and supervision, and not allowing the transfer of such items to third countries without our country's permission; and not giving assistance to the nuclear facilities of those countries that have not accepted the safeguards and supervision of the International Atomic Energy Agency . . . Nuclear material, nuclear installations and related technology, non-nuclear material used for reactors, and nuclear-related dual-use installations, material, and related technology . . . may not be supplied to or used by nuclear facilities that have not accepted the International Atomic Energy Agency's safeguards and supervision. No unit or corporation is allowed to cooperate with nuclear installations that have not accepted the system of safeguards and supervision of the International Atomic Energy Agency, nor are they allowed to engage in exchanges of professional scientific and technical personnel and technological information . . .'' Chinese State Council Circular No. 17, Beijing, 5/27/97 (translated by CRS).

''. . . we have absolutely binding assurances from the Chinese, which we consider a commitment on their part not to export ring magnets or any other technologies to unsafeguarded facilities . . . The negotiating record is made up primarily of conversations, which were detailed and recorded, between US and Chinese officials.'' Under Secretary of State Peter Tarnoff, congressional testimony, 5/16/96.

''Last week, we reached an understanding with China that it will no longer provide assistance to unsafeguarded programs . . . senior Chinese officials have explicitly confirmed our understanding the Chinese policy of not assisting unsafeguarded nuclear facilities would prevent future sales, future transfers of ring magnets.'' Secretary of State Warren Christopher, congressional testimony, 5/15/96.

''Being a signatory of the Nuclear Non-Proliferation Treaty, China strictly abides by its treaty commitments and has never engaged in any activities in violation of its commitments. China's position of opposing nuclear weapons proliferation is constant and unambiguous. China will, as usual, continue to honor its international commitments and play a positive role in maintaining regional and world peace and stability.'' Foreign Ministry spokesman Cui Tiankai, Zhonggwo Ximven She, 5/15/96.

''China strictly observes its obligations under the treaty and is against the proliferation of nuclear weapons. China pursues the policy of not endorsing, encouraging or engaging in the proliferation of nuclear weapons, or assisting other countries in developing such weapons. The nuclear cooperation between China and the countries concerned is exclusively for peaceful purposes. China will not provide assistance to unsafeguarded and unsupervised Chinese nuclear facilities.'' Foreign Ministry spokesman, Xinhua, 5/11/96.

''Shen Guofang is an official press officer of the Chinese government and he has said several times that China is not exporting nuclear arms material nor spreading nuclear arms. The Central Intelligence Agency of the United States, the CIA, has accorded to Shen made several mistakes. The claim that China is exporting so-called ring magnets to Pakistan is one of the CIA's mistakes, according to Shen.'' Interview with Chinese Shen Guofang, YLE Radio, Helsinki, 4/5/96.

''China has never transferred or sold any nuclear technology or equipment to Pakistan . . . We therefore hope the U.S. Government will not base its policy-making on hearsay.'' Foreign Ministry Deputy Secretary Shen Guofang, Hong Kong AFP, 3/26/96 (after the reported ring magnet sale to Pakistan).

''China, a responsible state, has never transferred equipment or technology for producing nuclear weapons to any other country. Nor, as a responsible state, will China do so in the future.'' Foreign Ministry spokesman, Xinhua, 2/15/96.

''China is a responsible country. We have not transferred, nor will we transfer to any country, equipment or technologies used in manufacturing nuclear weapons. As a signatory to the nuclear weapons non-proliferation treaty, China scrupulously abides by the treaty concerning international legal obligations toward the prevention of nuclear weapons proliferation, and it does not advocate, encourage or engage in nuclear proliferation. While engaging in cooperation with other countries for the peaceful use of nuclear energy, China strictly abides by China's three principles on nuclear exports and accepts the safeguards and supervision of the International Atomic Energy Agency.'' Foreign Ministry spokesman Shen Guofung, Xinhua, 2/15/96.

''Foreign Ministry spokesman Shen Guofang today denied reports that China has transferred nuclear technology to Pakistan. He said that China carries out normal international cooperation with Pakistan and some other countries on the peaceful use of nuclear energy. The legitimate rights and interests of all countries in the peaceful use of nuclear energy should also be respected. China has constantly adopted a prudent and responsible toward the export of nuclear energy. It is totally groundless to say that China has transferred nuclear technology to Pakistan.'' Foreign Ministry spokesman Shen Guofang, as reported in *Ta Kung Pao*, 2/9/96 (follows 2/8/96 *Washington Times* story about China's transfer of ring magnets to Pakistan's unsafeguarded uranium enrichment plant).

''China has constantly stood for . . . pursuing a policy of not supporting, encouraging or engaging in the proliferation of nuclear weapons and assisting any other country in the development of such weapons . . . Since 1992 when [China] became a party to the [nuclear Non-Proliferation] treaty, it has strictly fulfilled its obligations under the Treaty, including the obligation to cooperate fully with the IAEA in safeguard application. China follows three principles regarding nuclear exports: exports serving peaceful purposes only, accepting IAEA safeguards . . . Only specialized government-designated companies can handle nuclear exports and in each instance they must apply for approval from relevant governmental departments. All exports of nuclear materials and equipment will be subject to IAEA safeguard. China has never exported sensitive technologies such as those for uranium enrichment, reprocessing and heavy water production.'' Information Office of the State Council of the PRC White Paper: ''China: Arms Control and Disarmament'', *Beijing Review*, 11/27/95.

''. . . there isn't any nuclear cooperation between China and Iran that is not under the safeguard of the International Atomic Energy Agency.'' Foreign Ministry spokesman Chen Jian, Xinhua, 9/26/95.

''. . . China as a State Party and particularly as a developing country with considerable nuclear industrial capabilities, strictly abides by the relevant provisions of the NPT to ensure the exclusive use [of such capabilities] for peaceful purposes . . .''. Ambassador Sha Zukang, NPT Extension Conference, at UN, 1/23/95.

''China does not engage in proliferation of weapons of mass destruction . . .'' Foreign Minister Qian Qichen, AP newswire, 10/4/94.

''China is a signatory to the Nuclear Non-proliferation Treaty. We do not support or encourage nuclear proliferation, this has been a consistent position.'' Premier Li Peng, Beijing Central Television Program One, 3/22/94.

''[T]he Chinese government has consistently supported and participated in the international communities efforts for preventing the proliferation of nuclear weapons.'' Ambassador Hou Zhitong, address to the U.N. General Assembly, 10/21/92.

''[China] supports non-proliferation of nuclear weapons and other weapons of mass destruction.'' Foreign Minister Qian Qichen, at the U.N. Conference on Disarmament and Security Issues in the Asia-Pacific Region, 8/17/92.

''The reports carried by some Western newspapers and magazines alleging that China has provided Iran with materials, equipment, and technology that can be used to produce nuclear weapons are utterly groundless.'' Foreign Ministry spokesman, Xinhua, 11/4/91.

''China has always stood for nuclear nonproliferation, neither encouraging nor engaging in nuclear proliferation.'' Premier Li Peng, Xinhua, 8/10/91.

''The Chinese Government has made it clear that it adheres to a nuclear nonproliferation policy. This means that China does not support, encourage, or engage in nuclear proliferation. We said so and have done so, too.'' Premier Li Peng, interview with Iranian and Chinese journalists, *Renmin Ribao*, 7/10/91.

''China has struck no nuclear deals with Iran . . . This inference is preposterous.'' Chinese embassy official Chen Guoqing, rebutting a claim that China had sold nuclear technology to Iran, letter to *Washington Post*, 7/2/91.

''The report claiming that China provides medium-range missiles for Pakistan is absolutely groundless. China does not stand for, encourage, or engage itself in nuclear proliferation and does not aid other countries in developing nuclear weapons.'' Foreign ministry spokesman Wu Janmin, Zhongguo Ximwen She, 4/25/91.

''China's position is clear cut, that is, China won't practice nuclear proliferation. Meanwhile we are against the proliferation of nuclear weapons by any other country. . .''. Premier Li Peng, Xinhua, 4/1/91.

''. . . the Chinese Government has consistently supported and participated in the international community's efforts for preventing the proliferation of nuclear weapons.'' Ambassador Hou Zhitong, Xinhua, 10/24/90.

''China seeks a policy of not encouraging or engaging in nuclear proliferation and not helping any country develop the deadly weapons.'' Ambassador Hou Zhitong, Xinhua, 9/12/90.

''China has adopted a responsible attitude [on nuclear cooperation], requiring the recipient countries of its nuclear exports to accept IAEA safeguards and ensuring that its own nuclear import is for peaceful purposes.'' Foreign Minister Qian Qichen, Xinhua, 2/27/90.

''China does not advocate, or encourage, or engage in nuclear proliferation and would only cooperate with other countries in the peaceful application of nuclear energy.'' Foreign Minister Qian Qichen, Renmin Ribao, 9/15/89.

''China, though not a [NPT] signatory, has repeatedly stated that it abides by the principles of nuclear nonproliferation.'' Xinhua, 5/9/89.

''As everyone knows, China does not advocate nor encourage nuclear proliferation. China does not engage in developing or assisting other countries to develop nuclear weapons.'' Foreign Ministry spokesman, Beijing radio, 5/4/89.

''The cooperation between China and Pakistan in the sphere of nuclear energy [is] entirely for peaceful purposes. The relevant agreements signed between the two countries consist of specific provisions guaranteeing safety. The allegations that China has been assisting Pakistan in the field of nuclear weapons . . . are completely groundless . . .''. Foreign Ministry spokesman Li Zhaoxing, Beijing Radio, 1/19/89.

''[Secretary of Defense Frank] Carlucci said Chinese leaders emphasized that they would never sell nuclear weapons to foreign nations. . .''. Washington Post, 9/8/88.

''China does not advocate or encourage nuclear proliferation, nor does it help other countries develop nuclear weapons.'' Vice Foreign Minister Qian Qichen, Beijing Review, 3/30/87.

''The State Department and its allies insist that the negotiators made no such concessions. They argue that despite the text of the [US/China nuclear] agreement, they have obtained private assurances from the Chinese that Beijing will cooperate with unwritten American expectations. In particular, the chief American negotiator, Special Ambassador Richard T. Kennedy, has prepared a classified 'Summary of Discussions,' in which he asserts that the Chinese have provided further pledges to reform their nuclear export policies. Touting these unwritten, unofficial assurances, he claims that the China pact would not compromise our vigilance against the spread of nuclear weapons.'' The New Republic, 11/25/85, p. 9.

''Since that time [1983], we have received assurances from them [the Chinese government] and we have seen nothing, and there is no evidence, that indicates that they are not abiding by the assurances that they have provided us.'' Deputy Assistant Secretary of State James R. Lilley, congressional testimony, 11/13/85.

''The People's Republic of China has clearly indicated that it shares our concerns about any nuclear weapons proliferation. . .''. Secretary of Energy John S. Herrington, congressional testimony, 10/9/85.

''The Chinese made it clear to us that when they say they will not assist other countries to develop nuclear weapons, this also applies to all nuclear explosives . . . We are satisfied that the [nonproliferation] policies they have adopted are consistent with our own basic views.'' Ambassador Richard Kennedy, Department of State, congressional testimony, 10/9/85.

''The Chinese have also made a number of high-level policy statements, and I would emphasize that these were high-level policy statements and not mere toasts tossed off in haste and casually. These clearly set forth their position that they are opposed to the spread of nuclear weapons and do not assist or encourage others to develop weapons.'' Assistant Secretary of State Paul Wolfowitz, congressional testimony, 10/9/85.

''Since negotiations began on the proposed agreement, China has made significant new statements on its nonproliferation policy . . . These statements show that China is opposed to the spread of nuclear explosives to additional countries.'' Ambassador Richard Kennedy, Department of State, congressional testimony, 9/12/85.

''The People's Republic of China has clearly indicated that it shares our concerns about any nuclear weapons proliferation . . .'' Assistant Secretary of Energy George Bradley, congressional testimony, 9/12/85.

''The Chinese know that nuclear cooperation with us rests on their strict adherence to basic nonproliferation practices discussed and clarified at such great length.'' ACDA Assistant Director Norman A. Wulf, congressional testimony, 9/12/85.

''Our contacts with the Chinese . . . have demonstrated clearly that they appreciate the importance we attach to nonproliferation. We are satisfied that the policies they have adopted are consistent with our own basic views.'' Ambassador-At-Large Richard Kennedy, congressional testimony, 7/31/85.

''Over these past two years, the Chinese Government has taken a number of important nonproliferation steps. First, it made a pledge that it does 'not engage in nuclear proliferation' nor does it 'help other countries develop nuclear weapons'. The substance of this pledge has been reaffirmed several times by Chinese officials both abroad and within China. In fact, China's Sixth National People's Congress made this policy a directive to all agencies of that large and complex government. As such, it constitutes a historic and positive change in China's policies.'' ACDA Director Kenneth Adelman, congressional testimony, 7/31/85.

''Energy Department sources said a key part of the administration's presentation to Congress would be a classified summary of a meeting between Li Peng and special US ambassador and nuclear negotiator Richard T. Kennedy in Peking in June. Kennedy was said to have 'nailed down' Chinese assurances that they will work to halt the spread of atomic weapons and will abide by all US safeguard requirements. The sources said Kennedy wrote the summary and 'showed it to the Chinese, and they said it's consistent with the way they view their policies.' Sen. Alan Cranston (D–Calif.) said he was promised that written assurances of the Chinese position would be included in the nuclear agreement package.'' ''US and China Sign Nuclear-Power Pact,'' Washington Post, 7/24/85.

''A long-dormant nuclear cooperation agreement with China apparently has been rejuvenated by new written assurances from China on its commitment to control the spread of nuclear weapons, accorting to Senate and administration officials.'' ''US-China Nuclear Pact Near: New Assurances Said Received on Control of Weapons,'' Washington Past, 7/22/85.

''Discussions with China that have taken place since the initialling of the proposed [nuclear] Agreement have contributed significantly to a shared understanding with China on what it means not to assist other countries to acquire nuclear explosives, and in facilitating China's steps to put all these new policies into place. Thus, ACDA believes that the statements of policy by senior Chinese officials, as clarified by these discussions, represent a clear commitment not to assist a non-nuclear-weapon state in the acquisition of nuclear explosives.'' ACDA, ''Nuclear Proliferation Assessment Statement,'' submitted to Congress on 7/24/85 with the US/China Agreement for Cooperation, 7/19/85.

''China is not a party to the NPT, but its stance on the question is clear-cut and above-board . . . it stands for nuclear disarmament and disapproves of nuclear proliferation . . . In recent years, the Chinese Government has more and more, time and again reiterated that China neither advocates nor encourages nuclear proliferation, and its cooperation with other countries in the nuclear field is only for peaceful purposes''. Ambassador Hc Qian Jiadong, speech given at the Conference on Disarmament in Geneva, 6/27/85 (quoted by Amb. Richard Kennedy in congressional testimony, 7/31/85).

''I wish to reiterate that China has no intention, either at the present or in the future, to help non-nuclear countries develop nuclear weapons . . . China's nuclear cooperation with other countries, either at present or in the future, is confined to peaceful purposes alone.'' Vice Premier Li Peng, Xinhua, 1/18/85.

''We are critical of the discriminatory treaty on the nonproliferation of nuclear weapons, but we do not advocate or encourage nuclear proliferation. We do not engage in nuclear proliferation ourselves, nor do we help other countries develop nuclear weapons.'' Premier Zhao Ziyang, White House state dinner on 1/10/84, Xinhua, 1/11/84 (note: a US official later said that ''These were solemn assurances with in fact the force of law,'' AP, 6/15/84).

''China does not encourage or support nuclear proliferation.'' Vice Premier Li Peng, Xinhua, 10/18/83.

''Like many other peace-loving countries, China does not advocate or encourage nuclear proliferation, and we are emphatically

opposed to any production of nuclear weapons by racists and expansionists such as South Africa and Israel.'' Yu Peiwen, head of Chinese delegation to Conference on Disarmament in Geneva, Xinhua, 8/4/81.

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

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

□ 1845

Mr. Speaker, I rise in opposition to this amendment. The Gilman-Markey amendment does two things, both of which I think retroactively move the goalposts in our nonproliferation negotiations with China.

The first thing it does, as the distinguished gentleman from New York said, is to extend the time for congressional consideration of the President's considerations from 30 to 120 days of continuous session. The second thing that it does is to provide for expedited procedures for consideration of a congressional joint resolution of disapproval.

Now what we have here is a statutory framework that we have had in existence for a number of years that sets out the procedure to be followed in these nonproliferation negotiations with China. As we come, so to speak, to the fourth quarter of the game, we are suddenly moving the goalposts, and I just do not think that is a good thing for us to do. The amendment retroactively moves the goalposts in our nonproliferation negotiations with China.

Now the second thing I think this amendment does is to delay the dialog with China. I think this amendment, even though it is couched in procedural terms, places at risk our ability to persuade the Chinese to move in our direction on a whole range of issues that separate our two countries. China is inevitably going to see this amendment as part of an attempt to delay or to defeat the President's certification regarding the United States-China nuclear agreement, and I do not think it is too difficult to guess how the Chinese will respond. Beijing will suspend its current nonproliferation dialog with us and thereby make further progress on these important issues virtually impossible.

The third point I would make is that I think current law, with the 30-day provision of continuous session, provides ample time to review the certification of the President. That review period will not expire under current law until February, and what that does is give us 4 months to review the certification.

So although on the surface this is a procedural amendment seeking more time and seeking an expedited procedure, I think in fact it will have deleterious impact on the substance of the matter. I do not think we should try to prejudge the nuclear agreement, we should judge it on its merits. There is a lot of inquiry that has to be made with respect to it. I think those inquiries can be made within the 4-month period, and I do not think it is wise for the United States to put into law a framework, announce that to the world, so to speak, put that before the Chinese over a period of many years, and then, as we come to the final part of the consideration with the President's certification, suddenly say, we are changing the rules of procedure. That is not the way a responsible power should act.

I urge that this amendment be defeated.

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

Mr. MARKEY. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, I rise in favor of the Gilman-Markey amendment. We are all familiar with China's past proliferation record. Over the years, China has been the Wal-Mart of weapons of mass destruction for countries such as Iran and Pakistan. Over the years, China has perfected the game of promising the United States that it would stop its nuclear garage sales with a nudge and a wink to the Ayatollahs of the world. Last week, China scored the winning point in its game of nuclear ''trick or treat.'' It got to take the treat and to play the trick. They got the treat of U.S. nuclear exports and the trick of assisting Iran and Pakistan to build the so-called Islamic bomb.

The President has announced that he will certify the 1985 nuclear cooperation agreement with China, claiming that China has been sufficiently moving forward and becoming a responsible member of the international nonproliferation community and is therefore deserving of access to American nuclear technology.

However, it was only this past June that the CIA had this to say about China: During the last half of 1996, China was the most significant supplier of weapons of mass destruction-related goods and technology to foreign countries. The Chinese provided a tremendous variety of assistance to both Iran and Pakistan's ballistic missile programs. Pakistan was very aggressive in seeking out equipment, material, and technology for its nuclear weapons program, with China as its principal supplier. China has repeatedly pledged to curb its habit of providing nuclear missile, chemical, and biological weapons to countries such as Iran and Pakistan, but China has repeatedly broken its pledges.

The nuclear cooperation agreement was negotiated in 1985, but it has not been implemented because no President has been able to meet the congressionally mandated conditions associated with its implementation which include Presidential certification that China has become a responsible member of the international nonproliferation community. I do not believe that this was the case in 1985, and I do not believe that it is now.

A 1985 AP story about the agreement pointed out that the Reagan administration had relied upon a verbal statement sealed by a champagne toast to conclude the agreement, and we all know how well China lived up to that solemn pledge. And now we find ourselves in what might be an identical situation. The administration says it got some verbal nonproliferation commitments from China and some written commitments that no one has yet seen.

What has been made public about China's nonproliferation commitment seems to have some problems. One, the agreement only prevents new nuclear cooperation with Iran's nuclear weapons programs and allows continued cooperation between China and Iran to take place in at least two nuclear contracts.

The agreement appears to have a loophole that could allow the resurrection of a currently suspended but not canceled contract to build a uranium enrichment facility in Iran since that contract would not fall into the category of new nuclear cooperation.

The agreement does not condition nuclear cooperation with Pakistan or any other country besides Iran.

The agreement does not contain provisions that would halt the transfer of nuclear-capable missiles to Iran or other countries.

Now perhaps once Congress gains access to all the information, we will decide that the promises that have been made are sufficient. On the other hand, after we hold hearings, review the documents, and have some time to observe China's behavior, we may come to the conclusion that the agreement contains empty or insufficient promises, and we may want to do something about it.

The gentleman from New York [Mr. GILMAN] and I have made this amendment to give Congress the additional time it is going to need in order to make this agreement, ultimately carefully fashioned to advance the goals which Congress has been trying to protect which this country has been advancing in the years ahead. I hope that all Members of the Congress can support us this evening in sending this very important message.

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

Mr. HAMILTON. Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. BERMAN].

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

Mr. BERMAN. Mr. Speaker, I rise both in support of the underlying bill which I think is a very sensible effort to augment our ability to ascertain the human rights situation in China by strengthening our on-the-ground operations there and the Gilman-Markey amendment which, to me, without prejudicing what our decision would be, enhances Congress' ability and the administration's ability to ensure that the representations and commitments made by the Chinese in the area of nuclear proliferation are being implemented and forced by expanding the

time in which Congress has to review and decide whether to allow or disapprove of the agreement which has been certified.

China's past record of abiding by its international commitments not to aid the proliferation of weapons of mass destruction is not a good one. Congressional skepticism about Chinese promises is clearly warranted. There is time to consider the agreement, and the extension of that time and the expedited procedure which would allow a decision to be implemented without the threat of filibuster or delay in the other body is very critical in reducing the skepticism and reinforcing congressional support for the agreement should the record of implementation bring us to that conclusion.

So for that reason, I think both the Chinese and the administration should welcome this. This gives us a greater time to determine if, in fact, it is true that the representations made have been kept, the commitments made with respect to export controls and the implementation of a meaningful export control regime are being followed through.

By reducing our concern, it leads people to come to a fact-based conclusion by adding to the time we have to look at it. My fear is that if the existing law remains in place, we will be rushed into a decision, we will be forced to make decisions based on the past record rather than the present record, and so I think the gentleman from New York [Mr. GILMAN] and the gentleman from Massachusetts [Mr. MARKEY] have an excellent amendment here, and I urge the body to adopt it.

Mr. GILMAN. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. ROHRABACHER], a member of our committee.

Mr. ROHRABACHER. Mr. Speaker, I rise in strong support of the Gilman-Markey amendment.

I was in Cambodia not too long ago with a United States team of military personnel trying to clear out mines in Cambodia, and they told me that there was a new mine that they were having trouble teaching the Cambodians how to get rid of, how to defuse, because it was a smart mine, and eventually that mine exploded in the hands of someone trying to defuse it. It was designed to kill Americans or anyone else trying to defuse mines. When they opened it up, what did they find? They found a chip from Motorola, a Motorola chip that was designed specifically to make it impossible to defuse these mines without the loss of American military personnel.

We need control of our technology when it is going into the hands of vicious dictatorships like we find in the mainland in China. If we do not impose these restrictions on technology or just handle this issue with care, it is going to come back and haunt us. It is going to hurt our national security, and Americans will be dead if we do not take the proper care.

That is what the Gilman-Markey amendment is all about. That is why I support the Gilman-Markey amendment.

Mr. MARKEY. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey [Mr. PALLONE].

Mr. PALLONE. Mr. Speaker, I rise in support of the Gilman-Markey amendment.

Mr. Speaker, last month I called on the administration not to certify that China has stopped its exportation of nuclear technology to unregulated countries, and I wrote to President Clinton urging that the administration halt preparations to recertify China and spoke out against it here in the House.

Mr. Speaker, granting certification to China now is the wrong thing to do, given China's record of exporting nuclear technology. The recent action by the Chinese premier to sign regulations limiting nuclear exports pales in comparison to Chinese actions of the past 12 years which argue for continued prudence and vigilance.

I am particularly concerned about Beijing's pattern of transferring ring magnets, an important component for building nuclear weapons for a Pakistani nuclear facility. I am concerned that the administration appears to be giving insufficient consideration to China's recent transfer of nuclear technology to unregulated nuclear facilities in Pakistan.

The administration will be granting certification despite CIA findings that the Chinese have sold 5,000 ring magnets to Pakistan for its uranium enrichment facilities, and ring magnets can be used in the building of nuclear weapons. The administration is apparently willing to ignore China's continued support of Pakistan's commitment to build a plutonium production reactor and a plutonium reprocessing plant. These facilities are essential for a nuclear weapons program, and despite the protests of United States lawmakers, China continues to assist Pakistan in building a sophisticated nuclear arsenal. Unfortunately, this arsenal is not subject to international inspection.

Furthermore, the administration continues to look the other way as China continues to export technology and ballistic missile components to Pakistan, a country that is not a member of the International Atomic Energy Agency and bans investigators from several of its nuclear facilities.

Mr. Speaker, clearly, there is a lot of skepticism and many unanswered questions about granting the certification. Let us pass this common sense, the Gilman-Markey neutral resolution, so that our decision is based on the complete review of the terms of the agreement and not just rush into rubber-stamping an agreement that we may later come to regret.

□ 1900

Mr. HAMILTON. Mr. Speaker, I yield 4 minutes to the distinguished gentlewoman from California [Ms. PELOSI].

Ms. PELOSI. Mr. Speaker, I thank the distinguished gentleman for yielding me this time, even though I am not in agreement with his position, but I appreciate his generosity.

Mr. Speaker, I rise in strong support of the Gilman-Markey amendment to the underlying bill of the gentlewoman from Florida [Ms. ROS-LEHTINEN]. I support that bill, as well as this amendment.

This is probably the most important issue that we will debate on this whole China issue in the House. I certainly care about promoting democratic freedoms in China, and I am very concerned about the $50 billion trade deficit that we will suffer this year with China. But even if those two issues were not a factor in our U.S.-China relationship, the issue of the proliferation of weapons of mass destruction is the most serious issue that we in the Congress have to deal with. It is about nothing short of the safety of the world.

I am afraid that the President's move to certify that China is in accord with the cooperative agreements on the nuclear accords is just a fiction, and I believe that it is very necessary for Congress to take a very close look at what the Chinese have promised and what the prospects are for their keeping their promises, because indeed the law on proliferation and certification calls for performance before a country can receive certification, and President Clinton is intending to give certification on the basis of promises.

My colleagues have reviewed some of the promises made by China and promises not kept by China, and I would be happy to share the pages and pages and pages of unkept promises on the subject of proliferation, but I will just refer to one in particular.

On May 11, 1996, the Chinese pledged that ''China will not provide assistance to unsafeguarded nuclear facilities.'' The end of that year, December 1996, the CIA's assessment on China's nonproliferation record stated, ''During the last half of 1996, China was the most significant supplier of weapons of mass destruction and technology to foreign countries. The Chinese provided a tremendous variety of assistance to both Iran and Pakistan's ballistic missiles programs. Pakistan was very aggressive in seeking out equipment, material and technology for its nuclear weapons program, with China as its principal supplier.''

That was 6 months after the pledge.

Then, this year, in talking about the certification, President Clinton said, after the CIA, in an unclassified report to Congress, revealed that, President Clinton said, ''China has lived up to its pledge not to assist unsafeguarded nuclear facilities in third countries and is developing a system of export controls to prevent the transfer of sales of technology and weapons of mass destruction, but China still maintains some troubling weapons relationship.''

That last sentence is fraught with meaning because it covers a very vast

array of violations by China, but China still maintains some troubling weapons supply relationships. That means they are still proliferating weapons of mass destruction.

President Clinton said that only a short while after the Office of Naval Intelligence Report on Worldwide Maritime Challenges, March 1997, stated, and this is blown up for the review of my colleagues,

> Discoveries after the Gulf War clearly indicate that Iran maintained an aggressive weapons of mass destruction procurement program. A similar situation exists today in Iran, with a steady flow of materials and technologies from China to Iran. This exchange is one of the most active weapons of mass destruction programs in the Third World and is taking place in a region of great strategic interest to the United States.

I just want to close by saying, when we asked President Jiang in the breakfast, the famous breakfast meeting, has China engaged in the proliferation of weapons of mass destruction; well, we know they have, but: please comment on China's proliferation, he deferred to his foreign minister who stood up and said China has never proliferated any nuclear technology, has never proliferated any nuclear technology; never.

So when we base our policy on promises by China, I think we have to look at the record. The Congress needs the additional time to review that. I urge my colleagues to support the Gilman-Markey amendment.

Mr. HAMILTON. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Oregon [Mr. DEFAZIO].

Mr. MARKEY. Mr. Speaker, I yield 1 minute to the gentleman from Oregon [Mr. DEFAZIO].

The SPEAKER pro tempore (Mr. HASTINGS of Washington). The gentleman from Oregon [Mr. DEFAZIO] is recognized for 2 minutes.

Mr. DeFAZIO. Mr. Speaker, I thank my colleagues for yielding me this time.

I think the gentlewoman from California [Ms. PELOSI] was most eloquent on this issue. The bottom line here is that the President, under pressure from a failing U.S. nuclear industry, because there has not been a new nuclear plant constructed in the United States in more than a dozen year, and none are proposed, is being pressured to transfer critical nuclear technology to China, a country that has a long-term documented record of transferring technology for weapons of mass destruction to rogue states. China has broken all of its past promises in this area.

But now, now, things are different, things are very different. They have signed a new agreement. Here it is. Oh, we cannot see it. Well, neither can I. It is a secret agreement. Now, they broke the written agreements, they broke the verbal agreements, all done publicly, but now they have signed this, this secret agreement here, my colleagues can see, it is quite lengthy, saying that they will not do it again, under certain conditions unspecified to certain nations, which are specified.

Now, I do not think that Congress can review this lengthy document in only 30 days and determine whether or not China has complied with all of the conditions of the secret document which we cannot see. I think it will take us a little bit longer. So I am suggesting that our colleagues should support this amendment.

Mr. Speaker, 120 days is not too long to certify whether or not China is really complying with conditions that we would like to see for a country to whom we are going to transfer critical nuclear technology, because I tell my colleagues, if we transfer that technology and it is misused, it will seem like a lifetime to people who voted to allow the Chinese to have that technology to transfer to America's enemies around the world.

So support this amendment. It is reasonable that Congress should have 120 days before the United States takes this unprecedented step.

Mr. HAMILTON. Mr. Speaker, how much time do I have remaining?

The SPEAKER pro tempore. The gentleman from Indiana [Mr. HAMILTON] has 4 minutes, and the gentleman from New York [Mr. GILMAN] has 2 minutes.

Mr. HAMILTON. Mr. Speaker, I yield 1 minute to the distinguished gentleman from California [Mr. COX].

I understand he wants an additional minute.

Mr. GILMAN. Mr. Speaker, I yield 2 additional minutes to the gentleman from California [Mr. COX].

Mr. HAMILTON. Mr. Speaker, I have the right to close?

The SPEAKER pro tempore. The gentleman from Indiana [Mr. HAMILTON] has the right to close.

The gentleman from California [Mr. COX] is recognized for 3 minutes.

Mr. COX of California. Mr. Speaker, I thank both gentlemen for yielding time.

The 1954 Atomic Energy Act is at bottom what we are discussing here and requires a joint resolution of Congress before any nuclear-related trade between an United States company or the United States Government and any other country, so Congress has to act. Senator GLENN amended this law in 1978 with the Nuclear Nonproliferation Act, and that law forbids nuclear-related exports to any country that, after March 10, 1978, assisted, encouraged or induced any non-nuclear Nation to engage in nuclear activities. That includes civilian nuclear activities.

On December 16, 1985, Congress passed a joint resolution prospectively approving a U.S.-People's Republic of China nuclear sale, provided that prior to the implementation of that agreement the President certifies that the People's Republic of China is a member in good standing of the community of nonproliferating nations.

As my colleagues have heard from all that has gone before, the People's Republic of China takes the view that we do not do it, we do not proliferate, and in any case, we will not do it anymore. They have, in fact, been proliferating, and they have been doing it all the way up to the present time.

Mr. Speaker, this is the report of the Director of Central Intelligence to Congress dated June 1997, and what it says, it has been quoted in this debate previously, is that China was the primary source of nuclear-related equipment and technology to Pakistan and a key supplier to Iran during the reporting period. Incidentally, Iran also obtained considerable chemical weapons-related assistance from China in the form of production equipment and technology. The Chinese Foreign Minister told us at our breakfast here just a few days ago with President Jiang Zemin and the Foreign Minister that China has never done these things. So we cannot accept their assurances, and yet that is all we have.

The Presidential certification required by law is based on a prospective promise, a piece of paper, even though we know that what they are telling us today that they have not done in the past is untrue. China has a huge credibility gap.

The assertion by China's foreign ministry that China would refuse to provide America with assurances on nuclear cooperation with Iran since China was not engaged in such cooperation which led up to the summit are an indication of what we are up against. This bill, this amendment to the bill, does nothing more than give Congress adequate time to discharge its responsibility, which we have had since 1954.

In the circumstances, since China's cooperation is going to be entirely prospective, it is utterly reasonable, and I urge the support of my colleagues for this very reasonable amendment.

Mr. HAMILTON. Mr. Speaker, I yield myself the balance of the time.

The SPEAKER pro tempore. The gentleman from Indiana [Mr. HAMILTON] is recognized for 3 minutes.

Mr. HAMILTON. Mr. Speaker, first of all, let me simply say that a number of my colleagues here have expressed their very deep concern about this certification that the President will make. I share that concern. They have expressed a lot of suspicions about Chinese conduct on proliferation over a period of years. I also share that concern. They are quite right, those who support this amendment, to be deeply concerned about it. They have pointed to instances where China has not kept its word, and I appreciate that.

But I also want to point out here that this Congress in 1985 adopted a framework by which we would consider certifications. We passed that law. We adopted the framework, and now, let it be clear that at the last minute, we are changing the rules of the game. We are doing exactly what we accused the Chinese of doing. We are changing the rules of the game.

I do not think that is the way a responsible power should act.

We passed a law, 30 days for certification for review. It did not have the expedited procedures in it that this amendment adopts.

I know I am whistling in the wind here because this amendment will be adopted overwhelmingly, but I simply want to point out to my colleagues that we passed a law, we provided the framework, now we are trying to change that framework at the very end of the game. The Chinese have a right to complain about that.

Mr. SOLOMON. Mr. Speaker, I rise in strong support of this amendment by Mr. GILMAN and Mr. MARKEY.

Mr. Speaker, I just have to say, last week we were treated to a farce. I am just aghast that this administration would, presumably with a straight face, send a certification over to this Congress that Communist China is a responsible partner in nuclear nonproliferation.

What is a paper promise against hard historical facts? And the facts are that China is one of the most irresponsible proliferators in the world.

Mr. Speaker, this responsible amendment doesn't kill any planned nuclear deal with China. It simply gives the people's Representatives a little more time to review the process.

It would be irresponsible and dangerous to vote no and I urge an ''aye'' vote.

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

The SPEAKER pro tempore. All time has expired.

The question is on the amendment offered by the gentleman from New York [Mr. GILMAN].

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Without objection, the Chair will reduce to 5 minutes the time for any electronic vote on passage without intervening business or debate, other than engrossment or third reading.

There was no objection.

The vote was taken by electronic device, and there were— yeas 394, nays 29, not voting 10, as follows:

[Roll No. 579]

YEAS—394

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crapo
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dixon
Doggett
Doolittle
Doyle
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Filner
Foley
Forbes
Fossella
Ford
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hansen
Harman
Hastert
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kucinich
LaFalce
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
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McNulty
Meehan
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moran (KS)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paul
Paxon
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Redmond
Regula
Reyes
Rivers
Rodriguez
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Sherman
Shimkus
Shuster
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Towns
Traficant
Turner
Upton
Velazquez
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NAYS—29

Bereuter
Blunt
Brown (CA)
Crane
Dingell
Dooley
Dreier
English
Fazio
Foglietta
Gillmor
Hall (TX)
Hamilton
Hastings (FL)
Houghton
Johnson (CT)
Kennelly
Kolbe
LaHood
Manzullo
Meek
Moran (VA)
Payne
Roemer
Sawyer
Shays
Skaggs
Snyder
Stump

NOT VOTING—10

Bunning
Cubin
Flake
Gonzalez
McKinney
Riggs
Riley
Schiff
Schumer
Yates

☐ 1936

Mr. KOLBE, Mrs. MEEK of Florida, Messrs. STUMP, HALL of Texas, and FOGLIETTA, Mrs. KENNELLY of Connecticut, and Messrs. SAWYER, SHAYS, and SKAGGS changed their vote from ''yea'' to ''nay.''

Mr. JONES and Mr. DAVIS of Florida changed their vote from ''nay'' to ''yea.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. RIGGS. Mr. Speaker, on rollcall No. 579, I was unavoidably detained performing other congressional duties and unable to vote. Had I been present, I would have voted ''yes.''

The SPEAKER pro tempore (Mr. HASTINGS of Washington). Pursuant to House Resolution 302, the previous question is ordered on the bill, as amended.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is the passage of the bill.

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

RECORDED VOTE

Ms. ROS-LEHTINEN. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 416, noes 5, not voting 12, as follows:

[Roll No. 580]

AYES—416

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady

Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Foglietta
Foley
Forbes
Ford
Fossella
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hilliard
Hinchey
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
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
Kind (WI)
King (NY)
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
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McNulty
Meehan
Meek
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
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
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Redmond
Regula
Reyes
Riggs
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Scott
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
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thurman
Tiahrt
Tierney
Torres
Towns
Traficant
Turner
Upton
Velazquez
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NOES—5

Brown (CA)
Dingell
Kanjorski
Paul
Pickett

NOT VOTING—12

Bunning
Cubin
Flake
Gonzalez
Kilpatrick
Kingston
McKinney
Riley
Schiff
Schumer
Thune
Yates

□ 1945

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. THUNE. Mr. Speaker, on rollcall No. 580, I was inadvertently detained. Had I been present, I would have voted "yes."

PROVIDING FOR CERTAIN MEASURES TO INCREASE MONITORING OF PRODUCTS OF PEOPLE'S REPUBLIC OF CHINA MADE WITH FORCED LABOR

Mr. CRANE. Mr. Speaker, pursuant to House Resolution 302, I call up the bill (H.R. 2195) to provide for certain measures to increase monitoring of products of the People's Republic of China that are made with forced labor, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. HASTINGS). The bill is considered read for amendment.

The text of H.R. 2195 is as follows:

H.R. 2195

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 "Laogai Slave Labor Products Act of 1997".

SEC. 2. FINDINGS.

The Congress makes the following findings:

(1) The People's Republic of China operates and maintains an extensive forced labor camp system—the Laogai.

(2) The Laogai is made up of more than 1,100 forced labor camps, with an estimated population of 6,000,000 to 8,000,000 prisoners.

(3) In one part of the Laogai system, known as laojiao, or reeducation-through-labor, Chinese citizens can be detained for up to 3 years without any judicial review or formal appearance in the judicial system.

(4) The Laogai is an integral sector of the export economy of the People's Republic of China and is engaged in the export to the United States of the goods made by forced labor.

(5) The Government of the People's Republic of China actively promotes the forced labor camps by employing a system of dual names for the camps to deceive the international community.

(6) The United States Customs Service has taken formal administrative action banning the importation of 27 different products found to have been made in the Laogai.

(7) Despite the fact that the People's Republic of China has entered into binding agreements with the United States (the 1992 Memorandum of Understanding on Prison Labor, and the 1994 Statement of Cooperation on the Implementation of the Memorandum of Understanding on Prison Labor) to allow inspections of its forced labor camps to determine the origins of suspected Laogai imports to the United States, the People's Republic of China has frustrated the implementation of these agreements.

(8) The State Department's Human Rights Country Reports in 1995 and 1996 each stated, "Repeated delays in arranging prison labor site visits called into question Chinese intentions regarding the implementation of" the two agreements referred to in paragraph (7).

(9) Concerning the ability of the United States Customs Service to identify Communist Chinese products that originate in the Laogai, Commissioner of Customs George J. Weise stated in testimony before the Senate Foreign Relations Committee on May 22, 1997: "We simply do not have the tools within our present arsenal at Customs to gain the timely and in-depth verification that we need.".

SEC. 3. AUTHORIZATION FOR ADDITIONAL CUSTOMS AND STATE DEPARTMENT PERSONNEL TO MONITOR EXPORTATION OF SLAVE LABOR PRODUCTS BY THE PEOPLE'S REPUBLIC OF CHINA.

There are authorized to be appropriated for monitoring by the United States Customs Service and the Department of State of the exportation by the People's Republic of China to the United States of products made with slave labor, the importation of which violates section 307 of the Tariff Act of 1930 or section 1761 of title 18, United States Code, $2,000,000 for fiscal year 1998 and $2,000,000 for fiscal year 1999.

SEC. 4. REPORTING REQUIREMENT ON EXPORTATION OF SLAVE LABOR PRODUCTS BY THE PEOPLE'S REPUBLIC OF CHINA.

(a) REPORT TO CONGRESS.—Not later than 1 year after the date of the enactment of this Act and annually thereafter, the Commissioner of Customs and the Secretary of State shall each prepare and transmit to the Congress reports on the manufacturing and exportation of products made with slave labor in the People's Republic of China.

(b) CONTENTS OF REPORT.—Each report under subsection (a) shall include information concerning the following:

(1) The extent of the use of slave labor in manufacturing products for exportation by the People's Republic of China, as well as the volume of exports of such slave labor products by that country.

(2) The progress of the United States Government in identifying products made with slave labor in the People's Republic of China that are destined for the United States market in violation of section 307 of the Tariff Act of 1930 or section 1761 of title 18, United States Code, and in stemming the importation of those products.

SEC. 5. RENEGOTIATION OF THE MEMORANDUM OF UNDERSTANDING ON PRISON LABOR WITH THE PEOPLE'S REPUBLIC OF CHINA.

It is the sense of the Congress that, since the People's Republic of China has substantially frustrated the purposes of the 1992 Memorandum of Understanding with the United States on Prison Labor, the President should immediately commence negotiations to replace the current Memorandum of Understanding on Prison Labor with one providing for effective monitoring of forced labor in the People's Republic of China, without restrictions on which prison labor camps international monitors may visit.

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The SPEAKER pro tempore. Pursuant to House Resolution 302, the committee amendment in the nature of a substitute printed in the bill is adopted.

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

H.R. 2195

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

SECTION 1. FINDINGS.

The Congress makes the following findings:

(1) The United States Customs Service has identified goods, wares, articles, and merchandise mined, produced, or manufactured under conditions of convict labor, forced labor, and indentured labor in several countries.

(2) The United States Customs Service has actively pursued attempts to import products made with forced labor, resulting in seizures, detention orders, fines, and criminal prosecutions.

(3) The United States Customs Service has taken 21 formal administrative actions in the form of detention orders against different products destined for the United States market, found to have been made with forced labor, including products from the People's Republic of China.

(4) The United States Customs Service does not currently have the tools to obtain the timely and in-depth verification necessary to identify and interdict products made with forced labor that are destined for the United States market.

SEC. 2. AUTHORIZATION FOR ADDITIONAL CUSTOMS PERSONNEL TO MONITOR THE IMPORTATION OF PRODUCTS MADE WITH FORCED LABOR.

There are authorized to be appropriated for monitoring by the United States Customs Service of the importation into the United States of products made with forced labor, the importation of which violates section 307 of the Tariff Act of 1930 or section 1761 of title 18, United States Code, $2,000,000 for fiscal year 1999.

SEC. 3. REPORTING REQUIREMENT ON FORCED LABOR PRODUCTS DESTINED FOR THE UNITED STATES MARKET.

(a) REPORT TO CONGRESS.—Not later than 1 year after the date of the enactment of this Act, the Commissioner of Customs shall prepare and transmit to the Congress a report on products made with forced labor that are destined for the United States market.

(b) CONTENTS OF REPORT.—The report under subsection (a) shall include information concerning the following:

(1) The extent of the use of forced labor in manufacturing products destined for the United States market.

(2) The volume of products made with forced labor, destined for the United States market, that is in violation of section 307 of the Tariff Act of 1930 or section 1761 of the title 18, United States Code, and is seized by the United States Customs Service.

(3) The progress of the United States Customs Service in identifying and interdicting products made with forced labor that are destined for the United States market.

SEC. 4. RENEGOTIATING MEMORANDA OF UNDERSTANDING ON FORCED LABOR.

It is the sense of the Congress that the President should determine whether any country with which the United States has a memorandum of understanding with respect to reciprocal trade which involves goods made with forced labor is frustrating implementation of the memorandum. Should an affirmative determination be made, the President should immediately commence negotiations to replace the current memorandum of understanding with one providing for effective procedures for the monitoring of forced labor, including improved procedures to request investigations of suspected prison labor facilities by international monitors.

SEC. 5. DEFINITION OF FORCED LABOR.

As used in this Act, the term ''forced labor'' means convict labor, forced labor, or indentured labor, as such terms are used in section 307 of the Tariff Act of 1930.

Amend the title so as to read: ''A bill to provide for certain measures to increase monitoring of products that are made with forced labor.''.

The SPEAKER pro tempore. Pursuant to House Resolution 302, the gentleman from Illinois [Mr. CRANE] and the gentleman from California [Mr. MATSUI] each will control 30 minutes.

The Chair recognizes the gentleman from Illinois [Mr. CRANE].

GENERAL LEAVE

Mr. CRANE. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and to include extraneous material on H.R. 2195.

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

There was no objection.

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

Mr. Speaker, I rise in support of H.R. 2195, a bill to authorize $2 million of appropriations for fiscal year 1999 for the U.S. Customs Service to increase the monitoring and interdiction of products made with forced labor.

The funds authorized by H.R. 2195 will allow the Customs Service to enforce two important provisions in the law regarding forced labor products. The Tariff Act of 1930 prohibits the importation of goods, wares, articles, and merchandise which are produced, mined, or manufactured with the use of forced, convict, or indentured labor. Title 18 provides criminal penalties for those who willfully violate these prohibitions.

It has been long-standing U.S. policy to prohibit the importation of merchandise made under conditions of forced labor. To show that there is no doubt about our resolve to enforce this prohibition, H.R. 2195, as amended, would reemphasize U.S. policy by authorizing additional resources for the U.S. Customs Service to identify and interdict products made with forced labor by providing a new mechanism for monitoring compliance with the law and by enhancing enforcement of international agreements.

Customs already has in place teams of special agents on our borders working actively to prohibit the importation of forced labor products. Customs also has 76 special agents and 26 embassies and consular offices abroad, including three attaches assigned to the U.S. embassy in Beijing. The investigations conducted by these teams have led to criminal proceedings, more than 20 detention orders, and 6 findings of prohibited forced labor importations relating to chain hoists, tea, electric fans, machine presses, zinc-coated wire, artificial flowers, and malleable iron pipe.

H.R. 2195 will authorize additional resources for Customs to conduct these investigations and is consistent with our country's historically strong position on this issue. This approach is consistent with historical U.S. trade policy objectives. And on that basis, I urge my colleagues to support the bill, as amended.

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

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

Mr. Speaker, I rise in support of H.R. 2195, as amended and reported by the Committee on Ways and Means by voice vote. I was a cosponsor of the amendment proposed by the gentleman from Texas [Mr. ARCHER] to authorize an additional appropriation of $2 million in fiscal year 1999 for the Customs Service to monitor importation of products made with forced, indentured, or convict labor.

The bill, as amended, also requires Customs to report to Congress within 1 year on products made with forced labor destined for the U.S. market and on the efforts by Customs to prevent their importation. Importation of products made by convict, forced, or indentured labor in any country is prohibited under trade law in effect since 1980. The issue is not whether the United States permits importation of products made with forced labor. Customs has actively pursued and taken actions against attempted importation of products made with forced labor, including products from China. However, identification, verification, and interdiction of products made with forced labor is not an easy task.

H.R. 2195, as amended, addresses concerns that Customs has insufficient resources to enforce the import prohibition adequately. The bill treats this problem in a balanced, generic way by applying the additional resources through enforcement of existing laws against imports made by forced labor wherever they may originate rather than targeting one country as in the bill as introduced.

Finally, this bill, as amended, expresses the sense of the Congress that the President should determine whether any country with which we have a memorandum of understanding regarding trade involving goods made with

forced labor is frustrating the implementation of that memorandum of understanding. If that is the case, the President should negotiate a new MOU that provides effective monitoring procedures.

H.R. 2195, as amended, is very worthwhile, Mr. Speaker, and it addresses a very serious problem. I urge its passage.

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

Mr. CRANE. Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. GILMAN].

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

Mr. GILMAN. Mr. Speaker, I am pleased to rise in support of this important measure introduced by our colleague the gentleman from New Jersey [Mr. SMITH], as modified and reported out of the Committee on Ways and Means.

For the past half century, the import of convict made goods has been banned under our laws, yet products made in China's vast network of slave labor camps, the infamous Laogai, continue to flow into our country. This measure authorizes $2 million in additional funds for Customs Service personnel to monitor the import of slave labor products from these camps and strengthen our monitoring procedures for international visits to these camps.

Laogai survivor, Harry Wu, has estimated that some 50 million Chinese men and women have passed through these camps, of whom some 15 million are thought to have perished. Today, between 6 to 8 million people are captive in 1,100 camps of the Laogai, forced to work under degrading and inhuman conditions.

Mr. Speaker, according to Mr. Wu, this slave labor system operates some 140 export enterprises selling to over 70 nations, including our own Nation. These camps produce a wide range of key commodities as well as a huge array of consumers goods, including toys, flowers, and yes, even Christmas lights.

Despite several binding agreements entered into with China in 1992 and 1994, international monitors have been denied access to these camps and their exports have been disguised using false names and invoices. In testimony before the Senate Foreign Relations Committee on May 22, 1997, Customs Commissioner George Weise stated that, ''We simply do not have the tools within our present arsenal of Customs to gain the timely and in-depth verification that we need of these camps.''

Accordingly, I urge my colleagues to support this measure and give the Customs Service the tools and resources it needs to police and monitor the imports of goods for this Chinese gulag and slave labor camps.

Mr. MATSUI. Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts [Mr. NEAL].

Mr. NEAL of Massachusetts. Mr. Speaker, I thank the gentleman from California [Mr. MATSUI] for yielding me the time.

Mr. Speaker, I rise in support of H.R. 2195, legislation to provide for the increased monitoring of products made with forced labor. The Committee on Ways and Means has made several improvements to the bill. This legislation provides certain measures to increase the ability of the U.S. Customs Service to identify, monitor, and interdict products made with forced labor that are headed for the United States market. It authorizes $2 million of appropriations for fiscal year 1999 for Customs to monitor and interdict products made with forced labor.

This legislation also requires Customs to report within 1 year after the date of enactment on the extent of the use of forced labor in products destined for the U.S., the volume of products, and the progress made by Customs in identifying these products.

Also, this legislation includes a sense of Congress that the President should determine whether any country with whom the United States has a memorandum of understanding on forced labor is frustrating implementation of the memorandum of understanding. If the President determines that the memorandum of understanding is not being implemented, it is the sense of Congress that the President should renegotiate a new memorandum of understanding.

This legislation addresses all prison labor in China. The United States should not allow goods made by prison labor to be available in the United States market. This legislation also would provide Customs with the resources to detect and interdict prison goods. The United States should continue to be a leader on human rights issues. And by adopting this legislation, we are sending a strong message that products made by forced labor are not acceptable for sale in the United States.

I realize the original focus of this bill and other bills that we will be debating today remain on China. However, it is important to let all countries know that we will not tolerate prison labor. We should not just enforce this standard for China.

I urge support for this bill in order to eliminate products made by forced labor that are imported into the United States.

Mr. CRANE. Mr. Speaker, I yield 5 minutes to our distinguished colleague the gentleman from Indiana [Mr. BURTON].

Mr. BURTON of Indiana. Mr. Speaker, I thank the gentleman from Illinois [Mr. CRANE] for yielding me the time.

Mr. Speaker, I want to start off by congratulating my good friend the gentleman from New Jersey [Mr. SMITH] for all of his efforts in the area of human rights. He is one of the finest Members we have in this body, and he really cares about his fellow man.

Mr. Speaker, Laogai, or ''reform through labor,'' as it translates from Chinese, should not be a practice by nations that surprises this Congress. But it should be shocking. We have seen it throughout history, signs on the front of Nazi prison camps that, when translated read ''labor makes you free.'' And now Chinese slogans in their camps read ''labor makes a new life.''

The same gulags that Stalin was so proud of inspired Chairman Mao to launch the oppression of generations of innocent Chinese citizens, through a system of what we know now to be 1,100 labor camps, slave labor camps. As the world at one time turned its back on the victims of the Holocaust, so have they looked away from the prisoners of conscience, political dissidents, and religious believers in China. They are subjected to routine brainwashing, torture, and are forced to work for nothing in factories by the communist elite.

□ 2000

Look around at the rubber-soled shoes that we buy, the boots, the kitchenware, toys and sporting goods in this country. These are products Americans use every day, and they are produced in the Chinese gulags by slave laborers.

If it were not for a great man named Harry Wu, who knows how long this cruel injustice would have gone unexposed. Mr. Wu knows firsthand what it is like to be a prisoner in these gulags. He spent 19 years in the system and has devoted his life to exposing the slave labor camps.

In Mr. Wu's book Troublemaker, he gives us a glimpse of his life during the darkest days:

''I knew things were bad when they first transferred me to Camp 585, reserved for the most unhealthy inmates. The unmarked burying field of 586 was adjacent so they would not have to carry us far when we died. When prisoners at 585 grew too weak to go out to the fields and work, they would lie on the floor, a pail on one side for food, a pail on the other side for human waste. The cook would come by with a large pail of something resembling soup and would dole it out with a ladle, being careful not to spill a drop.''

Mr. Speaker, as a member of the House Subcommittee on International Operations Human Rights, I believe that the United States should link trade and economic cooperation with human rights. The United States is the world's preeminent superpower, arguably the only Nation on Earth with both the economic might and the moral legitimacy to make the observance of human rights a pillar of its foreign policy. The unfortunate peoples of the world whose basic human rights are suppressed either by tyrants or failed economic experiments turn to the United States for hope and not cheap imports. From China to India, the people who suffer under such regimes understand that if America joins their struggle by sacrificing short-term economic gain for long-term justice and freedom, these regimes will die.

This administration chose again this year to grant China MFN trading status and would rather, quote, engage China, believing that human rights follows trade. Every year since 1980, when President Carter first extended MFN to China, his supporters have been saying the same thing.

Mr. Speaker, it has failed. A Clinton administration official has even confessed recently that, quote, frankly, on the human rights front, the situation has deteriorated. They are rounding up more dissidents and harassing them more.

Add to this the recent revelation by Harry Wu and the ABC newsmagazine PrimeTime Live on the harvest and sale of human organs from executed prisoners, forced abortions and persecution of religious believers, and we must ask ourselves how could anyone morally conduct business with a partner like that.

And if the morality does not strike you, what about China's sale of nuclear material to Iran or the purchase of American-made supercomputers which could design nuclear warheads for missiles capable of reaching the United States, or possible attempts to influence our 1996 Presidential election?

Some estimate our trade deficit with China to be about $60 billion on an annual basis. I would submit that is due to China's slave labor camps. It is difficult to compete against cheaper products produced by slaves of the Chinese dictatorship so that these goods we import from China become a threat to the free and fair trade of our own country.

This administration has chosen to stand up to China only on one issue in the past 3 years, intellectual property rights. When the Chinese were faced with trading sanctions over this issue, they backed down. If this type of muscle from the administration is justified for the music industry, then it is justified for persecuted Christians, political dissidents, murdered infants and nuclear proliferation.

The President's policy is not just one of engagement, it is a ''see no evil'' strategy. Mr. Speaker, it is time to put away the carrots and break out the sticks.

Mr. MATSUI. Mr. Speaker, I yield 6 minutes to the gentleman from Mississippi [Mr. TAYLOR].

Mr. TAYLOR of Mississippi. Mr. Speaker, earlier today I made an analogy between the measures that are going on tonight dealing with the People's Republic of China and a chapter of a book entitled 365 Days, written by Dr. Glasser, who was a surgeon in a burn ward dealing with Vietnam veterans. In one of those chapters he refers to the medics of Vietnam who, on their own, discovered that for those soldiers who were so horribly wounded that they were not going to live, and there was not anything that the medics could do for them, they started giving them SweeTarts. They told them it was for the pain. The amazing thing was that it seemed to lessen their pain. It did not save their lives, it did not make them any better, but it seemed to lessen their pain.

That is kind of what we are doing tonight. The world's greatest Nation is doing business with the world's greatest totalitarian regime. That totalitarian regime has a $40 billion trade surplus with our Nation. Our Nation, because we gave them most-favored-nation status, allows their goods, many of which are made with the slave labor described by the previous speakers, to come into our Nation either totally tariff-free or at a 2 percent tariff. One of the places they compete with is a glove factory in south Mississippi. That is not fair. In turn, when we try to sell products in their Nation, they either do not allow them in, or they charge anywhere from a 20 to 40 percent tariff on American goods. That is not fair.

All the things we are doing tonight are very much like those SweeTarts. They do not save the persons we are trying to save and in reality do not even make them feel better. It just makes them think that they feel better.

Mr. Speaker, I intend to support the bill of the gentleman from California [Mr. COX] because at least it does make us feel a little bit better, and I intend to offer at the proper time a motion to recommit to include portions of a bill that I have introduced, H.R. 2814, which would on a quarterly basis require our Secretary of the Treasury to review what the People's Republic of China is charging Americans who seek to do business in China as far as tariffs, and on a quarterly basis change that amount so that we charge them what they charge us.

If Members truly believe in free trade, like some members of both parties espouse, then there is only one way to get the Chinese attention, and that is to say we will do unto others as you do unto us, because the present situation of letting them have a $40 billion trade surplus with our Nation, unlimited access to our markets, unlimited access to our enemies, and let me remind the American people that the Silkworm missile that came within 100 yards of hitting one of our battleships in the Gulf War was made in China, the only way we are ever going to get their attention is to start hitting them in the pocketbook, where it will make a difference.

Mr. Speaker, I am not given a whole lot of time to talk about this. I am sorry to say that many of my colleagues for one reason or another are not on the floor. They are probably being moved to say, well, that is not germane to the bill, but guess what. One of the ways you get on the Committee on Ways and Means is you sign some sort of a blood oath to be a free trader. It means you do not believe in tariffs. It means that other people can abuse us as much as they want to.

This is the only opportunity the 435 Members of this House are going to have this year to address this horrible trade inequity and horrible unfairness. We all beat our brains out to get here. I do not think the people on the Committee on Ways and Means should have a monopoly on deciding trade issues. As long as we say to them that only those things that you think are right will come to this floor, then we will continue to be given limited opportunities to adjust the gross inequities in America's trade laws.

Members will have that chance tonight. I hope for once we will stand up for the world's greatest Nation, for the voice of democracy and against this voice of totalitarianism.

Mr. HUNTER. Mr. Speaker, will the gentleman yield?

Mr. TAYLOR of Mississippi. I yield to the gentleman from California.

Mr. HUNTER. Mr. Speaker, I thank the gentleman for yielding.

What I see in his bill is essentially what I offered, I think, with respect to Japan back in 1982, which is a two-way street bill, that we let the other side control the level of tariffs, and if they want to raise the wall, they raise it; if they want to lower it, they lower it. So they are motivated to be free traders or to be open traders with the United States and develop a two-way street with a Nation that enjoys a $30 billion trade surplus over the United States and that rather arrogantly insists on their 30 percent barriers while we pull our barriers down to zero. I support the gentleman's initiative.

Mr. TAYLOR of Mississippi. I want to thank the chairman of the Subcommittee on Military Procurement of the Committee on National Security, someone who is more aware than most of the threat that the Chinese pose to our Nation, of the threatening remarks they have made about their missiles being able to land in our country, and all we are asking is for some sense of fairness in America's trade laws.

Mr. CRANE. Mr. Speaker, I yield 5 minutes to the gentleman from New Jersey [Mr. SMITH].

(Mr. SMITH of New Jersey asked and was given permission to revise and extend his remarks.)

Mr. SMITH of New Jersey. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, H.R. 2195, which has now 27 cosponsors from both sides of the aisle, represents a modest but important first step toward enforcing already existing U.S. law regarding slave-made products. First it authorizes $2 million in fiscal year 1999 for additional monitoring by the United States Customs Service for products made with slave labor. Second, it requires the Commissioner of Customs to report to Congress on the manufacture and export of products made with slave labor. Finally, it expresses the sense of Congress that the President should determine whether China is frustrating implementation of the memorandum of

understanding, and if the answer is affirmative, then he should begin negotiations for a new MOU with effective monitoring procedures.

I can say parenthetically, that cannot start a moment too soon, because I have been watching this as chairman of the Subcommittee on International Operations and Human Rights for a number of years, and we know that despite some action that has been taken, the MOU and its follow-on document was flawed.

Mr. Speaker, the bill is directed, as we know, primarily toward China. This is not because we are unfairly singling out China, but because China is far and away the biggest source of slave-made goods. In the words of George Weise, the Commissioner of the U.S. Customs Service, ''China is currently by far the country most frequently associated with the export of prison labor-made goods to the United States.''

As a matter of fact, in the first 60 years of the existence of section 307 of the Tariff Act of 1930 as amended, which provides U.S. Customs with its primary authority concerning the importation of convict or forced labor, the United States took action twice against products produced in a Soviet gulag and in a Mexican prison. Since September 1991, however, the U.S. Customs Service has banned nearly 2 dozen Chinese products. These just represent the tip of the iceberg. For the RECORD I will submit those couple of dozen at the appropriate time, Mr. Speaker.

Let me just also point out, Mr. Speaker, we have had a number of hearings in the Subcommittee on International Operations and Human Rights. As a matter of fact, back in 1995, April 3, we had the first hearing ever on survivors of the Laogai. We heard from Harry Wu, Catherine Ho; we heard from Tang Boiqiao, who was one of the protesters at Tiananmen Square, and they describe in absolutely riveting and nauseating detail what actually goes on day in and day out in the Laogai. It is horrific.

They talked about using cattle prods. As a matter of fact, the Tibetan monk who testified before our committee, Palden Gyatso, could not get through Rayburn security when he came in with a cattle prod, and then he told us what they do with the cattle prod. We had to go down and escort him through. He said, this is commonplace. His teeth are ruined. The genitals often get inflicted with this terrible and hideous device, and they do that on women and on men.

Catherine Ho talked about as a Catholic how she had been mistreated, and to read the words are to make you sick. That this goes on day in and day out, and they make products that do end up on our shelves.

There are those who may disagree, who think this is hyperbole. Look at the list, and the list will grow if we demand enhanced enforcement. This legislation is just a modest step in demanding some additional enforcement.

The gentleman from Virginia [Mr. WOLF] and I have been in gulags. We were in a Beijing prison camp where we saw jelly shoes and socks being made for export. Yes, the Chinese authorities shut down that one, but for every one that is shut down, there are another thousand plus that are operating and littering the countryside of China where these things are made.

□ 2015

We saw 40 Tiananmen Square activists, men and women, these were men in this case, who put their lives on the line for democracy, who were slaving away for these products that were going to be sent overseas to the United States.

Let me also point out, Mr. Speaker, that the lack of vigorous enforcement of U.S. laws against slave-made goods does not merely support repression within China, it also hurts American manufacturers.

For example, at a May 22, 1997, hearing of my subcommittee, we received testimony from a man by the name of Peter Levy, an American manufacturer of office supplies. Mr. Levy, who was curious about how one of his competitors was able to sell certain products at such low prices, launched his own investigation. It led him to a prison compound in Nanjing, China, where his competitor's products were being assembled by prisoners at a Chinese gulag in Laogai, and I understand because of what Mr. Levy did, the United States Customs Service has now taken that case and is investigating that case for, hopefully, some prompt action.

This legislation is modest, I hope everyone can support it, and I thank the gentleman from California [Mr. MATSUI] and my good friend from Illinois [Mr. CRANE] for their support as well.

CHINESE CONVICT LABOR ISSUANCES AS OF MAY 31, 1996

DETENTION ORDERS

Date, products and producers:

1. 10–03–91—Wrenches—(Shanghai Laodong Machine Works).
2. 10–03–91—Steel Pipe—(Shanghai Laodong Steel Pipe Works).
3. 10–25–91—Hand Tools—(Shanghai Laodong Machine Works).
4. 10–29–91—Socks—(Beijing Qinghe Knitting Mill). Cancelled 12–13–93.
5. 11–06–91—Planing Machines—(Xiangyang Machine Tool Works).
6. 11–14–91—Diesel Engines—(Yunnan Jinma Diesel Engine General Works).
7. 12–02–91—Machine Presses—(Xuzhou Forging and Pressing Machinery Plant).
8. 01–07–92—Diesel Engines & Textile Machines—(Dezhou Shengjian Machine Works).
9. 02–25–92—Galvanized Pipes—(Shandong Laiyang Heavy Machine Works).
10. 02–25–92—Tea—(Guangdong Red Star Tea Farm). Cancelled 09–30–94.
11. 05–22–92—Grapes—(Beijing Qinghe Farm). Cancelled 01–07–94.
12. 05–22–92—Sheepskin & Leather—(Qinghai Hide & Garment Factory).
13. 06–24–92—Hand Tools—(amends #1 and #2).
14. 06–26–92—Cast Iron Items—(Wang Tsang Coal & Iron Works).
15. 06–26–92—Tea—(Miao Chi Tea Farm).
16. 07–15–92—Auto Parts—(Sichuan Yaan Auto Parts Works).
17. 07–15–92—Drilling Machines—(Sichuan Zi Gong Machine Works).
18. 07–17–92—Sulfuric (Sulphuric) Acid—(Dawei Chemical Factory).
19. 08–03–92—Electric Fans & Zinc-Coated Wire—(Sichuan Xinsheng Laodong Tool Works).
20. 08–14–92—Asbestos—(Sichuan Hsinkang Asbestos Mine).
21. 07–08–93—Hoists—(Hangzhou Wulin Machine Works).
22. 08–06–93—Hoists—(Wuyi Machine Works).
23. 09–01–93—Surgical Gloves, Condoms, Rain Coats, Rubber Boots—(Shenyang Xinsheng Rubber Factory).
24. 09–03–93—Rubber Vulcanizing Accelerators—(Shenyang Xinsheng Chemical Works).
25. 12–24–94—Artificial Flowers—(Guangdong No. 1 Laojiao Camp).
26. 04–27–95—Tea—(Nanhu Laogai Camp-Nanhu Tree Farm).
27. 10–06–95—Malleable Iron Products—(Tianjin Malleable Iron Plant).
28. 03–06–96—Iron Pipe Fitting—(Tianjin Tongbao Fitting Company).

HEARING TESTIMONY ON CHINESE PRISON SYSTEM

STATEMENT OF TANG BOIQIAO, FORMER STUDENT LEADER OF 1989 DEMOCRACY MOVEMENT

Mr. TANG. My name is Tang Boiqiao and I am a former student of Hunan Teachers' College. In July 1989, I was arrested by the Communists because of my organizing and participating in the Hunan student movement. I was held until July 1990 before finally being sentenced to 3 years' detention. My crime was called counterrevolutionary propagandizing and incitement.

In October of that year, I was transferred to the Hunan Province Longxi Prison for reform through labor. In January 1991, I was unexpectedly released from prison.

After my release, I was again arrested because of my continued involvement in the popular movements and human rights activities. Following the summer of 1991, I fled China. In April 1992, I entered the United States and sought political asylum.

My reason for coming here today is to share with you my experiences while in the Laogai.

I was first arrested in July 1969 in Guangdong Province, after which I was held in three different detention centers where I was forced to labor with my fellow prisoners. While at Guangdong No. 1 Detention Center, I made toys which had the words ''Made in China'' in English written on them. I was allowed to eat only twice a day.

Next, I was transferred to Changsha in Hunan and spent more than a year at the Changsha No. 1 Detention Center. During this time I suffered through the darkest and most hopeless existence. For more than 4 months straight, I was questioned about my case an average 10 hours a day in what the Communists call exhaustive tactics. This Laogai forced its prisoners to produce match boxes. There were no labor rewards but every month the cellmates, which had the highest production numbers, were given one cheap cigarette a day. The police or officials forced the prisoners to work day and night so that they could report increased production output and receive cash incentives. We would work for at least 12 hours per day. The longest day was one when we worked 23½ hours with a half-hour food break.

Because I would refuse to work, the public security police would often arrange for the other prisoners to abuse and beat me. One day I was beaten three different times by seven or eight young prisoners, two of which were convicted murderers. The first time, because I was unwilling to be forced to labor,

they beat me until I bled from the eyes, ears, nose, and mouth. The second time, because I resisted when they tried to force me to kneel down, they used anything they could find in the cell to beat me, including a wooden stool, heavy wooden sticks and metal cups and bowls. The last time they beat me while I could not move and lay on the floor hunched over.

At this, the public security police were still not satisfied, so that evening they held a struggle session and ordered every prisoner in the Laogai to viciously beat me. That night I developed a fever of 104 degrees, which persisted for more than a week. I was unable to even sit upright.

While there were many methods used in torturing people at this Laogai, the most often used tools were the electric police baton and shackles. There were more than 10 kinds of shackles, including thumb shackles, so-called earth shackles, all kind of wrist shackles, chain shackles, chain-link shackles, door frame shackles, heavy shackles and others. The most simple method was to conduct a political study class where the prisoners needed to attend for long periods of time while shackled. I personally experienced electric shocks and many kinds of shackles.

The Laogai prisons used different types of abuse and control than those of the detention centers. After I was transferred to the prison, when I was first assigned to a prison brigade, we were shown the three unforgettable phrases that were written on the wall of the prison entrance. ''Where are you? What are you? What are you to do here?''

Later in the daily political study classes, we needed to follow these questions with the responses, ''This is a prison. I am a criminal. I am here to receive reform through labor.'' We also had to sing three songs at the beginning of every political study class. The songs were ''Socialism is Good,'' ''Without the Communist Party There Would be no New China'' and ''Emulate Lei Feng.'' Lei Feng was a 1950's Chinese Communist martyr.

The kind of billboard you see above the prison there has these three slogans that the prisoners see when they enter the prison, ''Where are you? What are you? And what are you doing here?'' And the other sign there says, has the slogans, ''Labor production is the way, reform is the main goal.''

The words ''Socialism is good'' begins ''Socialism is good. Socialism is good. Everyone in a socialist society is improved.'' The lyrics of ''Without the Communist Party, there would be no new China'' are ''Without the Communist Party, There Would be no New China, the Communist Party is united for the people. The Communist Party is united to save China.''

The meaning of the last song is that we should all be like the Communist hero Lei Feng. That is, ''Loyal to the revolution, loyal to the party, standing in the field erect and unwavering, Communist thinking emits knowledge.'' I realized that this was how they would force us to reform our thinking, so I refused to sing the three songs.

The police used many methods to try to intimidate and coerce me into cooperating, and in the end, I was sent to the prison of prisons, solitary confinement. Its length and height are barely enough to hold a man, and it has solid walls with only a tiny slit in the door. It very easily makes men think like animals in a cage.

These are only some of the stories of my time in the Laogai, yet all of the mistreatment and abuse I suffered in the Laogai is just a drop of water in a great river. When you think of all the abuses of the millions of Chinese citizens still condemned in the Laogai, my story is just the tip of the iceberg.

Thank you very much.

Mr. SMITH. I want to thank you for your very eloquent testimony and for bringing the horrors, however succinctly you described them, to the attention of this subcommittee. I know that many of the members will be reading this transcript and will be reading your description of what you went through personally and what others have gone through with a great deal of empathy and the sense of horror. And I think we lose that sometimes in Congress when we are so far removed from it and we make policy in somewhat of a vacuum and, again, to know what we are a part of and complicit in when we are dealing with the Chinese economic system and products manufactured in Laogai like what you made could be well finding our ways onto to our own shores, makes us—should make us act more responsibly and to bend over backwards not to be complicit in that kind of horror.

So I thank you.

What I thought we might do in the subcommittee is ask all of our witnesses to testify first and then to ask members of the subcommittee to pose questions at that time.

I would like to call to the witness chair Catherine Ho. Mrs. Ho is a Catholic who was accused of counterrevolutionary crimes. She spent 21 years in the Chinese Gulag system.

And I would ask you to proceed however you may wish. Your full statement will be made a part of the record.

STATEMENT OF CATHERINE HO, CATHOLIC NUN

Ms. HO. My name is Catherine Ho.

One of the goals of the Laogai camps is to break the human spirit through torture of the body. But even worse than the bodily abuses is the unceasing assault of the prisoner's thoughts and individual will. This is especially true of the suffering endured by the millions of women condemned to the Laogai.

I was born into a well-educated family in Shanghai. My good parents sent me to an excellent Catholic high school. There I became a Catholic. I studied very hard and should have had a bright future. Instead, I was arrested and imprisoned by the Communist government before I was even 18 years old. I was arrested on September 8, 1955, as was our bishop in Shanghai, Cardinal Kung. Kung is now in the United States receiving medical care.

Between 1953 and 1955, the church-run schools and hospitals in Shanghai were taken over by the Communists. The church's charitable institutions were simply closed. The foreign missionaries had already been expelled as imperialists. The Chinese priests and the bishops were all targets of the Communists and were either killed or arrested one after another.

Most of the Christians were forced to go through brainwashing. They faced losing their jobs or educational opportunities. And they also faced being sent to the Laogai camps or prisons to suffer because of their faith. Religious people were continuously persecuted by Communists.

We did not oppose the government. We only wanted to practice our religion but the Communists said it was a crime against China. The only reason I was put in jail was because I was an active Christian. I was a member of the Legion of Mary, which is a devout missionary organization. And I did missionary works. I refused to renounce our church and did not want to be a part of the Communist-controlled church.

Because of my faith, they put me in jail. They isolated me from the outside world. They tried to confuse me with all their propaganda. But I knew they told lies. I could not go against my conscience. I could not deny my faith. I could not give up my faith, which is such a precious gift that many Christians were willing to die for it.

At first they sentenced me to 7 years in the Laogai Prison in the labor camp as a counterrevolutionary. I was not allowed legal representation. I did not even have a trial. When they found out that I had still not changed my mind after my 7 years, they would not let me go. They kept me in the Laogai camp for 21 years.

The Chinese Communists cannot tolerate religion, especially the Christian religion. They have a hatred for everything which involves believing any god above or beyond human kind. To this day, they are still persecuting and imprisoning religious believers.

I would like to now give you some examples of the systematic abuse and the persecution of the Laogai camps. These Laogai camps are in no way like the prisons we know of in this country. No way. Words are not enough to convey the horrible day-to-day realities of the prisoners in the Laogai.

Physically we were always hungry, tired, and filthy. The women were forced to do heavy labor, like plowing the desert, raising cattle, or running a tea farm. The physical torture of our body was so extreme that many women's menstruation ceased in many of the women in the Laogai camp. This put great strain on both a women's body and her mind. There were never any medical treatments of this or other sicknesses.

Despite these exhaustive and grueling conditions, we were forced to produce high-level products. For example, I was in a Laogai camp tea farm for about 10 years. This is the Laogai tea farm.

The women prisoners were forced to plant the trees, take care of the plants, and then process the tea leaves into red or green tea. I spent another 4 years weaving silk and cloth in Laogai factory. On the surface, it was a textile factory in Hangzhou, but the workers were all women prisoners doing forced labor. In the factory, there were two constant pressures upon us. First was the physical fatigue. I was forced to work very hard for 14 hours a day. I had to fight exhaustion just to keep from falling into the machines. Second was the constant supervision. Since we were told that the products we made were for export to foreign countries, they watched our every move to be sure we made no mistakes. If there were mistakes or someone did not appear to be working hard, we were severely punished. They used ankle fetters, handcuffs, solitary confinement, and other means to punish us.

Today I often wonder if the tea I drink or the silk I wear comes from Laogai camps and is made by all those poor Laogai slaves still suffering in China.

Daily we were assaulted mentally. We were continually brainwashed. We were not allowed to say our prayers or to read bibles. I remember clearly my first day in the detention center. I kneeled down on the muddy ground, bowed my head, and begged for the Lord to give me the strength. The warden immediately scolded me, ''Who told you to kneel down? Even at the door of death, you keep up your superstitions. This is a counterrevolutionary activity.''

In the Laogai, we were not allowed to hear and read anything but the Communist propaganda. We had to spend 2 hours everyday reading Mao's book and reciting the prison regulations. I remember one 60-year-old sister who made a set of small rosary beads out of thread so it will not be discovered and confiscated by the guards.

The continuous brainwashing helped destroy all human love and was a denial of all basic human rights.

Spiritually, it was a constant struggle. We faced constant despair and always heard the

discouraging and threatening comments of the authorities. A prisoner had to confess her crime everyday, which meant scolding oneself and accusing oneself of being guilty of the greatest of crimes against the people and the government.

Every prisoner was degraded. They minimized their own value of being human. They were separated from their families and society. They were tortured in a dark hell that had no foreseeable end. They fought the despair and hopelessness of thinking that they were to spend the rest of their lives as slaves in the Laogai.

One woman refused to work on Sundays. She would say prayers instead of singing revolutionary songs in front of Mao's portrait. One day she was dragged out to the field where we were working and beaten to death in front of all of us.

I said the Communists' aim is to torture the body and break the human spirit in every possible way and at every possible opportunity. When the warden told me my beloved sister had died, he simply said, ''The People's Government acted humanely. It is all over now. You should not cry because that is against the rules. And it would have a bad effect on the feelings of the others about thought reform.'' They did not let us laugh. They even did not let us cry.

They succeeded to the point where to many it looked like there was no future, no hope. The prisoners in the Laogai camp were always in a deep depression. I myself prayed to God to let me die. I wanted to die more than I wanted to live because the circumstances were too horrible. Even if you did not want to continue living under this condition, they would not let you die. There was a constant suicide watch.

God sustained us nevertheless. My faith preserved me. God's grace helped me live through this nightmarish journey. Finally my prayers were answered. After my parents had written many, many letters to the Government from Hong Kong, my husband, my son and I were allowed to leave the Laogai in December 1978.

Today, I sit before you, which I had never dreamed 20 years ago. I sit before you to take this opportunity to tell you the truth, to tell you the facts as I have myself experienced. But I speak not for myself but for the thousands of brothers and sisters who are still living this terrible existence.

Thank you for listening to me tell my story. I hope that you may better understand the realities of the Laogai through my account of it. Thank you.

Mr. SMITH. Mrs. Ho, I want to thank you for your very moving testimony and just observe that there is a conference on women slated for Beijing in the fall of this year and the voice and the testimony, the witness that you have made today is something that needs to be heard at that conference.

Unfortunately, it is most likely going to be a conference that has more of a Western-oriented focus and issues of the abuse of women in the Laogai probably will not get mentioned at all. But I think it behooves us, and I know from my position as chairman of this subcommittee I will push hard to try to ensure that you and people who have the kinds of experiences that you have had at the hands of your jailers get an opportunity to make your voice known at that very important conference.

And I do want to thank you for your witness and certainly your courage under such extreme pressure and your witness for faith and the grace that surely had to have been within you to preserve you during that very difficult time. It is very, very inspiring indeed. So I thank you for that testimony.

I would like to—and again at the conclusion of our witnesses, I would ask my subcommittee colleagues and myself to—we will pose questions to our fine witnesses.

I would like to ask Father Cai if he would come to the witness table at this time.

Father Cai is a Catholic priest. He was accused of counterrevolutionary crimes and for that spent 35 years in the Chinese Laogai. A remarkable man who has persevered and who has had perseverance under such extreme situation, and who is here to give us an account of what went on.

And I would ask, Father, if you would proceed as you would like. Your full statement will be made a part of the record.

STATEMENT OF CAI ZHONGXIAN, CATHOLIC PRIEST

Mr. CAI. My testimony of my Laogai is that of a labor-camp life. My name is Cai Zhongxian. I am a Catholic priest of the Society of Jesus.

I was ordained in 1940. I was arrested and charged as a counterrevolutionary in 1953 because of my refusal to cooperate with the Communist authority and denounce the Roman Catholic Church.

I was unexpectedly released without explanation in 1956. It turned out that the Communist hoped that the leniency showed to me would convince me to collaborate with the Party to persuade other Catholics to become members of the officially sanctioned Patriotic Catholic Church. This Patriotic Catholic Church is nothing more than a Communist puppet organization. When I refused to cooperate, I was once again arrested. So I was detained twice for a total of 7 years at the Shanghai Detention Center without charge or trial until I was finally sentenced to a 15-year term in 1960.

I was then sent to a Laogai camp in Jiangxi Province, which served as a brick factory. A lot of people avoided dying of starvation mostly because they supplemented the rationed food by eating frogs, snakes, and rats.

In 1962, four other priests and I were confined in a 6 by 12 foot windowless room that was filled with an inch of standing water. Despite this ill treatment and the other inhumane conditions, I continued my services as a Catholic priest. I even successfully converted some of the guards who were charged to watch us.

At the completion of my sentence, I was 62 years old. But I was not fully released at that time. The Government forced me to accept forced job replacement in the Laogai labor camp because I was originally charged with the counterrevolutionary crime.

I knew that a forced-job replacement assignment means a life sentence laboring at the Laogai labor camp. I labored at the Nanchang No. 4 prison for 11 years as a forced-job replacement worker.

In 1981, at the age of 74, I was again arrested for my continued activity as a Catholic priest. I was sentenced to serve another 10-year term as a Laogai slave.

In 1988, I was released fully and unexpectedly. I was 81 years old at the time of my release. I served a total of 35 years in the labor camp. I cannot begin to tell you how many people, among them many of my friends and my disciples disappeared completely for every one that survived.

Thank you for inviting me here. I hope I have helped you gain an understanding of the Communist government's willingness to use the Laogai to destroy its citizens' human rights. There are still priests in the Laogai camp.

Thank you.

Mr. SMITH. Thank you, Father, very much for that moving testimony as well. I am 42 years old, and when I think that you have spent 35 of your years in the Laogai simply because of your faith in Christ, it is truly moving and I know every member of this subcommittee will take and remember your testimony.

The Chinese Communists obviously do not discriminate when they repress, and all people of faith who follow the lead of God as they believe it is leading, are equally repressed. And to give a unique perspective as it relates to the suffering of the people of Tibet, we are very pleased to welcome Palden Gyatso, a Tibetan monk, who spent, like Father, 32 years of his life in the Chinese Laogai, and will give the insights that he got from that and will recount and give witness to the suffering and cruelty that was imposed upon him.

Please proceed.

STATEMENT OF PALDEN GYATSO, TIBETAN MONK

Mr. GYATSO. My name is Palden Gyatso.

Mr. KELSANG. I am Kelsang, who will be the translator for him today.

Mr. GYATSO. I have longed for this moment most of the last 36 years and it is like a dream come true, and I would like to thank the chairman and the other members of the committee for giving me this opportunity to be here today. And consider it not only as an honor but also a responsibility to inform the U.S. Congress about the abuses that Tibetans are suffering today in Tibet.

I have been in prison for 24 years and for 8 years I was in a Chinese labor camp and during my days in prison, the Chinese never fed us enough and we were forced to rummage through the food that was meant for the pigs. And we were also driven to eat things like leather, bones, and grass, and it could be any bones, human as well as animal.

So since food was not enough, we were forced to eat leather that we wore, and we also had to resort to eating things like worms and, as I said, grasses.

And a lot of people died due to starvation, and I was around 30 years old then, and some of the other things that went on during my stay in prison, along with not getting enough food, we were also made to work in the fields. We were substituted for cows in plowing the field.

The reason why the Chinese put me in prison was because I had called for more freedom and I had demanded more rights, and the Chinese considered that to be engaging in revolutionary activities, and these instruments that you see before me today are some of the tools that were used to carry out the torture on me.

Now, this is a piece of the electric baton that was used and forced through my mouth and what happened was since this had electric shocks, it totally damaged my teeth.

And I also saw Chinese prison officials inserting this into a woman's vagina, and even today I know of women who have difficulty in going to the bathroom because of the damage that they suffered.

And I still bear today on my body some of the marks that were inflicted because of this torture. For instance, because of the self-tightening handcuff here, even today I have scars on both my hands and they do not function properly. And some of the other things that the Chinese did was keeping me suspended in the air, and then beating with rifle butts and piercing me with bayonets and pouring hot water over my body. And as a result, I have injury marks on my head and on my hands.

And I was even a witness to a couple of people who were sentenced to death. As soon as the Chinese announced that someone was to be sentenced to death, what they did was they would force that political person of engage in singing songs and dancing. The bullets that were used to kill someone, as well as the ropes that were used to hang someone, even the expenses involved for that would be deducted from the convicted person.

These practices that go on in Chinese prisons and labor camps in Tibet reflect the overall abuses going on today. And in this regard, I would sort of especially like to mention the trip by Ambassador Lilley in April 1991.

And I have kept this diary to this day, and this is a diary that I kept while I was in prison.

Mr. GYATSO. And I have a slide of the day and the month when then Ambassador Lilley visited Drapchi Prison in Lhasa. That is the site of the Utritu prison in Lhasa where I spent 9 years.

That is a shot of Sangyip prison where I spent 10 years.

That is a shot of Drapchi prison where I spent 7 years.

And that is a map of Lhasa and the ones in red, they show the detention facilities in Lhasa and they number about eight today. And the ones in yellow and orange are military and police complexes. And the ones in green are really what is left of the traditional Tibetan area in Lhasa today.

In April 1991, then ambassador James Lilley, along with two American officials, visited the Drapchi prison. And what Palden Gyatso and his other friends in prison did was they tried to present to Ambassador Lilley a petition detailing the Chinese abuses in prison. But what happened was ambassador Lilley—he was shaking his hands with one of the prisoners and on his other hand he had the petition, but then one of the Chinese guards just snatched away the petition and after Ambassador Lilley left, the petition was given to the warden of the prison, and because after he left, the Chinese officials called in the Army. They had to go through a really hard time.

And the other aspect of the visit was that every time when such a delegation does visit any Tibetan prisons, the Chinese put on a very different show. The prisons are cleaned up and more food is provided. Just to give the impression that the prisoners are healthy and that there is nothing wrong with them.

And two of the individuals connected with presenting the petition to Ambassador Lilley, Lobsang Tenzin and Tenpa Wangdak, were detained in solitary confinement because of the action.

The prisoners were then transferred to Nepal Tramo labor camp close to Lhasa. After that the army came in and then they started beating us up and started torturing us.

These are only a few instances of the various atrocities committed by the Chinese on the Tibetans, and whatever I have told you today is true and I am really glad that I have had a chance to come here today and inform you all about this. And please remember that there are still people inside Tibet today who are going through similar experiences that I have gone through.

Thank you very much.

Mr. SMITH. Mr. Gyatso, I thank you for your, again, very moving testimony and by actually visually displaying the implements used to repress people and to torture them. You bring an additional dimension to our understanding, feeble as it is, to what it must be like to live under the horrors of this terrible Gulag system.

And, you know, what we have been hearing so far, and I know my colleagues and I all feel this, and that is you are witness, and Father Cai, you as well, to unspeakable horrors. And to think that this Government, the U.S. Government, and many other Western governments, continue to trade and to do business with the dictatorship in Beijing as if none of this is going on, or as if it can be put in a compartment and all other trade and commerce and diplomatic niceties can occur with all of these unspeakable horrors going on baffles me and angers me, and I think it does you as well.

Again, I think on this committee and among Members on both sides of the aisle who care so deeply, our hope is to raise human rights to the level that it deserves. It ought to be central in our relationship with the Peoples Republic of China and any other country of the world, not a sub-issue. Regrettably it is a subissue at the current time.

I would like to ask Mr. Frank Wolf, Congressman Wolf, if he would like to join us. Mr. Wolf is a leader in human rights and has been very active, particularly on the issue of China and the use of Gulag labor and the importation of those products, and religious freedom as well.

I would like to call our final panel before going to questions to appear before the subcommittee. And the first to speak will be Mr. Liu, who is the son of a counterrevolutionary, a man who was first imprisoned at the age of 13. A man who, because of the affiliations of his father, who was in the prior government, was targeted for this mistreatment, and then spent a total of 25 years in the Chinese Laogai.

Mr. Liu, if you could present your testimony, and your full statement will be made a part of the record, and you may proceed as you care to.

STATEMENT OF LIU XINHU, JUVENILE PRISONER

Mr. LIU. My name is Liu Xinhu. My father was an official in the former government. The Communist Party, on the pretext that he would disrupt labor discipline, arrested him and sent him to a reeducation-through-labor prison camp in 1958. He was sent to the Baimaoling Farm to serve his sentence.

In 1958, I was 13 years old. Because I was the eldest son in the family of a counterrevolutionary, the Communist government found an excuse, which had no legal precedent, and sent me to live at the same Laogai prison farm as my father.

After being released from the Laogai sentence at the farm in 1966, I was ordered to continue forced labor at the farm as a forced-job placement worker.

In 1974, I was once again labeled a counterrevolutionary element because of my political attitudes. I was placed under even stricter controls. I was detained until my release in 1983. During the 25 years I spent in the Laogai, I suffered innumerable beatings and torments.

The Baimaoling farm is internally known as the Shanghai No. 2 Laogai general brigade. It is located in the southeast area of Anhui Province. Its scale is enormous and it holds an average 50,000 Laogai prisoners, Laojiao prisoners, and jiuye personnel. It produces tea, rice, valves and toys, as well as other goods.

Besides the farming that I did at the Laogai prison, I was also part of a so-called corpse brigade. At that time there was massive starvation in China and people were dying by the scores. And so they needed people to bury the bodies, and I was a part of that corpse brigade.

My father and I were detained in different sections of the farm and we were not permitted to see each other. The public security police only told me in 1993 that he had died and that I had to go and claim the corpse. Once at the crematorium, I saw his cold and pale body. I was given these clothes that he was wearing and I cried bitterly. I felt that my father was braver than I was because he dared to determine his own end to his difficult life and gain his freedom.

Mr. LIU. The first pair of clothes that you saw were the clothes that I took off my father's body in 1993.

These clothes are the clothes that I wore. And these are also clothes that I wore.

I now live in the United States and I have a family of my own. I deeply hope that my children and all other children, as well as future generations, do not have to suffer these kinds of tortures and difficulties.

Thank you all very much for your concern about the Chinese Laogai system.

Mr. SMITH. Thank you very much. Mr. Liu, for your testimony and, again, by showing us the prison garb. You remind us again that this is a reality that has to be dealt with. It is not something that is in the past. It is current. It is as current as today. And unfortunately our policies vis-a-vis the PRC act as if the rogue government that has the power in Beijing somehow should be treated with respect. And when you so disrespect your own citizenry to use torture and to impose so much pain and cruelty, it behooves this Congress I think to up the ante and be much more concerned about human rights than we are with profits.

So I thank you for your very strong statement.

Our last witness will be Harry Wu. Harry Wu is someone who many of us have come to know and greatly admire because of his tremendous courage. Not only did he spend 19 years in the Chinese Laogai, but he also has gone back risking his own life, possible imprisonment and death, to bring more information out to bear further witness to the continued repression by the Peoples Republic of China.

And, Harry, we are indebted to you for providing this information. Anyone anywhere in the world who cares about human rights has to look up to you as one of the great giants and leaders in the cause of human rights.

I would ask you to, if you would, present your testimony at this point.

STATEMENT OF HARRY WU

Mr. WU. Ladies, gentlemen, my name is Wu Hongda and English name is Harry Wu.

I was born in Shanghai in 1937. During my second year of college, in 1957, the students were encouraged by the Communist Party to express their opinions and concerns about the direction of the country. Although I initially kept quiet, in the end I offered a few criticisms, including my opinion that the Soviet invasion of Hungary in 1956 was in violation of international law, and I stated my feelings that the Communists were treating the common people as second-class citizens. Because of these comments, I was denounced as a capitalist counterrevolutionary rightist.

I was arrested and, without a trial, sentenced to life in the reeducation labor camp in 1960. I was told this was because of my poor political attitude. My life sentence was mostly a result of my family's political background because my father was a banker. While I was held in the Laogai, my mother died. I found out 15 years later she committed suicide by taking sleeping pills shortly after she was told of my arrest. I discovered this only after returning to Shanghai years later to collect her ashes.

In December 1969 I was released from my Laogai sentence. That did not mean I was freed from the camp and allowed to return to my home. Instead, I was forced to resettle permanently at the Laogai coal mine and serve as a forced-job placement personnel. In other words, I was not released at all and forced to continue as forced labor until my final release from the Laogai system in 1979.

I spent 19 years in the Laogai at 12 different forced labor camps. I was forced to do slave labor at agricultural farms, a chemical factory, a steel plant, and a coal mine. I was regularly denied food and during one period nearly starved to death. Torture permanently damaged my back. I had my arm broken during a beating. I was nearly killed in a coal mine accident.

I had to become a beast to survive day-to-day life in the Laogai. Today, all over the so-called new China there are millions still fighting to survive the Laogai.

Mr. Chairman, the subcommittee has heard today short descriptions of the experiences of six Laogai survivors. I would like to now present a brief overview of the origins, structures, and scope of the system.

With your permission, Mr. Chairman, I will submit a more detailed statement of this for the record.

Every totalitarian regime must have means to control and suppress opposition. The Nazis in Germany had their concentration camp systems throughout Europe, which housed millions of people whose religion, race, or political views made them targets of persecution. The vast Gulag in the former Soviet Union was first created to remove the White Russians from society soon after the revolution which brought the Communists to power. Throughout its history, the Gulag served as a destination, often final, for both penal criminals and those who opposed Stalin and other Soviet leaders.

The Chinese Laogai, in its origins, was quite similar to the Gulag. But Mao adapted the Soviet model to the Chinese context. The Laogai became a tool of the people's democratic dictatorship in fighting dissent within an ongoing class struggle.

The official function of the Laogai is to remove counter-revolutionaries and other criminal offenders from the population and to place them under state supervision. In the Laogai, prisoners undergo thought reform and reform through labor and are reshaped into new socialist persons. Arrests and sentences, even for common criminals, are based as much on class background and political standing as on criminal activity and only reinforce the true nature of the system: absolute political control.

The term ''laogaidui'' is used as shorthand by the Chinese people in much of the same way Gulag was used in the Soviet Union. It instills fear in the average person. The existence of the Laogai remains the central human rights issue in China and Tibet today.

As a system, its scope, numbers of the camps and prisoners, degree of cruelty, and a fundamental inhumanity long surpassed the Soviet Gulag.

Today I want to focus on the Laodong gaizao, laojiao, and jiuye components. One thing, all of them were mixed together into one idea to use the so-called thought reform and forced labor.

Official Communist Party documents from the 1950's say that the Laogai is, ''The process of labor reform of criminals which essentially is an effective method of purging and eliminating all criminals and counterrevolutionaries.''

In 1988, the Ministry of Justice published a criminal reform handbook which summed up the purpose of the Laogai as follows: ''The primary task of our Laogai facility is punishing and reforming criminals. To define their functions concretely, they fulfill the tasks in the following three fields: punishing criminals and putting them under surveillance; reforming criminals; and, organizing criminals in labor and production, thus creating wealth for the society.''

This is clear acknowledgement of the state-run slave labor of the Laogai system.

Laojiao, or reeducation-through-labor, plays a unique role within the Laogai system. It was created as a last resort, extreme alternative to the existing reform through labor policy. It was established in the 1950's after the Communists had nearly eliminated all of the remaining enemies of the revolution from the capitalist classes.

The Communist labeled this the highest level administering of discipline. To this day, the Chinese Government maintains that reeducation-through-labor is not part of the judiciary system. In fact, as in its early days, the Government intentionally used the reeducation-through-labor policy to imprison people in force labor camps, without even a trace, for periods of 2 to 3 years.

Evidence exists indicating that reeducation-through-labor is more widely used today than ever. And a large number of the students, intellectuals, workers, and religious believers and dissidents are currently locked in the reeducation camps for their criminal activities. These camps are fundamentally no different from the other forced labor camps in the system.

Thought reform and reform-through-labor are both the principal methods of the Laogai camp. There is a saying in the Laogai camps that goes, ''There is an end to Laogai and laojiao, but jiuye is forever.''

Before 1980, almost 90 percent of the Laogai prisoners and laojiao prisoners were never fully released from the system. They were simply transferred into a forced-job placement personnel or what we call jiuye. Personnel, within the camps.

The official explanation of the forced-job placement is, ''To fully implement labor reform policies and ensure public safety.'' This practice continues today on a large scale, but not as much as prior to 1980. Part of the reason for forced-job placement is that the Communists realize they cannot trust Laogai prisoners or laojiao prisoners; the people who have suffered greatly and seen the true nature of the Communist system. Also these prisoners are necessary to maintain production in the camps considering the constant flow of the new prisoners. In other words, their experience in the operation of the Laogai is necessary to keep the system working.

All Laogai prisoners are forced to labor to compel reform and become new socialist persons. New arrivals are subject to immediate, daily, lengthy integration sessions and forced to admit their crimes. These sessions may last days, weeks, or months. In some cases, they last years.

The official Laogai policy is reform first, production second. The prisoners of the Laogai face constant brainwashing. The value system of the society as a whole has not place in the Laogai. The prisoner is stripped of his morals, his beliefs, his religions, his individual will, his sense of right or wrong. They are encouraged to stand together with the Government and denounce their crimes. They are completely retrained to follow the moral order of the Communist Party and its society.

If a prisoner resists, he or she is tortured. There is much evidence coming to light that thought reform is less and less successful. This apparently persuaded the Laogai officials to rely more and more on physical torture. This situation is understandable as it becomes clear that even the Communists no longer believe their own ideology.

But struggle meetings are still held. Mao Tse Tung's teachings are still used and those that show a poor political attitude are beaten.

Laogai prisoners reform progress is judged in part by their productive output. Prisoners have a work quota and punished if it is not met. Food is withheld. Beatings are given. Solitary confinement is common and already limited family visits and contacts are eliminated.

In adding this as summary, Mr. Chairman, I would like to address the number of the people who have gone through the Laogai system and how many are still there in China and Tibet today.

The Chinese Government 2 years ago stated that 10 million people had been sent to the camps since they came to power. And at this point, 2 million are still in some 685 camps. This is a ridiculous figure. Who can believe that in a country of 1.2 billion people, over the 45-year history, only 10 million people have been in prison.

One should never, of course, believe any number they give to the public. In fact, no one will probably ever know the true number of the people they executed and sent to the camps.

I am submitting for the record my detailed analysis.[1] I estimate that since 1949 more than 50 million people have been Laogai or laojiao prisoners. Remember, laojiao or reeducation-through-labor is not considered by the Communists to be imprisonment. Therefore, they do not count these people in either their 10 million figure or in the current two million figure.

Neither do they today count those in the province, county or village detention centers, military prisons or secret prisons.

We at the Laogai Research Foundation have documented nearly 1,100 camps, a list of which I am submitting for the record. Our list does not include detention centers or military or secret prisons, nor is it a complete list of labor camps. We are learning of others every month.

Mr. Chairman, if we consider reform through labor, reeducation-through-labor, and forced-job placement personnel prisoners alone, I believe the Chinese Government has between 8 to 10 million people in the Laogai today.

Mr. Chairman, thank you for offering us, survivors of the Laogai, from China and from Tibet, the opportunity to improve your understanding of the world's most extensive forced-labor camp system. A system which is a human rights abuse of momentous proportions.

This is the first hearing on the Laogai ever conducted by any democratic legislative body in the world. We are very grateful. Thank you.

Mr. MATSUI. Mr. Speaker, I yield 4 minutes to the gentleman from Maryland [Mr. HOYER].

Mr. HOYER. Mr. Speaker, I thank my friend from California [Mr. MATSUI] for yielding this time to me, and, Mr. Speaker, I rise in very strong support of H.R. 2195 and applaud its author, my friend, the gentleman from New Jersey [Mr. SMITH], for his work and his commitment to promoting human rights not only in China but around the world. He is sitting next to at this point in time the gentleman from Virginia [Mr. WOLF].

Mr. WOLF and I serve on the Subcommittee on Treasury, Postal Service, and General Government, and Mr. WOLF for over a decade has been a strong proponent of urging the Treasury Department to fully enforce existing law as it relates to slave labor.

So I want to congratulate both the gentleman from New Jersey [Mr. SMITH] and the gentleman from Virginia [Mr. WOLF], my colleagues on the Helsinki Commission, for their leadership over long periods of time. More generally, I would like to applaud the gentleman from California [Mr. COX] as well and the other Members who worked to provide vehicles other than the MFN debate for this body to address the range of policy issues which form our complex relationship with China.

I have opposed, Mr. Speaker, MFN for China because I believe we have been too tolerant for too long. Clearly, a strong, prosperous, and democratic China will not come about without U.S. engagement. But a policy of constructive engagement, Mr. Speaker, must not amount to a practice of reaping the economic benefits of trade and exchange with China while turning a blind eye to human rights abuses.

Eight years after China's brutal demonstration of military repression of basic freedoms of speech and association at Tiananmen Square, reports persist of widespread and egregious human rights abuses, including the Chinese Government's maintenance of slave labor camps with which this particular amendment specifically deals.

H.R. 2195 speaks to this area of human rights abuse by saying properly that if we are going to have free trade with China, then let us be sure that we are not directly or indirectly promoting the practice of slave labor by allowing its fruits to enter our markets.

Mr. Speaker, the promotion of democratic reforms which will afford the Chinese people the basic freedoms they now lack must not, let me repeat, must not, be a peripheral element of American foreign policy towards China. It was not with respect to our relations with the Soviet Union when it existed, and it must not be with respect to our relations with China.

The mantle, ''leader of the free world,'' is not earned through mere lip service. If the United States is going to engage China in trade, it must also engage China directly on the matter of human rights. Political and religious persecution, enforcement of population control through coerced abortion and sterilization, and organ harvesting from death row prisoners are not modes of conduct which ought to be consistent with friendship with the United States of America.

We must adopt policies, Mr. Speaker, which put action behind our outrage. It is not enough to talk about the abuses, it is not enough to rhetorically oppose those abuses, we must act on our conviction and on our principles. H.R. 2195 is an appropriate and constructive step in this direction, and I urge my colleagues to support it.

Mr. CRANE. Mr. Speaker, I yield 5 minutes to the gentleman from Virginia [Mr. WOLF].

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

Mr. WOLF. Mr. Speaker, I rise in support of the bill. I want to thank the gentleman from California [Mr. COX] and the gentleman from New York [Mr. GILMAN] and the gentleman from New Jersey [Mr. SMITH) and the gentleman from Maryland [Mr. HOYER] and the others for this.

Before I begin, let me just say outright, I am worried that this administration and this Congress, on both sides of the aisle, are becoming an economic-driven party that cares very little with regard to some of these fundamental values. And I know there are good people on both sides, but I worry every time I hear about things, it is economic, economic, economic, economic, and very little about the passion and the compassion and what is going on with regard to that.

So this is a good bill, but will the administration enforce it? Will they do anything about it? I just do not know.

Now I want to say what the gentleman from New Jersey [Mr. SMITH) said. I happened to be with the gentleman from New Jersey [Mr. SMITH) in Beijing Prison No. 1. We have socks in my office that I picked up off the line and we had analyzed. They were for export to the United States. They had golfers on the sides of the socks. They do not play golf in China. Certainly they did not play golf in 1991.

Secondly, we have got to know that there are more gulags in China today than there were when Solzhenitsyn wrote the book that was a profound book, ''Gulag Archipelago.'' There are more gulags in China today than there were during his time. Fifty million people have been through them; 6 to 8 million people are going through them today. And what items? Toys, artificial flowers, Christmas decorations, and the birth of Christ, the birth of Christ, Jesus at Christmastime, and more of the Christmas decorations are made with regard to slave labor.

In fact, as I will tell my colleagues, there are Members in this body and there are Members that are watching that have goods. Some of my colleagues are wearing goods; they do not know it; many of my colleagues have it at home, with regard to artificial flowers, with regard to cotton goods that are made in slave labor camps. Two million dollars; it is good.

I want to thank the gentleman from California [Mr. COX], the gentleman from New Jersey [Mr. SMITH), the gentleman from Illinois [Mr. CRANE], the gentleman from California [Mr. MATSUI].

I doubt, though, whether this administration, and let me just say the Bush administration was no better, the Bush administration was no better in enforcing these, and the Customs officials at the administration were no better, and this administration has been a disaster. In fact, it took them 2 years to go into Beijing Prison No. 1, and finally, when they went in, they had removed all the evidence. There are gulags, there are goods coming over.

This will be a good first step. I just hope and pray, after we pass it with an overwhelming vote, that it will go over to the Senate with such a majority vote, such a lead vote, that Mr. LOTT and others will pick it up and pass it whereby we can take the whole package and then do something whereby the people that are in the camps know that the United States Congress has spoken out and has done something constructive.

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

Mr. CRANE. Mr. Speaker, I yield 2 minutes to our colleague, the gentleman from Arkansas [Mr. HUTCHINSON].

Mr. HUTCHINSON. Mr. Speaker, I thank the gentleman for yielding this time to me. I want to express my appreciation for the work of the gentleman from New Jersey [Mr. SMITH], the author of this legislation. It is very, very important, and I rise in strong support of H.R. 2195.

I think an appropriate question could be asked, do the people of the United States care about what happens in the Chinese forced labor camps? And I can tell my colleagues that the commonsense people of Arkansas, where I live and work and who I represent, care about what happens to the 6 to 8 million people in the forced labor camps. I get asked about it in town meetings; they express their concern about it. And why do they do this? Because they know what is happening there and they have learned the lessons of history that if we do not care, evil triumphs.

And so we do not want to repeat the lessons of history, we want to do something where we have an opportunity, and we have that opportunity now. They do not want, because they know history, they do not want to give aid to the enemy by purchasing products that are made with slave labor. The problem is, we do not always know.

This legislation gives $2 million to the Customs Service to properly monitor what happens and try to determine where those slave labor camps are and the products that come from them, requires reports to Congress. Right now, the Customs Service do not have the resources. This gives them the resources they need to track what is made in those slave labor camps, from uranium to toys to Chinese tea.

Scripture tells us that we should not give speed to evil doers, and I think in our country we have inadvertently done that. We must put an end to that. This bill addresses that problem. We will send a strong signal to the Chinese Government that is very, very necessary right now, that trade is important, but it is not all important, and what happens in those forced labor camps is important, and we do not want to buy those products, and we want that to stop in that land.

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

Mr. CRANE. Mr. Speaker, I yield 2 minutes to our colleague, the gentleman from Texas [Mr. JOHNSON].

Mr. SAM JOHNSON of Texas. Mr. Speaker, it is high time to stop products produced by slave labor in China from entering the United States of America. For more than 50 years, we have banned products produced by slave labor in China, but they continue to flood our markets every day. I think it is appalling. We should not support products that are produced by a nation that endorses or uses slave labor.

My question is, where is the administration? The President promised he

would no longer tolerate these practices from China, but these products still enter this country, and the administration refuses to enforce current law. President Clinton is unable or unwilling to stand up to the Chinese and say this will no longer be tolerated.

This bill goes a long way toward making up for the administration failings. It gives the Customs office the tools to hire more inspectors to track and stop these tainted goods from entering the United States. It also gives the American Embassy the equipment they need to monitor goods produced in these inhumane slave camps throughout China. I have to wonder, if the President spent as much time and effort improving human rights in China as he has on State parties and fancy dinners for President Jiang, maybe China would change its ways.

Mr. President, the prisoners stuck in these slave camps depend on our actions speaking louder than our words. Let us vote for this bill.

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

Mr. CRANE. Mr. Speaker, I yield 1 minute to our distinguished colleague, the gentleman from Pennsylvania [Mr. FOX].

Mr. FOX of Pennsylvania. Mr. Speaker, I rise to support H.R. 2195.

As Americans, we must stand up in opposition to slave-made goods. As a member of the Human Rights Caucus, I want to commend the gentleman from New Jersey [Mr. SMITH], chairman of the subcommittee, and the House Committee on International Relations for introducing this forward-thinking legislation which calls for the U.S. Commissioner of Customs to report, after a period of inspection, the extent of the use of forced labor in China and manufactured products destined to the United States market, the volume of products made with forced labor destined to the United States market, the progress of the United States Customs Service in identifying and interdicting products made with forced labor.

Mr. Speaker, this is a bipartisan bill. It is a matter of fairness, it is a matter of human rights, and we here in the Congress and the House of Representatives tonight have an opportunity to vote for a bill that is going to make a positive change in China. After we receive the report from the Commissioner, the action can be taken to make sure that the appropriate changes will be made in China.

And I thank the gentleman from New Jersey [Mr. SMITH] for introducing this legislation and would like to add my name as a cosponsor to the bill.

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

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Mr. CRANE. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. COX].

Mr. COX of California. Mr. Speaker, slavery is an ugly institution, and its most hideous and virulent form is prison slave labor. Slavery was not officially abolished in imperial China until the end of the Manchu dynasty in 1908, and even then, the law permitted families in time of famine to indenture their children for over 20 years.

But even though slavery was not officially abolished in China until earlier in this century, it was the ignominious achievement of Chinese communism to reinstate it in the form of the notorious Laogai slave labor camps. The Laogai, or reform through labor, camps have been an integral part of Chinese totalitarianism since the inception of the People's Republic of China in 1949. They are designed for the dual purposes of political control and forced development modeled on Stalin's Soviet gulag.

An estimated 50 million Chinese men and women have passed through these camps, of whom 15 million have perished. Today, anywhere from 6 to 8 million people are captive in the 1,100 camps of the Laogai, held and forced to work under grossly inhumane conditions.

The People's Republic of China tells us that this does not go on at all, but today the United States does not impose punitive tariffs on these products, we ban them. Mr. Speaker, 27 specified products of the Laogai camps are already kept out by our Customs agents and yet the Customs authorities tell us they just do not have the resources to do the job and this bill gives them those resources.

The United States has two agreements with the People's Republic of China, binding agreements executed in 1992 and 1994, that not only bar trade on prison-made slave labor products, but also allow the United States to inspect those forced labor camps. But the Chinese Government, in 1996, allowed us access to just one of those.

This bill requires the President to renegotiate that MOU and rectify the situation.

I congratulate the author, and I urge support of the gentleman's bill on slave labor products.

Mr. CRANE. Mr. Speaker, I yield 3 minutes to our colleague, the gentleman from New Jersey [Mr. SMITH].

(Mr. SMITH of New Jersey asked and was given permission to revise and extend his remarks.)

Mr. SMITH of New Jersey. Mr. Speaker, I thank the gentleman from Illinois [Mr. CRANE], my good friend, for yielding.

Let me just say, and to pick up on what the gentleman from California [Mr. COX] just pointed out about the number of detention orders, the number exceeds 27 and is growing. But there is a real problem, and this is addressed in the bill, asking the President to look at it very carefully, to renegotiate the memorandum of understanding that we currently have in existence.

Most people would find it almost ridiculous that we have to give specific information first, and remember, this is a closed country. We do not have access to the Laogai, we do not have access to these prison camps, but we have to almost find some way to ascertain whether or not there is a violation going on with specific information. The Chinese then, under the MOU, investigated themselves and gave us their findings. So we have the alleged perpetrator investigating themselves and then they come back to us. Then, we have 60 days that we have to wait to actually make a site visit and very often it far exceeds 60 days.

Let me give one example that was cited very recently by our Commissioner of Customs, George Weise. He pointed out in his testimony on March 21, 1997, that on March 11, 1996, the Chinese Ministry of Justice notified the custom attache that she be allowed to visit the Changsha Laogai machinery factory. He points out in his testimony that the request to go to that factory began in 1992. Four years to finally have site access to a prison camp that is not unlike the one that is to my left that was found to be in violation of our code and thankfully, there is a detention order on the pipes coming out of that detention camp.

Mr. Speaker, we need to renegotiate that MOU. I have been over there, I have talked to the customs people. They cannot get access. They run into roadblocks, they run into bureaucratic snafus over and over again, and then somehow, the administration comes up, and my friend the gentleman from Virginia [Mr. WOLF] said the Bush administration was just like this.

My good friend from Virginia said a moment ago, we do not have access to these prison camps. The Bush administration were the ones who actually negotiated the MOU, and then they come up to our hearings and they say, look at this. We had this fine statement of principles, memorandum of understanding and that defies all kinds of good will as if the Chinese dictatorship is cooperating with us.

Nothing could be further from the truth. They are not. It is a sham. We try to make the sham work. That is why we get a few detention orders, but it is about time we enhanced our access, hopefully unfettered access. But I do not think that is going to happen any time soon. We need to tighten this MOU.

This resolution calls on the President to look into that, and hopefully he will realize it is bad business and certainly a violation of human rights to allow slave-made goods to come to our shores, especially when we are talking about religious prisoners and human rights activists who are being tortured and used in ways that none of us would see as civilized.

So I hope my colleagues support this legislation.

The SPEAKER pro tempore (Mr. QUINN). The Chair would inform the Members that the gentleman from Illinois [Mr. CRANE], has 5 minutes remaining, and the gentleman from California [Mr. MATSUI] has 16 ½ minutes remaining.

Mr. SOLOMON. Mr. Speaker, I rise in support of this excellent measure introduced by Mr. SMITH of New Jersey. It is badly needed. Our laws supposedly ban the importation of slave-made goods, yet we know that we continue to be flooded with goods from China's vast gulag, the Laogai. Obviously, our laws are not being enforced the way they should be. This bill will help give our customs inspectors the tools they need to keep out these ugly goods.

Mr. Speaker, the use of slave labor is only one of many disgusting practices of the Communist Chinese government, but it is certainly one of the worst.

Estimates of those languishing in China's gulag run well into the millions. It is for them that we are here on the floor today. It is their silenced voices that we can hear as we wade through the piles of Communist Chinese goods in our stores.

Short of a revolution in China, and one is surely coming, the only way we can battle slave labor in that country is to refrain from buying slave-made goods, which provides the financial lifeline to the wardens of that vast prison, the Communists.

This bill gets us in that direction and I urge an ''aye'' vote.

Mr. MATSUI. Mr. Speaker, I urge support of the bill, and I yield back the balance of my time.

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

The SPEAKER pro tempore. All time has expired.

Pursuant to House Resolution 302, the previous question is ordered on the bill, as amended.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. TAYLOR OF MISSISSIPPI

Mr. TAYLOR of Mississippi. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. TAYLOR of Mississippi. At this time I am, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. TAYLOR of Mississippi moves to recommit the bill, H.R. 2195, to the Committee on Ways and Means with instructions to report the bill back to the House forthwith with the following amendment: At the end of the bill insert the following:

SECTION 6. QUARTERLY ADJUSTMENT OF TARIFFS ON PRODUCTS OF THE PEOPLE'S REPUBLIC OF CHINA.

(a) QUARTERLY DETERMINATIONS BY SECRETARY OF THE TREASURY.—The Secretary of the Treasury shall determine, at the end of each calendar quarter—

(1) the dollar amount of tariffs paid to the People's Republic of China during that quarter by persons for exporting goods and services from the United States to the People's Republic of China; and

(2) the dollar amount of tariffs paid to the United States during that quarter by persons for importing goods and services from the People's Republic of China into the United States.

(b) ADJUSTMENT OF TARIFFS.—Notwithstanding any other provision of law, the Secretary of the Treasury shall adjust the tariffs on all products of the People's Republic of China so that an amount is collected on imports of products of the People's Republic of China, during the 3-month period beginning 30 days after the end of the calendar quarter for which a determination is made under subsection (a), equal to the amount by which the dollar amount computed under paragraph (1) of subjection (a) exceeds the dollar amount computed under paragraph (2) of subsection (a).

The SPEAKER pro tempore. For what purpose does the gentleman from Illinois [Mr. CRANE] rise?

Mr. CRANE. Mr. Speaker, I reserve all points of order against the motion to recommit with instructions.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Mississippi [Mr. TAYLOR] is recognized for 5 minutes in support of his motion.

Mr. TAYLOR of Mississippi. Mr. Speaker, I want to thank the gentleman from Illinois [Mr. CRANE] for reserving the point of order and not trying to cut off debate.

Mr. Speaker, the efforts of the gentleman from California [Mr. Cox], though well-intentioned, are little more than giving a sweet talk to a dying man. It does not really change things. We spend a little bit more money to find out what we already know, that the People's Republic of China is using slave labor, making goods, and sending goods to the United States of America to be sold here and put Americans out of work. There is nothing new about that.

There is nothing new about the fact that they have a $40 billion trade surplus with our country. There is nothing new about the fact that it is a totalitarian communist regime that is doing this, and our money feeds their military. There is nothing new about the fact that they charge us 20 to 40 percent on our products that we try to sell there, while we only charge them, because of the Most-Favored-Nation Status agreement, about 2 percent on their products that they sell here.

What is new tonight is that we can have a chance to really address that, not just spend a couple more million dollars finding out what we already know, that they are making things with slave labor, but to tell the Chinese that we will expect some basic level of fairness from them in return for having access to our markets, and we will expect you, China, to treat its people better if they want to have access to our markets.

The people from the Committee on Ways and Means are going to object to this. The people from the Committee on Ways and Means by and large are free traders. They think that however horrible the Chinese Government is, however horrible they are and how many weapons they sell to our opponents they ought to have total access to our market, because doggone it, that is what free trade is all about.

I say to my colleagues, they are wrong, they are dead wrong. Not only are they wrong, but they block any effort by any average Member of this body to address that inequity. We cannot get a bill through that committee, and one never will. We have one chance this legislative session to address that. We have one chance this legislative session to say, we are going to treat the Chinese the way they treat us, and if they want to charge us 2 percent, as we charge them, we will do the same. But if they want to charge us 40 percent, if they want to continue to have a $40 billion a year trade surplus out of our money and use that money to sell weapons or give weapons to the enemy of America, then we are going to do something about it.

The Democratic leadership and the Republican leadership will come to the floor in the next couple of minutes and say, let us do not do this, let us do not act hasty. There is nothing hasty about this. This has been going on for decades.

What is different is that in the 2 years that each of us is given to serve this Nation in the elections that are held every other year, this is the one chance we are probably going to get to do something about it. They are going to say, do not vote against the ruling of the Chair because somehow the Chair is almighty, the Chair knows better.

Well, the Chair is wrong. The Chair will not give us a chance to vote on this. This is the one chance we are going to get. We are going to get one chance to decide if we are going to have a basic sense of fairness between how the Chinese and the Americans trade with each other, whether we are going to continue to allow goods that are made with slave labor to compete against the goods that are made in North Carolina and Mississippi and New York and California. We are going to continue to say whether or not we are going to turn a blind eye to the most totalitarian regime in the world that sells weapons to our opponents. But I say to my colleagues, it is OK, because the Committee on Ways and Means does not want to hear the idea that maybe there ought to be a basic fairness between what they charge us in tariffs and what we charge them.

This is our chance. We are going to have to work against your leadership, I am going to have to vote against mine, but we were not sent here to listen to the leadership, we were sent here to listen to the people of our congressional districts and the people of this Nation, and they want us to make things right. They want us to be fair with them. They want us to change things that are wrong. They want us to do what is right.

I am almost reminded of the song, The Impossible Dream. This is your chance to fight for what is right, without question or pause, because as your leadership is concerned, you are clearly walking into hell for a heavenly cause.

I am asking you to do what is right for America.

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

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POINT OF ORDER

The SPEAKER pro tempore [Mr. QUINN]. Does the gentleman from Illinois [Mr. CRANE] insist on his point of order?

Mr. CRANE. Mr. Speaker, I make a point of order against the motion to recommit with instructions.

The SPEAKER pro tempore. Does the gentleman wish to be heard on his point of order?

Mr. CRANE. I do, Mr. Speaker.

Mr. Speaker, the motion to recommit with instructions is not germane to the underlying bill. The fundamental purpose or common thread of the bill is very narrow, and only concerns the monitoring of products made with forced labor. The range of methods employed in the bill is similarly narrow.

The motion, however, deals with the reciprocal tariff treatments of the products of China. This is clearly not within the very narrow purpose of this bill. The issue of tariffs is also outside the range of methods employed in the bill. Therefore, the motion to recommit with instructions is not germane, and I urge the Chair to sustain the point of order.

The SPEAKER pro tempore. Does the gentleman from Mississippi [Mr. TAYLOR] wish to be heard on the point of order?

Mr. TAYLOR of Mississippi. Yes, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Mississippi is recognized.

Mr. TAYLOR of Mississippi. Mr. Speaker, as I mentioned before, the Committee on Ways and Means has an opportunity every year to consider this measure and measures just like it. They choose not to.

I am appealing to the House because I have heard on too many occasions from too many Members of this body that we are not given the chance to do what is right. At every town meeting we attend, when people ask, how do these unfair things continue to happen, do Members know what we have to say? We have to say, it is the committee system, the Speaker, the Committee on Ways and Means committee. They will not let us do that.

They do not understand that. They cannot find in the Constitution of the United States where it somehow makes some Members of Congress better than other Members of Congress; where just a few Members of Congress can decide whether or not 435 Members, who were each elected by over half a million American citizens, that they cannot even decide on basic questions of right and wrong when it comes to trade issues.

I am asking the Members of this body to step up to the plate. I am asking them to do tonight what they tell their constituents at their town meetings. That is, do what is right, regardless of what the Committee on Ways and Means wants, regardless of what the Speaker wants, regardless of what the Democratic leadership wants or the Republican leadership wants. For once, let us do what America wants. Tonight is the Members' chance.

I am asking for that opportunity. I hope Members will vote against tabling this motion. I hope we will bring it to the floor. I hope we will vote as a Nation to tell the people of China we are sick and tired of being their chumps.

The SPEAKER pro tempore. The Chair is prepared to rule at this time.

The gentleman from Illinois [Mr. CRANE] makes the point of order that the amendment proposed in the motion to recommit is not germane. The test of germaneness in this situation is the relationship of the amendment proposed in the motion to recommit to the provisions of the bill as a whole.

The bill as perfected authorizes funding for monitoring the importation into the United States of goods produced by forced labor. It also requires the reporting of certain information on that topic, and also expresses the sense of the Congress that the President should review reciprocal trade relationships on that topic.

The amendment proposed in the motion to recommit would amend the tariff schedules of the United States to achieve reciprocity between the aggregate amount of Chinese tariffs on the American products and the aggregate amount of American tariffs on Chinese products. The bill confines its attention to products of forced labor.

The amendment, although addressing only products of China, extends its attention to all products, not just those made by forced labor, and directly imposes tariff treatment, a matter not part of the bill.

The Chair therefore finds that the amendment is a ''proposition on a subject different from that under consideration'' within the meaning of clause 7 of rule XVI. That is, the amendment is not germane. The point of order is sustained. The motion to recommit is not in order.

PARLIAMENTARY INQUIRY

Mr. TAYLOR of Mississippi. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. TAYLOR of Mississippi. Mr. Speaker, what is the proper mechanism to question the ruling of the Chair and to make that available to the Members to make that decision?

The SPEAKER pro tempore. The gentleman may appeal the ruling of the Chair.

Mr. TAYLOR of Mississippi. Mr. Speaker, I appeal the ruling of the Chair.

The SPEAKER pro tempore. The gentleman from Mississippi [Mr. TAYLOR] appeals the ruling of the Chair.

The question is, shall the decision of the Chair stand as the judgment of the House?

MOTION TO TABLE OFFERED BY MR CRANE

Mr. CRANE. Mr. Speaker, I move to lay on the table the appeal of the ruling of the Chair.

The SPEAKER pro tempore. The question is on the motion to table offered by the gentleman from Illinois [Mr. CRANE].

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

Mr. TAYLOR of Mississippi. 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.

Without objection, the vote on final passage will be reduced to a five-minute vote.

There was no objection.

The vote was taken by electronic device, and there were—yeas 217, nays 202, not voting 14, as follows:

[Roll No. 581]

YEAS—217

Aderholt	Fawell	Linder
Archer	Foley	Livingston
Armey	Forbes	LoBiondo
Bachus	Fossella	Lucas
Baker	Fowler	Manzullo
Ballenger	Fox	McCollum
Barr	Franks (NJ)	McCrery
Barrett (NE)	Frelinghuysen	McDade
Barton	Gallegly	McHugh
Bass	Ganske	McInnis
Bateman	Gekas	McIntosh
Bereuter	Gibbons	McKeon
Bilirakis	Gilchrest	Metcalf
Bliley	Gillmor	Mica
Blunt	Gilman	Miller (FL)
Boehlert	Goodlatte	Moakley
Boehner	Goodling	Moran (KS)
Bonilla	Goss	Morella
Bono	Graham	Myrick
Brady	Granger	Nethercutt
Bryant	Greenwood	Ney
Bunning	Gutknecht	Northup
Burr	Hamilton	Norwood
Burton	Hansen	Nussle
Buyer	Hastert	Oxley
Callahan	Hastings (WA)	Packard
Calvert	Hayworth	Pappas
Camp	Hefley	Parker
Campbell	Herger	Paul
Canady	Hill	Paxon
Cannon	Hilleary	Pease
Castle	Hobson	Peterson (PA)
Chabot	Hoekstra	Petri
Chambliss	Horn	Pickering
Chenoweth	Hostettler	Pitts
Christensen	Houghton	Pombo
Coble	Hulshof	Porter
Coburn	Hutchinson	Portman
Collins	Hyde	Pryce (OH)
Combest	Inglis	Quinn
Cook	Istook	Radanovich
Cooksey	Jenkins	Ramstad
Cox	Johnson (CT)	Redmond
Crane	Johnson, Sam	Regula
Crapo	Jones	Riggs
Cunningham	Kasich	Rogan
Deal	Kelly	Rogers
DeLay	Kim	Ros-Lehtinen
Diaz-Balart	King (NY)	Roukema
Dickey	Kingston	Royce
Doolittle	Klug	Ryun
Dreier	Knollenberg	Salmon
Duncan	Kolbe	Sanford
Dunn	LaHood	Saxton
Ehlers	Largent	Scarborough
Ehrlich	Latham	Schaefer, Dan
Emerson	LaTourette	Schaffer, Bob
English	Lazio	Sensenbrenner
Ensign	Leach	Sessions
Everett	Lewis (CA)	Shadegg
Ewing	Lewis (KY)	Shaw

Shays
Shimkus
Shuster
Skaggs
Skeen
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stump
Sununu
Talent
Tauzin
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weller
White
Whitfield
Wicker
Wolf
Young (FL)

NAYS—202

Abercrombie
Ackerman
Allen
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Bartlett
Becerra
Bentsen
Berman
Berry
Bilbray
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Goode
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Hoyer
Hunter
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
Mollohan
Moran (VA)
Murtha
Nadler
Neal
Neumann
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pickett
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rohrabacher
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Scott
Serrano
Sherman
Sisisky
Skelton
Slaughter
Smith (MI)
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stenholm
Stokes
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson
Thurman
Tierney
Torres
Towns
Traficant
Turner
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey
Wynn

NOT VOTING—14

Cubin
Davis (VA)
Flake
Foglietta
Ford
Gonzalez
McKinney
Riley
Schiff
Schumer
Stearns
Weldon (PA)
Yates
Young (AK)

□ 2110

Mr. BOSWELL, Ms. KILPATRICK, Mr. BILBRAY, and Mr. ROHRABACHER changed their vote from ''yea'' to ''nay.''

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

So the motion lay on the table the appeal of the ruling of the Chair was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. KINGSTON). 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. SMITH of New Jersey. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 419, noes 2, answered ''present'' 1, not voting 11, as follows:

[Roll No. 582]

AYES—419

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Foley
Forbes
Ford
Fossella
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hilliard
Hinchey
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
Kasich
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
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McNulty
Meehan
Meek
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
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
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Redmond
Regula
Reyes
Riggs
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Scott
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
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Towns
Traficant
Turner
Upton
Velazquez
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Young (FL)

NOES—2

Brown (CA)
Pickett

ANSWERED ''PRESENT''—1

Paul

NOT VOTING—11

Cubin
Flake
Foglietta
Gonzalez
Greenwood
McKinney
Riley
Schiff
Schumer
Yates
Young (AK)

□ 2127

So the bill was passed.

The result of the vote was announced as above recorded.

The title of the bill was amended so as to read: ''A bill to provide for certain measures to increase monitoring of products that are made with forced labor.''

A motion to reconsider was laid on the table.

REPORT ON RESOLUTION AMENDING RULES OF THE HOUSE TO REPEAL EXCEPTION TO REQUIREMENT THAT PUBLIC COMMITTEE PROCEEDINGS BE OPEN TO ALL MEDIA

Mr. SOLOMON, from the Committee on Rules, submitted a privileged report (Rept. No. 105–382) on the resolution (H. Res. 301) amending the Rules of the House of Representatives to repeal the exception to the requirement that public committee proceedings be open to all media, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION WAIVING REQUIREMENT OF CLAUSE 4(b) OF RULE XI WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS

Mr. SOLOMON, from the Committee on Rules, submitted a privileged report (Rept. No. 105–383) on the resolution (H. Res. 305) waiving a requirement of clause 4(b) of rule XI with respect to consideration of certain resolutions reported from the Committee on Rules, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION WAIVING REQUIREMENT OF CLAUSE 4(b) OF RULE XI WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS

Mr. SOLOMON, from the Committee on Rules, submitted a privileged report (Rept. No. 105–384) on the resolution (H. Res. 306) waiving a requirement of clause 4(b) of rule XI with respect to consideration of certain resolutions reported from the Committee on Rules, and for other purposes, which was referred to the House Calendar and ordered to be printed.

PRIVILEGES OF THE HOUSE—DISMISSAL OF CONTEST IN 46TH DISTRICT OF CALIFORNIA UPON EXPIRATION OF NOVEMBER 7, 1997

Ms. FURSE. Mr. Speaker, I rise to a question of the privileges of the House, and I send to the desk a privileged resolution (H. Res. 307) pursuant to clause 2 of rule IX and ask for its immediate consideration.

The SPEAKER pro tempore [Mr. KINGSTON]. The Clerk will report the resolution.

The Clerk read as follows:

Whereas, Loretta Sanchez was issued a certificate of election as the duly elected Member of Congress from the 46th District of California by the Secretary of State of California and was seated by the U.S. House of Representatives on January 7, 1997; and

Whereas A Notice of Contest of Election was filed with the Clerk of the House by Mr. Robert Dornan on December 26, 1996; and

Whereas the Task Force on the Contested Election in the 46th District of California met on February 26, 1997 in Washington, D.C. on April 19, 1997 in Orange County, California and October 24, 1997 in Washington, D.C.; and

Whereas the House Oversight Committee is now persuing a duplicate and dilatory review of materials already in the Committees possession by the Secretary of State of California; and

Whereas the Task Force on the Contested Election in the 46th District of California and the Committee have been reviewing these materials and has all the information it needs regarding who voted in the 46th District and all the information it needs to make judgements concerning those votes; and

Whereas the Committee on House Oversight has after over nine months of review and investigation failed to present credible evidence to change the outcome of the election of Congresswoman Sanchez and is pursuing never ending and unsubstantiated areas of review; and

Whereas, Contestant Robert Dornan has not shown or provided credible evidence that the outcome of the election is other than Congresswoman Sanchez's election to the Congress; and

Whereas, as a member of Congress whose election in 1994 was won by far smaller a majority than that which Ms. Sanchez won the 46th District race in 1996.

Whereas, as an immigrant myself who proudly became a U.S. citizen in 1972, I believe that this Republican campaign of intimidation sends a message to new citizens that their voting privilege may be subverted. We should encourage new voters not chill their enthusiasm.

Whereas, the Committee on House Oversight should complete its review of this matter and bring this contest to an end and now therefore be it;

Resolved, That unless the Committee on House Oversight has sooner reported a recommendation for its final disposition, the contest in the 46th District of California is dismissed upon the expiration of November 7, 1997.

The SPEAKER pro tempore. The resolution presents a question of the privileges of the House.

Pursuant to the rule, the gentlewoman from Oregon [Ms. FURSE] will be recognized for 30 minutes and the gentleman from California [Mr. THOMAS] will be recognized for 30 minutes.

The Chair recognizes the gentlewoman from Oregon [Ms. FURSE].

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

Mr. Speaker, in 1996, Congresswoman LORETTA SANCHEZ was elected by the people of the 46th Congressional District of California. There was a recount. The California Secretary of State confirmed that Congresswoman SANCHEZ had won that election. Yet for over 10 months, the Republican leaders have used every tactic to deny Congresswoman SANCHEZ that victory.

Mr. Speaker, this is a Nation of immigrants. This is a Nation of people who came to the shores to participate. This is a Nation of immigrants eager to participate, eager to give their voice to this great democracy. Mr. Speaker, I understand this because I, too, was an immigrant. I came to this country in 1972. I was proud to become a citizen and proud to cast a vote in an election. Then in 1992, I became a Member of Congress. That is the way it is supposed to work, Mr. Speaker, in this great democracy.

It is a disgrace that new voters, new citizens are being questioned in this campaign against Congresswoman SANCHEZ. Let us not forget, this is a campaign not just against Congresswoman SANCHEZ, this is a campaign against new immigrants. This is a campaign against new citizens. It is a disgrace.

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

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

Mr. Speaker, this is the second time we come together on the floor to provide an opportunity to respond to resolutions which, frankly, contain erroneous material, inflammatory material, material that simply ought not to be presented on the floor of the House, in this gentleman's judgment, in the way in which it is presented.

I am quite pleased to announce to Members some developments that have occurred since the last time we were on the floor. If Members recall, I reported to them that in the months that they have outlined it has taken us to attempt to get to the bottom of this, I indicated to them that not one Democrat staffer had signed a statement of confidentiality. They had chosen not to participate in a meaningful way in documents that we wanted to make sure did not get out so that the charge that they make falsely, that we were attempting to intimidate individuals, did not get, quote-unquote, leaked.

I am pleased to say that all of the key Democrat staffers, members of the Democratic staff, have now signed statements of confidentiality. That is a major step forward. I wish they had done it 9 to 10 months ago so we could share the information that we know. I will tell Members tonight, they are going to receive some of that information.

But I think for just a minute or two, we need to understand how we got here. There were phone calls to the Orange County Registrar of Voters. People said they knew that people who voted were not citizens. There was a follow-up examination by the election authorities. There was sufficient and credible evidence filed with the Orange County District Attorney for the Orange County District Attorney to subpoena records of groups who were supposed to be educating documented aliens in the process to become citizens, the very process that the gentlewoman from Oregon indicated occurred to her. Of course, we know what happened in her case. She did it in the right order. She became a citizen, and then she voted.

The record shows that there were people in the 46th Congressional District who voted before they became citizens. There were many people who did this on the advice of people who, frankly, chose to mislead these people

when they had the solemn responsibility of providing them with the enormous and wonderful opportunity of becoming citizens.

I will make one promise to Members tonight, that if anyone is discovered to have not voted properly, in no way should their citizenship be put in jeopardy if after the fact they became a citizen. I believe that we should make sure that amnesty is provided to anyone who may have technically broken the law, and especially if they broke the law at the behest of others, because right now there is an ongoing criminal investigation in Orange County that will work its way through the grand jury and may, in fact, present us with evidence before we are finished with our task as to exactly what happened for those who engaged in a criminal conspiracy of voter fraud.

Based upon that evidence, a contested election contest was brought to us, and we have pursued, although argued unconstitutionally, affirmed by a district court, reaffirmed by an appellate court, that the process that we have been following is, in fact, according to the statute. It seems, therefore, somewhat incredible to me that one of the whereases is that we have requested the agency charged with monitoring documented aliens in this country, the Immigration and Naturalization Service, to assist us to determine if these individuals are, in fact, citizens. But, in fact, as Members may know from our previous discussion, the Department of Justice was unwilling to cooperate in the investigation. We were forced, on May 14, to subpoena the records. It was not until June 23 that the Immigration and Naturalization Service began responding to us.

Notwithstanding the whereas that says that the INS has complied with the committee's request, the gentlewoman from Oregon needs to know that that whereas is simply wrong. The INS has not complied completely. There are hundreds of records that are still out that have not been presented to the task force.

As we go through once again in terms of the whereases, the one that I hope we will put to rest tonight, and the gentleman from Michigan, the chairman of the task force, I believe, will provide more than adequate material to discredit once and for all, our goal, of course, would be to enlighten and to therefore not continue the process of repetition on the whereas that says that we failed to present credible evidence. Tonight Members will receive a substantial dose of credible evidence.

But more important than that, I find it difficult for someone who was a citizen, whether naturalized or native born, to think that the effort to make sure that we are accurate, double-check, triple-check if necessary that no citizen is accused unfairly and that the documents of the task force checked by the appropriate officials, Immigration and Naturalization Service on citizenship and the Secretary of State on a valid voter registration, would not be completely accurate before we would make any assumption, any determination, any statement about a final number of people who, in fact, voted invalidly in the California 46th. Because I will remind all of us, it is not if there were people who voted illegally, it is the question of how many, and that the pursuit of how many has been made a difficult one by virtue of agencies of this government unwilling to cooperate unless their records are subpoenaed.

And for a number of people to use such terms as ''a Republican campaign of intimidation'' when, unlike the former majority, we are trying to use California law to document, not something invented in the task force by a 2 to 1 vote, we are trying to determine with absolute accuracy who could and who could not have legally voted, and who did and who did not.

Frankly, I am perplexed by your unwillingness either as a native-born citizen or a naturalized citizen to not want to know. I think it is important that if, in fact, there is a significant amount of people who are not citizens who are actually voting, we need to know now. We do not need to shut this investigation down. We do not need to pull the wool over the eyes of voters who now will not know whether their vote was canceled out by someone who should not have voted. Frankly, our goal should be the one stated by the gentlewoman from Oregon: Become a citizen first, and vote second, not the other way around.

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

Ms. FURSE. Mr. Speaker, I yield 8½ minutes to the gentleman from Maryland [Mr. HOYER].

Mr. HOYER. Mr. Speaker, I thank the gentlewoman for yielding me this time, and I thank her for her time.

I ask those on both sides of the aisle to listen to what I have to say and recall that I said that I did not believe that this matter was being handled fairly. Let me read to Members a letter dated October 22, sent to the Clerk of the House, which to this very hour the minority has not yet received, but Members will find it interesting. That letter is on the stationery of Hart, King and Coldren, a professional law corporation. They represent Mr. Dornan. Mr. Dornan, under the Federal Contested Election Act, is the contestant in this case. We have lost sight of the fact that the act requires the contestant to carry the case, not the committee.

In any event, Mr. Speaker, this is a three-page letter in which it sets forth 14 items that have been forwarded to the committee. The minority has not yet received it. They are depositions that should have been forwarded to the committee months ago by the Dornan counsel. Custodian of records, Fidelity Federal, dated 3/24/97, 3/25/97, 3/27/97, 3/31, 4/14, 5/28. These are not newly acquired records by the Dornan case.

□ 2145

My colleagues, listen to this paragraph, listen to it well. This is from the contestant under the Federal Contested Election Act. By copy of this letter to the contestee's counsel, we are advising the contestee that we consider contestant's record to be complete so that she may file her brief within the time permitted by the act. Even Mr. Dornan believes this case, from an evidentiary standpoint, is now at an end. Even Mr. Dornan's counsel says this case is at an end from his perspective.

The chairman of the committee said in debate last week, or 2 weeks ago, last week I believe it was, and has reiterated today on the floor of the House, that if we would only sign a confidentiality agreement, we could get the material. He reiterated that just now.

My colleagues, no one on the majority side of the aisle, save only an affidavit of confidentiality with respect to a particular deposition, no one on the majority side signed a confidentiality agreement until October 27, 1997. Notwithstanding that, we were refused access to information because we had not signed a similar confidentiality agreement. That is the unfairness in this case.

And I ask my friend from California in particular, if he will listen, because I respect his judgment and his fairness, as I do others on this side of the aisle.

So Mr. Dornan has said, I am through, finished, it is time for Ms. SANCHEZ to file a reply brief. Mr. Dornan has not filed, interestingly enough, his own brief required under the Federal Contested Election Act. My supposition is that he believes a brief is not required by him. My further supposition is because he believes that committee is now carrying the case.

I want to bring to the attention as well, because the chairman is very concerned about accurate information, that the chairman indicated that there have been many cases that have gone on longer than this. My colleagues, no case, and there have been 28 of them, in the history of the Federal Contested Election Act, has gone longer than this one if we do not resolve it before we adjourn in committee.

There have, in fact, been cases which have been carried over and disposed of on the floor. In fact, the Rose case was held for almost a year between the time under the 104th Congress when the committee disposed of the case and when the committee brought it to the floor for final disposition, which was, of course, at that point in time noncontroversial. No case in the history of the Federal Contested Election Act has gone longer than this one if we do not dispose of it by the date we adjourn this first session of this Congress.

My colleagues, this case, according to Mr. Dornan, is ready to close, and I suggest to my colleagues that Mr. Dornan has not filed a brief because he knows that he has not done what is required under the statute, showed that

but for certain factors occurring, he would have been elected to Congress. That simply has not occurred, and having not occurred, the committee has not brought to this floor any request to take action to dispose of this case based upon Mr. Dornan's making that case.

Now, my colleagues, there is a question which the gentleman from California [Mr. THOMAS] raises. There is nobody on this floor who either sanctions or wants to hide the fact that voters may have voted without being citizens and may have voted illegally. That, in and of itself, is worthy of an investigation, but it is clearly a much broader investigation than the case that Mr. Dornan brought against the gentlewoman from California [Ms. SANCHEZ], the sitting Member of Congress from the 46th Congressional District.

So that, in fairness, I say it is time to end this case. Mr. Dornan, in his letter of October 22 through counsel, says he is through. But it is now Ms. SANCHEZ' chance to reply, but she has very little to reply to because Mr. Dornan has not made his case.

I would ask the Members of this House, as they reflect upon this case, think of themselves. Each and every one of us could be in the same situation. Each and every one of us could have the opposite party being in control of the House and a contestant coming forward and saying, I have certain suspicions, certain allegations that I will file, but in 12 months, essentially from November of 1996 until November of 1997, I have not been able to make my case.

Think, if my colleagues were in that situation, if they would not expect their 434 colleagues to say under those circumstances it is time to end this case, it is time to dismiss the contestant's action because he has not, as required by the statute, made his case.

If our oath means something, to defend the Constitution, it clearly means that we should defend the right of each district to elect a Member and to have that election sustained unless it is shown, pursuant to law, that but for certain things happening, the election would have turned out differently.

I would hope that all of us would come to a conclusion and urge the committee to end this matter, to move on, to say to the voters in the 46th District there will be an election shortly, Mr. Dornan says he is going to run, that election will be contested. I believe the committee should and will continue its investigation into any wrongdoing. Clearly, the district attorney is doing that; clearly, the secretary of state is doing that; they are the appropriate authorities.

Let us bring this case to close and bring it to a close now.

Mr. THOMAS. Mr. Speaker, I yield myself such time as I might consume.

I would tell my friend from Maryland [Mr. HOYER] that we can make a comparison between the time when his party controlled the House and when our party controls the House now. The reality was, there was a gentleman who came to this body with a certificate of election. He was denied being seated. They counted the votes in his district under the rules created by the task force on a straight partisan vote, and he was denied his certificate of election. That is what happened under my colleague's majority.

Under our majority, the gentlewoman from California [Ms. SANCHEZ] had a certificate. She has been seated. She is a full Member of this body. She has a full staff. She has a full budget. She carries out her duties every day. Rick McIntyre would have loved to have an opportunity to be treated the same way.

And I will not yield. I will also say that I admire the gentleman's cleverness and his capability. He seems to think that it is important that members of the majority signed a confidentiality statement on October 27. We were working on our work product. We had full confidence we were not going to leak our own material. Leaking the names of people we were checking would have worked against our purposes of keeping things confidential. Once we agreed to a memorandum of understanding with the secretary of state when he said he was willing to sign it, our work product would no longer be protected by us alone. So as a gesture, we said, let us all sign a confidentiality statement.

And so the gentleman's remarkable observation that once the product went outside the committee's jurisdiction, we asked them to do no more than what we did, signing the confidentiality statement somehow became a remarkable point to the gentleman. I think it would be common business.

The gentleman also pointed out that this may be the longest contested election under the act. My colleagues might recall that the act was passed in 1969. Most of the cases were dismissed without ever looking at the question of fraud. This task force was presented with a criminal conspiracy case involving ongoing and clear evidence of fraud, and we are pursuing that based upon the election.

The gentleman says that the filing by Dornan's attorneys that they are through means that the whole case would be through. What happens in the courtroom when the case is presented and the jury then goes to deliberate and has every right to ask for additional information as they make the decision? The gentleman believes that we should have half a case and then stop it before the opinion is rendered.

Mr. Speaker, I yield 3 minutes to the gentlewoman from Ohio [Ms. PRYCE], who also happens to be a judge.

Ms. PRYCE of Ohio. Mr. Speaker, I thank the gentleman for yielding this time to me.

Mr. Speaker, I rise in opposition to the privileged resolution before us. Let me start by saying that there are few in this body who do not take pleasure in the company and comity of the gentlewoman from California [Ms. SANCHEZ]. It is not pleasant to dwell on the misfortunes of this case, but this issue speaks directly to the integrity of this institution which we should all strive, and strive hard, to protect.

There is a constitutional responsibility of this House to judge the qualifications of its Members, and that of course includes judging the outcome of contested elections. While this task is not a pleasant one, it is one that requires serious attention and thoughtful deliberation as our decisions set important precedents about the legitimacy and integrity of the Federal elections and the laws which govern them and each and every one of us here in this body.

We will hear plenty of impassioned debate today that will be driven by politics and influenced by personalities, but this is not about personal attacks, and it is not about personalities, it is about obeying the law and fulfilling our constitutional responsibilities.

Are my colleagues who have repeatedly asked us to put this matter unresolved behind us really advocating turning a blind eye to voter fraud? Are they really suggesting that non-U.S. citizens should be allowed to vote in elections and in the same breath demanding campaign finance reform in the interests of honest elections?

Mr. Speaker, I respectfully suggest to my colleagues that we should spend our energy enforcing the laws we have at hand. The law of our land, the law we are bound constitutionally to obey and enforce, that is what this debate is about. Inflammatory rhetoric that evokes images of racism and discrimination, that is transparent. It does a disservice to this institution and to the American ideal of free and fair elections.

In the interests of protecting our Nation's great democracy, I urge my colleagues to fulfill their responsibility to protect the sanctity of American elections by demanding a thorough and honest investigation of this and all contested elections. Nothing less will bring credit to this House.

Mr. Speaker, I urge defeat of the resolution.

□ 2200

Ms. FURSE. Mr. Speaker, I yield 2½ minutes to the distinguished gentlewoman from Connecticut [Mrs. KENNELLY].

Mrs. KENNELLY of Connecticut. Mr. Speaker, I rise in support of the privileged resolution and urge the House to consider it favorably.

The investigation undertaken by the majority on the Committee on House Oversight has been long drawn out, and I think it is really long past due when it should be decided. It is exactly a year since LORETTA SANCHEZ won a tough, close election in California. It is now almost exactly 9 months since she was sworn in in this body, in this very Chamber, and it is a little more than a

year before she will face the voters of the 46th District of California again.

Mr. Speaker, the women are coming before this body tonight with these privileged resolutions to say, justice delayed is justice denied, and justice has been denied, but let me talk about how it has been delayed.

LORETTA SANCHEZ was elected to the office that she took the oath and was sworn in in this very body, and all she wanted to do was to serve her constituents, to use the talents that attracted her constituents to vote for her, and yet, since she has been here, she has been constantly having to face motions, legal motions, legal bills, legal questions and all she wants to do is serve her constituents.

But, Mr. Speaker, under the Constitution of the United States of America, this House of Representatives has the sole authority to be the judge of its own elections, and there is no credible evidence before us at this point to suggest that Ms. SANCHEZ does not win her election to this House, and that the House was incorrect in swearing her in on that day that we all were sworn in. Yet, now we find out that the House Committee on Oversight wants to send volumes of information back to California to the very Secretary of State that certified that this woman should be the Representative.

Today, Mr. Speaker, we went to see the Speaker of the House, the gentleman from Georgia [Mr. GINGRICH], and we talked to him about what we were about, what the women of this Congress are about, that we just wanted to have this woman, who has been under this huge problem for a year now, that she should be sworn in, and the Speaker spoke to us about problems in the law, in the Federal law. The Speaker spoke to us about problems in the State law, the law of California. The Speaker spoke to us, as he always does, with brilliance, and he was erudite and he did all this good conversation, but what we said to him is, it takes a long time to pass a law in this House, a long time to pass a law in California. All we are asking for is justice for this woman. Please, Mr. Speaker, let her go about her duties; pass the legislation necessary.

Mr. THOMAS. Mr. Speaker, it is my pleasure to yield 9½ minutes to the gentleman from Michigan [Mr. EHLERS], chairman of the task force, to in part respond. Now that both sides have signed confidentiality statements, this information will probably be made available, and we would like to be the ones to make it available.

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

Mr. HOYER. Mr. Speaker, will the chairman yield? I am not sure I understand.

The SPEAKER pro tempore (Mr. KINGSTON). The gentleman from Michigan controls the time.

POINT OF ORDER

Mr. HOYER. Point of order, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state it.

Mr. HOYER. Mr. Speaker, I raise the point of order that under the rules of the committee, at the request of the committee, we have signed confidentiality agreements. I have not disclosed any information which I have received that was confidential information. The Chairman now says that confidential information is going to be disclosed because the agreements have been signed.

I am not sure I understand that, and whether from a parliamentary standpoint confidential information is appropriate to be disclosed on the floor of this House. We cannot have it both ways, Mr. Speaker.

The SPEAKER pro tempore. The Chair is not able to rule at this point if any information is available or not available as taken in executive session.

The gentleman from Michigan (Mr. EHLERS) is recognized for 9½ minutes.

Mr. EHLERS. Mr. Speaker, I do not plan to discuss confidential information which would be from the INS, such as names and issues such as that, but I do want to share with the body some numbers, numbers which the gentleman from Maryland is familiar with from the work of the task force since he has received most of this information. These are going to be very approximate numbers, but I felt it important to deal with that, and also to give a little bit of history of what the task force has done. I have given partial histories in past debates on this issue, and I will try to deal with some of the questions that have been raised since then.

First of all, it is important to recognize that the Committee on House Oversight and our task force did not choose which election to be involved in. That decision is made by the contestant who files the notice of contest, and that was Mr. Dornan in this case. Mr. Dornan, as has been observed, filed many charges as part of his notice of contest. We have investigated that. We found that many of them did not have a strong basis and were not factors in the election, and so we have put those aside.

The largest issue that did emerge, however, is a question of fraudulent votes by noncitizens, and that deserved greater study.

Now, the problem developed with that, which I will get to in just a moment, that midway in the investigation as Mr. Dornan and the California Secretary of State were pursuing that, suddenly their source of information in the INS was shut off, and that has created a good deal of the delay that we are discussing tonight. Furthermore, as everyone knows from previous discussions, a number of the subpoenas were not responded to.

Now, I have, just for graphic purposes, and I apologize for the poor quality of this, I am an X professor and I am used to working with materials at hand and not hiring people to prepare fancy displays suitable for this audience, but several numbers to remember. The margin of the election. 984 votes is a certified margin, but the recount actually was a 979-vote margin. The Secretary of State does not in California change the certificate to reflect the recount total, but the actual margin of election was 979.

The Registrar of Elections of Orange County, conducting her own investigation of the election, discovered 124 fraudulent absentee ballots using the standard measures under California law for determining which absentee ballots are fraudulent, and also under California law subtracting them from the total.

The California Secretary of State received information from Hermandad, the organization that has been mentioned before, through the Orange County district attorney, indicating 1,163 individuals, and I am sorry I did not write that number down, 1,163 individuals who had gone through citizenship classes at Hermandad.

That is not necessarily the complete list, because the Orange County District Attorney was not specifically looking for that information, but that is the information they received when they went in and seized the records. There are other records they did not seize. We would like to see those records; they have ignored subpoenas up to this point, and we simply do not have the information.

From those 1,163, with the aid of the Los Angeles district office of the INS, 305 have been identified as noncitizen voters in Orange County, so add the 124 and the 305, those are rock-hard certain voters who are noncitizens.

At that point the Director of the INS in Los Angeles was told by his superiors in Washington to no longer cooperate. That was in late March, early April. We then asked the INS for assistance so that they would furnish the materials to the California Secretary of State. We were refused. We then had to subpoena the INS records, which we did, and there was all together approximately 3 months delay as a result of their decision to cut off the assistance they had been providing.

As the committee tried to develop a list of potential noncitizen voters, the initial list was approximately in the neighborhood of 6,000. That included a list from the INS, a computer match of the Orange County voters versus the records of the INS of individuals where they matched the first name, last name, date of birth.

This also includes a list from the Orange County Registrar of Voters and other officials there of individuals who had refused to accept jury duty because they checked off they were noncitizens, but yet they had voted. This also included individuals who had voted, but there were border crossing cards on record for them in which it was clear that they had been born in another country, and their citizenship could not be verified with the INS.

So this is the gross number, greater than 6,000. Out of that, we culled down

approximately 4,000 that looked very seriously as if they could be nonvoters—pardon me, noncitizens who had voted.

Now, much has been made in the resolutions that have been presented here over and over about this delay and no credible evidence. This is credible evidence. Why the delay? Because we have been going through very, very carefully, and what we have to verify is that indeed, the individuals in the INS records and the individuals in the Orange County records are, in fact, one and the same, and so that has allowed us to narrow down the list.

Something else we had to verify. Are the INS records accurate? When they indicate that someone is a citizen or a noncitizen, is there some verification for that? We have to depend on the INS, but we have had them go through and do a search of their records, and we keep searching and keep trying to find the most accurate record we can. The minority has also been helpful in this. They took another search approach, and the information that they came up with has been included.

So notice the number has been shrinking, greater than 6,000, then greater than 4,000, greater than 2,000, approximately 1,000 at this point. Actually, the number is larger, but I do not want to claim any larger number at this point, and we are still working on it, trying to finalize as closely as we can.

In addition, we recently asked the California Secretary of State for assistance, because we want independent verification of these numbers. Roll Call Newspaper erroneously said we were turning the issue over to the California Secretary of State. Not true. We are simply asking them to review what we have done and to verify that it is accurate.

I also want to make it clear that contrary to charges that have been made on the floor, and to which I take considerable offense, we have not targeted Hispanics or Latinos. We have never once asked for any records specifying that we want those with Hispanic or Latino names. We are not targeting women in this race. We are not including illegal immigrants, which we probably should do if we could get a handle on that, and the California Secretary of State is looking at that independently. But there is a whole group of individuals who are not included in this examination, that is the illegal immigrants, simply because the INS has no record of them. If they are illegal, they do not sign up with the INS.

The gentleman from Maryland [Mr. HOYER] has made a point that Mr. Dornan says he is finished. He has submitted his evidence. That is fine, but all of us know that when we go into a court of law, when we finish the case, it is not over. The jury has to deliberate, and we perform the function of the jury.

The point is simply we want to complete the analysis. We are not proceeding with malice, we are not proceeding in an effort to be unfair; we are trying our very, very best to look at these numbers which are very, very substantial numbers and verify as precisely as we can what the actual numbers are, and then we will discuss them with the committee; we will discuss them with the House of Representatives, and a decision will be made as to the final result of the election. That is our responsibility as Members of the task force. Nothing more, nothing less.

There are many other issues that have emerged from this. Others have registered concerns about targeting and this sort of thing. We do not look at those issues; we are simply looking at the votes that were cast in trying to identify which votes were fraudulent.

Now, let me add one more point. The difference between this case and what makes it different from previous cases that the House has frequently dealt with is that the fraud in this case is different. In most previous Congresses when the Congress has dealt with fraud, it has been deliberate fraud, organized fraud, large blocks of votes. That is not true in this case.

I think this is not deliberate fraud, except perhaps on the part of Hermandad, we have to determine that later, but certainly not on the part of the individuals voting. I think they were misled. We are dealing with individuals who honestly thought they were doing the right thing. Nevertheless, if the votes are fraudulent, that must be dealt with.

I thank the Speaker for the time to present this, and I ask the indulgence of the House as we continue to wrap this up, I hope as soon as possible, and as accurately as possible.

□ 2215

Ms. FURSE. Mr. Speaker, I yield 4 minutes to the gentleman from Connecticut [Mr. GEJDENSON], a Member of the committee.

Mr. GEJDENSON. Mr. Speaker, I can frankly only remember one other similar instance, when a Senator from Wisconsin held up a list of 120 suspects in the State Department, and somehow they were disloyal to the United States; never got any names, we never found any agents in the State Department, but boy, he had numbers out there and he was waving them around.

What they have done here today is they cannot tell us the names because they are secret. Let me tell Members, the chairman of this committee has an obsession with secrecy. He tried to make the public minutes of a meeting secret at one of our first meetings, and astounded, frankly, all of my staff.

We have come here today once again back exactly where we started. They have never before used the INS to check for election results. Why? One, we have never had an Hispanic woman we were looking at. So when we are dealing with other ethnic groups of this country, we do not think of going to the INS.

What did the INS tell the chairman of the committee and the Congress when it was first asked for these numbers? And, by the way, these are not all the numbers they have. They started off with half a million suspects in a district where 100,000 people voted. The INS said, you cannot use our files to verify voters. But even if we look at their numbers down to that final thousand, from that we cannot tell whether that final thousand voted for SANCHEZ or Dornan. The law says we have to prove it would change the outcome.

I cannot give Members the names, either, but let me tell the Members, there is a Mrs. Jones here. It is a Spanish surname, instead of Jones. There are 18 of them in the INS records. Mrs. Jones exists 18 times in the INS records. Yes, there is one Mrs. Jones in the voting list that did vote. Now, Mrs. Jones might have voted wrong once, but she could not vote wrong 18 times, because there are not 18 times Mrs. Jones' name is on that list.

Let me tell the Members something. This may be about a lot of things. It could be a vendetta. We keep hearing about the Indiana case. I am happy to argue the Indiana case in a separate venue. But let me tell the Members, if it is the Indiana case that is going to drive the majority, we will make Bosnia look like a picnic. They take one, we will take one; next year we will challenge everybody, and we will get the INS in everywhere.

Mr. Speaker, when we get sensitive to the attack on the basis that we keep raising the Hispanic issue, excuse me? The record of their party makes the statement very clearly.

Mr. Speaker, I will close with this. In 1980 the Republican Party went to New Jersey, and it dressed people up in police officers' uniforms, and they used ballot security police to intimidate new citizens and poor people from voting. In the 1990s in California, the Republican Party paid a $400,000 fine for the same kind of Gestapo tactics at the polls.

Now, once again, we have the gentlewoman from California [Ms. SANCHEZ]. We have a list of people here. We have numbers. That chart is about as graphic an example of the phony arguments on the other side as we can find. If they had a thousand names, they would bring them out here. What they are doing is dragging this lady through the mud. They are trying to break her financially. They are trying to break her spirit. But I have news for the Members, she is getting stronger.

The country is not going to put up with reviewing elections for longer than the term of office the individual is elected to. We are going a year after her election. She has won by more votes than the Speaker of this House won by when we were in control. Leave her alone. Let her do her job.

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

Mr. Speaker, I want to thank the gentleman for his crosscheck with the

INS. Apparently his request he believes to be more accurate than our request.

Where we found citizens, for example, Mrs. Jones was removed, where we found duplicates, they were removed; where we find a Jane A. Jones with a date of birth that matches, first name, last name, middle initial, date of birth, with the same address on the INS records as on the voted list, we are pushing it to that level and beyond for accuracy. Those are the numbers that the gentleman presented us.

It is my pleasure now to yield 4 minutes to the gentlewoman from Washington [Ms. DUNN], a State which has a procedure on their voting records, their Registrar of Records, which I wish the Nation would emulate.

Ms. DUNN. Mr. Speaker, I rise in opposition to the privileged resolution on the floor.

Mr. Speaker, I am lucky to be from a State that has so far experienced little or no voter fraud. Lord knows, if any fraud were to occur in any of our elections in Washington State, we would be very quick to staunch it and make sure we had a process in place never to allow it to happen again. That is, Mr. Speaker, why I have so many questions about the issue before us this evening.

Why would anyone want to end this election fraud investigation before the facts are in? Why have the Democrats resisted the establishment of precedents that will ensure that future contested elections will be investigated thoroughly and efficiently? Why have they challenged the constitutionality of the Federal Contested Elections Act? Why do they not want a process that allows the contestee and the contestant to get at the truth?

Why are they not eagerly supporting a process that allows State and local officials to verify the legitimacy of registrations? Mr. Speaker, why not find out exactly how many persons are illegally registered in the 46th District of California? Why would anyone want to leave a single illegal voter on the voting rolls of the State of California?

Mr. Speaker, during our last debate the gentleman from New Jersey [Mr. MENENDEZ] commented that this affects more than just the Federal election. He is exactly correct. That is what is so disturbing about the Democrats' position in this case. Fraudulent voters jeopardize the legitimacy of all the elections, up and down the ballot, all across California and many other States. We need to do something about that, and we need to start by completing this investigation.

Mr. Speaker, I want to recall the words of Democrat President Grover Cleveland, who, in his first inaugural address, stated ''Your every voter as surely as your chief magistrate exercises a public trust.'' That is what this is about, public trust in our democratic process.

We have an honor system of voting in our Nation, and that honor has been desecrated by any person who casts an illegal ballot in this or any other election. This is why we must complete this investigation. We must, in order to restore the honor of our system, determine the extent of the corruption.

Ms. FURSE. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey [Mr. MENENDEZ].

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

Mr. MENENDEZ. Mr. Speaker, the gentlewoman said she is lucky to be from a State that does not see voter fraud. I am unlucky to be from a State that has seen the Republican Party be part of voter suppression and intimidation that ended up in the Federal court decision that is still continuing in elections in New Jersey.

The gentlewoman from California [Ms. SANCHEZ] is unlucky to be from a State where the Republican Party paid $600,000 to settle two voter intimidation lawsuits stemming from actions in 1988 and 1989 in which the Orange County Republican Party placed security guards and signs at the voting polls designed to scare Latino voters from voting. That is the fact.

So when the gentleman before mentioned about transparency, transparency is that the history on the records, in the Federal court, has condemned their party for what they have done to my people. That is the reality of that transparency.

I just listened to the gentleman from Michigan [Mr. EHLERS], who I have a personal respect for, but I listened to what he had to say. His facts and his figures, we have gone from 500,000 questionable voters to 1,000, in his final number there. What an incredible amount.

And when we look at it, he keeps referring to Orange County voters. He fails to mention that there are six congressional districts in Orange County. The gentlewoman from California [Ms. SANCHEZ] is not the only congressional district in Orange County. They all fail to mention all of the Republic candidates that won, and they do not question their elections at the same time in which they allegedly received these votes.

The fact of the matter is that for those Members who get upset about our concerns that what they are doing is clearly based on the question and to a large degree on ethnicity, I cannot wait for the names to be revealed. I want to say how many Thomases, how many Ehlers, how many Smiths are on that list.

I can guarantee Members that when we see the list, when it finally shows the light of day, everything that we have said there will be very clear. That is why their party has been sanctioned, that is why the Federal courts have made them pay money, and that is why they are pursuing this case in the manner in which they have. They have gone from a half a million to a thousand, and they cannot even prove that will overturn the election.

Yes, they have seated her, but they have bled her every day that she has been here, and we as a community will not tolerate it.

Ms. FURSE. Mr. Speaker, I yield 2 minutes to the gentlewoman from Florida [Mrs. MEEK].

(Mrs. MEEK of Florida asked and was given permission to revise and extend her remarks.)

Mrs. MEEK of Florida. Mr. Speaker, I have been wondering, what triggered the Republican Party to initiate this broad-scale investigation, spending thousands of dollars? I thought, is it their conservative nature? If so, they have contradicted that with spending thousands of dollars for this cause in which they have no ending. This is an unending cause.

And I thought, are they trying to protect the sanctity of the Republican Party? I have no answer to that one.

Is it their dogged determination to bestow some honor to a verbose candidate who lost in a district that he had been winning in for quite a long time, with some nontraditional voters going against him?

It was time for him. It was his time. When my time comes, I am going to take it like a woman. If I lose, I am going to take it like a woman. I am not coming to Members asking them to investigate somebody because CARRIE MEEK lost. I am strong. I do not have to come to them. They would make me to be some kind of icon, with all these kinds of verbose statements about me, making me so grand, like I am some Oracle at Delphi. That does not happen here. What happens here is we work hard. If we win, the people, if they want us there, they will send us back.

Members can contest these little votes if they want to, but I will tell the Members what image they are sending to this country. The image and the message they are sending is Hispanic, woman, ethnicity. I do not care how Members do it, how they cloak it in their numbers, that is the image that they are sending throughout this country. Think about it: Hispanic, woman, someone who cannot take a beating. That is the message they are sending.

I say to the Members, they had better clean this act up, because every woman in this country is watching them. I did not come here because I am a Democrat, I came up here because I think the gentlewoman from California, Ms. LORETTA SANCHEZ, has been given a short shrift. She has been given a short shrift, I do not care what party she is, even if she is in Ross Perot's party.

I am saying, clean this stuff up. Stop worrying about it and let this woman take her seat.

□ 2230

Ms. FURSE. Mr. Speaker, I yield 1½ minutes to the gentlewoman from Michigan [Ms. STABENOW].

Ms. STABENOW. Mr. Speaker, on January 7 of this year, I was honored to enter this body as an incoming Member with over 70 new Members on both sides of the aisle, including the

gentlewoman from California [Ms. SANCHEZ]. A number of the incoming freshmen won by very small numbers of votes, many fewer votes than the number that LORETTA SANCHEZ won by. Yet after one year and almost a half a million dollars of taxpayers' money being spent on an investigation, we have nothing to show for it of any concrete evidence, just a lot of hyperbole at this point.

The question that I have for the other side of the aisle is that if, in fact, there are 1000 people who chose to vote who should not have voted in this election, they did not just vote for a Congresswoman or vote for the Congressman at that time. They voted for local officials. They voted for a State rep. They voted for a State Senator. They voted for local ballot initiatives.

Why is it that the only question, the only challenge, the only investigation is on the only Hispanic woman sitting here, Ms. SANCHEZ? What about those other seats? What about challenging those other kinds of races? We do not hear anything about that. We hear only about harassment of a woman who is serving her district well. It is time to stop it.

Ms. FURSE. Could the Chair inform us of the amount of time on each side?

The SPEAKER pro tempore [Mr. KINGSTON]. The gentlewoman from Oregon [Ms. FURSE] has 6 minutes remaining, and the gentleman from California [Mr. THOMAS] has 3½ minutes remaining.

Ms. FURSE. Mr. Speaker, I yield 2 minutes to the gentleman from North Carolina [Mr. HEFNER].

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

Mr. HEFNER. Mr. Speaker, earlier today I asked unanimous consent to address the House out of order for two minutes, and it was objected to by the chairman of the Committee on Rules.

Let me just say this, sitting here with some interest, you have 1000 votes here that are on a chart, and you are assuming that LORETTA SANCHEZ got every one of those votes, no names, 1000 votes. From 500,000, you have come to 1000 votes. Is that not remarkable? And there is nothing on that list, according to what you insinuate, there is nothing on that but Hispanic voters that voted illegally.

Listen, what we are doing here tonight and what you are doing here tonight, Mr. Speaker, is wrong.

Let me just say this to you, I was here when the Indiana situation came about. It might have been wrong. During the last campaign Republicans campaigned all over this country and they said, the Democrats have been in charge for 40 years and we are not going to run this House like the Democrats did. The chairman of the Committee on Rules stood in this well when he was in the minority and said, when we get to be in charge, we will not have closed rules and we will not run this House like the Democrats.

What you are doing here is wrong. You cannot defend it. It is absolutely wrong and we should be ashamed of this charade that is taking place in this House. This gentlewoman won fair and square. Every Member of this House received a certificate from the Secretary of State congratulating us for being elected to the people's House, the United States Congress. They sent everybody a certificate. They sent the gentlewoman from California [Ms. SANCHEZ] a certificate.

Now you have sent back to California, to this same guy that gave this certificate to Ms. SANCHEZ, it says, you have to check on this some more because we cannot find anything here. Our witch-hunt is over.

It is time to stop this because it is not right.

Mr. THOMAS. Mr. Speaker, I yield myself 15 seconds to assist the gentleman in his math. The 1000 number were those that achieve a very high level check through the INS. The chairman failed to mention the 124 that the registrar has already discovered, the 305 that the LA INS and the Secretary of State have certified and the more than 1000 that were currently going through with the INS. Frankly, the number is far beyond the statement I have heard repeated over and over again of a number which simply is not creditable.

Mr. Speaker, I yield 30 seconds to the gentleman from California [Mr. HUNTER].

Mr. HUNTER. Mr. Speaker, let me just say to my friend who just spoke, 60 percent of the votes that were counted that were registered by one organization had been found to be fraudulent by the Secretary of State. We have not got all the votes. There is not a single Member in this House who, if that happened to them and one of the organizations registering and voting people had 60 percent of their voters found to be fraudulent, would say, let us drop the investigation. Let us leave it.

Mr. Dornan is having just as tough a time with this delay and the gentlewoman from California [Ms. SANCHEZ] is. We want to have it over, but we owe it to the people to finish the investigation.

Ms. FURSE. Mr. Speaker, I yield 10 seconds to the gentleman from North Carolina [Mr. HEFNER].

Mr. HEFNER. Mr. Speaker, to my friend from California, I would only say this, there were other elections, there were other people that were on the same ticket as Mr. Dornan and Ms. SANCHEZ. And you are not questioning the validity of those votes that went to those people. They are not being contested. The numbers are all being taken from Ms. SANCHEZ' total votes.

Ms. FURSE. Mr. Speaker, I yield 2 minutes to the gentleman from Maryland [Mr. HOYER].

Mr. HOYER. Mr. Speaker, I tell the gentlewoman from Washington State, nobody wants this investigation to go away or to end. In fact, the gentlewoman from Washington may not know, there is a district attorney of Orange County investigating this case. That investigation is before the grand jury and ought to continue. The Secretary of State has a responsibility to ensure voter integrity on the rolls. He is continuing his investigation.

The judge from Ohio said this always happens. It never happens.

Mr. Dornan has said his case is over. He has rested in effect. The jury is never allowed to get additional evidence, never. What kind of law do you practice on that side where the jury can say, well, I know the two parties have rested but we are going to get additional evidence? It never happens, my friends, never. They can ask to review existing evidence; that is true. But they cannot go out and seek new evidence.

Mr. Dornan says this case is through. It is time for the parties to decide. The fact of the matter is, these figures put forth by the gentleman from Michigan [Mr. EHLERS], nobody knows. The gentleman from Michigan [Mr. EHLERS] put up some figures, 979, that is the most important figure. That is the majority by which LORETTA SANCHEZ was elected to this House.

He then gets down to other figures, 6000. That has less, I tell you, than 500 who possibly could be considered in the 46th district. I do not even know why that 6000 was on that board, because they are not involved in the 46th district, all of them, some are.

The fact of the matter is, however, as the gentleman from Connecticut pointed out, nobody knows or will know for whom those folks voted. We do know this: that over a third of those people are Republicans, about 15 percent are other independents, not affiliated. Only half are Democrats. It is time to end this case.

The SPEAKER pro tempore. The gentlewoman from Oregon [Ms. FURSE] has 1¾ minutes remaining, and the gentleman from California [Mr. THOMAS] has 2¾ minutes remaining.

The gentlewoman from Oregon [Ms. FURSE] has the right to close.

Mr. THOMAS. Mr. Speaker, I yield the balance of my time to the gentleman from Texas [Mr. ARMEY], majority leader, who happens to be part of the jury that constitutionally is the sole judge of its Members. When you have the constitutional power to judge, you have the right to get all the information.

The SPEAKER pro tempore. The gentleman from Texas [Mr. ARMEY] is recognized for 2¾ minutes.

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

We have 22, I believe, filings of privileges of the House on this same subject. This, Mr. Speaker, is number one of those 22 that must be dealt with today under the rules of the House. Twenty-two today, I think some eight filed that would come due tomorrow, and another eight or so to do the other.

I am sure that represents, on behalf of an awful lot of Members doing all that filing, a statement.

But I have to tell my colleagues, I weary of it. I weary of the shouting. I weary of the accusing. I weary of the finger pointing. I weary of the feigning of moral outrage. I weary of the sophomoric strategy. I think the rest of the House shares that weariness. We have work we are trying to get done, work that is important to the American people.

While we are doing that, we have an obligation given to us by the Constitution of the United States. We are conducting an investigation about the legality of the votes cast in a congressional race in order to determine the legality of the seating of a Member of this House as given to us as a responsibility of the Constitution. We are not going to do a minimal job on that. We are not going to do a half-hearted job on that.

We are not going to give it a wink and a nod and bow to the pressures that are supposed to have been brought to us by somebody having made the allegation that really in fact has nothing to do with this body, has nothing to do with the Constitution, has nothing to do with the question of whether or not American elections will be confined to participation by American citizens, but it has to do with you Republicans who are racists, you Republicans who are sexists, et cetera.

What shallow malarkey. Rise above it. Let us get back to work. This job will be done in accordance with the responsibilities given to us by the Constitution of the United States, and it will be done thoroughly, professionally and completely, until it is the truth of the matter that is found. And no intimidation, no allegation, no screaming, no hollering, no accusation, no pointing of fingers is going to stop this Congress from doing its duty. That is what the Constitution was written about, people who are willing to do their duty.

That is what will be done.

Ms. FURSE. Mr. Speaker, I yield the balance of my time to the gentlewoman from Connecticut [Ms. DELAURO].

Ms. DELAURO. Mr. Speaker, we, too, are weary on this side of the aisle. End this witch-hunt. End the malarkey on your side of the aisle, and let this investigation conclude and let LORETTA SANCHEZ continue her fine work as representing the 46th District of California.

□ 2245

Democrats are sending a simple message tonight with these resolutions: It is enough, the investigation of allegations by Citizen Dornan, with subpoena power unprecedented in the history of the House of Representatives. The majority of these allegations have proven to be without merit. Fraudulent voters, who have turned out to be nuns and Marines and even some of his own supporters. Enough of this waste of taxpayers' dollars. Eleven months, a half a million dollars, and we are still counting. Enough with the attempts by the Republican Party to intimidate Hispanic-American voters, an 8-year history in southern California of intimidating Latino voters at the polls.

No investigation like this has been targeted at Italian-Americans, Irish-Americans, or Jewish-Americans. There were other closer elections in 1996. They did not result in this kind of an investigation. It is interesting to note that the surnames of those Members are FOX and SMITH, and not SANCHEZ.

Today, Democrats are saying to the Republican leadership of this House, enough is enough. We can say it in Italian, and we can say it in Spanish and the word is the same, ''basta,'' stop this intimidation. Stop this investigation of Hispanic-American voters in this country. Allow the democratic process to go forward.

The people of the 46th district elected the gentlewoman from California, Ms. LORETTA SANCHEZ. They said no to Bob Dornan. This House ought to have the courage to say no to Bob Dornan and end this investigation of the gentlewoman from California, Ms. LORETTA SANCHEZ.

MOTION TO TABLE OFFERED BY MR. THOMAS

Mr. THOMAS. Mr. Speaker, I have a motion at the desk.

The SPEAKER pro tempore (Mr. KINGSTON). The Clerk will report the motion.

The Clerk read as follows

Mr. THOMAS moves to lay the resolution on the table.

The SPEAKER pro tempore (Mr. KINGSTON). The question is on the motion to table offered by the gentleman from California [Mr. THOMAS].

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

RECORDED VOTE

Ms. FURSE. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 217, noes 194, answered ''present'' 1, not voting 21, as follows:

[Roll No. 583]

AYES—217

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Cook
Cooksey
Crane
Crapo
Cunningham
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Foley
Fossella
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
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 (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lucas
Manzullo
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Moran (KS)
Morella
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oxley
Packard
Pappas
Parker
Paul
Paxon
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Redmond
Regula
Riggs
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Sanford
Saxton
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stump
Sununu
Talent
Tauzin
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (FL)

NOES—194

Abercrombie
Ackerman
Allen
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Bentsen
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Cardin
Carson
Clay
Clayton
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Forbes
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Goode
Gordon
Green
Gutierrez
Hall (TX)
Hamilton
Harman
Hastings (FL)
Hefner
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
Mollohan
Moran (VA)
Nadler
Neal
Oberstar
Obey

Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pickett
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanders
Sandlin
Sawyer
Schumer
Scott
Serrano
Sherman
Sisisky
Skaggs
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stenholm
Stokes
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson
Thurman
Tierney
Torres
Towns
Turner
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey
Wynn

ANSWERED ''PRESENT''—1

Sanchez

NOT VOTING—21

Bono
Clement
Cox
Cubin
Fawell
Flake
Foglietta
Fowler
Gonzalez
Hall (OH)
McKinney
Moakley
Murtha
Riley
Scarborough
Schiff
Skelton
Smith (OR)
Stark
Yates
Young (AK)

□ 2305

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REQUEST TO REDUCE TIME FOR ELECTRONIC VOTING ON RESOLUTIONS OFFERED AS QUESTION OF PRIVILEGES OF THE HOUSE ON TODAY

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that any remaining resolutions offered today as a question of the privileges of the House be considered as read and that the minimum time for electronic voting on any question arising with respect to consideration of such a resolution may be reduced to 2 minutes.

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

Mr. MENENDEZ. Mr. Speaker, reserving the right to object, is that my understanding that, therefore, there would be no debate on the individual privileged resolution that a Member who has submitted them in a timely fashion would have an opportunity to have a debate based on the unanimous-consent request?

The SPEAKER pro tempore. If a motion to table is offered before debate begins, that would be correct, and the resolution would not be debatable.

Mr. MENENDEZ. Mr. Speaker, continuing my reservation, my understanding of the unanimous-consent request is that they be voted and that there be a dispensation of the reading. The question is whether or not there would be an opportunity to debate what an individual Member has presented in their privileged resolution.

The SPEAKER pro tempore. It would depend on whether a motion to table were offered at the outset.

Mr. MENENDEZ. Mr. Speaker, further reserving my right to object, can the parliamentarian through the Speaker tell me whether privileged resolutions, whether individuals have been denied the right to speak on a privileged resolution that they have offered before the House in previous Congresses?

The SPEAKER pro tempore. The Chair cannot respond to place events in historical context.

Mr. MENENDEZ. Mr. Speaker, based upon the fact that it certainly seems like a gag rule, and as far as I know it is unprecedented to go ahead and stop a Member from pursuing a privileged resolution, I would have to object to the request.

The SPEAKER pro tempore. Objection is heard.

ADJOURNMENT

Mr. ARMEY. Mr. Speaker, I move that the House do now adjourn.

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

RECORDED VOTE

Mr. MENENDEZ. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 216, noes 192, not voting 25, as follows:

[Roll No 584]

AYES—216

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Conyers
Cook
Cooksey
Crane
Crapo
Cunningham
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Foley
Fossella
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
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 (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lucas
Manzullo
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Moran (KS)
Morella
Myrick
Nethercutt
Neumann
Ney
Northup
Nussle
Oxley
Packard
Pappas
Parker
Paul
Paxon
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Redmond
Regula
Riggs
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Sanford
Saxton
Schaefer, Dan
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stump
Sununu
Talent
Tauzin
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (FL)

NOES—192

Abercrombie
Ackerman
Allen
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Bentsen
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Cardin
Carson
Clay
Clayton
Clyburn
Condit
Costello
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Forbes
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Goode
Gordon
Green
Gutierrez
Hall (TX)
Hamilton
Harman
Hastings (FL)
Hefner
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
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
Mollohan
Moran (VA)
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pickett
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanders
Sandlin
Sawyer
Schaffer, Bob
Schumer
Scott
Serrano
Sherman
Sisisky
Skaggs
Skelton
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson
Thurman
Tierney
Torres
Towns
Turner
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Wexler
Weygand
Wise
Woolsey
Wynn

NOT VOTING—25

Bono
Clement
Cox
Cubin
Fawell
Flake
Foglietta
Fowler
Gonzalez
Hall (OH)
Lantos
McKinney
Moakley
Murtha
Norwood
Riley
Sanchez
Scarborough
Schiff
Smith (OR)
Stark
Stokes
Waxman
Yates
Young (AK)

□ 2325

So the motion to adjourn was agreed to.

The result of the vote was announced as above recorded.

Accordingly (at 11 o'clock and 26 minutes p.m.), the House adjourned until tomorrow, Thursday, November 6, 1997, at 10 a.m.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 940. An act to provide for a study of the establishment of Midway Atoll as a national memorial to the Battle of Midway, and for other purposes; to the Committee on Natural Resources.

S. 1324. An act to deauthorize a portion of the project for navigation, Biloxi Harbor, Mississippi; to the Committee on Transportation and Infrastructure.

ENROLLED BILLS SIGNED

Mr. THOMAS, from the Committee on House Oversight, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 79. An act to provide for the conveyance of certain land in the Six Rivers National Forest in the State of California for the benefit of the Hoopa Valley Tribe.

H.R. 672. An act to make technical amendments to certain provisions of title 17, United States Code.

H.R. 708. An act to require the Secretary of the Interior to conduct a study concerning grazing use and open space within and adjacent to Grand Teton National Park, Wyoming, and to extend temporarily certain grazing privileges.

H.R. 2464. An act to amend the Immigration and Nationality Act to exempt internationally adopted children 10 years of age or younger from the immunization requirement in section 212(a)(1)(ii) of such Act.

SENATE ENROLLED BILL SIGNED

The Speaker announced his signature to enrolled bills of the Senate of the following titles:

S. 588. An act to provide for the expansion of the Eagles Nest Wilderness within the Arapaho National Forest and the White River National Forest, Colorado, to include land known as the Slate Creek Addition.

S. 589. An act to provide for the boundary adjustment and land conveyance involving the Raggeds Wilderness, White River National Forest, Colorado, to correct the effects of earlier erroneous land surveys.

S. 591.—An act to transfer the Dillon Ranger District in the Arapaho National Forest to the White River National Forest in the State of Colorado.

S. 931. An act to designate the Marjory Stoneman Douglas Wilderness and the Ernest F. Coe Visitor Center.

BILLS PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Oversight reported that that committee did on this day present to the President, for his approval, bills of the House of the following titles:

H.R. 79. An act to provide for the conveyance of certain land in the Six Rivers National Forest in the State of California for the benefit of the Hoopa Valley Tribe.

H.R. 672. An act to make technical amendments to title 17, United States Code.

H.R. 708. An act to require the Secretary of the Interior to conduct a study concerning grazing use and open space within and adjacent to Grand Teton National Park, Wyoming, and to extend temporarily certain grazing privileges.

H.R. 2464. An act to amend the Immigration and Nationality Act to exempt internationally adopted children 10 years of age or younger from the immunization requirements in section 212(a)(1)(A)(ii) of such Act.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

5751. A letter from the Acting Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Walnuts Grown in California; Decreased Assessment Rate [Docket No. FV97–984–1 IFR] received November 4, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5752. A letter from the Acting Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Almonds Grown in California; Interhandler transfers of Reserve Obligations [Docket No. FV97–981–2 FR] received November 4, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5753. A letter from the Acting Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Oranges, Grapefruit, Tangerines, and Tangelos Grown in Florida; Limiting the Volume of Small Florida Red Seedless Grapefruit [Docket No. FV97–905–1 IFR] received November 4, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5754. A letter from the AMD—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 (New Boston, Texas, and Idabel, Oklahoma) [MM Docket No. 97–9, RM–8929, RM–9067] received November 5, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5755. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Fees for Providing Production Certification-related Services Outside the United States (Federal Aviation Administration) [Docket No. 28967; Amdt. No. 187–10] (RIN: 2120–AG14) received November 4, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5756. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Pilatus Britten-Norman Ltd. Models BN–2, BN–2A, BN–2B, and BN–2T Series Airplanes (Federal Aviation Administration) [Docket No. 96–CE–17–AD; Amdt. 39–10173; AD 97–22–02] (RIN: 2120–AA64) received November 4, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5757. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Change Time of Designation for Restricted Areas R–5104A/B, and R–5105; Melrose, NM [Airspace Docket No. 97–ASW–10] (RIN: 2120–AA66) received November 4, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5758. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of VOR Federal Airway; CA (Federal Aviation Administration) [Airspace Docket No. 97–AWP–17] (RIN: 2120–AA66) received November 4, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5759. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revocation of Restricted Area R–4501G; Fort Leonard Wood, MO [Airspace Docket No. 97–ACE–6] (RIN: 2120–AA66) received November 4, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5760. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments (Federal Aviation Administration) [Docket No. 29050; Amdt. No. 1831] (RIN: 2120–AA65) received November 4, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5761. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments (Federal Aviation Administration) [Docket No. 29049; Amdt. No. 1830] (RIN: 2120–AA65) received November 4, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5762. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments (Federal Aviation Administration) [Docket No. 29048; Amdt. No. 1829] (RIN: 2120–AA65) received November 4, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5763. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment of Class E Airspace; Alamosa, CO (Federal Aviation Administration) [Airspace Docket No. 97–ANM–02] (RIN: 2120–AA66) received November 4, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5764. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Delaware, OH (Federal Aviation Administration) [Airspace Docket No. 97–AGL–29] (RIN: 2120–AA66) received November 4, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5765. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Rochester, IN (Federal Aviation Administration) [Airspace Docket No. 97–AGL–30] (RIN: 2120–AA66) received November 4, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5766. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Removal of Class E Airspace; Minocqua-Woodruff, WI (Federal Aviation Administration) [Airspace Docket No. 97–AGL–32] (RIN: 2120–AA66) received November 4, 1997, pursuant to 5 U.S.C.

801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5767. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Bloomington, IL (Federal Aviation Administration) [Airspace Docket No. 97–AGL–33] (RIN: 2120–AA66) received November 4, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5768. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Norwalk, OH (Federal Aviation Administration) [Airspace Docket No. 97–AGL–28] (RIN: 2120–AA66) received November 4, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5769. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Mason, MI (Federal Aviation Administration) [Airspace Docket No. 97–AGL–27] (RIN: 2120–AA66) received November 4, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5770. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Wrightstown, NJ (Federal Aviation Administration) [Airspace Docket No. 97–AEA–32] (RIN: 2120–AA66) received November 4, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5771. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Point Pleasant, WV (Federal Aviation Administration) [Airspace Docket No. 97–AEA–31] (RIN: 2120–AA66) received November 4, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5772. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Summerville, WV (Federal Aviation Administration) [Airspace Docket No. 97–AEA–33] (RIN: 2120–AA66) received November 4, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5773. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Indian Head, MD (Federal Aviation Administration) [Airspace Docket No. 97–AEA–34] (RIN: 2120–AA66) received November 4, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5774. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Industrie Aeronautiche e Meccaniche Rinaldo Piaggio S.p.A. Model P–180 Airplanes (Federal Aviation Administration) [Docket No. 97–CE–25–AD; Amdt. 39–10183; AD 97–22–11] (RIN: 2120–AA64) received November 4, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5775. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; SIAI Marchetti S.r.1. Models SF600 and SF600A Airplanes (Federal Aviation Administration) [Docket No. 97–CE–26–AD; Amdt. 39–10184; AD 97–22–12] (RIN: 2120–AA64) received November 4, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5776. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Dornier Luftfahrt GMBH Models 228–100, 228–101, 228–200, 228–201, 228–202, and 228–212 Airplanes (Federal Aviation Administration) [Docket No. 97–CE–23–AD; Amdt. 39–10181; AD 97–22–09] (RIN: 2120–AA64) received November 4, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5777. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Partenavia Costruzioni Aeronauticas, S.p.A. Models AP68TP 300 ''Spartacus'' and AP68TP 600 ''Viator'' Airplanes (Federal Aviation Administration) [Docket No. 97–CE–24–AD; Amdt. 39–10182; AD 97–22–10] (RIN: 2120–AA64) received November 4, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5778. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Pilatus Aircraft LTD Models PC–6/B1–H2, PC–6/B2–H2, PC–6/B2–H4, and PC–12 Airplanes (Federal Aviation Administration) [Docket No. 97–CE–18–AD; Amdt. 39–10180; AD 97–22–08] (RIN: 2120–AA64) received November 4, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5779. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Dornier Model 328–100 Series Airplanes Equipped with BURNS Aerospace Corporation Passenger Seats (Federal Aviation Administration) [Docket No. 97–NM–84–AD; Amdt. 39–10178; AD 97–06–07 R1] (RIN: 2120–AA64) received November 4, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5780. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A310 and A300–600 Series Airplanes Equipped with Pratt & Whitney Turbofan Engines (Federal Aviation Administration) [Docket No. 96–NM–64–AD; Amdt. 39–10157; AD 97–21–04] (RIN: 2120–AA64) received November 4, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5781. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 737 Series Airplanes (Federal Aviation Administration) [Docket No. 97–NM–229–AD; Amdt. 39–10179; AD 97–22–07] (RIN: 2120–AA64) received November 4, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5782. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Pilatus Britten-Norman Ltd. (formerly Britten-Norman) BN2A MK.111 Series Airplanes (Federal Aviation Administration) [Docket No. 86–CE–23–AD; Amdt. 39–10171; AD 86–07–02 R1] (RIN: 2120–AA64) received November 4, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5783. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Pilatus Britten-Norman Ltd. (formerly Britten-Norman) BN–2A, BN–2B, and BN–2T Series Airplanes (Federal Aviation Administration) [Docket No. 96–CE–25–AD; Amdt. 39–10170; AD 97–22–01] (RIN: 2120–AA64) received November 4, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5784. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 747 and 767 Series Airplanes Equipped with General Electric (GE) CF6–80C2 Engines (Federal Aviation Administration) [Docket No. 97–NM–243–AD; Amdt. 39–10175; AD 97–22–04] (RIN: 2120–AA64) received November 4, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5785. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—*Royal Caribbean Cruises, Ltd.* v. *United States*—received November 5, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5786. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—*Sun Microsystems, Inc.* v. *Commissioner*—received November 5, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5787. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—*Trans City Life Insurance Company* v. *Commissioner*—received November 5, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HYDE: Committee on the Judiciary. H.R. 2440. A bill to make technical amendments to section 10 of title 9, United States Code (Rept. 105–381). Referred to the Committee of the Whole House on the State of the Union.

Mr. SOLOMON: Committee on Rules. House Resolution 301. Resolution amending the Rules of the House of Representatives to repeal the exception to the requirement that public committee proceedings be open to all media (Rept. 105–382). Referred to the House Calendar.

Mr. SOLOMON: Committee on Rules. House Resolution 305. Resolution waiving a requirement of clause 4(b) of rule XI with respect to consideration of certain resolutions reported from the Committee on Rules, and for other purposes (Rept. 105–383). Referred to the House Calendar.

Mr. LINDER: Committee on Rules. House Resolution 306. Resolution waiving a requirement of clause 4(b) of rule XI with respect to consideration of certain resolutions reported from the Committee on Rules, and for other purposes (Rept. 105–384). Referred to the House Calendar.

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. TAYLOR of Mississippi:

H.R. 2814. A bill to require the adjustment of tariffs on products imported into the United States from the People's Republic of China based on the amount by which tariffs on products exported from the United States to the People's Republic of China exceed tariffs on products of the People's Republic of China imported into the United States; to the Committee on Ways and Means.

By Mr. WELLER:

H.R. 2815. A bill to amend title 18, United States Code, to provide penalties for the use of interstate facilities to target children for

sexually explicit messages or contacts; to the Committee on the Judiciary.

By Mr. CRANE:

H.R. 2817. A bill to amend the Internal Revenue Code of 1986 to more accurately codify the depreciable life of printed wiring board and printed wiring assembly equipment; to the Committee on Ways and Means.

By Mr. DEFAZIO (for himself, Ms. FURSE, Mr. MARKEY, Mr. STARK, Mr. FRANK of Massachusetts, Mrs. MALONEY of New York, Ms. HOOLEY of Oregon, and Mr. LUTHER):

H.R. 2818. A bill to repeal the pilot recreation fee program, and to establish a royalty on hardrock minerals, the proceeds of which are to be used for public recreational sites managed by the Department of the Interior or the United States Forest Service, and for other purposes; to the Committee on Resources.

By Mrs. JOHNSON of Connecticut (for herself and Mr. MATSUI):

H.R. 2819. A bill to amend the Internal Revenue Code of 1986 to permanently extend the research credit and to modify the alternative incremental credit; to the Committee on Ways and Means.

By Mr. JOHNSON of Wisconsin (for himself and Mr. EHRLICH):

H.R. 2820. A bill to exclude certain veterans disability benefits from consideration as adjusted income for purposes of determining the amount of rent paid by a family for a dwelling unit assisted under the United States Housing Act of 1937; to the Committee on Banking and Financial Services.

By Mrs. KENNELLY of Connecticut (for herself, Mr. CRANE, Ms. DANNER, Mrs. EMERSON, Mrs. THURMAN, Mrs. LOWEY, Mr. LIPINSKI, Mr. RAMSTAD, Mr. YATES, and Mr. WELLER):

H.R. 2821. A bill to amend the Internal Revenue Code of 1986 to waive the income inclusion on a distribution from an individual retirement account to the extent that the distribution is contributed for charitable purposes; to the Committee on Ways and Means.

By Mr. KNOLLENBERG (for himself and Mr. BARCIA of Michigan):

H.R. 2822. A bill to reaffirm and clarify the Federal relationship of the Swan Creek Black River Confederated Ojibwa Tribes as a distinct federally recognized Indian tribe, and for other purposes; to the Committee on Resources.

By Ms. NORTON (for herself, Mrs. MORELLA, Mr. HOYER, Mr. WYNN, and Mr. MORAN of Virginia):

H.R. 2823. A bill to direct the Administrator of the Environmental Protection Agency to carry out a pilot program for restoration of urban watersheds and community environments in the Anacostia River watershed, District of Columbia and Maryland, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. SALMON (for himself, Ms. RIVERS, Mrs. MYRICK, Mr. TAYLOR of North Carolina, Mr. BALLENGER, Mr. CHRISTENSEN, Mr. HAYWORTH, Mr. SCARBOROUGH, Mr. GRAHAM, and Mr. TAYLOR of Mississippi):

H.R. 2824. A bill to provide that annual pay adjustments for Members of Congress shall not be made in the year immediately following any fiscal year in which a budget deficit exists, and for other purposes; to the Committee on Government Reform and Oversight, and in addition to the Committee on House 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. SANFORD:

H.R. 2825. A bill to establish procedures to ensure a balanced Federal budget by fiscal year 2002 and to create a Social Security reform reserve fund to revenues generated by economic growth; to the Committee on the Budget, and in addition to the Committee on Rules, 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. SCHUMER (for himself, Ms. CARSON, Ms. FURSE, Mr. PAUL, Ms. VELAZQUEZ, Mr. FROST, Mr. JACKSON, Mr. HINCHEY, Mr. FILNER, Mr. TORRES, Mr. NADLER, Mr. GUTIERREZ, Ms. KILPATRICK, and Mr. CLYBURN):

H.R. 2826. A bill to amend the Internal Revenue Code of 1986 to provide a credit for the purchase of a principal residence within an empowerment zone or enterprise community by a first-time homebuyer; to the Committee on Ways and Means.

By Mr. SCHUMER:

H.R. 2827. A bill to amend the Internal Revenue Code of 1986 to require that a taxpayer may request a receipt for an income tax payment which itemizes the portion of the payment which is allocable to various Government spending categories; to the Committee on Ways and Means.

By Mr. TRAFICANT (for himself and Mr. NEY):

H.R. 2828. A bill to direct the Capitol Police Board to establish a pay scale and benefit package for members and civilian employees of the United States Capitol Police equivalent to the pay scale and benefit package applicable to members of the United States Secret Service Uniformed Division; to the Committee on House Oversight.

By Mr. VISCLOSKY (for himself, Mr. LOBIONDO, Mr. ABERCROMBIE, Mr. BARRETT of Wisconsin, Mr. BERRY, Mr. BLAGOJEVICH, Mr. BOEHLERT, Mr. BONIOR, Mr. BROWN of Ohio, Mr. BUYER, Mr. CASTLE, Mr. CRAMER, Mr. COSTELLO, Mr. COYNE, Ms. CARSON, Mr. DAVIS of Virginia, Mr. DICKS, Mr. DEUTSCH, Mrs. EMERSON, Ms. ESHOO, Mr. ETHERIDGE, Mr. EVANS, Mr. FALEOMAVAEGA, Mr. FAZIO of California, Mr. FILNER, Mr. FOX of Pennsylvania, Mr. FRANK of Massachusetts, Mr. FROST, Ms. FURSE, Mr. GEJDENSON, Mr. GILMAN, Mr. GORDON, Mr. GUTIERREZ, Ms. HARMAN, Mr. HASTINGS of Florida, Mr. HINCHEY, Mr. HOLDEN, Mr. HORN, Mr. JACKSON, Mr. JOHNSON of Wisconsin, Mr. KENNEDY of Rhode Island, Mr. KILDEE, Ms. KILPATRICK, Mr. KLECZKA, Mr. KLUG, Mr. LAMPSON, Mr. LANTOS, Mr. LAZIO of New York, Mr. LIPINSKI, Ms. LOFGREN, Mrs. LOWEY, Mr. MANTON, Mr. MARTINEZ, Mr. MATSUI, Mrs. MCCARTHY of New York, Mr. MCINTYRE, Ms. MCKINNEY, Mr. MCNULTY, Mrs. MINK of Hawaii, Mr. NEY, Mr. OLVER, Mr. OXLEY, Mr. PALLONE, Mr. PAPPAS, Mr. RAMSTAD, Mr. REYES, Mr. ROMERO-BARCELO, Mr. ROTHman, Ms. SANCHEZ, Mr. SAXTON, Mr. SHERMAN, Mr. SKEEN, Ms. SLAUGHTER, Mr. STOKES, Mr. STRICKLAND, Mr. STUPAK, Mrs. TAUSCHER, Mrs. THURMAN, Mr. TOWNS, Mr. TRAFICANT, Mr. VENTO, Mr. WELLER, Mr. WHITFIELD, Ms. WOOLSEY, and Mr. YATES):

H.R. 2829. A bill to establish a matching grant program to help State and local jurisdictions purchase armor vests for use by law enforcement departments; to the Committee on the Judiciary.

By Mr. WISE:

H.R. 2830. A bill to direct the Administrator of the Federal Railroad Administration to carry out a pilot program to assess the benefits of establishing local and regional hazardous material emergency response teams in certain areas; to the Committee on Transportation and Infrastructure.

By Mr. BARR of Georgia (for himself, Mr. STUMP, Mrs. CUBIN, Mr. GRAHAM, Mr. SMITH of New Jersey, Mr. SAM JOHNSON, Mrs. LINDA SMITH of Washington, Mr. TIAHRT, Mr. METCALF, Mr. SOUDER, Mr. PAUL, Mrs. CHENOWETH, Mr. SESSIONS, Mr. BARTLETT of Maryland, Mr. HUNTER, Mr. DOOLITTLE, Mr. MICA, and Mr. KINGSTON):

H. Res. 304. A resolution directing the Committee on the Judiciary to undertake an inquiry into whether grounds exist to impeach William Jefferson Clinton, the President of the United States; to the Committee on Rules.

By Mr. HAYWORTH:

H. Res. 308. A resolution expressing the sense of the House of Representatives that candidates for election for Federal office, the individuals working on their campaigns, and persons involved with the financing of campaigns for election for Federal office should obey all of the applicable laws, rules, and regulations governing fundraising for such campaigns; to the Committee on House Oversight.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mrs. KELLY:

H.R. 2816. A bill for the relief of Frank Redendo; to the Committee on the Judiciary.

By Ms. VELAZQUEZ:

H.R. 2831. A bill for the relief Jesus M. Collado-Munoz; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 27: Mr. HULSHOF.
H.R. 122: Mr. SALMON.
H.R. 612: Mr. KUCINICH.
H.R. 641: Mr. SPENCE.
H.R. 699: Mr. COOK and Mr. TALENT.
H.R. 710: Mr. MANTON.
H.R. 712: Mr. MANTON.
H.R. 777: Mr. INGLIS of South Carolina and Mr. BLUNT.
H.R. 815: Mr. MCINTYRE.
H.R. 836: Mr. BAESLER.
H.R. 866: Mr. SALMON.
H.R. 900: Mr. KLUG and Mr. WEYGAND.
H.R. 939: Mr. RAMSTAD.
H.R. 950: Ms. MILLENDER-MCDONALD and Mr. WEXLER.
H.R. 971: Mr. FRELINGHUYSEN.
H.R. 986: Mr. FAWELL.
H.R. 993: Mr. SALMON.
H.R. 1025: Mr. SKELTON.
H.R. 1049: Mr. VENTO.
H.R. 1114: Mr. KLINK, Mr. COLLINS, and Mr. MALONEY of Connecticut.
H.R. 1154: Mr. HEFNER.
H.R. 1165: Mr. MCINTYRE.
H.R. 1334: Mr. BEREUTER, Mr. TAYLOR of Mississippi, and Mr. HASTINGS of Florida.
H.R. 1371: Mr. WATTS of Oklahoma.
H.R. 1398: Mr. MCINTYRE.
H.R. 1401: Mrs. THURMAN.
H.R. 1415: Mr. RODRIGUEZ and Mr. LANTOS.
H.R. 1425: Mr. GEJDENSON.
H.R. 1475: Mr. SALMON.
H.R. 1500: Mr. WEYGAND.

H.R. 1513: Mr. COSTELLO.
H.R. 1515: Mr. REDMOND.
H.R. 1521: Mrs. TAUSCHER.
H.R. 1524: Mr. ENSIGN.
H.R. 1565: Mr. DAVIS of Virginia and Mr. KUCINICH.
H.R. 1573: Mr. RAMSTAD.
H.R. 1614: Mr. CLEMENT.
H.R. 1656: Mrs. THURMAN.
H.R. 1679: Mr. BROWN of California.
H.R. 1689: Mr. KIND of Wisconsin, Mr. HILLEARY, and Mr. HASTINGS of Washington.
H.R. 1748: Mr. WOLF.
H.R. 1768: Mr. SALMON.
H.R. 1870: Ms. KILPATRICK, Mr. LEWIS of Georgia, Mrs. LOWEY, and Ms. LOFGREN.
H.R. 1873: Mrs. KENNELLY of Connecticut and Mr. GEJDENSON.
H.R. 1874: Mrs. KENNELLY of Connecticut and Mr. GEJDENSON.
H.R. 1951: Mrs. KENNELLY of Connecticut, Mr. THOMPSON, Mr. FATTAH, Mr. NEAL of Massachusetts, and Mr. HINOJOSA.
H.R. 1995: Mr. RAMSTAD, Mr. MCKEON, Mrs. TAUSCHER, Mr. SNYDER, Ms. SANCHEZ, Mr. DEFAZIO, Mr. TIERNEY, Mr. SHERMAN and Mrs. CLAYTON.
H.R. 2023: Mr. BROWN of Ohio and Mrs. TAUSCHER.
H.R. 2094: Mrs. LOWEY and Mr. ROTHMAN.
H.R. 2125: Mr. PAPPAS.
H.R. 2139: Mr. DOOLEY of California.
H.R. 2183: Mr. SOLOMON.
H.R. 2221: Mr. PETERSON of Pennsylvania.
H.R. 2302: Mr. TORRES and Ms. VELÁZQUEZ.
H.R. 2313: Mr. MANTON.
H.R. 2317: Mr. KENNEDY of Rhode Island.
H.R. 2327: Mr. SANDLIN and Mrs. NORTHUP.
H.R. 2348: Mr. BISHOP, Mr. BONIOR, Mr. DREIER, Mr. SHERMAN, Mr. LEWIS of California, Mr. COX of California, and Mr. ROGAN.
H.R. 2349: Mr. CUNNINGHAM, Mr. BONO, Ms. SANCHEZ, Mr. GALLEGLY, Mrs. TAUSCHER, and Mr. HORN.
H.R. 2370: Ms. CHRISTIAN-GREEN and Mr. ROMERO-BARCELO.
H.R. 2380: Mr. MCHALE.
H.R. 2403: Mr. ANDREWS and Mr. PAPPAS.
H.R. 2453: Mrs. THURMAN, Mr. HOBSON, Mr. GREENWOOD, Mr. BARRETT of Wisconsin, Ms. FURSE, Mr. MCGOVERN, and Mr. ALLEN.
H.R. 2456: Mr. SHUSTER and Mr. RAMSTAD.
H.R. 2488: Mr. PETERSON of Minnesota.
H.R. 2499: Mr. LAMPSON, Mr. CLEMENT, Mr. UPTON, Mr. PAPPAS, and Mr. RAMSTAD.
H.R. 2503: Mr. SCHUMER.
H.R. 2515: Mr. BARRETT of Nebraska.
H.R. 2524: Ms. LOFGREN and Mr. HEFNER.
H.R. 2570: Mr. COBURN.
H.R. 2599: Mr. OLVER.
H.R. 2609: Mr. SPENCE, Mr. WATKINS, Mr. LUCAS of Oklahoma, Mr. ROHRABACHER, and Mr. HUNTER.
H.R. 2631: Mr. WATTS of Oklahoma, Mr. JONES, and Mr. ADAM SMITH of Washington.
H.R. 2648: Ms. RIVERS and Mr. DELAY.
H.R. 2661: Mrs. MYRICK and Mr. PAXON.
H.R. 2664: Mr. BLUMENAUER.
H.R. 2671: Mr. FROST and Mr. FILNER.
H.R. 2723: Mr. PETERSON of Pennsylvania.
H.R. 2757: Mr. SANDERS and Mr. COYNE.
H.R. 2760: Mr. PACKARD, Mr. GALLEGLY, Mr. EVANS, and Mr. TAYLOR of Mississippi.
H.R. 2783: Mr. GOODE.
H.R. 2807: Mr. KENNEDY of Rhode Island.
H. Con. Res. 55: Mr. RUSH.
H. Con. Res. 65: Mr. NEAL of Massachusetts, Mr. PACKARD, Mr. COSTELLO, and Mr. EHRLICH.
H. Con. Res. 80: Ms. VELAZQUEZ.
H. Con. Res. 126: Ms. SLAUGHTER, Mr. PETERSON of Minnesota, Mr. LAMPSON, and Ms. DANNER.
H. Con. Res. 154: Mr. FROST and Mrs. TAUSCHER.
H. Con. Res. 158: Mr. TRAFICANT.
H. Con. Res. 176: Mr. BACHUS, Mr. Kingston, Mr. POSHARD, and Mr. NEUMANN.
H. Res. 205: Mr. OLVER.
H. Res. 211: Mr. BUYER, Mr. HOLDEN, Mr. KOLBE, Mr. NUSSLE, and Mr. RYUN.
H. Res. 279: Mr. SNYDER, Mrs. TAUSCHER, Mr. DEFAZIO, Mr. GILMAN, and Mr. CLAY.