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House of Representatives

VETERANS' BENEFITS ACT OF 1997 (Continued)

Mr. EVANS. Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois [Mr. POSHARD]. (Mr. POSHARD asked and was given permission to revise and extend his remarks.)

Mr. POSHARD. Mr. Speaker, I rise in support of Senate bill 714, the Homeless Veterans Act.

Mr. STUMP. Mr. Speaker, I yield myself such time as I may consume. In closing, let me just say, as others have, that we will be observing Veterans Day here in just of couple of days to honor all those who have served this Nation. I urge my colleagues to support this bill because it will provide meaningful and necessary improvements in many VA programs which serve our Nation's veterans.

Mr. TOWNS. Mr. Speaker, I am pleased to join my colleagues in supporting S. 714, a bill to extend the Native American Veterans Housing Loan Program. During my tenure as chairman of the Government Operations Subcommittee on Human Resources and Intergovernmental Relations, it was brought to my attention by several tribal governments, including the Navajo Nation, that their members had not been able to take advantage of this housing loan program. At that time, Veterans Administration Secretary, Jesse Brown, supported the extension of this program in order to make it available to a much larger number of native American veterans. While administration support for this program is certainly welcomed and it is vital to ensuring that the program is fully implemented, today, we have an opportunity to strengthen the housing loan program for native American veterans by giving it a legislative authorization until the year 2003.

In addition, Mr. Speaker, I join with my subcommittee chairman, the gentleman from Connecticut, CHRIS SHAYS, in praising the addition, in this bill, or authority for the Department to provide noninstitutional alternatives to nursing home care. Under the auspices of the House Government Reform and Oversight Subcommittee on Human Resources, Chairman SHAYS and I have been involved in numerous hearings related to the illnesses suffered by our Gulf War veterans. One of the critical elements in improving the quality of life for veterans suffering from these illnesses has been their ability to receive health care services outside of the traditional V.A. hospital and nursing home setting. Hopefully, this authority will enable the Department to provide not only alternative forms of treatment for our Nation's veterans but to also open up new avenues for research that were heretofore unavailable.

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JOHN WARNER, *Chairman.*

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Mr. Speaker, S. 714 provides new authority to the V.A. I believe these programs will enhance V.A. housing programs for native American veterans and improve the quality of home care treatment for our veterans. I would urge my colleagues to join us in supporting this measure.

Mrs. MINK of Hawaii. Mr. Speaker, I rise to express my support for S. 714, extending and improving the Native American Veteran Housing Loan Pilot Program, Homeless Veterans Programs, and other authorities of the Secretary of Veterans Affairs.

The Native American Veteran Housing Loan Pilot Program authorizes the Secretary of Veterans Affairs to make direct housing loans to qualified Native American Veterans. S. 714 will extend the authority of this program for an additional six years, until December 2003.

The bill contains a provision that would be of particular interest to a portion of my constituency in Hawaii, Native Hawaiian Veterans. The bill extends authority of outreach activities under the Native American Veteran Housing Loan Pilot Program to conferences and conventions conducted by the Department of Hawaiian Homelands. This provision authorizes needed assistance in educating Native Hawaiian Veterans of the availability of these special direct housing loans.

S. 714 also extends the authorization of a number of valuable veterans health care activities and activities that serve the homeless veterans including: Noninstitutional Alternatives to Nursing Home Care Pilot Program; Health Professional Scholarship Program; Drug and alcohol abuse and dependence programs; Housing assistance for Homeless Veterans; Community-Based Residential Care for Homeless Chronically Mentally Ill Veterans; A Demonstration Program of Compensated Work Therapy; Services and Assistance to Homeless Veterans; and Homeless Veterans' Reintegration Projects.

These programs will help provide for the many needs of our veteran population.

Passage of legislation extending such important veterans programs would be a proper way to begin a week of honoring our Veterans and I urge the immediate passage of S. 714.

Mr. STUMP. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. LATHAM). The question is on the motion offered by the gentleman from Arizona [Mr. STUMP] that the House suspend the rules and pass the Senate bill, S. 714, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill, as amended, was passed.

The title of the Senate bill was amended so as to read: "An Act to amend title 38, United States Code, to revise, extend, and improve programs for veterans."

A motion to reconsider was laid on the table.

ANNOUNCEMENT OF LEGISLATION TO BE CONSIDERED UNDER SUSPENSION OF THE RULES TODAY

Mr. TALENT. Mr. Speaker, earlier today it was announced that the Com-

mittee on Transportation and Infrastructure would bring to the floor H.R. 2834, Cleveland Airport Transfer. It is now expected that the committee will bring up the Senate version, S. 1347.

SMALL BUSINESS REAUTHORIZATION ACT OF 1997

Mr. TALENT. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the House amendment to the Senate bill, S. 1139, to reauthorize the programs of the Small Business Administration, and for other purposes.

The Clerk read as follows:

Senate amendment to House amendment:

In lieu of the matter proposed to be inserted by the House amendment to the text of the bill, insert:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) *SHORT TITLE.*—This Act may be cited as the "Small Business Reauthorization Act of 1997".

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

Sec. 1. Short title; table of contents.

Sec. 2. Definitions.

Sec. 3. Effective date.

TITLE I—AUTHORIZATIONS

Sec. 101. Authorizations.

TITLE II—FINANCIAL ASSISTANCE

Subtitle A—Microloan Program

Sec. 201. Microloan program.

Sec. 202. Welfare-to-work microloan initiative.

Subtitle B—Small Business Investment Company Program

Sec. 211. 5-year commitments for SBICs at option of Administrator.

Sec. 212. Underserved areas.

Sec. 213. Private capital.

Sec. 214. Fees.

Sec. 215. Small business investment company program reform.

Sec. 216. Examination fees.

Subtitle C—Certified Development Company Program

Sec. 221. Loans for plant acquisition, construction, conversion, and expansion.

Sec. 222. Development company debentures.

Sec. 223. Premier certified lenders program.

Subtitle D—Miscellaneous Provisions

Sec. 231. Background check of loan applicants.

Sec. 232. Report on increased lender approval, servicing, foreclosure, liquidation, and litigation of section 7(a) loans.

Sec. 233. Completion of planning for loan monitoring system.

TITLE III—WOMEN'S BUSINESS ENTERPRISES

Sec. 301. Interagency committee participation.

Sec. 302. Reports.

Sec. 303. Council duties.

Sec. 304. Council membership.

Sec. 305. Authorization of appropriations.

Sec. 306. National Women's Business Council procurement project.

Sec. 307. Studies and other research.

Sec. 308. Women's business centers.

TITLE IV—COMPETITIVENESS PROGRAM AND PROCUREMENT OPPORTUNITIES

Subtitle A—Small Business Competitiveness Program

Sec. 401. Program term.

Sec. 402. Monitoring agency performance.

Sec. 403. Reports to Congress.

Sec. 404. Small business participation in dredging.

Sec. 405. Technical amendments.

Subtitle B—Small Business Procurement Opportunities Program

Sec. 411. Contract bundling.

Sec. 412. Definition of contract bundling.

Sec. 413. Assessing proposed contract bundling.

Sec. 414. Reporting of bundled contract opportunities.

Sec. 415. Evaluating subcontract participation in awarding contracts.

Sec. 416. Improved notice of subcontracting opportunities.

Sec. 417. Deadlines for issuance of regulations.

TITLE V—MISCELLANEOUS PROVISIONS

Sec. 501. Small Business Technology Transfer program.

Sec. 502. Small Business Development Centers.

Sec. 503. Pilot preferred surety bond guarantee program extension.

Sec. 504. Extension of cosponsorship authority.

Sec. 505. Asset sales.

Sec. 506. Small business export promotion.

Sec. 507. Defense Loan and Technical Assistance program.

Sec. 508. Very small business concerns.

Sec. 509. Trade assistance program for small business concerns adversely affected by NAFTA.

TITLE VI—HUBZONE PROGRAM

Sec. 601. Short title.

Sec. 602. Historically underutilized business zones.

Sec. 603. Technical and conforming amendments to the Small Business Act.

Sec. 604. Other technical and conforming amendments.

Sec. 605. Regulations.

Sec. 606. Report.

Sec. 607. Authorization of appropriations.

TITLE VII—SERVICE DISABLED VETERANS

Sec. 701. Purposes.

Sec. 702. Definitions.

Sec. 703. Report by Small Business Administration.

Sec. 704. Information collection.

Sec. 705. State of small business report.

Sec. 706. Loans to veterans.

Sec. 707. Entrepreneurial training, counseling, and management assistance.

Sec. 708. Grants for eligible veterans' outreach programs.

Sec. 709. Outreach for eligible veterans.

SEC. 2. DEFINITIONS.

In this Act—

(1) the term "Administration" means the Small Business Administration;

(2) the term "Administrator" means the Administrator of the Small Business Administration;

(3) the term "Committees" means the Committees on Small Business of the House of Representatives and the Senate; and

(4) the term "small business concern" has the meaning given the term in section 3 of the Small Business Act (15 U.S.C. 632).

SEC. 3. EFFECTIVE DATE.

This Act and the amendments made by this Act shall take effect on October 1, 1997.

TITLE I—AUTHORIZATIONS

SEC. 101. AUTHORIZATIONS.

Section 20 of the Small Business Act (15 U.S.C. 631 note) is amended by striking subsections (c) through (q) and inserting the following:

"(c) FISCAL YEAR 1998.—

"(1) PROGRAM LEVELS.—The following program levels are authorized for fiscal year 1998:

"(A) For the programs authorized by this Act, the Administration is authorized to make—

"(i) \$40,000,000 in technical assistance grants, as provided in section 7(m); and

"(ii) \$60,000,000 in direct loans, as provided in section 7(m).

"(B) For the programs authorized by this Act, the Administration is authorized to make \$16,040,000,000 in deferred participation loans and other financings. Of such sum, the Administration is authorized to make—

“(i) \$12,000,000,000 in general business loans as provided in section 7(a);

“(ii) \$3,000,000,000 in financings as provided in section 7(a)(13) of this Act and section 504 of the Small Business Investment Act of 1958;

“(iii) \$1,000,000,000 in loans as provided in section 7(a)(21); and

“(iv) \$40,000,000 in loans as provided in section 7(m).

“(C) For the programs authorized by title III of the Small Business Investment Act of 1958, the Administration is authorized to make—

“(i) \$700,000,000 in purchases of participating securities; and

“(ii) \$600,000,000 in guarantees of debentures.

“(D) For the programs authorized by part B of title IV of the Small Business Investment Act of 1958, the Administration is authorized to enter into guarantees not to exceed \$2,000,000,000, of which not more than \$650,000,000 may be in bonds approved pursuant to section 411(a)(3) of that Act.

“(E) The Administration is authorized to make grants or enter into cooperative agreements—

“(i) for the Service Corps of Retired Executives program authorized by section 8(b)(1), \$4,000,000; and

“(ii) for activities of small business development centers pursuant to section 21(c)(3)(G), \$15,000,000, to remain available until expended.

“(2) ADDITIONAL AUTHORIZATIONS.—

“(A) There are authorized to be appropriated to the Administration for fiscal year 1998 such sums as may be necessary to carry out this Act, including administrative expenses and necessary loan capital for disaster loans pursuant to section 7(b), and to carry out the Small Business Investment Act of 1958, including salaries and expenses of the Administration.

“(B) Notwithstanding subparagraph (A), for fiscal year 1998—

“(i) no funds are authorized to be provided to carry out the loan program authorized by section 7(a)(21) except by transfer from another Federal department or agency to the Administration, unless the program level authorized for general business loans under paragraph (1)(B)(i) is fully funded; and

“(ii) the Administration may not approve loans on behalf of the Administration or on behalf of any other department or agency, by contract or otherwise, under terms and conditions other than those specifically authorized under this Act or the Small Business Investment Act of 1958, except that it may approve loans under section 7(a)(21) of this Act in gross amounts of not more than \$1,250,000.

“(d) FISCAL YEAR 1999.—

“(1) PROGRAM LEVELS.—The following program levels are authorized for fiscal year 1999:

“(A) For the programs authorized by this Act, the Administration is authorized to make—

“(i) \$40,000,000 in technical assistance grants as provided in section 7(m); and

“(ii) \$60,000,000 in direct loans, as provided in section 7(m).

“(B) For the programs authorized by this Act, the Administration is authorized to make \$17,540,000,000 in deferred participation loans and other financings. Of such sum, the Administration is authorized to make—

“(i) \$13,000,000,000 in general business loans as provided in section 7(a);

“(ii) \$3,500,000,000 in financings as provided in section 7(a)(13) of this Act and section 504 of the Small Business Investment Act of 1958;

“(iii) \$1,000,000,000 in loans as provided in section 7(a)(21); and

“(iv) \$40,000,000 in loans as provided in section 7(m).

“(C) For the programs authorized by title III of the Small Business Investment Act of 1958, the Administration is authorized to make—

“(i) \$800,000,000 in purchases of participating securities; and

“(ii) \$700,000,000 in guarantees of debentures.

“(D) For the programs authorized by part B of title IV of the Small Business Investment Act

of 1958, the Administration is authorized to enter into guarantees not to exceed \$2,000,000,000, of which not more than \$650,000,000 may be in bonds approved pursuant to section 411(a)(3) of that Act.

“(E) The Administration is authorized to make grants or enter cooperative agreements—

“(i) for the Service Corps of Retired Executives program authorized by section 8(b)(1), \$4,500,000; and

“(ii) for activities of small business development centers pursuant to section 21(c)(3)(G), not to exceed \$15,000,000, to remain available until expended.

“(2) ADDITIONAL AUTHORIZATIONS.—

“(A) There are authorized to be appropriated to the Administration for fiscal year 1999 such sums as may be necessary to carry out this Act, including administrative expenses and necessary loan capital for disaster loans pursuant to section 7(b), and to carry out the Small Business Investment Act of 1958, including salaries and expenses of the Administration.

“(B) Notwithstanding subparagraph (A), for fiscal year 1999—

“(i) no funds are authorized to be provided to carry out the loan program authorized by section 7(a)(21) except by transfer from another Federal department or agency to the Administration, unless the program level authorized for general business loans under paragraph (1)(B)(i) is fully funded; and

“(ii) the Administration may not approve loans on behalf of the Administration or on behalf of any other department or agency, by contract or otherwise, under terms and conditions other than those specifically authorized under this Act or the Small Business Investment Act of 1958, except that it may approve loans under section 7(a)(21) of this Act in gross amounts of not more than \$1,250,000.

“(e) FISCAL YEAR 2000.—

“(1) PROGRAM LEVELS.—The following program levels are authorized for fiscal year 2000:

“(A) For the programs authorized by this Act, the Administration is authorized to make—

“(i) \$40,000,000 in technical assistance grants as provided in section 7(m); and

“(ii) \$60,000,000 in direct loans, as provided in section 7(m).

“(B) For the programs authorized by this Act, the Administration is authorized to make \$20,040,000,000 in deferred participation loans and other financings. Of such sum, the Administration is authorized to make—

“(i) \$14,500,000,000 in general business loans as provided in section 7(a);

“(ii) \$4,500,000,000 in financings as provided in section 7(a)(13) of this Act and section 504 of the Small Business Investment Act of 1958;

“(iii) \$1,000,000,000 in loans as provided in section 7(a)(21); and

“(iv) \$40,000,000 in loans as provided in section 7(m).

“(C) For the programs authorized by title III of the Small Business Investment Act of 1958, the Administration is authorized to make—

“(i) \$900,000,000 in purchases of participating securities; and

“(ii) \$800,000,000 in guarantees of debentures.

“(D) For the programs authorized by part B of title IV of the Small Business Investment Act of 1958, the Administration is authorized to enter into guarantees not to exceed \$2,000,000,000, of which not more than \$650,000,000 may be in bonds approved pursuant to section 411(a)(3) of that Act.

“(E) The Administration is authorized to make grants or enter cooperative agreements—

“(i) for the Service Corps of Retired Executives program authorized by section 8(b)(1), \$5,000,000; and

“(ii) for activities of small business development centers pursuant to section 21(c)(3)(G), not to exceed \$15,000,000, to remain available until expended.

“(2) ADDITIONAL AUTHORIZATIONS.—

“(A) There are authorized to be appropriated to the Administration for fiscal year 2000 such

sums as may be necessary to carry out this Act, including administrative expenses and necessary loan capital for disaster loans pursuant to section 7(b), and to carry out the Small Business Investment Act of 1958, including salaries and expenses of the Administration.

“(B) Notwithstanding subparagraph (A), for fiscal year 2000—

“(i) no funds are authorized to be provided to carry out the loan program authorized by section 7(a)(21) except by transfer from another Federal department or agency to the Administration, unless the program level authorized for general business loans under paragraph (1)(B)(i) is fully funded; and

“(ii) the Administration may not approve loans on behalf of the Administration or on behalf of any other department or agency, by contract or otherwise, under terms and conditions other than those specifically authorized under this Act or the Small Business Investment Act of 1958, except that it may approve loans under section 7(a)(21) of this Act in gross amounts of not more than \$1,250,000.”

TITLE II—FINANCIAL ASSISTANCE

Subtitle A—Microloan Program

SEC. 201. MICROLOAN PROGRAM.

(a) LOAN LIMITS.—Section 7(m)(3)(C) of the Small Business Act (15 U.S.C. 636(m)(3)(C)) is amended by striking “\$2,500,000” and inserting “\$3,500,000”.

(b) LOAN LOSS RESERVE FUND.—Section 7(m)(3)(D) of the Small Business Act (15 U.S.C. 636(m)(3)(D)) is amended by striking clauses (i) and (ii), and inserting the following:

“(i) during the initial 5 years of the intermediary’s participation in the program under this subsection, at a level equal to not more than 15 percent of the outstanding balance of the notes receivable owed to the intermediary; and

“(ii) in each year of participation thereafter, at a level equal to not more than the greater of—

“(I) 2 times an amount reflecting the total losses of the intermediary as a result of participation in the program under this subsection, as determined by the Administrator on a case-by-case basis; or

“(II) 10 percent of the outstanding balance of the notes receivable owed to the intermediary.”

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 7(m) of the Small Business Act (15 U.S.C. 636(m)) is amended—

(1) in the subsection heading, by striking “DEMONSTRATION”;

(2) by striking “Demonstration” each place that term appears;

(3) by striking “demonstration” each place that term appears; and

(4) in paragraph (12), by striking “during fiscal years 1995 through 1997” and inserting “during fiscal years 1998 through 2000”.

(d) TECHNICAL ASSISTANCE GRANTS.—Section 7(m) of the Small Business Act (15 U.S.C. 636(m)) is amended—

(1) in paragraph (4)(E)—

(A) by striking “Each intermediary” and inserting the following:

“(i) IN GENERAL.—Each intermediary”;

(B) by striking “15” and inserting “25”; and

(C) by adding at the end the following:

“(ii) TECHNICAL ASSISTANCE.—An intermediary may expend not more than 25 percent of the funds received under paragraph (1)(B)(ii) to enter into third party contracts for the provision of technical assistance.”; and

(2) in paragraph (5)(A)—

(A) by striking “in each of the 5 years of the demonstration program established under this subsection.”; and

(B) by striking “for terms of up to 5 years” and inserting “annually”.

SEC. 202. WELFARE-TO-WORK MICROLOAN INITIATIVE.

(a) INITIATIVE.—Section 7(m) of the Small Business Act (15 U.S.C. 636(m)) is amended—

(1) in paragraph (1)(A)—

(A) in clause (ii), by striking “and” at the end;

(B) in clause (iii), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(iv) to establish a welfare-to-work microloan initiative, which shall be administered by the Administration, in order to test the feasibility of supplementing the technical assistance grants provided under clauses (ii) and (iii) of subparagraph (B) to individuals who are receiving assistance under the State program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.), or under any comparable State funded means tested program of assistance for low-income individuals, in order to adequately assist those individuals in—

“(I) establishing small businesses; and

“(II) eliminating their dependence on that assistance.”;

(2) in paragraph (4), by adding at the end the following:

“(F) SUPPLEMENTAL GRANT.—

“(i) IN GENERAL.—The Administration may accept any funds transferred to the Administration from other departments or agencies of the Federal Government to make grants in accordance with this subparagraph and section 202(b) of the Small Business Reauthorization Act of 1997 to participating intermediaries and technical assistance providers under paragraph (5), for use in accordance with clause (iii) to provide additional technical assistance and related services to recipients of assistance under a State program described in paragraph (1)(A)(iv) at the time they initially apply for assistance under this subparagraph.

“(ii) ELIGIBLE RECIPIENTS; GRANT AMOUNTS.—In making grants under this subparagraph, the Administration may select, from among participating intermediaries and technical assistance providers described in clause (i), not more than 20 grantees in fiscal year 1998, not more than 25 grantees in fiscal year 1999, and not more than 30 grantees in fiscal year 2000, each of whom may receive a grant under this subparagraph in an amount not to exceed \$200,000 per year.

“(iii) USE OF GRANT AMOUNTS.—Grants under this subparagraph—

“(I) are in addition to other grants provided under this subsection and shall not require the contribution of matching amounts as a condition of eligibility; and

“(II) may be used by a grantee—

“(aa) to pay or reimburse a portion of child care and transportation costs of recipients of assistance described in clause (i), to the extent such costs are not otherwise paid by State block grants under the Child Care Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.) or under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.); and

“(bb) for marketing, management, and technical assistance to recipients of assistance described in clause (i).

“(iv) MEMORANDUM OF UNDERSTANDING.—Prior to accepting any transfer of funds under clause (i) from a department or agency of the Federal Government, the Administration shall enter into a Memorandum of Understanding with the department or agency, which shall—

“(I) specify the terms and conditions of the grants under this subparagraph; and

“(II) provide for appropriate monitoring of expenditures by each grantee under this subparagraph and each recipient of assistance described in clause (i) who receives assistance from a grantee under this subparagraph, in order to ensure compliance with this subparagraph by those grantees and recipients of assistance.”;

(3) in paragraph (6), by adding at the end the following:

“(E) ESTABLISHMENT OF CHILD CARE OR TRANSPORTATION BUSINESSES.—In addition to other eligible small businesses concerns, borrowers under any program under this subsection may include individuals who will use the loan

proceeds to establish for-profit or nonprofit child care establishments or businesses providing for-profit transportation services.”;

(4) in paragraph (9)—

(A) by striking the paragraph designation and paragraph heading and inserting the following:

“(9) GRANTS FOR MANAGEMENT, MARKETING, TECHNICAL ASSISTANCE, AND RELATED SERVICES.—”; and

(B) by adding at the end the following:

“(C) WELFARE-TO-WORK MICROLOAN INITIATIVE.—Of amounts made available to carry out the welfare-to-work microloan initiative under paragraph (1)(A)(iv) in any fiscal year, the Administration may use not more than 5 percent to provide technical assistance, either directly or through contractors, to welfare-to-work microloan initiative grantees, to ensure that, as grantees, they have the knowledge, skills, and understanding of microlending and welfare-to-work transition, and other related issues, to operate a successful welfare-to-work microloan initiative.”;

(5) by adding at the end the following:

“(13) EVALUATION OF WELFARE-TO-WORK MICROLOAN INITIATIVE.—On January 31, 1999, and annually thereafter, the Administration shall submit to the Committees on Small Business of the House of Representatives and the Senate a report on any monies distributed pursuant to paragraph (4)(F).”.

(b) TRANSFER OF FUNDS.—

(1) IN GENERAL.—No funds are authorized to be appropriated or otherwise provided to carry out the grant program under section 7(m)(4)(F) of the Small Business Act (15 U.S.C. 636(m)(4)(F)) (as added by this section), except by transfer from another department or agency of the Federal Government to the Administration in accordance with this subsection.

(2) LIMITATION ON AMOUNTS.—The total amount transferred to the Administration from other departments and agencies of the Federal Government to carry out the grant program under section 7(m)(4)(F) of the Small Business Act (15 U.S.C. 636(m)(4)(F)) (as added by this section) shall not exceed—

(A) \$3,000,000 for fiscal year 1998;

(B) \$4,000,000 for fiscal year 1999; and

(C) \$5,000,000 for fiscal year 2000.

Subtitle B—Small Business Investment Company Program

SEC. 211. 5-YEAR COMMITMENTS FOR SBICs AT OPTION OF ADMINISTRATOR.

Section 20(a)(2) of the Small Business Act (15 U.S.C. 631 note) is amended in the last sentence by striking “the following fiscal year” and inserting “any 1 or more of the 4 subsequent fiscal years”.

SEC. 212. UNDERSERVED AREAS.

Section 301(c)(4)(B) of the Small Business Investment Act of 1958 (15 U.S.C. 681(c)(4)(B)) is amended to read as follows:

“(B) LEVERAGE.—An applicant licensed pursuant to the exception provided in this paragraph shall not be eligible to receive leverage as a licensee until the applicant satisfies the requirements of section 302(a), unless the applicant—

“(i) files an application for a license not later than 180 days after the date of enactment of the Small Business Reauthorization Act of 1997;

“(ii) is located in a State that is not served by a licensee; and

“(iii) agrees to be limited to 1 tier of leverage available under section 302(b), until the applicant meets the requirements of section 302(a).”.

SEC. 213. PRIVATE CAPITAL.

Section 103(9)(B)(iii) of the Small Business Investment Act of 1958 (15 U.S.C. 662(9)(B)(iii)) is amended—

(1) by redesignating subclauses (I) and (II) as subclauses (II) and (III), respectively; and

(2) by inserting before subclause (II) (as redesignated) the following:

“(I) funds obtained from the business revenues (excluding any governmental appropria-

tion) of any federally chartered or government-sponsored corporation established prior to October 1, 1987.”.

SEC. 214. FEES.

Section 301 of the Small Business Investment Act of 1958 (15 U.S.C. 681) is amended by adding at the end the following:

“(e) FEES.—

“(1) IN GENERAL.—The Administration may prescribe fees to be paid by each applicant for a license to operate as a small business investment company under this Act.

“(2) USE OF AMOUNTS.—Fees collected under this subsection—

“(A) shall be deposited in the account for salaries and expenses of the Administration; and

“(B) are authorized to be appropriated solely to cover the costs of licensing examinations.”.

SEC. 215. SMALL BUSINESS INVESTMENT COMPANY PROGRAM REFORM.

(a) BANK INVESTMENTS.—Section 302(b) of the Small Business Investment Act of 1958 (15 U.S.C. 682(b)) is amended by striking “1956,” and all that follows before the period and inserting the following: “1956, any national bank, or any member bank of the Federal Reserve System or nonmember insured bank to the extent permitted under applicable State law, may invest in any 1 or more small business investment companies, or in any entity established to invest solely in small business investment companies, except that in no event shall the total amount of such investments of any such bank exceed 5 percent of the capital and surplus of the bank”.

(b) INDEXING FOR LEVERAGE.—Section 303 of the Small Business Investment Act of 1958 (15 U.S.C. 683) is amended—

(1) in subsection (b)—

(A) in paragraph (2), by adding at the end the following:

“(D)(i) The dollar amounts in subparagraphs (A), (B), and (C) shall be adjusted annually to reflect increases in the Consumer Price Index established by the Bureau of Labor Statistics of the Department of Labor.

“(ii) The initial adjustments made under this subparagraph after the date of enactment of the Small Business Reauthorization Act of 1997 shall reflect only increases from March 31, 1993.”; and

(B) by striking paragraph (4) and inserting the following:

“(4) MAXIMUM AGGREGATE AMOUNT OF LEVERAGE.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), the aggregate amount of outstanding leverage issued to any company or companies that are commonly controlled (as determined by the Administrator) may not exceed \$90,000,000, as adjusted annually for increases in the Consumer Price Index.

“(B) EXCEPTIONS.—The Administrator may, on a case-by-case basis—

“(i) approve an amount of leverage that exceeds the amount described in subparagraph (A) for companies under common control; and

“(ii) impose such additional terms and conditions as the Administrator determines to be appropriate to minimize the risk of loss to the Administration in the event of default.

“(C) APPLICABILITY OF OTHER PROVISIONS.—Any leverage that is issued to a company or companies commonly controlled in an amount that exceeds \$90,000,000, whether as a result of an increase in the Consumer Price Index or a decision of the Administrator, is subject to subsection (d).”;

(2) by striking subsection (d) and inserting the following:

“(d) REQUIRED CERTIFICATIONS.—

“(1) IN GENERAL.—The Administrator shall require each licensee, as a condition of approval of an application for leverage, to certify in writing—

“(A) for licensees with leverage less than or equal to \$90,000,000, that not less than 20 percent of the licensee's aggregate dollar amount of

financings will be provided to smaller enterprises; and

“(B) for licensees with leverage in excess of \$90,000,000, that, in addition to satisfying the requirements of subparagraph (A), 100 percent of the licensee’s aggregate dollar amount of financings made in whole or in part with leverage in excess of \$90,000,000 will be provided to smaller enterprises (as defined in section 103(12)).

“(2) MULTIPLE LICENSEES.—Multiple licensees under common control (as determined by the Administrator) shall be considered to be a single licensee for purposes of determining both the applicability of and compliance with the investment percentage requirements of this subsection.”.

(c) TAX DISTRIBUTIONS.—Section 303(g)(8) of the Small Business Investment Act of 1958 (15 U.S.C. 683(g)(8)) is amended by adding at the end the following: “A company may also elect to make a distribution under this paragraph at the end of any calendar quarter based on a quarterly estimate of the maximum tax liability. If a company makes 1 or more quarterly distributions for a calendar year, and the aggregate amount of those distributions exceeds the maximum amount that the company could have distributed based on a single annual computation, any subsequent distribution by the company under this paragraph shall be reduced by an amount equal to the excess amount distributed.”.

(d) LEVERAGE FEE.—Section 303(i) of the Small Business Investment Act of 1958 (15 U.S.C. 683(i)) is amended by striking “, payable upon” and all that follows before the period and inserting the following: “in the following manner: 1 percent upon the date on which the Administration enters into any commitment for such leverage with the licensee, and the balance of 2 percent (or 3 percent if no commitment has been entered into by the Administration) on the date on which the leverage is drawn by the licensee”.

(e) PERIODIC ISSUANCE OF GUARANTEES AND TRUST CERTIFICATES.—Section 320 of the Small Business Investment Act of 1958 (15 U.S.C. 687m) is amended by striking “three months” and inserting “6 months”.

SEC. 216. EXAMINATION FEES.

Section 310(b) of the Small Business Investment Act of 1958 (15 U.S.C. 687b(b)) is amended by inserting after the first sentence the following: “Fees collected under this subsection shall be deposited in the account for salaries and expenses of the Administration, and are authorized to be appropriated solely to cover the costs of examinations and other program oversight activities.”.

Subtitle C—Certified Development Company Program

SEC. 221. LOANS FOR PLANT ACQUISITION, CONSTRUCTION, CONVERSION, AND EXPANSION.

Section 502 of the Small Business Investment Act of 1958 (15 U.S.C. 696) is amended—

(1) by striking paragraph (1) and inserting the following:

“(1) USE OF PROCEEDS.—The proceeds of any such loan shall be used solely by the borrower to assist 1 or more identifiable small business concerns and for a sound business purpose approved by the Administration.”;

(2) in paragraph (3), by adding at the end the following:

“(D) SELLER FINANCING.—Seller-provided financing may be used to meet the requirements of subparagraph (B), if the seller subordinates the interest of the seller in the property to the debenture guaranteed by the Administration.

“(E) COLLATERALIZATION.—The collateral provided by the small business concern shall generally include a subordinate lien position on the property being financed under this title, and is only 1 of the factors to be evaluated in the credit determination. Additional collateral shall be required only if the Administration deter-

mines, on a case by case basis, that additional security is necessary to protect the interest of the Government.”; and

(3) by adding at the end the following:

“(5) LIMITATION ON LEASING.—In addition to any portion of the project permitted to be leased under paragraph (4), not to exceed 20 percent of the project may be leased by the assisted small business to 1 or more other tenants, if the assisted small business occupies permanently and uses not less than a total of 60 percent of the space in the project after the execution of any leases authorized under this section.”.

SEC. 222. DEVELOPMENT COMPANY DEBENTURES.

Section 503 of the Small Business Investment Act of 1958 (15 U.S.C. 697) is amended—

(1) in subsection (b)(7), by striking subparagraph (A) and inserting the following:

“(A) assesses and collects a fee, which shall be payable by the borrower, in an amount established annually by the Administration, which amount shall not exceed the lesser of—

“(i) 0.9375 percent per year of the outstanding balance of the loan; and

“(ii) the minimum amount necessary to reduce the cost (as defined in section 502 of the Federal Credit Reform Act of 1990) to the Administration of purchasing and guaranteeing debentures under this Act to zero; and”;

(2) in subsection (f), by striking “1997” and inserting “2000”.

SEC. 223. PREMIER CERTIFIED LENDERS PROGRAM.

(a) IN GENERAL.—Section 508 of the Small Business Investment Act of 1958 (15 U.S.C. 697e) is amended—

(1) in subsection (a), by striking “not more than 15”;

(2) in subsection (b)—

(A) in paragraph (2)—

(i) in the matter preceding subparagraph (A), by striking “if such company”;

(ii) by striking subparagraphs (A) and (B) and inserting the following:

“(A) if the company is an active certified development company in good standing and has been an active participant in the accredited lenders program during the entire 12-month period preceding the date on which the company submits an application under paragraph (1), except that the Administration may waive this requirement if the company is qualified to participate in the accredited lenders program;

“(B) if the company has a history of—

“(i) submitting to the Administration adequately analyzed debenture guarantee application packages; and

“(ii) of properly closing section 504 loans and servicing its loan portfolio;”;

(iii) in subparagraph (C)—

(1) by inserting “if the company” after “(C)”;

and

(II) by striking the period at the end and inserting “; and”;

(iv) by adding at the end the following:

“(D) the Administrator determines, with respect to the company, that the loss reserve established in accordance with subsection (c)(2) is sufficient for the company to meet its obligations to protect the Federal Government from risk of loss.”; and

(B) by adding at the end the following:

“(3) APPLICABILITY OF CRITERIA AFTER DESIGNATION.—The Administrator may revoke the designation of a certified development company as a premier certified lender under this section at any time, if the Administrator determines that the certified development company does not meet any requirement described in subparagraphs (A) through (D) of paragraph (2).”;

(3) by striking subsection (c) and inserting the following:

“(c) LOSS RESERVE.—

“(1) ESTABLISHMENT.—A company designated as a premier certified lender shall establish a loss reserve for financing approved pursuant to this section.

“(2) AMOUNT.—The amount of each loss reserve established under paragraph (1) shall be 10 percent of the amount of the company’s exposure, as determined under subsection (b)(2)(C).

“(3) ASSETS.—Each loss reserve established under paragraph (1) shall be comprised of—

“(A) segregated funds on deposit in an account or accounts with a federally insured depository institution or institutions selected by the company, subject to a collateral assignment in favor of, and in a format acceptable to, the Administration;

“(B) irrevocable letter or letters of credit, with a collateral assignment in favor of, and a commercially reasonable format acceptable to, the Administration; or

“(C) any combination of the assets described in subparagraphs (A) and (B).

“(4) CONTRIBUTIONS.—The company shall make contributions to the loss reserve, either cash or letters of credit as provided above, in the following amounts and at the following intervals:

“(A) 50 percent when a debenture is closed.

“(B) 25 percent additional not later than 1 year after a debenture is closed.

“(C) 25 percent additional not later than 2 years after a debenture is closed.

“(5) REPLENISHMENT.—If a loss has been sustained by the Administration, any portion of the loss reserve, and other funds provided by the premier company as necessary, may be used to reimburse the Administration for the premier company’s 10 percent share of the loss as provided in subsection (b)(2)(C). If the company utilizes the reserve, within 30 days it shall replace an equivalent amount of funds.

“(6) DISBURSEMENTS.—The Administration shall allow the certified development company to withdraw from the loss reserve amounts attributable to any debenture that has been repaid.”;

(4) in subsection (d)(1), by striking “to approve loans” and inserting “to approve, authorize, close, service, foreclose, litigate (except that the Administration may monitor the conduct of any such litigation to which a premier certified lender is a party), and liquidate loans”;

(5) in subsection (f), by striking “State or local” and inserting “certified”;

(6) in subsection (g), by striking the subsection heading and inserting the following:

“(g) EFFECT OF SUSPENSION OR REVOCATION.—

“(7) by striking subsection (h) and inserting the following:

“(h) PROGRAM GOALS.—Each certified development company participating in the program under this section shall establish a goal of processing a minimum of not less than 50 percent of the loan applications for assistance under section 504 pursuant to the program authorized under this section.”; and

(8) in subsection (i), by striking “other lenders” and inserting “other lenders, specifically comparing default rates and recovery rates on liquidations”.

(b) REGULATIONS.—The Administrator shall—

(1) not later than 150 days after the date of enactment of this Act, promulgate regulations to carry out the amendments made by subsection (a); and

(2) not later than 180 days after the date of enactment of this Act, issue program guidelines and fully implement the amendments made by subsection (a).

(c) PROGRAM EXTENSION.—Section 217(b) of the Small Business Reauthorization and Amendments Act of 1994 (15 U.S.C. 697e note) is amended by striking “October 1, 1997” and inserting “October 1, 2000”.

Subtitle D—Miscellaneous Provisions

SEC. 231. BACKGROUND CHECK OF LOAN APPLICANTS.

Section 7(a) of the Small Business Act (15 U.S.C. 636(a)) is amended—

(1) by striking “(a) The Administration” and inserting the following:

“(a) LOANS TO SMALL BUSINESS CONCERNS; ALLOWABLE PURPOSES; QUALIFIED BUSINESS; RESTRICTIONS AND LIMITATIONS.—The Administration”; and

(2) in paragraph (1)—

(A) by striking “(1) No financial” and inserting the following:

“(1) IN GENERAL.—

“(A) CREDIT ELSEWHERE.—No financial”; and

(B) by adding at the end the following:

“(B) BACKGROUND CHECKS.—Prior to the approval of any loan made pursuant to this subsection, or section 503 of the Small Business Investment Act of 1958, the Administrator may verify the applicant’s criminal background, or lack thereof, through the best available means, including, if possible, use of the National Crime Information Center computer system at the Federal Bureau of Investigation.”.

SEC. 232. REPORT ON INCREASED LENDER APPROVAL, SERVICING, FORECLOSURE, LIQUIDATION, AND LITIGATION OF SECTION 7(a) LOANS.

(a) IN GENERAL.—

(1) SUBMISSION.—Not later than 6 months after the date of enactment of this Act, the Administrator shall submit to the Committees a report on action taken and planned for future reliance on private sector lender resources to originate, approve, close, service, liquidate, foreclose, and litigate loans made under section 7(a) of the Small Business Act.

(2) CONTENTS.—The report under this subsection shall address administrative and other steps necessary to achieve the results described in paragraph (1), including—

(A) streamlining the process for approving lenders and standardizing requirements;

(B) establishing uniform reporting requirements using on-line automated capabilities to the maximum extent feasible;

(C) reducing paperwork through automation, simplified forms, or incorporation of lender’s forms;

(D) providing uniform standards for approval, closing, servicing, foreclosure, and liquidation;

(E) promulgating new regulations or amending existing ones;

(F) establishing a timetable for implementing the plan for reliance on private sector lenders;

(G) implementing organizational changes at SBA; and

(H) estimating the annual savings that would occur as a result of implementation.

(b) CONSULTATION.—In preparing the report under subsection (a), the Administrator shall consult with, among others—

(1) borrowers and lenders under section 7(a) of the Small Business Act;

(2) small businesses that are potential program participants under section 7(a) of the Small Business Act;

(3) financial institutions that are potential program lenders under section 7(a) of the Small Business Act; and

(4) representative industry associations.

SEC. 233. COMPLETION OF PLANNING FOR LOAN MONITORING SYSTEM.

(a) IN GENERAL.—The Administrator shall perform and complete the planning needed to serve as the basis for funding the development and implementation of the computerized loan monitoring system, including—

(1) fully defining the system requirement using on-line, automated capabilities to the extent feasible;

(2) identifying all data inputs and outputs necessary for timely report generation;

(3) benchmark loan monitoring business processes and systems against comparable industry processes and, if appropriate, simplify or refine work processes based on these benchmarks;

(4) determine data quality standards and control systems for ensuring information accuracy;

(5) identify an acquisition strategy and work increments to completion;

(6) analyze the benefits and costs of alternatives and use to demonstrate the advantage of the final project;

(7) ensure that the proposed information system is consistent with the agency’s information architecture; and

(8) estimate the cost to system completion, identifying the essential cost element.

(b) REPORT.—

(1) IN GENERAL.—On the date that is 6 months after the date of enactment of this Act, the Administrator shall submit a report on the progress of the Administrator in carrying out subsection (a) to—

(A) the Committees; and

(B) the Comptroller General of the United States.

(2) EVALUATION.—Not later than 28 days after receipt of the report under paragraph (1)(B), the Comptroller General of the United States shall—

(A) prepare a written evaluation of the report for compliance with subsection (a); and

(B) submit the evaluation to the Committees.

(3) LIMITATION.—None of the funds provided for the purchase of the loan monitoring system may be obligated or expended until 45 days after the date on which the Committees and the Comptroller General of the United States receive the report under paragraph (1).

TITLE III—WOMEN’S BUSINESS ENTERPRISES

SEC. 301. INTERAGENCY COMMITTEE PARTICIPATION.

Section 403 of the Women’s Business Ownership Act of 1988 (15 U.S.C. 631 note) is amended—

(1) in subsection (a)(2)(A)—

(A) by striking “and Amendments Act of 1994” and inserting “Act of 1997”; and

(B) by inserting before the final period “, and who shall report directly to the head of the agency on the status of the activities of the Interagency Committee”;

(2) in subsection (a)(2)(B), by inserting before the final period the following: “and shall report directly to the Administrator on the status of the activities on the Interagency Committee and shall serve as the Interagency Committee Liaison to the National Women’s Business Council established under section 405”; and

(3) in subsection (b), by striking “and Amendments Act of 1994” and inserting “Act of 1997”.

SEC. 302. REPORTS.

Section 404 of the Women’s Business Ownership Act of 1988 (15 U.S.C. 631 note) is amended—

(1) by inserting “, through the Small Business Administration,” after “transmit”;

(2) by striking paragraph (1) and redesignating paragraphs (2) through (4) as paragraphs (1) through (3), respectively; and

(3) in paragraph (1), as redesignated, by inserting before the semicolon the following: “, including a verbatim report on the status of progress of the Interagency Committee in meeting its responsibilities and duties under section 402(a)”.

SEC. 303. COUNCIL DUTIES.

Section 406 of the Women’s Business Ownership Act of 1988 (15 U.S.C. 631 note) is amended—

(1) in subsection (c), by inserting after “Administrator” the following: “(through the Assistant Administrator of the Office of Women’s Business Ownership)”; and

(2) in subsection (d)—

(A) in paragraph (4), by striking “and” at the end;

(B) in paragraph (5), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

“(6) not later than 90 days after the last day of each fiscal year, submit to the President and to the Committee on Small Business of the Senate and the Committee on Small Business of the House of Representatives, a report containing—

“(A) a detailed description of the activities of the council, including a status report on the Council’s progress toward meeting its duties outlined in subsections (a) and (d) of section 406;

“(B) the findings, conclusions, and recommendations of the Council; and

“(C) the Council’s recommendations for such legislation and administrative actions as the Council considers appropriate to promote the development of small business concerns owned and controlled by women.

“(e) FORM OF TRANSMITTAL.—The information included in each report under subsection (d) that is described in subparagraphs (A) through (C) of subsection (d)(6), shall be reported verbatim, together with any separate additional, concurring, or dissenting views of the Administrator.”.

SEC. 304. COUNCIL MEMBERSHIP.

Section 407 of the Women’s Business Ownership Act of 1988 (15 U.S.C. 631 note) is amended—

(1) in subsection (a), by striking “and Amendments Act of 1994” and inserting “Act of 1997”;

(2) in subsection (b)—

(A) by striking “and Amendments Act of 1994” and inserting “Act of 1997”;

(B) by inserting after “the Administrator shall” the following: “, after receiving the recommendations of the Chairman and the Ranking Member of the Committees on Small Business of the House of Representatives and the Senate,”;

(C) by striking “9” and inserting “14”;

(D) in paragraph (1), by striking “2” and inserting “4”;

(E) in paragraph (2), by striking “2” and inserting “4”; and

(F) in paragraph (3)—

(i) by striking “5” and inserting “6”;

(ii) by striking “national”; and

(iii) by inserting “, including representatives of women’s business center sites” before the period at the end;

(3) in subsection (c), by inserting “(including both urban and rural areas)” after “geographic”;

(4) by striking subsection (d) and inserting the following:

“(d) TERMS.—Each member of the Council shall be appointed for a term of 3 years, except that, of the initial members appointed to the Council—

“(1) 2 members appointed under subsection (b)(1) shall be appointed for a term of 1 year;

“(2) 2 members appointed under subsection (b)(2) shall be appointed for a term of 1 year; and

“(3) each member appointed under subsection (b)(3) shall be appointed for a term of 2 years.”;

and

(5) by striking subsection (f) and inserting the following:

“(f) VACANCIES.—

“(1) IN GENERAL.—A vacancy on the Council shall be filled not later than 30 days after the date on which the vacancy occurs, in the manner in which the original appointment was made, and shall be subject to any conditions that applied to the original appointment.

“(2) UNEXPIRED TERM.—An individual chosen to fill a vacancy shall be appointed for the unexpired term of the member replaced.”.

SEC. 305. AUTHORIZATION OF APPROPRIATIONS.

Section 409 of the Women’s Business Ownership Act of 1988 (15 U.S.C. 631 note) is amended to read as follows:

“SEC. 411. AUTHORIZATION OF APPROPRIATIONS.

“(a) IN GENERAL.—There is authorized to be appropriated to carry out this title \$600,000, for each of fiscal years 1998 through 2000, of which \$200,000 shall be available in each fiscal year to carry out sections 409 and 410.

“(b) BUDGET REVIEW.—No amount made available under this section for any fiscal year may be obligated or expended by the Council before the date on which the Council reviews and approves the operating budget of the Council to carry out the responsibilities of the Council for that fiscal year.”.

SEC. 306. NATIONAL WOMEN'S BUSINESS COUNCIL PROCUREMENT PROJECT.

The Women's Business Ownership Act of 1988 (15 U.S.C. 631 note) is amended by inserting after section 408 the following:

"SEC. 409. NATIONAL WOMEN'S BUSINESS COUNCIL PROCUREMENT PROJECT.

"(a) FEDERAL PROCUREMENT STUDY.—

"(1) IN GENERAL.—During the first fiscal year for which amounts are made available to carry out this section, the Council shall conduct a study on the award of Federal prime contracts and subcontracts to women-owned businesses, which study shall include—

"(A) an analysis of data collected by Federal agencies on contract awards to women-owned businesses;

"(B) a determination of the degree to which individual Federal agencies are in compliance with the 5 percent women-owned business procurement goal established by section 15(g)(1) of the Small Business Act (15 U.S.C. 644(g)(1));

"(C) a determination of the types and amounts of Federal contracts characteristically awarded to women-owned businesses; and

"(D) other relevant information relating to participation of women-owned businesses in Federal procurement.

"(2) SUBMISSION OF RESULTS.—Not later than 12 months after initiating the study under paragraph (1), the Council shall submit to the Committees on Small Business of the House of Representatives and the Senate, and to the President, the results of the study conducted under paragraph (1).

"(b) BEST PRACTICES REPORT.—Not later than 18 months after initiating the study under subsection (a)(1), the Council shall submit to the Committees on Small Business of the House of Representatives and the Senate, and to the President, a report, which shall include—

"(1) an analysis of the most successful practices in attracting women-owned businesses as prime contractors and subcontractors by—

"(A) Federal agencies (as supported by findings from the study required under subsection (a)(1)) in Federal procurement awards; and

"(B) the private sector; and

"(2) recommendations for policy changes in Federal procurement practices, including an increase in the Federal procurement goal for women-owned businesses, in order to maximize the number of women-owned businesses performing Federal contracts.

"(c) CONTRACT AUTHORITY.—In conducting any study or other research under this section, the Council may contract with 1 or more public or private entities."

SEC. 307. STUDIES AND OTHER RESEARCH.

The Women's Business Ownership Act of 1988 (15 U.S.C. 631 note) is amended by inserting after section 409 (as added by section 306 of this title) the following:

"SEC. 410. STUDIES AND OTHER RESEARCH.

"(a) IN GENERAL.—To the extent that it does not delay submission of the report under section 409(b), the Council may also conduct such studies and other research relating to the award of Federal prime contracts and subcontracts to women-owned businesses, or to issues relating to access to credit and investment capital by women entrepreneurs, as the Council determines to be appropriate.

"(b) CONTRACT AUTHORITY.—In conducting any study or other research under this section, the Council may contract with 1 or more public or private entities."

SEC. 308. WOMEN'S BUSINESS CENTERS.

(a) IN GENERAL.—Section 29 of the Small Business Act (15 U.S.C. 656) is amended to read as follows:

"SEC. 29. WOMEN'S BUSINESS CENTER PROGRAM.

"(a) DEFINITIONS.—In this section—

"(1) the term 'Assistant Administrator' means the Assistant Administrator of the Office of Women's Business Ownership established under subsection (g);

"(2) the term 'small business concern owned and controlled by women', either startup or existing, includes any small business concern—

"(A) that is not less than 51 percent owned by 1 or more women; and

"(B) the management and daily business operations of which are controlled by 1 or more women; and

"(3) the term 'women's business center site' means the location of—

"(A) a women's business center; or

"(B) 1 or more women's business centers, established in conjunction with another women's business center in another location within a State or region—

"(i) that reach a distinct population that would otherwise not be served;

"(ii) whose services are targeted to women; and

"(iii) whose scope, function, and activities are similar to those of the primary women's business center or centers in conjunction with which it was established.

"(b) AUTHORITY.—The Administration may provide financial assistance to private organizations to conduct 5-year projects for the benefit of small business concerns owned and controlled by women. The projects shall provide—

"(1) financial assistance, including training and counseling in how to apply for and secure business credit and investment capital, preparing and presenting financial statements, and managing cash flow and other financial operations of a business concern;

"(2) management assistance, including training and counseling in how to plan, organize, staff, direct, and control each major activity and function of a small business concern; and

"(3) marketing assistance, including training and counseling in identifying and segmenting domestic and international market opportunities, preparing and executing marketing plans, developing pricing strategies, locating contract opportunities, negotiating contracts, and utilizing varying public relations and advertising techniques.

"(c) CONDITIONS OF PARTICIPATION.—

"(1) NON-FEDERAL CONTRIBUTIONS.—As a condition of receiving financial assistance authorized by this section, the recipient organization shall agree to obtain, after its application has been approved and notice of award has been issued, cash contributions from non-Federal sources as follows:

"(A) in the first and second years, 1 non-Federal dollar for each 2 Federal dollars;

"(B) in the third and fourth years, 1 non-Federal dollar for each Federal dollar; and

"(C) in the fifth year, 2 non-Federal dollars for each Federal dollar.

"(2) FORM OF NON-FEDERAL CONTRIBUTIONS.—Not more than one-half of the non-Federal sector matching assistance may be in the form of in-kind contributions that are budget line items only, including office equipment and office space.

"(3) FORM OF FEDERAL CONTRIBUTIONS.—The financial assistance authorized pursuant to this section may be made by grant, contract, or cooperative agreement and may contain such provision, as necessary, to provide for payments in lump sum or installments, and in advance or by way of reimbursement. The Administration may disburse up to 25 percent of each year's Federal share awarded to a recipient organization after notice of the award has been issued and before the non-Federal sector matching funds are obtained.

"(4) FAILURE TO OBTAIN NON-FEDERAL FUNDING.—If any recipient of assistance fails to obtain the required non-Federal contribution during any project, it shall not be eligible thereafter for advance disbursements pursuant to paragraph (3) during the remainder of that project, or for any other project for which it is or may be funded by the Administration, and prior to approving assistance to such organization for any other projects, the Administration shall spe-

cifically determine whether the Administration believes that the recipient will be able to obtain the requisite non-Federal funding and enter a written finding setting forth the reasons for making such determination.

"(d) CONTRACT AUTHORITY.—A women's business center may enter into a contract with a Federal department or agency to provide specific assistance to women and other underserved small business concerns. Performance of such contract should not hinder the women's business centers in carrying out the terms of the grant received by the women's business centers from the Administration.

"(e) SUBMISSION OF 5-YEAR PLAN.—Each applicant organization initially shall submit a 5-year plan to the Administration on proposed fundraising and training activities, and a recipient organization may receive financial assistance under this program for a maximum of 5 years per women's business center site.

"(f) CRITERIA.—The Administration shall evaluate and rank applicants in accordance with predetermined selection criteria that shall be stated in terms of relative importance. Such criteria and their relative importance shall be made publicly available and stated in each solicitation for applications made by the Administration. The criteria shall include—

"(1) the experience of the applicant in conducting programs or ongoing efforts designed to impart or upgrade the business skills of women business owners or potential owners;

"(2) the present ability of the applicant to commence a project within a minimum amount of time;

"(3) the ability of the applicant to provide training and services to a representative number of women who are both socially and economically disadvantaged; and

"(4) the location for the women's business center site proposed by the applicant.

"(g) OFFICE OF WOMEN'S BUSINESS OWNERSHIP.—

"(1) ESTABLISHMENT.—There is established within the Administration an Office of Women's Business Ownership, which shall be responsible for the administration of the Administration's programs for the development of women's business enterprises (as defined in section 408 of the Women's Business Ownership Act of 1988 (15 U.S.C. 631 note)). The Office of Women's Business Ownership shall be administered by an Assistant Administrator, who shall be appointed by the Administrator.

"(2) ASSISTANT ADMINISTRATOR OF THE OFFICE OF WOMEN'S BUSINESS OWNERSHIP.—

"(A) QUALIFICATION.—The position of Assistant Administrator shall be a Senior Executive Service position under section 3132(a)(2) of title 5, United States Code. The Assistant Administrator shall serve as a noncareer appointee (as defined in section 3132(a)(7) of that title).

"(B) RESPONSIBILITIES AND DUTIES.—

"(i) RESPONSIBILITIES.—The responsibilities of the Assistant Administrator shall be to administer the programs and services of the Office of Women's Business Ownership established to assist women entrepreneurs in the areas of—

"(I) starting and operating a small business;

"(II) development of management and technical skills;

"(III) seeking Federal procurement opportunities; and

"(IV) increasing the opportunity for access to capital.

"(ii) DUTIES.—The Assistant Administrator shall—

"(I) administer and manage the Women's Business Center program;

"(II) recommend the annual administrative and program budgets for the Office of Women's Business Ownership (including the budget for the Women's Business Center program);

"(III) establish appropriate funding levels therefore;

"(IV) review the annual budgets submitted by each applicant for the Women's Business Center program;

“(V) select applicants to participate in the program under this section;

“(VI) implement this section;

“(VII) maintain a clearinghouse to provide for the dissemination and exchange of information between women’s business centers;

“(VIII) serve as the vice chairperson of the Interagency Committee on Women’s Business Enterprise;

“(IX) serve as liaison for the National Women’s Business Council; and

“(X) advise the Administrator on appointments to the Women’s Business Council.

“(C) CONSULTATION REQUIREMENTS.—In carrying out the responsibilities and duties described in this paragraph, the Assistant Administrator shall confer with and seek the advice of the Administration officials in areas served by the women’s business centers.

“(h) PROGRAM EXAMINATION.—

“(1) IN GENERAL.—Not later than 180 days after the date of enactment of the Small Business Reauthorization Act of 1997, the Administrator shall develop and implement an annual programmatic and financial examination of each women’s business center established pursuant to this section.

“(2) EXTENSION OF CONTRACTS.—In extending or renewing a contract with a women’s business center, the Administrator shall consider the results of the examination conducted under paragraph (1).

“(i) CONTRACT AUTHORITY.—The authority of the Administrator to enter into contracts shall be in effect for each fiscal year only to the extent and in the amounts as are provided in advance in appropriations Acts. After the Administrator has entered into a contract, either as a grant or a cooperative agreement, with any applicant under this section, it shall not suspend, terminate, or fail to renew or extend any such contract unless the Administrator provides the applicant with written notification setting forth the reasons therefore and affords the applicant an opportunity for a hearing, appeal, or other administrative proceeding under chapter 5 of title 5, United States Code.

“(j) REPORT.—The Administrator shall prepare and submit an annual report to the Committees on Small Business of the House of Representatives and the Senate on the effectiveness of all projects conducted under the authority of this section. Such report shall provide information concerning—

“(1) the number of individuals receiving assistance;

“(2) the number of startup business concerns formed;

“(3) the gross receipts of assisted concerns;

“(4) increases or decreases in profits of assisted concerns; and

“(5) the employment increases or decreases of assisted concerns.

“(k) AUTHORIZATION OF APPROPRIATIONS.—

“(1) IN GENERAL.—There is authorized to be appropriated \$8,000,000 for each fiscal year to carry out the projects authorized under this section, of which, for fiscal year 1998, not more than 5 percent may be used for administrative expenses related to the program under this section.

“(2) USE OF AMOUNTS.—Amounts made available under this subsection for fiscal year 1999, and each fiscal year thereafter, may only be used for grant awards and may not be used for costs incurred by the Administration in connection with the management and administration of the program under this section.

“(3) EXPEDITED ACQUISITION.—Notwithstanding any other provision of law, the Administrator, acting through the Assistant Administrator, may use such expedited acquisition methods as the Administrator determines to be appropriate to carry out this section, except that the Administrator shall ensure that all small business sources are provided a reasonable opportunity to submit proposals.”

(b) APPLICABILITY.—

(1) IN GENERAL.—Subject to paragraph (2), any organization conducting a 3-year project under section 29 of the Small Business Act (15 U.S.C. 656) (as in effect on the day before the effective date of this Act) on September 30, 1997, may request an extension of the term of that project to a total term of 5 years. If such an extension is made, the organization shall receive financial assistance in accordance with section 29(c) of the Small Business Act (as amended by this section) subject to procedures established by the Administrator, in coordination with the Assistant Administrator of the Office of Women’s Business Ownership established under section 29 of the Small Business Act (15 U.S.C. 656) (as amended by this section).

(2) TERMS OF ASSISTANCE FOR CERTAIN ORGANIZATIONS.—Any organization operating in the third year of a 3-year project under section 29 of the Small Business Act (15 U.S.C. 656) (as in effect on the day before the effective date of this Act) on September 30, 1997, may request an extension of the term of that project to a total term of 5 years. If such an extension is made, during the fourth and fifth years of the project, the organization shall receive financial assistance in accordance with section 29(c)(1)(C) of the Small Business Act (as amended by this section) subject to procedures established by the Administrator, in coordination with the Assistant Administrator of the Office of Women’s Business Ownership established under section 29 of the Small Business Act (15 U.S.C. 656) (as amended by this section).

TITLE IV—COMPETITIVENESS PROGRAM AND PROCUREMENT OPPORTUNITIES

Subtitle A—Small Business Competitiveness Program

SEC. 401. PROGRAM TERM.

Section 711(c) of the Small Business Competitiveness Demonstration Program Act of 1988 (15 U.S.C. 644 note) is amended by striking “, and terminate on September 30, 1997”.

SEC. 402. MONITORING AGENCY PERFORMANCE.

Section 712(d)(1) of the Small Business Competitiveness Demonstration Program Act of 1988 (15 U.S.C. 644 note) is amended to read as follows:

“(1) Participating agencies shall monitor the attainment of their small business participation goals on an annual basis. An annual review by each participating agency shall be completed not later than January 31 of each year, based on the data for the preceding fiscal year, from October 1 through September 30.”

SEC. 403. REPORTS TO CONGRESS.

Section 716(a) of the Small Business Competitiveness Demonstration Program Act of 1988 (15 U.S.C. 644 note) is amended—

(1) by striking “1996” and inserting “2000”;

(2) by striking “for Federal Procurement Policy” and inserting “of the Small Business Administration”; and

(3) by striking “Government Operations” and inserting “Government Reform and Oversight”.

SEC. 404. SMALL BUSINESS PARTICIPATION IN DREDGING.

Section 722(a) of the Small Business Competitiveness Demonstration Program Act of 1988 (15 U.S.C. 644 note) is amended by striking “and terminating on September 30, 1997”.

SEC. 405. TECHNICAL AMENDMENTS.

Section 717 of the Small Business Competitiveness Demonstration Program Act of 1988 (15 U.S.C. 644 note) is amended—

(1) by inserting “or North American Industrial Classification Code” after “standard industrial classification code” each place it appears; and

(2) by inserting “or North American Industrial Classification Codes” after “standard industrial classification codes” each place it appears.

Subtitle B—Small Business Procurement Opportunities Program

SEC. 411. CONTRACT BUNDLING.

Section 2 of the Small Business Act (15 U.S.C. 631) is amended by adding at the end the following:

“(j) CONTRACT BUNDLING.—In complying with the statement of congressional policy expressed in subsection (a), relating to fostering the participation of small business concerns in the contracting opportunities of the Government, each Federal agency, to the maximum extent practicable, shall—

“(1) comply with congressional intent to foster the participation of small business concerns as prime contractors, subcontractors, and suppliers;

“(2) structure its contracting requirements to facilitate competition by and among small business concerns, taking all reasonable steps to eliminate obstacles to their participation; and

“(3) avoid unnecessary and unjustified bundling of contract requirements that precludes small business participation in procurements as prime contractors.”

SEC. 412. DEFINITION OF CONTRACT BUNDLING.

Section 3 of the Small Business Act (15 U.S.C. 632) is amended by adding at the end the following:

“(o) DEFINITIONS OF BUNDLING OF CONTRACT REQUIREMENTS AND RELATED TERMS.—In this Act:

“(1) BUNDLED CONTRACT.—The term ‘bundled contract’ means a contract that is entered into to meet requirements that are consolidated in a bundling of contract requirements.

“(2) BUNDLING OF CONTRACT REQUIREMENTS.—The term ‘bundling of contract requirements’ means consolidating 2 or more procurement requirements for goods or services previously provided or performed under separate smaller contracts into a solicitation of offers for a single contract that is likely to be unsuitable for award to a small-business concern due to—

“(A) the diversity, size, or specialized nature of the elements of the performance specified;

“(B) the aggregate dollar value of the anticipated award;

“(C) the geographical dispersion of the contract performance sites; or

“(D) any combination of the factors described in subparagraphs (A), (B), and (C).

“(3) SEPARATE SMALLER CONTRACT.—The term ‘separate smaller contract’, with respect to a bundling of contract requirements, means a contract that has been performed by 1 or more small business concerns or was suitable for award to 1 or more small business concerns.”

SEC. 413. ASSESSING PROPOSED CONTRACT BUNDLING.

(a) IN GENERAL.—Section 15 of the Small Business Act (15 U.S.C. 644) is amended by inserting after subsection (d) the following:

“(e) PROCUREMENT STRATEGIES; CONTRACT BUNDLING.—

“(1) IN GENERAL.—To the maximum extent practicable, procurement strategies used by the various agencies having contracting authority shall facilitate the maximum participation of small business concerns as prime contractors, subcontractors, and suppliers.

“(2) MARKET RESEARCH.—

“(A) IN GENERAL.—Before proceeding with an acquisition strategy that could lead to a contract containing consolidated procurement requirements, the head of an agency shall conduct market research to determine whether consolidation of the requirements is necessary and justified.

“(B) FACTORS.—For purposes of subparagraph (A), consolidation of the requirements may be determined as being necessary and justified if, as compared to the benefits that would be derived from contracting to meet those requirements if not consolidated, the Federal Government would derive from the consolidation measurably substantial benefits, including any combination of benefits that, in combination, are measurably substantial. Benefits described in the preceding sentence may include the following:

“(i) Cost savings.

“(ii) Quality improvements.

“(iii) Reduction in acquisition cycle times.

“(iv) Better terms and conditions.

“(v) Any other benefits.

“(C) REDUCTION OF COSTS NOT DETERMINATIVE.—The reduction of administrative or personnel costs alone shall not be a justification for bundling of contract requirements unless the cost savings are expected to be substantial in relation to the dollar value of the procurement requirements to be consolidated.

“(3) STRATEGY SPECIFICATIONS.—If the head of a contracting agency determines that a proposed procurement strategy for a procurement involves a substantial bundling of contract requirements, the proposed procurement strategy shall—

“(A) identify specifically the benefits anticipated to be derived from the bundling of contract requirements;

“(B) set forth an assessment of the specific impediments to participation by small business concerns as prime contractors that result from the bundling of contract requirements and specify actions designed to maximize small business participation as subcontractors (including suppliers) at various tiers under the contract or contracts that are awarded to meet the requirements; and

“(C) include a specific determination that the anticipated benefits of the proposed bundled contract justify its use.

“(4) CONTRACT TEAMING.—In the case of a solicitation of offers for a bundled contract that is issued by the head of an agency, a small-business concern may submit an offer that provides for use of a particular team of subcontractors for the performance of the contract. The head of the agency shall evaluate the offer in the same manner as other offers, with due consideration to the capabilities of all of the proposed subcontractors. If a small business concern teams under this paragraph, it shall not affect its status as a small business concern for any other purpose.”

(b) ADMINISTRATION REVIEW.—Section 15(a) of the Small Business Act (15 U.S.C. 644(a)) is amended in the third sentence—

(1) by inserting “or the solicitation involves an unnecessary or unjustified bundling of contract requirements, as determined by the Administration,” after “discrete construction projects.”;

(2) by striking “or (4)” and inserting “(4)”;

(3) by inserting before the period at the end of the sentence the following: “, or (5) why the agency has determined that the bundled contract (as defined in section 3(o)) is necessary and justified”;

(c) RESPONSIBILITIES OF AGENCY SMALL BUSINESS ADVOCATES.—Section 15(k) of the Small Business Act (15 U.S.C. 644(k)) is amended—

(1) by redesignating paragraphs (5) through (9) as paragraphs (6) through (10), respectively; and

(2) by inserting after paragraph (4) the following:

“(5) identify proposed solicitations that involve significant bundling of contract requirements, and work with the agency acquisition officials and the Administration to revise the procurement strategies for such proposed solicitations where appropriate to increase the probability of participation by small businesses as prime contractors, or to facilitate small business participation as subcontractors and suppliers, if a solicitation for a bundled contract is to be issued.”

SEC. 414. REPORTING OF BUNDLED CONTRACT OPPORTUNITIES.

(a) DATA COLLECTION REQUIRED.—The Federal Procurement Data System described in section 6(d)(4)(A) of the Office of Federal Procurement Policy Act (41 U.S.C. 405(d)(4)(A)) shall be modified to collect data regarding bundling of contract requirements when the contracting officer anticipates that the resulting contract price, including all options, is expected to exceed

\$5,000,000. The data shall reflect a determination made by the contracting officer regarding whether a particular solicitation constitutes a contract bundling.

(b) DEFINITIONS.—In this section, the term “bundling of contract requirements” has the meaning given that term in section 3(o) of the Small Business Act (15 U.S.C. 632(o)) (as added by section 412 of this subtitle).

SEC. 415. EVALUATING SUBCONTRACT PARTICIPATION IN AWARDING CONTRACTS.

Section 8(d)(4) of the Small Business Act (15 U.S.C. 637(d)(4)) is amended by adding at the end the following:

“(G) The following factors shall be designated by the Federal agency as significant factors for purposes of evaluating offers for a bundled contract where the head of the agency determines that the contract offers a significant opportunity for subcontracting:

“(i) A factor that is based on the rate provided under the subcontracting plan for small business participation in the performance of the contract.

“(ii) For the evaluation of past performance of an offeror, a factor that is based on the extent to which the offeror attained applicable goals for small business participation in the performance of contracts.”

SEC. 416. IMPROVED NOTICE OF SUBCONTRACTING OPPORTUNITIES.

(a) USE OF THE COMMERCE BUSINESS DAILY AUTHORIZED.—Section 8 of the Small Business Act (15 U.S.C. 637) is amended by adding at the end the following:

“(k) NOTICES OF SUBCONTRACTING OPPORTUNITIES.—

“(1) IN GENERAL.—Notices of subcontracting opportunities may be submitted for publication in the Commerce Business Daily by—

“(A) a business concern awarded a contract by an executive agency subject to subsection (e)(1)(C); and

“(B) a business concern that is a subcontractor or supplier (at any tier) to such contractor having a subcontracting opportunity in excess of \$10,000.

“(2) CONTENT OF NOTICE.—The notice of a subcontracting opportunity shall include—

“(A) a description of the business opportunity that is comparable to the description specified in paragraphs (1), (2), (3), and (4) of subsection (f); and

“(B) the due date for receipt of offers.”

(b) REGULATIONS REQUIRED.—The Federal Acquisition Regulation shall be amended to provide uniform implementation of the amendments made by this section.

(c) CONFORMING AMENDMENT.—Section 8(e)(1)(C) of the Small Business Act (15 U.S.C. 637(e)(1)(C)) is amended by striking “\$25,000” each place that term appears and inserting “\$100,000”.

SEC. 417. DEADLINES FOR ISSUANCE OF REGULATIONS.

(a) PROPOSED REGULATIONS.—Proposed amendments to the Federal Acquisition Regulation or proposed Small Business Administration regulations under this subtitle and the amendments made by this subtitle shall be published not later than 120 days after the date of enactment of this Act for the purpose of obtaining public comment pursuant to section 22 of the Office of Federal Procurement Policy Act (41 U.S.C. 418b), or chapter 5 of title 5, United States Code, as appropriate. The public shall be afforded not less than 60 days to submit comments.

(b) FINAL REGULATIONS.—Final regulations shall be published not later than 270 days after the date of enactment of this Act. The effective date for such final regulations shall be not less than 30 days after the date of publication.

TITLE V—MISCELLANEOUS PROVISIONS
SEC. 501. SMALL BUSINESS TECHNOLOGY TRANSFER PROGRAM.

(a) REQUIRED EXPENDITURES.—Section 9(n) of the Small Business Act (15 U.S.C. 638(n)) is

amended by striking paragraph (1) and inserting the following:

“(1) REQUIRED EXPENDITURE AMOUNTS.—With respect to fiscal years 1998, 1999, 2000, and 2001, each Federal agency that has an extramural budget for research, or research and development, in excess of \$1,000,000,000 for that fiscal year, is authorized to expend with small business concerns not less than 0.15 percent of that extramural budget specifically in connection with STTR programs that meet the requirements of this section and any policy directives and regulations issued under this section.”

(b) REPORTS AND OUTREACH.—

(1) IN GENERAL.—Section 9 of the Small Business Act (15 U.S.C. 638) is amended—

(A) in subsection (o)—

(i) by redesignating paragraphs (8) through (11) as paragraphs (10) through (13), respectively; and

(ii) by inserting after paragraph (7) the following:

“(8) include, as part of its annual performance plan as required by subsections (a) and (b) of section 1115 of title 31, United States Code, a section on its STTR program, and shall submit such section to the Committee on Small Business of the Senate, and the Committee on Science and the Committee on Small Business of the House of Representatives;

“(9) collect such data from awardees as is necessary to assess STTR program outputs and outcomes.”;

(B) in subsection (e)(4)(A), by striking “(ii)”;

and

(C) by adding at the end the following:

“(s) OUTREACH.—

“(1) DEFINITION OF ELIGIBLE STATE.—In this subsection, the term ‘eligible State’ means a State—

“(A) if the total value of contracts awarded to the State during fiscal year 1995 under this section was less than \$5,000,000; and

“(B) that certifies to the Administration described in paragraph (2) that the State will, upon receipt of assistance under this subsection, provide matching funds from non-Federal sources in an amount that is not less than 50 percent of the amount provided under this subsection.

“(2) PROGRAM AUTHORITY.—Of amounts made available to carry out this section for fiscal year 1998, 1999, 2000, or 2001 the Administrator may expend with eligible States not more than \$2,000,000 in each such fiscal year in order to increase the participation of small business concerns located in those States in the programs under this section.

“(3) AMOUNT OF ASSISTANCE.—The amount of assistance provided to an eligible State under this subsection in any fiscal year—

“(A) shall be equal to twice the total amount of matching funds from non-Federal sources provided by the State; and

“(B) shall not exceed \$100,000.

“(4) USE OF ASSISTANCE.—Assistance provided to an eligible State under this subsection shall be used by the State, in consultation with State and local departments and agencies, for programs and activities to increase the participation of small business concerns located in the State in the programs under this section, including—

“(A) the establishment of quantifiable performance goals, including goals relating to—

“(i) the number of program awards under this section made to small business concerns in the State; and

“(ii) the total amount of Federal research and development contracts awarded to small business concerns in the State;

“(B) the provision of competition outreach support to small business concerns in the State that are involved in research and development; and

“(C) the development and dissemination of educational and promotional information relating to the programs under this section to small business concerns in the State.

“(t) INCLUSION IN STRATEGIC PLANS.—Program information relating to the SBIR and STTR programs shall be included by each Federal agency in any update or revision required of the Federal agency under section 306(b) of title 5, United States Code.”.

(2) REPEAL.—Effective October 1, 2001, section 9(s) of the Small Business Act (as added by paragraph (1) of this subsection) is repealed.

SEC. 502. SMALL BUSINESS DEVELOPMENT CENTERS.

(a) IN GENERAL.—Section 21(a) of the Small Business Act (15 U.S.C. 648(a)) is amended—

(1) in paragraph (1)—

(A) by inserting “any women’s business center operating pursuant to section 29,” after “credit or finance corporation,”;

(B) by inserting “or a women’s business center operating pursuant to section 29” after “other than an institution of higher education”;

(C) by inserting “and women’s business centers operating pursuant to section 29” after “utilize institutions of higher education”;

(2) in paragraph (3)—

(A) by striking “, but with” and all that follows through “parties.” and inserting the following: “for the delivery of programs and services to the small business community. Such programs and services shall be jointly developed, negotiated, and agreed upon, with full participation of both parties, pursuant to an executed cooperative agreement between the Small Business Development Center applicant and the Administration.”; and

(B) by adding at the end the following:

“(C) On an annual basis, the Small Business Development Center shall review and coordinate public and private partnerships and cosponsorships with the Administration for the purpose of more efficiently leveraging available resources on a National and a State basis.”;

(3) in paragraph (4)(C)—

(A) by striking clause (i) and inserting the following:

“(i) IN GENERAL.—

“(I) GRANT AMOUNT.—Subject to subclauses (II) and (III), the amount of a grant received by a State under this section shall be equal to the greater of \$500,000, or the sum of—

“(aa) the State’s pro rata share of the national program, based upon the population of the State as compared to the total population of the United States; and

“(bb) \$300,000 in fiscal year 1998, \$400,000 in fiscal year 1999, and \$500,000 in each fiscal year thereafter.

“(II) PRO RATA REDUCTIONS.—If the amount made available to carry out this section for any fiscal year is insufficient to carry out subclause (I)(bb), the Administration shall make pro rata reductions in the amounts otherwise payable to States under subclause (I)(bb).

“(III) MATCHING REQUIREMENT.—The amount of a grant received by a State under this section shall not exceed the amount of matching funds from sources other than the Federal Government provided by the State under subparagraph (A).”; and

(B) in clause (iii), by striking “(iii)” and all that follows through “1997.” and inserting the following:

“(iii) NATIONAL PROGRAM.—There are authorized to be appropriated to carry out the national program under this section—

“(I) \$85,000,000 for fiscal year 1998;

“(II) \$90,000,000 for fiscal year 1999; and

“(III) \$95,000,000 for fiscal year 2000 and each fiscal year thereafter.”; and

(4) in paragraph (6)—

(A) in subparagraph (A), by striking “and” at the end;

(B) in subparagraph (B), by striking the comma at the end and inserting “; and”; and

(C) inserting after subparagraph (B) the following:

“(C) with outreach, development, and enhancement of minority-owned small business startups or expansions, HUBZone small business

concerns, veteran-owned small business startups or expansions, and women-owned small business startups or expansions, in communities impacted by base closings or military or corporate downsizing, or in rural or underserved communities.”;

(b) SBDC SERVICES.—Section 21(c) of the Small Business Act (15 U.S.C. 648(c)) is amended—

(1) in paragraph (3)—

(A) in subparagraph (A), by striking “businesses;” and inserting “businesses, including—

“(i) working with individuals to increase awareness of basic credit practices and credit requirements;

“(ii) working with individuals to develop business plans, financial packages, credit applications, and contract proposals;

“(iii) working with the Administration to develop and provide informational tools for use in working with individuals on pre-business start-up planning, existing business expansion, and export planning; and

“(iv) working with individuals referred by the local offices of the Administration and Administration participating lenders.”;

(B) in each of subparagraphs (B), (C), (D), (E), (F), (G), (M), (N), (O), (Q), and (R) by moving each margin 2 ems to the left; and

(C) in subparagraph (C), by inserting “and the Administration” after “Center”;

(2) in paragraph (5)—

(A) by moving the margin 2 ems to the right;

(B) by striking “paragraph (a)(1)” and inserting “subsection (a)(1)”;

(C) by striking “which ever” and inserting “whichever”;

(D) by striking “last,” and inserting “last.”;

(3) by redesignating paragraphs (4) through (7) as paragraphs (5) through (8), respectively; and

(4) in paragraph (3), in the undesignated material following subparagraph (R), by striking “A small” and inserting the following:

“(4) A small”.

(c) COMPETITIVE AWARDS.—Section 21(l) of the Small Business Act (15 U.S.C. 648(l)) is amended by adding at the end the following: “If any contract or cooperative agreement under this section is not renewed or extended, any award of a successor contract or cooperative agreement under this section to another entity shall be made on a competitive basis.”.

(d) PROHIBITION ON CERTAIN FEES.—Section 21 of the Small Business Act (15 U.S.C. 648) is amended by adding at the end the following:

“(m) PROHIBITION ON CERTAIN FEES.—A small business development center shall not impose or otherwise collect a fee or other compensation in connection with the provision of counseling services under this section.”.

SEC. 503. PILOT PREFERRED SURETY BOND GUARANTEE PROGRAM EXTENSION.

Section 207 of the Small Business Administration Reauthorization and Amendment Act of 1988 (15 U.S.C. 694b note) is amended by striking “September 30, 1997” and inserting “September 30, 2000”.

SEC. 504. EXTENSION OF COSPONSORSHIP AUTHORITY.

Section 401(a)(2) of the Small Business Administration Reauthorization and Amendments Act of 1994 (15 U.S.C. 637 note) is amended by striking “September 30, 1997” and inserting “September 30, 2000”.

SEC. 505. ASSET SALES.

In connection with the Administration’s implementation of a program to sell to the private sector loans and other assets held by the Administration, the Administration shall provide to the Committees a copy of the draft and final plans describing the sale and the anticipated benefits resulting from such sale.

SEC. 506. SMALL BUSINESS EXPORT PROMOTION.

(a) IN GENERAL.—Section 21(c)(3) of the Small Business Act (15 U.S.C. 648(c)(3)) is amended—

(1) in subparagraph (Q), by striking “and” at the end;

(2) in subparagraph (R), by striking the period at the end and inserting “; and”; and

(3) by inserting after subparagraph (R) the following:

“(S) providing small business owners with access to a wide variety of export-related information by establishing on-line computer linkages between small business development centers and an international trade data information network with ties to the Export Assistance Center program.”.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out section 21(c)(3)(S) of the Small Business Act (15 U.S.C. 648(c)(3)(S)), as added by this section, \$1,500,000 for each fiscal year 1998 and 1999.

SEC. 507. DEFENSE LOAN AND TECHNICAL ASSISTANCE PROGRAM.

(a) DELTA PROGRAM AUTHORIZED.—

(1) IN GENERAL.—The Administrator may administer the Defense Loan and Technical Assistance program in accordance with the authority and requirements of this section.

(2) EXPIRATION OF AUTHORITY.—The authority of the Administrator to carry out the DELTA program under paragraph (1) shall terminate when the funds referred to in subsection (g)(1) have been expended.

(3) DELTA PROGRAM DEFINED.—In this section, the terms “Defense Loan and Technical Assistance program” and “DELTA program” mean the Defense Loan and Technical Assistance program that has been established by a memorandum of understanding entered into by the Administrator and the Secretary of Defense on June 26, 1995.

(b) ASSISTANCE.—

(1) AUTHORITY.—Under the DELTA program, the Administrator may assist small business concerns that are economically dependent on defense expenditures to acquire dual-use capabilities.

(2) FORMS OF ASSISTANCE.—Forms of assistance authorized under paragraph (1) are as follows:

(A) LOAN GUARANTEES.—Loan guarantees under the terms and conditions specified under this section and other applicable law.

(B) NONFINANCIAL ASSISTANCE.—Other forms of assistance that are not financial.

(c) ADMINISTRATION OF PROGRAM.—In the administration of the DELTA program under this section, the Administrator shall—

(1) process applications for DELTA program loan guarantees;

(2) guarantee repayment of the resulting loans in accordance with this section; and

(3) take such other actions as are necessary to administer the program.

(d) SELECTION AND ELIGIBILITY REQUIREMENTS FOR DELTA LOAN GUARANTEES.—

(1) IN GENERAL.—The selection criteria and eligibility requirements set forth in this subsection shall be applied in the selection of small business concerns to receive loan guarantees under the DELTA program.

(2) SELECTION CRITERIA.—The criteria used for the selection of a small business concern to receive a loan guarantee under this section are as follows:

(A) The selection criteria established under the memorandum of understanding referred to in subsection (a)(3).

(B) The extent to which the loans to be guaranteed would support the retention of defense workers whose employment would otherwise be permanently or temporarily terminated as a result of reductions in expenditures by the United States for defense, the termination or cancellation of a defense contract, the failure to proceed with an approved major weapon system, the merger or consolidation of the operations of a defense contractor, or the closure or realignment of a military installation.

(C) The extent to which the loans to be guaranteed would stimulate job creation and new

economic activities in communities most adversely affected by reductions in expenditures by the United States for defense, the termination or cancellation of a defense contract, the failure to proceed with an approved major weapon system, the merger or consolidation of the operations of a defense contractor, or the closure or realignment of a military installation.

(D) The extent to which the loans to be guaranteed would be used to acquire (or permit the use of other funds to acquire) capital equipment to modernize or expand the facilities of the borrower to enable the borrower to remain in the national technology and industrial base available to the Department of Defense.

(3) **ELIGIBILITY REQUIREMENTS.**—To be eligible for a loan guarantee under the DELTA program, a borrower must demonstrate to the satisfaction of the Administrator that, during any 1 of the 5 preceding operating years of the borrower, not less than 25 percent of the value of the borrower's sales were derived from—

(A) contracts with the Department of Defense or the defense-related activities of the Department of Energy; or

(B) subcontracts in support of defense-related prime contracts.

(e) **MAXIMUM AMOUNT OF LOAN PRINCIPAL.**—With respect to each borrower, the maximum amount of loan principal for which the Administrator may provide a guarantee under this section during a fiscal year may not exceed \$1,250,000.

(f) **LOAN GUARANTY RATE.**—The maximum allowable guarantee percentage for loans guaranteed under this section may not exceed 80 percent.

(g) **FUNDING.**—

(1) **IN GENERAL.**—The funds that have been made available for loan guarantees under the DELTA program and have been transferred from the Department of Defense to the Small Business Administration before the date of the enactment of this Act shall be used for carrying out the DELTA program under this section.

(2) **CONTINUED AVAILABILITY OF EXISTING FUNDS.**—The funds made available under the second proviso under the heading "RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE" in Public Law 103-335 (108 Stat. 2613) shall be available until expended—

(A) to cover the costs (as defined in section 502(5) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a(5))) of loan guarantees issued under this section; and

(B) to cover the reasonable costs of the administration of the loan guarantees.

SEC. 508. VERY SMALL BUSINESS CONCERNS.

Section 304(i) of the Small Business Administration Reauthorization and Amendments Act of 1994 (15 U.S.C. 644 note) is amended by striking "September 30, 1998" and inserting "September 30, 2000".

SEC. 509. TRADE ASSISTANCE PROGRAM FOR SMALL BUSINESS CONCERNS ADVERSELY AFFECTED BY NAFTA.

The Administrator shall coordinate Federal assistance in order to provide counseling to small business concerns adversely affected by the North American Free Trade Agreement.

TITLE VI—HUBZONE PROGRAM

SEC. 601. SHORT TITLE.

This title may be cited as the "HUBZone Act of 1997".

SEC. 602. HISTORICALLY UNDERUTILIZED BUSINESS ZONES.

(a) **DEFINITIONS.**—Section 3 of the Small Business Act (15 U.S.C. 632) (as amended by section 412 of this Act) is amended by adding at the end the following:

"(p) **DEFINITIONS RELATING TO HUBZONES.**—In this Act:

"(1) **HISTORICALLY UNDERUTILIZED BUSINESS ZONE.**—The term 'historically underutilized business zone' means any area located within 1 or more—

"(A) qualified census tracts;

"(B) qualified nonmetropolitan counties; or
"(C) lands within the external boundaries of an Indian reservation.

"(2) **HUBZONE.**—The term 'HUBZone' means a historically underutilized business zone.

"(3) **HUBZONE SMALL BUSINESS CONCERN.**—The term 'HUBZone small business concern' means a small business concern—

"(A) that is owned and controlled by 1 or more persons, each of whom is a United States citizen; and

"(B) the principal office of which is located in a HUBZone; or

"(4) **QUALIFIED AREAS.**—

"(A) **QUALIFIED CENSUS TRACT.**—The term 'qualified census tract' has the meaning given that term in section 42(d)(5)(C)(ii)(I) of the Internal Revenue Code of 1986.

"(B) **QUALIFIED NONMETROPOLITAN COUNTY.**—The term 'qualified nonmetropolitan county' means any county—

"(i) that, based on the most recent data available from the Bureau of the Census of the Department of Commerce—

"(I) is not located in a metropolitan statistical area (as defined in section 143(k)(2)(B) of the Internal Revenue Code of 1986); and

"(II) in which the median household income is less than 80 percent of the nonmetropolitan State median household income; or

"(ii) that, based on the most recent data available from the Secretary of Labor, has an unemployment rate that is not less than 140 percent of the statewide average unemployment rate for the State in which the county is located.

"(5) **QUALIFIED HUBZONE SMALL BUSINESS CONCERN.**—

"(A) **IN GENERAL.**—A HUBZone small business concern is 'qualified', if—

"(i) the small business concern has certified in writing to the Administrator (or the Administrator otherwise determines, based on information submitted to the Administrator by the small business concern, or based on certification procedures, which shall be established by the Administration by regulation) that—

"(I) it is a HUBZone small business concern;

"(II) not less than 35 percent of the employees of the small business concern reside in a HUBZone, and the small business concern will attempt to maintain this employment percentage during the performance of any contract awarded to the small business concern on the basis of a preference provided under section 31(b); and

"(III) with respect to any subcontract entered into by the small business concern pursuant to a contract awarded to the small business concern under section 31, the small business concern will ensure that—

"(aa) in the case of a contract for services (except construction), not less than 50 percent of the cost of contract performance incurred for personnel will be expended for its employees or for employees of other HUBZone small business concerns; and

"(bb) in the case of a contract for procurement of supplies (other than procurement from a regular dealer in such supplies), not less than 50 percent of the cost of manufacturing the supplies (not including the cost of materials) will be incurred in connection with the performance of the contract in a HUBZone by 1 or more HUBZone small business concerns; and

"(ii) no certification made or information provided by the small business concern under clause (i) has been, in accordance with the procedures established under section 31(c)(1)—

"(I) successfully challenged by an interested party; or

"(II) otherwise determined by the Administrator to be materially false.

"(B) **CHANGE IN PERCENTAGES.**—The Administrator may utilize a percentage other than the percentage specified in under item (aa) or (bb) of subparagraph (A)(i)(III), if the Administrator determines that such action is necessary to reflect conventional industry practices among

small business concerns that are below the numerical size standard for businesses in that industry category.

"(C) **CONSTRUCTION AND OTHER CONTRACTS.**—The Administrator shall promulgate final regulations imposing requirements that are similar to those specified in subclauses (IV) and (V) of subparagraph (A)(i) on contracts for general and specialty construction, and on contracts for any other industry category that would not otherwise be subject to those requirements. The percentage applicable to any such requirement shall be determined in accordance with subparagraph (B).

"(D) **LIST OF QUALIFIED SMALL BUSINESS CONCERNS.**—The Administrator shall establish and maintain a list of qualified HUBZone small business concerns, which list shall, to the extent practicable—

"(i) include the name, address, and type of business with respect to each such small business concern;

"(ii) be updated by the Administrator not less than annually; and

"(iii) be provided upon request to any Federal agency or other entity."

(b) **FEDERAL CONTRACTING.**—

(1) **IN GENERAL.**—The Small Business Act (15 U.S.C. 631 et seq.) is amended—

(A) by redesignating section 31 as section 32; and

(B) by inserting after section 30 the following: "**SEC. 31. HUBZONE PROGRAM.**"

"(a) **IN GENERAL.**—There is established within the Administration a program to be carried out by the Administrator to provide for Federal contracting assistance to qualified HUBZone small business concerns in accordance with this section.

"(b) **ELIGIBLE CONTRACTS.**—

"(1) **DEFINITIONS.**—In this subsection—

"(A) the term 'contracting officer' has the meaning given that term in section 27(f)(5) of the Office of Federal Procurement Policy Act (41 U.S.C. 423(f)(5)); and

"(B) the term 'full and open competition' has the meaning given that term in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403).

"(2) **AUTHORITY OF CONTRACTING OFFICER.**—Notwithstanding any other provision of law—

"(A) a contracting officer may award sole source contracts under this section to any qualified HUBZone small business concern, if—

"(i) the qualified HUBZone small business concern is determined to be a responsible contractor with respect to performance of such contract opportunity, and the contracting officer does not have a reasonable expectation that 2 or more qualified HUBZone small business concerns will submit offers for the contracting opportunity;

"(ii) the anticipated award price of the contract (including options) will not exceed—

"(I) \$5,000,000, in the case of a contract opportunity assigned a standard industrial classification code for manufacturing; or

"(II) \$3,000,000, in the case of all other contract opportunities; and

"(iii) in the estimation of the contracting officer, the contract award can be made at a fair and reasonable price;

"(B) a contract opportunity shall be awarded pursuant to this section on the basis of competition restricted to qualified HUBZone small business concerns if the contracting officer has a reasonable expectation that not less than 2 qualified HUBZone small business concerns will submit offers and that the award can be made at a fair market price; and

"(C) not later than 5 days from the date the Administration is notified of a procurement officer's decision not to award a contract opportunity under this section to a qualified HUBZone small business concern, the Administrator may notify the contracting officer of the intent to appeal the contracting officer's decision, and within 15 days of such date the Administrator may file a written request for reconsideration of the contracting officer's decision

with the Secretary of the department or agency head.

(3) PRICE EVALUATION PREFERENCE IN FULL AND OPEN COMPETITIONS.—In any case in which a contract is to be awarded on the basis of full and open competition, the price offered by a qualified HUBZone small business concern shall be deemed as being lower than the price offered by another offeror (other than another small business concern), if the price offered by the qualified HUBZone small business concern is not more than 10 percent higher than the price offered by the otherwise lowest, responsive, and responsible offeror.

(4) RELATIONSHIP TO OTHER CONTRACTING PREFERENCES.—A procurement may not be made from a source on the basis of a preference provided in paragraph (2) or (3), if the procurement would otherwise be made from a different source under section 4124 or 4125 of title 18, United States Code, or the Javits-Wagner-O'Day Act (41 U.S.C. 46 et seq.).

(c) ENFORCEMENT; PENALTIES.—

(1) VERIFICATION OF ELIGIBILITY.—In carrying out this section, the Administrator shall establish procedures relating to—

(A) the filing, investigation, and disposition by the Administration of any challenge to the eligibility of a small business concern to receive assistance under this section (including a challenge, filed by an interested party, relating to the veracity of a certification made or information provided to the Administration by a small business concern under section 3(p)(5)); and

(B) verification by the Administrator of the accuracy of any certification made or information provided to the Administration by a small business concern under section 3(p)(5).

(2) EXAMINATIONS.—The procedures established under paragraph (1) may provide for program examinations (including random program examinations) by the Administrator of any small business concern making a certification or providing information to the Administrator under section 3(p)(5).

(3) PROVISION OF DATA.—Upon the request of the Administrator, the Secretary of Labor, the Secretary of Housing and Urban Development, and the Secretary of the Interior (or the Assistant Secretary for Indian Affairs), shall promptly provide to the Administrator such information as the Administrator determines to be necessary to carry out this subsection.

(4) PENALTIES.—In addition to the penalties described in section 16(d), any small business concern that is determined by the Administrator to have misrepresented the status of that concern as a 'HUBZone small business concern' for purposes of this section, shall be subject to—

(A) section 1001 of title 18, United States Code; and

(B) sections 3729 through 3733 of title 31, United States Code."

(2) INITIAL LIMITED APPLICABILITY.—During the period beginning on the date of enactment of this Act and ending on September 30, 2000, section 31 of the Small Business Act (as added by paragraph (1) of this subsection) shall apply only to procurements by—

(A) the Department of Defense;

(B) the Department of Agriculture;

(C) the Department of Health and Human Services;

(D) the Department of Transportation;

(E) the Department of Energy;

(F) the Department of Housing and Urban Development;

(G) the Environmental Protection Agency;

(H) the National Aeronautics and Space Administration;

(I) the General Services Administration; and

(J) the Department of Veterans Affairs.

SEC. 603. TECHNICAL AND CONFORMING AMENDMENTS TO THE SMALL BUSINESS ACT.

(a) PERFORMANCE OF CONTRACTS.—Section 8(d) of the Small Business Act (15 U.S.C. 637(d)) is amended—

(1) in paragraph (1)—

(A) in the first sentence, by striking ", small business concerns owned and controlled by socially and economically disadvantaged individuals" and inserting ", qualified HUBZone small business concerns, small business concerns owned and controlled by socially and economically disadvantaged individuals"; and

(B) in the second sentence, by inserting "qualified HUBZone small business concerns," after "small business concerns,";

(2) in paragraph (3)—

(A) by inserting "qualified HUBZone small business concerns," after "small business concerns," each place that term appears; and

(B) by adding at the end the following:

"(F) In this contract, the term 'qualified HUBZone small business concern' has the meaning given that term in section 3(p) of the Small Business Act.";

(3) in paragraph (4)(E), by striking "small business concerns and" and inserting "small business concerns, qualified HUBZone small business concerns, and";

(4) in paragraph (6), by inserting "qualified HUBZone small business concerns," after "small business concerns," each place that term appears; and

(5) in paragraph (10), by inserting "qualified HUBZone small business concerns," after "small business concerns,".

(b) AWARDS OF CONTRACTS.—Section 15 of the Small Business Act (15 U.S.C. 644) is amended—

(1) in subsection (g)(1)—

(A) by inserting "qualified HUBZone small business concerns," after "small business concerns," each place that term appears;

(B) in the second sentence, by striking "20 percent" and inserting "23 percent"; and

(C) by inserting after the second sentence the following: "The Governmentwide goal for participation by qualified HUBZone small business concerns shall be established at not less than 1 percent of the total value of all prime contract awards for fiscal year 1999, not less than 1.5 percent of the total value of all prime contract awards for fiscal year 2000, not less than 2 percent of the total value of all prime contract awards for fiscal year 2001, not less than 2.5 percent of the total value of all prime contract awards for fiscal year 2002, and not less than 3 percent of the total value of all prime contract awards for fiscal year 2003 and each fiscal year thereafter.";

(2) in subsection (g)(2)—

(A) in the first sentence, by striking ", by small business concerns owned and controlled by socially and economically disadvantaged individuals" and inserting ", by qualified HUBZone small business concerns, by small business concerns owned and controlled by socially and economically disadvantaged individuals";

(B) in the second sentence, by inserting "qualified HUBZone small business concerns," after "small business concerns,";

(C) in the fourth sentence, by striking "by small business concerns owned and controlled by socially and economically disadvantaged individuals and participation by small business concerns owned and controlled by women" and inserting "by qualified HUBZone small business concerns, by small business concerns owned and controlled by women"; and

(3) in subsection (h), by inserting "qualified HUBZone small business concerns," after "small business concerns," each place that term appears.

(c) OFFENSES AND PENALTIES.—Section 16 of the Small Business Act (15 U.S.C. 645) is amended—

(1) in subsection (d)(1)—

(A) by inserting ", a 'qualified HUBZone small business concern'," after "small business concern,";

(B) in subparagraph (A), by striking "section 9 or 15" and inserting "section 9, 15, or 31"; and

(2) in subsection (e), by inserting ", a 'HUBZone small business concern'," after "small business concern,".

SEC. 604. OTHER TECHNICAL AND CONFORMING AMENDMENTS.

(a) TITLE 10, UNITED STATES CODE.—Section 2323 of title 10, United States Code, is amended—

(1) in subsection (a)(1)(A), by inserting before the semicolon the following: ", and qualified HUBZone small business concerns (as defined in section 3(p) of the Small Business Act)"; and

(2) in subsection (f)(1), by inserting "or as a qualified HUBZone small business concern (as defined in section 3(p) of the Small Business Act)" after "(as described in subsection (a))".

(b) FEDERAL HOME LOAN BANK ACT.—Section 21A(b)(13) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(b)(13)) is amended—

(1) by striking "concerns and small" and inserting "concerns, small"; and

(2) by inserting ", and qualified HUBZone small business concerns (as defined in section 3(p) of the Small Business Act)" after "disadvantaged individuals".

(c) SMALL BUSINESS ECONOMIC POLICY ACT OF 1980.—Section 303(e) of the Small Business Economic Policy Act of 1980 (15 U.S.C. 631b(e)) is amended—

(1) in paragraph (1), by striking "and" at the end;

(2) in paragraph (2), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(3) qualified HUBZone small business concern (as defined in section 3(p) of the Small Business Act)."

(d) SMALL BUSINESS INVESTMENT ACT OF 1958.—Section 411(c)(3)(B) of the Small Business Investment Act of 1958 (15 U.S.C. 694b(c)(3)(B)) is amended by inserting before the semicolon the following: ", or to a qualified HUBZone small business concern (as defined in section 3(p) of the Small Business Act)".

(e) TITLE 31, UNITED STATES CODE.—

(1) CONTRACTS FOR COLLECTION SERVICES.—Section 3718(b) of title 31, United States Code, is amended—

(A) in paragraph (1)(B), by inserting "and law firms that are qualified HUBZone small business concerns (as defined in section 3(p) of the Small Business Act)" after "disadvantaged individuals"; and

(B) in paragraph (3)—

(i) in the first sentence, by inserting before the period "and law firms that are qualified HUBZone small business concerns";

(ii) in subparagraph (A), by striking "and" at the end;

(iii) in subparagraph (B), by striking the period at the end and inserting "; and"; and

(iv) by adding at the end the following: "(C) the term 'qualified HUBZone small business concern' has the meaning given that term in section 3(p) of the Small Business Act.".

(2) PAYMENTS TO LOCAL GOVERNMENTS.—Section 6701(f) of title 31, United States Code, is amended—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking "and" at the end;

(ii) in subparagraph (B), by striking the period at the end and inserting "; and"; and

(iii) by adding at the end the following: "(C) qualified HUBZone small business concerns.";

(B) in paragraph (3)—

(i) in subparagraph (A), by striking "and" at the end;

(ii) in subparagraph (B), by striking the period at the end and inserting "; and"; and

(iii) by adding at the end the following: "(C) the term 'qualified HUBZone small business concern' has the meaning given that term in section 3(p) of the Small Business Act (15 U.S.C. 632(o))."

(3) REGULATIONS.—Section 7505(c) of title 31, United States Code, is amended by striking

“small business concerns and” and inserting “small business concerns, qualified HUBZone small business concerns, and”.

(f) OFFICE OF FEDERAL PROCUREMENT POLICY ACT.—

(1) ENUMERATION OF INCLUDED FUNCTIONS.—Section 6(d) of the Office of Federal Procurement Policy Act (41 U.S.C. 405(d)) is amended—

(A) in paragraph (11), by inserting “qualified HUBZone small business concerns (as defined in section 3(p) of the Small Business Act),” after “small businesses,”; and

(B) in paragraph (12), by inserting “qualified HUBZone small business concerns (as defined in section 3(p) of the Small Business Act (15 U.S.C. 632(o)),” after “small businesses,”.

(2) PROCUREMENT DATA.—Section 502 of the Women’s Business Ownership Act of 1988 (41 U.S.C. 417a) is amended—

(A) in subsection (a)—

(i) in the first sentence, by inserting “the number of qualified HUBZone small business concerns,” after “Procurement Policy”; and

(ii) by inserting a comma after “women”; and
(B) in subsection (b), by inserting after “section 204 of this Act” the following: “, and the term ‘qualified HUBZone small business concern’ has the meaning given that term in section 3(p) of the Small Business Act (15 U.S.C. 632(o)).”.

(g) ENERGY POLICY ACT OF 1992.—Section 3021 of the Energy Policy Act of 1992 (42 U.S.C. 13556) is amended—

(1) in subsection (a)—

(A) in paragraph (2), by striking “or”;

(B) in paragraph (3), by striking the period and inserting “; or”; and

(C) by adding at the end the following:

“(4) qualified HUBZone small business concerns.”; and

(2) in subsection (b), by adding at the end the following:

“(3) The term ‘qualified HUBZone small business concern’ has the meaning given that term in section 3(p) of the Small Business Act (15 U.S.C. 632(o)).”.

(h) TITLE 49, UNITED STATES CODE.—

(1) PROJECT GRANT APPLICATION APPROVAL CONDITIONED ON ASSURANCES ABOUT AIRPORT OPERATION.—Section 47107(e) of title 49, United States Code, is amended—

(A) in paragraph (1), by inserting before the period “or qualified HUBZone small business concerns (as defined in section 3(p) of the Small Business Act)”;

(B) in paragraph (4)(B), by inserting before the period “or as a qualified HUBZone small business concern (as defined in section 3(p) of the Small Business Act)”;

(C) in paragraph (6), by inserting “or a qualified HUBZone small business concern (as defined in section 3(p) of the Small Business Act)” after “disadvantaged individual”.

(2) MINORITY AND DISADVANTAGED BUSINESS PARTICIPATION.—Section 47113 of title 49, United States Code, is amended—

(A) in subsection (a)—

(i) in paragraph (1), by striking the period at the end and inserting a semicolon;

(ii) in paragraph (2), by striking the period at the end and inserting “; and”; and

(iii) by adding at the end the following:

“(3) the term ‘qualified HUBZone small business concern’ has the meaning given that term in section 3(p) of the Small Business Act (15 U.S.C. 632(o)).”; and

(B) in subsection (b), by inserting before the period “or qualified HUBZone small business concerns”.

SEC. 605. REGULATIONS.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Administrator shall publish in the Federal Register such final regulations as may be necessary to carry out this title and the amendments made by this title.

(b) FEDERAL ACQUISITION REGULATION.—Not later than 180 days after the date on which final

regulations are published under subsection (a), the Federal Acquisition Regulatory Council shall amend the Federal Acquisition Regulation in order to ensure consistency between the Federal Acquisition Regulation, this title and the amendments made by this title, and the final regulations published under subsection (a).

SEC. 606. REPORT.

Not later than March 1, 2002, the Administrator shall submit to the Committees a report on the implementation of the HUBZone program established under section 31 of the Small Business Act (as added by section 602(b) of this title) and the degree to which the HUBZone program has resulted in increased employment opportunities and an increased level of investment in HUBZones (as defined in section 3(p) of the Small Business Act (15 U.S.C. 632(p)), as added by section 602(a) of this title).

SEC. 607. AUTHORIZATION OF APPROPRIATIONS.

Section 20 of the Small Business Act (15 U.S.C. 631 note) (as amended by section 101 of this Act) is amended—

(1) in subsection (c), by adding at the end the following:

“(3) HUBZONE PROGRAM.—There are authorized to be appropriated to the Administration to carry out the program under section 31, \$5,000,000 for fiscal year 1998.”;

(2) in subsection (d), by adding at the end the following:

“(3) HUBZONE PROGRAM.—There are authorized to be appropriated to the Administration to carry out the program under section 31, \$5,000,000 for fiscal year 1999.”; and

(3) in subsection (e), by adding at the end the following:

“(3) HUBZONE PROGRAM.—There are authorized to be appropriated to the Administration to carry out the program under section 31, \$5,000,000 for fiscal year 2000.”.

TITLE VII—SERVICE DISABLED VETERANS

SEC. 701. PURPOSES.

The purposes of this title are—

(1) to foster enhanced entrepreneurship among eligible veterans by providing increased opportunities;

(2) to vigorously promote the legitimate interests of small business concerns owned and controlled by eligible veterans; and

(3) to ensure that those concerns receive fair consideration in purchases made by the Federal Government.

SEC. 702. DEFINITIONS.

In this title:

(1) ELIGIBLE VETERAN.—The term “eligible veteran” means a disabled veteran (as defined in section 4211(3) of title 38, United States Code).

(2) SMALL BUSINESS CONCERN OWNED AND CONTROLLED BY ELIGIBLE VETERANS.—The term “small business concern owned and controlled by eligible veterans” means a small business concern (as defined in section 3 of the Small Business Act)—

(A) that is at least 51 percent owned by 1 or more eligible veterans, or in the case of a publicly owned business, at least 51 percent of the stock of which is owned by 1 or more eligible veterans; and

(B) whose management and daily business operations are controlled by eligible veterans.

SEC. 703. REPORT BY SMALL BUSINESS ADMINISTRATION.

(a) STUDY AND REPORT.—

(1) IN GENERAL.—Not later than 9 months after the date of enactment of this Act, the Administrator shall conduct a comprehensive study and submit to the Committees a final report containing findings and recommendations of the Administrator on—

(A) the needs of small business concerns owned and controlled by eligible veterans;

(B) the availability and utilization of Administration programs by small business concerns owned and controlled by eligible veterans;

(C) the percentage, and dollar value, of Federal contracts awarded to small business concerns owned and controlled by eligible veterans in the preceding 5 fiscal years; and

(D) methods to improve Administration and other agency programs to serve the needs of small business concerns owned and controlled by eligible veterans.

(2) CONTENTS.—The report under paragraph (1) shall include recommendations to Congress concerning the need for legislation and recommendations to the Office of Management and Budget, relevant offices within the Administration, and the Department of Veterans Affairs.

(b) CONDUCT OF STUDY.—In carrying out subsection (a), the Administrator—

(1) may conduct surveys of small business concerns owned and controlled by eligible veterans and service disabled veterans, including those who have sought financial assistance or other services from the Administration;

(2) shall consult with the appropriate committees of Congress, relevant groups and organizations in the nonprofit sector, and Federal or State government agencies; and

(3) shall have access to any information within other Federal agencies that pertains to such veterans and their small businesses, unless such access is specifically prohibited by law.

SEC. 704. INFORMATION COLLECTION.

After the date of issuance of the report required by section 703(a), the Secretary of Veterans Affairs shall, in consultation with the Assistant Secretary for Veterans’ Employment and Training and the Administrator, engage in efforts each fiscal year to identify small business concerns owned and controlled by eligible veterans in the United States. The Secretary shall inform each small business concern identified under this section that information on Federal procurement is available from the Administrator.

SEC. 705. STATE OF SMALL BUSINESS REPORT.

Section 303(b) of the Small Business Economic Policy Act of 1980 (15 U.S.C. 631b(b)) is amended by striking “and female-owned businesses” and inserting “, female-owned, and veteran-owned businesses”.

SEC. 706. LOANS TO VETERANS.

Section 7(a) of the Small Business Act (15 U.S.C. 636(a)) is amended by inserting after paragraph (7) the following:

“(8) The Administration may make loans under this subsection to small business concerns owned and controlled by disabled veterans (as defined in section 4211(3) of title 38, United States Code).”.

SEC. 707. ENTREPRENEURIAL TRAINING, COUNSELING, AND MANAGEMENT ASSISTANCE.

The Administrator shall take such actions as may be necessary to ensure that small business concerns owned and controlled by eligible veterans have access to programs established under the Small Business Act that provide entrepreneurial training, business development assistance, counseling, and management assistance to small business concerns, including, among others, the Small Business Development Center program and the Service Corps of Retired Executives (SCORE) program.

SEC. 708. GRANTS FOR ELIGIBLE VETERANS’ OUTREACH PROGRAMS.

Section 8(b) of the Small Business Act (15 U.S.C. 637(b)) is amended—

(1) in paragraph (15), by striking “and” at the end;

(2) in the first paragraph designated as paragraph (16), by striking the period at the end and inserting “; and”; and

(3) by striking the second paragraph designated as paragraph (16) and inserting the following:

“(17) to make grants to, and enter into contracts and cooperative agreements with, educational institutions, private businesses, veterans’ nonprofit community-based organizations,

and Federal, State, and local departments and agencies for the establishment and implementation of outreach programs for disabled veterans (as defined in section 4211(3) of title 38, United States Code).".

SEC. 709. OUTREACH FOR ELIGIBLE VETERANS.

The Administrator, the Secretary of Veterans Affairs, and the Assistant Secretary of Labor for Veterans' Employment and Training, shall develop and implement a program of comprehensive outreach to assist eligible veterans, which program shall include business training and management assistance, employment and relocation counseling, and dissemination of information on veterans' benefits and veterans' entitlements.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Missouri [Mr. TALENT] and the gentleman from New York [Mr. LAFALCE] each will control 20 minutes.

The Chair recognizes the gentleman from Missouri [Mr. TALENT].

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

Mr. Speaker, the primary purpose of this legislation is to reauthorize the Small Business Administration and the programs which that agency oversees pursuant to the Small Business Act and the Small Business Investment Act. This reauthorization covers fiscal years 1998, 1999 and 2000. Except for a couple of new provisions added by the other body, this legislation is identical to H.R. 2261, which this House passed under suspension of the rules by a vote of 397 to 17 just 6 weeks ago.

We regularly reauthorize the bulk of the programs contained in this legislation for 3-year periods. The programs contained in this legislation include the financial programs of the SBA, the 7(a) general business loan guarantee program, the section 504 Certified Development Company program, the Microloan program, and the Small Business Investment Company program.

This legislation also changes and improves various programs, specifically modifying the section 504 Preferred Certified Lender Program, the SBIC program, the Women's Business Center program and the SBDC program. The SBA also provides hundreds of millions of dollars in vital disaster assistance to small businesses and homeowners every year, and this legislation reauthorizes that assistance.

Title VII of the measure before us is the result of the collective work of multiple committees and individual Members. It contains a number of provisions which are designed to assist the Federal Government in better serving service-disabled veterans and small businesses owned by service-disabled veterans. These provisions are the products of bipartisan efforts by myself and the gentleman from New York [Mr. LAFALCE], our committee's ranking member, working together with the chairman of the Committee on Rules and the chairman of the Committee on Veterans' Affairs.

Section 501 of this legislation is also the product of a bipartisan and multi-committee effort both here and in the

Senate. It contains most of the features of H.R. 2429, as reported by the Committee on Science, and is a 4-year reauthorization of the pilot Small Business Technology Transfer Program.

As I said earlier, Mr. Speaker, the legislation before us today has some additional components that were added since we passed it here in the House in late September. These additional elements have been added as a result of collaborative and bipartisan efforts between the House and the Senate and, in fact, have involved the collective work of multiple committees from both Houses working in conjunction with representatives of the administration.

Title VI of this legislation establishes the HUBZone program, which will provide incentives to businesses that locate in and employ residents from economically distressed areas, thereby targeting inner cities and rural communities that have low household incomes, high unemployment and whose communities have suffered from a lack of investment.

Subtitle (b) of title IV of this legislation is another component which was added to this legislation by the Senate and addresses the important small business procurement issue of contract bundling. This provision is the result of lengthy negotiations, involving several Senate and House committees and the administration.

Finally, section 507 of this legislation addresses the Defense Loan and Technical Assistance Program, or DELTA program, and is of great importance to numerous small businesses located in areas that have been adversely impacted as a result of the closing of military installations.

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

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

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

Mr. LAFALCE. Mr. Speaker, I rise in support of S. 1139, the Small Business Reauthorization Act of 1997.

Mr. Speaker, this legislation includes the requisite authorization for programs administered by the Small Business Administration for fiscal year 1998 and the two ensuing years. It also includes important program changes for a number of the SBA programs.

Specifically, it includes proposals for women's business development, which I advocated in separate legislation, such as making the women's business development a permanent program and increasing it to 5 years in lieu of the existing 3-year program.

It also enhances the operation of the 504 program, also known as the certified development company or CDC program, which I authored in 1980. It makes needed improvements to allow implementation of the premier lenders program, which allows SBA to delegate loan making, servicing and liquidation

functions to the best CDC's. Without this delegation of authority, which results in large reductions in SBA employee time demands, this program would grind to a halt, as would the 7(a) program without its similar delegation of authority, for SBA simply does not have sufficient personnel to make and service loans today. We depend on participating lenders to serve this function under SBA guidelines and oversight.

But I would be remiss in my responsibilities as the ranking Democrat on the Committee on Small Business if I did not point out that this bill is not without concern. At Senate insistence, it includes a new program to assist economically distressed areas by channeling Federal contracting to them. Under this laudable concept, the distressed areas, called HUBZones, would receive major amounts of Federal contract dollars if the small business contractors unemployment base includes 35 percent of its workforce from these HUBZones. Further, it would increase the small business contracting goal from 20 to 23 percent, a provision I strongly favor.

I am very pleased to note that we were able to secure a major, major change from the version originally passed by the other body. The earlier version would have permitted contracts to be taken from an existing program which assists minorities and women, the 8(a) program.

□ 1630

We were successful in insisting that that provision be dropped totally. The Senate insisted on all the other provisions in the HUBZone title with very little change. I resisted that, too, until specifically prevailed upon by the Small Business Administration.

Inclusion of this HUBZone concept as a permanent program without the customary trial provisions and other safeguards caused a number of Members of Congress to raise strong concerns, particularly because of the possibility of adverse impact on the 8(a) contracting program. Now, this is the most important program operated by the Federal Government to facilitate the growth and development of minority small businesses. Any proposals which might place this program in jeopardy naturally cause concern to those Members who place a high priority on the development of minority small business.

We tried very hard to get a deletion of the entire HUBZone proposal even after they had deleted every single reference to 8(a). The HUBZone proposal is still maintained in the bill, but fortunately it confers considerable discretion on the Administrator of the SBA who will implement. After extensive discussions with Administrator Aida Alvarez, she sent me a very forceful letter explaining the administration's support for the reauthorization bill now under consideration and pledging that SBA will not permit the implementation of the HUBZone's program to negatively affect the 8(a) program. I

will include Miss Alvarez' strong letter of support for the authorization bill in the RECORD for any Member who is interested.

The letter referred to is as follows:

U.S. SMALL BUSINESS ADMINISTRATION,
Washington, D.C., November 8, 1997.
Hon. JOHN J. LAFALCE,
U.S. House of Representatives,
Washington, D.C.

DEAR REPRESENTATIVE LAFALCE: The Administration supports realization of the programs of the Small Business Administration and supports House passage of S. 1139. The bill reauthorizes small business loans which assist tens of thousands of small businesses each year and contribute to the vitality of economy. This bill recognizes the importance of women and service disabled veteran entrepreneurs. And, it makes permanent SBA's Microloan Program which helps those entrepreneurs who need very small amounts of credit. We need this legislation to ensure that we can continue to properly serve our small business customers.

Some Members have raised concerns about the HUBZones provisions in the authorization bill. Please note that unlike earlier versions of the reauthorization bill, the new version of the bill before the House has removed the harmful provisions that would have affected the current preference for 8(a) in the Defense Federal Acquisition Regulations (DFAR), and my ability to appeal contracting actions that might affect 8(a).

I can assure you that SBA will not permit the implementation of the HUBZones program to negatively affect the 8(a) program. As you know, I am a strong supporter of the 8(a) program.

Moreover, the bill will increase the federal procurement goal for small business from 20 to 23 percent—increasing opportunities for all small businesses including 8(a). With this overall increase in federal contracting dollars for small businesses there will be room for an increase in 8(a) contracts and I intend to pursue increases in 8(a) contracts aggressively.

In the SBA's strategic plan I have committed to increasing overall procurement for small disadvantaged businesses from 5.5 percent to 7 percent of all federal procurement by the year 2000. Enactment of HUBZones will not affect these goals.

It is my intention to increase 8(a) procurement as a percentage of total federal procurement. Presently, 3.2 percent of all federal procurement dollars go to the 8(a) program. Recently proposed rule changes will allow increased flexibility in small business teaming and joint ventures, and create a new mentor-protégé program. I also intend to increase 8(a) contracts through a more aggressive goaling posture with other federal agencies and through the full implementation of the new on-line PRO-Net procurement system. Enactment of HUBZones will not affect these strategies.

The bill allows federal contractors to utilize a sole source contracting vehicle to access HUBZones companies. However, we do not believe that this provision will necessarily affect 8(a) firms. In fact, federal contracting officers may be more likely to shift competitive contracting dollars to HUBZones because of the relative ease in a sole source vehicle rather than to shift these contracts from 8(a), where the ease of procurement is already in place. In fact, 8(a) firms are exactly the kinds of firms that would most likely take advantage of the new HUBZones sole source authority—especially after they have left the 8(a) program. However, I can assure the Members of the Small Business Committee that we will take whatever steps are necessary in the rulemaking

process to ensure that the new sole source provisions for HUBZones do not negatively affect 8(a). And, I will closely monitor the sole source authority when used for HUBZones. Should it be determined that there is a negative effect on 8(a), I will use my authority to appeal contracts to protect 8(a) firms.

I share your concern that SBA may not have sufficient resources to implement the HUBZones over the next several years. While the final appropriations bill has not yet been enacted, we anticipate that the appropriations bill will include enough resources to write the regulations and implement the program in the first year. As presently proposed, the SBA does not have adequate resources for full implementation of the HUBZones program. I will not increase our risks nor sacrifice the effectiveness of SBA's other programs by shifting resources from these programs to HUBZones. We will evaluate future resource needs after we have analyzed the full on-going costs of the program and provide the Congress with an estimate of these needs in our budget submission.

I will keep the Small Business Committees informed of any issues that may arise during the rulemaking process and provide the Committees with quarterly reports until the program is fully implemented. We will also continue to consult closely with the 8(a) business community during this period. After implementation, I will monitor federal procurement contracting patterns and the use of the sole source provisions for HUBZones. I will report to the Small Business Committees on a semi-annual basis about trends in federal procurement activity for small businesses and on the use of sole source contracts. As we monitor HUBZones implementation, SBA will also pursue regulatory changes within the Administration to further protect 8(a) if necessary. You also have my firm commitment that I will seek legislative changes if we identify any adverse impact on the 8(a) program as a result of this monitoring.

Finally, because the bill retains my appeal authority on behalf of 8(a), I will continue to intervene in the future, if there are any specific instances of a federal agency trying to move a contract from the 8(a) program to HUBZones.

Thank you for your consideration.

Sincerely,

AIDA ALVAREZ,
Administrator.

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

Mr. TALENT. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from New York [Mrs. KELLY].

Mrs. KELLY. Mr. Speaker, I thank the gentleman from Missouri [Mr. TALENT] for yielding me time.

I rise today in strong support of S. 1139, the Small Business Programs Reauthorization and Amendments Act of 1997. This important legislation will reauthorize the lending programs of the SBA, allowing our Nation's small businesses to continue access to capital.

We are all aware of the important role that small businesses play in maintaining the economic strength of the United States. They create the vast majority of new jobs, provide countless new technological innovations, and drive economic growth in our country, and unfortunately there is often insufficient capital available for entrepreneurs to use to start up new businesses or for current small business

owners to expand existing ones. This is the void that the Small Business Administration's loan guarantee programs often fill. Without passage of this important legislation, this valuable service would be threatened. Our Nation's small businesses, and indeed our economy, would suffer as a result.

The gentleman from Missouri [Mr. TALENT] and the gentleman from New York [Mr. LAFALCE] have worked very closely to put together a bipartisan bill that deserves the backing of every Member of this House. I urge my colleagues to support the small business community and support S. 1139.

Mr. LAFALCE. Mr. Speaker, I yield 3¼ minutes to the gentlewoman from New York [Ms. VELÁZQUEZ].

Ms. VELÁZQUEZ. Mr. Speaker, today we will pass this Small Business Administration reauthorization bill which provides valuable resources to a number of vital programs. While I have worked hard in support of those programs, I rise today to address some elements of the bill that I believe require further discussion.

The House Committee on Small Business, under the effective leadership of the gentleman from Missouri [Mr. TALENT] and the ranking Democrat, the gentleman from New York [Mr. LAFALCE], worked very hard to report out a bill that would have helped small business. Unfortunately we are not considering the product of our committee's work today. Instead we are considering a bill from the other body that creates a multibillion-dollar, I repeat multibillion-dollar, contracting program.

This proposal called HUBZones was never introduced in the House. This untested and untested program has not even had one hearing, not in the Committee on Small Business, the Committee on Banking and Financial Services, the Committee on Education and the Workforce, or the Committee on National Security, all of which would have jurisdiction over the HUB's provisions. Because of this failure to properly examine this program, I have my concerns about this proposal.

This program raises many serious questions. How will HUBZones work? What kind of jobs will it create? What kind of small businesses will it benefit? How will we measure its effectiveness? How will it work with already established programs such as empowerment zones and enterprise community? The effect of this legislation will be felt by the entire small business community.

As the ranking member of the Subcommittee on Empowerment of the Committee on Small Business, I have a responsibility to bring community and economic development to our disadvantaged areas. I represent one of the first districts in this country. I know the barriers that entrepreneurs from my district and others like it must overcome. SBA already addresses these needs through a variety of programs, which raises the question of why we need another program when funding is

so scare. If the SBA is forced to spread out its resources to implement HUBZones, it will jeopardize the operations of many successful small business assistance programs.

Mr. Speaker, at this point I yield to the gentleman from New York [Mr. LAFALCE], the ranking member, and the chairman of the committee, the gentleman from Missouri [Mr. TALENT], to provide assurances that the 8(a) program will not be harmed by these new HUBZone proposals.

Mr. LAFALCE. First of all, I want to praise the gentlewoman for the outstanding work she has done on the Committee on Small Business, particularly as the ranking Democrat on the Subcommittee on Empowerment, and for the work she has done in refining the perspective of the Small Business Administration on this.

As the gentlewoman knows, the bill as originally passed by the Senate would have adversely impacted the 8(a) program as it would have changed existing law to reduce the authority of the SBA over placement of contracts within the program. That was stricken at our absolute insistence.

I have also received a very strong letter in support of the bill from Administrator Alvarez. Her letter, which I have inserted in the RECORD, provides assurance that SBA will not permit the implementation of the HUBZones Program to negatively affect the 8(a) program based upon the continuation of current 8(a) authority unchanged and the administrator's assurances. I believe the HUBZone Program can and will be implemented in a manner that will not harm 8(a) and actually might help those firms and other minority firms.

The SPEAKER pro tempore. The time of the gentlewoman from New York [Ms. VELAZQUEZ] has expired.

Mr. TALENT. Mr. Speaker, I yield myself 30 seconds in which just to say that that is also my understanding, and I have said from the beginning, that I did not want this bill to effect the 8(a) program, and as far as I am concerned, it is out of this bill, it is not mentioned in this bill; and that the HUBZone bill is designed to provide a little bit of an additional boost to procurement to businesses that locate in these disadvantaged areas and hire these individuals.

Mr. TALENT. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. ENGLISH], a member of the committee.

Mr. ENGLISH of Pennsylvania. Mr. Speaker, this legislation before the House today provides valuable support for a growing American economy. The programs that are reauthorized under Senate bill 1139 play a limited, but beneficial, role in promoting the most dynamic sector of the American economy, and that is small business.

Mr. Speaker, recent experience with domestic job creation is consistent. Two-thirds of the new jobs created in America are created by small employ-

ers. Small business is a critical source of economic expansion across the country whether in inner cities, developing suburbs, or rural areas. The entrepreneurship of small employers is a critical source of economic opportunity and growth in communities throughout America. Today millions of small firms and risk-taking individuals are building the economy of the next century, the economy that our children will inherit and will provide their link to the American dream.

The programs under the Small Business Administration that we are reauthorizing today will not by themselves create the American economy of the future; however by linking small businesses to sources of credit and technical assistance, the SBA has the potential to nurture entrepreneurship and promote more successful business starts and expansions.

Mr. Speaker, I strongly support the enactment of this legislation. While this Congress continues to have an aggressive agenda of encouraging small business growth through regulatory reform and tax relief, this legislation guarantees the continuation of limited, targeted, programmatic support for small businesses by the Federal Government.

As a member of the Committee on Small Business, I am acutely aware that the SBA still has a long way to go to realize its potential as a strong advocate and clearinghouse for the small business community. Nevertheless, it is important that we continue the agency's successful programs, such as the Small Business Development Centers in order to encourage job creation and job retention in the most dynamic and competitive sector of America's economy.

Mr. LAFALCE. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Virginia [Mr. SISISKY], the next most senior member on the Democratic side of the aisle of the Committee on Small Business.

[Mr. SISISKY asked and was given permission to revise and extend his remarks.]

Mr. SISISKY. Mr. Speaker, I rise in support of S. 1139.

Mr. Speaker, I am pleased to be able to support this reauthorization bill.

Along with other Members, I did have serious concerns about some of its provisions. But those concerns have now been addressed, at least to my satisfaction.

The legislation we have before us may have some flaws, but overall it is a very good bill and I believe it must be passed.

Many Members had legitimate concerns and strong feelings about the HUB Zones Program, in particular.

The bill passed by the House a little over month ago contained absolutely no reference to HUB Zones. The Small Business Committee held no hearings on HUB Zones. We had no chance to examine this concept closely, let alone make improvements.

The House had no role at all in the design of this program. This troubles me, and I don't think it's a very good way to legislate.

But on the whole, this is a very good bill. It reauthorizes the SBA loan programs that are the life blood of many small businesses in this country.

We know there is tremendous demand from small business for these programs.

We know that this financing meets a need that would otherwise go unmet. And we know how important financing is to small businesses, who make such an enormous contribution to economic growth and to job creation in this country.

For this reason alone, I think we have little choice but to pass this authorization bill.

S. 1139 also reauthorizes other successful programs and makes a number of program improvements that cannot be put off any longer.

I won't go into all the details, but there are several I'd like to single out. This bill makes permanent the Microloan Program, which assists the smallest of small businesses. It recognizes the importance of disabled veteran entrepreneurs.

The provisions on contract bundling should help small businesses better compete for Federal procurement opportunities. And one of SBA's most successful programs—the Women's Business Centers—is expanded.

I strongly urge my colleagues to vote for this bill. We need to work on both sides of the aisle—and with the administration—to see that it is implemented in a way that meets the needs of America's small business.

Mr. LAFALCE. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Maryland [Mr. WYNN].

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

Mr. WYNN. Mr. Speaker, let me begin by thanking the chairman and the ranking member of the committee for their hard work on this bill and also for addressing the potential conflict with respect to the 8(a) program and the HUBZone program. I am assured based on their comments that the 8(a) program remains intact and is not threatened by this new program.

I am very pleased to support S. 1139 because I think it is critical to the advancement of small business. Small business, as is often stated, is the engine for growth in this country. It generates over 50 percent of the gross national product. It generates more than half of all new jobs. Small businesses also account for the employment of minorities and women and our young people. We need to promote the advancement of small business.

I am particularly impressed with this bill because it contains language that restricts the practice of bundling. I had legislation on this issue because it arose out of the White House Conference on Small Business in which small businessmen said bundling, that is, the consolidation of Federal contracts, represents a threat to our survival. Right now eight major companies get more Federal Government business than all small businesses combined. The Federal Government does about \$200 billion in contracting, so my colleagues can see this is a very important matter. This bill has language

which would restrict the practice of bundling, require Government agencies to justify the use of this type of consolidation.

The bill has also other attractive features. I think it is very important that this bill continues the microlending program. Now, \$50,000 or \$100,000 or \$25,000 might not seem like a lot, but to a small businessman just starting out, to an entrepreneur, that is very important. We need to continue this program. The bill does that.

It also increases the goal for small business contracting from 20 percent to 23 percent. That is not a tremendous amount, but it is a significant amount. That could result in additional \$4 billion in Government contracts available to the small business community. This, too, is an important improvement in the bill.

I believe the bill addresses our concerns about HUBZones, creates new programs and maintains important programs for our small business community. I urge its adoption.

Mr. TALENT. Mr. Speaker, I yield 2 minutes to the gentlewoman from Maryland [Mrs. MORELLA].

Mrs. MORELLA. Mr. Speaker, I thank the gentleman, the chairman of the Committee on Small Business, for yielding the time to me, and, Mr. Speaker, I rise in support of S. 1139, the Small Business Administration reauthorization.

□ 1645

Included in this bill is the majority of H.R. 2429, the Small Business Technology Transfer Program Reauthorization Act, which was reported out of the Committee on Science's Subcommittee on Technology as well as the full Committee on Science. My comments will focus on that aspect of the bill, although the bill in its totality is very meritorious.

STTR is an important tech transfer program that has made over 800 awards totaling over \$115 million since its inception in 1994. Nearly \$5 million of those have gone to Maryland small businesses, just as an example. The STTR program expired on September 30 of this year, and this bill will reauthorize STTR at its current set-aside level to fiscal year 2001.

In addition, S. 1139 makes the following changes to the STTR program. First, the bill requires agencies participating in STTR to include STTR in their annual performance plans, as required by the Results Act. This provision will ensure that each agency defines its goals along with providing metrics to assist in evaluating those goals.

In concert with the performance plan, the bill requires each agency participating in the STTR and SBIR programs to include those programs in their strategic plan updates also required under the Results Act.

Second, S. 1139 contains an outreach program for States which receive less than \$5 million in awards in fiscal year

1995. This outreach program is designed to increase participation among small businesses in States that have traditionally received few STTR and SBIR awards. It is not meant to mandate that States previously underrepresented by the programs receive an increase in the number of dollar value awards, but, instead, the provision should simply increase the number and quality of applications for STTR and SBIR.

Third, S. 1139 requires agencies to collect data that will provide Congress with information on the STTR program to assist in the measurement of the program outputs and outcomes. Like the Results Act language, this provision should help ensure the program is performing in the most effective manner possible.

I want to thank the gentleman from Wisconsin [Mr. SENSENBRENNER]; the ranking member, the gentleman from California [Mr. BROWN]; and the ranking member of my subcommittee, the Subcommittee on Technology, the gentleman from Tennessee [Mr. GORDON], for their support; and, indeed, my hearty commendation and thanks to the Committee on Small Business chairman, the gentleman from Missouri [Mr. TALENT], and the ranking member, the gentleman from New York [Mr. LAFALCE]; and the gentleman from Maryland [Mr. BARTLETT], who serves on both committees.

U.S. SMALL BUSINESS ADMINISTRATION,
Washington, DC, November 6, 1997.
Hon. F. JAMES SENSENBRENNER,
Chairman, Committee on Science, U.S. House of
Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Section 9(b)(7) of the Small Business Act requires that the Administrator of the Small Business Administration report to the House and Senate Small Business Committees at least annually on the Small Business Innovation Research (SBIR) and Small Business Technology Transfer (STTR) programs of the Federal agencies. Because of your interest in small business participation in the Nation's research and development efforts, I am happy to send this report to the House Committee on Science when I furnish it to the Committee on Small Business.

I appreciate your interest in small business research and development and look forward to any comments you may have on our report.

Sincerely,

AIDA ALVAREZ,
Administrator.

Mr. LAFALCE. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Illinois [Mr. POSHARD].

Mr. POSHARD. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise today to support this legislation to reauthorize programs of the Small Business Administration, but with some reluctance. While I firmly believe in the mission of the SBA, certain provisions in this bill are somewhat contentious.

Funding for HUBZones is one such issue. While I certainly support the concept of spurring economic development in depressed urban and rural areas, I agree with the gentleman from

New York [Mr. LAFALCE] that it would be better to have a clearer idea about the ramifications of this multibillion-dollar contracting program before it is approved.

However, I will support this package, because we should not hold up funding for other important activities of the SBA, and the gradual phase-in approach which was planned for HUBZone implementation should allow for sufficient monitoring of its effectiveness and impact on other SBA initiatives.

The goal of the SBA is to help small business owners reach their potential by providing various resources, such as loans and training. This assistance is especially important to rural communities, such as those in my congressional district, that have seen severe economic downturns over the last decade. A failure to fund these activities could reverse many positive trends.

Recent years have seen a dramatic increase in the success of women and minority-owned small businesses, and the SBA has had a significant role in this development. Failure to pass this bill would adversely affect the National Women's Business Council and would eliminate funding for 18 women's business centers, preventing thousands of women from getting necessary business training.

The Small Business Technology Transfer Program, which directs Federal R&D money to researchers, inventors, and small business people to develop the best ideas at our universities and research centers, this successful program not only gives necessary help to small businesses but helps university personnel have a hand in further developing their ideas while remaining on campus. It also would not be reauthorized.

The Preferred Surety Bond Program, which provides hundreds of millions of dollars in surety bonds to small construction companies, would also cease to operate.

For these reasons and others, we must act now to ensure that the good work of the SBA is not impeded. I urge my colleagues to vote for this legislation.

Mr. TALENT. Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. FORBES].

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

Mr. FORBES. Mr. Speaker, I rise today in support of the Small Business Reauthorization Act of 1997 and to commend the gentleman from Missouri [Mr. TALENT] and former chairman and now ranking member, the gentleman from New York [Mr. LAFALCE], for their devotion to the small business community and this bill.

This bill, obviously, is the underpinning on which many of the Small Business Administration programs are reauthorized. I would like the opportunity to talk at great length about many of the wonderful programs at SBA, but I will limit my remarks to

the extension of the Defense Loan and Technical Assistance Program, which is commonly referred to as DELTA.

An important program that dealt with the unfortunate loss of business for many defense-dependent businesses over the last decade, the DELTA program is an important undertaking. I appreciate that the committee has sought to reauthorize not only the DELTA program, but to expand it, so that the many small businesses that could benefit, because they have had at least 25 percent of their earnings in the last 5 years dependent on defense business, as they seek to make the transition from defense-dependent businesses to other commercial applications, the DELTA program is instrumental in helping them make that kind of a transition.

It is important to understand also that the Small Business Administration is one of the few agencies or departments in the Government that almost pays for itself, helping budding entrepreneurs and small businessmen and women, who are the underpinning of the American economy. This agency does a tremendous job, and I appreciate the committee's special attention to this DELTA program.

As a former SBA regional administrator, I saw firsthand the important work that is undertaken by SBA. I appreciate the committee's work in making sure that this is a bipartisan bill, one that seeks to enhance the good work done by the Small Business Administration.

Mr. LAFALCE. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Illinois [Mr. DAVIS], an extremely valuable contributor to the Committee on Small Business and the formation of this bill.

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

Mr. DAVIS of Illinois. Mr. Speaker, I rise in support of the reauthorization of the SBA bill, but I also want to commend and congratulate the gentleman from Missouri, Chairman TALENT, and the gentleman from New York, Mr. LAFALCE, the ranking member, for their exemplary leadership in bringing this legislation to the floor.

I also want to acknowledge the strong presence of the gentlewoman from New York [Ms. VELÁZQUEZ] in making sure that the 8(a) procurement program is protected at all costs.

I also would extend my appreciation to Administrator Alvarez for her sensitivity and professionalism and hard work to make sure that areas of conflict were worked out.

But I am most pleased because this legislation, in addition to all of those excellent programs that we have already heard about, the micro lending program, the 8(a) program, the 504 program, all of them are excellent. But in addition, we now have a new concept, something called HUBZones, which are designed to bring additional resources to hard-pressed, severely depressed

urban and rural communities throughout America, areas that, no matter what is said, none of the other programs has been able to do as much as there is that is needed to be done.

So I am hoping that with this new addition, we will see additional improvements, additional resources. It is a great program, and I am very pleased to lend my support to it and ask that all Members vote in favor of it.

Mr. LAFALCE. Mr. Speaker, I yield 3 minutes to one of the most distinguished freshmen members of the Committee on Small Business, 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 the gentleman from New York, our ranking member [Mr. LAFALCE], for his generosity and our chairman for the great work the two of them have done. I think if anyone could look at our committee and what they do, they would see this great bipartisan effort that I think really does serve not only the Members very well, but also the people of the country.

I am here to support Senate version 1139 because I think this is good for my State of Rhode Island, the small State of Rhode Island, but also good for other businesses throughout this country.

This bill authorizes SBA and its programs which will provide access to capital and services that might not be available to many of the small businesses throughout this great country.

I am a former small business owner, and I remember when I started my business in the basement of my house 15 years ago. I went down to the SBA because I knew I was a good landscape architect, I knew I could provide the services that were necessary, but I thought maybe I could extend my market area into maybe some Federal programs.

So I went down there 15 years ago, and when I came back, they had piled me down with literature and propaganda that most small business owners cannot even take the time to read, and I immediately threw it in the basket. My first impression of the SBA was a very negative one.

That is not so today. Today in Rhode Island, the SBA has done tremendous deeds to improve the small business climate of our State. Just over the last 3 years, they have more than doubled the number of loans in the 504 and the 7(a) program. Indeed, they have also done some things that we did not think were possible. Loans and assistance to minorities and to veterans and to women have more than doubled and tripled. Indeed, over one-third of all the loans given out in the State of Rhode Island are to these three groups.

The impact of small business to Rhode Island's economy cannot be overstated. In our State, over 97 percent of all the businesses are small businesses. Along with the loan pro-

grams, though, SBA provides services to assist business owners in becoming or remaining successful.

Once a loan has been given to a business, they make sure and follow through like caseworkers to be sure that businesses are fulfilling their obligation and doing well.

I also want to raise some concern that my colleagues have raised already about the HUB program. The HUBZone program is very similar to what we in many States call enterprise zones.

HUBZones and enterprise zones can have a very dark side. People can play shell games within enterprise zones, and in our State of Rhode Island they did just that. Businesses from outside of the enterprise zone moved in. They simply laid off other workers and hired them back and got the tax benefits and the contracts that were provided for people within the enterprise zone.

My concern is that under this provision of HUBZone, that we may indeed have the same kind of problems that we in Rhode Island had. Continued oversight and vigilance about this HUBZone program is extremely necessary. I know all of my colleagues are looking to Administrator Alvarez to be sure that she does not diminish the 8(a) program and sacrifice moneys because of the HUB program. I support this legislation and ask my colleagues to do the same.

Mr. Speaker, I rise in support of S. 1139, a bill to reauthorize small business programs. First, I would like to thank Chairman TALENT and Mr. LAFALCE for their leadership and for producing a bill that will undoubtedly benefit all small businesses. This bill reauthorizes the Small Business Administration and its programs which provide access to capital and services that might not otherwise be available to small business owners.

To highlight the SBA's importance, I would like to showcase what the SBA is doing in my district, in Rhode Island. Over the past 4 years there have been significant increases in the number of Small Business Administration loans awarded. In fact, the number of loans has more than doubled. In 1993, there were 115 approved loans totaling \$32.6 million, in 1996, there were 292 loans totaling \$53.3 million.

In particular, there have been dramatic improvements in access to capital for women, minorities, and veterans in my district. In 1993, there were 8 loans to minorities, 17 to women and 14 to veterans. In 1996, we had 16 loans to minorities, 40 to women and 46 to veterans. Nearly 35 percent of all approved SBA loans in Rhode Island, are going to these three groups.

I must express some concern over one provision in this bill. The HUBZone provision included in this bill did not come before the House Small Business committee, and we did not have the opportunity to hold hearings or study the program and its potential impact on small businesses in our districts. I am concerned that there may be the unintended consequence of negatively impacting minority small businesses and 8(a) firms. It is my hope that we will be able to work with the SBA and small business groups to ensure that we continue to expand opportunities for minorities.

I cannot overstate the importance of small business on Rhode Island's economy. Approximately 97 percent of all businesses in Rhode Island are classified as small businesses. These companies employ thousands of Rhode Islanders and provide the economic foundation of my State and our country. Small businesses play a vital role in job creation and provide endless opportunities for our citizens.

Along with the financial programs, the SBA provides services to assist business owners in becoming or remaining successful. Once a business has a loan we must make sure that the business stays healthy and profitable enough to repay that loan. Services provided by programs such as Small Business Development Centers, Service Corps of Retired Entrepreneurs, Business Information Centers, Minority Enterprise Development program, and Women's Business Enterprise program supply information and counseling services to business owners. These services are invaluable to the smallest businesses who do not have the budgets to hire high-priced consultants.

We, as leaders, must do all we can to foster and encourage the development and growth of small businesses and this bill moves us in that direction. This bill will allow us to continue to support existing small businesses and encourage the development of new ones, both in Rhode Island and across the country. I urge my colleagues to support it.

Mr. TALENT. Mr. Speaker, I am happy to yield 3 minutes to our last speaker on this side of the aisle, the gentleman from Montana [Mr. HILL], an outstanding member of the committee.

Mr. HILL. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise today in strong support of Senate bill 1139, the Small Business Reauthorization Act of 1997, and I would like to first thank the gentleman from Missouri Chairman TALENT and the gentleman from New York Ranking Member LAFALCE, and especially the staff for their hard work in getting this important legislation to the floor and getting it passed. Without their tireless dedication and commitment to America's small businesses and the people who work in those small businesses, this vital authorization would not today be a reality.

Mr. Speaker, small businesses fuel our Nation's economy, and the role of Congress is an appropriate role, should be to support and encourage entrepreneurship.

□ 1700

I believe that this bill achieves this objective. We must continue to promote our economic growth throughout States like mine, Montana, by helping make them more competitive within markets and outside the United States.

I do want to point out two provisions in this bill that are extremely important to Montana. The first is the Small Business Technology Transfer program that earlier speakers talked about. I was especially pleased to see that my amendment was in the final bill. This provision will assist those 23 States that together receive fewer total SBA small business innovation research

awards than the fifth-ranking State by itself. It will help our States receive more awards.

States like Montana have large numbers of small research and development businesses, and many of these businesses lack the resources for competing for small business innovation research grants. With my amendment, the playing field will be leveled by giving assistance to these businesses in applying for these awards while establishing performance goals to them.

Second is a provision in the Small Business Investment Company that addresses underserved areas like Montana. Montana is one of the few States that has never had a licensed Small Business Investment Company. With this provision, it will enable Montana to apply and hopefully qualify for this much-needed license. Approximately 98 percent of Montana's businesses are considered small businesses by definition. As a matter of fact, Mr. Speaker, 95 percent of the people in Montana work for a business that employs less than 50 employees. An SBAC license in the State of Montana will provide the necessary capital to fuel Montana's small business and small business growth.

Mr. Speaker, I urge my colleagues to vote for this bill.

Mr. Speaker, I rise today in strong support of S. 1139, the Small Business Reauthorization Act of 1997. I first would like to thank Chairman TALENT, Ranking Member LAFALCE and especially the staff, for their hard work in getting this very important legislation to the floor. Without their tireless dedication and commitment to America's small businesses, this vital authorization would not have become a reality.

Mr. Speaker, small businesses fuel our Nation's economy. The role of Congress should be to support and encourage entrepreneurship. And I believe that this bill achieves this objective. We must continue to promote economic growth throughout States like Montana, making them competitive in markets within and outside the United States.

I would like to point out two provisions in the bill that are extremely important to Montana. First is the Small Business Technology Transfer program. I was especially pleased to see that my amendment was in the final bill. This provision will assist those 23 States that together receive fewer total Small Business Innovation Research [SBIR] awards than the fifth ranking State by itself. States like Montana have large numbers of small Research and Development businesses, and many of these businesses lack the resources to compete for SBIR awards. With my amendment, the playing field will be leveled by giving assistance to these businesses in applying for the awards, while establishing performance goals.

Second is a provision in the Small Business Investment Company [SBIC] that addresses underserved areas like Montana. Montana is one of the few States that have never had a licensed SBIC. With this provision, it will enable Montana to apply and hopefully qualify for this much needed license. Approximately 98 percent of Montana's businesses are considered small businesses by definition, and an

SBIC in the State will provide the necessary capital to fuel Montana's small businesses.

Mr. Speaker, I urge my colleagues to vote for the bill.

Mr. LAFALCE. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Texas [Mr. BENTSEN], perhaps the House's most knowledgeable Member on questions of securitization.

Mr. BENTSEN. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, it is late in the session. We are talking about the SBA reauthorization. It is like the great American philosopher who said it is *deja vu* all over again, and now we are once again trying to get to the issue of what is going to happen with securitization.

It was a year ago that the Committee on Small Business in both the House and the other body attempted to deal with this issue. We saw some language that was never passed, and now we have the Small Business Administration also trying to deal with this issue.

This all began in part because of an attempt on the part of both committees to try and level the playing field between banks and nonbanks in the securitization of the unguaranteed portion of 7(a) loans, which I think all of us support and does create capital. But there have been attempts, I think, to rigidly try and define the structure of that securitization which could, in fact, reduce the amount of capital that is available. I would like to engage in a brief colloquy with the ranking member and the chairman, if I might.

It is my understanding that the current bill we are considering today includes no language instructing SBA on how to define any credit test to securitization. My concern continues to be that the SBA may come up with a definition which is too rigid, on the one hand, which tries to have a one-size-fits-all for both banks and nonbanks, and confuses market concentration with creditworthiness, which is what I believe both the ranking member and the chairman's intent was when we looked at this issue in the last Congress.

Mr. LAFALCE. Mr. Speaker, will the gentleman yield?

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

Mr. LAFALCE. I concur with the remarks of the gentleman from Texas completely.

Mr. TALENT. Mr. Speaker, will the gentleman yield?

Mr. BENTSEN. I yield to the gentleman from Missouri.

Mr. TALENT. Mr. Speaker, I do also, and certainly would hope that the agency will move toward as much securitization as financial soundness permits. That is what the committee has been working to accomplish.

Mr. BENTSEN. Mr. Speaker, I thank the chairman and ranking member.

I rise in support of the bill, and I appreciate the hard work that they have done.

Mr. LAFALCE. Mr. Speaker, I yield 30 seconds 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 ranking member and the chairman for the very strong support of small businesses.

Let me say that I rise to support this authorization act because of the Microloan Program, the supporting of the National Women's Business Council Program, and as well the fact that we are not disturbing the 8(a) programs that help create jobs in America. Let me compliment my own small business regional office and Mr. Wilson, and I hope that we will continue to stand on the side of small businesses.

Mr. TALENT. Mr. Speaker, I would be happy to yield if the gentleman wants a little more time. I yield 1 minute to the gentleman from New York [Mr. LAFALCE].

Mr. LAFALCE. Mr. Speaker, I would like to take this time to thank the chairman of our committee, the gentleman from Missouri [Mr. TALENT], for all of the kindnesses that he has shown me in his position. He has proven himself to be an excellent chairman, certainly one that has been a pleasure for me to work with. He has the ability to be both gentle, cooperative and firm all at the same time, and I am sure that he is going to go on to great things in life, not only in the House of Representatives, but perhaps even higher.

I also want to extol our staff. My tremendous staff, both Tom Powers, Jeanne Roslanowick and others, but also the majority staff. They have tremendous expertise and dedication; they have worked together as one staff in order to produce the best possible bill, regardless of politics, regardless of partisanship. So it has been a pleasure for me to work with all of them on this reauthorization bill.

Mr. TALENT. Mr. Speaker, in closing, I yield myself such time as I may consume.

I want to echo the remarks of the gentleman from New York [Mr. LAFALCE], except in reverse. It has been a great pleasure this year to work with him. We all know that the gentleman knows how to be firm; he also does know how to be, and has been consistently, cooperative, and I have been very grateful to him for that.

Also, I want to recognize the great depth of his knowledge in this field. We are passing, I hope and believe today, yet another reauthorization bill, and it will reflect yet again his great influence and his great expertise in this area.

I want to thank also the members on both sides of the committee. The House has heard many of them today, and I am proud to chair a committee with so many committed and dedicated individuals.

Mr. Speaker, this legislation is the product of bipartisan and bicameral efforts to reauthorize the Small Business Administration through fiscal year 2000. It reflects the efforts of many in-

dividuals and committees and their staffs. I would like to thank the gentleman from Wisconsin [Mr. SENSENBRENNER], the chairman of the Committee on Science; and the gentleman from California [Mr. BROWN], his ranking member, for their work on H.R. 2429, which has in large part become section 501 of this legislation. I would also like to express my appreciation to their staff who worked on this.

I would also like to thank the gentleman from Arizona [Mr. STUMP], the chairman of the Committee on Veterans' Affairs, and the gentleman from New York [Mr. SOLOMON], the chairman of the Committee on Rules, along with their staffs, for their help in working on title VII of this legislation. As I have already said, I want to extend my thanks and appreciation to the gentleman from New York [Mr. LAFALCE], the committee's ranking member, for his help in crafting this legislation.

Finally, I would like to acknowledge the Committee on Small Business staff who worked on this bill: Emily Murphy, Mary McKenzie, Kiki Kless, Paul Denham, Charles "Tee" Rowe, and Harry Katrichis for the majority, and Jeanne Roslanowick, Steve McSpadden and Tom Powers for the minority.

I urge my colleagues, in closing, to vote for this important piece of legislation.

Mrs. MINK of Hawaii. Mr. Speaker, I rise today to express my concerns regarding S. 1139, the Small Business Authorization Act. I will vote for this bill because it is essential for the continuation of programs which assist small businesses in this country. However, I have serious concerns regarding a specific provision included by the Senate, which could impact the current 8(a) program for minority- and women-owned businesses.

S. 1139 establishes a new program to increase access to Federal contracts for small businesses in economically distressed areas. While the goal of this new HUBZone program seems laudable enough, I have strong reservations regarding its potential impact on the existing and successful 8(a) program for minority- and women-owned businesses.

It is no secret that many in the majority want to get rid of the 8(a) program and other forms of affirmative action. I fear that the establishment of these HUBZones is a backdoor attempt to weaken 8(a) and affirmative action.

The 8(a) program is specifically targeted to assist businesses owned by minorities and women, which have historically had difficulty in obtaining contracts and subcontracts from the Federal Government. The new HUBZone program would be open to all small businesses within these zones, not just those which are disadvantaged in any way. And these businesses within the HUBZones will compete with the 8(a) businesses for the limited number of Federal contracts.

Also of concern is that under this provision Federal agencies would be allowed to use sole-source contracts in HUBZones which cuts out the competitive nature of Federal contracting altogether, and further erodes opportunities for 8(a) businesses.

The Senate has failed to provide enough funding for the administration of this new program. The Congressional Budget Office esti-

mates that \$12 million is needed annually to implement the HUBZone program. The bill provides only \$1.2 million. This raises concerns regarding adequate oversight and evaluation of this new program. If we are to accurately assess whether this new program is affecting the 8(a) program we need to have the appropriate monitoring systems in place. The lack of funding causes concerns in this regard.

Mr. Speaker, I have discussed these concerns with the Administrator of the Small Business Administration, who assured me that the Administration will closely monitor this new program and its impact on the 8(a) program. She also indicated that in administering the HUBZone program, they would take steps necessary to assure that 8(a) was not adversely impacted.

Mr. Speaker, had this bill come up under regular order, and not under the expedited suspension procedures we would have had the opportunity to address many of our concerns through the amendment process. As we are in the last 2 days of the congressional session this year, I understand the need to utilize expedited procedures to assure that critical small business programs are funded.

Therefore, I will support this bill. I note for the RECORD that I will watch closely the development of this program and monitor its impact on the 8(a) minority- and women-owned business program.

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

The SPEAKER pro tempore. All time has expired.

The question is on the motion offered by the gentleman from Missouri [Mr. TALENT] that the House suspend the rules and concur in the Senate amendment to the House amendment to S. 1139.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate amendment to the House amendment was concurred in.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. TALENT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on S. 1139, the bill just considered.

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

There was no objection.

MICROCREDIT FOR SELF-RELIANCE ACT OF 1997

Mr. GILMAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1129) to establish a program to provide assistance for programs of credit and other assistance for micro-enterprises in developing countries, and for other purposes, as amended.

The Clerk read as follows:

H.R. 1129

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 "Microcredit for Self-Reliance Act of 1997".

SEC. 2. FINDINGS AND DECLARATIONS OF POLICY.

The Congress makes the following findings and declarations:

(1) More than 1,000,000,000 people in the developing world are living in severe poverty.

(2) According to the United Nations Children's Fund (UNICEF), mortality for children under the age of 5 averages 100 child deaths per thousand for all developing countries, with nearly double that rate in the poorest countries.

(3) Nearly 35,000 children die each day from largely preventable malnutrition and disease.

(4)(A) Women in poverty generally have larger work loads, and less access to educational and economic opportunities than their male counterparts.

(B) Directly aiding the poorest of the poor, especially women, in the developing world has a positive effect not only on family incomes, but also on child nutrition, health and education, as women in particular reinvest income in their families.

(5)(A) The poor in the developing world, particularly women, generally lack stable employment and social safety nets.

(B) Many turn to self-employment to generate a substantial portion of their livelihood.

(C) These poor entrepreneurs are often trapped in poverty because they cannot obtain credit at reasonable rates to build their asset base or expand their otherwise viable self-employment activities.

(D) Many of the poor are forced to pay interest rates as high as 10 percent per day to money lenders.

(6)(A) On February 2-4, 1997, a global microcredit summit was held in Washington, District of Columbia, to launch a plan to expand access to credit for self-employment and other financial and business services to 100,000,000 of the world's poorest families, especially the women of those families, by 2005.

(B) With five to a family, achieving this goal will mean that the benefits of microcredit will thereby reach nearly half of the world's more than 1,000,000,000 absolute poor.

(7)(A) The poor are able to expand their incomes and their businesses dramatically when they can access loans at reasonable interest rates.

(B) Through the development of self-sustaining microcredit programs, poor people themselves can lead the fight against hunger and poverty.

(8)(A) Nongovernmental organizations such as the Grameen Bank, Accion International, and the Foundation for International Community Assistance (FINCA) have been successful in lending directly to the very poor.

(B) These institutions generate repayment rates averaging 95 percent or higher, demonstrating the bankability of the poorest.

(C) International organizations such as the International Fund for Agricultural Development (IFAD) and the United Nations Development Program (UNDP) have demonstrated success in supporting microcredit programs.

(9)(A) Microcredit institutions not only reduce poverty, but also reduce the dependency on foreign assistance.

(B) Interest income on a credit portfolio can be used to pay recurring institutional costs, assuring the long-term sustainability of development assistance.

(10) Microcredit institutions leverage foreign assistance resources because loans are recycled, generating new benefits to program participants.

(11) The development of sustainable microcredit institutions which provide credit and training, and mobilize domestic savings, are

critical components to a global strategy of poverty reduction and broad based economic development.

(12)(A) In 1994, the United States Agency for International Development launched a microenterprise initiative in partnership with the Congress.

(B) The initiative committed to expanding funding for the microenterprise programs of the Agency, and set a goal that, by the end of fiscal year 1996, half of all microenterprise resources would support programs and institutions providing credit to the poorest, with loans under \$300.

(C) In order to achieve the goal of the microcredit summit, increased investment in microcredit institutions serving the poorest will be critical.

(13) Providing the United States share of the global investment needed to achieve the goal of the microcredit summit will require only a small increase in United States funding for international microcredit programs, with an increased focus on institutions serving the poorest.

(14)(A) In order to reach tens of millions of the poorest with microcredit, it is crucial to expand and replicate successful microcredit institutions.

(B) These institutions need assistance in developing their institutional capacity to expand their services and tap commercial sources of capital.

(15) Nongovernmental organizations have demonstrated competence in developing networks of local microcredit institutions so that they reach large numbers of the very poor, and achieve financial sustainability.

(16) Recognizing that the United States Agency for International Development has developed very effective partnerships with nongovernmental organizations, and that the Agency will have fewer missions to carry out its work, the Agency should place priority on investing in these nongovernmental network institutions through the central funding mechanisms of the Agency.

(17) By expanding and replicating successful microcredit institutions, it should be possible to create a global infrastructure to provide financial services to the world's poorest families.

(18)(A) The United States Agency for International Development can provide leadership to other bilateral and multilateral development agencies as such agencies expand their support to the microenterprise sector.

(B) The United States Agency for International Development should seek to improve coordination of donor efforts at the operational level to promote the use of best practices in the provision of financial services to the poor and to ensure that adequate institutional capacity is developed.

(19) Through expanded support for microcredit, especially credit for the poorest, the United States Agency for International Development can continue to play a leadership role in the global effort to expand financial services and opportunity to 100,000,000 of the poorest families on the planet.

SEC. 3. PURPOSES.

The purposes of this Act are—

(1) to provide for the continuation and expansion of the commitment of the United States Agency for International Development to the development of microenterprise institutions;

(2) to make microenterprise development the centerpiece of the overall economic growth strategy of the United States Agency for International Development;

(3) to support and develop the capacity of United States and indigenous nongovernmental organization intermediaries to provide credit, savings, and training services to microentrepreneurs;

(4) to increase the amount of assistance devoted to credit activities designed to reach the poorest sector in developing countries, and to improve the access of the poorest, particularly women, to microenterprise credit in developing countries; and

(5) to encourage the United States Agency for International Development to provide global leadership in promoting microenterprise for the poorest among bilateral and multilateral donors.

SEC. 4. MICRO- AND SMALL ENTERPRISE DEVELOPMENT CREDITS.

Section 108 of the Foreign Assistance Act of 1961 (22 U.S.C. 2151f) is amended to read as follows:

"SEC. 108. MICRO- AND SMALL ENTERPRISE DEVELOPMENT CREDITS.

"(a) FINDINGS AND POLICY.—The Congress finds and declares that—

"(1) the development of micro- and small enterprise, including cooperatives, is a vital factor in the stable growth of developing countries and in the development and stability of a free, open, and equitable international economic system;

"(2) it is, therefore, in the best interests of the United States to assist the development of the private sector in developing countries and to engage the United States private sector in that process;

"(3) the support of private enterprise can be served by programs providing credit, training, and technical assistance for the benefit of micro- and small enterprises; and

"(4) programs that provide credit, training, and technical assistance to private institutions can serve as a valuable complement to grant assistance provided for the purpose of benefiting micro- and small private enterprise.

"(b) PROGRAM.—To carry out the policy set forth in subsection (a), the President is authorized to provide assistance to increase the availability of credit to micro- and small enterprises lacking full access to credit, including through—

"(1) loans and guarantees to credit institutions for the purpose of expanding the availability of credit to micro- and small enterprises;

"(2) training programs for lenders in order to enable them to better meet the credit needs of micro- and small entrepreneurs; and

"(3) training programs for micro- and small entrepreneurs in order to enable them to make better use of credit and to better manage their enterprises.

"(c) ELIGIBILITY CRITERIA.—The Administrator of the United States Agency for International Development shall establish criteria for determining which entities described in subsection (b) are eligible to carry out activities, with respect to microenterprises, assisted under this section. Such criteria may include the following:

"(1) The extent to which the recipients of credit from the entity do not have access to the local formal financial sector.

"(2) The extent to which the recipients of credit from the entity are among the poorest people in the country.

"(3) The extent to which the entity is oriented toward working directly with poor women.

"(4) The extent to which the entity recovers its cost of lending to the poor.

"(5) The extent to which the entity implements a plan to become financially sustainable."

SEC. 5. MICROENTERPRISE DEVELOPMENT GRANT ASSISTANCE.

Chapter 1 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) is amended by adding at the end the following new section:

SEC. 129. MICROENTERPRISE DEVELOPMENT GRANT ASSISTANCE.

“(a) AUTHORIZATION.—(1) In carrying out this part, the Administrator of the United States Agency for International Development is authorized to provide grant assistance for programs of credit and other assistance for microenterprises in developing countries.

“(2) Assistance authorized under paragraph (1) shall be provided through organizations that have a capacity to develop and implement microenterprise programs, including particularly—

“(A) United States and indigenous private and voluntary organizations;

“(B) United States and indigenous credit unions and cooperative organizations; or

“(C) other indigenous governmental and nongovernmental organizations.

“(3) Approximately one-half of the credit assistance authorized under paragraph (1) shall be used for poverty lending programs, including the poverty lending portion of mixed programs. Such programs—

“(A) shall meet the needs of the very poor members of society, particularly poor women; and

“(B) should provide loans of \$300 or less in 1995 United States dollars to such poor members of society.

“(4) The Administrator should continue support for mechanisms that—

“(A) provide technical support for field missions;

“(B) strengthen the institutional development of the intermediary organizations described in paragraph (2); and

“(C) share information relating to the provision of assistance authorized under paragraph (1) between such field missions and intermediary organizations.

“(b) MONITORING SYSTEM.—In order to maximize the sustainable development impact of the assistance authorized under subsection (a)(1), the Administrator shall establish a monitoring system that—

“(1) establishes performance goals for such assistance and expresses such goals in an objective and quantifiable form, to the extent feasible;

“(2) establishes performance indicators to be used in measuring or assessing the achievement of the goals and objectives of such assistance; and

“(3) provides a basis for recommendations for adjustments to such assistance to enhance the sustainable development impact of such assistance, particularly the impact of such assistance on the very poor, particularly poor women.”.

SEC. 6. MULTILATERAL COOPERATION WITH THE INTERNATIONAL FUND FOR AGRICULTURAL DEVELOPMENT.

(a) FINDINGS.—The Congress finds the following:

(1)(A) The International Fund for Agricultural Development (“IFAD”) has as its mission serving the poorest of the poor in rural areas.

(B) IFAD has had two decades of experience in assisting the economic development of the rural poor.

(2) IFAD has been a significant supporter of microenterprise and other microfinance activities for the rural poor almost since its inception and it was the first international institution to assist the Grameen Bank.

(3) IFAD can make a significant contribution to developing a global network of sustainable microenterprise and other microfinance institutions which serve the very poor through support for nongovernmental organizations and other community-based microcredit institutions.

(b) SENSE OF THE CONGRESS.—It is the sense of the Congress that—

(1) the United States Agency for International Development, in carrying out sec-

tions 108 and 129 of the Foreign Assistance Act of 1961, as added by sections 4 and 5 of this Act, respectively, shall seek to cooperate with IFAD in order to compliment and expand the activities of IFAD, especially with respect to institutional development; and

(2) the United States should continue to support and contribute to the activities of IFAD, especially activities related to microenterprise and microfinance, including the Microfinance Capacity Building Grant Initiative.

SEC. 7. UNITED NATIONS DEVELOPMENT PROGRAM'S MICROSTART PROGRAM.

It is the sense of the Congress that—

(1) the Microstart Program established by the United Nations Development Program (UNDP) represents an important new initiative; and

(2) the President should instruct the United States representative to the United Nations to use the voice and vote of the United States to support the Microstart Program of the United Nations Development Program.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York [Mr. GILMAN] and the gentleman from Connecticut [Mr. GEJDENSON] each will control 20 minutes.

The Chair recognizes the gentleman from New York [Mr. GILMAN].

GENERAL LEAVE

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

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, H.R. 1129, the Microcredit for Self-Reliance Act of 1997, was introduced last March by a distinguished member of our committee, the gentleman from New York [Mr. HOUGHTON], along with the gentleman from Ohio [Mr. HALL]. The bill is an impressive work that has gained over 90 cosponsors from both sides of the aisle. I want to thank the gentleman from New York [Mr. HOUGHTON] and the gentleman from Ohio [Mr. HALL] for their work on this important issue. They have become the best allies of my colleague from Connecticut [Mr. GEJDENSON] and myself on our work to promote microenterprise development.

Mr. Speaker, over the years many of us have become aware of Dr. Yunus's Grameen Bank and the 98 percent repayment rate that his bank has received for loans to the poorest of the poor who never had any prior access to credit. Microenterprise lending has now become widespread throughout the world, helping people lift themselves out of poverty. This example has now hit home where microcredit activities are lifting Americans out of poverty in cities such as Boston, New York, and Los Angeles. I especially commend the gentlewoman from Florida [Ms. ROSLEHTINEN] for her work on this issue.

Two years ago the gentleman from Connecticut [Mr. GEJDENSON] and I joined together to pass the Microenterprise Act. After weeks of negotiations, we were finally able to hammer out an agreement acceptable to the administration, to Congress, and to outside groups, including Results and the Microenterprise Coalition. That bill passed the House with flying colors, but regrettably was held up in the Senate by 1 Senator who linked the bill to extraneous issues.

Today the gentleman from Connecticut [Mr. GEJDENSON] and I are asking the House to pass this bill once again and to work with our colleagues in the Senate to seek its adoption in the other body.

In committee, we amended the initial bill to delete any earmarks and inserted the text of the Microenterprise Act that enjoys the support of both the administration and the Senate Committee on Foreign Affairs, and while the gentleman from Connecticut [Mr. GEJDENSON] and I would want AID to spend more money on microenterprise activities, we recognize at this late date that we have to work with the administration in order to get a bill hotlined in the Senate and signed by the President. We were pleased to welcome the First Lady to our Committee on International Relations just this past summer to rededicate ourselves to AID's microenterprise initiative.

In summary, the bill before us does a number of important things. It underscores microenterprise activities as one of the most important parts of our development assistance programs. It rewrites a long defunct section of the Foreign Assistance Act to govern microenterprise credits. These credits should focus on the poor, especially on women. It adds a section to the Foreign Assistance Act governing microenterprise grants. It clearly states that one-half of the credit assistance should be provided in loans of \$300 or less and requires AID to report back to us on just how they are reaching the poorest of the poor.

Finally, it commends other leading microfinance organizations like the International Fund for Agricultural Development and the United Nations Development Program for taking the multilateral lead in the microcredit world. Earlier this year, we came together at the Microcredit Summit in Washington, the first summit ever organized by an NGO. At that time, we dedicated ourselves to providing credit to half the world's poor in the next decade. AID's funding for microcredit is currently falling short of that goal, and we are hoping that this bill will help reenergize their efforts and ours to foster this important program.

In sum, I urge the adoption of this measure.

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

Mr. GEJDENSON. Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio [Mr. HALL].

the author of the legislation, a gentleman who has put in a great effort, not just here today, but through the years in the area of the poor and the needy.

Mr. HALL of Ohio. Mr. Speaker, I want to thank the gentleman from Connecticut [Mr. GEJDENSON], for his very kind remarks and certainly his leadership on the committee and his work on microenterprise; the gentleman from New York [Mr. GILMAN], for his work for many years now; and the gentleman from Tennessee [Mr. CLEMENT] for his great support, the gentlewoman from Florida [Mrs. ROSELEHTINEN] for her tremendous support on the subcommittee, and certainly the gentleman from New York [Mr. HOUGHTON], the chief sponsor of the bill. He has shown great leadership on the bill. He is real fighter for programs, as all of these Members of Congress are. They are certainly fighters that help the poor to help themselves, and there is no better example of such assistance than microcredit programs.

I am a firm believer that if we invest in the poor through programs such as microcredit and basic education, child survival types of activities and rural development, if we help the poor to gain access to the marketplace and share in the benefits of economic growth, the returns will justify such investments many times over. In terms of political, economic and social stability, they will reap the benefits.

□ 1715

The bill before us today represents a significant compromise from our original proposal. It is certainly not everything we wanted, and in my view, we have much more work to do.

The initial purpose of H.R. 1129 was to show support for a firm U.S. commitment to the 1997 microcredit summit goal of reaching 100 million of the world's poorest families, especially the women of those families. The goal is widely supported by the administration, the World Bank and other financial institutions, and many, many world leaders who pledged their support at the microcredit summit.

Not long ago the First Lady came up to the Hill to help kick off USAID's renewed commitment to its microenterprise initiative. In that spirit our bill called for a greater investment of our foreign aid dollars in microcredit projects. The unfortunate irony is that despite all of this broad, resounding support, funding is being cut in this area. Only \$120 million was requested for microcredit programs in fiscal year 1998, down from \$140 million in 1997.

I fully understand that cuts in development assistance have made tough choices necessary, but many of us have fought hard against further cuts in development assistance. I would hope that we have reached a point where such cuts have finally bottomed out.

I would also emphasize that during the period from fiscal year 1988 through fiscal year 1991, we had a legislative

earmark for microcredit programs in place. In my view, if an earmark is what it takes to maintain adequate funding levels for this important program, and the evidence clearly supports that position in this case, then it ought to be reinstated.

I also regret that provisions calling for stronger U.S. support for rural microcredit programs implemented by IFAD were dropped from the bill. IFAD is a small but effective agency focused uniquely on combatting rural poverty and hunger at the grassroots level.

Despite its shortcomings this bill does, nonetheless, lay important groundwork for future strengthening of these programs. It retains small but important gains for microcredit programs. So even though I think we can and should be doing more in this area, this bill marks an important step forward for microcredit programs.

I certainly urge my colleagues to support it, and I want to thank the committee for moving on this bill.

Mr. GILMAN. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from New York [Mr. HOUGHTON], a member of our committee.

Mr. HOUGHTON. Mr. Speaker, I would like to stand in strong support of H.R. 1129. It is the right bill, it is the right time. It is not enough money, but it is as good as we could possibly do under the circumstances. I think the direction is absolutely solid, right on. It complements the USAID program. I do not think there is any question about that. I believe there is no opposition to that.

Mr. Speaker I would like to, if I could, just mention several names of people: Obviously, the gentleman from Ohio, Mr. HALL, has been a tremendous sponsor of this; and the gentleman from Connecticut, Mr. GEJDENSON, and my chairman; the gentleman from New York, Mr. GILMAN, the gentleman from Indiana, LEE HAMILTON, the gentlewoman from Florida, Ms. ILEANA ROSELEHTINEN, the gentleman from Texas, Mr. DICK ARMEY, for letting us bring this thing to the floor.

I would also like to mention several other individuals: The gentleman from Colorado Mr. DAN SCHAEFER, the gentleman from California, Mr. ESTEBAN TORRES, the gentleman from New York, Mr. JIM WALSH, the gentleman from Hawaii, Mr. NEIL ABERCROMBIE, the gentleman from North Carolina, Mr. MEL WATT, the gentleman from Kentucky, Mr. RON LEWIS, the gentleman from Michigan, Mr. DAVE BONIOR, the gentleman from Alaska, Mr. DON YOUNG, the gentleman from Washington, Mr. JIM MCDERMOTT, the gentleman from Ohio, Mr. STEVE CHABOT, the gentleman from Vermont, Mr. BERNIE SANDERS. Members can see we have a real spectrum of people in support here.

Also there is an important outside group called RESULTS, particularly Jo Ann Carter and Leila Nimatallah, who really have promoted this bill along and have had a great deal to do with the microcredit summit.

Mr. Speaker, very briefly, this original bill increased the amount of money for USAID. That was not possible because of the budget restrictions. It was pared down. Now we have a lesser amount of money. The new version of the bill does not provide any additional funds for this program.

But what the bill does is to instruct the people at USAID to the best of their ability to ensure that half of these moneys go to people who are requiring \$300 or less, think of it, \$300 or less, to start little businesses; really, the poorest of the poor, as the chairman has mentioned. It is an absolutely great idea.

The concept that Mr. Yousef in Bangladesh started is something I think that really could have enormous impact in the rest of the world. We also have monitoring positions here, and we are going to watch the implementation of the program so it does not get out of hand.

So very briefly, Mr. Speaker, since so much already has been said about this, I urge my colleagues to support this bill today. It is a truly bipartisan measure.

Mr. GEJDENSON. Mr. Speaker, I yield 5 minutes to the gentleman from Tennessee [Mr. CLEMENT].

Mr. CLEMENT. Mr. Speaker, I thank the gentleman from Connecticut for yielding time to me.

Mr. Speaker, I rise in strong support of H.R. 1129, the Microcredit for Self-Reliance Act of 1997. In particular, I would like to thank my friends and colleagues, the gentleman from New York, Mr. AMO HOUGHTON, and also the gentleman from Ohio, Mr. TONY HALL, for seeing that the issue of microfinance and microcredit receives congressional attention. I am a cosponsor of this bill, and very supportive of microcredit and the aim of thoughtfully assisting the poor who wish to help themselves.

Microcredit is a responsible and effective tool in fighting poverty. I have heard a number of stories that tell of the successes of microcredit. One of many examples is that of a woman in Bangladesh whose husband had died. Without any income, she was forced to sell all of her possessions to feed her little girl. She was forced to go from shack to shack, begging to sleep on the dirt floors of those who were barely better off than she.

A microcredit representative came to her village and told her that she could get a loan to help her improve her position; imagine that, a woman who had lost her husband, lost all of her possessions, so poor that she was forced to beg to live on floors of her neighbors.

This woman is told that she can have a loan; not a big loan, a loan that was under \$40. How powerful and empowering is someone saying, I have faith in you and we are going to give you a chance. The microcredit representative in her community helped her develop a business plan. She purchased a hen. She would keep some of the eggs for her daughter and herself, and sell the

rest. Soon she was able to pay off the loan and buy some goats. Now she has a small farm and home, all of this from a \$40 loan. She was begging to live on dirt floors, and because someone was willing to give her a small loan, she was able to become a strong contributing member of her society.

There are many stories like this that have been shared by others already today. How can we not feel good and want to encourage programs such as this? In hearings on this issue, my colleagues on the Committee on International Relations were very accepting and positive in their discussions of the Houghton-Hall bill.

Ironically, USAID assistance to microcredit for fiscal year 1998 is \$20 million less than it was in fiscal year 1994, despite the effectiveness of microcredit programs, with loan repayments of over 90 percent. It seems that the logical step would be an increase, rather than a decrease, of our earmarks for microcredit. We must work to guarantee that these recommendations be understood as a legislative distinction intended to reach those at the very bottom of the economic ladder, thereby ensuring we sufficiently reach those with the greatest need.

Having said that, I will support the Gilman compromise bill, noting that it is a beginning. More needs to be done to expand and protect effective microcredit funding. I look forward to working with my colleagues in microcredit initiatives as we work to creatively find ways to assist those with the greatest need.

Mr. GILMAN. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from Nebraska [Mr. BEREUTER], the chairman of our committee.

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

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

Mr. Speaker, I want to speak in strong support of the Houghton resolution. I think it is very important in many ways. I know I first became familiar with the kind of microenterprise work when FINCA came to the Hill and talked about their work in the Central Andes countries. We knew, of course, about the Gramine Bank and its wonderful work.

The amount of money that really makes a difference, a very small loan, usually very rapidly repaid, can really turn around a person and a family's life. I think we ought to be spending more of our resources here. It is a big bargain.

I commend the gentleman for his effort, and all of the people who have supported this legislation which the gentleman from New York [Mr. HOUGHTON] generously listed, and the many Members who are very supportive of this legislation. I urge its strong support.

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

Mr. Speaker, I would like to say a few words myself, obviously to commend the participants, the chairman of the committee, the gentleman from New York [Mr. HOUGHTON] and the gentleman from Ohio [Mr. HALL], and others who have been involved in this; also, the First Lady, for coming here to renew our commitment to microenterprise loans, and clearly Mr. Atwood, who has done a spectacular job with this program. Without Mr. Atwood's help on this and leadership, we would not be where we are today.

I would like to take one moment to tell a family story. My family came to this country in 1950. My parents had survived Hitler and Stalin. I was born in a refugee camp run by the United Nations in Germany. We got to New York in October 1949. My father spent a little time in New York and in Boston, the family did, and he wanted to work for himself.

There was an organization called the Gmeeloes Hessed that gave no-interest loans under the assumption that when you made it, you paid it back and kicked in a little for the next folks. That enabled us to buy the dairy farm that my family still lives on.

When we look around globally, there is probably no program that this country has ever been involved in that has really had the kind of positive impact in so many ways, not just for the individuals who get the loan, but what we find is many of these loans, like from the Gramine Bank, end up going to women, with a repayment rate far higher than loans that go to people in very high incomes. The repayment rate here is above 90 percent.

What we find is oftentimes these women end up bringing their husbands into the business because they need assistance, and as a result of that they end up decreasing the surplus of day laborers, which means everybody in the village does a little better.

So again, Mr. Speaker, I would say to the gentleman from Nebraska [Mr. BEREUTER], the gentleman from New York [Mr. HOUGHTON], and all our friends on both sides of the aisle, this is a great program. It is something that we as Americans can be very proud of that we continue to do this.

Mr. Speaker, I yield such time as she may consume to the gentlewoman from Texas [Ms. JACKSON-LEE].

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the kind gentleman from Connecticut for yielding time to me. I know his passion. I appreciate the leadership of the chairman of the committee, the gentleman from New York [Mr. GILMAN], on this issue as well.

Mr. Speaker, let me talk from personal experience, for I think today being a day that many Americans gather to worship, there is a parable, if you will, that is somewhat similar to a discussion that many have about how we help those who help themselves. Certainly there is the issue of how Jesus fed the multitude at the moun-

tain, taking a couple of fishes and loaves of bread and multiplying it into serving a multitude of people.

There is also a phenomenon that says, it is better to teach someone how to fish than to give them the fish.

□ 1730

This is what this program represents. These microloans are a statement of self-reliance. They are, in fact, a strong response to individuals in the international arena being able to help themselves. In particular, I have seen these loans work in places like Africa, where the women, who have traditionally been the market women in Africa, have used a lot of these microloans to in fact engage in enhancing and encouraging their business.

Microenterprises are very small, informally organized businesses. Other than those that grow crops, often microenterprises employ just one person, the owner-operator, or microentrepreneur. In some lower income countries, however, microenterprises employ a third or more of the labor. The Microenterprise Program is targeted at businesses run by employing the poor, and it helps them by increasing their income and their assets. It raises their skills and productivity, and it helps them form organizations.

It is interesting, the kinds of businesses around which these microenterprises can actually exist. They can sell, for example, one product. They can be a soda selling entity in a little booth with cups and sodas, and out of that they can raise and help to build their families. It only takes one particular product that they might be selling.

In so doing, let me say that we help to have an impact on the foreign aid we have to give. We help to have an impact on the growing economies of these countries. We also help to have an impact on their self-reliance and their feeling about themselves. The programs receiving USAID funding incorporate the following principles: The commitment of significant outreach of services, continued focus on women and the very poor, the very backbone of these nations. Many of these women are heads of households and also are the basic structure of the family. The microcredit does erase poverty. And for those who are aware of the hunger around the world, we recognize that that is one of the best solutions, is to provide the independence that is needed.

I want to compliment this program, as well, for what it provides to women, the access to credit. And as well as it gives them access to credit, it helps them educate women in nations like India, in nations like Southeast Asia, as well as those in Africa and other parts of the world.

It has been well documented that educated women have fewer children and more time between births and, therefore, fewer health problems and healthier children. I would certainly say that this is a right direction.

I thank my colleagues for their leadership, and I urge my colleagues as well to vote for H.R. 1129.

Mr. Speaker, I rise today in strong support of H.R. 1129, the Microcredit for Self-Reliance Act. H.R. 1129 grants express authority to the United States Agency for International Development [USAID] to provide grants and loans in support of microenterprise programs in developing countries. The legislation directs that approximately one-half of the grant assistance provided under the USAID's program be used by poverty lending programs to the very poor, particularly poor women, under which loans of \$300 or less are provided. I especially would like to thank Mr. Hall of Ohio for his authorship and leadership on this very important bill.

Microenterprises are very small, informally organized businesses, other than those that grow crops. Often microenterprises employ just one person, the owner-operator or "micro-entrepreneur." In some lower-income countries, however, microenterprises employ a third or more of the labor force.

Importantly, the Microenterprise program is targeted at businesses run by and employing the poor. The Microcredit programs seeks to help the poor increase their income and assets, raise their skills and productivity, and form organizations that facilitate their more effective participation in society. In so doing, programs receiving USAID funding incorporate the following principles: a commitment to significant outreach of services, a continued focus on women and the very poor, a striving for sustainability and financial self-sufficiency, an adherence to rigorous performance standards, a sharing of information on best practices, and a fostering of innovation in programs.

Microcredit is a poverty eradication program. It is a program that provides opportunity and independence to the poor and to impoverished women in particular. In fact, more than 90 percent of microcredit loans have gone to women. Providing women access to microcredit enables them to open their own businesses and in so doing helps to build independence in male-dominated cultures.

Access to microcredit helps to educate women. It raises their income and, thus, that of their families. It has been well-documented that educated women have fewer children, have more time between births, and, therefore, have fewer health problems and have healthier children.

I urge my colleagues to vote for H.R. 1129 and in so doing, signal their support for this important program that does so much to empower women and improve the quality of life for impoverished families around the world.

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

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

The SPEAKER pro tempore (Mr. LATHAM). The question is on the motion offered by the gentleman from New York [Mr. GILMAN] that the House suspend the rules and pass the bill, H.R. 1129, as amended.

The question was taken.

Mr. GILMAN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

EXPRESSING SENSE OF CONGRESS WITH RESPECT TO GERMAN GOVERNMENT'S DISCRIMINATION AGAINST MEMBERS OF MINORITY RELIGIOUS GROUPS

Mr. GILMAN. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 22) expressing the sense of the Congress with respect to the discrimination by the German Government against members of minority religious groups, particularly the continued and increasing discrimination by the German Government against performers, entertainers, and other artists from the United States associated with Scientology, as amended.

The Clerk read as follows:

H. CON. RES. 22

Whereas since World War II, Germany has been a friend and ally of the United States;

Whereas German government discrimination against members of minority religious groups, particularly against United States citizens, has the potential to harm the relationship between Germany and the United States;

Whereas artists from the United States associated with certain religious minorities have been denied the opportunity to perform, have been the subjects of boycotts, and have been the victims of a widespread and well-documented pattern and practice of discrimination by German Federal, State, local, and party officials;

Whereas the 1993, 1994, 1995, and 1996 United States Department of State Country Reports on Human Rights in Germany all noted government discrimination against members of the Church of Scientology in Germany;

Whereas the German State of Baden-Wuerttemberg barred Chic Corea, the Grammy Award-winning American jazz pianist, from performing his music during the World Athletics Championship in 1993, and in 1996 the State of Bavaria declared its intention to bar Mr. Corea from all future performances at State sponsored events solely because he is a member of the Church of Scientology;

Whereas the Young Union of the Christian Democratic Union and the Social Democratic Party orchestrated boycotts of the movies "Phenomenon" and "Mission Impossible" solely because the lead actors, Americans John Travolta and Tom Cruise, are members of the Church of Scientology;

Whereas members of the Young Union of the Christian Democratic Union disrupted a 1993 performance by the American folk music group Golden Bough by storming the stage solely because the musicians are members of the Church of Scientology;

Whereas the Evangelical Christian Church of Cologne, led by an American clergyman, Dr. Terry Jones, had its tax-exempt status revoked by the German government with the reason being that the church benefits to society were of "no spiritual, cultural, or material value";

Whereas the German government is constitutionally obligated to remain neutral on religious matters, yet has violated this neutrality by supporting and distributing information to the general public that gives the impression that "sect-experts", who are only critical of all but the major churches, are in a position to provide the public with fair, objective, and politically neutral information about minority religions;

Whereas the Jehovah's Witnesses' application for recognition as a corporation under public law, which would have put them on

equal legal status with the Catholic and Protestant churches, was denied by the Federal Administrative Court because the church's doctrine of political neutrality was considered to be antidemocratic;

Whereas government officials and "sect-experts" are using the decision denying the Jehovah's Witnesses recognition as a corporation under public law as a justification for discriminatory acts against the Jehovah's Witnesses, despite the fact that a constitutional complaint is still pending before the German Constitutional Court;

Whereas adherents of the Muslim faith have reported that they are routinely subject to police violence and intimidation because of their ethnic and religious affiliation;

Whereas the 1994 and 1995 Reports to the Human Rights Commission of the United Nations on the application of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion and Belief by the Special Rapporteur for Religious Intolerance criticized Germany for restricting the religious liberty of certain minority religious groups;

Whereas Germany, as a signatory to the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and the Helsinki Accords, is obliged to refrain from religious discrimination and to foster a climate of tolerance; and

Whereas Germany's policy of discrimination against minority religions violates German obligations under the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and the Helsinki Accords; Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) continues to hold Germany responsible for protecting the rights of United States citizens who are living, performing, doing business, or traveling in Germany, in a manner consistent with Germany's obligations under international agreements to which Germany is a signatory;

(2) deplores the actions and statements of Federal, State, local, and party officials in Germany which have fostered an atmosphere of intolerance toward certain minority religious groups;

(3) expresses concern that artists from the United States who are members of minority religious groups continue to experience German government discrimination;

(4) urges the German government to take the action necessary to protect the rights guaranteed to members of minority religious groups by international covenants to which Germany is a signatory; and

(5) calls upon the President of the United States—

(A) to assert the concern of the United States Government regarding German government discrimination against members of minority religious groups;

(B) to emphasize that the United States regards the human rights practices of the Government of Germany, particularly its treatment of American citizens who are living, performing, doing business, or traveling in Germany, as a significant factor in the United States Government's relations with the Government of Germany; and

(C) to encourage other governments to appeal to the Government of Germany, and to cooperate with other governments and international organizations, including the United Nations and its agencies, in efforts to protect the rights of foreign citizens and members of minority religious groups in Germany.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York [Mr. GILMAN] and the gentleman from New Jersey [Mr. PAYNE] each will control 20 minutes.

The Chair recognizes the gentleman from New York [Mr. GILMAN].

PARLIAMENTARY INQUIRY

Mr. BEREUTER. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his inquiry.

Mr. BEREUTER. Mr. Speaker, I would like to inquire whether the gentleman from New Jersey [Mr. PAYNE] is in opposition to the resolution.

The SPEAKER pro tempore. Is the gentleman from New Jersey [Mr. PAYNE] in opposition to the resolution?

Mr. PAYNE. Mr. Speaker, I am in support of the resolution.

Mr. BEREUTER. Then, Mr. Speaker, I would claim the time in opposition to the resolution.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York [Mr. GILMAN] and gentleman from Nebraska [Mr. BEREUTER] each will control 20 minutes.

The Chair recognizes the gentleman from New York [Mr. GILMAN].

PARLIAMENTARY INQUIRY

Mr. PAYNE. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. PAYNE. Mr. Speaker, my inquiry is if Mr. GILMAN would give half of his time for those who are in favor of the amendment.

Mr. GILMAN. Mr. Speaker, I will be pleased to yield appropriate time to the gentleman from New Jersey.

The SPEAKER pro tempore. Without objection, the gentleman from New Jersey [Mr. PAYNE] will control 10 minutes.

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.]

GENERAL LEAVE

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on this measure and include extraneous materials.

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

There was no objection.

Mr. GILMAN. Mr. Speaker, while I do not take pleasure in bringing this resolution to the floor criticizing Germany, we must be frank with our friends. And when repeated treaties have failed and the matter is serious enough, we must not hesitate in speaking frankly and on the Record.

Mr. Speaker, the fact is that the German public officials have displayed an unfortunate record of speech and action against minority religions, action that, in my opinion, amounts to discrimination and violation of German obligations under international law.

This resolution calls attention of the public to those actions, calls upon Ger-

many to change its behavior, and asks the President to take appropriate action. I will not belabor these issues and will provide a longer statement under leave to revise and extend my remarks.

Mr. Speaker, the gentleman from New Jersey [Mr. PAYNE] is sponsor to this resolution, as well as the gentleman from Arizona [Mr. SALMON] and the gentleman from Ohio [Mr. NEY], each of whom has taken a great interest in this legislation and are deserving of our commendation. The resolution has been considerably broadened and softened in the course of its consideration in the committee. And Members may refer to the amendment now at the desk, copies of which are available on the floor.

Mr. GILMAN. Mr. Speaker, I first became aware of the problem of religious minorities in Germany well over a year ago when I had the opportunity to visit with American citizens about the problems that their coreligionists had in Germany.

I have had the opportunity to discuss this on several occasions with German Government officials. I have raised this issue in the context of my profound respect for Germany as a friend of the United States. More than a friend, it has become an especially close ally and, in addition, a country that has done a great deal in recent years to protect and uphold human rights around the world. This matter may distress our German friends. But we must be frank with friends.

The German Government perceives Scientology and certain other religious minorities as dangerous or not valuable to their society and as not having the right to the same privileges as other religions. I am sympathetic with German concerns that its history requires that its society be vigilantly protected against totalitarianism. We are all too familiar with how small organizations can grow into important threats to human rights and world peace.

Let me be clear. I have criticized some of the tactics of the Church of Scientology in its public relations campaign against Germany. The use of Nazi imagery by the church or its supporters to characterize the present Government of Germany is improper and unacceptable. But we cannot allow our distaste for some of the tactics of Scientology's supporters to undermine our concern about individual rights if we believe they are violated.

The fact is that healthy democracies such as Germany have potent weapons against groups when they take actions that actually threaten their societies. Democracies need not and ought not to discriminate against people based on matters of conscience or affiliation.

I am particularly concerned when discrimination against individuals on religious ground is encouraged. While some public officials may have an honest belief in the truth of their accusations, the political process can encourage politicians to engage in scapegoating and playing to public prejudices for partisan gain. This can, as we know—as Germans above all know—end in tragedy.

In this connection, I am dismayed with regard to some of the remarks that have been reported to have been uttered by German officials responsible for the protection of the Constitution.

For example, in the course of an interview printed on October 13 of this year in *Die Welt*,

ostensibly devoted to discussing anti-Western, extremist trends within Islam, Peter Frisch, head of the German Federal Office of the Protection of the Constitution, stated that "there are several tens of thousands of Muslims in Germany who are converts from Christianity. There is one Islamic center that has expressly issued instructions to marry German women. The women would then convert to Islam and their children should be brought up accordingly." This sort of irrelevant, hatemongering rhetoric is unbecoming of an official charged with safeguarding human rights. This is the same official, by the way, who is today investigating Scientology.

During the period leading up to the consideration of this resolution in committee, and thereafter, there have been accusations that the German Government has been denied the opportunity to make its case. I would note that it is not the normal practice of our committee to call foreign ambassadors as witnesses and there was no request from the German Ambassador to be heard. I moreover note that I have discussed Scientology with the German Ambassador; the sponsors of this resolution may wish to address the accusation by the German Ambassador that they are unwilling to meet with him. Such an accusation was denied on the record at our committee markup.

Further, I note that the German Ambassador was invited by Senator D'AMATO from New York to appear or send a representative of the German Government to a hearing of the Commission on Security and Cooperation in Europe, which he chairs. The German Ambassador declined because a German Government official could not in principle appear before the Commission. I will include in the RECORD a copy of Senator D'AMATO letter dated November 6, to me on this issue, and the German Ambassador's letter to me on the resolution, dated September 16, 1997.

The Department of State has worked on the problems of Scientologists and other minority religions in Germany and has done a good job in fostering the American perspective. But this dialog has gone on for some time and has had few positive results.

We hope that adopting this resolution, which has been modified considerably since its introduction, would indicate to our German friends that there is widespread support for the position that the Department has been taking and would spur a reconsideration in Germany of the policies that the resolution addresses.

Mr. Speaker, I urge my colleagues to support the amended resolution.

THE AMBASSADOR OF THE
FEDERAL REPUBLIC OF GERMANY,

October 29, 1997.

Hon. BENJAMIN GILMAN,
Chairman, Committee on International Relations,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: I am writing you about H. Con. Res. 22 concerning alleged discrimination by the German Government against members of minority religious groups. The draft resolution I have seen contains allegations against the German federal and state governments which are entirely unfounded and absurd, and I emphatically reject them.

As you know, Germany is a free country in which religious freedom is guaranteed under the constitution and thus sacrosanct. Indeed, this fact was clearly confirmed in the latest United States Department of State Country Report on Human Rights. Furthermore, I

would like to add that no artist from the United States associated with certain religious minorities has been denied the right to perform in Germany.

I have enclosed information about the Scientology organization and the Cologne Christian Community, which speaks for itself. If you review it carefully, you will find that the German authorities have not disturbed the practice of religious freedom. Rather, on the contrary, there are increasing indications that the Scientology organization uses totalitarian and thus unconstitutional means to oppress its members and their families.

Germany is a close and trusted U.S. ally. If the current draft resolution were to come before your committee and to the floor of the House of Representatives for a vote, such a move would be incomprehensible to my government, the German Parliament, and the German public. Moreover, it would be inconsistent with the excellent status of our bilateral relations and, indeed, could harm them.

I would be very grateful if you could take these concerns into account in deciding how to proceed. In the past months, I have attempted several times to arrange an appointment with the co-sponsors of an earlier draft of this resolution in order to explain the German position on the Scientology organization.

Regrettably, the Congressional members did not wish to meet with me on this matter. It therefore goes without saying that I would be happy to discuss this matter with you anytime.

I will send a copy of this letter to the House ranking minority member on the International Relations Committee, Congressman Lee Hamilton.

Sincerely,

JÜRGEN CHROBOG.

NONPAPER

It cannot be said that the *Christliche Gemeinde Köln*—the Cologne Christian Community—is being persecuted or discriminated against by public institutions. Freedom of belief is fully and unconditionally guaranteed in Germany. The members of the *Christliche Gemeinde Köln* also are free to practice their belief.

NONPROFIT STATUS

As in the United States, religious communities in Germany must supply specific proof that they are nonprofit organizations in order to become tax exempt. After a thorough review of the *Christliche Gemeinde Köln*, the German tax authorities have found that the conditions under which the sect was originally recognized as a nonprofit organization no longer exist. For this reason, the *Christliche Gemeinde Köln* will be assessed from now on, as are other noncharitable organizations.

The *Christliche Gemeinde Köln* has appealed this decision. A judgment by the Tax Court is still pending in this appeal.

DISMISSALS OF MEMBERS OF THE CHRISTLICHE GEMEINDE KÖLN

The German Government does not yet have any relevant information concerning the legal background of the dismissals. It therefore cannot take a position on the discrimination charges at this time.

COMMISSION ON SECURITY
AND COOPERATION IN EUROPE,
November 6, 1997.

Hon. BENJAMIN A. GILMAN,
Chairman, Committee on International Relations,
U.S. House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Following your Committee's mark-up of H. Con. Res. 22 concern-

ing German discrimination against individuals holding minority religions or beliefs, I noted that the German Federal Minister for Foreign Affairs, Klaus Kinkel, has reportedly said that the German Ambassador to the United States, Jürgen Chrobog, has offered to explain the German position to Congress, but "... he has had no chance to do this." ("Kinkel Rejects American Critique: 'No Persecution of Religious Minorities in Germany,'" in the *Frankfurter Allgemeine Zeitung* (National), November 3, 1997.) This assertion is false.

I have attached for your information a copy of a letter of invitation sent to Ambassador Chrobog on August 25, 1997. The relevant portion of the letter reads as follows: "I write today to invite a representative of the Federal Republic of Germany to testify at a public hearing of the Commission to be held at 10:00 a.m. on Thursday, September 18, 1997, in room SDG-50 of the Dirksen Senate Office Building. The subject of the hearing will be 'Emerging Intolerance in the Federal Republic of Germany.' It will focus on official policies and actions directed at members of minority ethnic groups and minority religions and beliefs contrary to the Federal Republic's international obligations."

Commission staff engaged in repeated telephonic conversations with officials at the Embassy of the Federal Republic of Germany to ascertain whether the German government would provide a witness at the hearing. At no time did any German official indicate that a witness would be provided.

After reviewing the problem of religious intolerance, I decided to broaden the scope of the hearing and accordingly changed its title to "Religious Intolerance in Europe Today," so that the Commission could better address the Europe-wide nature of the problem. On September 9, 1997 my Chief of Staff sent Ambassador Chrobog's deputy, Mr. Thomas Matussek, a note explaining the change in scope and indicating that no official German witness was needed.

On September 16, 1997, Ambassador Chrobog wrote to the Commission saying that "... an official representative of Germany cannot, on principle, testify before the Commission." Since the Commission is an independent agency of the United States government, duly authorized by law, a clarification of the principle invoked by Ambassador Chrobog would be in order to determine if it would be possible for an official of the Federal Republic of Germany to speak on the record in public before any U.S. government body.

The Ambassador's letter enclosed a background paper outlining the German government's official position on the subject. By telephone, the Embassy asked that this paper be made available to Commissioners. I agreed to do that and copies of the Ambassador's letter and attached information were placed on the dais at the hearing for the use of Commissioners.

In addition, the German Embassy requested that the paper enclosed with the Ambassador's letter be included in the hearing record. I have also agreed to do that. When the hearing record is published, it will contain all of the documents I have attached to this letter.

I provide you with this detailed record of the Commission's interactions with the Federal Republic of Germany's official representatives so that you may accurately respond to the allegation that official German views have not had the opportunity to be presented to the House or Senate on this subject. The opportunity was offered, and, unlike the ambassadors and official representatives of candidate NATO member states who appeared, testified, and responded to questions at Commission hearings on that

subject during the spring of 1997, the German position was that they would not provide a witness. I have responded positively to their request that their written views be made available. In addition, staff level contacts have continued as the Commission seeks information.

Without attempting to discuss all of the problems in the official German position on this issue, I want to highlight the fact that Principle VII of the Final Act of the Conference on Security and Cooperation in Europe (the "Helsinki Accords," to which the Federal Republic of Germany is a party), provides, in pertinent part, that "... the participating States will recognize and respect the freedom of the individual to profess and practice, alone or in community with others, religion or belief acting in accordance with the dictates of his own conscience." The repeatedly asserted official German position that Scientology is not a "religion" does not meet Germany's international human rights obligations. Whether or not Scientology is a religion is irrelevant in this case, because "belief" is a broader term than "religion," and Germany's official policy toward Scientology ignores the fact that "belief" is a protected category under the Helsinki Accords. Note that Principle VII is phrased in the disjunctive, religion or belief, and that Germany's policy toward Scientology is, we believe, in violation of this critically important principle.

I appreciate this opportunity to assist you in dealing with this matter, and look forward to continuing to work with you on issues of mutual concern.

Sincerely,

ALFONSE D'AMATO, U.S.S.,
Chairman.

COMMISSION ON SECURITY
AND COOPERATION IN EUROPE,
August 25, 1997.

His Excellency JÜRGEN CHROBOG,
Ambassador, Embassy of the Federal Republic of Germany, Washington, DC.

DEAR MR. AMBASSADOR: I write today to invite a representative of the Federal Republic of Germany to testify at a public hearing of the Commission to be held at 10:00 am on Thursday, September 18, 1997, in room SDG-50 of the Dirksen Senate Office Building. The subject of the hearing will be "Emerging Intolerance in the Federal Republic of Germany." It will focus on official policies and actions directed at members of minority ethnic groups and minority religions and beliefs contrary to the Federal Republic's international obligations.

The Commission is also inviting an official witness from the Executive Branch to present the official United States position on these matters as reflected in the Department of State's "Country Reports on Human Rights Practices for 1996," and other official statements.

While detailed plans for the hearing's organization are not yet final, I anticipate having three panels of witnesses; a first panel of official witnesses; a second panel of non-governmental organization and academic experts; and a third panel of publicly prominent Scientologists who have had experience with German policies on the Church of Scientology and its adherents. The third panel is occasioned in particular because of the Council of Ministers' decision to place the Church of Scientology "under observation" by the Federal Office for the Protection of the Constitution and coordinate state bodies.

I appreciate your kind attention to this request and express the hope that you or someone else who can speak with authority and credibility on Germany's approach to these problems can testify to present the Federal

Republic's official position with the accuracy and clarity it deserves.

In order to help Members prepare for the hearing, the Commission requests that you provide 75 copies of your written testimony at least one day prior to the hearing. Oral presentations should be approximately 7-10 minutes in length. If your desire, you may provide additional written material for inclusion in the hearing record.

I look forward to working with you on this and other issues of common concern.

Sincerely,

ALFONSE D'AMATO, U.S.S.,
Chairman.

—
THE AMBASSADOR OF THE
FEDERAL REPUBLIC OF GERMANY,
September 16, 1997.

Senator ALFONSE D'AMATO,
Chairman, Commission on Security and Cooperation in Europe, Washington, DC.

DEAR SENATOR D'AMATO: Thank you very much for your letter dated August 25, inviting a representative of the Federal Republic of Germany to testify at the public hearing "Emerging Intolerance in the Federal Republic of Germany," to be held by the Commission on Security and Cooperation in Europe on September 18. I am also aware that my deputy, Mr. Thomas Matussek, has received a letter, dated September 9, from Mr. Hathaway, Chief of Staff of the Commission on Security and Cooperation in Europe, explaining that the scope of the hearing has now been changed.

Please understand that an official representative of Germany cannot, on principle, testify before the Commission. As you may know, I have proposed on several occasions to meet individually with various Members of Congress to explain Germany's approach to the Scientology organization. While none of your colleagues expressed an interest in an exchange of views, I would be glad to renew my offer.

In the meantime, I enclose a background paper outlining the German position on the Scientology organization. The Commission staff has already been supplied with a copy.

Sincerely,

JÜRGEN CHROBOG.

—
SCIENTOLOGY AND GERMANY

Since October 1996 the Church of Scientology has waged an aggressive campaign against Germany. Using full-page ads in the New York Times and the Washington Post, the Scientology organization has compared the treatment of Scientologists in present-day Germany with that of the Jews under the Nazi regime. This is not only a distortion of the facts, but also an insult to the victims of the Holocaust. Officials in Germany and the U.S. have repeatedly spoken out against this blatant misuse of the Holocaust. Ignatz Bubis, Germany's top Jewish leader, denounced the comparison as "false" and most recently, State Department spokesman Nicholas Burns at a press briefing on June 6, 1997 said:

"Germany needs to be protected, the German Government and the German leadership need to be protected from this wild charge made by the Church of Scientology in the U.S. that somehow the treatment of Scientology in Germany can or should be compared to the treatment of Jews who had to live, and who ultimately perished, under Nazi rule in the 1930s. This wildly inaccurate comparison is most unfair to Chancellor Kohl and to his government and to regional governments and city governments throughout Germany. It has been made consistently by supporters of Scientology here in the United States, and by Scientologists themselves. I do want to disassociate the U.S.

Government from this campaign. We reject this campaign. It is most unfair to Germany and to Germans in general".

After having conducted thorough studies on the Scientology organization, the Federal Government has come to the conclusion that the organization's pseudo-scientific courses can seriously jeopardize individuals' mental and physical health and that it exploits its members. Expert testimony and credible reports have confirmed that membership can lead to psychological and physical dependency, to financial ruin and even to suicide.

In addition, there are indications that Scientology poses a threat to Germany's basic political principles.

Because of its experiences during the Nazi regime, Germany feels a special responsibility to monitor the development of any extreme group within its borders. German society is particularly alert towards radicalism of any kind and has set stiff standards for itself when dealing with aggressive, extreme groups—even when the groups are small in number.

Every citizen in Germany has the right to challenge the legality of government decisions which affect him or her, in an independent court. The Scientology organization has made ample use of its right to go to court in Germany and will continue to do so. Up until now, no court has found that the basic and human rights of Scientology members have been violated.

IS SCIENTOLOGY A THREAT?

According to a decision of March 22, 1995, by the Federal Labor Court, Scientology utilizes "inhuman and totalitarian practices." Often members are separated from their families and friends. The organization is structured so as to make the individual psychologically and financially dependent on a Scientology system. There are cases of the Scientology organization using this system of control and assertion of absolute authority to exercise undue influence in certain economic sectors—particularly in personnel and management training—causing serious harm to some individuals.

In response to the growing number of letters from concerned parents and family members, particularly from those with relatives in Scientology, the German Parliament (Bundestag) established an investigative commission which will present a report on the activities of "sects and psychocults" in the course of the year 1997.

In the United States, two legal cases involving Scientology support the German Federal Government's concerns about the organization. In the early 1980s, 11 top Scientologists were convicted in the United States for plotting to plant spies in federal agencies, break into government offices and bug at least one IRS meeting. Referring to Scientology's battle with the IRS for tax-exempt status, The New York Times in a front-page article published March 9, 1997 "found that the (tax) exemption followed a series of unusual internal IRS actions that came after an extraordinary campaign orchestrated by Scientology against the agency and people who work there. Among the findings . . . were these: Scientology's lawyers hired private investigators to dig into the private lives of IRS officials and to conduct surveillance operations to uncover potential vulnerabilities." In 1994, the U.S. Supreme Court upheld a California court's finding of substantial evidence that Scientology practices took place in a coercive environment and rejected Scientology's claims that the practices were protected under religious freedom guaranties.

In other countries, too, the Scientology organization is increasingly seen with great concern. In France, a government commis-

sion led by Prime Minister Juppé, and charged with monitoring the activities of sects, convened its first meeting in mid-November 1996. On November 22, 1996, in Lyon, several leading Scientologists were found guilty of involuntary manslaughter and fraud in a case where methods taught by Scientology were found to have driven a person to suicide.

In Italy during December 1996, an Italian court ordered jail terms for 29 Scientologists found guilty of "criminal association."

In Greece, a judge declared in January 1997 that an Athens Scientology group was illegal after ruling that the group had used false pretenses to obtain an operating license.

IS SCIENTOLOGY A BONA-FIDE RELIGION?

In its ads and writings, the Scientology organization claims it is internationally recognized as a religion, except in Germany. This is false.

Among the countries that do not consider Scientology a religion are Belgium, France, Germany, Great Britain, Ireland, Italy, Luxembourg, and Spain, as well as Israel and Mexico.

In the United States, the Scientology organization did in fact receive tax-exempt status as a religious congregation in 1993—after a decades-long, contentious battle with the IRS.

In Germany, it is possible for organizations undertaking non-profit activities to be exempt from taxation. Up until now, attempts by the Scientology organization to obtain such status have failed. Two of the highest German courts recently dealt with cases involving the Scientology organization. The Federal Labor Court (Bundesarbeitsgericht) in its above mentioned decision on March 22, 1995, also ruled, that the Scientology branch in Hamburg was not a religious congregation, but clearly a commercial enterprise. In its decision, the court quotes one of L. Ron Hubbard's instructions "make money, make more money—make other people produce so as to make money" and concludes that Scientology purports to be a "church" merely as a cover to pursue its economic interests.

The Federal Administrative Court (Bundesverwaltungsgericht) confirmed decisions by lower administrative courts that the Scientology organization has to register its economic activities as a business with the relevant authorities (decision of February 16, 1995).

Also in France, the Scientology organization is neither a religion nor a non-profit institution. The organization's Paris head office was closed in early 1996 for not paying back taxes.

In Great Britain, the Scientology organization has been rebuffed repeatedly by the Charity Commission which insisted as recently as 1995 that the organization could not be considered a religion under British law and could, therefore, not enjoy any tax-exempt status.

FEDERAL AND REGIONAL ACTION TAKEN
AGAINST THE SCIENTOLOGISTS IN GERMANY

On June 6, 1997, Federal and State Ministers of the Interior agreed to place the Scientology organization under surveillance. The Ministers have established that several activities of the Scientology organization may operate contrary to democratic principles and therefore warrants a formal investigation by the Office for the Protection of the Constitution (Verfassungsschutz). The investigation will focus on the structure of the organization and not on individual members. Concrete details regarding the extent of the investigation are not available at this time, but more information will be disclosed following the investigation's first year. Referring to the investigation, Manfred Kanther,

Federal Minister of the Interior, said on June 6, 1997: "The year's surveillance will establish whether the organization is simply an unpleasant group, a criminal organization or an association with anti-constitutional aims."

Some of the German states have taken steps to protect their citizens against Scientology:

As of November 1, 1996, all applicants for admission to Bavarian public service and Bavarian public service employees must indicate whether they belong to the Scientology organization. Membership in Scientology alone does not automatically exclude individuals from public service.

THE SCIENTOLOGY PUBLIC RELATIONS CAMPAIGN
AGAINST GERMANY

The Scientology organization has financed several highly visible public relations campaigns directed against the Federal Republic of Germany in American publications. Among the papers that have carried full-page ads in the last couple of years are the New York Times, the Washington Post and the International Herald Tribune. In addition, the International Herald Tribune published a controversial open letter to German Chancellor Helmut Kohl.

The Scientology organization has also distributed pamphlets such as "The Rise of Hatred and Violence in Germany," reiterating its allegations.

The open letter to Chancellor Kohl, written by a Hollywood lawyer with famous Scientology clients, appeared in early 1997 in the International Herald Tribune. The letter repeated Scientology organization assertions against Germany and was signed by 34 American celebrities. "Disgraceful and irresponsible" is how Michel Friedmann, a member of the Central Council of Jews in Germany, described the letter. He added: "It's totally off the mark. Today, we have a democracy and a state based on the rule of law."

Following the letter, the U.S. State Department again criticized the Scientologists' public relations campaign, saying, "we have advised the Scientology community not to run those ads because the German government is a democratic government and it governs a free people. And it is simply outrageous to compare the current Germany leadership to the Nazi-era leadership. We've told the Scientologists this, and in this sense we share the outrage of many Germans to see their government compared to the Nazis."

ARE THE CASES IN THE ADS TRUE?

The Scientologists' repeated allegations that artists belonging to Scientology are being discriminated against in Germany are false. Freedom of artistic expression is guaranteed in Article 5(3) of the German Basic Law (Germany's Constitution), thus artists are free to perform or exhibit in Germany anywhere they please.

Jazz pianist Chick Corea performed in Germany as recently as March 24, 1996, during the 27th International Jazz Week held in Burghausen, an event which received approximately \$10,000 in funding from the Bavarian Ministry of Culture.

"Mission Impossible," starring Tom Cruise, was a hit in Germany, grossing \$23.6 million.

Likewise, the Scientologists' claim that a teacher who taught near the city of Hannover was fired for her beliefs is untrue. The woman was not fired, though she repeatedly violated school regulations by using the classroom to recruit students and their parents to Scientology. After multiple warnings, the woman was transferred from classroom to administrative duties to prevent further violations.

Contrary to allegations that Scientologists' children have been prevented

from attending school, all children in Germany, including Scientologists', are legally required to attend school. If a Scientologist's child is not enrolled in a German school, it can only be that the parent has pulled the child out.

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

Mr. BEREUTER. Mr. Speaker, I yield myself such time as I may consume and rise in strong opposition to the legislation.

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

Mr. BEREUTER. Mr. Speaker, this legislation came to the House Committee on International Relations with very little notice. It was on the agenda one morning. We have no Europe and Middle East subcommittee, and this legislation is one more argument why we should have so that bad and defective legislation, which in my judgment this is, can be vetted by the subcommittee, reworked, or stopped at that point before it comes to the House floor.

I think this legislation, if the Members of the body were fully familiar with it, would be voted down. We are taking it up in the last hours of the Congress. I am very concerned about the kind of message that it will send.

What we do on this body does matter when it comes to statements on foreign policy. We may consider it to be a very lightly relevant issue at times. But I will tell my colleagues, across the oceans when other countries look at what we do, they take it very seriously. So we have to be very careful.

The Ambassador from Germany to the United States has weighed in with about as strong a letter as I have seen, refuting some of the arguments that have been made by proponents of the legislation. He contends he did not have an opportunity to meet with the Members who were sponsoring it. That has been argued about in the committee, as I understand it.

But I think one important point would be this: This comes down, as I understand it, to a matter of taxation with respect to what we would say in English would be the Cologne Christian community, because they, in Germany, do not consider Scientology to be a religion. Therefore, they tax it. But Germany is not alone in that respect. So does Belgium, France, the United Kingdom, Ireland, Italy, Luxembourg, Spain, and Europe, plus Israel and Mexico. And those are just the countries that I know about.

So it seems to me to bring this legislation here aiming it at Germany, which was at first at least almost exclusively a Scientology-oriented legislation, now been broadened with an amendment to change it, I think is inappropriate. It is unbalanced. It is damaging to our relations with Germany. And there is no real cause for us to be considering this kind of legislation.

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

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

Mr. Speaker, as a sponsor of this bill expressing disapproval of religious discrimination by the German Government, I want to thank my colleagues on both sides of the aisle who have joined in supporting a very basic, democratic right, freedom of religion.

This bipartisan resolution was approved by the full Committee on International Relations after performing artists associated with religious minorities were denied the opportunity to perform in Germany and were also kept out of the political process. As our resolution states, the German Government is constitutionally obligated to remain neutral on religious matters, but it has violated this neutrality.

The United States, as the leader of the free world and champion of democracy around the globe, has an obligation to take a stand whenever we see basic religious rights being restricted, whether their religious affiliation is Muslim, Christian, Jewish, or any other faith. Performing artists from the United States have been denied the right to perform in Germany based on their personal spiritual beliefs.

When our citizens visit and work abroad, they should be able to live in peace without the fear of religious intolerance or mistreatment by the host government. In turn, when individuals visit the United States or decide to live here, they have a right to be able to worship freely and join any organization or group they choose to. These are good-faith gestures. Discrimination against a person because of his or her personal beliefs is always objectionable.

Congress should stand up and say that we strongly disprove of religious intolerance. Germany is a friend, has been a friend for some time, an ally of the United States, and we want that relationship to remain strong and mutually beneficial. That is why we are calling on the German Government to respect the fundamental rights of every citizen of a democracy, the right to enjoy religious freedom.

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

Mr. BEREUTER. Mr. Speaker, I yield 1½ minutes to the gentleman from Virginia [Mr. PICKETT].

Mr. PICKETT. Mr. Speaker, I thank the gentleman from Nebraska [Mr. BEREUTER] for yielding me the time.

I rise in strong opposition to this resolution. This resolution was acted upon without a public hearing and without a committee report and should, at the very least, be further considered by the committee. The sweeping allegations in the resolution are based upon a handful of alleged events that in no way support the allegations. This is serious business.

Germany is one of our Nation's staunchest and most dependable allies. The only purpose this resolution will serve is to create ill will and less friendly relations with a steadfast

friend. America needs the full and enthusiastic support of strong and dependable nations like Germany. If it is to be successful in carrying out its mandate of world leadership, we should not be petty and elevate every issue to embarrassing confrontation.

When folks on one side of the street start throwing rocks, it is not long before folks on the other side start throwing them back. This resolution is bad for our country. I urge Members to reject it.

Mr. GILMAN. Mr. Speaker, can you tell me how much time we have consumed?

The SPEAKER pro tempore. The gentleman from New York [Mr. GILMAN] has 8½ minutes remaining. The gentleman from Nebraska [Mr. BEREUTER] has 16½ minutes remaining. The gentleman from New Jersey [Mr. PAYNE] has 8 minutes remaining.

Mr. GILMAN. Mr. Speaker, I yield 3 minutes to the gentleman from Arizona [Mr. SALMON], a member of our committee.

Mr. SALMON. Mr. Speaker, this is a wonderful opportunity for us to reaffirm what we stand for here in this country, whether or not we stand for the ability of Americans, wherever they live, whether it be in this country, whether it be Germany, Italy, wherever, to worship according to the dictates of their own conscience.

I have heard my colleagues say that this was not given an adequate hearing. Let me tell them that I serve on the committee dealing with security and cooperation in Eastern Europe. We had a full day of testimony and hearings regarding incident after incident of persecution in Germany of minority religions.

I have heard it also referred to as the Scientology bill. Let me tell my colleagues, Mr. Speaker, it is much broader than that. I had folks from the Jehovah's Witness religion, folks from other Christian religions, Muslims, come into my office and tell me some of the horrors that they have had to endure regarding religious persecution in Germany. It is much more than just a taxation issue.

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When we talk about American citizens being blacklisted or blackballed and boycotted simply because of their religion, not allowed to go abroad and perform simply because of their religious persuasion, that is something that ought to give us great concern. Furthermore, I have heard some of my colleagues on this floor in a whisper, I do not think anybody wants to go forth publicly and say anything this ludicrous, but I have heard some Members say behind the scenes, "Wait a minute, this is Scientology, they aren't Christian, or they aren't one of the mainstream religions." I doubt anybody would say something that foolish in the light of day because frankly, Mr. Speaker, that is what this country began about, it was about religious

freedom, religious tolerance. That is why a band of people came to this country initially, so that they could flee religious persecution. If we do not stand for the protection of that, regardless of whether or not it is a minority religion, then we stand for nothing. Let me also point out that virtually every religion, yes, even Christianity, which I am proud to be a believer in, started as a minority religion.

From that time on, people were persecuted for their beliefs. Whether they are killed, whether they are blackballed, whether they are thrown out of the country, whatever persecution exists, we have a responsibility in our Government to stand up and be counted. If we cannot do that, if we cannot speak harshly to our allies who are our friends, if we cannot be plain spoken and honest with them, how can we be plain spoken and honest with our enemies?

Last week we debated 8 bills decrying China for its violations on human rights. I have heard some say that, "Gosh, we didn't have any officials from Germany come and testify before our committee. Therefore, how can we give this serious credence?" I have served on the Committee on International Relations for 3 years and I do not recall a public official from any of the governments that we have done resolutions on ever coming in and testifying before that committee.

Frankly, this is all a smoke screen. Let us stand up and be counted. Let us stand for what we profess to believe in, that is, religious tolerance.

Mr. BEREUTER. Mr. Speaker, just for clarification I would indicate that the Committee on International Relations did not have hearings on this. The Helsinki Commission organization in this body did, but not the Committee on International Relations.

Mr. Speaker, I yield 2½ minutes to the gentleman from California [Mr. CAMPBELL], a member of the committee.

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

Mr. CAMPBELL. Mr. Speaker, how quick we are to condemn and how quick we are to neglect the advice of scripture to be sure about what may be in our own eye before we go and criticize what we find in another's. But this is particularly difficult when the criticism is against a friend and when we have not given that friend the opportunity to be heard.

Let me be very explicit. We, the House of Representatives, the Committee on International Relations, has not given Germany the opportunity to be heard. There is an allegation that Senator D'AMATO might have invited German witnesses, they might have refused. I understand that is a give and take in that particular context. I understand that at one point Senator D'AMATO's chief of staff said that a German witness was not going to be

needed after all. But the point about our committee and our House is that we are today condemning a friend, an ally of the United States and we have not had the common courtesy to ask Germany to send a representative to our committee to answer the charges. That is no way to treat a friend and ally.

These are very strong charges. Let me quote from the resolution. We believe that Germany has "fostered an atmosphere of intolerance toward certain minority religious groups."

Given the history of Germany, these are very painful words. These are words that we should not be saying lightly. Yet we do without having heard from our friends. We claim that the German Government has engaged in discrimination and we use the word several times in the resolution.

First of all, the pain and the process are emphasized in my remarks, the pain that we inflict on a friend and the imprecision of the process. But note as well that this really does not deal with the high concerns that the sponsors wish to suggest. It seems to concern itself at least as much with tax-exempt status in Germany, as to which we would not welcome German interference in our country.

I conclude by saying this: To the German Government and to our friends around the world who watch what we do today, please understand this is not the overwhelming majority. Understand what we do today in the final minutes of a session coming to a conclusion is not the thoughtful expression of a majority of this House, in my view. It was a voice vote in the committee. It will probably be a voice vote again. Please note that we are not addressing you in the terms that this resolution appears to say, that we are better friends than that.

Mr. PAYNE. Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. BECERRA].

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

Mr. BECERRA. Mr. Speaker, I thank the gentleman from New Jersey for yielding me this time.

Mr. Speaker, House Concurrent Resolution 22 is about preserving religious freedom, plain and simple. I learned the depth of this problem when I was introduced to the hardships faced by scientologists in Germany. Early in my congressional career about 5 years ago, I met with Chick Corea the renowned jazz pianist and learned that he had been barred from public performances in Germany. He was set to go, he had performances all lined up. All of a sudden he was not granted a visa to go into Germany even though most of his performances had already been for the most part sold out. At the time I was able to work with a number of my colleagues and we put letters together and sent them off to the German government protesting such actions.

Back in 1941, President Franklin D. Roosevelt said in the future days which

we seek to make secure, we look forward to a world founded upon 4 essential human freedoms. Those freedoms he listed were freedom of speech, of expression, of being free from want, and freedom from fear. He also told us of the freedom of every person to worship God in his own way everywhere in the world. I mention that because just yesterday, if Members read the New York Times, there was an article that said a Federal immigration court judge in Tampa, Florida, granted asylum to a German citizen who was a member of the Church of Scientology. Her asylum claim was based on the fact that she would be subjected to religious persecution had she returned to Germany.

Many of my constituents, as I suspect many of your constituents, are members of religious minority groups like the Church of Scientology. This resolution calls for protecting their rights if and when they spend time in Germany. They deserve this protection. German citizens themselves who are members of minority religious groups deserve religious freedom as well.

As Members cast their vote on House Concurrent Resolution 22, remember the words of President Roosevelt listing religious freedom as one of the four essential human freedoms. As he said, freedom of every person to worship God in his own way everywhere in the world. Today is one of those future days that President Roosevelt spoke of. Today we should be standing together to say aye to House Concurrent Resolution 22.

Mr. BEREUTER. Mr. Speaker, I yield 1 minute to the gentleman from New York [Mr. HOUGHTON], a member of the committee.

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

Mr. HOUGHTON. Mr. Speaker, I feel very uncomfortable supporting this measure. I do not know whether the actions of the German Government in relationship to the Church of Scientology are right or wrong. I have a sense, and this is probably presumptuous for me to say, had I been given the decision to make, I might have made it a little differently. But that is not the issue. The issue is whether we do not look just a bit pompous sitting back here with all our many moral problems in this country, to pass judgment on a nation, our friend, which is wrestling with something which we ourselves and other nations of this world are wrestling with. This is not a Martin Niemoller issue. Please let us withhold judgment. I would not support this measure.

Mr. GILMAN. Mr. Speaker, I yield 1 minute to the gentleman from Illinois [Mr. WELLER].

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

Mr. WELLER. Mr. Speaker, I rise in support of this resolution, as amended, and ask for bipartisan support. This issue is something pretty basic for all

Americans, about basic American principles and values of freedom and religion. I think we all wonder sometimes and think back to why the Founding Fathers and Mothers came to our Nation. One of the reasons was and is because we practice tolerance and freedom of religion, and they came here, our ancestors, to avoid religious persecution. It is a pretty basic value for all of us. Germany is our ally. It is a first world country. It should be leading the way in religious tolerance. But unfortunately, American citizens today are being denied the ability to do business in Germany because of their religious faith. Whether Members agree with the values and the teachings of Islam, or Jehovah's Witnesses, or Charismatic Christians or the Church of Scientology, these individuals are being persecuted today. That is why this resolution is important. The President should be discussing this issue because he should be speaking in behalf of Americans who are suffering persecution. Congress must speak. I ask for bipartisan support. I urge a "yes" vote.

Mr. BEREUTER. Mr. Speaker, I yield 2 minutes to the gentleman from West Virginia [Mr. WISE].

Mr. WISE. Mr. Speaker, I rise in strong opposition to this resolution. If there is discrimination then it should be pointed out, but it should be pointed out in all the places it might occur. But here efforts are being made to single out Germany. I rise in opposition because there are differing views about some of the specific allegations. One of the performers that has been mentioned here has played in Germany as recently as last year at a function that received funding from the State of Bavaria. The movies that have supposedly been boycotted indeed have been shown and have been hits in Germany, financial successes.

I rise in opposition because if we are talking about the Church of Scientology. Our own country did not grant tax-exempt status to that church until 1993. Indeed, there is a long list of nations, Belgium, France, Germany, Great Britain, Ireland, Israel, Italy, Luxembourg, Mexico, Spain that presently decline to grant that same status.

I rise in opposition because France, Italy, and Greece recently have taken actions which could be considered as discrimination in the sense they had made rulings against this Church of Scientology, and yet this resolution does not mention them.

Finally, because in a statement by Michael Friedman of the Central Council of Jews in Germany, responding to many of the charges made, he writes, "They are totally off the mark. Today we have a democracy in Germany and a state based on rule of law."

The sponsors have heightened awareness about alleged discrimination in many places, but let us not single out an ally with relatively unsubstantiated charges. Instead, let us engage and talk to each other as the true friends we

are. There are American men and women in Bosnia today side by side with German men and women holding up an important part of our European responsibilities. Germany works with us in so many different ways. Let us recognize that and vote this resolution down, at the same time urging that discrimination everywhere be pointed out and that we deal with it together.

Mr. PAYNE. Mr. Speaker, I yield such time as she may consume 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 rise in strong support for religious freedom and ask my colleagues to support House Concurrent Resolution 22.

Mr. Speaker, I rise in support of House Concurrent Resolution 22, which declares that the Congress holds Germany responsible for protecting the rights of United States citizens who are living, doing business, or traveling in Germany and deploms the actions of certain government officials in Germany which have fostered an atmosphere of intolerance toward certain minority religious groups.

This country was founded on the principles of freedom of religion, and in over 200 years of history we have not only survived but thrived.

This resolutions calls for the President to assert the concern of the United States Government against such discrimination; to emphasize that the United States regards the human rights practices of the German Government as a significant factor in the relationship between the two countries; and to encourage other governments to appeal to the Government of Germany in efforts to protect the rights of foreign citizens and members of minority religious groups in Germany.

Germany is a signatory to the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and the Helsinki accords, and is therefore obliged to refrain from religious discrimination and to foster a climate of tolerance.

It is important for the Congress to make its views known with regards to human rights by our adversaries, but especially by our allies. Religious freedom should be a basic right of all people regardless of their faith or nationality.

I would hope that the people of Germany will take note of the peaceful diverse religious community that exists here in this country and would reframe from discouraging religious diversity in their own nation.

I urge my colleagues to join me in support of this resolution.

Thank you.

Mr. PAYNE. Mr. Speaker, I yield 1 minute to the gentleman from Arizona [Mr. PASTOR].

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

Mr. PASTOR. Mr. Speaker, when I first came to this Congress in October of 1991, I was approached about trying to do something with this issue. I have to tell Members since then to today, things have gotten worse for the people

not only who are in Germany but also for the Americans that travel to Germany.

Mr. Speaker, the issue is, if you are for human rights, you should be for this resolution. If you are against religious persecution, you should be for this resolution. If you are against the persecution of Christians in China, you should be for this resolution. Mr. Speaker, there is concern for many of us in this country and we are supporting this resolution in a bilingual nature, because we want to show our concern that we do not want history to repeat itself in Germany.

Mr. PAYNE. Mr. Speaker, I yield the balance of my time to the gentleman from New York [Mr. GILMAN].

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

Mr. Speaker, how much time do we have remaining?

The SPEAKER pro tempore (Mr. LATHAM). The gentleman from New York [Mr. GILMAN] has 9 minutes remaining and the gentleman from Nebraska [Mr. BEREUTER] has 11 minutes remaining.

Mr. BEREUTER. Mr. Speaker, I yield 2 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 am troubled and puzzled and disappointed that the House tonight has decided to take up this resolution with regard to the Church of Scientology in Germany when the House has decided not to bring up the Freedom from Religious Persecution Act, a bill that I sponsored along with 96 other Members of the House. While we are debating this resolution tonight, millions of Christians in Tibet, Buddhists in Tibet, Buddhists, Ahmadis in other countries, the Bahai's in Iran, Muslims in China and people of other faith are being brutalized, killed, raped, tortured and maimed because of their beliefs, and yet the House does not deal with this issue and they deal with this issue with regard to this resolution.

□ 1800

There is real life slavery. In Sudan tonight they are going into slave markets and taking people out, and the House does not deal with that issue, but yet it deals with this issue.

In Egypt Coptic Christians are being persecuted today as we now speak. The House does not deal with that issue, but it deals with this issue.

In closing, I am troubled and puzzled and very disappointed. If we are going to take up this resolution tonight, we basically are saying these other issues should be taken care of, and they are not being taken care of.

Mr. Speaker, I am troubled and disappointed that the House of Representatives has decided to take up the resolution on the Scientologists in Germany when the House has decided not to bring up the Freedom from Religious Persecution Act, a bill I sponsored with Senator ARLEN SPECTER.

The Freedom from Religious Persecution Act has over 96 bipartisan cosponsors and deals with persecution against people of all faiths in all countries around the world.

While we are debating this resolution today, millions of Christians, Tibetan Buddhists, Ahmadis, Bahai's, Muslims and other people of faith are being brutalized—killed, raped, tortured, and maimed—because of their religious belief and practice. Why won't the House speak out for them in this first session of the 105th Congress.

In China, Catholic bishops and priests are in jail and being tortured. Protestant pastors and laypeople are in jail and being tortured. Tibetan Buddhist monks and nuns are in jail and being tortured and killed. In Xinjiang Province in Northwest China, Muslim Uighurs are being persecuted.

In Sudan, 1.2 million people from the South, who are predominately Christians and animists, have died in the decade-old conflict. There is crucifixion taking place in the Nuba Mountains. Christian women and children are kidnapped and sold into slavery.

I have submitted for the record excerpts from a recent trip report of Christian Solidarity International, an international humanitarian organization with vast experience in Sudan. On their recent trip, CSI representative talked to dozens of women and children and heard of their ordeal. They talked with slave traders and visited slave markets.

One woman, a 20-year old mother, told of her ordeal when she was enslaved in May, 1997. She told CSI

I was sitting in my compound early in the morning when armed men on horseback surrounded my home. They came without warning. I did not try to run away because there was no escape. One of the raiders lashed me and took me away with my child. As we left, I could see the raiders looting everything I owned, and setting my home on fire. I was taken to another village for some hours and was then forced to carry sorghum on my head. When I could walk no further, my captor, took my child and tied her on a horse. [My captor] often insulted me, calling me "slave" and he would beat me with a stick. He accused me of being lazy and refusing to obey orders. He used me as a concubine.

Real life slavery of Christians in Sudan. 1.2 million people have died. But the House of Representatives will not speak out for them today.

In Egypt, Coptic Christians are killed, forced to pay "protection money" to local thugs, harassed and sometimes imprisoned.

In Pakistan, Christian villages have been burned, devastating the lives of tens of thousands. Ahmadi Muslims are being persecuted.

In Vietnam, Christians and Buddhists are being persecuted.

And there are many other examples around the world. Why will this Congress not take up the Freedom from Religious Persecution Act—a bill that would cut off foreign aid to governments that kill, rape, torture, enslave or engage in other gross acts of violence against religious believers. We should speak out for these religious believers today.

There was a promise by the speaker to 40 religious leaders in August that the bill would be a "must do" item. He said "this is one of the top priorities of this Republican Congress."

Why take up this resolution to help Scientologists in Germany, but not bring up a bill that would help millions of people of faith in dozens of other countries around the world?

The Freedom from Religious Persecution Act is supported by the groups representing the vast majority of America's religious believers. It is supported by the Southern Baptist Convention, the National Association of Evangelicals, the Union of American Hebrew Congregations, the U.S. Catholic Bishop's Conference and the International Campaign for Tibet among others.

It is also supported by the American Coptic Association, the Assyrian National Congress, the Catholic Alliance, Christian Coalition, Evangelicals for Social Action, Family Research Council, Iranian Christians International, National Jewish Coalition, Union of American Hebrew Congregations, Pakistani-American Christian Association, World Lebanese Organization, World Maronite Union-USA, and the South Sudan Community of the U.S.

In May, over 90 religious leaders wrote to House leadership endorsing the measure and I submit that letter in the record. I also submit recent letters from the U.S. Catholic Bishops Conference and Rabbi David Saperstein, Director of the Religious Action Center for Reform Judaism in support of the bill.

When he met with the religious leaders in August, Speaker Gingrich said "As Speaker of the House, I will continue to use my bully pulpit to speak out for those who are unable to speak for themselves." Mr. Speaker, please use that bully pulpit and your extraordinary power as Speaker of the House to bring up the Freedom from Religious Persecution Act early in the next session.

It's puzzling and it's disappointing that this resolution is being brought up but the Freedom from Religious Persecution Act is not.

DRAFT PRELIMINARY REPORT: VISIT TO NORTH-EASTERN BAHR EL GHAZAL, SUDAN

OCTOBER 8-12, 1997

Slavery in Sudan

The primary objective of this visit was to develop CSI's work to combat contemporary slavery in Sudan.

CSI had received various unconfirmed reports of the practice of slavery on early visits to Sudan. But it was not until we visited Nyamlell in Aweil West County briefly in May 1995 that we discovered slavery as a flourishing and widespread institution. We learnt that on March 25 1995 the Popular Defense Forces (PDF) of Sudan's ruling National Islamic Front (NIF) regime attacked Nyamlell, killing 82 civilians, enslaving 282 women and children; burning dwellings and looting cattle and grain.

Since then, CSI has returned 8 times to this area and has visited other locations in northern Bahr El Ghazal, such as Malwal Akon in Aweil East County and Turalei in Gogrial County, to obtain further data on slavery. During these fact-finding missions, we have interviewed slaves, slave traders, PDF officers and the families of people who are still enslaved. We have accumulated an abundance of evidence to prove beyond doubt that chattel slavery thrives in these parts of Sudan and that the NIF regime actively encourages it. See reports of CSI visits to Sudan: May-June 1995; August 1995; October 1995; April-May 1996; June 1996, October-November 1996, March 1997 and June 1997. The evidence obtained during this visit amplifies our previous findings about the pattern of the slave trade.

Interviews with some of the newly re-deemed slaves give an indication of their experiences during enslavement.

(i) Ayen Deng Ding from Akek Rot near Marial Bai. Her village was attacked 4 years

ago. When the raiders came, she was in her home with her 10-year old daughter Ajok Garang. She saw the horses coming and started to run but she and her little girl were caught by a horseman. She was beaten (she showed us scars on her arms), tied with a rope and taken North to Abu Matarik, where she was handed over to another man. She was separated from her daughter, but they were nearby. When the trader came to negotiate her release, she told him about her daughter and he managed to secure her release also.

During her 4 years of slavery, she was treated very badly: subjected to beatings while caring for the cattle; she also had to cook, fetch water, carry firewood, wash clothes and work in the garden. She was not given enough food—only leftovers—and was constantly hungry.

She saw other slaves being beaten, 4 of whom died—3 men and 1 woman. She was raped repeatedly on the forced march north, but her owner only raped her once.

I lost hope I would ever see my home again, but I just prayed to God. I was so happy when I saw the trader coming, I began to dare to hope. But many other slaves are still left behind.

She now has only her daughter left; her husband was killed in the raid. She has gone to live with relatives, but she also lives with the fear that the raiders will come again. She asked us to convey this message:

We are so happy now we are feeling free. Thank you for what you have done for us. The problem remains and there are still people left behind as slaves, but we are comforted because when we saw you we felt you care for us very much. When we arrived here, we were so relieved and happy we had could meet in a secure environment, to engage in politically legitimate activities which are banned by the NIF in the North.

Expectations had been raised during previous visits of Umma Party representatives and disappointment was expressed over the delay in fulfilling them.

Several more Arabs expressed similar sentiments, which can be summarized in the words of two of their spokesmen:

We are the supporters of the Umma Party. We are Ansars, not NIF. We are rivals of the NIF, but the leaders of the Umma Party have been unseen and unheard for a long time. This has enabled the NIF to recruit our people.

NIF Recruitment Policies: Another spokesman claimed that the training and arming of Arab citizens by the NIF over 4 or 5 years has been very intensive. But after receiving the messages from the Umma Party leadership, this has slowed down, although there are still bad elements in society who are tempted by greed still to participate in the raids. Because of their difficulty in recruiting raiders, the NIF are now recruiting school children from about 15 years of age to fight in the PDF. So-called "co-ordinators" from the regular Army are used to round up children from schools. There are many children now at the military headquarters at Daien. Airplanes come to take the children away and they are never seen again. All tribes in Darfur are affected. It is Omer El Bashir who gives orders for the rounding up of children. The ones who actually do it are the Security forces and the police, but they are just obeying orders.

Living Conditions in Darfur: These are very, very bad in Nyala, Daien and other towns. We have no choice but to migrate. Nomads and everyone else are badly affected. A 20-litre barrel of fresh drinking water is £3,000 (Sudanese pounds), a portion of bread is £250 (SP), 2cc of penicillin cost £4,000 (SP), while the maximum pay a labourer or clerk is £20-25,000 (SP) per month. A consultation

with a doctor, just for diagnoses, not for treatment costs £20,000 (SP).

Here is proof that life in Darfur is unbearable: I am an old man and I had to walk through water for 7 days carrying heavy loads to trade with the Dinka—this shows just how bad conditions are in Darfur.

The meeting concluded with a final message from Ali Mahmoud Duedein: Recruitment to the PDF has diminished, because of CSI's work to promote peace and reconciliation. The NIF can still recruit, but not like before.

We camped overnight at Manyiel.

FRIDAY, OCTOBER 10

We walked on from Manyiel to Majak Bai, the village we visited in June, shortly after it had suffered from a major raid (CSI field trip report of June 1997). During that raid, the school was burnt to the ground. On this occasion we met the headteacher again, Aguek Manjok. He described the situation: there had been 300 children in the school but some disappeared as a result of the raid. During the attack, everything was burnt: the building, all the books and every piece of equipment: there was absolutely nothing left.

They now urgently need teaching resources for their curriculum of English, Maths, Geography, History, Science, Hygiene and Religious Education, with text books to cover levels P1-8. At present, he said, we can only teach what is in our minds and that is not enough.

There is also a need for help to send people for teacher training. There is a centre for Aweil West County in Majong Akon.

NB. The need for professional education/ updating was repeated many times. One specific request, which we would support, was made by Simon Kuot, the nurse/medical co-ordinator based at Nyamllell. We have seen him at work and been very impressed by the standard of professional competence he displays (e.g. treating the serious casualties from the raids). His area of responsibility is very large and makes many professional demands. We hope it will be possible for to dance. Although we were beaten and humiliated and though there are still problems here, like shortages of medicines, these are not real problems—we can cope with those. We are so happy to be back.

(i) Abuk Atak from Panlang near Marial Bai. 3 years ago her village was attacked and she was beaten by an Arab with a gun during the raid. She had her 18-month old daughter with her, but lost her in the raid and has never seen her again. After being taken North, she was sold to Anur Mohammed in Abu Matarik in Southern Darfur. She was raped every day, sometimes many times, by different people; if she did not submit voluntarily, she was beaten. Clearly embarrassed by talking about her ordeals, fidgeting anxiously with dead leaves, she said she had been subjected to circumcision. But she would talk about it because "I can't deny the facts. We were subjected to torture and suffering and I can't deny our humiliation."

She never thought she would be able to come home again and during those 3 years she lost all hope. But now she is home, she said: We were left with nothing after the raids; we lost our homes, our crops were burnt, our cattle stolen, we have not even any clothes . . . but there is no problem which we cannot endure.

(iii) Acol Bak, aged 12 from Panlang, who assured us at the outset that she was not afraid to talk about here experiences. 4 years ago she was at home in the early morning; Arabs suddenly appeared and she was surrounded by horses. He mother managed to escape but she and her elder brother were caught and taken to Gross near Abu

Matarik. She doesn't know what happened to her brother. On the walk North she was forced to carry looted property on her head; they were given no water and could only drink from muddy puddles; neither were they given any food during the 3-day forced march. She was beaten and her right arm was broken. She was forced to do housework from morning until night and beaten by all the family if she ever complained of tiredness. She had to sleep outside with no bedding, just trying to keep warm by a fire. One month after her arrival in her owner's home, an old woman came to circumcise her. She was told that unless she was circumcised she would not be a human being; she would be just "like a dog". She knew other girls who had also been circumcised.

She said she was very, very happy to be home again and for the people who brought her back. She is living only with her mother as her father had been killed in the raid and her brother has not been found.

(iv) Acol Anei Bak from Panlang was caught by surprise when the enemy attacked her village 4 years ago, when she was about 8 years old. Her brother, aged about 12, was caught at the same time and she does not know what happened to him. She was taken to Pielel, near Nyala, where she was sold to a man called Amsal Abrahaman. She was forced to help to care for the 5 children in the family, especially with washing them, and to look after cattle and horses. The children were very unfriendly and would not speak to her. She was circumcised, and told that this was being done for her because the owner wanted her to be an Arab.

(v) Ayen Ding Yel from Akek Rot near Marial Bai was captured in May this year. She showed us her foot which was injured when a horse trod on it during the raid; she was also shot and showed us the scar caused by the bullet which injured her left knee. She was initially left behind, after she was injured, but then another Arab put her on his horse and took her to Abu Matarik. She was badly treated and beaten whenever she asked for food. Her owner asked her why she needed food—saying she did not deserve food. She said she never dreamt that she would be free again and that her mother was overjoyed to see her yesterday.

(vi) Nyibol Yel Akuei is a 20-year old mother. Three of her children have starved to death. Her only surviving child is a one-year-old daughter, Abuk. The mother and daughter were enslaved during the PDF raid on Majak Bai on May 16, 1997. Nyibol explained what had happened to them: I was sitting in my compound early in the morning when armed men on horseback surrounded my home. They came without any warning. I did not try to run away because there was no escape. One of the raiders lashed me and took me away with my child. As we left, I could see the raiders looting everything I owned, and setting my home on fire. I was taken to another village for some hours and then was forced to carry sorghum on my head. When I got tired and could not walk further, my captor, Mahmoud Abaker, took my child and tied her on a horse. I walked for seven days to Abu Matarik. There, I had to work from 6:00 a.m. to 6:00 pm. My jobs were to carry water from the pump, clean the compound and wash clothing. Mahoud Abaker often insulted me, calling me "slave" and he would beat me with a stick. He accused me of being lazy and refusing to obey orders. He also used me as a concubine. Mahmoud Abaker told me that I should practice Muslim prayers. I had trouble praying in Arabic, so they gave me some training. Abuk was renamed Miriam. I was not allowed to go far from the compound. Mahmoud Abaker may have had other slaves at his cattle camp, but I never saw them. He had no other slaves in the

compound. One day, I was told to leave the compound with a trader. I was afraid to go. They told me I would go back to southern Sudan. I didn't believe them, but went anyway. I was very happy to see you and to find that you spoke nicely to us and are not going to do something terrible to us. My husband is now away trying to find food. When he comes back we will find a new place to live.

(vii) 11-year-old War Weng is also from Majak Bai. He was enslaved in 1994 when he was fishing with his father. A group of raiders came and snatched him, while his father managed to run away. He recalled his life as both the chattel slave of a master and an inmate in a radical Islamic youth indoctrination centre: I was taken to Daien by Musa Osman. My jobs there were to clear cattle dung and take the calves to the river. I received only left-overs to eat and sour milk to drink. After a year or so, I was taken from Musa Osman to a big camp in the town where you can see the light even at night. There were big lights over the compound. There were a lot of boys in this compound. All of them were Dinka boys. We all were given uniforms. This compound was run by the Salsabil organisation. (War Weng was wearing a uniform with the Salsabil logo). Every morning we would wake up early and gather in one place to pray. Then we were taught the Koran for the rest of the morning. At about mid-day we were given food and allowed to rest. From 3:00 until the evening there was more learning. The most important teacher there was Abdel Rahman. None of us were allowed to speak Dinka. We had to speak Arabic all the time. I was beaten for speaking Dinka with my friends. One day, one of the teachers told me and three others to go to the river with a man and his horses. I thought he was going to take us to a new master. Instead he brought us back home. I did not like the camp. It is very good to be back here. Now I am not beaten. I expect to go back to my father. He has already visited me one and given me some food.

(viii) Atoc Ding is about 11 or 12 years old. She was enslaved during the raid on Majak Bai last May. She recounted:

We heard gunfire early in the morning. My Mother said run quickly. We ran towards the river. When we got there, we found Arabs all around us. We couldn't run anymore. My Mother stopped and started to cry. One of the raiders came towards us and beat my mother. She fell down. I was taken away and put on horseback. I was taken from place to place before we reached Abu Matarik. There, my captor, Ali Abdullah sold be to another man. His name was Mohammed. He took me to his home in the small village of Gumbilai, near Abu Matarik. I had to fetch water and firewood, and clean. They gave me milk to drink everyday, but some days they gave me no food at all. The young sons of Mohammed were very rough with me. They would beat me, and they tried to have sex with me. But they did not succeed. Mohammed has many slaves. Most of them were in the cattle camp. He has three female slaves at his house. Now that I am back, I will go to live with my sister. My father is dead, and my mother went North to look for me and has not yet returned.

Interview with casualty of the PDF's May 1997 raid on Majak Bai, the 28-year-old mother, Adel Lake. She was evacuated by CSI to the ICRC hospital in Lokichokio in Kenya last June. The ICRC was not able to evacuate her because the NIF regime has suspended its operations inside Sudan since November 1996. This has meant that thousands of casualties have died slowly, painfully and needlessly from easily treatable wounds. Adel Lake returned to Bahr El Ghazal with her health restored while we were there. She told us:

When the enemy came we were in our tukul. We heard gunshots. I picked up my twin one-month-old babies and ran away to hide. I could not also carry by three-year-old son, Wek Wol, and he was left behind. I hid in the bushes together with my sister-in-law and some other people. The Arab soldiers spotted us and started firing their guns. Everything was in a mess and confused. I was show in the leg and lost consciousness. When I regained consciousness, I could not walk. The bullet had badly fractured my thigh. I was horrified to find that my tukul had been burnt down, and that my son, who had remained inside, had been burnt alive. I also discovered that my sister-in-law had been shot dead. I was weak and sick for many weeks after being shot. I was in a lot of pain and could not look after my babies by myself. I did not believe that help would come. I thought I would never get better. When you came and found me in my bed I felt very happy and believed that you would do something to help me. At the hospital, they made my leg better. The wound and fracture is healed, but I still feel some pain. Please give my greetings to all of those who helped me.

SATURDAY, OCTOBER 11, DEPARTED NYAMLELL AND ARRIVED IN MALWAL AKON; INTERVIEWS WITH EX-SLAVES

(i) Mabior Agui Deng From Kurwech, near Warawar, aged about 12, was taken when he was much younger and sold to an owner called Mohammed. He was forced to work as a cattle herder; given very little food; had to sleep under a plastic sheet at night. The worst thing about being a slave was being taken away from his family and not seeing them for such a long time. He was saved by a trader and returned to his home in September.

(ii) Mahid Kuot Mou from the village of Kurwech. When the PDF came with their horses, he tried to hide but was caught and bound and forced to go 'footing' for many days, during which they were given very little food and water. He was sold to another owner whose name was Abdullah. He was forced to look after cattle, and lashed if he made any mistakes. He had to sleep under a plastic sheet at night and given only sorghum to eat. He was beaten with bamboo sticks which was very painful. He was given the name of Mohammed. He also had to collect the water. When he went out to collect the water, the local boys were very cruel to him. They used to force him to crawl and rode on his back, calling him a horse. When he was returned by the trader, some relatives recognized him and took him home. They were very, very happy to see him and celebrated his return by killing a chicken.

(iii) Yak Mawien Yak from the village of Rum Marial. When he heard the enemy coming, he ran away to hid with his father but his father was killed. Looking down at the ground, he spoke reluctantly about this:

The enemy slaughtered my father with knives. They took me to the horses after beating me. During the beating they asked me where other people were and I said there was only my father around. We spent two days walking to the Arab area and the owner of the horses kept me and made me work for him.

The raider who killed his father and took him with him said: I am now you father and now you are my enemy; so if you do not take my advice and come with me I will kill you; otherwise you can become my son.

He slept in the same shelters as the goats and sheep, he was only given uncooked sorghum to eat; one day another local boy attacked him with a knife and wounded him (he showed us his scar); a small girl came to help him. If his owner shouted for him and he did not hear him, the owner would beat

him with a stick, calling him stupid. He was forced to walk long distances to collect water and to pound grain. He was given the name of Mahmoud after being forced to pray in a mosque. All slaves are forced to go and pray in a mosque, he said. He was away from home for seven years and almost forgot about his own family. But, he said, with a very big smile, he is very, very happy to be back with them.

(iv) Yak Deng Yak from the village of Warawar. His family's original herd of cattle had been stolen by Arab raiders, and the family was in such difficult circumstances that he was going with his mother to seek help from the UN in Meiram. On the Meiram. On the way they were captured in an ambush by Arab raiders. He was separated from his mother and taken to an Arab village. A girl used to steal 'good food' for him. When the people saw that the girl was friendly with him they sent him to work in the field where he had to cultivate ground nuts and to sleep on his own. He was given sorghum and water and some days he was beaten with a stick. His owner was called Ibrahim, who forced him to attend the mosque; if he did not 'do properly' in the mosque he was beaten. He has been away from home for four years until an Arab came and bought him. His mother was also in the same area and recruiting our men into the PDF. But that was now over one year ago. We want to have more frequent contact with our leaders in the Umma Party. Please convey our warmest greetings to Sayeed Sadiq El Mahdi and Mu-barak El Fadil.

INTERNATIONAL CAMPAIGN FOR TIBET,
May 6, 1997.

Hon. ARLEN SPECTER,
Hon. FRANK R. WOLF,
U.S. Congress.

DEAR SENATOR SPECTER AND REPRESENTATIVE WOLF: I write to thank you for your joint initiative in the Congress to address the absence of religious freedom in Tibet and elsewhere in the world, "The Freedom from Religious Persecution Act of 1997."

When the Chinese army entered Tibet in 1950 to "liberate" the people from a lamaist theocracy and to install a socialist atheistic state in its place, the primary target for eradication was the Tibetan Buddhist culture. More than six thousand monasteries, the great learning centers of a religious tradition that spanned much of Asia and repositories of precious scriptures and artifacts were razed to the ground. Monks and nuns were forced to disavow their faith and undertake acts of unspeakable cruelty. Those who could escape their oppressors risked their lives crossing the frozen passes of the Himalayas in flight to freedom in exile.

Today in Tibet, monks and nuns are still targeted as agents of the old regime. Communist cadres have taken the place of learned geshe, doctors of theology, in the monastic schooling of young novices, and the Chinese propaganda machine continues to spew out vituperative attacks against His Holiness the Dalai Lama. Nonetheless, the Tibetan people cling to their faith, for it is inextricably linked to their very identity as Tibetans.

I believe that the Congress will support your legislation because Americans, through succeeding generations, have been guided by a deep sense of spirituality, tolerance for their neighbors, and faith in fundamental human rights. The International Campaign for Tibet looks forward to working with your staff to move this legislation to successful passage.

Sincerely,

LODI G. GYARI,
President.

Hon. NEWT GINGRICH,
Speaker of the House,
Washington, DC.

Hon. RICHARD GEPHARDT,
House Minority Leader,
Washington, DC.

Hon. TRENT LOTT,
Senate Majority Leader,
Washington, DC.

Hon. THOMAS DASCHLE,
Senate Minority Leader,
Washington, DC.

DEAR SPEAKER GINGRICH, SENATORS LOTT AND DASCHLE, AND REPRESENTATIVE GEPHARDT: Millions of Americans—of differing religious, ethnic and political persuasions—are coalescing behind a Movement of Conscience against religious persecution overseas.

The recently concluded MFN vote was but an opening chapter of that Movement, one we believe central to America's character and vital national interests. All Americans are shocked by the official Chinese newspaper dispatch that first noted how churches "played an important role in the change [in Eastern Europe]" and then urged that "[i]f China does not want such a scene to be repeated in its land, it must strangle the baby while it is still in the manger." The anti-faith persecutions of China's regime have followed the above script and similarly abhorrent persecutions are being committed by other regimes elsewhere in the world.

We urge Congress to take comprehensive action that will impose prohibitive costs on countries involved in widespread and ongoing persecutions of vulnerable communities of faith. As such we strongly urge support for the following consensus principles:

Legislation should be directed against the regimes formally condemned by the 104th Congress for anti-faith persecutions, and should contain mechanisms to deal with all regimes engaged in such conduct;

Hearings on such omnibus anti-religious persecution legislation should begin no later than September, 1997; and

Floor action on such legislation should take place by early November, since the Day of Prayer for the Persecuted church will be conducted in tens of thousands of American churches on November 6, 1997.

We believe that the above principles will send the strongest possible signal to all regimes now operating as if hunting licenses were in effect against vulnerable communities of faith. We believe that these principles will avoid piecemeal treatment of the issues raised by today's growing Movement of Conscience against worldwide anti-religious persecution. We believe that the principles will ensure that the world hears the cries of persecuted Christians and other believers in China and in Vietnam, Saudi Arabia, Egypt, Pakistan, Iran, Indonesia and other like countries—and hears as well the cries now rising from the unspeakable actions taking place in Sudan. Finally, we believe that the principles will unite all Americans behind a national policy based on universally recognized rights and freedoms.

In this regard, we believe that the Wolf-Specter bill provides the framework around which the coming debate should occur. We note the broad, bipartisan support enjoyed by the Wolf-Specter bill, and believe that its provisions would have a powerful effect in curbing today's persecutions. We wish to make clear that some of the bill's provisions may need to be strengthened, and many of us may work to do so. At the same time, we write to make clear that the critical need for omnibus legislation requires that any legislation pertaining to global religious persecution should be incorporated into the Wolf-Specter hearing process and framework.

We would greatly appreciate your joint assurances that hearings and committee votes on Wolf-Specter will be scheduled so as to permit full debate and action on it before the end of the year.

Each of us has made it a matter of conscience to Shatter the Silence that in the past has sadly accompanied the persecution of believers around the world. Doing so, and joining in campaigns of education, action and prayer on behalf of the residents of today's gulags of faith, is for us a matter of simple justice we are determined and honor-bound to make happen.

We pray and believe that you and all Members of Congress will help lead this historic effort, doing so with the same force and unity that made the Jackson-Vanik legislation and the campaign against Soviet anti-Semitism the force it became for the freedom of all.

We look forward to meeting with you at your earliest convenience to discuss these matters.

Don Argue, Ed.D., President, National Association of Evangelicals, Member, State Department Advisory Committee on Religious Liberty Abroad; William L. Armstrong, Former Senator; Joel Belz, World Magazine; Chaplain Curt Bowers, Director, Chaplaincy Ministries, Church of the Nazarene; Dr. Paul F. Bubna, President, The Christian and Missionary Alliance; Dr. Joseph Aldrich, Multnomah School of the Bible; Gary L. Bauer, President, Family Research Council; William Bennett, Empower America; Dr. William R. Bright, Founder, Campus Crusade for Christ International; Dr. Tony Campolo, Eastern College; Chuck Colson, Chairman of the Board, Prison Fellowship Ministries; The Rev. John Eby, National Coordinator, American Baptist Evangelicals; Rabbi Yechiel Eckstein, Founder/President, International Fellowship of Christians and Jews; Dr. David Englehard, General Secretary, Christian Reformed Church; Rev. Jeff Farmer, General Superintendent, Open Bible Standard Churches; Dr. James C. Dobson, Founder, Focus on the Family; The Rev. Janet Roberts Echols, Great Commission Alliance; Dr. Thomas D. Elliff, President, Southern Baptist Convention; Rev. Bernard J. Evans, General Overseer, Elim Fellowship; Dr. Edward L. Foggs, General Secretary, Leadership Council, Church of God, Anderson, IN; Rev. Cecil Johnson, General Overseer, Church of God, Mountain Assembly; Mrs. Diane Knippers, President, Institute on Religion and Democracy; James M. Kushiner, Executive Director, Fellowship of St. James; Dr. Richard D. Land, Chairman/Christian Life Commission, Southern Baptist Convention; Dr. Don Lyon, Senior Pastor, Faith Center, Rockford, IL, Board Member, National Association of Evangelicals; Dr. D. James Kennedy, Senior Pastor, Coral Ridge Presbyterian Church; Rev. Richard W. Kohl, Presiding Bishop, Evangelical Congregational Church; Mrs. Beverly LaHaye, Chairman and Founder, Concerned Women for America; William C. Larson, Executive Minister, Iowa Baptist Conference; Rev. Stephen Macchia, President, Vision New England; Dr. Kevin W. Mannoia, Bishop, Free Methodist Church of North America; Steven McFarland, Director, Center for Law and Religious Freedom, Christian Legal Society; Rev. Dr. Daniel Mercado, Senior Pastor, Gateway Cathedral, New York; Dr. John P. Moran, President, Missionary Church,

Inc.; Dr. Marlin Mull, General Director of Evangelism and Growth, The Wesleyan Church; Mr. Martin J. Mawyer, President, Christian Action Network; Bishop George D. McKinney, Saint Stephen's Coptic; Dr. Juan Carlos Miranda, President, Hispanic Educational Association; Mr. Pedro C. Moreno, Attorney, International Coordinator, The Rutherford Institute; Mr. William J. Murray, Chairman, Religious Freedom Coalition; Dr. Richard John Neuhaus, President, The Institute on Religion and Public Life; Michael Novak, George Frederick Jewett Chair in Religion and Public Policy, American Enterprise Institute; Mr. Ralph Reed, Jr.; Rev. David E. Ross, Executive Director, Advent Christian General Conference; Rev. Michael Scanlan, T.O.R., President, Franciscan University of Steubenville; Mr. Frank Nicodem, Sr., Executive Vice President, Christian Association of Primetimers; Lenox G. Palin, Pastor, Calvary Bible Church, Neenah, WI, Board Member, National Association of Evangelicals; Fr. Keith Roderick, Secretary General, Coalition for the Defense of Human Rights Under Islamization; David Runnion-Bareford, Executive Director, Biblical Witness Fellowship, Confessing Movement Within the United Church of Christ; Bishop Ray A. Seilhamer, Bishop, Church of United Brethren in Christ.

Rev. Louis P. Sheldon, Traditional Values Coalition; Ronald J. Sider, President, Evangelicals for Social Action; Bishop Chester M. Smith, General Superintendent, Congregational Holiness Church, Inc; Rev. Steven L. Snyder, President, International Christian Concern; Marc D. Stern, Co-Director, Commission on Law and Social Action, American Jewish Congress; L. Faye Short, Director, RENEW Network; Dr. Robert L. Simonds, President, Citizens for Excellence in Education; Ken Smitherman, LL.D., President, Association of Christian Schools International; The Rt. Rev. James M. Stanton, Bishop, Episcopal Diocese of Dallas, Texas, President, American Anglican Council; Dr. Jack Stone, General Secretary, Church of the Nazarene; Rev. Mr. Keith A. Fournier, Esq, President, Catholic Alliance; Robert P. George, Department of Politics, Princeton University; Scott M. Gibson, President, American Baptist Evangelicals; Mr. Jerry Goodman, Founding Executive Director, National Conference on Soviet Jewry; Cheryl Halpern, National Chairman, National Jewish Coalition; Mrs. Diana L. Gee, General Director, Dept. Of Women's Ministries, Pentecostal Church of God; Dwight L. Gibson, North American Director, World Evangelical Fellowship; Anne Gimenez, Co-Pastor, Rock Church, Virginia Beach, VA, Board Member, National Association of Evangelicals, Lodi G. Gyari, President, International Campaign for Tibet; Rev. William J. Hamel, President, Evangelical Free Church of America; The Rev. Walter W. Hannum, Founder, The Episcopal Church Missionary Community; Dr. James Henry, Senior Pastor, First Baptist Church, Orlando, FL, Former President, Southern Baptist Convention, Member, State Department Advisory Committee on Religious Liberty Abroad; Donald Hodel, Christian Coalition; Rev. Clyde M. Hughes, General Overseer, International Pentecostal Church of Christ; Bradley P. Jacob, Associate Dean, Geneva School

of Law; Dr. Jack W. Hayford, Senior Pastor, Church on the Way; Professor Russell Hittinger, Warren Chair of Catholic Studies, The University of Tulsa; Warren L. Hoffman, General Secretary, Brethren in Christ Church; Ray H. Hughes, Chairman, Pentecostal World Conference; Dr. B. Edgar Johnson, Northwest Nazarene College; Dr. Joseph M. Stowell III, President, Moody Bible Institute; Thomas E. Trask, General Superintendent, General Council of the Assemblies of God; Dr. R. Lamar Vest, First Assistant General Overseer, Church of Good, Cleveland, TN; Rev. Jack W. Wease, General Superintendent, Evangelical Methodist Church; Bishop Donald W. Wuerl, Diocese of Pittsburgh; Mr. Joseph Tkach, President, Worldwide Church of God; Rev. Albert Vander Meer, Synod Minister, Synod of Mid-America, Reformed Church in America; Commissioner Robert A. Watson, National Commander, The Salvation Army; The Rev. Todd H. Wetzel, Executive Director, Episcopalians United; Rev. Wayne L. Yarnell, Executive Director, Primitive Methodist Church in the USA; Dr. Ravi Zacharias, Founder, Ravi Zacharias International Ministries.

TESTIMONY OF TSULTRIM DOLMA, VICTIM OF
RELIGIOUS PERSECUTION

My name is Tsultrim Dolma. I am 28 years old. I am one of the one thousand Tibetan refugees who came to the United States through the Tibetan Resettlement Program, authorized by the United States Congress in 1991.

I never imagined that I would someday testify before you esteemed gentlemen and gentleladies. Now that I am here, I feel it is both a privilege and responsibility to tell you about my experiences—among the thousands of Tibetans who flee into exile, very few have their stories heard.

I am not an educated person, I don't know about politics. But I do know what it is to live under Chinese rule. And I know, although I was born after the Chinese came into Tibet, that Tibet is different than China.

I have asked my friend Dorje Dolma to read the rest of my testimony because my English is not very good.

I was born in Pelbar Dzong, Tibet, near Chamdo which prior to the Chinese invasion in 1949 was the easternmost administrative center of the Dalai Lama's government. For as long as I can remember, I yearned to become a nun. It was difficult for me to pursue my studies because the nunnery near my village had been completely destroyed during the Cultural Revolution.

I took my nun's vow at age 17 and, soon after, left my home with a small group of villagers to make the customary pilgrimage to Lhasa, the capital and spiritual center of Tibet, and a month's journey from my home. Once there was able to join the Chupsang nunnery on the outskirts of the city.

In Lhasa it was unavoidable to feel the tension due to the large differences between the Tibetans and Chinese living there, and within a year, on October 1, 1987, China's National Day, I experienced at first hand the consequences of that tension.

On that day, monks from Sera and Nechung Monasteries peacefully demonstrated for the release of their imprisoned brothers. Hundreds of Tibetans gathered around in support. Public Security Bureau Police moved through the crowd videotaping demonstrators. Then, unexpectedly, opened fire on the crowd. The Tibetans responded by

throwing stones at the cameras, but a number of monks were arrested and dragged to the Police station.

I joined a large group that converged on the station. We heard gun shots from the rooftop and tried to get inside, but the police fired down into the crowd. Many Tibetans were killed and many other badly injured. Outraged at the massacre, some Tibetans set fire to the building. I watched as Venerable Jampa Tenzin the caretaker of the Jokhang Temple, led a charge into the building to try to free the monks. When he emerged about ten minutes later, his arms were badly burned and had long pieces of skin peeling off. Two young novice monks came out with him and were also badly burned. Soon afterwards, Jampa Tenzin was arrested and detained at Sangyip Prison where he is known to have undergone severe ill-treatment.

The Great Monlam Prayer Festival which occurred the following spring was the next occasion for major protest. Chinese authorities had ordered the monks of all of Lhasa's monasteries to attend, as they had invited journalists from many different countries to film the ceremony as an example of religious freedom in Tibet. The monks of Sera, Drepung, Ganden and Nechung decided to boycott the ceremony, but were forced to attend at gun point. Under guard, the monks made the traditional circumambulation around the Jokhang, Lhasa's central cathedral.

After completing the ceremony, those monks joined together in calling out loudly to Tibetan officials working for the Chinese government who were watching the ceremony from a stage next to the Jokhang. They demanded the release of the highly revered incarnate lama, Yulö Dawa Tsering, who had been arrested some months before and of whom nothing had been heard. One of the official's bodyguards then fired at the demonstrators, killing one Tibetan. A riot ensued and the army proceeded to fire into the crowd. Soldiers chased a large number of monks into the Jokhang and clubbed 30 of them to death.

Eighteen lay Tibetans were also killed in the cathedral. Twelve other monks were shot. Two monks were strangled to death, and an additional eight lay Tibetans were killed outside the cathedral. The news of the deaths spread throughout the city.

After we saw the terror and turmoil in the streets, some nuns from my Ani Gomba and I decided to demonstrate in order to support our heroic brothers and sisters in Lhasa, particularly the monks who had been arrested and are in prison and whose cases even now have not been settled. On April 16, about six weeks after the massacre during Monlam, four of us demonstrated for their release and the release of women and children. We felt the Chinese were trying to destroy all the patriotic Tibetans in prison by maltreating them. The Chinese government has publicized that there is freedom of religion in Tibet, but in fact, the genuine pursuit of our religion is a forbidden freedom. So many difficult restrictions are placed on those entering monastic life, and spies are planted everywhere.

My sister nuns and I were joined by two nuns from Gari Gomba and we were all six arrested in the Barkhor while shouting out demands. As we stood on the holy walk of Barkhor, we were approached by eight Chinese soldiers who spread out and grabbed us. Two soldiers took me roughly by the arms, twisting my hands behind my back. Two of the nuns, Tenzin Wangmo and Gyaltzen Lochoe, were put in a Chinese police jeep and driven away. The rest of us were thrown into a truck and taken to the main section of Gutsa prison, about three miles east of Lhasa.

When we arrived, we were separated and taken into various rooms. I was pushed into a room where one male and one female guard were waiting. They removed the belt which held my nuns robe and it fell down as they searched my pockets. While I was searched, the guards slapped me hard repeatedly and yanked roughly on my nose and ears.

After the search, I was led outside to another building where two different male and female guards waited to begin the interrogation. "What did you say in the Barkhor? Why did you say it?" The cell contained a variety of torture implements: lok-gyug, electric cattle prods, and metal rods. I was kicked and fiercely beaten as I was interrogated until mid-day, and then pulled to my feet and taken to the prison courtyard where I saw the three other nuns from Chupsang.

We were made to stand in four directions. I was near the door so that every Chinese soldier who passed by would kick me in passing. Our hands were uncuffed and we were told to stand with our hands against the wall as six policemen took each one in turn, held us down and beat us with electric prods and a small, broken chair and kicked us. Gyaltzen Lochoe was kicked in the face. I was kicked in the chest so hard that I could hardly breathe. We were told to raise our hands in the air, but it was not possible to stay in that position and we kept falling down. As soon as I fell, someone would come and force me up. We were constantly questioned regarding who else was involved in arranging the demonstration.

All during the interrogation, we were not allowed to fasten our belts and so our robes kept slipping off. We would constantly try to lift them and adjust them. I tried to think of what I could possibly say to answer the questions. "How did you choose that day? Who was behind you?" I could only see feet. Many different pairs of feet approaching us through the day. We were repeatedly kicked and beaten. "The Americans are helping you! Where are they now? They will never help you! Because you have opposed communism, you are going to die!"

After some hours had passed, a large dog with pointed ears and black and white spots was brought in, led on a heavy chain. The police tried to force us to run, but we simply did not have the strength. The dog looked at us with interest, but did not approach.

Finally, as sunset approached, we were handcuffed and taken into a building and made to walk through the hallway two by two. Here and there were small groups of Chinese soldiers on both sides of the corridor. As we passed, we were punched and kicked, slapped and pulled hard by the ears. My cell, measuring five feet by five feet, was empty except for a slop basin and small bucket. That night, I quickly passed out on the cold cement floor.

The following morning, I was taken to a room where three police were seated behind a table. On its surface was an assortment of rifles, electric prods and iron rods. I was told "Look down!" Throughout my detention, I was never allowed to look straight at their faces. While answering I had to look to the side or face down.

One of them asked me "Why did you demonstrate? Why are you asking yourself for torture and beatings?" My knees began to shake. I told them: "Many monks, nuns and lay people have been arrested, but we know Tibet belongs to the Tibetans. You say there is freedom of religion, but there is no genuine freedom!" My answer angered them and the three got up from behind the table, picking up various implements. One picked up an electric rod and hit me with it. I fell down.

They shouted at me to stand, but I couldn't and so one pulled up my robe and the other man inserted the instrument into

my vagina. The shock and the pain were horrible. He repeated this action several times and also struck other parts of my body. Later the others made me stand and hit me with sticks and kicked me. Several times I fell to the floor. They would then force the prod inside of me and pull me up to repeat the beatings.

For some reason I began to think of a precious herb that grows in Tibet called Yartsa Gunbu. Tibetans believe it is a cross between the kingdoms of plants and animals because during the summer it gives the appearance of being a worm. This medicine herb is quite rare. In my region, the Chinese force a monthly quota on each monk and nun which consists of thousands and thousands of such plants. I shouted out: "Before 1959, it was considered a sin for monks to pick the Yartsa Gunbu! It was a sin, and you have forced them to do it!"

I remained in detention for more than four months. For the first month, I was beaten every morning during the interrogations. For the first several days, different levels of authorities came to my cell. At first I was afraid but as time went by and I thought about the monks, and other men and women who were imprisoned, many of whom had families to worry about, I began to realize I had nothing to lose. My parents could lead their lives by themselves.

I was continuously terrified of possible sexual molestation. But as the days went by, that did not occur. Sitting in my cell, I would remind myself that I was there because I had spoken on behalf of the people of Tibet and I felt proud that I had accomplished a goal and was able to say what I thought was right.

In Gutsa prison in the summer of 1988, there were all together about 32 nuns and lay women. All the women were kept in the ward for political prisoners. During that time, one of the nuns, Sonam Chodon, was sexually molested.

Fifteen days after my release from prison on August 4, 1988, a Tibetan approached me and asked if my sister nuns and I would like to talk to a British journalist who was secretly making a documentary in Tibet. We all felt to appear in the interview without hiding our faces was the best way to make a contribution. The ultimate truth would soon be known so there was no need to hide. We had truth as our defense.

After our release from prison, we were formally expelled from Chupsang by the Chinese authorities and sent back to our villages. We were not allowed to wear nuns robes and were forbidden to take part in religious activities. We were not allowed to talk freely with other villagers. I was forced to attend nightly re-education meetings during which the topic of conversation often came around to me as "a member of the small splittist Dalai clique which is trying to separate the motherland." I was so depressed and confused.

I never told my parents what had happened in prison. When word came of the British documentary in which I took part, everyone began to discuss it. Most Tibetans thought I was quite brave, but some collaborators insulted me. It soon seemed as if arrest was imminent. I began to fear for my parents' safety and so decided to flee to the only place I could think of—Lhasa—to appeal again to Chupsang nunnery for re-admission.

After arriving in Lhasa, I set out for the hour's walk to Chupsang. I found a Chinese police office has been set up at the nunnery. I was told to register at the office and, while there, was told re-admission was not possible. I realized that the police officer there would arrest me if I stayed. Greatly discouraged, I set out to make my way back to Lhasa.

Just below the nunnery there is a Chinese police compound the Tibetans call Sera Shol Gyakhang. As I passed, I saw three Chinese soldiers on bicycles. They followed me a short distance before I was stopped. One of them took off his coat and shirt and then tied the shirt around my face, and shoved the sleeves in my mouth to stop me from crying and yelling. I was raped by the three on the outer boundary of the compound. After doing that bad thing to me, they just ran away.

I remained in Lhasa for two months under the care of local Tibetans. As expected, the release of the documentary caused an uproar with the Chinese authorities. My sister nuns tried to disguise themselves and wore their hair a little longer. I had lost all hope of continuing to live in Tibet under so many obstructions and restrictions and the ever present possibility of re-arrest. Even if I could stay, the Chinese would forbid me to study and I feared them in many other bad ways. I began to think of His Holiness the Dalai Lama in India. At that time, I didn't know there were so many other Tibetans living there as well, but I thought if only I could reach him, if I could only once see his face..."

Another nun and I heard of some Tibetan nomads who were taking medicines to the remote areas and traveling to Mount Kailash in a truck. From there we joined a group of 15 Tibetans to travel to the Nepalese border. In December 1990, I reached northern India.

When I first met His Holiness, I could not stop crying. He asked, "Where do you want to go? Do you want to go to school?" He patted my face gently. I could not say anything. I could only cry as I felt the reality of his presence. It was not a dream. In Tibet so many long to see him. At the same time, I felt an overwhelming sadness. Because I was raped, I felt I could no longer be a nun. I had been spoiled. The trunk of our religious vows is to have a pure life. When that was destroyed, I felt guilty to be in a nunnery with other nuns who were really very pure. If I stayed in the nunnery, it would be as if a drop of blood had been introduced into the ocean of milk.

I have been asked by esteemed persons such as yourselves what makes Tibetan nuns, many very young, so brave in their support of the Tibetan cause. I say that it is from seeing the suffering of our people. What I did was just a small thing. As a nun, I sacrificed my family and the worldly life, so for a real practitioner it doesn't matter if you die for the cause of truth. His Holiness the Dalai Lama teaches us to be patient, tolerant and compassionate. Tibetans believe in the law of Karma, cause and effect. In order to do something to try to stop the cycle of bad effect, we try to raise our voices on behalf of the just cause of Tibet. Thank you.

EVANGELICALS FOR SOCIAL ACTION,

Wynnewood, PA, October 21, 1997.

Congressman BEN GILMAN,
Chairman, House International Relations Committee, Rayburn House Office Building, Washington, DC.

DEAR CONGRESSMAN GILMAN: We write to convey our strong support for the Wolf-Specter bill on religious persecution which is before your committee.

We write as progressive Christians long identified with struggles for economic and racial justice. As people who supported U.S. sanctions against South Africa because of apartheid, we endorse the application of almost identical measures against Sudan.

We find it both false and highly offensive that some are seeking to portray the Wolf-Specter bill as a "Religious Right" agenda. Our support for and belief that the Wolf-Specter bill is urgently needed gives the lie to such nonsense.

Aware that this bill was drafted to be moderate in its reach, scope and process we urge you to pass it without further compromise.

Sincerely,

RONALD J. SIDER,
President.

Other Signers: Richard Mouw, President, Fuller Theological Seminary.

DEPARTMENT OF SOCIAL
DEVELOPMENT AND WORLD PEACE,
Washington, DC, October 22, 1997.

Hon. BENJAMIN A. GILMAN,
Chairman, House International Relations Committee, Rayburn House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: As director of the U.S. Catholic Bishops' Office of International Justice and Peace, I write to renew our support for the Freedom from Religious Persecution Act of 1997 (H.R. 2431), based on changes agreed to by the sponsors. We very much welcome this legislation with these changes and hope it can be the basis for a focused and effective U.S. policy on religious persecution.

In testimony before the International Relations Committee last month, we outlined the U.S. Bishops' teaching and action on religious freedom, and offered our general support to an earlier version of this bill. The bill, and the wider campaign of which it is a part is a welcome effort to raise the consciousness of the American public about persecution of Christians and members of other religious communities in many countries, and to make religious freedom a top priority of the United States Government.

The freedom from Religious Persecution Act rightly links U.S. aid to a country's performance on religious liberty, a linkage that the U.S. bishops have long urged for the full range of fundamental human rights. The fact that it singles out only egregious acts of religious persecution does not create a hierarchy of human rights any more than it creates a hierarchy of religious freedoms. It simply offers a practical corrective to U.S. policy in one area where that is much needed. While the bill focuses on religious freedom, its practical benefit would be to end U.S. aid given directly to governments that, in most cases, are abusing not just religious rights but a whole range of basic human rights.

The bill would also improve reporting on religious liberty by the State Department and strengthened training of foreign service and immigration officers, which, given our experience in these areas, seem well justified. Finally, the bill would restore some vital procedural safeguards for those seeking asylum from persecution on account of their religion, safeguards that we urge be restored for those claiming persecution on the grounds of race, nationality, membership in a particular social group, or political opinion.

In our testimony we identified several areas in which the bill might be improved. Since then, we understand that several changes, consistent with our proposals, have been made or agreed to by the sponsors.

Two critical changes were made in the Amendment to H.R. 2431, as reported by the Subcommittee on International Operations and Human Rights: broadened coverage to include victims of persecution of all religious groups in all countries; and a broadened humanitarian exemption to include development and related kinds of aid.

Our understanding, based on discussions with the sponsors, is that further changes will be made to the bill, including: a broadened presidential waiver that would cover situations when a waiver would be necessary to meet the purposes of the act; the addition of opportunities for public comment; and

changes in the multilateral development aid language to exempt IDA programs which directly aid the poor.

In addition, we strongly support the continued inclusion of provisions that would end military aid, financing and sales to a sanctioned country.

The changes made so far do not address our concerns over the immigration provisions of the bill, which we understand will be dealt with in the Judiciary Committee. As noted in our testimony before your committee, we welcome the effort to expand protection for refugees fleeing religious persecution, but believe such protections could be further strengthened and should be available to the other four categories of persecuted persons. Short of including the safeguards for these other categories of asylum seekers, our continued support for this legislation is dependent upon retaining the minimum protections contained in the Amendment to H.R. 2431, as reported by the Subcommittee.

The bill, with the changes proposed by the sponsors, addresses a serious problem in a serious way. We hope it will provide a framework for bi-partisan action in this Congress to increase U.S. attention and action on religious liberty. The bill is not, nor does it purport to be, a solution to all violations of religious liberty around the world. It does, however, offer an effective and reasonable tool for raising the curtain on a too-often ignored problem, combating the most blatant forms of religious persecution, and helping to improve the situation of millions who suffer simply because of their religious beliefs.

We are committed to continue to work to see that a focused and effective bill will emerge from the Congress, a bill that will serve as the framework for a serious and sustained U.S. policy on religious persecution. The U.S. Catholic bishops have long worked to protect religious liberty not only for our fellow Catholics, but for all believers. We urge the International Relations Committee to adopt the bill, with the changes proposed by the sponsors, as a major step forward in this urgent effort.

Sincerely yours,

REV. DREW CHRISTIANSEN, S.J.,
Director, U.S. Catholic Conference.

RELIGIOUS ACTION CENTER
OF REFORM JUDAISM,
Washington, DC, October 24, 1997.

Hon. BENJAMIN A. GILMAN,
Chairman, House International Relations Committee, Rayburn House Office Building, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: On behalf of the Union of American Hebrew Congregations and the Central Conference of American Rabbis, which represent 1.5 million Reform Jews and 1,800 Reform rabbis in North America, I write to express support for the Freedom From Religious Persecution Act of 1997 (H.R. 2431).

We have been horrified by stories of religious minorities suffering brutal persecution at the hands of governments and local authorities. Tibetans are ruthlessly punished by the Chinese for simply owning a picture of their spiritual leader, the Dalai Lama; the Islamic government in Sudan commits atrocities against its Christian population including torture, rape and murder; and in Egypt, the Coptic Christian minority has been the target of Islamic fundamentalist violence. We cannot turn our back against innocent people whose sole "crime" is the expression of their deepest religious beliefs. Having so often been the victim of persecution, it is our duty and obligation as part of the Jewish community to not only speak out against the persecution of other religious groups around the world, but to take affirmative steps to prevent such persecution in the future.

As committed as we are to combating religious persecution, the legislation as it was originally introduced was problematic for us. We appreciate your willingness to work with us in responding to our concerns regarding the legislation, and we are pleased that we are now able to support the bill. The current version of the bill addresses our most pressing issues by: broadening the religious persecution definition to include all religious groups; moving the monitoring office from the White House to the State Department; providing a presidential waiver for sanctions when they would endanger the persecuted group; exempting humanitarian and development aid; and tightening the sanctions language to limit the export ban. (We understand that additional changes in the refugee section may be proposed, either in advance of the markup or by amendment at the markup itself, and we may be supportive of those provisions as well.)

We look forward to working with you for the swift enactment of this legislation

Sincerely,

RABBI DAVID SAPERSTEIN,

Director.

Mr. BEREUTER. Mr. Speaker, I yield 2 minutes to the gentleman from Missouri [Mr. BLUNT], a member of the committee.

Mr. BLUNT. Mr. Speaker, I thank the gentleman for yielding this time to me. I rise in opposition to the bill, and I do that reluctantly because of my great respect for the chairman, but I think it would be wrong to pass this legislation through this House and to do it in this atmosphere. We need more time to look at this.

But more importantly, I would like to refer back to my colleague from Virginia's [Mr. WOLF] comments. There is surely religious persecution in the world today. This may even be part of it. But to pass this legislation to single out this kind of religious persecution in the face of what we know is happening all over the world turns our back on people who are in prison tonight, turns our back on people who are in slave camps tonight, turns our back on people whose lives have been given up over the issue of taxation.

Now it could very well be, Mr. Speaker, that we should get to taxation as an issue we are concerned about, but we should not address that first. We should not address that at the expense of these other issues. We need to look at persecution, we need to look at it realistically, we need to look at it all over the world, and we need to address those cases first that are worse, not those cases that are about whether somebody is allowed to perform in a tax-exempt atmosphere or not, whether somebody's movie is boycotted in another country or not, boycotting would seem to me to be a pretty specific freedom of speech right that we would defend in America, or whether or not somebody pays taxes as a church in another country or not before we deal with people whose lives are in danger all over the world, people in Sudan, Buddhists in Tibet, Christians in Shanghai. We need to deal with those issues first.

I urge my colleagues not to vote for this resolution.

Mr. GILMAN. Mr. Speaker, I yield 2 minutes to the gentleman from Arizona [Mr. SALMON].

Mr. SALMON. Mr. Speaker, I really respect the folks that have gotten up to speak in opposition. I believe that they believe very strongly in their position, and we cannot criticize somebody for speaking their beliefs. That is what this is all about. But I am flabbergasted at those who might suggest that since there is other persecution, religious persecution, going on in the world that we should not start with this.

Mr. Speaker, frankly I am pretty appalled to hear that kind of language because there is religious persecution going on in the world, and we have to start somewhere. Here we have an opportunity to stand up and reaffirm what this country is all about, and I am very, very dismayed that some have picked up on this taxation comment. This is simply a sense of Congress. It was one of the examples used of many.

We are not asking Germany to change their taxation policies. We would be as offended if they did that to us. We are simply using many, many examples whereby minority religions, again this is much broader than Scientology, are persecuted in Germany. We are asking for them to reaffirm a position, simply to reaffirm their position which their Constitution states, and that is that they endorse religious tolerance in the country of Germany.

Yes, they are an ally, and yes we treasure that relationship, but we ought to be able to go to them and tell them the things which trouble us.

I was talking with the gentleman from Ohio [Mr. NEY], and he pointed out in the paper this morning that there was a German citizen who was just granted asylum in this country because of religious persecution in Germany. Yes, that is right, granted asylum in this country because of religious persecution in Germany. We have got to do all that we can to stop that.

And again, I want to reaffirm it is much more than taxation. That was simply one of the ideas that we enumerated in the many ideas or the many examples of religious intolerance in Germany. Let us get beyond that. Let us read the bill, because it is much broader than that, and let us practice what we preach and stand for religious tolerance across the globe.

Mr. BEREUTER. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Mr. Speaker, I am opposed to this resolution, and I think that I am as sensitive to the issue of persecution as anyone. I believe I am the leader in minority group membership in the House, claiming two myself, and I am going to vote against this resolution.

I would not vote for a resolution that approved of the way Germany is dealing with the Scientologists and others, but I do not believe a case has been

made to do the very, very solemn act of having this House of Representatives single them out for condemnation. There are a lot of things in this world of which we disapprove, and I think the gentleman from Virginia quite correctly pointed out that if we were going to make a list of practices worthy of condemnation in this great democratic institution, even those critical of Germany's treatment of Scientologists would put it much lower on the list than practices that have gone unmentioned here. So there is a disproportion.

Secondly, and I understand from my friend from Arizona that is in the resolution, my colleagues cannot disclaim it, they also have in the resolution a specific example that people in the youth wing of two political parties boycotted movies. Well, I do not always like people who boycott movies, but are we going to have a resolution condemning the Baptists for condemning Disney? I mean, to intermingle genuine religious persecution with a decision by private individuals to boycott a movie is a mistake. It is also inappropriate.

Also I do think we should practice what we preach, but I do not think we should preach what we do not practice. If we are going to look at people who are engaging in inappropriate religious persecution, I think the Governor of Alabama would be on my list. I think people who are atheists and agnostics in parts of Alabama are under assault and having their constitutional rights impinged by the Governor of Alabama.

The fact is that Germany is overall a very democratic nation. It is not perfect. There are not a lot of perfect countries around. But to single out Germany this way while other countries that have far worse patterns of abuse are ignored, to intermingle legitimate efforts like a boycott by political parties with actual persecution and to ignore some of the problems we have ourselves is wholly inappropriate.

So, Mr. Speaker, I do not think this resolution ought to pass.

Mr. BEREUTER. Mr. Speaker, I thank the gentleman from Massachusetts for his strong statement.

Mr. Speaker, I yield 2 minutes to the gentleman from Florida [Mr. MCCOLLUM].

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

Mr. MCCOLLUM. Mr. Speaker, I thank the gentleman for yielding this time to me, and I rise today in opposition to this resolution mainly because I have experienced a discussion over a period of time as a member of the Congressional study group on Germany with German members of Parliament about the issue, particularly of persecution of Scientologists and those reports we have had.

I recall going over there earlier this year and engaging in quite a lengthy discussion with several of their members over this matter, and I have exam-

ined the paperwork and the documents and the press accounts and so on, and I am not here today to be able to talk about every instance of allegation of somebody being persecuted with respect to a particular religion, but with respect to the Scientologists in particular I am unconvinced that the Germans are in any way persecuting them.

Germany has a different kind of system for recognizing religions over there than we do, and I do not necessarily agree with that, but they have a system in which there is not tithing like we have. They collect the taxes from the people, the contributions, if my colleagues will, to the churches, and apportion them out to the various churches that are recognized, if my colleagues will, by the government. I do not, again like I say, necessarily agree with that, but the fact that they do not think that Scientology merits their giving them this status and the, quote, persecution that people perceive occurring simply because they are not recognized for purposes under the German Government's auspices to practice religion is not a reason to have this resolution out here today.

The truth of the matter is that Scientologists are perceived over there, rightly or wrongly, and some have said that here in this country, I do not know if it is right or wrong, as having persecuted some of their own members. There are those who I have heard over the years allege that it is difficult to ever quit the Church of Scientology. There are parents that have complained their children have been held in against their will. There are all kinds of arguments like that.

But I was hearing in Germany, again I do not know the merits of them, but that is what the German Government believes. It is not just an issue of taxation. They do not think that this group, that is the Scientologists, are truly deserving of their recognition. It is not a matter of are they Christian, are they Buddhists, are they whatever, it is a matter of the way they behaved in Germany and their belief that they are not indeed entitled to this recognition.

So I would urge a defeat of this resolution. It is very, very damaging to our relationship with Germany.

Mr. BEREUTER. Mr. Speaker, I thank the gentleman from Florida for his strong statement.

Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Ohio [Mr. OXLEY] the chairman of the German American study group.

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

Mr. OXLEY. Mr. Speaker, I also rise in opposition to this, I think, well-intentioned effort, but what is really the purpose behind this resolution? Is it to embarrass the German Government? Is it to embarrass the German people? What will ultimately come out of passage of this resolution? I frankly fail to see what good it would do.

As the gentleman from Nebraska [Mr. BEREUTER] indicated, I am the chairman this year of the congressional study group on Germany and have had numerous discussions with our colleagues from the Bundestag particularly and also with the German Ambassador about this very sensitive issue.

I was concerned, frankly, when I looked at a copy of the letter from the German Ambassador to the distinguished chairman of the Committee on International Relations, the gentleman from New York [Mr. GILMAN], in which he indicates that he had offered to have a discussion with those who would support this amendment, and as near as I can tell, and this was dated October 29, has had no opportunity whatsoever to tell the German side of the story on this matter. I find that frankly appalling when Germany is one of our staunchest allies and ones who have a great deal at stake in our success in Europe, expanding NATO, expanding trade relations and the like. And so instead of trying to stick a needle in the eye of the Germans, it seems to me we ought to be more helpful in trying to come to understand what these problems are.

I find the language in this resolution quite strong, particularly when it talks about a German fostering an atmosphere of intolerance toward certain minority religious groups. Then it goes on to say the resolution expresses concerns that artists from the United States, members of minority religious groups, continue to experience German Government discrimination. Now, I fail to see how the German government is somehow behind these boycotts of certain movies. There may be particular political groups, but as the gentleman from Massachusetts [Mr. FRANK] said, that happens all the time over here.

So I would say to our friends, let us defeat this resolution and look toward a more positive attitude as we relate to our strong allies such as Germany.

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

Mr. Speaker, I understand the other side has a closing statement, and so I will conclude the opposition to the resolution, and I do rise and continue my strong opposition to the resolution.

Germany is a free country in which religious freedom is guaranteed under the Constitution and thus sacrosanct. The U.S. State Department country report on human rights clearly confirms this in its most recent report.

I would add that I think we need to be reminded every time that what we do as a body expressing our views on foreign policy is taken very seriously. This resolution is not balanced. It singles out Germany for a variety of practices, particularly those related to Scientology where their position is no different than seven or eight other European countries and several other countries outside the European Continent.

□ 1815

This is a troubling situation for them. It is a matter that is pending currently in their tax court. But I think it is important we not have Tom Cruise or John Travolta setting foreign policy in this country, and I think that is a driving factor behind this legislation. It is very unfortunate. I urge my colleagues to oppose the resolution.

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

Mr. GILMAN. Mr. Speaker, I yield the balance of my time to the gentleman from Ohio [Mr. Ney], who will give our concluding remarks.

Mr. NEY. Mr. Speaker, it is probably pretty good we are coming down to the closure, because now we are coming down to the ridiculous, to mention that Tom Cruise and John Travolta are setting foreign policy. John Travolta and Tom Cruise and Ann Archer and Chick Corea are fortunate enough to have a celebrity status that can bring attention to the issue of discrimination, not alleged, not taxation, but discrimination.

So I am glad that their intent is not to set foreign policy, but they have given of their time to set forth a cause that is very, very important to those who cannot be on this floor to speak or, to those who do not have celebrity status, to be able to be heard, not only here, but in Germany.

This is not about taxation. Let me tell you about support, as far as people saying this does not have support. Things do not get lightly here to the floor. This was not introduced yesterday. This has been around. It has support, because Democrats and Republicans have voiced that they want this on the floor tonight, Mr. Speaker. They want the people of this country and the people around the world to understand this issue, Mr. Speaker.

And the fact that now our Government has gone a step further and has officially granted asylum, do you know how hard it is to get asylum? Our Government stated yesterday, it was in the Washington Post today, that asylum has been granted to a German citizen because they dared to be something different, of a different religion, than us. That is how far this has gone.

Painful words, someone said. It is a shame we are to the point of what someone may consider painful words. The reason we have painful words is because there have been painful deeds, not something someone has made up, but posters that say "no thank you" to a play on the word of "sect," of minority religions.

It goes a little beyond that. Those official sanction posters that have a fly swatter to swat at those pesky little minority members of a religion. It has gone to the point of not someone saying, let's not watch a movie, but of a government that has told citizens of the United States that you in fact shall not perform in the country of Germany because you are a different religion that we just simply do not like that is the type of thing that has occurred.

I went to Germany. We tried to talk about this and got the fist pounding that, we will not talk about it. As far as primary sponsors, I would ask any of my colleagues if either side of the aisle sitting on the floor of this House tonight, Mr. Speaker, if anybody from the German Embassy called them, because I have been out front on this issue for religious freedom for minorities, and we haven't had any calls, and I did a quick check, and nobody I know of supporting this has had any type of call in fact.

All we know is in the press. Today in Germany, they just said, as a matter of fact, an official of the German Government simply said this will not be brought up by the U.S. Congress until after January maybe to be discussed, because I guess they set our foreign policy now.

So no matter how good an ally, the real shame tonight is the fact that they have not wanted to communicate on this issue. The fact is, they continue to want to choose who in fact from this country can go to their country, who in fact they will put under surveillance because they simply do not like the type of religion they are.

These are Americans we are talking about. We are not out to destroy the relationship of our country, but we are talking about standing up for the rights of our own American citizens. That is what this is about tonight.

We cannot turn our back any longer on this issue. It has been mentioned about the other religions, about the Baha'is. It has been mentioned about persecution of people around the world. I am sorry other things have not hit the floor. I am not saying they are not important. I believe that we should stand up for persecution around the world. We have done it in some votes, obviously, with Chinese resolutions.

But just because those resolutions didn't hit the floor of this House tonight does not mean this is not any more important.

So this is not something fabricated, this is not something we are anti-German and we just wanted to bring this up tonight because we didn't have anything to do. These are serious true incidents that have happened over and over and over. Members of Congress have stated their feelings about this and tried the diplomatic route over and over and over. And, yes, this does have support, and that is how this did end up on the floor of this House tonight.

This is about standing up, no matter what you think of another religion, for American citizens' rights, and if the Democrat or the Republican Party dared, dared, on the registration forms in the United States to say, "Are you a Catholic or not?" or, "Are you a Protestant, or are you a Muslim, or are you a Jew?" if that dared to happen in this country, do you know what type of outcry there would be? On the forms, it happens over there about certain religions only: Are you a member or not?

It does exist; it is real; we need to stand up.

In closing, I am a Roman Catholic of German background tonight that stands on the floor simply saying, in fact, we have to stand up for religious freedom tonight. Our country was found that way. They didn't say bring in your tired, your poor, and the religion that we choose that can come here. This is so basic to American principles that everybody should voice their support of this.

I urge the bipartisan support of standing up tonight, not to slap at another country, but to stand up tonight for religious freedom.

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

The SPEAKER pro tempore. All time has expired. The question is on the motion offered by the gentleman from New York [Mr. GILMAN] that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 22, as amended.

The question was taken; and on a division (demanded by Mr. BEREUTER) there were—ayes 3, noes 12.

Mr. SALMON. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

EXPO 2000

Mr. BEREUTER. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 139) expressing the sense of Congress that the U.S. Government should fully participate in EXPO 2000 in the year 2000, in Hannover, Germany, and should encourage the academic community and the private sector in the United States to support this worthwhile undertaking.

The Clerk read as follows:

H. CON. RES. 139

Whereas Germany has invited nations, international and non-governmental organizations, and individuals from around the world to participate in EXPO 2000, a global town hall meeting to be hosted in the year 2000, in Hannover, Germany, for the purpose providing a forum for worldwide dialogue on the challenges, goals, and solutions for the sustainable development of mankind in the 21st century;

Whereas the theme of EXPO 2000 is "Humankind-Nature-Technology";

Whereas EXPO 2000 will take place in the heart of the newly unified, free, and democratic Europe;

Whereas Germany has established a stable democracy and a pluralistic society in the heart of Europe;

Whereas more than 40,000,000 people in the United States can trace their ancestry to Germany, and in 1983 the United States and Germany celebrated the Tri-Centennial of immigration of Germans into the United States;

Whereas Germany has been a close political and military ally of the United States for nearly five decades and has been a driving force with respect to the political, monetary, and economic integration of Europe;

Whereas the United States, as a leading political, intellectual, and economic power,

maintains a strong interest in the worldwide strengthening of political freedom and human rights, open market economies, and technological advancement throughout the world; and

Whereas the United States is eager to share with the global community the vast and promising public and private efforts being made to prepare for the next century; Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of Congress that the United States—

(1) should fully participate in EXPO 2000, a global town hall meeting to be hosted in the year 2000, in Hannover, Germany, for the purpose of providing a forum for worldwide dialogue on the challenges, goals, and solutions for the sustainable development of mankind in the 21st century; and

(2) should encourage the academic community and the private sector in the United States to support this worthwhile undertaking.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nebraska [Mr. BEREUTER] and the gentleman from New Jersey [Mr. PAYNE] each will control 20 minutes.

The Chair recognizes the gentleman from Nebraska [Mr. BEREUTER].

GENERAL LEAVE

Mr. BEREUTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on House Concurrent Resolution 139.

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

There was no objection.

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

Mr. Speaker, in 3 years Germany will be hosting EXPO 2000, a World's Fair to mark the new millennium. The timing and the location of this event could hardly be more appropriate. Hannover, Germany, is the center of a new Europe.

Europe, as we all know, is in the center of major changes. By the year 2000, there will be at least three new members of NATO and also new members in the EU. Europe is rapidly unifying, and EXPO 2000 represents a showcase to demonstrate that change. To date, 143 nations have agreed to participate.

I would note that President Clinton noted on August 15 that the United States was accepting the German invitation to participate in EXPO 2000 and encouraged private industry to do so. In this respect, it is similar to resolutions that the Congress has approved in the past regarding U.S. participation in the EXPO in Lisbon.

House Concurrent Resolution 139 comes to the Committee from the Congressional German-American Study Group. The cosponsors include the former chairmen on both sides of the aisle; the gentleman from Indiana [Mr. HAMILTON], the current German-American Study Group chairman; the gentleman from Ohio [Mr. OXLEY]; and the gentleman from Virginia [Mr. PICKETT], who is currently the vice chairman and will be the chairman next year.

I would also tell my colleagues that two distinguished members of the other body are also active in similar kinds of efforts.

The resolution recognizes the value of EXPO 2000 and expresses our support for private sector support.

I think in looking at the resolution, one of the most interesting things is the theme of this conference. It is to encourage sustainable development of mankind in the 21st century. I think it is important, therefore, that we participate in this effort to establish a worldwide dialogue on the challenges, goals, and solutions for the sustainable development of mankind in the 21st century.

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

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

Mr. Speaker, I commend the chairman of the Committee on International Relations, the gentleman from New York [Mr. GILMAN], for bringing this resolution to the floor, and I commend the gentleman from Nebraska [Mr. BEREUTER] for his sponsorship of it.

EXPO 2000 is a World's Fair in Hannover, Germany, to usher in the new millennium. One hundred forty-three countries have already announced their participation. It will take place in the heart of the newly unified free and democratic Europe, as we move forward to the new European Community where the borders will drop and the continent will be united.

This will be a very important forum. This forum will focus the attention of states, international and nongovernmental organizations, and individuals from around the world on the key challenges for a sustainable development of mankind for the next century.

This is an important event, Mr. Speaker, and the United States should fully participate in it. The resolution emphasizes private funding for that participation. Academics and business leaders from the United States will have a great deal to offer to this important discussion on sustainable development of mankind in the 21st century.

Mr. Speaker, I believe the Congress is right to encourage those leaders to actively participate in this important dialogue. This is a good resolution, Mr. Speaker, and I urge my colleagues to join me in supporting it.

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

Mr. BEREUTER. Mr. Speaker, it is my pleasure to yield 2 minutes to the gentleman from New York [Mr. GILMAN], the distinguished chairman of the Committee on International Relations.

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

Mr. GILMAN. Mr. Speaker, I want to thank our colleague, the gentleman from Nebraska [Mr. BEREUTER], for taking the initiative to introduce this resolution calling our attention to the upcoming World Exposition that is

going to be held in Hannover, Germany, in the year 2000. Such expositions provide an excellent opportunity for our citizens to showcase the goods and services that have helped contribute to our national greatness.

EXPO 2000 will focus on the theme of sustainable development. While that concept has come to mean many things to different people, this resolution, by highlighting the principles of political freedom, human rights, and the free market, establishes the appropriate framework for the involvement of our Nation.

I believe our Government should strongly encourage our talented academic community and our private sector, the most productive in the world, to actively participate in this trade exposition. The amendment we made in committee made it clear that the Government's role is solely one of encouraging efforts in the private sector to participate, and no government funds would be spent.

□ 1830

Accordingly, I urge our colleagues to fully support this resolution.

Mr. PAYNE. Mr. Speaker, I yield 2 minutes to the gentleman from West Virginia [Mr. WISE].

Mr. WISE. Mr. Speaker, I thank the gentleman for yielding me this time.

I rise in strong support of this resolution and thank the committee for bringing it to the floor. As a former chair of the Congressional Study Group on Germany, I can tell my colleagues that when we visited Germany just two years ago, I know that one of the first questions I asked was how is the United States participating in Hannover 2000, and what is the United States role going to be? If we are a world power and we are an economic power, then we have to be fully involved in these significant economic events.

Let me also urge each Member to go back and talk to your State Department of Development or Commerce, or whatever it is, to find out the balance of trade with Germany and the European nations and they will find out that one of the fastest growing areas, both in investment and in exports that is selling United States goods to another nation is in Germany. So, once again, this is an excellent opportunity, as the people from both sides of the aisle have pointed out, to showcase our products to the world, not just Germany where it is being held, of course, but to the world.

So if I had my way, I would actually have us participating more than we probably are in terms of taxpayers possibly being involved as well, but the important thing is that the private sector fully be involved, that we send a message that the United States is fully committed, and that we encourage the fullest amount of U.S. participation.

Mr. BEREUTER. Mr. Speaker, I thank the gentleman from West Virginia for that outstanding statement.

It is now my pleasure to yield such time as he may consume to the distinguished gentleman from Ohio [Mr.

OXLEY], who I consider to be, along with myself, a primary sponsor of this legislation. As I mentioned earlier in the debate, he is chairman of the German-American Study Group.

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

Mr. OXLEY. Mr. Speaker, before I begin my remarks, let me thank the gentleman from Nebraska [Mr. BEREUTER] for bringing this Expo 2000 resolution to the floor today and for his leadership in the Committee on International Relations on these important issues.

As the gentleman from Nebraska indicated, I am Chairman of the Congressional Study Group on Germany for 1997. I am proud to rise in support of this resolution. The resolution provides an important congressional endorsement of Expo 2000 and, as an original cosponsor, I am hopeful that my colleagues will support this resolution.

The Expo, to be held in Hannover, Germany, will provide an important opportunity for the international community to discuss solutions to problems we will be facing in the 21st century, including global climate change, sources of energy, population growth, and development. Given America's leading position in the development of technology and our problem-solving capabilities, I applaud the President's announcement of American participation in the Expo 2000. This resolution will provide another voice of support to American academic and private sector involvement in the Expo.

Given the dramatic progress this Congress has made in balancing the budget and promoting fiscal responsibility, I think it is important to note that no Federal funds will be used to support American participation in this Expo. While this was the clear intention of the resolution when introduced, I applaud the gentleman from New York [Mr. GILMAN] for introducing an amendment in the committee process that makes this absolutely clear.

Finally, Mr. Speaker, I would like to take this opportunity to express my appreciation and thanks to all of the Bundestag colleagues I have gotten to know over the past year. I believe that German-American relations provide an important cornerstone of stability in Europe. American participation in Expo 2000 will further this relationship, and I urge my colleagues to support House Concurrent Resolution 139.

Mr. PAYNE. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia [Mr. PICKETT].

Mr. PICKETT. Mr. Speaker, I thank the gentleman for yielding me this time. I also want to thank the gentleman from Nebraska [Mr. BEREUTER] for sponsoring this resolution.

It is very important that we participate in this worldwide event. Just recently we have seen the effect of what happens in our own country when economic conditions change in Asia, and we have also heard a great deal re-

cently about global warming and what our country should do in the world environment as far as global warming is concerned.

It is very appropriate that we encourage through our government the academic community and the private sector to participate in Expo 2000. This is a very eloquent and far-reaching event that is going to be held in Hannover, Germany in the year 2000 for worldwide dialogue on the challenges, goals and solutions for the sustainable development of mankind in the 21st century. This fits in with our economic objectives, it fits in with our environmental objectives, and it fits in with our commitment to the world community, and I urge everyone to support this resolution.

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

Mr. BEREUTER. Mr. Speaker, I strongly urge my colleagues to support this resolution, to support Expo 2000 in Hannover, Germany.

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

The SPEAKER pro tempore (Mr. PETRI). The question is on the motion offered by the gentleman from Nebraska [Mr. Bereuter] that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 139.

The question was taken.

Mr. BEREUTER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 830) "An Act to amend the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act to improve the regulation of food, drugs, devices, and biological products, and for other purposes."

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Debate has concluded on all motions to suspend the rules in this series.

Pursuant to clause 5 of rule 1, the Chair will now put the question on H.R. 2232, by the yeas and nays; H.R. 1129, by the yeas and nays; House Concurrent Resolution 22, by the yeas and nays; and House Concurrent Resolution 139, by the yeas and nays.

RADIO FREE ASIA ACT OF 1997

The SPEAKER pro tempore. The pending business is the question of the

passage of the bill, H.R. 2232, on which further proceedings were postponed earlier today.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the passage of the bill on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 401, nays 21, not voting 11, as follows:

[Roll No. 623]

YEAS—401

Abercrombie	Davis (VA)	Hinojosa
Ackerman	Deal	Hobson
Aderholt	DeGette	Hoekstra
Allen	Delahunt	Holden
Andrews	DeLauro	Hooley
Archer	DeLay	Horn
Armey	Dellums	Hostettler
Bachus	Deutsch	Houghton
Baesler	Diaz-Balart	Hoyer
Baker	Dickey	Hulshof
Baldacci	Dicks	Hunter
Ballenger	Dingell	Hutchinson
Barcia	Dixon	Hytche
Barr	Doggett	Inglis
Barrett (NE)	Dooley	Istook
Barrett (WI)	Doolittle	Jackson (IL)
Bartlett	Doyle	Jackson-Lee
Barton	Dreier	(TX)
Bass	Dunn	Jefferson
Bateman	Edwards	Jenkins
Becerra	Ehlers	John
Bentsen	Ehrlich	Johnson (CT)
Bereuter	Emerson	Johnson (WI)
Berman	Engel	Johnson, E. B.
Berry	English	Jones
Bilbray	Ensign	Kanjorski
Bilirakis	Eshoo	Kaptur
Bishop	Etheridge	Kasich
Blagojevich	Evans	Kelly
Bliley	Everett	Kennedy (MA)
Blumenauer	Ewing	Kennedy (RI)
Blunt	Farr	Kennelly
Boehlert	Fawell	Kildee
Boehner	Fazio	Killpatrick
Bonior	Filner	Kim
Bono	Flake	Kind (WI)
Borski	Foglietta	King (NY)
Boswell	Foley	Kingston
Boucher	Forbes	Klecza
Boyd	Ford	Klink
Brady	Fossella	Knollenberg
Brown (CA)	Fowler	Kolbe
Brown (FL)	Fox	Kucinich
Brown (OH)	Frank (MA)	LaFalce
Bryant	Franks (NJ)	LaHood
Bunning	Frelinghuysen	Lampson
Burr	Frost	Lantos
Burton	Furse	Largent
Buyer	Gallegly	Latham
Callahan	Ganske	LaTourette
Calvert	Gejdenson	Lazio
Camp	Gekas	Leach
Campbell	Gephardt	Levin
Canady	Gibbons	Lewis (CA)
Cannon	Gilchrest	Lewis (GA)
Cardin	Gilman	Lewis (KY)
Carson	Goode	Linder
Castle	Goodlatte	Lipinski
Chambliss	Goodling	Livingston
Chenoweth	Gordon	LoBiondo
Christensen	Goss	Lofgren
Clayton	Graham	Lowey
Clement	Granger	Lucas
Clyburn	Green	Luther
Coble	Greenwood	Maloney (CT)
Coburn	Gutierrez	Maloney (NY)
Collins	Gutknecht	Manton
Combest	Hall (OH)	Manzullo
Condit	Hall (TX)	Markey
Conyers	Hamilton	Martinez
Cook	Hansen	Mascara
Cooksey	Harman	Matsui
Costello	Hastert	McCarthy (MO)
Cox	Hastings (FL)	McCarthy (NY)
Coyne	Hastings (WA)	McCollum
Cramer	Hayworth	McCrary
Crane	Hefley	McDade
Crapo	Hefner	McGovern
Cummings	Herger	McHale
Cunningham	Hill	McHugh
Danner	Hilleary	McInnis
Davis (FL)	Hilliard	McIntosh
Davis (IL)	Hinchey	McIntyre

McKeon	Price (NC)	Souder
McKinney	Pryce (OH)	Spence
McNulty	Quinn	Spratt
Meehan	Radanovich	Stabenow
Meek	Rahall	Stark
Menendez	Ramstad	Stearns
Metcalf	Redmond	Stenholm
Mica	Regula	Strickland
Millender-	Reyes	Stump
McDonald	Riggs	Stupak
Miller (CA)	Rivers	Sununu
Miller (FL)	Rodriguez	Talent
Minge	Roemer	Tanner
Mink	Rogan	Tauscher
Moakley	Rogers	Tauzin
Moran (KS)	Rohrabacher	Taylor (MS)
Moran (VA)	Ros-Lehtinen	Thomas
Morella	Rothman	Thompson
Murtha	Roybal-Allard	Thornberry
Myrick	Royce	Thune
Nadler	Rush	Thurman
Neal	Tiahrt	Tiahrt
Nethercutt	Sabo	Tierney
Ney	Salmon	Torres
Northrup	Sanchez	Towns
Norwood	Sandlin	Traficant
Nussle	Sawyer	Turner
Oberstar	Saxton	Upton
Olver	Scarborough	Vento
Ortiz	Schaefer, Dan	Visclosky
Owens	Schaffer, Bob	Walsh
Oxley	Schumer	Wamp
Packard	Scott	Waters
Pallone	Sessions	Watkins
Pappas	Shadegg	Watts (OK)
Parker	Shaw	Waxman
Pascrell	Shays	Weldon (FL)
Pastor	Sherman	Weldon (PA)
Paxon	Shimkus	Weller
Payne	Sisisky	Wexler
Pease	Skaggs	Weygand
Pelosi	Skeen	White
Peterson (MN)	Skelton	Whitfield
Peterson (PA)	Smith (MI)	Wicker
Petri	Smith (NJ)	Wise
Pickering	Smith (OR)	Wolf
Pitts	Smith (TX)	Woolsey
Pombo	Smith, Adam	Wynn
Pomeroy	Smith, Linda	Young (AK)
Porter	Snowbarger	Young (FL)
Portman	Snyder	
Poshard	Solomon	

NAYS—21

Bonilla	Neumann	Sensenbrenner
Chabot	Obey	Serrano
Clay	Paul	Shuster
DeFazio	Pickett	Slaughter
Duncan	Rangel	Stokes
Fattah	Sanders	Velazquez
Mollohan	Sanford	Watt (NC)

NOT VOTING—11

Cubin	Klug	Schiff
Gillmor	McDermott	Taylor (NC)
Gonzalez	Riley	Yates
Johnson, Sam	Roukema	

□ 1859

Mr. SERRANO and Mr. FATTAH changed their vote from "yea" to "nay."

Messrs. JOHN, YOUNG of Alaska, MILLER of California, and DINGELL changed their vote from "nay" to "yea."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

□ 1900

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. PETRI). Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device may

be taken on each additional motion to suspend the rules on which the Chair has postponed further proceedings.

MICROCREDIT FOR SELF-RELIANCE ACT OF 1997

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 1129, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York [Mr. GILMAN] that the House suspend the rules and pass the bill, H.R. 1129, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 393, nays 21, not voting 19, as follows:

[Roll No. 624]

YEAS—393

Abercrombie	Cox	Gilman
Ackerman	Coyne	Goodlatte
Aderholt	Cramer	Goodling
Allen	Crane	Gordon
Andrews	Crapo	Goss
Archer	Cummings	Graham
Army	Cunningham	Granger
Bachus	Danner	Green
Baesler	Davis (FL)	Greenwood
Baker	Davis (IL)	Gutierrez
Baldacci	Davis (VA)	Gutknecht
Ballenger	DeFazio	Hall (OH)
Barcia	DeGette	Hall (TX)
Barrett (NE)	Delahunt	Hamilton
Barrett (WI)	DeLauro	Hansen
Bartlett	DeLay	Harman
Bass	Dellums	Hastert
Bateman	Deutsch	Hastings (FL)
Becerra	Diaz-Balart	Hastings (WA)
Bentsen	Dickey	Hayworth
Bereuter	Dicks	Hefner
Berman	Dingell	Henger
Berry	Dixon	Hilleary
Bilbray	Doggett	Hilliard
Bilirakis	Dooley	Hinchey
Bishop	Doolittle	Hinojosa
Blagojevich	Doyle	Hobson
Bliley	Dreier	Hoekstra
Blumenauer	Duncan	Holden
Blunt	Dunn	Hooley
Boehlert	Edwards	Horn
Boehner	Ehlers	Hosettler
Bonior	Ehrlich	Houghton
Borski	Emerson	Hoyer
Boswell	Engel	Hulshof
Boucher	English	Hunter
Brady	Ensign	Hutchinson
Brown (CA)	Eshoo	Hyde
Brown (FL)	Etheridge	Inglis
Bryant	Evans	Istook
Bunning	Everett	Jackson (IL)
Burr	Ewing	Jackson-Lee
Burton	Farr	(TX)
Buyer	Fattah	Jefferson
Callahan	Fawell	John
Calvert	Fazio	Johnson (CT)
Camp	Filner	Johnson (WI)
Campbell	Flake	Johnson, E. B.
Canady	Foglietta	Johnson, Sam
Cannon	Foley	Jones
Cardin	Forbes	Kanjorski
Carson	Ford	Kaptur
Castle	Fossella	Kasich
Chabot	Fowler	Kelly
Chambliss	Fox	Kennedy (MA)
Christensen	Frank (MA)	Kennelly
Clay	Franks (NJ)	Kildee
Clayton	Frelinghuysen	Kilpatrick
Clement	Frost	Kim
Clyburn	Furse	Kind (WI)
Coburn	Gallegly	King (NY)
Combest	Ganske	Kingston
Condit	Gejdenson	Klecza
Conyers	Gekas	Klink
Cook	Gephardt	Knollenberg
Cooksey	Gibbons	Kolbe
Costello	Gilchrest	Kucinich

LaFalce	Northrup	Sherman
LaHood	Norwood	Shimkus
Lampson	Nussle	Shuster
Lantos	Oberstar	Sisisky
Largent	Obey	Skaggs
Latham	Olver	Skeen
LaTourette	Ortiz	Skelton
Lazio	Owens	Slaughter
Leach	Packard	Smith (MI)
Levin	Pallone	Smith (NJ)
Lewis (CA)	Pappas	Smith (OR)
Lewis (GA)	Parker	Smith (TX)
Lewis (KY)	Pascrell	Smith, Adam
Linder	Pastor	Smith, Linda
Lipinski	Paxon	Snowbarger
Livingston	Payne	Snyder
LoBiondo	Pease	Solomon
Lofgren	Pelosi	Souder
Lowey	Peterson (MN)	Spratt
Lucas	Peterson (PA)	Stabenow
Luther	Petri	Stark
Maloney (CT)	Pickett	Stenholm
Maloney (NY)	Pitts	Stokes
Manton	Pomeroy	Strickland
Manzullo	Porter	Stupak
Markey	Portman	Sununu
Martinez	Poshard	Talent
Mascara	Price (NC)	Tanner
Matsui	Pryce (OH)	Tauscher
McCarthy (MO)	Quinn	Tauzin
McCarthy (NY)	Radanovich	Thomas
McCollum	Rahall	Thompson
McCrary	Ramstad	Thornberry
McDade	Rangel	Thune
McGovern	Redmond	Thurman
McHale	Regula	Tiahrt
McHugh	Reyes	Tierney
McInnis	Riggs	Torres
McIntosh	Rivers	Towns
McIntyre	Rodriguez	Towns
McKeon	Roemer	Turner
McKinney	Rogan	Upton
McNulty	Rogers	Velazquez
Meehan	Rohrabacher	Vento
Meek	Ros-Lehtinen	Visclosky
Menendez	Rothman	Walsh
Mica	Roybal-Allard	Wamp
Millender-	Royce	Waters
McDonald	Rush	Watkins
Miller (CA)	Ryun	Watt (NC)
Miller (FL)	Sabo	Watts (OK)
Minge	Sanchez	Waxman
Mink	Sanders	Weldon (FL)
Moakley	Sandlin	Weldon (PA)
Mollohan	Sanford	Weller
Moran (KS)	Sawyer	Wexler
Moran (VA)	Saxton	White
Morella	Schaefer, Dan	Whitfield
Murtha	Schaefer, Bob	Wicker
Myrick	Schumer	Wise
Nadler	Scott	Wolf
Neal	Sensenbrenner	Woolsey
Nethercutt	Serrano	Wynn
Neumann	Shaw	Young (AK)
Ney	Shays	

NAYS—21

Barr	Goode	Shadegg
Barton	Hefley	Spence
Bonilla	Hill	Stearns
Chenoweth	Paul	Stump
Coble	Pombo	Taylor (MS)
Collins	Scarborough	Traficant
Deal	Sessions	Young (FL)

NOT VOTING—19

Bono	Kennedy (RI)	Roukema
Boyd	Klug	Salmon
Brown (OH)	McDermott	Schiff
Cubin	Metcalf	Taylor (NC)
Gillmor	Oxley	Yates
Gonzalez	Pickering	
Jenkins	Riley	

□ 1908

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. BONO. Mr. Speaker, on rollcall No. 624, on a motion to suspend the Rules and pass H.R. 1129, the Microcredit for Self-Reliance Act, I am not recorded. Had I been present, I would have voted "aye."

PERSONAL EXPLANATION

Mr. BOYD. Mr. Speaker, earlier in the evening, I was unavoidably detained and missed rollcall No. 624, which was H.R. 1129. Mr. Speaker, had I voted on that, I would have voted yes.

EXPRESSING SENSE OF CONGRESS WITH RESPECT TO GERMAN GOVERNMENT'S DISCRIMINATION AGAINST MEMBERS OF MINORITY RELIGIOUS GROUPS

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the concurrent resolution, House Concurrent Resolution 22, as amended. The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York [Mr. GILMAN] that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 22, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 101, nays 318, answered "present" 4, not voting 10, as follows:

[Roll No. 625]
YEAS—101

Abercrombie	Ford	Millender-
Andrews	Fox	McDonald
Becerra	Frost	Ney
Bilbray	Gejdenson	Owens
Bilirakis	Gephardt	Pallone
Bishop	Gilman	Pappas
Bonior	Gutierrez	Pastor
Bono	Gutknecht	Payne
Brown (FL)	Hall (OH)	Portman
Calvert	Hastings (FL)	Pryce (OH)
Carson	Hilliard	Roemer
Chabot	Horn	Rogan
Christensen	Hulshof	Rohrabacher
Clay	Hutchinson	Ros-Lehtinen
Clayton	Jackson (IL)	Rothman
Clyburn	Jackson-Lee	Royce
Conyers	(TX)	Rush
Cox	Johnson (CT)	Salmon
Cummings	Johnson, E. B.	Sanford
Cunningham	Kelly	Scarborough
Davis (IL)	Kennelly	Schaffer, Bob
Davis (VA)	Kildee	Sherman
DeGette	Kilpatrick	Slaughter
Delahunt	Kim	Stokes
DeLauro	LaTourette	Thompson
Dellums	Lewis (CA)	Tiahrt
Deutsch	Maloney (CT)	Torres
Diaz-Balart	Maloney (NY)	Towns
Doolittle	Martinez	Waters
Dreier	McIntosh	Watt (NC)
Engel	McKinney	Weller
Ensign	Meek	Wexler
Fattah	Menendez	Wicker
Flake	Metcalf	Wynn
Foley		

NAYS—318

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

Bentsen	Hayworth	Pascrell
Bereuter	Hefley	Paul
Berman	Hefner	Paxon
Berry	Heger	Pease
Blagojevich	Hill	Pelosi
Bliley	Hilleary	Peterson (MN)
Blumenauer	Hinchev	Peterson (PA)
Blunt	Hinojosa	Petri
Boehlert	Hobson	Pickett
Boehner	Hoekstra	Pitts
Bonilla	Holden	Pombo
Borski	Hooley	Pomeroy
Boswell	Hostettler	Porter
Boucher	Houghton	Poshard
Boyd	Hyde	Price (NC)
Brady	Inglis	Quinn
Brown (CA)	Istook	Radanovich
Brown (OH)	Jefferson	Rahall
Bryant	Jenkins	Ramstad
Bunning	John	Rangel
Burr	Johnson (WI)	Redmond
Burton	Johnson, Sam	Regula
Buyer	Jones	Reyes
Callahan	Kanjorski	Riggs
Camp	Kaptur	Rivers
Campbell	Kasich	Rodriguez
Canady	Kennedy (MA)	Rogers
Cannon	Kennedy (RI)	Roybal-Allard
Castle	Kind (WI)	Ryun
Chambliss	King (NY)	Sabo
Chenoweth	Clement	Sanchez
Clemer	Coble	Sanders
Coble	Coburn	Sandlin
Coburn	Collins	Sawyer
Collins	Combest	Saxton
Combest	Condit	Schaefer, Dan
Condit	Cook	Schumer
Cook	Cooksey	Scott
Cooksey	Costello	Sensenbrenner
Costello	Coyne	Serrano
Coyne	Cramer	Sessions
Cramer	Crane	Shadegg
Crane	Crapo	Shaw
Crapo	Danner	Shays
Danner	Davis (FL)	Shimkus
Davis (FL)	Deal	Shuster
Deal	DeFazio	Sisisky
DeFazio	DeLay	Skaggs
DeLay	Dickey	Skeen
Dickey	Dicks	Skelton
Dicks	Dingell	Smith (MI)
Dingell	Dixon	Smith (NJ)
Dixon	Doggett	Lucas
Doggett	Dooley	Smith (OR)
Dooley	Doyle	Smith (TX)
Duncan	Dunham	Smith, Adam
Dunn	Edwards	Smith, Linda
Edwards	Ehlers	Snowbarger
Ehlers	Ehrlich	Snyder
Ehrlich	Emerson	Solomon
Emerson	Emshoo	Souder
Emshoo	Etheridge	Spence
Etheridge	Evans	Spratt
Evans	Everett	Stabenow
Everett	Ewing	Stark
Ewing	Farr	Stearns
Farr	Fawell	Stenholm
Fawell	Fazio	Strickland
Fazio	Finer	Stump
Finer	Foglietta	Stupak
Foglietta	Forbes	Sununu
Forbes	Fossella	Talent
Fossella	Fowler	Tanner
Fowler	Frank (MA)	Tauscher
Frank (MA)	Franks (NJ)	Tauzin
Franks (NJ)	Frelinghuysen	Taylor (MS)
Frelinghuysen	Furse	Taylor (NC)
Furse	Gallegly	Thomas
Gallegly	Ganske	Thornberry
Ganske	Gekas	Thune
Gekas	Gibbons	Thurman
Gibbons	Gilchrist	Tierney
Gilchrist	Goode	Trafigant
Goode	Goodlatte	Turner
Goodlatte	Goodling	Upton
Goodling	Gordon	Velazquez
Gordon	Goss	Vento
Goss	Graham	Visclosky
Graham	Granger	Walsh
Granger	Green	Wamp
Green	Greenwood	Watkins
Greenwood	Hall (TX)	Watts (OK)
Hall (TX)	Hamilton	Waxman
Hamilton	Hansen	Weldon (FL)
Hansen	Harman	Weldon (PA)
Harman	Hastert	Weygand
Hastert	Hastings (WA)	White
Hastings (WA)		

Whitfield	Wolf	Young (AK)
Wise	Woolsey	Young (FL)

ANSWERED "PRESENT"—4

Cardin	Hoyer
English	Kucinich

NOT VOTING—10

Cubin	McDermott	Schiff
Gillmor	Pickering	Yates
Gonzalez	Riley	
Klug	Roukema	

□ 1918

Mr. HERGER changed his vote from "yea" to "nay."

Mrs. MEEK of Florida, Mr. CALVERT, and Mrs. KELLY changed their vote from "nay" to "yea."

So (two-thirds not having voted in favor thereof) the motion was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. PICKERING. Mr. Speaker, on rollcall Nos. 624 and 625, I was unavoidably detained. Had I been present, I would have voted "yes" on rollcall 624 and "no" on rollcall 625.

EXPO 2000

The SPEAKER pro tempore (Mr. PETRI). The pending business is the question of suspending the rules and agreeing to the concurrent resolution, House Concurrent Resolution 139, as amended.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Nebraska [Mr. BEREUTER] that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 139, as amended, on which the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 415, nays 2, not voting 16, as follows:

[Roll No. 626]
YEAS—415

Abercrombie	Blunt	Chambliss
Ackerman	Boehlert	Chenoweth
Aderholt	Boehner	Christensen
Allen	Bonilla	Clay
Andrews	Bonio	Clayton
Archer	Borski	Clement
Bachus	Boswell	Clyburn
Baessler	Boucher	Coble
Baker	Boyd	Coburn
Baldacci	Brady	Collins
Ballenger	Brown (CA)	Combest
Barcia	Brown (FL)	Condit
Barrett (NE)	Brown (OH)	Conyers
Barrett (WI)	Bryant	Cook
Bartlett	Bunning	Cooksey
Barton	Burr	Costello
Bass	Burton	Cox
Bateman	Buyer	Coyne
Becerra	Callahan	Cramer
Berman	Calvert	Crane
Berry	Camp	Crapo
Bilbray	Campbell	Cummings
Bilirakis	Canady	Cunningham
Bishop	Cannon	Danner
Blagojevich	Cardin	Davis (FL)
Bliley	Carson	Davis (IL)
Blumenauer	Castle	Davis (VA)
	Chabot	Deal
		DeFazio

DeGette Johnson (CT)
 Delahunt Johnson (WI)
 DeLauro Johnson, E. B.
 Dellums Johnson, Sam
 Deutsch Jones
 Diaz-Balart Kanjorski
 Dickey Kaptur
 Dicks Kasich
 Dingell Kelly
 Dixon Kennedy (MA)
 Doggett Kennedy (RI)
 Dooley Kennelly
 Doolittle Kildee
 Doyle Kilpatrick
 Dreier Kim
 Duncan Kind (WI)
 Dunn King (NY)
 Ehlers Kingston
 Ehrlich Kleczka
 Engel Klink
 English Knollenberg
 Ensign Kolbe
 Eshoo Kucinich
 Etheridge LaFalce
 Evans LaHood
 Everett Lampson
 Ewing Lantos
 Farr Largent
 Fattah Latham
 Fawell LaTourette
 Fazio Lazio
 Filner Leach
 Flake Levin
 Foglietta Lewis (CA)
 Foley Lewis (GA)
 Forbes Lewis (KY)
 Ford Rogers
 Fossella Lipinski
 Fowler Livingston
 Fox LoBiondo
 Frank (MA) Lofgren
 Franks (NJ) Lowey
 Frelinghuysen Lucas
 Frost Luther
 Furse Maloney (CT)
 Gallegly Maloney (NY)
 Ganske Manton
 Gejdenson Manzullo
 Gekas Markey
 Gephardt Martinez
 Gibbons Mascara
 Gilchrest Matsui
 Gilman McCarthy (MO)
 Goode McCarthy (NY)
 Goodlatte McCollum
 Goodling McCrery
 Gordon McDade
 Goss McGovern
 Graham McHale
 Granger McHugh
 Green McClinnis
 Greenwood McIntosh
 Gutierrez McIntyre
 Gutknecht McKeon
 Hall (OH) McKinney
 Hall (TX) McNulty
 Hamilton Meehan
 Hansen Meek
 Harman Menendez
 Hastert Metcalf
 Hastings (FL) Mica
 Hastings (WA) Millender
 Hayworth McDonald
 Hefley Miller (CA)
 Hefner Miller (FL)
 Hergert Minge
 Hill Mink
 Hilleary Moakley
 Hilliard Mollohan
 Hinchey Moran (KS)
 Hinojosa Moran (VA)
 Hobson Morella
 Hoekstra Murtha
 Holden Myrick
 Hooley Nadler
 Horn Neal
 Hostettler Nethercutt
 Houghton Neumann
 Hoyer Ney
 Hulshof Northup
 Hunter Norwood
 Hutchinson Nussle
 Hyde Oberstar
 Inglis Obey
 Istook Olver
 Jackson (IL) Ortiz
 Jefferson Owens
 Jenkins Oxley
 John Packard

Pallone
 Pappas
 Parker
 Pascrell
 Pastor
 Paul
 Paxon
 Payne
 Pease
 Pelosi
 Peterson (MN)
 Peterson (PA)
 Petri
 Pickering
 Pickett
 Pitts
 Pombo
 Pomeroy
 Porter
 Poshard
 Price (NC)
 Pryce (OH)
 Quinn
 Radanovich
 Rahall
 Ramstad
 Rangel
 Redmond
 Regula
 Reyes
 Riggs
 Rivers
 Rodriguez
 Roemer
 Rogan
 Rogers
 Rohrabacher
 Ros-Lehtinen
 Rothman
 Roybal-Allard
 Royce
 Rush
 Ryan
 Sabo
 Salmon
 Sanchez
 Sanders
 Sandlin
 Sanford
 Sawyer
 Saxton
 Scarborough
 Schaefer, Dan
 Schaffer, Bob
 Schumer
 Scott
 Sensenbrenner
 Serrano
 Sessions
 Shadegg
 Shaw
 Shays
 Sherman
 Shimkus
 Shuster
 Siskisky
 Skaggs
 Skeen
 Skelton
 Slaughter
 Smith (MI)
 Smith (NJ)
 Smith (OR)
 Smith (TX)
 Smith, Adam
 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
 Wicker
 Wise
 Wolf
 Woolsey
 Wynn
 Young (AK)
 Young (FL)

NAYS—2

Barr Jackson-Lee
(TX)

NOT VOTING—16

Arney Gonzalez
 Cubin Klug
 DeLay McDermott
 Edwards Portman
 Emerson Riley
 Gillmor Roukema

□ 1926

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

The title of the concurrent resolution was amended so as to read: "A concurrent resolution expressing the sense of Congress that the United States should fully participate in EXPO 2000 in the year 2000, in Hannover, Germany, and should encourage the academic community and the private sector in the United States to support this worthwhile undertaking."

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mrs. LINDA SMITH of Washington. Mr. Speaker, on rollcall No. 626, I was unavoidably detained. Had I been present, I would have voted "yes."

PERSONAL EXPLANATION

Mr. PORTMAN. Mr. Speaker, I missed the vote on rollcall No. 626, the sense of Congress regarding U.S. participation in EXPO 2000 in Hannover, Germany. Had I been present, I would have voted "yes."

□ 1930

FURTHER CONTINUING APPROPRIATIONS, 1998

Mr. LIVINGSTON. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations be discharged from further consideration of the joint resolution (H.J. Res. 104) making further continuing appropriations for the fiscal year 1998, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

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

Mr. OBEY. Reserving the right to object, Mr. Speaker, under my reservation it is my understanding that the gentleman is attempting to bring to

the House a 1-day CR. I would like to ask a number of questions so that all Members might understand where we are at and where we expect to be about 2 days from now.

Could I first inquire if the gentleman could inform Members what the expected schedule is tonight?

Mr. LIVINGSTON. Mr. Speaker will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Louisiana.

Mr. LIVINGSTON. Mr. Speaker, the Majority Leader does not appear to be on the floor, and I am not prepared to address the entire schedule. I do know that it is the intent of the leadership to bring up the fast track some time tonight, and the appropriations bills that remain have to be taken up. Included among them are the Commerce-Justice-State bill, which is being conferred, as the gentleman knows, simultaneously with the activities on the floor. The District of Columbia bill, which passed the House, is being entertained by the Senate, and the foreign operations bill is pending, having been fully conferred, and is awaiting the decision to move forward with many issues, among them being the U.N. population planning issue.

Mr. OBEY. Further reserving the right to object, Mr. Speaker, and I really do not want to object, but my leadership on this side of the aisle has asked that we try to elicit some understanding of what the schedule is tonight. Members have a right to know what the expectation is about when fast track is going to be taken up, they have a right to know whether further legislation will be taken up after fast track tonight, and they also have a right to know whether we are intending to be here tomorrow, whether Members will, in fact, be able to get back for Veterans Day or not, whether there are going to be further conferences tonight.

Mr. Speaker, I would ask is there not someone from the leadership on the gentleman's side of the aisle who can tell us what the story is, because, frankly, I have had two or three Members over here who are indicating they are inclined to object to consideration of the CR without that information.

Mr. LIVINGSTON. Would the gentleman yield further?

Mr. OBEY. Mr. Speaker, I yield to the gentleman from Louisiana.

Mr. LIVINGSTON. Mr. Speaker, I certainly share the gentleman's zeal to end the process and to finish this session of the 105th Congress, and I know that Members have lots of things that they would like to do and simply to return to home.

However, I might add that if the gentleman objects, the fact is that we will not have a continuing resolution to keep the Government in operation after midnight tonight, and certain Government activities will close down.

Mr. OBEY. Mr. Speaker, if I could reclaim my time under the reservation, let me simply say that is not so. The

question is not whether we object. The question is whether somebody can take 5 minutes to tell us. I mean, the motion can be renewed at any time, but, frankly, the gentleman from Louisiana and I are totally in the dark about what is happening, I think every other Member here is totally in the dark about what is happening, and I think Members have some right to know what the situation is. And so I would again ask whether anyone from the gentleman's leadership can tell us what the plans are for tonight, for tomorrow and for Veterans Day.

Mr. LIVINGSTON. Would the gentleman yield further?

Mr. OBEY. I yield to the gentleman from Louisiana.

Mr. LIVINGSTON. Mr. Speaker, I am advised and would explain to the gentleman that the intent of the House is to go ahead and continue along a very long list of suspensions, and that eventually we will get to the vote on the fast track legislation. The gentleman knows that that vote is going to be very close, and so I would expect that when people on all sides of the Capitol feel that they have exhausted their opportunity to discuss it with Members, that they will bring it up. But in the meantime we have these suspensions, and I would be happy to read them to the gentleman, but I do not think that is necessary.

But let me point out that all we are attempting to do at this point is to provide for a 24-hour extension so that Government will not close down after midnight tonight. That is a 1-day extension with all of the conditions which were included in the previous continuing resolution which we passed 2 days ago. It is a simple 1-day extension.

I hope, I sincerely hope, that at the conclusion of that 24 hours, we will be able to go home and we will not have to have any more CRs. But I cannot assure the gentleman of anything at this point.

Mr. OBEY. Again under any reservation let me simply say I, too, hope that we can finish in 24 hours, but, frankly, I do not approach this like I am a permanent president of an optimist club, and it just seems to me that we have massive confusion here.

Let me ask the gentleman, does the gentleman know how many bridges the administration has given away today to try to pick up votes?

Mr. LIVINGSTON. This gentleman does not have sufficient fingers to count.

Ms. KAPTUR. Mr. Speaker, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Ohio.

Ms. KAPTUR. Mr. Speaker, I think today was roads, highways, not bridges today.

Mr. LIVINGSTON. Mr. Speaker, will the gentleman yield further?

Mr. OBEY. I yield to the gentleman from Louisiana.

Mr. LIVINGSTON. Mr. Speaker, I would point out to the gentleman that

currently signed into law in the 1998 appropriations cycle is the military construction bill, the legislative branch bill, the Defense bill, the Treasury bill, the energy and water bill, the VA/HUD bill and the Transportation bill.

Cleared for the President, and sitting on his desk and awaiting his signature are the Interior and the Agriculture bill, and just a couple days ago we passed the Labor-Health bill with an overwhelming margin, and we would expect him to sign that.

Remaining are three appropriations bills: foreign operations, Commerce-Justice, and District of Columbia. They are pending in the process, and I fully expect and hope that within the next 24 hours we are going to be able to take up those bills and pass them and send them to the President, and he is going to sign them into law. It is my expectation that if we are so lucky, after this, the expiration of this 24-hour continuing resolution, we would be able to go back and do the things among our constituents that we have planned.

Mr. OBEY. Again under my reservation of objection, Mr. Speaker, let me simply explain to the Members what I understand is happening with respect to one of the appropriation bills.

The State-Justice bill has a number of contentious items. Frankly, right now, although there is language which apparently may meet with the approval of the administration, we have a meeting going on right now with a number of lawyers to try to decipher what that language is and to see whether or not we can work our way to agreement on that. If we can, I would grant that there is the possibility of going to conference tonight without a lot of problems on the State-Justice bill.

But we still have confusion about the other two bills.

Let me ask, does the gentleman know of any other so-called compromise language which is circulating with respect to Mexico City? There are rumors rampant about different language being floated by the administration, by somebody else. Has the gentleman been given any language that would effect the Mexico City provisions of the foreign operations bill?

Mr. LIVINGSTON. If the gentleman would yield further, the only language that I know about is the language that was sent to the Senate, and I am told that the Senate has some language of their own which they are sending back to us. But beyond those two sets of language, I know of none.

Mr. OBEY. Could the gentleman further tell us, under my reservation of objection, what are the plans for handling the D.C. appropriations bill?

Mr. LIVINGSTON. Mr. Speaker, it was our intent to receive some notification from the Senate in handling the D.C. bill individually; however, it looks as if the Senate is currently acting on a proposal that might join all three bills and send it back to us. We would

expect that if that is the case, we would receive it sometime tonight and that we would act on either a joint bill, sometimes known as an omnibus bill, which would include all three appropriations bills, or we would handle each of them individually.

I would tell the gentleman it would be my preference if we can conclude the Commerce-Justice-State, conference, then we can take that up this evening, or tomorrow.

Mr. OBEY. If I can just, under my reservation of objection again, note that I am informed that so far staff has found at least 50 mistakes in the Senate version of the State-Justice-Commerce bill as it was sent over here. I am not saying that by way of criticizing, I am saying that by way of alerting Members to the fact that it is essential that we have enough time to read out those bills at a staff level, and perhaps Members of the leadership who have not served as committee chairs do not sufficiently appreciate the need to make certain that we have these things right before we proceed.

But my concern is that a lot of Members want to know whether they should cancel their Veterans Day plans. If they are going to be back in their districts for Veterans Day, they are going to have to leave here Monday. We are being told that people should expect to be here Monday, and I think, frankly, I doubt very much that a 1-day CR is going to be enough, and I would ask why we have not just proceeded with a CR that is 4 or 5 days so that Members would have some clarity about what is going to happen on Veterans Day.

Mr. LIVINGSTON. Mr. Speaker, the gentleman has explained that he is not a member of the optimist club, and I have to tell the gentleman that I am an eternal optimist and that it is my hope that all of our business can, in fact, be concluded by at least this time tomorrow night and that Members will be back in their districts by Tuesday. But obviously in view of the uncertainty of the bills before us, it is impossible to give the gentleman a guarantee.

Mr. OBEY. Mr. Speaker, I guess under my reservation of objection again, I guess I would simply say that this is not the most organized way to end the session that I have ever seen, and I would simply ask that before any actions are taken with respect to any of the three appropriation bills, that both our leadership and the ranking members on each of those subcommittees be given ample time so that whatever changes might be contemplated by the minority to the greatest extent possible can be cleared with our side so that we do not run into some last-minute blowups.

Mr. Speaker, we are not going to elicit any information.

Mr. LIVINGSTON. Mr. Speaker, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Louisiana.

Mr. LIVINGSTON. I just wanted to assure the gentleman that it is my intention that not only our joint leaderships, but that the gentleman and I and the respective subcommittee chairmen from both the majority and the ranking minority members have full opportunity to review all proposals before they hit the floor and that the staff has adequate time to read it and make sure that mistakes are not made.

The fact is that the committees are working, and especially, I think, the Committee on Appropriations in this instance is working as expeditiously and efficiently as is absolutely possible under rather uncertain conditions, and I am proud of the job we are doing. I am just not able to give the gentleman any guarantees about the ultimate schedule.

Mr. ROGERS. Mr. Speaker, will the gentleman yield?

Mr. OBEY. Again, further reserving the right to object, Mr. Speaker, I yield to the gentleman.

Mr. ROGERS. Mr. Speaker, the gentleman from Wisconsin and the chairman of the committee is correct. Just on the Commerce-State-Justice bill it will take 12 or 13 hours of staff time just to read through, to proofread, that one bill.

□ 1945

So we need a lot of lead time. We have been trying to pre-read the portions that are more or less agreed to. But even in spite of that, it is going to take that long a period of time, just to read on the one bill.

Mr. OBEY. Mr. Speaker, continuing my reservation, let me simply make this point, I think we have terrific staff on the Committee on Appropriations. But as good as they are, they are likely to make some significant mistakes if they are reading out these bills when they have been strung out through night after night with virtually no rest.

It seems to me that if there is not a reasonable expectation that we can finish, that we ought to recognize that so that Members can get some sleep. My observation is that this place usually works better and the Members get along better with each other when their tails are not dragging, and everybody's are, as far as I can see right now, and certainly the staff.

Mr. Speaker, we are not going to get any more information, but what we have been told so far is that the fast-track legislation is going to come up sometime tonight, that we may or may not be moving ahead with other appropriation bills, and, if we do move ahead with them, they may or may not be in an omnibus form, and we do not really have any idea at this point how long it is going to take to read out these bills or to bring them to the Congress in a form which is safe for Members to vote on.

Under those circumstances, I would simply say I am dubious that a one-day CR is going to solve anything.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The text of House Joint Resolution 104 is as follows:

H.J. RES. 104

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That section 106(3) of Public Law 105-46 is further amended by striking "November 9, 1997" and inserting in lieu thereof "November 10, 1997", and each provision amended by sections 122 and 123 of such public law shall be applied as if "November 10, 1997" was substituted for "October 23, 1997".

The SPEAKER pro tempore (Mr. PETRI). Without objection, the joint resolution is considered and passed.

There was no objection.

A motion to reconsider was laid on the table.

CONFERENCE REPORT ON S. 830, FOOD AND DRUG ADMINISTRATION MODERNIZATION ACT OF 1997

Mr. BLILEY. Mr. Speaker, I move to suspend the rules and agree to the conference report on the Senate bill (S. 830) to amend the Federal Food, Drug and Cosmetic Act and the Public Health Service Act to improve the regulation of food, drugs, devices, and biological products, and for other purposes.

(For conference report and statement, see prior proceedings of the House of today.)

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia [Mr. BLILEY] and the gentleman from Michigan [Mr. DINGELL] each will control 20 minutes.

The Chair recognizes the gentleman from Virginia [Mr. BLILEY].

GENERAL LEAVE

Mr. BLILEY. 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 remarks on the conference report on S. 830.

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

There was no objection.

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

Mr. Speaker, today we stand on the verge of medical advances that will revolutionize the quality of health care in America, and today we make the promise of better medicines and treatments a reality for millions of Americans. The bipartisan conference agreement reached earlier this afternoon to modernize the FDA is a victory for American patients.

After almost 3 years of work by the Committee on Commerce, we have delivered a piece of legislation that will do more to help patients than any legislation passed in decades. When we first discussed the need to modernize the FDA in 1995, we knew that outdated rules were slowing down the vital work of the agency and that patients

were the ones who were suffering. Vital new medicines and medical devices were not getting to the patients who needed them quickly enough.

As I said back then, it is not right that American patients are having to go overseas to get the care they need to stay alive. Congress had to act. Our FDA reform team conducted the most extensive legislative outreach in recent memory. Literally thousands of hours were devoted to reaching out to all corners of the country. Our goal then was to achieve a balanced legislation, legislation that the President would be eager to sign.

Today we have fulfilled our objectives. This agreement will result in a better and more efficient FDA. It will enhance the safety of the medicines we take and the medical devices we use and the foods we feed our children. Medicines will be approved faster, medical devices will get to people sooner, and those with life-threatening diseases will have access to the best experimental new drugs that science can provide. That is important, because when you are sick, when you are suffering, every minute counts.

Some of my colleagues deserve special praise and thanks. Their work on this issue has been tireless, and the credit for this legislation belongs to them. The members of our FDA reform team, the chairman of our Subcommittee on Health and Environment, the gentleman from Florida [Mr. BILIRAKIS], along with the gentleman from Pennsylvania [Mr. GREENWOOD], the gentleman from North Carolina [Mr. BURR], the gentleman from Texas [Mr. BARTON], and the gentleman from Kentucky [Mr. WHITFIELD].

I also want to reach across the aisle to thank our friends, the gentlewoman from California [Ms. ESHOO], the gentleman from New York [Mr. TOWNS], and the gentleman from Texas [Mr. HALL], and all our ranking members, the gentleman from Michigan [Mr. DINGELL] and the gentleman from Ohio [Mr. BROWN], for their invaluable contributions to this effort. And to our colleagues over in the Senate, Senators JEFFORDS and KENNEDY.

I also want to thank my committee staff, Howard Cohen, Eric Berger, and Roger Currie, as well as the personal staffs of the FDA reform team, Patti DeLoache with the gentleman from Florida [Mr. BILIRAKIS], Mora Guarducci with the gentleman from Pennsylvania [Mr. GREENWOOD], Alyson Neuman with the gentleman from North Carolina [Mr. BURR], Beth Hall with the gentleman from Texas [Mr. BARTON], Pete Bizzozero with the gentleman from Wisconsin [Mr. KLUG], and Tim Taylor with the gentleman from Kentucky [Mr. WHITFIELD].

I would also like to extend my gratitude to the able and hard-working legislative counsels who helped craft this measure: David Meade, Pete Goodloe, and Liz Aldridge.

Finally, I would like to express my sincere gratitude for the hard work and dedication of minority counsel Kay Holcombe. She is leaving us at the end of this session, and, believe me, she will be greatly missed, not just by the gentleman from Michigan [Mr. DINGELL] but by this chairman as well.

They should all be proud of a job very well done. The American people thank them, and so do I.

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

Mr. DINGELL. Mr. Speaker, I yield myself 4 minutes.

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

Mr. DINGELL. Mr. Speaker, from the beginning, our goal in reforming Food and Drug has been to benefit patients and people. We can talk about a lot of things, but when we get right down to it, the question is keeping people safe, seeing to it that foods, drugs, cosmetics, devices and other things which are regulated by Food and Drug which are absolutely essential to the life of people are safe and that they come quickly to market.

The bill does a number of things. First, it reauthorizes the Prescription Drug User Fee Act. This is a program that has given FDA the resources needed to approve drugs in a way that none of us would have anticipated 10 years ago. Today, new drugs are reviewed by FDA in a year or less. Drugs essential for people with serious and life-threatening illnesses are reviewed in 6 months or less. This is enormous progress.

The bill authorizes a clinical trials data bank that would be established through the National Library of Medicine at NIH. Patients with serious illnesses will be able to get critical information about experimental therapies being tested in clinical trials.

The bill codifies a number of procedures that FDA developed over the years to expand access to experimental drugs and medical devices to people with serious illnesses and emergency situations through so-called expanded access protocols.

Market incentives are included in this bill to encourage companies to produce pediatric studies of drugs, so that the labeling of these products will be useful to pediatricians. Today, most of these drugs prescribed for children have no proper pediatric label. The bill remedies this situation. I expect the FDA will use this new authority carefully to avoid detrimental impact on the availability of generic drugs.

The medical device provisions of the legislation have been the most controversial and difficult. I am pleased that the conference report includes provisions based on a careful consideration of two goals: Expediting the availability of new, sophisticated products; and protecting patients from medical devices that are either unsafe or not effective.

The bill gives the FDA the ability to streamline its evaluation of medical

devices, but without compromising its ability to make absolutely sure that the products are safe, that they work the way they are supposed to be, and are labeled properly.

I am also pleased the conference report retains two significant provisions from the House bill. One makes certain FDA will not be forced to approve a product the agency knows the manufacturer cannot make according to good manufacturing practices. The second ensures that FDA can evaluate all aspects of a new medical device, not just the ones that the manufacturer chooses to include in the label.

I am concerned, Mr. Speaker, that while we are busy reforming the Food and Drug Administration, we put a number of burdens on the agency and that the potential to interfere with the review and approval of new products is real. I am also concerned that the speed which is required may have an element of risk for the consuming public for patients and for people involved in health care.

Mr. Speaker, I want to commend and thank my good friend and colleague, the gentleman from Virginia [Mr. BLILEY], for his excellent work on this important legislation and for his leadership in what has been a truly bipartisan effort.

In addition, the work of the subcommittee chairman, the gentleman from Florida [Mr. BILIRAKIS], was essential to the success of the effort, as were the labors of the gentlewoman from California [Ms. ESHOO], the gentleman from Texas [Mr. BARTON], the gentleman from California [Mr. WAXMAN], the gentleman from Ohio [Mr. BROWN], the gentleman from Pennsylvania [Mr. KLINK], the gentleman from North Carolina [Mr. BURR], the gentleman from Pennsylvania [Mr. GREENWOOD], and the gentleman from Kentucky [Mr. WHITFIELD].

Our Senate colleagues, Senators JEFFORDS, KENNEDY, and COATS worked very hard.

The staff of the committee, Howard Cohen, Eric Berger, Roger Currie, and the staff of the conferees, Kevin Brennan, Paul Kim, Emmett O'Keefe, Pattie DeLoache, Alyson Neuman, Beth Hall, Mora Guarducci, and Tim Taylor were valuable and important in the accomplishments of this legislation, as were the tireless efforts of David Meade and Peter Goodloe of House Legislative Counsel and Elizabeth Aldrich of Senate Legislative Counsel.

I want to refer to the work done by my dear friend and our valuable staff member, Kay Holcombe, who will be leaving us at the end of this year. Simply put, without her labors, we would not have achieved the consensus FDA bill that we have before us today. It took a great deal of effort on her part, her unquestioned integrity, her considerable intelligence, her extensive expertise, and her legislative tenacity to help us get to the point where we are.

The legislation is a fitting capstone to the labors of all who have partici-

pated, but especially to Kay's distinguished career in public service and her 4 years with the staff of the Democratic part of the committee. Her retirement is a loss to all.

This is a fine piece of legislation. I urge my colleagues to support it.

Mr. BLILEY. Mr. Speaker, I yield 5 minutes to the gentleman from Florida [Mr. BILIRAKIS], the very able chairman of the Subcommittee on Health and Environment of the Committee on Commerce.

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

Mr. Speaker, I rise, of course, in support of the conference report. As chairman of the subcommittee of jurisdiction, I believe the conference report represents our best effort in many years to improve the health and safety of all Americans.

In short, this comprehensive law will chart a new course in public protection, allowing the Government to fulfill its obligation to protect the public health without undue delay, while ensuring that we preserve the economic incentives inherent in our free market system. Although it has taken many months, indeed, many years of hard work, this legislation represents a bipartisan effort to work through our political differences and resolve contentious issues.

Over the last 3 years, Mr. Speaker, the Committee on Commerce and my Subcommittee on Health and Environment in particular have produced a number of landmark bills which have enjoyed support from both sides of the aisle.

Last year, for example, the Subcommittee on Health and Environment produced the innovative Food Quality Protection Act and legislation to substantially improve the operation of the Safe Drinking Water Act. In addition, my subcommittee crafted a health insurance portability act to make basic reforms to the health insurance system and worked on the Balanced Budget Act of 1997 to include the new children's health care program and important reforms to the Medicare and Medicaid programs.

□ 2000

We also reauthorized the Ryan White Act, thus authorizing Federal dollars to States for HIV education, prevention and health service programs. I am very proud of these important accomplishments, particularly because they were done in a bipartisan way.

The foundation of the present FDA bill was developed during the last Congress, and from the beginning, our effort has been an open process, open to anyone interested in FDA reform. Our committee conducted 17 separate formal hearings on FDA reform and FDA-related issues. This represents 72 hours, 44 minutes, and 2,094 pages of testimony.

There are many who deserve credit for bringing this legislation to the

floor today, several Committee on Commerce members in particular: The gentleman from Pennsylvania [Mr. GREENWOOD]; the gentleman from North Carolina [Mr. BURR]; the gentleman from Texas [Mr. BARTON]; the gentleman from Wisconsin [Mr. KLUG]; the gentleman from Kentucky [Mr. WHITFIELD]; the gentleman from Ohio [Mr. BROWN]; the gentlewoman from California [Ms. ESHOO]; the gentleman from California [Mr. WAXMAN]; the gentleman from Pennsylvania [Mr. KLINK]; the gentleman from Texas [Mr. HALL]; the gentleman from New York [Mr. TOWNS], along with our personal staffs who have dedicated many long hours to this bill. However, it was the leadership and direction, of course, of the gentleman from Virginia [Mr. BLILEY], our full committee chairman, and the gentleman from Michigan [Mr. DINGELL], our ranking minority member, which enabled us to bring the consensus bill before the House today. At the beginning of this Congress the chairman of the full committee made it clear that he wanted action to FDA legislation and his determination to see this through has been a guiding force in our deliberations.

In addition, the cooperation of both HHS Secretary Donna Shalala and Acting FDA Commissioner Dr. Michael Friedman during this process enabled us to achieve our ultimate goal of creating thoughtful and practical FDA reform legislation which will be signed into law, I trust, by the President this year.

Finally, I want to acknowledge and thank the most important people, the committee staff on both sides of the aisle, for their dedication and hard work in crafting this important legislation, especially Howard Cohen, Kay Holcombe, who is leaving us, and, boy, are we going to miss her; Rodger Currie, Eric Berger, David Meade, Pete Goodloe and Pattie DeLoache of my personal staff.

I am proud of this legislation, Mr. Speaker. It will reduce the overregulation of research-based businesses while greatly improving the lives of millions of Americans. I believe we have done our work and done it well. I urge my colleagues to support this conference.

Mr. DINGELL. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Ohio [Mr. BROWN].

Mr. BROWN of Ohio. Mr. Speaker, today the House considers the conference report on the reform of the Food and Drug Administration. The debate on FDA reform progressed from irrational and unfounded accusations about FDA's regulation of medical products to much more rational discussions about how to modify this agency's regulatory policies and procedures in a way that will ease unnecessary regulation without reducing essential protections of public health.

I want to commend the gentleman from Virginia [Mr. BLILEY] and the gentleman from Michigan [Mr. DINGELL], the ranking member, and the

gentleman from Florida [Mr. BILIRAKIS], chairman of the subcommittee, for their diligence in holding the House conferees together on issues that this body believed in. I want to commend the tireless work of our staffs, particularly Kay Holcombe and Howard Cohen.

This was not an easy task, particularly in light of the tremendous differences of opinion about what constitutes "unnecessary regulation." To make the system more accessible to consumers, it was necessary to draw a line between creating reasonable public processes and overburdening the FDA with administrative duties that take time away from the most important functions of getting safe and effective new products to market as quickly as possible.

Many argue that FDA reform is essential, because new and improved products were not reaching American consumers quickly enough. The facts simply did not bear this out. The FDA's Center for Devices literally overhauled its operations and dramatically improved its review time for new products. We reached a compromise where critics of this process and the medical device industry can be comfortable.

Perhaps the most important provision included in this legislation is the reauthorization of the Prescription Drug User Fee program. This program has provided the resources that FDA needed to make it the world leader in the review and approval of new drugs. If there were one single reason for Congress to pass this bill today, drug user fees is that reason.

Some of us may not be completely satisfied with the reforms of FDA regulation of generic drugs. I believe, however, that the debate led to some very much needed improvements. While these products are not the so-called miracle drugs we read about in headlines, generic drugs are critically important, because they provide options for physicians and for patients that often are less expensive than brand name products. Generic drugs literally save billions of dollars in health care costs, much of those savings occurring to the Federal Government through Medicaid, Veterans and Department of Defense facilities. In addition, savings in drug costs are important especially for senior citizens who obviously purchase the largest percentage of prescription drugs.

Mr. Speaker, I was especially pleased that a number of issues raised by Democratic members of the subcommittee, chaired by the gentleman from Florida [Mr. BILIRAKIS], were addressed in this legislation. I appreciate the willingness of the bill's sponsors, the gentleman from Virginia [Mr. BLILEY] and the gentleman from Florida [Mr. BILIRAKIS], to engage in these negotiations, and they were able to hold the House position during this conference.

Mr. Speaker, FDA is a remarkably effective agency. I have never been per-

sueded that massive changes in law were needed to correct some dreadful problem lurking under the surface.

I ask my colleagues to pass the conference report.

Mr. BLILEY. Mr. Speaker, I yield 2 minutes to the gentleman from North Carolina [Mr. BURR].

Mr. BURR of North Carolina. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, today we take a historic step towards the future of health care in America. Today we will vote on the conference report for the Food and Drug Administration modernization legislation, originally H.R. 1411 in the House, and now S. 830.

FDA modernization is not radical, it is responsible. It is not senseless, it is safe. For thousands of patients and their families, the FDA has become a cold, inhuman and indifferent bureaucracy with a lagging drug and medical approval process and a culture of unresponsiveness and disconnect. The FDA has become an obstacle in some American families in the hope for new treatments. The FDA, regulating 25 cents of every dollar in the U.S. economy, affects every American family.

This legislation will prepare the agency for technology and medical breakthroughs for the 21st century. This legislation provides hope from the corner store pharmacist who wants to provide the best medication possible to his customers, to the hospital passionately fighting against an outbreak of an antibiotic-resistant bacteria strain, to the rural doctor who desperately seeks medication to treat patients, to the terminally ill cancer patient who has no medical option left in the struggle against a devastating disease.

This legislation in fact puts a human face on the Food and Drug Administration. By infusing common business sense into the daily operation of FDA, we will enable the agency to approve safe drugs more efficiently and to reduce skyrocketing costs of research and development that is bogged down in bureaucratic red tape.

I want to thank the gentleman from Virginia [Mr. BLILEY], the chairman of the committee, Chairman JEFFORDS in the Senate, the gentleman from Florida [Mr. BILIRAKIS], the gentleman from Michigan [Mr. DINGELL], the FDA Reform Task Force, the committee staff, my staff and the Senate staff who literally spent hundreds of hours working on this very important legislation that I believe deserves the support of our entire House membership.

Today we celebrate hope and life. This legislation would not be possible without hundreds of patients who brought their personal stories to Washington. Unfortunately, many of those patients did not live to see this day.

Mr. DINGELL. Mr. Speaker, I yield 3 minutes to the distinguished gentlewoman from California [Ms. ESHOO].

Ms. ESHOO. Mr. Speaker, I thank the gentleman from Michigan [Mr. DINGELL] for yielding me this time.

This evening I rise in strong support of the conference report, and I urge my colleagues to support it as well. Let me start out by acknowledging the leadership, and without the leadership of the gentleman from Virginia [Mr. BLILEY], our committee chairman, the gentleman from Florida [Mr. BILIRAKIS], our subcommittee chairman, and certainly the gentleman from Michigan [Mr. DINGELL], our ranking member, and the gentleman from Ohio [Mr. BROWN] of the subcommittee, and all of the Members from my side of the aisle as well as the majority, we would not come to this moment.

Like all conference reports, it represents a compromise. Nonetheless, the agreement is entirely consistent with the bill which passed the House by a voice vote last month. That is highly unusual for a bill of such substance and such importance to come to the floor and be passed by a voice vote. I am proud of the role that I was able to play in this.

The FDA, I believe, will be a better agency because of this legislation. Drugs and medical devices will get to patients sooner without any reduction in the safety and the effectiveness of these products.

I am particularly pleased that a compromise was reached among the conferees on a provision allowing for accredited third parties to review medical devices, and that the House held its position with regard to the labeling of devices. Had the House not insisted on this language, this conference report would have been vetoed, and all of our hard work would have been lost.

I hope, Mr. Speaker, that my colleagues appreciate the tremendous bipartisan, bicameral support that went into bringing this conference report to the House today. The list of people to thank is far too long to mention here, but there is one, because I think if there were a subset title to this bill, it would be the Kay Holcombe Act of 1997. The tributes that have been paid to her are well-deserved and she should receive the gratitude and the applause of the American people, because they are the ones that we really went to the table for, and were it not for her professionalism, her patience, her hard work, we would not have arrived at this moment.

I salute everyone that was a part of this, and if there is anyone on either side of the aisle that thinks that there are not unending opportunities to seize in the Congress, they are wrong. I found one with my colleagues, and one of them seated on the other side of the aisle, JOE BARTON, my partner on the medical device bill, many thought that with the two of us being partners that it could not be done. It was done, we come to this moment, and I urge my colleagues to support the conference report. It is good for the American people, and we are proud of the effort.

Mr. BLILEY. Mr. Speaker, I yield 2 minutes to the gentleman from Texas [Mr. BARTON].

(Mr. BARTON of Texas asked and was given permission to revise and extend his remarks.)

Mr. BARTON of Texas. Mr. Speaker, I thank the gentleman from Virginia for yielding me this time.

Mr. Speaker, most of us go through life being blessed with good health for ourselves and our loved ones, but as Members of Congress, we have all been literally begged by parents of sick children and our very ill adult patients themselves to try to help them work through the regulatory nightmare that is the current FDA review process.

When the bill before us becomes law, that nightmare will be no more. Instead of confrontation, we will have consultation and cooperation between the FDA, patient groups, researchers, and manufacturers. Instead of needless bureaucracy, we will have streamlined procedures for bringing the most comprehensive new medical devices and drugs to market as soon as is safely possible.

In the medical device section of the bill that the gentlewoman from California [Ms. ESHOO] and I cosponsored together in the House, we have a very practical third-party review process, we have a dispute resolution procedure that will allow researchers and manufacturers to work out their differences with the FDA reviewers; we have a reclassification of the existing device section that will let a lot of devices that are now class 3 be class 1 or class 2. Very importantly, we have an expanded and reformed use for humanitarian medical devices that will bring some of these experimental devices as quickly as possible to the market.

I must thank the gentlewoman from California [Ms. ESHOO], who has just been a one-man band in trying to force compromise and get me to back down when I really did not want to. She has done excellent in that. The staff level, in addition to the other staffers, I would like to thank Bill Bates of the office of the gentlewoman from California [Ms. ESHOO], Alan Slobodkin of the committee oversight staff, and Beth Hall of my staff, who have all done yeoman's work.

This is not a perfect bill, but it is a great start. I am going to use the oversight chairmanship to oversee implementation, and I hope that we pass this unanimously this evening. It is good for the American public.

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Mr. DINGELL. Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. WAXMAN].

Mr. WAXMAN. Mr. Speaker, my congratulations to the gentleman from Virginia, Chairman BLILEY, and the gentleman from Florida, Mr. BILIRAKIS, and our Democratic leaders, the gentleman from Michigan, Mr. DINGELL, and the gentleman from Ohio, Mr. SHERROD BROWN, for producing the Food and Drug Administration Modernization Act, which marks the successful end of a long 3-year process. I

do not agree with some of the provisions in this bill, and I certainly would have written it differently, but I do support it today.

I have no difficulty in supporting this legislation in large part because Chairman BLILEY developed a process where all Members could participate, their views could be heard, and compromises could be reached. That kind of leadership is harder than some might think, because there is always pressure to be partisan and to get what one side and only one side wants. But if we are going to ever pass legislation into law, we have to recognize that it needs to be done on a bipartisan basis, and we have to have a process where we try to find common ground.

I want to express my appreciation to our chairman for his leadership. I do have some reservations about the scope of many of the provisions in this legislation, particularly when it comes to the off-label promotion of drug and devices and third-party review of devices. But I want to point out that these are experimental provisions with sunsets which will allow us to critically reexamine their public health consequences.

I applaud very strongly the reauthorization of the Prescription Drug User Fee Act, which I was proud to have authored. It has been very successful and has allowed the FDA to speed the approval of drugs.

There are a number of other provisions that we ought to take note of because they will directly benefit many patients. The requirement that drug companies report on their fulfillment of postmarketing studies fills an important gap in ensuring that critical information is reaching patients. The clinical data base will create new opportunities for patients to have greater access to comprehensive information about experimental therapies for serious and life-threatening diseases. It is my expectation that companies will work with the FDA in this enterprise in the same cooperative spirit in which it is enacted.

The pediatric drug provision complements the FDA's recent regulations, and provides targeted incentives to improve the quality of health care for infants and children. Although I had reservations regarding the need to provide additional market exclusivity following the proposal of the regulations, there may still be limited situations in which this provision will encourage new clinical research to establish the safety and effectiveness of drugs for children.

The provision requiring notice of discontinuance of the manufacture of life-saving drugs will ensure that patients receive time to find alternatives to medicines which will no longer be available. Instead of having to make medically sensitive decisions in haste, they will have 6 month's notice of a company's decision which could have tremendous implications for their health. Only a company with "good

cause" will be permitted to end distribution or manufacture of its drug with less than 6 months notice, and in that event, the FDA will be able to determine the accuracy of this claim through records and documentation.

The preemption of state laws regarding over-the-counter drugs and cosmetics has been resolved in an important compromise, under which the FDA is granted new enforcement authority over OTC drugs, the states are not preempted with respect to cosmetic safety, and preemption of cosmetic packaging and labeling only occurs where the FDA has taken action on specific and narrow questions. Most importantly, this provision does nothing to affect California's Proposition 65, an innovative state initiative that has helped reduce Californians' exposure to toxic hazards.

This bill is a far cry from the proposals first floated three years ago which ran roughshod over consumer protections, supplanted our own product approvals with those of other countries, and weakened crucial statutory guarantees of safety, effectiveness and quality. The reason for this striking difference was the persistent skepticism of American consumers, who understood that it is the FDA which ensures that our food is safe and our medicines are safe and effective.

This was made clear by the Patients' Coalition, which represents a hundred patient and consumer organizations and hundreds of thousands of patients. For three years, the Coalition has vigorously opposed extreme and controversial proposals for FDA deregulation. Today, this bill will receive bipartisan support because of the Coalition's unremitting vigilance and hard work in defeating efforts to weaken public health protections through FDA "reforms."

Given the extraordinary success of PDUFA, it makes sense for Congress to apply user fees to other areas of FDA jurisdiction, including medical devices. Enacting such fees, modeled on authorized, additive user fees under PDUFA and not upon the unauthorized "sham" fees frequently proposed by OMB, would bring similar efficiencies to the device approval process.

Regrettably, this legislation does not do so. Instead, it enacts substantial new burdens on the FDA and, in particular, the Center for Devices and Radiological Health. I am deeply concerned that unrealistic deadlines and dozens of new mandates will slow the tremendous progress that has been made in speeding device approvals. It remains to be seen whether we will inadvertently divert limited staff, time and resources from the FDA's most important business—ensuring that our food supply is the safest in the world and that drugs and devices are safe and effective.

I want to recognize the important work of the staffs on both sides of the aisle in developing this legislation. Without them it would have been im-

possible for us. I want to compliment as well those in the Senate who played such an active role, and all of my colleagues who have played an important role, in developing this legislation.

I especially want to recognize the dedication and hard work of Kay Holcombe, our Commerce Committee staff, and the work of Howard Cohen, Eric Berger and Rodger Currie, the Majority committee staff, on this legislation. I would also emphasize the tireless work by the professionals at the FDA, including Bill Schultz, Peggy Dotzell and Diane Thompson, and the representatives of the Patients Coalition, Scott Sanders, Michael Langen, Maura Kealey and Tim Westmoreland.

I complement Chairman BLILEY and Congressman DINGELL of the Commerce Committee, and Chairman JEFFORDS and Senator KENNEDY of the Senate Labor and Human Resources Committee, for their hard work and join my colleagues in supporting this important legislation.

Mr. BLILEY. Mr. Speaker, I yield myself 15 seconds.

Mr. Speaker, I just want to thank the very kind and generous remarks of the gentleman from California [Mr. WAXMAN]. I hope that not too many of my people down in Richmond were watching. It might have an adverse affect on me in the next election. But again, I thank him very much, and I have enjoyed working with him.

Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania [Mr. GREENWOOD], whose work played a great part in bringing this legislation to us this evening.

Mr. GREENWOOD. I thank the chairman for yielding, Mr. Speaker, and I thank him also for the opportunity to chair this task force.

When Chairman BLILEY asked me to chair the task force on the FDA reform, I did not know a whole lot about the FDA, not more than most people did, but I learned an awful lot. One of the things that I learned is that we are approaching what I think will be a golden age of medicine. We are making such incredible breakthroughs right now in biotechnology and genetic engineering, in pharmacology, in the development of high-tech medical devices, that I believe that we are going to give the next generation in the next century, as well as many of us, opportunities to defeat diseases that have plagued mankind for a very long time, and be able to relieve people from their suffering from these diseases.

But central to this promise is the role of the Food and Drug Administration. The Food and Drug Administration exists for the very critical job of making certain that all of these miracle cures, all of these devices and drugs, are both safe and effective.

The problem we discovered is that the agency had become bureaucratic, and the law that governs it had become antiquated and was not keeping up with this modern age of miracle cures. We set about the role of seeing if we

could make the FDA work more efficiently, bring these cures to those who are suffering more rapidly, while still maintaining the golden standard of safety and efficacy.

I also learned of some very human situations. I learned that I had a constituent whose name is Shelbie Oppenheimer. She is a hero to me. She is a 30-year-old woman who at the age of 28 was running a day care center and discovered that she had ALS, Lou Gehrig's disease. It is a progressive, fatal neuromuscular disorder that attacks nerve cells and pathways in the brain and spinal cord.

There is no cure for it, but there is a new medication that can delay the onset of the disease and slow its progress. My constituent, Shelbie Oppenheimer, and her husband, Jeff Oppenheimer, desperately want her to have access to this medication. Mr. Speaker, it is my hope that this legislation gives Shelbie Oppenheimer the extra time and the extra hope that this new medication will provide her.

I would like, Mr. Speaker, to dedicate this bill to Shelbie Oppenheimer and to all of the other Shelbie Oppenheimers around the country who are waiting for the Congress to reengineer the FDA so that it can approve these new miracle cures for them more rapidly.

I am also pleased that the legislation that I had introduced separately, the better pharmaceuticals for children bill, has been incorporated into this reform package, so we can bring the miracles of modern medicine not only to adults, but to the children who up until this time were not the subject of trials.

I would like to thank all of my colleagues and the chairman, the gentleman from North Carolina [Mr. BURR], the gentleman from Texas [Mr. BARTON], the gentleman from Wisconsin [Mr. KLUG], and the gentleman from Kentucky [Mr. WHITFIELD], for their assistance, and certainly echo the comments of those who have praised our very, very able staff.

Mr. DINGELL. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from New Jersey [Mr. PALLONE].

Mr. PALLONE. Mr. Speaker, the conference report before us has been the product of hard work, tough negotiations, and true bipartisanship. The result is a well-crafted bill that will reauthorize the Prescription Drug User Fee Act, and enact common-sense Food and Drug Administration reform.

I want to congratulate the chairman and the ranking member and the professional staff of the committee on both sides of the aisle, particularly Kay Holcombe, for their work on this very successful piece of legislation.

Pursuant to the bill, patients will have access to safe new drugs, treatment, and equipment faster than before; businesses will be able to save their customers money without sacrificing safety; and the FDA will be able to focus more time and money on regulating medical treatments instead

of pushing paper. I think it is a win for everyone.

Mr. Speaker, I just wanted to mention a few provisions of the bill that I am particularly concerned with, concerning the drug provisions. I am particularly pleased with the inclusion of a bipartisan amendment that would provide for notification when a company terminates a product which could cause severe harm to a patient because of its discontinuance.

To allay industry concerns, I ask that there would be included in the bill a good cause waiver that allows the FDA to waive the time requirement. I understand that the provision has been slightly modified in conference in that companies have to certify to the FDA that these good cause waiver requirements are met. This provision still represents good citizenship by the sole-manufacturers of medical products, and I believe that the conference report compromise is a good one.

In addition, two amendments concerning mercury were incorporated into this bill. One of them requires the FDA to restudy the impact of a form of organic mercury in nasal sprays on the brain, and the second provision provides for a study that would examine the sale of mercury as a drug or for other home use. These are both good government provisions. I appreciate the work of the committee for including them in the conference report.

On the device side, I wanted to congratulate the gentlewoman from California [Ms. ESHOO] and the gentleman from Texas [Mr. BARTON] for their ability to find common ground with the FDA and the industry on many issues. While third-party review may not be the panacea, freeing up the FDA's limited resources to review and approve high-risk devices is the next best thing, especially without greater resources being devoted to the FDA directly.

Finally, I am very pleased that language was included, the House language, to ensure that this legislation does not hinder the FDA's authority to reduce teen smoking. We are going to be dealing with the issue of teen smoking and tobacco in general in the committee. I know we are going to start having hearings on it next week. I think it was important and sound policy that this provision be included.

I just want to urge adoption of this conference report. I know that the committee and the staff and all have worked very hard on this. I think it is a very successful bill that will be passed into law and signed by the President.

Mr. BLILEY. Mr. Speaker, I yield 1 minute to the gentleman from Florida [Mr. STEARNS], a member of the committee.

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

Mr. STEARNS. Mr. Speaker, I am here to support the FDA reform bill, and to compliment the chairman and ranking member, and, of course, the

subcommittee chairman, the gentleman from Florida [Mr. BILIRAKIS], who is a colleague. But I am disappointed that this legislation lacks a provision preventing the FDA from going forward with its proposed plan to ban certain metered-dose inhalers.

I have introduced legislation, and myself and other colleagues have worked hard to try and lobby the conference. We were not successful. The FDA is proposing to ban metered-dose inhalers containing chlorofluorocarbons sooner than America agreed to in the Montreal Protocol. I am going to reach out to both sides to see if we can pass a standing piece of legislation, because CFC damage is there, it hurts the ozone layer, but, frankly, we need to phase it out and not move abruptly.

The Federal Government allows the use of CFCs for bear repellent and wasp and hornet sprays, yet the FDA wants to take away medicines for metered-dose inhalers because they have CFCs. Are killing bugs and chasing away bears really more important than the health of our children? I do not think so. Next session, Mr. Speaker, let us keep the FDA from banning these inhalers until safe and effective alternatives are developed.

Mr. DINGELL. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Rhode Island [Mr. KENNEDY].

(Mr. KENNEDY of Rhode Island asked and was given permission to revise and extend his remarks.)

Mr. KENNEDY of Rhode Island. Mr. Speaker, I thank my colleagues who have been speaking out on this issue, most notably the gentleman from Florida, Mr. CLIFF STEARNS, who just spoke. Asthma kills roughly 5,000 people every year. There are over 30 million Americans who depend on those metered-dose inhalers, such as the one I have in my pocket, in order to relieve themselves of the terror of being gripped with asthma.

What the FDA has proposed is they have proposed phasing out these metered-dose inhalers because of their CFC content. CFC content in metered-dose inhalers contributes less than 1 percent of the chlorofluorocarbons in the atmosphere, yet the FDA would like us to believe that by banning these inhalers, we will get about complying with the Montreal Protocol and achieving a reduction in chlorofluorocarbons.

As my colleague, the gentleman from Florida, Mr. CLIFF STEARNS, said, this is all while the EPA has yet to ban refrigeration and air conditioning, which contributes 58,000 tons of CFC's, things such as solvent applications, red pepper bear repellent, lubricant coatings, and foam blown with CFC's used in coaxial cables.

The point I am going to make is we are going after less than 1 percent of the CFC's in the atmosphere by banning these metered-dose inhalers when we have not taken into full account the public health impact on asthmatics all across the country who depend on

these metered-dose inhalers in order to relieve them from their asthma.

I can tell the Members, I have four different inhalers. I think there is only one of them that has a non-CFC component. We should not be rushing to ban these inhalers without fully testing and evaluating the impact of those non-CFC inhalers, so we do not adversely impact the public health of our people.

I want to thank the gentleman from Michigan [Mr. DINGELL] and the gentleman from Virginia, Chairman BLILEY, for agreeing to a bill that will address this issue in the upcoming year.

Mr. BLILEY. Mr. Speaker, I yield 1 minute to the gentleman from Kentucky [Mr. WHITFIELD].

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

Mr. WHITFIELD. Mr. Speaker, I thank the gentleman for yielding time to me. I want to give special thanks to the gentleman from Virginia [Mr. BLILEY] and the gentleman from Michigan [Mr. DINGELL] for the leadership they have provided. I rise in strong support of this conference report of FDA reform legislation as it relates to medical devices, prescription drugs, and food.

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The food provisions of the final version of this bill reflect closely the hard work of the House in addressing the need for fine-tuning the Nutrition Labeling and Education Act of 1990. Clearly, much more needs to be done before we can assert that our Nation's food laws have been completely reformed. However, this is a responsible down payment of food reform that we can expect to benefit public health.

I want to commend those Members and staff on both sides of the aisle who worked so diligently as we were successful in passing this legislation overwhelmingly. I would urge all Members of the House to support this conference report.

Mr. BLILEY. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania [Mr. FOX].

Mr. FOX of Pennsylvania. Mr. Speaker, the gentleman from Virginia [Mr. BLILEY], the chairman, and the gentleman from Michigan [Mr. DINGELL], the ranking member, should be very proud of this legislation.

FDA reform is certainly one of the most important pieces of legislation to pass in this session. I know from testimony in my own home county, Montgomery, Pennsylvania, we had hearings regarding the fact that many people waiting for a cure, a vaccine, whether they have ALS, or cancer, or AIDS or epilepsy, up until now, it took \$5 million and 15 years for many of our drug companies to get approval from FDA.

This legislation will hasten the available market for miracle cures going from lab to the patient without bureaucratic delay. It will speed up that

approval time. Independent agencies will be able to do the testing. This will be a lifesaving procedure because of this legislation's adoption.

I also want to thank the gentleman from Florida [Mr. BILIRAKIS], the gentleman from North Carolina [Mr. BURR], the gentleman from Pennsylvania [Mr. GREENWOOD], and the gentleman from Texas [Mr. BARTON] for all of their leadership on this issue, because Americans, in a bipartisan fashion, want to have the drugs that are available for them to live longer and to live better. And the same applies, of course, to medical devices and biologics. I appreciate the support of every Member of this entire House to support this FDA reform.

Mr. BLILEY. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. BILBRAY], a member of the committee.

Mr. BILBRAY. Mr. Speaker, I have the privilege of representing the 49th District of the State of California, San Diego, which has one of the largest concentrations of pharmaceutical companies in the world, but also has more biotech industries in the area than anywhere else in the world, including a combination of Britain and Japan combined.

Mr. Speaker, I like this bill, and I think my constituents will appreciate this bill, not because of those industries, but because of what it does for consumers.

The fact is, Mr. Speaker, there are two ways of hurting a patient. One is to give them inappropriate treatment. But the other, and sadly all too common way of hurting a patient, is not to provide appropriate treatment and to deny that appropriate treatment to people who are ill.

One of the problems we have had in the past is that there have been medication and treatment that have been denied the American consumer that have been available all over the world. This bill is a progressive, well balanced bill that will finally now improve the situation to allow the American consumer to have what they need desperately: safe, effective drugs, as soon as possible. I appreciate the support for the bill.

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

Mr. Speaker, I think we are witnessing an extraordinary event in this Congress and, indeed, almost in any Congress. In the closing days of the session, with the usual tensions and mischief that exist, we are finding great enthusiasm on a very fine piece of legislation which started out rather under a dark star and which, through some remarkable cooperation, has come to the point where we have not only agreement but firm agreement on a good bill, something which is going to help manufacturers, help the economy, to help the consumers and patients. It is going to help the medical profession, it is going to make Americans safer, and it is going to see to it that good

drugs, safe and efficacious, come more quickly to the marketplace.

It is also going to see to it that the other responsibilities of the Food and Drug Administration are conducted in a more efficient and speedy fashion. It shows what real bipartisanship can do when Members of Congress on both sides of the aisle get together and when there can be the kind of cooperation and goodwill there was in the conduct of this particular negotiation.

The result is a fine piece of legislation, one which will benefit the country, one which will benefit the industry, one which will make for better government, and one which will do something else, and that is to protect the consumer and see to it that we get to the American people the best drugs in the fastest and safest and the most assured fashion. I urge my colleagues to support the bill.

I want to commend my colleague, the gentleman from Virginia [Mr. BLILEY], for his fine leadership in this matter. And I want to express my personal thanks and that of the Members on this side of the aisle to Kay Holcombe for the superb job that she has done in preparing this piece of legislation for consideration today. I also am grateful to Secretary Shalala, Dr. Friedman, and the excellent FDA staff for their assistance.

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

Mr. BLILEY. Mr. Speaker, I thank the gentleman from Michigan [Mr. DINGELL] for his kind words. Without his help, we would not be here.

Mr. Speaker, I yield the balance of our time to the gentleman from Iowa [Mr. GANSKE].

Mr. GANSKE. Mr. Speaker, my congratulations to all who have been involved with this bill.

As a physician, I am very proud to be in favor of this bill. This bill will help bring new and better drugs and medical devices to the market. It will also help older drugs be better used. There are many off-label uses of older drugs that are beneficial to our constituents, like aspirin to prevent heart attacks; 80 to 90 percent of cancer treatment is off-label. In fact, for some diseases, off-label treatment is a standard of care.

Section 7 of H.R. 1411 improves to help public health by increasing the amount of accurate, balanced, scientific information that is available to physicians and other health care professionals. This has been an important compromise between the administration, the FDA, and a bipartisan Congress.

Secretary Shalala said the language that we have agreed to will give the FDA the opportunity to review new information in advance of its dissemination to ensure that it is accurate and balanced. This provision is supported by the AMA, the American Cancer Society, the National Multiple Sclerosis Society, and many other groups who know that greater dissemination of scientific information means better care for patients.

Please vote for this bill.

Mr. WHITFIELD. Mr. Speaker, thanks are owed to several Members for their leading role in the development of the food provisions of this bill. Special thanks must be given to Chairman BLILEY, ranking minority member DINGELL, as well as Messrs. TOWNS, HALL, GANKSE, and of course, the author of the food reform legislation in the last Congress, Mr. KLUG. Praise is also due to the exceptional work of committee counsel, Eric Berger, as well as James Derderian and to staff of members of the committee including Tim Taylor of my staff, Brenda Pillors, Grace Warren, and Jon Traub. Special note should be made of the work of Kay Holcombe, who has served the Commerce Committee and Public Health as a whole with extraordinary professionalism of many years.

The food provision of the final version of this bill reflects closely the hard work of the House in addressing the need for fine tuning of The Nutrition Labeling and Education Act of 1990 [NLEA]. Clearly, much more needs to be done before we can assert that our Nation's food law has been reformed. However, this is a responsible down payment of food reform that we may reasonably expect to benefit public health.

A compelling problem that is addressed by this legislation is the Food and Drug Administration blocking truthful, nonmisleading information from American consumers. As a matter of public health, this has prevented, either by prohibition or excessive delay, consumers from receiving important information about the nutritional content or health benefits of various foods. This problem also takes the form of an abridgement of the first amendment rights of persons who seek to make truthful, nonmisleading statements about a food. FDA has an absolute duty to act within statutory time frames for action on petitions for claims. The failure to do so would constitute a violation of first amendment rights of petitioners. Particularly given the vulnerability of petitioners to retaliation from the FDA, the courts are urged to be expansive in issues of standing in suits regarding failure by the agency to take timely action.

Specifically, the conferees have brought forth a bill that addresses these issues by providing a maximum review time for final action on petitions for claims, including a requirement that the Secretary report on any instances where final action is not taken within the 540 day review period so that the committees of jurisdiction may be promptly informed of a breakdown in the regulatory scheme. Also, special streamlined review mechanisms are provided for health or content claims that are based on the conclusions of authoritative scientific bodies, such as the National Academy of Sciences. The Secretary is granted authority to make proposed rules effective immediately as an exceptional tool to assure that the FDA's duty to pre-approve claims can be met without delay that undermines the regulatory scheme or threatens the first amendment right of petitioners. Unnecessary requirements regarding referral statements that accompany certain nutrient content claims have been eliminated under the bill. And, in a matter where both food safety and first amendment rights have been jeopardized by heavy handed regulatory requirements, an important provision of the bill addresses the labeling of foods treated by irradiation.

To implement the irradiation amendment, FDA is to expeditiously conduct a rulemaking to revise its current irradiation disclosure requirement. The current requirements of the rule, a "Treated with Radiation" or "Treated by Irradiation" statement, accompanied by the international radura symbol, make clear that the process has been used. However, it is equally clear that this requirement has had the perverse effect of discouraging many consumers from purchasing food that has been made safer by this process. The conferees are concerned that the current disclosure requirement may be perceived as a warning and that it may raise common but inappropriate anxieties about radiation technologies. FDA should use the new rulemaking to assure that disclosures are only required as necessary to inform consumers of a material fact regarding the food. FDA's 1986 preamble to its final rule regarding irradiation disclosure well explained the general rule regarding disclosure of material facts and how that rule relates to food that has been irradiated:

In this case, the standard for misbranding under sections 403(a) and 201(n) of the act is whether the changes brought about by the safe use of irradiation are material facts in light of the representations made, including the failure to reveal material facts, about such foods. Irradiation may not change the food visually so that in the absence of a statement that a food has been irradiated, the implied representation to consumers is that the food has not been processed.

The Agency recognizes, however, that the irradiation of one ingredient in a multiple ingredient food is a different situation, because such a food has obviously been processed. Consumers would not expect it to look, smell, or taste the same as fresh or unprocessed food, or have the same holding qualities. Therefore, FDA advises that the retail labeling requirement applies only to food that has been irradiated when that food has been sold as such (first generation food), not to food that contains an irradiated ingredient (second generation food) but that has not itself been irradiated.

Thus, FDA determined that disclosure is required to convey to consumers the material fact that the food is not fresh or unprocessed. Given the fresh appearance of food treated by irradiation, FDA determined that the omission of such a disclosure would cause a false or misleading presentation of the food. FDA has authority in this regard only to prevent false or misleading presentation of the food. FDA would exceed its authority if it were to prohibit a truthful, nonmisleading presentation of the food. In any situations where FDA determines that an irradiation disclosure remains necessary, it is obliged to achieve that objective in a minimally burdensome manner. Disclosure statements may only be required where presentation of the food would be false or misleading absent a disclosure statement. Statements different from the current disclosure requirement would suffice if they inform consumers of the material fact that is basis for the disclosure requirement. FDA is obliged to permit disclosure of the material fact through any statements that are not false or misleading. Moreover, the conferees expect FDA to take pains to assure that where disclosure is appropriately required, such required statements not give rise to consumer confusion that could inhibit use of this pathogen reducing technology. It would be unacceptable for FDA to justify a disclosure requirement that may

cause consumer confusion with the excuse that the confusion may be corrected by a proper consumer education program. On its face, such an approach creates burdens that inhibit the use of this technology and, as a consequence, food safety.

The conferees strongly support the consumer right to know. The act contemplates that right being addressed through a vast array of truthful, nonmisleading voluntary label statements, as well as required disclosure of material facts that are not obvious in the presentation of a food. With respect to food that has been irradiated, this legislation does not limit FDA's existing authority to require disclosure nor does it forbid use of the international radura symbol as one of the means of making such a disclosure. The conferees expect FDA to continue to require necessary disclosures to prevent consumers from being misled about any material fact about a food.

Also in the area of labeling, I am disappointed to note that the Senate conferees would not accept the elimination of antiquated and bizarre provisions of the Food, Drug and Cosmetic Act that apply only to margarine. It is a sad measure of our food regulatory system when industries seek competitive advantage over one another through the imposition and maintenance of absurdly burdensome requirements such as these.

I am pleased to report that the conferees have agreed to direction for FDA to take final action within 60 days on the petition to permit the irradiation of beef. This petition has been pending in FDA for over 3 years, despite the requirement that FDA act on such petitions within 6 months. Also, the bill includes reforms in the review of food labeling packaging materials that should assist FDA in expediting appropriate approval of both these materials and, through greater efficiency of operation, all food additive petitions.

I urge my colleagues to vote for the conference report so that we may make this down payment on food law reform.

Mr. TOWNS. Mr. Chairman, I join my colleagues in applauding the scheduling of the conference report on S. 830, legislation to reform the Food and Drug Administration, prior to our adjournment of the 1st session of the 105th Congress. This bill is the culmination of 2 years of hard bipartisan work by the Commerce Committee to modernize procedures that the Food and Drug Administration uses to approve drugs, devices and food products. Once again, Mr. Chairman, the Commerce Committee under the able leadership of our chairman, Mr. BLILEY, and our ranking member, Mr. DINGELL, have demonstrated that we have the ability to develop comprehensive legislative responses to critical public policy questions. I also want to especially acknowledge the efforts of our subcommittee chairman, Mr. BILIRAKIS and our ranking subcommittee member, Mr. BROWN, for the willingness to guide the deliberations on this bill in a bipartisan fashion.

Without the modernizing steps that have been incorporated in this legislation today, the FDA would continue to be seen as a barrier to new innovative therapies and products. The bill before us today represents a careful balance between a new, streamlined process and consumer protections against harmful products. These innovations in the way the FDA will do business from now on makes the approval of drugs and devices a more predictable process.

Finally, Mr. Chairman, I am most pleased about the provisions in this bill which relate to food products. I had the wonderful experience of working closely on these issues in a bipartisan fashion with the gentleman from Kentucky [Mr. WHITFIELD], the gentleman from Wisconsin [Mr. KLUG], the gentleman from Pennsylvania [Mr. GREENWOOD], and the gentleman from Texas [Mr. HALL]. While some argued that food reforms were too controversial to include in this bill, my colleagues and I never stopped believing that we could craft reasonable and meaningful food reforms that would be acceptable to the industry, FDA, and consumers alike. With the able assistance of our committee counsels on both sides of the aisle, Eric Berger and Kay Holcombe, the measure incorporated in S. 830 accomplish this goal. The food issues in this bill build on the success of the Nutrition Labeling and Education Act and they represent a modest downpayment on more significant food law reforms, including the question of national uniformity.

Mr. Chairman, I join my colleagues from the Commerce Committee in urging the immediate passage of this legislation.

Mr. RAMSTAD. Mr. Speaker, I rise in strong support of the Conference Report on comprehensive legislation to reform the Food and Drug Administration [FDA]. And I thank Chairman BLILEY and the others who worked so hard to bring this important Conference Report to the floor for passage before Congress adjourns for the year.

Reforming the FDA's approval process has been a major goal of mine since I first came to Congress in 1991. In fact, in an effort to educate House members about the need for reform for medical devices, Representative Tim Valentine and I founded the bipartisan House Medical Technology Caucus, which I now chair with Representative ANNA ESHOO.

As we all know, it now takes 15 years and \$350 million to get the average new drug from the laboratory to the patient. The average time for the FDA to approve a medical device has increased from 415 days in 1990 to 773 in 1995—even though the FDA is currently required by law to take no longer than 180 days to approve new devices.

This is precisely why I became an original cosponsor of the medical device section of this reform package. The medical device provisions will save lives, improve health and create jobs in the United States by getting medical devices to market faster.

I also strongly support the sections in the bill to reauthorize the Prescription Drug User Fee Act [PDUFA] and reform the approval process for pharmaceuticals and animal drugs.

Mr. Speaker, these reforms passed today will force the FDA to get its act together so life-saving devices and drugs will get to people who need them as expeditiously and safely as possible.

The health care consumers, medical device and pharmaceutical companies of America deserve nothing less!

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia [Mr. BLILEY] that the House suspend the rules and agree to the conference report on S. 830.

The question was taken; and (two-thirds having voted in favor thereof)

the rules were suspended and the conference report was agreed to.

A motion to reconsider was laid on the table.

SENSE OF HOUSE IN SUPPORT OF FREE AND FAIR REFERENDUM ON SELF-DETERMINATION FOR PEOPLE OF WESTERN SAHARA

Mr. ROYCE. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 245) expressing the sense of the House of Representatives in support of a free and fair referendum on self-determination for the people of Western Sahara, as amended.

The Clerk read as follows:

H. RES. 245

Whereas United Nations Secretary General Kofi Annan appointed former United States Secretary of State James Baker III as his Personal Envoy for Western Sahara to end the prevailing referendum stalemate;

Whereas talks between the Kingdom of Morocco and the Front for the Liberation of Saguia el Hamra and Rio de Oro (also known as the Polisario Front) mediated by Mr. Baker have achieved agreement on ways to end the referendum stalemate;

Whereas the end of the stalemate over the Western Sahara referendum would allow for the release of civilian political prisoners and prisoners of war held by Morocco and the Polisario Front; and

Whereas the United States supports the holding of a free, fair, and transparent referendum on self-determination for the people of Western Sahara: Now, therefore, be it

Resolved, That the House of Representatives—

(1) expresses its full support to former United States Secretary of State James Baker III in his mission as Personal Envoy of the United Nations Secretary General for the Western Sahara;

(2) expresses its support for a referendum on self-determination for the people of Western Sahara that should meet the following criteria:

(A) free, fair, and transparent and held in the presence of international and domestic observers and international media without administrative or military pressure or interference;

(B) only genuine Sahrawis, as identified in the method agreed to by both sides, will take part in the referendum voting; and

(C) the result, once certified by the United Nations, is accepted by both sides;

(3) encourages the release of civilian political prisoners and prisoners of war held by Morocco and the Polisario Front at the earliest possible date; and

(4) requests the administration to fully support former United States Secretary of State James Baker III in his mission of organizing a free, fair, and transparent referendum on self-determination for the people of Western Sahara without military or administrative constraints.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. ROYCE] and the gentleman from California [Mr. MENENDEZ] each will control 20 minutes.

The Chair recognizes the gentleman from California [Mr. ROYCE].

GENERAL LEAVE

Mr. ROYCE. 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 gentleman from California?

There was no objection.

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

This resolution expresses the support of the House of Representatives for the so-far successful negotiations between the Kingdom of Morocco and the Polisario Front, who have made the tough decision to peacefully work out their differences on the conduct of a referendum on self-determination for Western Sahara. The negotiations have been guided by former Secretary of State James Baker, now serving as the Special Envoy of the U.N. Secretary General for Western Sahara.

Secretary Baker's diplomacy have broken a 6-year stalemate on referendum negotiations. While no date has been set for balloting, we appear to be closer to fair and free referendum for Western Sahara than at any time in the last two decades. This conflict, which has often seemed intractable, has not received the attention it deserves. This is now changing with Secretary Baker's engagement, as well as with the attention that Congress is now paying to this issue.

This resolution not only praises the efforts of Secretary Baker but it puts the House on record as supporting a free, fair, and transparent referendum. At this sensitive point in the process, such a nonpartisan expression of support is valuable. Mr. Baker said in a Washington news conference last week that this resolution provides a much needed boost to a referendum process he referred to as the "last opportunity for peace" in Western Sahara.

Years of fighting between Morocco, the Polisario Front, and Mauritania have claimed thousands of lives and created hundreds of thousands of refugees. The equitable ending of this conflict is important to the United States. Morocco is a longstanding American ally, and continued turmoil in the region is contrary to United States interests.

The breakthrough achieved by Secretary Baker is important. That is why we need to take proper notice of it. It is time to show all parties that the United States is watching and cares. I urge my colleagues to support this balanced resolution as a sign of congressional support for the significant advance that has taken place toward resolving this longstanding conflict.

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 strong support of House Resolution 245, expressing the sense of the House in support of a free and fair referendum on self-determination for the people of Western Sahara.

Mr. Speaker, I think we owe a great deal of gratitude to former Secretary of State James Baker for his service as Special Envoy. Clearly, it was his intervention which brought an end to the referendum impasse and which has allowed for an opportunity for peace in the region.

For too long, the situation in the Western Sahara has been left unresolved, and for too long it has caused tension in the region and within the African continent. It is crucial at this juncture that the U.S. Government and the Congress put their weight behind the plan negotiated by former Secretary Baker. There is only a small window of opportunity to implement the agreement, which itself remains quite fragile. If we bypass this opportunity by our inattention or if we allow either side to renege on the commitments made in Houston, we will be responsible for foregoing an opportunity for long-term peace in the region. That is not a cost we can afford, and it is a small price to pay for peace and democracy.

The Houston plan has at long last found a resolution which is acceptable to both the Moroccan Government and the Polisario Front. The referendum, which will be held next December, will grant the Sahrawi people their long-awaited right to self-determination, the same right enjoyed by free people throughout the world.

Sahrawi President Abdelaziz has given his word that he will stand by and respect the people's decision regardless of the outcome as long as the referendum is free and fair and allows only Sahrawis to vote. The Sahrawi people have been left in limbo due to political considerations rather than any really legal dispute.

In 1975, the International Court of Justice declared that there is no establishment of any legal ties of territorial sovereignty between the territory of Western Sahara and the Kingdom of Morocco. Now the Sahrawi people will have the opportunity to decide for themselves their political future, be it independence or incorporation into Morocco. It is their choice.

I want to thank the gentleman from California [Mr. ROYCE] for his leadership in bringing the resolution before the House and for sponsoring it. I am proud to be an original cosponsor. And I also want to again congratulate former Secretary Baker for his tremendous efforts. He has been and we expect will continue to be crucial to the success of this ultimate endeavor.

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

□ 2045

Mr. ROYCE. Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. GILMAN], the distinguished chairman of the Committee on International Relations.

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

Mr. GILMAN. Mr. Speaker, I want to thank the distinguished gentleman from California [Mr. ROYCE], the chairman of our Subcommittee on Africa, for introducing this resolution and for his outstanding leadership on this very difficult issue. The purpose of this resolution is to highlight the significant efforts of former Secretary of State James Baker in advancing a peaceful solution to the question of Western Sahara. Due to the leadership by the gentleman from California [Mr. ROYCE], this resolution has moved forward in a consensus manner. We have worked closely with both sides on the Western Sahara question and with Secretary Baker and all parties find that the resolution is agreeable.

Accordingly, Mr. Speaker, I urge our Members to support this excellent resolution.

Mr. MENENDEZ. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from New Jersey [Mr. Payne], a member of the Subcommittee on Africa.

Mr. PAYNE. Mr. Speaker, let me first commend the gentleman from California [Mr. ROYCE], the chairman of the Subcommittee on Africa, and the gentleman from New Jersey [Mr. MENENDEZ], the ranking member, for the outstanding work that they have done on this resolution. The Western Sahara has been a point of contention for some time now. The final outcome for this former Spanish colony will be historic and a momentous occasion. It will set a precedent for many other issues of self-determination throughout the world, such as Cyprus and Northern Ireland. This is a major accomplishment. We should commend the former Secretary of State James Baker, the Polisario Front and representatives of Morocco for coming to the table to decide on a referendum on the future of this disputed territory. The referendum originally scheduled for January 1992 is to decide whether Western Sahara should be incorporated into Morocco or become an independent nation as many of the Sahrawi people have fought for for many years. I am glad to see the culmination of the identification process which first started in 1984. I also want to congratulate the Secretary-General of the United Nations Kofi Annan for his role in urging negotiations in this region. Let me say that I think that now the playing field has been leveled, where all will have access to the media, to the press, and that international observers will be able to participate in the proceedings. All of these very important issues have been worked out. This is a step in the right direction.

As we see democracy spreading throughout the continent of Africa, where only a few countries are left in dispute at this time, I think that it is good to see another nation coming to the front where the question which has long besieged them and has been a problem may be finally worked out. Once again I urge my colleagues to support this resolution.

Mr. ROYCE. Mr. Speaker, I yield myself such time as I may consume. In closing, let me commend the gentleman from New Jersey [Mr. MENENDEZ], the ranking member of the Subcommittee on Africa, who has worked with us on this resolution. We have worked together on several measures throughout the year. I would also like to commend Special Envoy James Baker for his work. Morocco is a long-time ally and the United States has been improving relations with Algeria, which supports the Polisario Front.

The issue of self-determination for Western Sahara poses a danger of instability for the northwest African region. The issue must be resolved so that the likelihood of long-term problems there is diminished. Peace in Western Sahara will allow for economic development and democratization in the region and could be a beneficial example for other nations in North Africa and the Middle East. That is the purpose of this resolution.

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

Mr. MENENDEZ. Mr. Speaker, I urge my colleagues to adopt the resolution, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. LAZIO of New York). The question is on the motion offered by the gentleman from California [Mr. ROYCE] that the House suspend the rules and agree to the resolution, House Resolution 245, as amended.

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

A motion to reconsider was laid on the table.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate has passed with amendments in which the concurrence of the House is requested, A bill of the House of the following title:

H.R. 2607. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1998, and for other purposes.

The message also announced, that the Senate insists upon its amendments to the bill (H.R. 2607) "An Act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1998, and for the purposes.", requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. STEVENS, Mr. SPECTER, Mr. DOMENICI, Mr. MCCONNELL, Mr. SHELBY, Mr. GREGG, Mr. BENNETT, Mr. CAMPBELL, Mr. FAIRCLOTH, Mrs. HUTCHISON, Mr. COCHRAN, Mr. BYRD, Mr. INOUE, Mr. HOLLINGS, Mr. LEAHY, Mr. BUMPERS, Mr. LAUTENBERG, Mr. HARKIN, Ms. MIKULSKI, Mrs. MURRAY, and Mrs. BOXER, to be the conferees on the part of the Senate.

EXPRESSING CONCERN FOR HUMAN RIGHTS IN AFGHANISTAN

Mr. ROHRBACHER. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 156) expressing concern for the continued deterioration of human rights in Afghanistan and emphasizing the need for a peaceful political settlement in that country, as amended.

The Clerk read as follows:

H. CON. RES. 156

Whereas Congress recognizes that the legacy of civil conflict in Afghanistan during the last 17 years has had a devastating effect on the civilian population in that country, killing 2,000,000 people and displacing more than 7,000,000, and has had a particularly negative impact on the rights and security of women and girls;

Whereas the Department of State's Country Reports on Human Practices for 1996 states: "Serious human rights violations continue to occur [. . .] political killings, torture, rape, arbitrary detention, looting, abductions and kidnappings for ransom were committed by armed units, local commanders and rogue individuals.";

Whereas the Afghan combatants are responsible for numerous abhorrent human rights abuses, including the rape, sexual abuse, torture, abduction, and persecution of women and girls;

Whereas drug proliferation has increased in Afghanistan;

Whereas Congress is disturbed by the upsurge of reported human rights abuses in Afghanistan, including extreme restrictions placed on women and girls;

Whereas safe haven has been provided to suspected terrorists and terrorist camps may be allowed to operate in Afghanistan;

Whereas Afghanistan is a sovereign nation and must work to solve its internal disputes; and

Whereas Afghanistan and the United States recognize international human rights conventions, such as the Universal Declaration on Human Rights, which espouse respect for basic human rights of all individuals without regard to race, religion, ethnicity, or gender: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. DECLARATION OF POLICY.

The Congress hereby—

(1) deplors the violations of international humanitarian law in Afghanistan and raises concern over the reported cases of stoning, public executions, and street beatings;

(2) condemns the targeted discrimination against women and girls and expresses deep concern regarding the prohibition of employment and education for women and girls;

(3) urges the Taliban and all other parties in Afghanistan to cease providing safe haven to suspected terrorists or permitting Afghan territory to be used for terrorist training; and

(4) takes note of the continued armed conflict in Afghanistan, affirms the need for peace negotiations and expresses hope that the Afghan parties will agree to a cease-fire throughout the country.

SEC. 2. SENSE OF THE CONGRESS.

It is the sense of Congress that the President—

(1) should continue to monitor the human rights situation in Afghanistan and should call for adherence by all factions in Afghanistan to international humanitarian law;

(2) should call for an end to the systematic discrimination and harassment of women and girls in Afghanistan;

(3) should encourage efforts to procure a durable peace in Afghanistan and should support the efforts of the United Nations Special Envoy Secretary General Lakhdar

Brahimi to assist in brokering a peaceful resolution to years of conflict;

(4) should call upon all countries with influence to use their influence on the contending factions to end the fighting and come to the negotiating table, abide by internationally recognized norms of behavior, cease human rights violations, end provision of safe haven to terrorists and close terrorist training camps, and reverse discriminatory policies against women and girls;

(5) should call upon all nations to cease providing financial assistance, arms, and other kinds of support to the militaries or political organizations of any factions in Afghanistan; and

(6) should support efforts by Afghan individuals to establish a cessation of hostilities and a transitional multiparty government leading to freedom, respect for human rights, and free and fair elections.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. ROHRABACHER] and the gentleman from Minnesota [Mr. LUTHER] each will control 20 minutes.

The Chair recognizes the gentleman from California [Mr. ROHRABACHER].

Mr. ROHRABACHER. Mr. Speaker, I yield 1 minute to the gentleman from New York [Mr. GILMAN], the chairman of the Committee on International Relations and someone who has given us great inspiration to stand up for the higher ideals that America stands for.

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

Mr. GILMAN. Mr. Speaker, I thank the gentleman for yielding me this time. Mr. Speaker, I want to commend the sponsors of this resolution, the gentleman from Nebraska [Mr. BEREUTER], the gentleman from California [Mr. BERMAN], the gentleman from California [Mr. ROHRABACHER], and especially the gentlewoman from New York [Mrs. MALONEY] for her excellent work in crafting this proposal.

The deterioration of human rights in Afghanistan, especially its impact on women, is very distressing. Large areas of Afghanistan that are now under the Taliban rule are being run by men whose thinking is medieval. Regrettably, the State Department has done little to end the fighting that has led to the current problems in Afghanistan.

Two weeks ago, the gentleman from California [Mr. ROHRABACHER] did what the State Department could not or cared not to do. He brought together in Istanbul almost all of the leaders in the different Afghan groups so that some sort of a national reconciliation process could begin. The gentleman from California then arranged for them to come to Washington so that our Committee on International Relations could meet with them to learn firsthand about that historic productive meeting.

House Concurrent Resolution 156 will assist us in the peace process. I urge my colleagues to support this resolution. I want to commend the gentleman from California [Mr. ROHRABACHER] for his continuing ef-

forts in trying to bring peace to Afghanistan.

Mr. ROHRABACHER. Mr. Speaker I yield myself such time as I may consume.

Mr. Speaker, more than a million Afghans died and 5 million became refugees during the battle that was a turning point in the Cold War. They brought down the Soviet empire. Their courage and sacrifice reaped a harvest of peace and plenty for the Western world. However, in Afghanistan, the war never ended. The social and political fabric of that ancient culture remains in chaos. People today in Afghanistan are dying from both violence and starvation. House Concurrent Resolution 156 introduced by the gentlewoman from New York [Mrs. MALONEY] urges the President to, No. 1, monitor and condemn ongoing violations of human rights caused by the fanatical Taliban movement who controls about two-thirds of the country as well as abuses by the other factions and other militias. It especially calls attention to the brutal and systematic discrimination that the Taliban have imposed on women and children in Afghanistan.

In addition, this bill requests that the President should call upon the government of Pakistan to suspend military and political support of the Taliban and to use its influence with the Taliban to end the abuses that we have been describing tonight. It urges the President to support international efforts intended to create a peaceful resolution to the ongoing conflict in Afghanistan that would ultimately include free and fair elections and the return of human and civil rights for all the people of Afghanistan. Stability in Afghanistan is the key to peace and prosperity in Central Asia. The extremists of the Taliban movement are responsible for the ongoing suffering of the Afghan people, and they pose a great threat of fundamentalist violence in neighboring countries, especially in Pakistan, and their extremism permits Iran to have a greater role in the region.

The Taliban currently provides a haven for terrorists such as Ben Ladin of Saudi Arabia, and the training of terrorist organizations now operating in Egypt, the Balkans and the Philippines. According to both the United Nations and the United States Drug Enforcement Agency, they have turned Afghanistan into the world's leading opium producer. The Taliban's war effort is funded by opium profits. According to the United States and international sources, almost all the opium production and processing being conducted in Afghanistan is in the provinces controlled by the Taliban, especially near their stronghold in Kandahar. According to the United Nations Drug Control Program, in 1997, Afghanistan produced a record 3,000 tons of opium. That is a 25 percent increase over the 1996 production. In 1996, the Taliban imposed 10 percent tax on all opium produced in Afghanistan

which, according to experts of the United States Drug Enforcement Agency and the CIA, amounts to at least \$100 million. That is drug money that they are making which comes straight from the drug producers to the pockets of the Taliban.

During the last 10 years, I have had extensive discussions with all factions of Afghanistan as well as ordinary Afghan citizens. Although not spelled out in this legislation before us, I believe it is time for this administration to support recent resolutions by Afghans of all ethnic groups that emphasize that the key to ending the conflict in Afghanistan is the return of King Zahir Shah. As the symbolic head of an interim government, Zahir Shah could remake civil government, form a coalition government of national unity which would represent all factions. This reconciliation government would be responsible to prepare national democratic elections in which the people of Afghanistan would choose their own leaders and democracy.

I can assure my colleagues tonight the people of Afghanistan are not fanatics, but they are devout in their religious faith. Most Muslims are embarrassed by the Taliban. But if we would help the true believers in Islam in Afghanistan regain a democratic government, it would lead to peace and it would lead to a restoration of human rights. King Zahir Shah offers that alternative.

Although it is not in this resolution, we hope that the President would follow through and do what he can to bring peace and democracy, which are synonymous in Afghanistan.

House Concurrent resolution 156 urges the President to support the internal Afghan peace process. It is especially timely, as Secretary of State Madeleine Albright will be departing for South Asia next week, that she express a new administration policy that would compel all neighboring countries involved in supporting the Taliban to immediately stop.

Mr. Speaker, we owe a tremendous debt to the people of Afghanistan. It was not our mighty armies in Europe that stopped the Soviet empire from expanding. It was not our missiles, it was not the great expenditure of defense. Yes, they were necessary at the time in order to deter war with the Soviet empire. But it was a group of Muslims on the plains of Afghanistan that courageously stood up and said, you will not impose your atheistic system on us, you will not dominate our country, and with great courage and dying in the hundreds of thousands stood firm against Soviet aggression and broke the will of the Soviet bosses to conquer the world. We owe a great deal to these heroic people. It is sad and tragic that fanatics have taken over their country. It is time for the United States to reach out and do what we can to promote democracy and human rights in Afghanistan. We owe it to them not to forget them. If we do, if we

forget the chaos that continues and the bloodshed and we refuse to pay our debt to the people of Afghanistan, in the end it will come back and hurt us. There will be no stability in Central Asia as long as the chaos and killing continues in Afghanistan.

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

Mr. LUTHER. Mr. Speaker, I yield such time as she may consume to the gentlewoman from New York [Mrs. MALONEY], the original sponsor of the resolution.

□ 2100

Mrs. MALONEY of New York. Mr. Speaker, I thank the gentleman for yielding this time to me, and I thank the gentleman from New York [Mr. GILMAN] for bringing this legislation forward under the suspension calendar, and I thank the gentleman from California [Mr. ROHRABACHER] for his leadership not only on this legislation, but really his ongoing efforts for many years to bring peace and democracy to Afghanistan.

A woman living in Afghanistan may not work, attend school, be photographed or appear in public without a garment covering their entire body. They must wear a mesh mask over their eyes, they must not speak directly to a man. Certainly there is no possibility of a woman speaking out against these human rights abuses in a public forum as I am now.

That is why we must speak for them, and that is why we must pass this resolution which condemns the continued deterioration of women's rights in that country.

More than a year ago the Taliban, a fundamentalist Islamic militia group, overthrew the government of Afghanistan. Women and young girls have borne the brunt of that takeover. The Taliban has not just stripped women of their human rights, they have made women targets for criminal abuse.

Just 2 months ago a 16-year-old girl was stoned to death because she was traveling with a man who was not a member of her family. Just last week one of my constituents, who is a refugee from Afghanistan, told me that her 13-year-old niece was shot dead in the street for going to school. Women are routinely raped and abused. They are persecuted for the smallest infraction; for example, allowing their ankles to be exposed or appearing in a photograph.

Women cannot receive proper emergency medical care. I read recently of the case of one woman who had been severely burned. She was refused treatment because it was against the Taliban law for her to remove her clothing for treatment.

Women are not permitted to work. At one time women made up a large part of the work force. Now many hospitals and schools are closed for lack of employees. The war in Afghanistan has left many women widows. If they cannot work, how are they to support

themselves and their children? Many are starving to death.

Perhaps the abuse that makes me the most sad is the idea that young girls, young women, are not permitted to go to school. What does it say about the future of this country? How can women recover from years of abuse and forced ignorance?

I urge my colleagues to vote for House Resolution 156. We must speak out for these women who are being so horribly abused because they cannot speak out for themselves.

I would also like to add my words of encouragement to Madeleine Albright, who will be traveling to this region and encouraging other surrounding countries to speak out against the Taliban.

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

Mr. Speaker, I support this resolution, and I urge its speedy adoption this evening.

This resolution represents a constructive effort to deal with a very serious problem. Afghanistan and its people have suffered through foreign invasions, civil war and widespread human rights abuses virtually nonstop for nearly 20 years. Today outrageous human rights violations continue to occur, especially against the women and girls of that country. We in America must take every opportunity we have to deal with that and to put an end to those abuses of human dignity and international law.

The Afghan people who so courageously fought a key battle or conflict in the Cold War deserve to live a life of peace without the kind of abuse that is occurring today. I therefore urge the Members of this body to support this resolution which simply restates the simple truth of what is occurring there today and makes us and our country stand with the people against these abuses.

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

GENERAL LEAVE

Mr. ROHRABACHER. Mr. Speaker, I ask unanimous consent that all Members may have 5 days within which to revise and extend their remarks on this measure.

The SPEAKER pro tempore (Mr. LAZIO of New York). Is there objection to the request of the gentleman from California?

There was no objection.

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

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

Mr. ROHRABACHER. Finally in closing, Mr. Speaker, I am pleased that we have this resolution tonight, and I would hope that those governments in Central Asia and around Afghanistan focus on what we are trying to do in the United States tonight. Tonight we are taking the first steps towards re-involving ourselves in a part of the world that the United States walked away from 10 years ago.

When the Soviet Union was finally defeated in Afghanistan and the last Soviet tanks went across the bridge back into what was then the Soviet Union, the United States breathed a sigh of relief, and we believed that the fighting there would be over very quickly and shortly. Instead, as I mentioned in my opening remarks, the war in Afghanistan which brought peace and prosperity to the Western world, continues in Afghanistan. Today we spend \$100 billion a year less on defense because these scraggly, ill-equipped, brave and courageous men in Afghanistan stood up to Soviet tanks and air power, and because they did, the Soviet role to keep control of what they held in the Soviet empire and to expand that empire was broken.

Yes, today we are able to spend those hundreds of billions of dollars, hundreds of billions of dollars that we are not spending on defense, we are able to bring that out of our deficit spending. We are able to spend that on education, we are able to spend that on making our own lives, an infrastructure, making the lives of our country better so that our children live better lives.

But what has happened in Afghanistan during that time period as we have enjoyed this era of goodwill in the United States? What has happened there, as the gentlewoman from New York [Mrs. MALONEY] has suggested, a horrible darkness of oppression has come down on half of their population. Women in Afghanistan are oppressed and treated just as, and I hate to use this example, but the fact is the Taliban are to the women of Afghanistan and the women of the world what Hitler was to the Jews of the world in the 1930's. The Taliban and their philosophy would rally people to repress women and children in their society. We heard examples of that tonight.

What else is happening in Afghanistan? Every day a child, if not many children, are blown to bits, their legs are blown off because of landmines that are planted by the millions, and many of those landmines came from the United States of America. Many of them were given by us to the various factions during the war to defeat the Russians. But yet those children are still being blown apart, and chaos still rules the day.

In Afghanistan the Taliban militias still fight northern power groups that do not agree with their brand of Islam and refuse to be dominated by a Pushtu versus a Tajik, and the killing goes on and on. It goes on for one reason, because we in the United States, the new superpower that supposedly is going to be the force for power and good in this world, have totally walked away from these people to whom we owe so much, people who permitted us to be spending tens of billions of dollars on our education rather than on defense, people who helped bring down the Soviet empire, thus making it no longer necessary for us to spend money on missiles so we could spend it instead on

health care and education and infrastructure and bringing down our level of deficit spending.

This resolution tonight underscores that America will no longer close our eyes, that this Congress is no longer closing its eyes to the repression of women and children in Afghanistan, the killing and the maiming of children in Afghanistan, the ongoing chaos.

No. 1, that is the moral position to take, and that is what this resolution says; but, No. 2, let us remember the practical end of it. And I found a funny thing in my years in public service: When we do something, when we ignore the moral course of action, we also are going down a road of something that is not practical. There is a relationship between a practical policy and a moral policy. If we walk away from these people and let them fend for themselves with this brutality and tyranny, with maiming of their children and the repression of their women, what will happen? The chaos will continue in Afghanistan, and I can assure all of my friends here today, all of my friends here today, that Central Asia, which should become an intricate part of the economic system of the world will eventually be engulfed in that same chaos.

Pakistan, who has been a pillar, a pillar of stability in South Asia, our friend will go under, because if we permit the fanaticism of the Taliban to go on, it will bring down Pakistan just as billions of dollars of drug money going into the hands of narcoterrorists in Afghanistan, in a chaotic Afghanistan, will eventually wreak havoc in the United States. It has already caused the lives of American servicemen and people to be lost. A terrorist trained in Afghanistan helped blow up a building which housed our military people in Saudi Arabia. There was an assassination attempt on the Pope. They found out that the terrorist who was going to assassinate the Pope was trained in Afghanistan.

We cannot let this go on, because not only is it immoral to let this go on, but practically speaking, if we do it, it will come back and hurt us.

There are many ways that we can try to reach peace. Having been involved in this process, I believe King Zahir Shah, the king in exile, who is a moderate leader of his people, a moderate Muslim leader, a devout Muslim, but not a fanatic, will bring back sanity to his country. Zahir Shah has pledged to his people to restore civil government, rebuild the infrastructure and create the basis for democratic elections. And in democratic elections I believe the courage and the honor of the Afghan people will come out over the fanaticism of the Taliban. I have no doubt about that.

And I would like to close with a short story. Many people in this body do not know right after I was elected what I did. Many of my friends and colleagues after they got elected the very first

time took off and went golfing or went swimming or went hiking and just got away from it all because the first election is usually the hardest election for this body. I made a pledge to my friends in Afghanistan, because I worked with them when I worked in the White House, that when I left, when I left the White House, if I had a chance and if the battle in Afghanistan was still going on, that I would join them in their struggle.

So I had 2 months between the time that I was elected and the time that I would be sworn in as a Congressman, and I knew that that was the only time that I would be free again like that for the rest of my life, or at least the rest of my time when I would be elected in Congress. So I disappeared, and I ended up with a mujahedin unit in Afghanistan fighting in the battle of Jalalabad, which was then under siege. And as I hiked toward this battle, which was one of the most strenuous hikes, I might add, that I have ever made in my entire life, and it was just beyond any endurance that I could ever do today, but a young Afghan boy, it was a full moon, and the artillery shells were exploding in the distance and lighting up the skies, and it was about 15 mujahedin with me armed with AK-47s and RPGs, just lightly armed, and a young boy who was probably 17 years old ran up besides me, AK-47 slung over his shoulder, and said, "You come from America."

And I said, "Yes."

He said, "You are in politics in America."

And I said, "Yes, I am."

He said, "Are you a donkey or an elephant?"

Here is a young man, 17 years old, fighting for his country, fighting for our country, fighting for the people of the West, fighting for his religion, a brave and courageous young man, and I said "What do you want to do when this is all over?"

□ 2115

He says "I want to build things. I would like to be an architect."

I do not know if that young man survived the battle. I do not know if he did or not. But I know if he is given his chance, he will rebuild his country. I know he is a brave and courageous young person who believed so much in the United States that he knew the symbols of our political structure. He wanted democracy for his own country, but when the Soviets were defeated, we walked away.

Let us reestablish this commitment to the Afghan people, at the very least, to reach out and provide some leadership, to help them attain their own democracy, and, if they obtain democracy, perhaps through some support and guidance from their former king, it will be just as their struggle against communism, a benefit to us as well.

So tonight that is what this resolution is all about. I would ask my colleagues to join me in taking this moral

stand and repaying this sacred debt to the people of Afghanistan.

The SPEAKER pro tempore (Mr. LAZIO of New York). All time has expired.

The question is on the motion offered by the gentleman from California [Mr. ROHRBACHER] that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 156, as amended.

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

A motion to reconsider was laid on the table.

SAVINGS ARE VITAL TO EVERYONE'S RETIREMENT ACT OF 1997

Mr. FAWELL. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 1377) to amend title I of the Employee Retirement Income Security Act of 1974 to encourage retirement income savings.

The Clerk read as follows:

Senate amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Savings Are Vital to Everyone's Retirement Act of 1997".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—*The Congress finds as follows:*

(1) *The impending retirement of the baby boom generation will severely strain our already overburdened entitlement system, necessitating increased reliance on pension and other personal savings.*

(2) *Studies have found that less than a third of Americans have even tried to calculate how much they will need to have saved by retirement, and that less than 20 percent are very confident they will have enough money to live comfortably throughout their retirement.*

(3) *A leading obstacle to expanding retirement savings is the simple fact that far too many Americans—particularly the young—are either unaware of, or without the knowledge and resources necessary to take advantage of, the extensive benefits offered by our retirement savings system.*

(b) PURPOSE.—*It is the purpose of this Act—*

(1) *to advance the public's knowledge and understanding of retirement savings and its critical importance to the future well-being of American workers and their families;*

(2) *to provide for a periodic, bipartisan national retirement savings summit in conjunction with the White House to elevate the issue of savings to national prominence; and*

(3) *to initiate the development of a broad-based, public education program to encourage and enhance individual commitment to a personal retirement savings strategy.*

SEC. 3. OUTREACH BY THE DEPARTMENT OF LABOR.

(a) IN GENERAL.—*Part 5 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1131 et seq.) is amended by adding at the end the following new section:*

"OUTREACH TO PROMOTE RETIREMENT INCOME SAVINGS

"SEC. 516. (a) IN GENERAL.—The Secretary shall maintain an ongoing program of outreach to the public designed to effectively promote retirement income savings by the public.

"(b) METHODS.—The Secretary shall carry out the requirements of subsection (a) by means

which shall ensure effective communication to the public, including publication of public service announcements, public meetings, creation of educational materials, and establishment of a site on the Internet.

“(c) INFORMATION TO BE MADE AVAILABLE.—The information to be made available by the Secretary as part of the program of outreach required under subsection (a) shall include the following:

“(1) a description of the vehicles currently available to individuals and employers for creating and maintaining retirement income savings, specifically including information explaining to employers, in simple terms, the characteristics and operation of the different retirement savings vehicles, including the steps to establish each such vehicle, and

“(2) information regarding matters relevant to establishing retirement income savings, such as—

“(A) the forms of retirement income savings,

“(B) the concept of compound interest,

“(C) the importance of commencing savings early in life,

“(D) savings principles,

“(E) the importance of prudence and diversification in investing,

“(F) the importance of the timing of investments, and

“(G) the impact on retirement savings of life's uncertainties, such as living beyond one's life expectancy.

“(d) ESTABLISHMENT OF SITE ON THE INTERNET.—The Secretary shall establish a permanent site on the Internet concerning retirement income savings. The site shall contain at least the following information:

“(1) a means for individuals to calculate their estimated retirement savings needs, based on their retirement income goal as a percentage of their preretirement income;

“(2) a description in simple terms of the common types of retirement income savings arrangements available to both individuals and employers (specifically including small employers), including information on the amount of money that can be placed into a given vehicle, the tax treatment of the money, the amount of accumulation possible through different typical investment options and interest rate projections, and a directory of resources of more descriptive information;

“(3) materials explaining to employers in simple terms, the characteristics and operation of the different retirement savings arrangements for their workers and what the basic legal requirements are under this Act and the Internal Revenue Code of 1986, including the steps to establish each such arrangement;

“(4) copies of all educational materials developed by the Department of Labor, and by other Federal agencies in consultation with such Department, to promote retirement income savings by workers and employers; and

“(5) links to other sites maintained on the Internet by governmental agencies and non-profit organizations that provide additional detail on retirement income savings arrangements and related topics on savings or investing.

“(e) COORDINATION.—The Secretary shall coordinate the outreach program under this section with similar efforts undertaken by other public and private entities.”

(b) CONFORMING AMENDMENT.—The table of contents in section 1 of such Act is amended by inserting after the item relating to section 514 the following new items:

“Sec. 515. Delinquent contributions.

“Sec. 516. Outreach to promote retirement income savings.”

SEC. 4. NATIONAL SUMMIT ON RETIREMENT SAVINGS.

(a) IN GENERAL.—Part 5 of subtitle B of title I of the Employee Retirement Income Security Act of 1974, as amended by section 3 of this Act, is amended by adding at the end the following new section:

“NATIONAL SUMMIT ON RETIREMENT SAVINGS

“Sec. 517. (a) AUTHORITY TO CALL SUMMIT.—Not later than July 15, 1998, the President shall convene a National Summit on Retirement Income Savings at the White House, to be co-hosted by the President and the Speaker and the Minority Leader of the House of Representatives and the Majority Leader and Minority Leader of the Senate. Such a National Summit shall be convened thereafter in 2001 and 2005 on or after September 1 of each year involved. Such a National Summit shall—

“(1) advance the public's knowledge and understanding of retirement savings and its critical importance to the future well-being of American workers and their families;

“(2) facilitate the development of a broad-based, public education program to encourage and enhance individual commitment to a personal retirement savings strategy;

“(3) develop recommendations for additional research, reforms, and actions in the field of private pensions and individual retirement savings; and

“(4) disseminate the report of, and information obtained by, the National Summit and exhibit materials and works of the National Summit.

“(b) PLANNING AND DIRECTION.—The National Summit shall be planned and conducted under the direction of the Secretary, in consultation with, and with the assistance of, the heads of such other Federal departments and agencies as the President may designate. Such assistance may include the assignment of personnel. The Secretary shall, in planning and conducting the National Summit, consult with the congressional leaders specified in subsection (e)(2). The Secretary shall also, in carrying out the Secretary's duties under this subsection, consult and coordinate with at least one organization made up of private sector businesses and associations partnered with Government entities to promote long-term financial security in retirement through savings.

“(c) PURPOSE OF NATIONAL SUMMIT.—The purpose of the National Summit shall be—

“(1) to increase the public awareness of the value of personal savings for retirement;

“(2) to advance the public's knowledge and understanding of retirement savings and its critical importance to the future well-being of American workers and their families;

“(3) to facilitate the development of a broad-based, public education program to encourage and enhance individual commitment to a personal retirement savings strategy;

“(4) to identify the problems workers have in setting aside adequate savings for retirement;

“(5) to identify the barriers which employers, especially small employers, face in assisting their workers in accumulating retirement savings;

“(6) to examine the impact and effectiveness of individual employers to promote personal savings for retirement among their workers and to promote participation in company savings options;

“(7) to examine the impact and effectiveness of government programs at the Federal, State, and local levels to educate the public about, and to encourage, retirement income savings;

“(8) to develop such specific and comprehensive recommendations for the legislative and executive branches of the Government and for private sector action as may be appropriate for promoting private pensions and individual retirement savings; and

“(9) to develop recommendations for the coordination of Federal, State, and local retirement income savings initiatives among the Federal, State, and local levels of government and for the coordination of such initiatives.

“(d) SCOPE OF NATIONAL SUMMIT.—The scope of the National Summit shall consist of issues relating to individual and employer-based retirement savings and shall not include issues relating to the old-age, survivors, and disability in-

urance program under title II of the Social Security Act.

“(e) NATIONAL SUMMIT PARTICIPANTS.—

“(1) IN GENERAL.—To carry out the purposes of the National Summit, the National Summit shall bring together—

“(A) professionals and other individuals working in the fields of employee benefits and retirement savings;

“(B) Members of Congress and officials in the executive branch;

“(C) representatives of State and local governments;

“(D) representatives of private sector institutions, including individual employers, concerned about promoting the issue of retirement savings and facilitating savings among American workers; and

“(E) representatives of the general public.

“(2) STATUTORILY REQUIRED PARTICIPATION.—The participants in the National Summit shall include the following individuals or their designees:

“(A) the Speaker and the Minority Leader of the House of Representatives;

“(B) the Majority Leader and the Minority Leader of the Senate;

“(C) the Chairman and ranking Member of the Committee on Education and the Workforce of the House of Representatives;

“(D) the Chairman and ranking Member of the Committee on Labor and Human Resources of the Senate;

“(E) the Chairman and ranking Member of the Special Committee on Aging of the Senate;

“(F) the Chairman and ranking Member of the Subcommittees on Labor, Health and Human Services, and Education of the Senate and House of Representatives; and

“(G) the parties referred to in subsection (b).

“(3) ADDITIONAL PARTICIPANTS.—

“(A) IN GENERAL.—There shall be not more than 200 additional participants. Of such additional participants—

“(i) one-half shall be appointed by the President, in consultation with the elected leaders of the President's party in Congress (either the Speaker of the House of Representatives or the Minority Leader of the House of Representatives, and either the Majority Leader or the Minority Leader of the Senate); and

“(ii) one-half shall be appointed by the elected leaders of Congress of the party to which the President does not belong (one-half of that allotment to be appointed by either the Speaker of the House of Representatives or the Minority Leader of the House of Representatives, and one-half of that allotment to be appointed by either the Majority Leader or the Minority Leader of the Senate).

“(B) APPOINTMENT REQUIREMENTS.—The additional participants described in subparagraph (A) shall be—

“(i) appointed not later than January 31, 1998;

“(ii) selected without regard to political affiliation or past partisan activity; and

“(iii) representative of the diversity of thought in the fields of employee benefits and retirement income savings.

“(4) PRESIDING OFFICERS.—The National Summit shall be presided over equally by representatives of the executive and legislative branches.

“(f) NATIONAL SUMMIT ADMINISTRATION.—

“(1) ADMINISTRATION.—In administering this section, the Secretary shall—

“(A) request the cooperation and assistance of such other Federal departments and agencies and other parties referred to in subsection (b) as may be appropriate in the carrying out of this section;

“(B) furnish all reasonable assistance to State agencies, area agencies, and other appropriate organizations to enable them to organize and conduct conferences in conjunction with the National Summit;

“(C) make available for public comment a proposed agenda for the National Summit that reflects to the greatest extent possible the purposes for the National Summit set out in this section;

"(D) prepare and make available background materials for the use of participants in the National Summit that the Secretary considers necessary; and

"(E) appoint and fix the pay of such additional personnel as may be necessary to carry out the provisions of this section without regard to provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

"(2) DUTIES.—The Secretary shall, in carrying out the responsibilities and functions of the Secretary under this section, and as part of the National Summit, ensure that—

"(A) the National Summit shall be conducted in a manner that ensures broad participation of Federal, State, and local agencies and private organizations, professionals, and others involved in retirement income savings and provides a strong basis for assistance to be provided under paragraph (1)(B);

"(B) the agenda prepared under paragraph (1)(C) for the National Summit is published in the Federal Register; and

"(C) the personnel appointed under paragraph (1)(E) shall be fairly balanced in terms of points of views represented and shall be appointed without regard to political affiliation or previous partisan activities.

"(3) NONAPPLICATION OF FACA.—The provisions of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the National Summit.

"(g) REPORT.—The Secretary shall prepare a report describing the activities of the National Summit and shall submit the report to the President, the Speaker and Minority Leader of the House of Representatives, the Majority and Minority Leaders of the Senate, and the chief executive officers of the States not later than 90 days after the date on which the National Summit is adjourned.

"(h) DEFINITION.—For purposes of this section, the term 'State' means a State, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, Guam, the Virgin Islands, American Samoa, and any other territory or possession of the United States.

"(i) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There is authorized to be appropriated for fiscal years beginning on or after October 1, 1997, such sums as are necessary to carry out this section.

"(2) AUTHORIZATION TO ACCEPT PRIVATE CONTRIBUTIONS.—In order to facilitate the National Summit as a public-private partnership, the Secretary may accept private contributions, in the form of money, supplies, or services, to defray the costs of the National Summit.

"(j) FINANCIAL OBLIGATION FOR FISCAL YEAR 1998.—The financial obligation for the Department of Labor for fiscal year 1998 shall not exceed the lesser of—

"(1) one-half of the costs of the National Summit; or

"(2) \$250,000.

The private sector organization described in subsection (b) and contracted with by the Secretary shall be obligated for the balance of the cost of the National Summit.

"(k) CONTRACTS.—The Secretary may enter into contracts to carry out the Secretary's responsibilities under this section. The Secretary shall enter into a contract on a sole-source basis to ensure the timely completion of the National Summit in fiscal year 1998."

(b) CONFORMING AMENDMENT.—The table of contents in section 1 of such Act, as amended by section 3 of this Act, is amended by inserting after the item relating to section 516 the following new item:

"Sec. 517. National Summit on Retirement Savings."

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Il-

linois [Mr. FAWELL] and the gentleman from New Jersey [Mr. PAYNE] each will control 20 minutes.

The Chair recognizes the gentleman from Illinois [Mr. FAWELL].

Mr. FAWELL. Mr. Speaker, I am very pleased to join with my colleague, the gentleman from New Jersey [Mr. PAYNE], the ranking Democrat on the Subcommittee on Employer-Employee Relations, as well as many other Democrats and Republicans across the political spectrum, in sponsoring the SAVER Act. H.R. 1377 represents bipartisan legislation addressing a critical national problem, the lack of individual retirement savings.

I do want to make special mention of the fact that the gentleman from New Jersey [Mr. PAYNE] has been very cooperative. We have worked together in good bipartisan fashion, and I do very much appreciate the gentleman from New Jersey and the fine work that he has put in on this legislation. Without the gentleman, there simply would not be any such legislation.

The SAVER Act was initially passed by the House back in May. On November 7, the Senate passed SAVER with minor modifications made to secure the support of the Department of Labor. I would like to thank Senate sponsor Senator CHARLES GRASSLEY, the chairman of the Committee on Aging, for his efforts in guiding this legislation through the other chamber.

The SAVER Act is truly a bipartisan initiative, supported not only by the Department of Labor, but also by a diverse group of organizations, from the U.S. Chamber of Commerce to the American Association of Retired Persons.

Mr. Speaker, America faces a ticking demographic time bomb that requires increased retirement savings. The Savings are Vital to Everyone's Retirement Act, or the SAVER Act, is the first step in defusing the retirement time bomb. The SAVER Act initiates projects to educate American workers about retirement savings and convenes a national summit on retirement savings at the White House.

Through this bill, we facilitate a public-private partnership to educate the public on this serious and underreported national problem. Workers need to know the importance of saving for the future and of saving as early in life as possible.

As a survey released this year by the Employee Benefit Research Institute, known as EBRI, reveals, there is a lot of work to be done. Less than one-third of Americans have even tried to calculate how much they need to have saved by retirement. Furthermore, less than 20 percent are very confident they will be able to have enough money to live comfortably throughout their retirement. The lack of adequate retirement savings will only become a more pressing problem as the baby-boomers begin to retire.

Far too few Americans, particularly the young, have either the knowledge

or the resources necessary to take advantage of the extensive benefits offered by our retirement savings system. We know the old adage that you feed someone for life by teaching them to fish. We need to apply this principle to retirement savings.

The same EBRI survey found while only a quarter of workers express confidence in their ability to map out a savings strategy, an encouraging 50 percent said they would stick to a plan, if they only had one.

We have to find ways to get the information and the skills out to the workers of America to harness this latent energy. The SAVER Act directs the Department of Labor to maintain an ongoing program of education and outreach to the public through public service announcements, public meetings, creation of educational materials, and establishment of a site on the Internet.

The information to be made available will include a means for individuals to calculate their estimated retirement savings needs, a plain English description of the common types of retirement savings arrangements currently available to both individuals and employers, and an explanation for employers, hopefully in simple terms, of how to establish different retirement savings arrangements for their workers.

The SAVER Act also convenes a national summit on retirement savings at the White House, cohosted by the executive and the legislative branches, to be held by July 15, 1998, and again in the year 2001, and again in the year 2005. The national summit would advance the public's knowledge and understanding of retirement savings and facilitate the development of a broad-based public education program, identify the barriers which hinder workers from setting aside adequate savings for retirement and impede employers, especially small employers, from assisting workers in accumulating retirement savings, and develop specific recommendations for legislative, executive, and private sector actions to promote retirement savings among American workers.

Mr. Speaker, the national summit would bring together experts in the field of employee benefits and retirement savings, key leaders of government, and interested parties from the private sector and the general public. The delegates would be selected by the congressional leadership and the President and would represent the diversity of thought in the field without regard to their political affiliation.

The national summit would be a public-private partnership receiving substantial funding from private sector contributions. I hope that the SAVER Act can be a first step in a truly bipartisan effort to reverse the long course of neglect of this vital issue and help American workers better prepare for a comfortable and a secure retirement.

I urge my colleagues to vote for passage of the SAVER Act and vote to help defuse the retirement time bomb.

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

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

Mr. Speaker, I thank you for this opportunity to speak to the importance of the SAVER Act. I think it will provide a big first step towards greater awareness about retirement security for all Americans.

I wish to commend Chairman FAWELL for his effort to bring to the attention of all of us this very important issue that affects millions of Americans. This legislation has been skillfully moved through our subcommittee and the full committee, and I appreciate the chairman for his fine work on this very important piece of legislation.

I would also like to commend Senator JOHN BREAUX from Louisiana who also worked on the other side of the House.

The retirement clock is running out, as has been mentioned by the chairman, for millions of Americans and their families. After a lifetime of hard work and contributing to and building our society, millions of older Americans have retired and are not prepared for it. We have always heard that the future belongs to those who are prepared for it. Many of our older Americans are not and will not be. They cannot afford to pay their bills.

While we have worked closely with the administration to make gains in strengthening protection for plan participants in the last 4 years, we still have miles to go in ensuring retirement security for the American workforce.

Half of all older Americans have incomes of less than \$11,300. This is because their incomes are primarily drawn from Social Security, which on average pays \$8,460 to retired workers. That is less than today's minimum wage. Very little of their income comes from individual savings. A very alarming picture painted by the statistics is that many of the people we need to reach out to are women and minorities. As you know, there is a direct correlation between pension adequacy and the wages that workers receive. This is because many employers base their pension benefits on the worker's wages.

This is true with respect to defined contributions and defined benefit plans, including 401(k) plans. A very disturbing image forms when we begin to think about the retirement security of low-wage workers, particularly women and minorities. Many of these workers will never receive a pension. We know that less than half of all working women are covered by a pension. Those who are fortunate enough to be covered by a plan can expect to receive lower benefits in retirement because their wages were lower during the time they were working.

A recent study noted an alarming trend in private pension coverage among African American and Latino people. This study suggests that many minority workers will become strictly

dependent on Social Security and have a shrinking chance to enjoy financially comfortable retirements.

Moreover, the report shows that the percentage of blacks covered by private pensions of all types plummeted from 45.1 percent in 1979 to 33.8 percent in 1993, only one-third of the population, while the Latino coverage fell from 37.7 percent to 24.6 percent, less than 25 percent, during that same period.

I am hopeful the SAVER Act will be successful in reaching these workers. Many of them live in my district, but let me point out, they do not all live in my district, they live in your hometowns too. They may even be your friends or members of your family. Millions of people will not have any significant retirement income beyond Social Security, which makes the Federal program even more critical, especially at a time when its fiscal future is being questioned.

While the baby-boom generation is on the eve of retirement, this statistical snapshot of the next generation of retirees is fueling the current debate about Social Security. I believe the provisions in the SAVER Act will provide more opportunities to better educate and prepare Americans for their retirement. Today, Mr. Chairman, I hope that this is the beginning of developing real solutions to problems that affect real people.

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

Mr. FAWELL. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. GOODLING], the chairman of the Committee on Education and the Workforce.

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

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

Mr. GOODLING. Mr. Speaker, we are here today to an address in a bipartisan fashion the real demographic time bomb that faces the American workforce, and I thank the gentleman from Illinois, our chairman [Mr. FAWELL], and the gentleman from New Jersey, the ranking member [Mr. PAYNE], for bringing this legislation before us.

Workers are not saving adequately for their retirement, and this problem will only become more profound as the baby-boom generation continues to age. It does not take a mathematician to recognize that in the future retiring Americans will have to rely less on Social Security and more on pensions and other personal savings.

□ 2130

Diffusing the retirement time bomb requires immediate action. Educating American workers is the critical first step. Savings are vital to everyone's Retirement Act of 1997, the SAVER Act is that step.

The SAVER Act initiates projects to educate American workers about re-

tirement savings and convenes a national summit on retirement savings. I am pleased to join with my colleagues from across the aisle, both in this body and in the other body, to support this important initiative.

I am also pleased by the support of organizations representing the older Americans, the business community and the financial community behind this public-private partnership.

Far too few workers, especially the young, understand the importance of saving for retirement. Many small businesses are confused as to how to set up some of the new retirement saving vehicles created by Congress, or they do not know how to go about encouraging their workers to take advantage of them.

The SAVER Act creates a statutory mandate for the Department of Labor to help inform American workers about retirement savings, to give them the tools they need to take advantage of the many existing benefits of our retirement system. The SAVER Act also hopes to focus greater public awareness on the lack of retirement savings by convening a national summit at the White House. The summit would be a bipartisan undertaking of both the executive and legislative branches and bring together employee benefit experts from throughout the country.

The SAVER Act seeks to enlist business and other concerned private groups as equal partners in this undertaking and looks to them to pick up their share of the tab as well. Ultimately, we all have a stake in the success of this project. Continuing to educate our workers is not only crucial to Americans having successful careers, it is also vital to ensuring they have secure retirements.

Mr. Speaker, I would also like to take this opportunity to say thank you to a longtime aide of mine who will be leaving the Committee on Education and the Workforce in the next few weeks. Randy Johnson has overseen, as our Workforce Policy Coordinator, all of the business, labor and workplace issues that have come before our committee since we have been in the majority. And for more than half a decade before that, he served as our labor counsel while we were in the minority.

Randy has been interested in labor issues since law school, when he researched the United Mine Workers contract negotiations. His ability to understand the negotiation process has served as well. Having worked in the Department of Labor before was a real plus for us. Both when we were in the minority and now, Randy has known how to stay true to his principles and yet accomplish our goals of reforming the American workplace. He has a keen understanding of the issues, an astute sense of timing, and a determination to achieve success. I and the rest of our majority Members could not have asked for a better staff member to lead the charge.

I will miss his quiet determination, his strong convictions to our Republican principles, and his hours and hours of dedication to advancing our agenda. We all wish him well and remind him he cannot come up and try to influence members of the committee for 1 year.

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

Mr. PAYNE. Mr. Speaker, I yield 4 minutes to the gentleman from North Dakota [Mr. POMEROY].

Mr. POMEROY. Mr. Speaker, I want to thank the gentleman from Illinois [Mr. FAWELL], the chairman, and the gentleman from New Jersey [Mr. PAYNE], ranking member, for their work on this legislation. I am proud to be its cosponsor, and I think that as we enact this bill, we will be making a very positive contribution to what truly is one of our growing national matters of urgency: Retirement savings.

We are embarking, as we know, on an important debate on Social Security, but regardless of wherever that debate may take us, one thing is crystal clear. We have to save more. We have got to save more. Our savings rate is one-half of what it was in the post-World War II through 1980 period of time. If we think about the worker to retiree ratio, 42 workers per Social Security retiree in the 1940s, heading to 3 workers per retiree in 20 years, 2 workers per retiree in 30 years. It is just so clear, we have to save more.

Add in longevity. Unlike the 1930s, when Social Security came on line, now workers live, on average, 17 years longer in retirement than they did at that time. We have to save more. We will not be able to publicly fund our way out of this one. It is going to require a significant measure of personal responsibility for us all, and that is why this bill is so important.

A critical part of helping people achieve their goal of economic security in retirement is getting them on track with a savings plan to get them there, and let us face it. We can all use some help in that regard.

Education is a critical part of helping people understand the steps they must take now so that they have a secure retirement tomorrow. We know that in the workplace where there are work-based retirement savings plans and educational programs occurring in that place of employment, people attend, they respond, and it improves their savings program significantly. The problem is, less than half of all workers have work-based retirement savings plan, a goal we must work on. But in addition, we must, like this bill accomplishes, get the savings programs out to those not necessarily learning about savings at their workplace. This is going to advance retirement savings for everyone.

Charge the Labor Department to continue their good work. It will help us reach those that are not learning about retirement savings in their place of

employment; it will charge the Labor Department to continue the work they are already advancing in education relative to retirement savings; it will convene the White House summits which will focus national attention on this critical issue.

Mr. Speaker, in closing, I again want to thank the ranking member and the chairman. The chairman has indicated he will not be seeking reelection. His contributions, as those of us who know, who have served with him, will continue long after his presence is in this Chamber, and I would like to think that passing his legislation tonight will put on track an important course of education, leaving the chairman's imprint on our very positive step forward in the goal of retirement savings.

Mr. FAWELL. Mr. Speaker, I yield myself such time as I may consume. I thank the gentleman from North Dakota [Mr. POMEROY] for his fine comments and his contributions in the area of pensions.

I do want to say also, just briefly, the gentleman from Pennsylvania [Mr. GOODLING] mentioned Randy Johnson, who is actually seated right behind me here. We have worked together for quite a number of years, and this gentleman is in charge of the areas of labor law, which is something that puts a lot of people to sleep. We need a good lawyer with a good mind to keep track of all of the ins and outs of that area, and Randy has done that dutifully, and then going over into health care, the ERISA statute, which really puts people to sleep, and then into the pension area of the ERISA law.

All of this is very, very vital stuff, and when we have the kind of staff people like Randy Johnson, who, unfortunately, has been picked off by a head hunter, so he will be around in the Washington area. I think maybe after a year is over he probably is going to be coming back and visiting us and saying some things. I believe it is not out of order to say he is going with the National Chamber of Commerce, so we will probably be seeing him around and we wish him nothing but the very, very best. It was a great occasion, and I myself will be retiring. I trust that I have made retirement plans that I can cover those years of retirement.

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

Mr. PAYNE. Mr. Speaker, I yield 3 minutes to the gentleman from Maryland [Mr. CARDIN].

Mr. CARDIN. Mr. Speaker, let me thank my friend the gentleman from New Jersey [Mr. PAYNE] for yielding me this time.

I want to congratulate the gentleman from Illinois [Mr. FAWELL] and the gentleman from New Jersey [Mr. PAYNE] for bringing forward this bill. I think the title really says it all. The title: "Savings Are Vital to Everyone's Retirement."

For two decades we have seen America see savings rates lag far behind the industrial nations of this world. This is

very troublesome to all of us as we look at the economic growth of our Nation. In the last couple of years we have seen an encouraging sign, and that is the budget deficit of this country has gotten smaller, and the deficit was one of the major problems contributing to the low savings rates of our Nation. Low savings rates also present major problems for families looking ahead to retirement.

In recent years, many of us in Congress have worked on a bipartisan basis on creating new incentives to encourage Americans to save. I saw my friend the gentleman from Ohio [Mr. PORTMAN] on the floor a little bit earlier. He has worked on issues with me. We need to do more to encourage retirement savings in this Nation. We have to reverse the trend of less funds being put aside for retirement.

Those efforts have included major pension simplification legislation, including the creation of simple accounts to help small businesses create pension plans, and expansions of IRA accounts. While these legislative initiatives have begun to show benefits in expanding pension coverage and retirement savings, we must do more.

The backbone of our national retirement policy is the Social Security system. But the Social Security system in the long term has significant shortfalls in its funding. We must preserve the viability of Social Security, while encouraging Americans to augment their retirement savings outside of that program. The bill before us will help raise the visibility of this critical issue.

Under Secretary Hermann and former Secretary Reich, the Department of Labor has expanded its efforts to protect retirement savings of working Americans and to increase public awareness of the need to make adequate provisions for a secure retirement.

H.R. 1377 will strengthen those efforts by requiring a national summit on retirement savings to be held at the White House, which will provide the impetus for a full-blown national discussion on retirement policies.

Again, I commend the gentleman from Illinois [Mr. FAWELL], and I commend the gentleman from New Jersey [Mr. PAYNE]. This is important legislation, and I encourage my colleagues to support it.

Mr. PAYNE. Mr. Speaker, I yield myself such time as I may consume to say that I would like to once again thank the chairman for this very important legislation.

As a whole, Americans are motivated to set aside for their retirement. However, they are uninformed and uneducated in many instances about their options. Furthermore, many Americans nearing retirement are worried about whether or not the benefits they have been promised will be there when they retire. Corporate mergers and downsizing to meet the bottom line by encouraging early retirement among older workers may compromise

the integrity of these promised benefits. This is especially true among minority and women workers. Improving awareness and education is a good first step in reconciling the need of social insurance, providing social protection with individual responsibility.

Again, I applaud the gentleman from Illinois [Mr. FAWELL] for his leadership on this issue, and I look forward to working with him to provide retirement security for all Americans and their families. I too would like to wish him well in his retirement from this House for much of the outstanding work that he has done, and I urge my colleagues to support H.R. 1377, Savings Are Vital to Everyone's Retirement Act.

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

The SPEAKER pro tempore (Mr. LAZIO). All time has expired.

The question is on the motion offered by the gentleman from Illinois [Mr. FAWELL] that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 1377.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate amendment was concurred in.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. FAWELL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the matter just considered.

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

There was no objection.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed without amendment a joint resolution of the House of the following title:

H.J. Res. 104. Joint resolution making further continuing appropriations for the fiscal year 1998, and for other purposes.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 1502. An act entitled the "District of Columbia Student Opportunity Scholarship Act of 1997".

□ 2145

UNITED STATES FIRE ADMINISTRATION AUTHORIZATION ACT FOR FISCAL YEARS 1998 AND 1999

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1231) to authorize appropriations for fiscal years 1998 and 1999 for the United States Fire Administration, and for other purposes.

The Clerk read as follows:

S. 1231

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 "United States Fire Administration Authorization Act for Fiscal Years 1998 and 1999".

SEC. 2. AUTHORIZATION OF APPROPRIATIONS.

Section 17(g)(1) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2216(g)(1)) is amended—

(1) by striking "and" at the end of subparagraph (E);

(2) by striking the period at the end of subparagraph (F) and inserting a semicolon; and

(3) by adding at the end the following:

"(G) \$29,664,000 for the fiscal year ending September 30, 1998; and

"(H) \$30,554,000 for the fiscal year ending September 30, 1999."

SEC. 3. SUCCESSOR FIRE SAFETY STANDARDS.

The Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.) is amended—

(1) in section 29(a)(1), by inserting "or any successor standard to that standard" after "Association Standard 74";

(2) in section 29(a)(2), by inserting ", or any successor standard to that standard" before ", whichever is appropriate,";

(3) in section 29(b)(2), by inserting ", or any successor standard to that standard" after "Association Standard 13 or 13-R";

(4) in section 31(c)(2)(B)(i), by inserting "or any successor standard to that standard" after "Life Safety Code"; and

(5) in section 31(c)(2)(B)(ii), by inserting "or any successor standard to that standard" after "Association Standard 101".

SEC. 4. TERMINATION OR PRIVATIZATION OF FUNCTIONS.

(a) IN GENERAL.—Not later than 60 days before the termination or transfer to a private sector person or entity of any significant function of the United States Fire Administration, as described in subsection (b), the Administrator of the United States Fire Administration shall transmit to Congress a report providing notice of that termination or transfer.

(b) COVERED TERMINATIONS AND TRANSFERS.—For purposes of subsection (a), a termination or transfer to a person or entity described in that subsection shall be considered to be a termination or transfer of a significant function of the United States Fire Administration if the termination or transfer—

(1) relates to a function of the Administration that requires the expenditure of more than 5 percent of the total amount of funds made available by appropriations to the Administration; or

(2) involves the termination of more than 5 percent of the employees of the Administration.

SEC. 5. NOTICE.

(a) MAJOR REORGANIZATION DEFINED.—With respect to the United States Fire Administration, the term "major reorganization" means any reorganization of the Administration that involves the reassignment of more than 25 percent of the employees of the Administration.

(b) NOTICE OF REPROGRAMMING.—If any funds appropriated pursuant to the amendments made by this Act are subject to a reprogramming action that requires notice to be provided to the Committees on Appropriations of the Senate and the House of Representatives, notice of that action shall concurrently be provided to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science of the House of Representatives.

(c) NOTICE OF REORGANIZATION.—Not later than 15 days before any major reorganization of any program, project, or activity of the United States Fire Administration, the Administrator of the United States Fire Administration shall provide notice to the Committees on Science and Appropriations of the House of Representatives and the Committees on Commerce, Science, and Transportation and Appropriations of the Senate.

SEC. 6. SENSE OF CONGRESS ON THE YEAR 2000 PROBLEM.

With the year 2000 rapidly approaching, it is the sense of Congress that the Administrator of the United States Fire Administration should—

(1) give high priority to correcting all 2-digit date-related problems in the computer systems of the United States Fire Administration to ensure that those systems continue to operate effectively in the year 2000 and in subsequent years;

(2) as soon as practicable after the date of enactment of this Act, assess the extent of the risk to the operations of the United States Fire Administration posed by the problems referred to in paragraph (1), and plan and budget for achieving compliance for all of the mission-critical systems of the system by the year 2000; and

(3) develop contingency plans for those systems that the United States Fire Administration is unable to correct by the year 2000.

SEC. 7. ENHANCEMENT OF SCIENCE AND MATHEMATICS PROGRAMS.

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term "Administrator, means the Administrator of the United States Fire Administration.

(2) EDUCATIONALLY USEFUL FEDERAL EQUIPMENT.—The term "educationally useful Federal equipment" means computers and related peripheral tools and research equipment that is appropriate for use in schools.

(3) SCHOOL.—The term "school" means a public or private educational institution that serves any of the grades of kindergarten through grade 12.

(b) SENSE OF CONGRESS.—

(1) IN GENERAL.—It is the sense of Congress that the Administrator should, to the greatest extent practicable and in a manner consistent with applicable Federal law (including Executive Order No. 12999), donate educationally useful Federal equipment to schools in order to enhance the science and mathematics programs of those schools.

(2) REPORTS.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Administrator shall prepare and submit to the President a report that meets the requirements of this paragraph. The President shall submit that report to Congress at the same time as the President submits a budget request to Congress under section 1105(a) of title 31, United States Code.

(B) CONTENTS OF REPORT.—The report prepared by the Administrator under this paragraph shall describe any donations of educationally useful Federal equipment to schools made during the period covered by the report.

SEC. 8. REPORT TO CONGRESS.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Administrator of the United States Fire Administration (referred to in this section as the "Administrator") shall prepare and submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science of the House of Representatives a report that meets the requirements of this section.

(b) CONTENTS OF REPORT.—The report under this section shall—

(1) examine the risks to firefighters in suppressing fires caused by burning tires;

(2) address any risks that are uniquely attributable to fires described in paragraph (1), including any risks relating to—

(A) exposure to toxic substances (as that term is defined by the Administrator);

(B) personal protection;

(C) the duration of those fires; and

(D) site hazards associated with those fires;

(3) identify any special training that may be necessary for firefighters to suppress those fires; and

(4) assess how the training referred to in paragraph (3) may be provided by the United States Fire Administration.

The SPEAKER pro tempore (Mr. LAZIO of New York). Pursuant to the rule, the gentleman from Wisconsin [Mr. SENSENBRENNER] and the gentleman from Michigan [Mr. BARCIA] each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin [Mr. SENSENBRENNER].

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 1231.

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

There was no objection.

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

Mr. Speaker, Senate bill 1231, an act to authorize appropriations for the United States Fire Administration for the fiscal years 1998 and 1999, is nearly identical to H.R. 1272, a bill favorably reported by voice vote by the Committee on Science on April 16, 1997, and which was later passed by the full House by voice vote on April 23, 1997.

Senate bill 1231 is the result not only of a bipartisan effort, but also a bicameral effort to craft legislation that is in the national interest. This bill reauthorizes the programs and activities of the United States Fire Administration, a small but important organization within the Federal Emergency Management Agency.

The U.S. Fire Administration was created by Congress in 1974 in response to a report by the President's National Commission on Fire Prevention and Control entitled *America Burning*, which presented a dismal assessment of the Nation's fire problem. The report found that nearly 12,000 lives were lost to fire annually in this country. In addition, fire was found responsible for more than 300,000 injuries and over \$3 billion of economic losses annually.

Congress reacted to the report by declaring a Federal role for reducing fire losses, and created the United States Fire Administration and the National Fire Academy. The U.S. Fire Administration provides vital assistance to the Nation's fire and emergency services communities which helps them to save lives and property. The Fire Administration is able to perform this service through four primary missions: First, fire service training; second, fire-relat-

ed data collection and analysis; third, public education and awareness; and fourth, research and technology development.

The National Fire Academy provides management-level training and education to fire and emergency service personnel and fire protection and control activities. The Fire Academy, located in Emmitsburg, Maryland, trains tens of thousands of fire and emergency personnel a year through its on- and off-campus programs.

Annually during budget authorization hearings held by the Committee on Science, witnesses from the volunteer and paid fire services as well as emergency services have testified as to the important and indispensable role the U.S. Fire Administration and the National Fire Academy play in their ability to perform their job.

Senate 1231 establishes funding levels sufficient to preserve all the missions and functions of the Fire Administration and the Academy. Specifically, this bill authorizes just over \$29.6 million for the Fire Administration's fiscal 1998 budget, and just over \$30.5 million for fiscal year 1999. These Senate-approved authorization levels are slightly higher, \$64,000 and \$54,000 respectively, than the previously approved House authorizations.

I believe this 3-percent increase is justified and necessary in order to ensure that the agency can continue its current mission activities, as well as to perform a new and important counterterrorism training function. The Fire Administration's new mission, counterterrorism training for emergency response personnel, arose from the enactment of the Antiterrorism and Effective Death Penalty Act passed last year by Congress and signed by the President.

Counterterrorism training for first responders is an appropriate function of the Fire Administration, as it is frequently local fire and emergency departments who are first on the scene not only to battle fires, but also to react to acts of terrorism, such as the bombings in Oklahoma City and the World Trade Center in New York. In addition, counterterrorism training complements and supplements many of the traditional first responder training programs currently offered through the Academy.

The other sections of S. 1231 include, first, technical changes to fire protection standards; second, a provision requiring that the administrator inform Congress in advance of any effort to privatize or terminate agency activities; third, a requirement that reprogramming notices required by the Committee on Appropriations committees must also be provided to the authorizing committees; and fourth, a sense of Congress resolution emphasizing that planning should begin immediately to assess and correct any computer systems affected by the year 2000 date-related software problem; fifth, a provision allowing the Administrator

to donate excess Federal computer equipment to schools; and sixth, a requirement that no later than 180 days after the enactment of this bill, the Fire Administration submit a report to Congress examining the risks faced by firefighters in suppressing tire fires. This report was also added by the Senate, and we agree as to its need.

Mr. Speaker, I applaud the efforts of the U.S. Fire Administration and the National Fire Academy, and I believe this bill is a reflection of strong bipartisan support for these agencies and will enable them to continue their missions and to accomplish their goals.

In closing, I want to thank the gentleman from New Mexico [Mr. SCHIFF], chairman of the subcommittee, and the gentleman from Michigan [Mr. BARCIA], the ranking member of the Subcommittee on Basic Research, for their hard work on this legislation, as well as the full committee's ranking member, the gentleman from California [Mr. BROWN].

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

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

Mr. Speaker, before I begin my remarks on Senate 1231, I want to say what a pleasure and privilege it has been to work with Chairman SENSENBRENNER and the acting subcommittee chairman, and I want to commend them for, again, their bipartisan effort at producing in the House version of this legislation what is a great step forward in terms of expanding the education for firefighters and first responders of emergency situations so we can best cope not only with those typical disasters that occur around the country, but also the new focus on counterterrorism and associated efforts to control that new threat to the Nation.

Mr. Speaker, I rise in support of S. 1231, which authorizes appropriations for the U.S. Fire Administration. This bill was developed in consultation with the Committee on Science and contains acceptable amendments to House Resolution 1272, the House-passed Fire Administration authorization bill.

The U.S. Fire Administration deserves the support of Congress because its mission is important to the safety of every American, and because it is an agency widely acknowledged to be doing its job well. It was created, as the distinguished chairman just mentioned, by the Federal Fire Prevention and Control Act of 1974 in response to a growing awareness that the high loss of life and destruction of property due to fire was a national problem that could be ameliorated by focused and coordinated education, training, and research efforts.

During the past 25 years, significant progress has been made through programs of the Fire Administration to increase public awareness of fire safety measures, to improve the effectiveness of fire and emergency services, and to spur the wider use of home fire safety devices.

Much has been accomplished by the Fire Administration, but the record of fire death rates and property loss in the Nation reveals that much remains to be done. I believe this bill will give the Fire Administration the resources needed to allow it to continue to excel.

S. 1231 will not support just another bureaucratic program. The very small expenditure of funds provided by the Fire Administration will be used to improve the skills of firefighters and emergency response personnel, to increase public awareness of fire safety, and to improve the equipment available for suppressing fires and protecting firefighters.

In short, the program, sponsored by the Fire Administration, will increase the level of excellence of a national service that is critical to every one of us. The Fire Administration has long enjoyed the bipartisan support of Congress because of the recognition of its vital mission to increase public safety.

I would like to commend the majority members of the Committee on Science once again for working in a bipartisan way with the minority to develop the House companion bill to S. 1231. Mr. Speaker, I fully support S. 1231, and recommend the measure to the House for its favorable consideration.

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

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

The SPEAKER pro tempore (Mr. LAZIO of New York). The question is on the motion offered by the gentleman from Wisconsin [Mr. SENSENBRENNER] that the House suspend the rules and pass the Senate bill, S. 1231.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

STANISLAUS COUNTY, CA, LAND CONVEYANCE

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 112) to provide for the conveyance of certain property from the United States to Stanislaus County, California.

The Clerk read as follows:

H.R. 112

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

SECTION 1. CONVEYANCE OF PROPERTY.

As soon as practicable after the date of the enactment of this Act, the Administrator of the National Aeronautics and Space Administration (in this Act referred to as "NASA") shall convey to Stanislaus County, California, all right, title, and interest of the United States in and to the property described in section 2.

SEC. 2. PROPERTY DESCRIBED.

The property to be conveyed pursuant to section 1 is—

(1) the approximately 1528 acres of land in Stanislaus County, California, known as the

NASA Ames Research Center, Crows Landing Facility (formerly known as the Naval Auxiliary Landing Field, Crows Landing);

(2) all improvements on the land described in paragraph (1); and

(3) any other Federal property that is—

(A) under the jurisdiction of NASA;

(B) located on the land described in paragraph (1); and

(C) designated by NASA to be transferred to Stanislaus County, California.

SEC. 3. TERMS.

(a) CONSIDERATION.—The conveyance required by section 1 shall be without consideration other than that required by this section.

(b) ENVIRONMENTAL REMEDIATION.—(1) Notwithstanding any other provision of law, the conveyance required by section 1 shall not relieve any Federal agency of any responsibility under law for any environmental remediation of soil, groundwater, or surface water.

(2) Any remediation of contamination, other than that described in paragraph (1), within or related to structures or fixtures on the property described in section 2 shall be subject to negotiation to the extent permitted by law.

(c) RETAINED RIGHT OF USE.—NASA shall retain the right to use for aviation activities, without consideration and on other terms and conditions mutually acceptable to NASA and Stanislaus County, California, the property described in section 2.

(d) RELINQUISHMENT OF LEGISLATIVE JURISDICTION.—NASA shall relinquish, to the State of California, legislative jurisdiction over the property conveyed pursuant to section 1—

(1) by filing a notice of relinquishment with the Governor of California, which shall take effect upon acceptance thereof; or

(2) in any other manner prescribed by the laws of California.

(e) ADDITIONAL TERMS.—The Administrator of NASA may negotiate additional terms to protect the interests of the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin [Mr. SENSENBRENNER] and the gentleman from Alabama [Mr. CRAMER] each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin [Mr. SENSENBRENNER].

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 112.

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

There was no objection.

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

Mr. Speaker, the same version of this bill passed this House last year under suspension of the rules. H.R. 112 requires the Administrator of NASA to convey to Stanislaus County, California, the property known as the NASA Ames Research Center, Crows Landing Facility. Under this bill NASA shall retain the right to use this property for aviation activities.

In March of this year, NASA conducted a review of its field activities to identify potential closures which would reduce operational costs. As a result of this effort, NASA decided to cease op-

erations at the NASA Crows Landing Facility in order to lower overhead burdens and eliminate operations costs.

This excess Federal property is ideal for use by Stanislaus County for economic development. It is a win-win arrangement for the Federal Government and the local government of California, and I urge my colleagues to support this bill.

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

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

Mr. Speaker, I also would like to rise in support of H.R. 112. I thank the chairman of the committee for making sure that this important piece of legislation made it to the floor here at the concluding hours.

This is a noncontroversial measure, as the chairman has indicated. It simply allows the Administrator of NASA to transfer this land to the Stanislaus County, California, government there. The land had been previously owned by the Navy and then transferred to NASA. NASA indicates that it has no further use for this particular parcel, except that it would like to reserve the right to use it for aviation purposes. H.R. 112 does allow the NASA Administrator to preserve that right, and as well, to review to see that there are any other interests that would be in the best interests of the government.

So I agree with the chairman, this is a win-win situation for the Federal Government, for the county government there in California, and I urge Members to suspend the rules and pass H.R. 112.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin [Mr. SENSENBRENNER] that the House suspend the rules and pass the bill, H.R. 112.

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

A motion to reconsider was laid on the table.

□ 2200

AUBURN INDIAN RESTORATION AMENDMENT ACT

Mr. DOOLITTLE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1805) to amend the Auburn Indian Restoration Act to establish restrictions related to gaming on and use of land held in trust for the United Auburn Indian Community of the Auburn Rancheria of California, and for other purposes.

The Clerk read as follows:

H.R. 1805

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 "Auburn Indian Restoration Amendment Act".

SEC. 2. RESTRICTIONS ON GAMING.

Section 202 of the Auburn Indian Restoration Act (25 U.S.C. 13001) is amended by adding at the end the following new subsection:

"(g) GAMING.—

"(1) Class II and class III gaming activities shall be lawful only on one parcel of land, which shall be taken into trust for the Tribe pursuant to section 204(a)(1), but only if—

"(A) prior to the time such parcel is taken into trust, the Tribe and the local government of the political jurisdiction in which the parcel is located have entered into a compact as required by section 204(e);

"(B) the gaming facility and related infrastructure on such parcel of land are located at least 2 miles from any church, school, or residence which was constructed in a residential zone and which existed on the date of the introduction to the House of Representatives of the Auburn Indian Restoration Amendment Act (June 5, 1997);

"(C) such parcel of land is specifically taken into trust for class II and class III gaming activities; and

"(D) such parcel of land is not part of the land identified in section 204(b).

"(2) If the State of California finds that class III gaming activities have been established in violation of the requirements of the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.) on land held in trust for the Tribe, the State may institute an action in a court of competent jurisdiction for injunctive relief to enjoin all class II and class III gaming activities. If a court of competent jurisdiction determines, by a preponderance of the evidence, that Class III gaming activity has been established in violation of the requirements of the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.) on land held in trust for the Tribe, all Class II and Class III gaming activities shall be unlawful on land held in trust for the Tribe and any such activities may be enjoined by such court. The Tribe shall not raise sovereign immunity as a defense to any such action or to the enforcement or execution of a judgment resulting from such action.

"(3) Except as provided herein, nothing in this Act shall negate or diminish in any way the Tribe's obligation to comply with all provisions of the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.)."

SEC. 3. RESTRICTIONS ON LAND TO BE HELD IN TRUST.

(a) LANDS TO BE TAKEN INTO TRUST.—Section 204(a) of the Auburn Indian Restoration Act (25 U.S.C. 13001-2) is amended to read as follows:

"(a) LANDS TO BE TAKEN INTO TRUST.—(1) Upon request of the tribe, the Secretary shall accept forthwith for the benefit of the Tribe any real property located in Placer County, California, if—

"(A) the property is conveyed or otherwise transferred to the Secretary;

"(B) at the time of the conveyance or transfer pursuant to subparagraph (A), there are no adverse legal claims on such property, including outstanding liens, mortgages, or taxes owed; and

"(C) prior to the Secretary accepting the property the Tribe was in compliance with section 202(g)(1) and 202(g)(3), and subsections (d) and (e) of this section.

"(2) The Secretary may accept, subject to the provisions of this Act, any additional acreage in the Tribe's service area pursuant to the authority of the Secretary, for non-gaming related activities or nonresidential purposes under the Act of June 18, 1934 (25 U.S.C. 461 et seq.), provided that the primary

function of such additional acreage shall not be the furtherance of gaming activities."

(b) USE OF LAND TAKEN INTO TRUST FOR NONGAMING PURPOSES.—Section 204 of the Auburn Indian Restoration Act (25 U.S.C. 13001-2) is amended by adding at the end the following new subsections:

"(d) USE OF LAND TAKEN INTO TRUST FOR NONGAMING PURPOSES.—(1) A parcel of real property taken into trust for the Tribe pursuant to the provisions of section 204(a) (1) or (2), for purposes other than class II or class III gaming activities, may only be used and developed in a manner consistent with and in compliance with all general and community plans and zoning ordinances of the local government of the political jurisdiction in which the land to be taken into trust is located which are in effect at the time that the land is taken into trust, and any other provisions agreed to in the compact required by subsection (e).

"(2)(A) In addition to the former trust lands referred to in subsection (b), the Tribe may acquire one parcel of land for residential purposes pursuant to section 204 (a)(1) and (d)(1).

"(B) Any additional real property taken into trust for the Tribe for residential purposes pursuant to section 204 (a)(2) and (d)(1) shall be contiguous to the initial parcel.

"(C) Except as provided in subsection (b), the Secretary shall not take any real property into trust for residential purposes for individual members of the Tribe.

"(e) COMPACT REQUIRED.—(1) After the date of the enactment of the Auburn Indian Restoration Amendment Act, the Secretary shall not take any land into trust for the Tribe until the Tribe and the local government of the political jurisdiction in which the land to be taken into trust is located have entered into a written compact, which the parties shall negotiate in good faith and in a timely manner, and which shall include provisions relating to—

"(A) location and permissible use of the land to be taken into trust;

"(B) an agreed upon environmental study which provides for the mitigation of any environmental impacts of the proposed development and uses of the land to be taken into trust, and that any mitigation required shall be similar in scope and content to that which would be required of other non-tribal applicants in the local government of the political jurisdiction;

"(C) law enforcement jurisdictional responsibilities and other public services to be provided on the land, consistent with other Federal laws, including any reasonable compensation to the local government of the political jurisdiction for the services and impacts;

"(D) the impact of the removal of the land from the tax rolls;

"(E) building and design standards for any structures proposed to be built on the land, including provisions that such structures shall be built in accordance with standards similar in scope and content to those required of non-tribal applicants in the local jurisdiction; and

"(F) such additional matters as the parties may agree.

"(2) The local government of the political jurisdiction in which the land to be taken into trust is located shall—

"(A) provide notice of the Tribe's proposal and the terms of the local compact to the public, the State, and the governing bodies of any other local governments in Placer County, California;

"(B) provide the recipients of the notice given under subparagraph (A) with a period of 45 days in which to provide comments; and

"(C) take comments provided under subparagraph (B) into consideration and address them before entering into a local compact.

"(3) The Tribe and the local jurisdiction shall negotiate the compact required by this subsection in good faith.

"(f) BINDING ARBITRATION.—(1) If a dispute arises regarding—

"(A) the non-compliance of the Tribe or the local jurisdiction with subsection (e)(3);

"(B) the terms of a compact negotiated pursuant to subsection (e); or

"(C) the alleged violation of a compact negotiated pursuant to subsection (e),

the Tribe or the local government of the political jurisdiction in which the real property relevant to the dispute is located may submit the dispute to binding arbitration under the United States Arbitration Act (9 U.S.C. 1 et seq.). The Tribe shall not raise sovereign immunity as a defense to arbitration or the enforcement of any arbitration award or any judgment based thereon, and all parties expressly agree to comply with such awards and judgments.

"(2) If the Tribe or the local government of the political jurisdiction in which the real property relevant to the dispute is located elects to submit a dispute to arbitration pursuant to paragraph (1), an arbitration board shall be established to conduct the arbitration and shall consist of—

"(A) one independent member selected by the Tribe;

"(B) one independent member selected by the local government of the political jurisdiction in which the land relevant to the dispute is located; and

"(C) one member selected by the members selected pursuant to subparagraphs (A) and (B). If the members selected pursuant to subparagraphs (A) and (B) are unable to agree upon a third member within 20 days after selection of the other members, the presiding judge of the Placer County Superior Court shall select the third member.

"(3) The costs of an arbitration proceeding under this subsection, not including attorneys' fees, shall be awarded to the prevailing party in the arbitration as determined by the arbitration board.

"(4) The decision of the arbitration board shall be final and implemented subject only to judicial review as provided for in the United States Arbitration Act (9 U.S.C. 1 et seq.).

"(g) TERMS ENFORCEABLE.—The terms of subsections (d) and (e) are specifically enforceable in a court of competent jurisdiction by the Tribe and the local government of the political jurisdiction in which the land relevant to a dispute is located against the other. The Tribe shall not raise its sovereign immunity as a defense to such an action or the enforcement or execution of any judgment resulting from such action."

SEC. 4. DEFINITIONS.

Section 208 of the Auburn Indian Restoration Act (25 U.S.C. 13001-6) is amended by adding at the end the following new paragraphs:

"(8) The term 'class II gaming' has the meaning given that term in the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.).

"(9) The term 'class III gaming' has the meaning given that term in the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.)."

The SPEAKER pro tempore (Mr. LAZIO of New York). Pursuant to the rule, the gentleman from California [Mr. DOOLITTLE] will control 20 minutes.

The Chair recognizes the gentleman from California [Mr. DOOLITTLE].

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

H.R. 1805, the proposed Auburn Indian Restoration Act, would impose

various State and local limitations, zoning requirements, and restrictions on gaming activities of the United Auburn Indian Community. It would also impose certain restrictions on lands to be taken into trust for the community for gaming as well as nongaming purposes.

The chairperson of the United Auburn Indian Community, Jessica Tavers, in a letter to me dated September 15, 1997, stated that, "United Auburn Indian Community has thoroughly reviewed H.R. 1805 and wishes to inform the committee that we have no opposition to this bill. Indeed, we believe that the measure sets fair standards and a workable mechanism for the resolution of any differences between the tribe and Placer County, where the tribe resides."

I urge my colleagues, Mr. Speaker, to support this legislation. I move that the bill be passed.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. DOOLITTLE] that the House suspend the rules and pass the bill, H.R. 1805.

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

A motion to reconsider was laid on the table.

WATER-RELATED TECHNICAL CORRECTIONS ACT OF 1997

Mr. DOOLITTLE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2402) to make technical and clarifying amendments to improve the management of water-related facilities in the Western United States, as amended.

The Clerk read as follows:

H.R. 2402

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Water-Related Technical Corrections Act of 1997".

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

- Sec. 1. Short title; table of contents.
- Sec. 2. Reduction of waiting period for obligation of funds provided under Reclamation Safety of Dams Act of 1978.
- Sec. 3. Albuquerque Metropolitan Area Reclamation and Reuse Project.
- Sec. 4. Phoenix Metropolitan Water Reclamation and Reuse Project.
- Sec. 5. Refund of certain amounts received under Reclamation Reform Act of 1982.
- Sec. 6. Extension of periods for repayments for Nueces River reclamation project and Canadian River reclamation project, Texas.
- Sec. 7. Solano Project Water.
- Sec. 8. Use of distribution system of Canadian River reclamation project, Texas, to transport nonproject water.

Sec. 9. Olivenhain Water Storage Project loan guarantee.

Sec. 10. Fish passage and protective facilities, Rogue River Basin, Oregon.

SEC. 2. REDUCTION OF WAITING PERIOD FOR OBLIGATION OF FUNDS PROVIDED UNDER RECLAMATION SAFETY OF DAMS ACT OF 1978.

Section 5 of the Reclamation Safety of Dams Act of 1978 (92 Stat. 2471; 43 U.S.C. 509) is amended by striking "sixty days" and all that follows through "day certain" and inserting "30 calendar days".

SEC. 3. ALBUQUERQUE METROPOLITAN AREA RECLAMATION AND REUSE PROJECT.

Section 1621 of the Reclamation Projects Authorization and Adjustment Act of 1992, as added by section 2(a)(2) of the Reclamation Recycling and Water Conservation Act of 1996 (110 Stat. 3292; 43 U.S.C. 390h-12g), is amended—

(1) in the heading by striking "STUDY" and inserting "PROJECT"; and

(2) in subsection (a)—
(A) by inserting "the planning, design, and construction of" after "participate in";

(B) by striking "Study" and inserting "Project"; and

(C) by inserting "and nonpotable surface water" after "impaired groundwater".

SEC. 4. PHOENIX METROPOLITAN WATER RECLAMATION AND REUSE PROJECT.

Section 1608 of the Reclamation Projects Authorization and Adjustment Act of 1992 (106 Stat. 4666; 43 U.S.C. 390h-6) is amended—

(1) by amending subsection (a) to read as follows:

"(a) The Secretary, in cooperation with the city of Phoenix, Arizona, shall participate in the planning, design, and construction of the Phoenix Metropolitan Water Reclamation and Reuse Project to utilize fully wastewater from the regional wastewater treatment plant for direct municipal, industrial, agricultural, and environmental purposes, groundwater recharge, and indirect potable reuse in the Phoenix metropolitan area.;"

(2) in subsection (b) by striking the first sentence; and

(3) by striking subsection (c).

SEC. 5. REFUND OF CERTAIN AMOUNTS RECEIVED UNDER RECLAMATION REFORM ACT OF 1982.

(a) REFUND REQUIRED.—Subject to subsection (b) and the availability of appropriations, the Secretary of the Interior shall refund fully amounts received by the United States as collections under section 224(i) of the Reclamation Reform Act of 1982 (101 Stat. 1330-268; 43 U.S.C. 390ww(i)) for paid bills (including interest collected) issued by the Secretary of the Interior before January 1, 1994, for full-cost charges that were assessed for failure to file certain certification forms under sections 206 and 224(c) of such Act (96 Stat. 1266, 1272; 43 U.S.C. 390ff, 390ww(c)).

(b) ADMINISTRATIVE FEE.—In the case of a refund of amounts collected in connection with sections 206 and 224(c) of the Reclamation Reform Act of 1982 (96 Stat. 1266, 1272; 43 U.S.C. 390ff, 390ww(c)) with respect to any water year after the 1987 water year, the amount refunded shall be reduced by an administrative fee of \$260 for each occurrence.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section \$3,000,000.

SEC. 6. EXTENSION OF PERIODS FOR REPAYMENTS FOR NUECES RIVER RECLAMATION PROJECT AND CANADIAN RIVER RECLAMATION PROJECT, TEXAS.

Section 2 of the Emergency Drought Relief Act of 1996 (Public Law 104-318; 110 Stat. 3862)

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

"(c) EXTENSION OF PERIODS FOR REPAYMENT.—Notwithstanding any provision of the Reclamation Project Act of 1939 (43 U.S.C. 485 et seq.), the Secretary of the Interior—

"(1) shall extend the period for repayment by the City of Corpus Christi, Texas, and the Nueces River Authority under contract No. 6-07-01-X0675, relating to the Nueces River reclamation project, Texas, until—

"(A) August 1, 2029, for repayment pursuant to the municipal and industrial water supply benefits portion of the contract; and

"(B) until August 1, 2044, for repayment pursuant to the fish and wildlife and recreation benefits portion of the contract; and

"(2) shall extend the period for repayment by the Canadian River Municipal Water Authority under contract No. 14-06-500-485, relating to the Canadian River reclamation project, Texas, until October 1, 2021."

SEC. 7. SOLANO PROJECT WATER.

(a) AUTHORIZATION.—The Secretary of the Interior is authorized to enter into contracts with the Solano County Water Agency, or any of its member unit contractors for water from the Solano Project, California, pursuant to the Act of February 21, 1911 (43 U.S.C. 523), for—

(1) the impounding, storage, and carriage of nonproject water for domestic, municipal, industrial, and other beneficial purposes, using any facilities associated with the Solano Project, California, and

(2) the exchange of water among Solano Project contractors, for the purposes set forth in paragraph (1), using facilities associated with the Solano Project, California.

(b) LIMITATION.—The authorization under subsection (a) shall be limited to the use of that portion of the Solano Project facilities downstream of Mile 26 of the Putah South Canal (as that canal is depicted on the official maps of the Bureau of Reclamation), which is below the diversion points on the Putah South Canal utilized by the city of Fairfield for delivery of Solano Project water.

SEC. 8. USE OF DISTRIBUTION SYSTEM OF CANADIAN RIVER RECLAMATION PROJECT, TEXAS, TO TRANSPORT NONPROJECT WATER.

The Act of December 29, 1950 (chapter 1183; 43 U.S.C. 600b, 600c), authorizing construction, operation, and maintenance of the Canadian River reclamation project, Texas, is amended by adding at the end the following new section:

"SEC. 4. (a) The Secretary of the Interior shall allow use of the project distribution system (including all pipelines, aqueducts, pumping plants, and related facilities) for transport of water from the Canadian River Conjunctive Use Groundwater Project to municipalities that are receiving water from the project. Such use shall be subject only to such environmental review as is required under the Memorandum of Understanding, No. 97-AG-60-09340, between the Bureau of Reclamation and the Canadian River Municipal Water Authority, and a review and approval of the engineering design of the interconnection facilities to assure the continued integrity of the project. Such environmental review shall be completed within 90 days after the date of enactment of this section.

"(b) The Canadian River Municipal Water Authority shall bear the responsibility for all costs of construction, operation, and maintenance of the Canadian River Conjunctive Groundwater Project, and for costs incurred by the Secretary in conducting the environmental review of the project. The Secretary shall not assess any additional charges in connection with the Canadian River Conjunctive Use Groundwater Project."

SEC. 9. OLIVENHAIN WATER STORAGE PROJECT LOAN GUARANTEE.

(a) **LOAN GUARANTEE.**—The Secretary of the Interior may guarantee a loan made to either the Olivenhain Municipal Water District (in this section referred to as the "District") or to a nongovernmental developer selected by the District, for building and financing the Olivenhain Water Storage Project in northern San Diego County, California. The amount of a loan guaranteed under this subsection may not exceed \$70,000,000. Before making any such loan guarantee, the Secretary shall evaluate the design and justification for the proposed project. The Secretary may make such a loan guarantee only after the Secretary determines that the proposed project is economically feasible and the design for the proposed project is technically and environmentally adequate.

(b) **INTEREST RATE.**—Any loan guaranteed under subsection (a) shall bear interest at a rate agreed upon by the borrower and lender.

(c) **OBLIGATION OF UNITED STATES.**—Any loan guarantee under this section shall constitute an obligation, in accordance with the terms and conditions of such guarantee, of the United States Government, and the full faith and credit of the United States is hereby pledged to full performance of the obligation.

(d) **SECURITY.**—

(1) **RESERVE FUND AND COMMITMENT OF DISTRICT REVENUES.**—To ensure the repayment of any loan guaranteed under this section and as a condition of providing the guarantee, the Secretary of the Interior shall require that—

(A) the borrower establish and maintain, with a trustee designated by the Secretary, a reserve fund in the amount of 115 percent of the next year's principal and interest payments on the loan;

(B) the District agree to use its revenues to make all payments required under the terms of the loan prior to any payment by the United States under the guarantee, and to make those payments through the trustee designated under subparagraph (A); and

(C) the trustee designated under subparagraph (A) agree to use all amounts received for repayment of the loan to repay the loan.

(2) **RESERVE FUND REQUIREMENTS.**—The reserve fund under this subsection shall be established under terms that provide that—

(A) all moneys in the reserve fund shall constitute a trust fund for the repayment of the loan guaranteed under subsection (a); and

(B) the reserve fund shall be administered in accordance with and pursuant to provisions agreed upon by the borrower and lender for the loan guaranteed under subsection (a).

(3) **PAYMENT OF LOAN AMOUNTS.**—Proceeds from the loan guaranteed under subsection (a) shall—

(A) be deposited directly with the trustee designated by the Secretary of the Interior under paragraph (1)(A); and

(B) be disbursed by the trustee consistent with the terms of the loan.

(4) **QUALIFICATIONS OF TRUSTEE.**—Any trustee designated by the Secretary of the Interior under paragraph (1) must, at a minimum—

(A) be a trust company or a bank having the powers of a trust company;

(B) have a combined capital and surplus of at least \$100,000,000; and

(C) be otherwise subject to supervision or examination by a Federal agency.

SEC. 10. FISH PASSAGE AND PROTECTIVE FACILITIES, ROGUE RIVER BASIN, OREGON.

The Secretary of the Interior is authorized to use otherwise available amounts to provide up to \$2,000,000 in financial assistance to the Medford Irrigation District and the

Rogue River Valley Irrigation District for the design and construction of fish passage and protective facilities at North Fork Little Butte Creek Diversion Dam and South Fork Little Butte Creek Diversion Dam in the Rogue River basin, Oregon, if the Secretary determines in writing that these facilities will enhance the fish recovery efforts currently underway at the Rogue River Basin Project, Oregon.

The **SPEAKER pro tempore.** Pursuant to the rule, the gentleman from California [Mr. DOOLITTLE] will control 20 minutes.

The Chair recognizes the gentleman from California [Mr. DOOLITTLE].

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

I rise in support of this legislation, the Water-Related Technical Corrections Act of 1997, and urge its adoption by the House of Representatives.

H.R. 2402 is a compilation of amendments to the Federal reclamation law designed to clarify authorities to the Bureau of Reclamation or existing provisions of law. This legislation was compiled after canvassing members of the Subcommittee on Water and Power of the Committee on Resources, members of the Western Water Caucus, and the Bureau of Reclamation about any such needed changes.

Let me stress that most of these provisions are being sought to enhance water management capabilities at locations in several different states, such as Oregon, California, Arizona, New Mexico, and Texas.

I urge my colleagues to support this bill and move its adoption.

Mr. SMITH of Oregon. Mr. Speaker, I would like to thank the Chairman of the House Resources Subcommittee on Water and Power, Mr. DOOLITTLE, for his many efforts this year on behalf of Oregon farmers. For the past year, he was worked diligently to help further the cause of common-sense solutions to the complex water conflicts in the West. Today's bill exemplifies his commitment to advancing this cause. H.R. 2402, the Water-Related Technical Corrections Act, contains a provision for Oregon farmers that can only be described as a win-win. It helps farmers in southern Oregon by stabilizing their operations, protects endangered and threatened anadromous fish runs, and provides substantial benefits to the adjacent federal Bureau of Reclamation (the Bureau) project.

The bill will provide financial assistance to the Medford Irrigation District and Rogue River Valley Irrigation District (the Districts), both located in the Rogue River basin in southwest Oregon, for the construction of fish passage and protective facilities. Despite the Bureau's desire to assist in this effort, the Interior Solicitor's Office provided a legal opinion in August stating that the Bureau does not have Congressional authority to provide financial assistance to the Districts. Without the authority granted by H.R. 2402, the Bureau will be able to provide technical assistance for the engineering designs of the improvements, but will not be able to assist with the implementation of the needed facilities. Several weeks ago, I was contacted by the Bureau's Boise field office to assist in granting this authority. With the help of Chairman DOOLITTLE, we are accomplishing this objective today.

The North Fork Little Butte Creek Diversion Dam is located in the North Fork Little Butte Creek about one mile upstream from the confluence with the South Fork and diverts water to the Medford Main Canal. The South Fork Little Butte Creek Diversion Dam is located on the South Fork Little Butte Creek about one mile upstream from the confluence with the North Fork, and diverts water from the South Fork Little Butte Creek to the Medford Main Canal. North and South Fork Little Butte Creeks are notable for runs of summer and winter steelhead, spring chinook salmon, and coho salmon as well as native cutthroat and rainbow trout, and have been identified as critical spawning and rearing areas for coho salmon and steelhead.

Both diversion dams are jointly owned and operated by the Districts. Fish passage and protective facilities associated with both diversions are old, have deteriorated, and do not meet current requirements for fish passage as established by the National Marine Fisheries Service. Since the Rogue River Basin Project (the Project), a Federal Reclamation project, is appurtenant to those diversion dams, providing this assistance will ensure that improvements already made at the Project will be fully realized.

Once again, I would like to thank Chairman DOOLITTLE for working to include this minor provision in H.R. 2402. It represents the type of assistance that the federal government ought to be providing to irrigation districts struggling to comply with new regulations that have been imposed upon them, and ensures that the public interest in protecting fish runs is fulfilled.

I urge my colleagues to support this common-sense legislation.

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

The **SPEAKER pro tempore.** The question is on the motion offered by the gentleman from California [Mr. DOOLITTLE] that the House suspend the rules and pass the bill, H.R. 2402, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DOOLITTLE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on the last two bills just passed.

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

There was no objection.

JIMMY CARTER NATIONAL HISTORIC SITE ACQUISITION

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 669) to provide for the acquisition of the Plains Railroad Depot at the Jimmy Carter National Historic Site.

The Clerk read as follows:

S. 669

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

SECTION 1. ACQUISITION OF PLAINS RAILROAD DEPOT.

Section 1(c)(2) of the Act entitled "An Act to establish the Jimmy Carter National Historic Site and Preservation District in the State of Georgia, and for other purposes", approved December 23, 1987 (16 U.S.C. 161 note; 101 Stat. 1435), is amended by striking ", the Plains Railroad Depot (described in subsection (b)(2)(B)).",

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah [Mr. HANSEN] and the gentleman from Georgia [Mr. BISHOP] each will control 20 minutes.

The Chair recognizes the gentleman from Utah [Mr. HANSEN].

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

Mr. Speaker, I rise in support of S. 669, which provides for the acquisition of land under the Plains Railroad Depot at the Jimmy Carter National Historic Site in Georgia.

I commend my colleague, the gentleman from Georgia [Mr. BISHOP], for his introduction of H.R. 714, the companion bill of 669, in the House of Representatives.

S. 669 amends Section 1(c)(2), Public Law 100-206, the establishment act for the Jimmy Carter National Historic Site, to remove the restrictions that the Plains Railroad Depot be acquired only by donation for inclusion in the national historic site.

The bill is necessary to clear the title of the railroad right-of-way due to restrictions contained in the 1888 deed from Mr. M.L. Hudson, stipulating that if the railroad ceased operation of the rail line, the land would revert to his heirs. Since the establishment of the historic site in 1987, the National Park Service has spent over 10 years attempting to locate all of the heirs, without success.

This bill allows a friendly condemnation to clear title to the land. Once this action is finalized, the National Park Service will complete the development of this historic depot, which was the headquarters for former President Carter's 1976 Presidential campaign.

The Subcommittee on National Parks and Public Lands held hearings on this legislation, and there was unanimous support. Mr. Speaker, I urge support and passage of this legislation and urge my colleagues to pass S. 669.

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

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

Mr. Speaker, I rise today to ask that my colleagues support S. 669, which would provide a legal fix needed by the Jimmy Carter National Historic Site in Plains, Georgia.

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

Mr. BISHOP. This Presidential site is located within my congressional dis-

trict and enjoys bipartisan support. The bill is identical to H.R. 1714, a bill I introduced in the House. I would like to thank the Speaker, the majority leader, minority leader, Committee on Resources, and all of those responsible for helping to bring this bill to the floor today.

Public law 100-206, which created the site at the old Plains Depot, requires that the Seaboard Railroad donated land under it. However, since Congress passed that law, it has been discovered that the CSX Railroad, which is the successor to the old Seaboard Railroad, does not have the legal capacity to donate the land under the depot, nor are there remaining heirs of the original land owners available to make the donation. With that being the case, the plan to work on the site cannot proceed.

Because of the confusion over identification of the heirs, the depot has not been developed to its full potential as an element of the historic site. For example, the small parking lot is muddy during the wet weather and dusty during the dry weather. The depot is currently served by a substandard septic tank because hookup with the town sewer system has not been possible without a clear title. As a result, the depot has been boarded up and unavailable for visitation despite the fact that, in 1990, close to 40,000 schoolchildren from across the country visited the depot.

This measure would amend the law to provide that the land under the depot can be acquired by purchase. This would be effected by the Park Service depositing the appraised value into a court escrow account so that if any heirs ever surfaced, they would receive just compensation.

The National Park Service, in its testimony to both the House and Senate Committees on Resources, testified that it supports this change, and the Congressional Budget Office reports that the budgetary impact of this legal fix is negligible. The Senate has acted favorably on this bill by unanimous consent. So I feel confident that swift action by the full House can help this change become law this year.

I would like to urge my colleagues to support this important bill, because this particular piece of property is a very, very important ingredient to the full development of the Carter Presidential site in Plains, Georgia.

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

Mr. BISHOP. Mr. Speaker, I yield 2 minutes to the gentleman from Oregon [Mr. DeFAZIO].

Mr. DeFAZIO. Mr. Speaker, I think the gentleman from Utah [Mr. HANSEN] has meritorious suggestions before the House, and I would urge Members to support it.

But beyond that, at the moment, I would like to go to another issue which I will not be allowed to raise because of restricted rules of the House, and I would have raised it as a point of privi-

lege to the honor and integrity of the House.

It came to my attention and the attention of a number of other Members that directly below this chamber, in H-137, for a number of days that private-interest lobbyists, paid registered lobbyists, have been conducting what is called the war room right here on Capitol grounds using taxpayer-funded phones, lights, facilities, a beautiful room, something not made available to people who are opposing fast track, but only to a group of industries who are supporting the fast track legislation. I believe that this demeans the integrity of the House.

A number of my colleagues intend to put this question to the Speaker. My understanding is that, because of restricted rules of the House, at the moment we cannot raise it as a privilege on the floor. But this is certainly something that the public and other Members should be aware of.

We do not normally make facilities available to private outside interests and or the National Association of Manufacturers, Boeing Company, and other large corporations, at taxpayer expense, to lobby on behalf of legislation right here in the Capitol right beneath us, absolutely prime real estate. I think it is outrageous. And I think that Members should raise this question with the Speaker privately if we are not allowed to do it publicly.

I thank the gentleman from Georgia [Mr. BISHOP] for yielding me the time, and I wish him luck with the bill.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah [Mr. HANSEN] that the House suspend the rules and pass the Senate bill, S. 669.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

**ARCHES NATIONAL PARK
EXPANSION ACT OF 1997**

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2283) to expand the boundaries of Arches National Park in the State of Utah to include portions of the following drainages, Salt Wash, Lost Spring Canyon, Fish Sheep Draw, Clover Canyon, Cordova Canyon, Mine Draw, and Cottonwood Wash, which are currently under the jurisdiction of the Bureau of Land Management, and to include a portion of Fish Sheep Draw, which is currently owned by the State of Utah, as amended.

The Clerk read as follows:

H.R. 2283

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 "Arches National Park Expansion Act of 1997".

SEC. 2. EXPANSION OF ARCHES NATIONAL PARK, UTAH.

(a) **BOUNDARY EXPANSION.**—Subsection (a) of the first section of Public Law 92-155 (16 U.S.C. 272; 85 Stat. 422) is amended as follows:

(1) By inserting after the first sentence the following new sentence: "Effective on the date of the enactment of the Arches National Park Expansion Act of 1997, the boundary of the park shall also include the area consisting of approximately 3,140 acres and known as the 'Lost Spring Canyon Addition', as depicted on the map entitled 'Boundary Map, Arches National Park, Lost Spring Canyon Addition', numbered 138/60,000-B, and dated April 1997."

(2) In the last sentence, by striking "Such map" and inserting "Such maps".

(b) **INCLUSION OF LAND IN PARK.**—Section 2 of Public Law 92-155 (16 U.S.C. 272a) is amended by adding at the end the following new sentences: "As soon as possible after the date of the enactment of the Arches National Park Expansion Act of 1997, the Secretary of the Interior shall transfer jurisdiction over the Federal lands contained in the Lost Spring Canyon Addition from the Bureau of Land Management to the National Park Service. The lands included in the park pursuant to the Arches National Park Expansion Act of 1997 shall be administered in accordance with the laws and regulations applicable to the park."

(c) **PROTECTION OF EXISTING GRAZING PERMIT.**—Section 3 of Public Law 92-155 (16 U.S.C. 272b) is amended as follows:

(1) By inserting "(a)" before "Where".

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

"(b)(1) In the case of any grazing lease, permit, or license with respect to lands within the Lost Spring Canyon Addition that was issued before the date of the enactment of the Arches National Park Expansion Act of 1997, the Secretary of the Interior shall, subject to periodic renewal, continue such lease, permit, or license for a period of time equal to the lifetime of the permittee as of that date and any direct descendants of the permittee born before that date. Any such grazing lease, permit, or license shall be permanently retired at the end of such period. Pending the expiration of such period, the permittee (or a descendant of the permittee who holds the lease, permit, or license) shall be entitled to periodically renew the lease, permit, or license, subject to such limitations, conditions, or regulations as the Secretary may prescribe.

"(2) Any such grazing lease, permit, or license may be sold during the period specified in paragraph (1) only on the condition that the purchaser shall, immediately upon such acquisition, permanently retire such lease, permit, or license. Nothing in this subsection shall affect other provisions concerning leases, permits, or licenses under the Taylor Grazing Act.

"(3) Any portion of any grazing lease, permit, or license with respect to lands within the Lost Spring Canyon Addition shall be administered by the National Park Service."

(d) **WITHDRAWAL FROM MINERAL ENTRY AND LEASING; PIPELINE MANAGEMENT.**—Section 5 of Public Law 92-155 (16 U.S.C. 272d) is amended by adding at the end the following new subsection:

"(c)(1) Subject to valid existing rights, Federal lands within the Lost Spring Canyon Addition are hereby appropriated and withdrawn from entry, location, selection, leasing, or other disposition under the public land laws, including the mineral leasing laws.

"(2) The inclusion of the Lost Spring Canyon Addition in the park shall not affect the operation or maintenance by the Northwest Pipeline Corporation (or its successors or assigns) of the natural gas pipeline and related facilities located in the Lost Spring Canyon Addition on the date of the enactment of the Arches National Park Expansion Act of 1997."

(e) **EFFECT ON SCHOOL TRUST LANDS.**—

(1) **FINDINGS.**—The Congress finds the following:

(A) A parcel of State school trust lands, more specifically described as section 16, township 23 south, range 22 east, of the Salt Lake base and meridian, is partially contained within the Lost Spring Canyon Addition included within the boundaries of Arches National Park by the amendment by subsection (a).

(B) The parcel was originally granted to the State of Utah for the purpose of generating revenue for the public schools through the development of natural and other resources located on the parcel.

(C) It is in the interest of the State of Utah and the United States for the parcel to be exchanged for Federal lands of equivalent value outside the Lost Spring Canyon Addition, in order to permit Federal management of all lands within the Lost Spring Canyon Addition.

(2) **LAND EXCHANGE.**—Public Law 92-155 is amended by adding at the end the following new section:

"SEC. 8. LAND EXCHANGE INVOLVING SCHOOL TRUST LANDS.

"(a) **EXCHANGE REQUIREMENTS.**—If, not later than one year after the date of the enactment of the Arches National Park Expansion Act of 1997, and in accordance with this section, the State of Utah offers to transfer all right, title and interest of the State in and to the parcel of school trust lands described in subsection (b)(1) to the United States, the Secretary of the Interior shall accept the offer on behalf of the United States and, within 180 days after the date of such acceptance, transfer to the State of Utah all right, title and interest of the United States in and to the parcel of land described in subsection (b)(2). Title to the State lands shall be transferred at the same time as conveyance of title to the Federal lands by the Secretary of the Interior. The exchange of lands under this section shall be subject to valid existing rights, and each party shall succeed to the rights and obligations of the other party with respect to any lease, right-of-way, or permit encumbering the exchanged lands.

"(b) **DESCRIPTION OF PARCELS.**—

"(1) **STATE CONVEYANCE.**—The parcel of school trust lands to be conveyed by the State of Utah under subsection (a) is section 16, township 23 south, range 22 east of the Salt Lake base and meridian.

"(2) **FEDERAL CONVEYANCE.**—The parcel of Federal lands to be conveyed by the Secretary of the Interior consists of approximately 639 acres and is identified as lots 1 through 12 located in the S $\frac{1}{2}$ N $\frac{1}{2}$ and the N $\frac{1}{2}$ N $\frac{1}{2}$ N $\frac{1}{2}$ S $\frac{1}{2}$ of section 1, township 25 south, range 18 east, Salt Lake base and meridian.

"(3) **EQUIVALENT VALUE.**—The Federal lands described in paragraph (2) are of equivalent value to the State school trust lands described in paragraph (1).

"(c) **MANAGEMENT BY STATE.**—At least 60 days before undertaking or permitting any surface disturbing activities to occur on the lands acquired by the State under this section, the State shall consult with the Utah State Office of the Bureau of Land Management concerning the extent and impact of such activities on Federal lands and resources and conduct, in a manner consistent with Federal laws, inventory, mitigation,

and management activities in connection with any archaeological, paleontological, and cultural resources located on the acquired lands. To the extent consistent with applicable law governing the use and disposition of State school trust lands, the State shall preserve existing grazing recreational, and wildlife uses of the acquired lands. Nothing in this subsection shall be construed to preclude the State from authorizing or undertaking surface or mineral activities authorized by existing or future land management plans for the acquired lands.

"(d) **IMPLEMENTATION.**—Administrative actions necessary to implement the land exchange described in this section shall be completed within 180 days after the date of the enactment of the Arches National Park Expansion Act of 1997."

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah [Mr. HANSEN] will control 20 minutes.

The Chair recognizes the gentleman from Utah [Mr. HANSEN].

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

I rise in support of H.R. 2283, the Arches National Park Expansion Act of 1997, which was introduced by my colleague, the gentleman from Utah [Mr. CANNON].

This worthwhile legislation would expand the boundaries of the park by approximately 3,140 acres, consisting primarily of public lands currently managed by the Bureau of Land Management. The expansion, known as the Lost Spring Canyon Addition, would follow canyons and rims and natural forms instead of section lines and other manmade features. This addition to the 73,400-acre Arches National Park adds additional concentrations of stone arches and numerous geologic features such as spires, pinnacles, pedestals, and balanced rocks.

Mr. Speaker, I commend my colleague, the gentleman from Utah [Mr. CANNON], for his work in developing a consensus on H.R. 2283 within the State of Utah, conservation organizations, the Congress, and the administration. I urge my colleagues to support this important legislation.

Mr. Speaker, I yield 5 minutes to the gentleman from Utah [Mr. CANNON], the sponsor of the bill.

Mr. CANNON. Mr. Speaker, I am pleased today to rise as the sponsor of the Arches National Park Expansion Act of 1997. I represent Utah's Third Congressional District, a huge and incredibly scenic district that is nearly the size of Ohio.

One of the true gems of my district is the Arches National Park. Arches is world-renowned as the home of hundreds of spectacular stone arches created by wind and water erosion. This poster depicts one of those arches, Delicate Arch.

When Arches National Park was created, the park boundaries were drawn here in Washington using straight lines. But Mother Nature's creations are not linear. In the northeast corner of the park, the boundary was drawn through the middle of the arch through Lost Springs Canyon, leaving it half in

the park and half outside. Currently, the Bureau of Land Management manages the upper half of this canyon, while the National Park Service manages the lower portion.

□ 2215

This bill will simply move the park boundary to the far edge of the canyon to include all of Lost Spring Canyon. By doing so, the park boundary will be redrawn where it should have been originally. In doing so, this bill adds approximately 3,140 acres to one of our most spectacular national parks. This is an area of hundred-foot canyon walls, gentle grass valleys and delicate sandstone arches. This common-sense boundary adjustment will bring at least 10 new arches under park protection. It will also have the side benefit of allowing the park to offer a back-country experience, an aspect that is currently missing.

But this addition does not just make sense aesthetically. It also makes sense from a management standpoint. The proposed new boundary will put the National Park Service in charge of an area with clear geographic division, specifically the rim of a canyon. Visitors, park, and BLM employees will know where the park ends and BLM land begins.

Part of the proposed addition also includes a section of school trust land owned by Utah's school children. That section really should be part of Arches. My staff sat down with the Utah School Trust and the Bureau of Land Management to find a section of Federal land that could be traded for the school trust section. A section was identified, and a trade for that section is in the bill. I believe this is one of the key provisions of the measure. In Utah we have had a long history of our school children being forced to bear the burden of Federal land management decisions. In contrast, this bill protects both the land and Utah's school children.

We worked long to ensure that this bill had the input of all the different parties concerned with the park expansion. Comments were taken from elected officials, local citizens, interest groups, Government agencies, and a wide variety of groups who cherish this land. Their opinions were considered carefully during the drafting and re-drafting of this bill. I feel strongly that this bill is a good balance of the competing interests.

I believe that is why 49 of my colleagues, Republicans and Democrats, have joined me on this measure. That is why the Utah School Trust, local officials and I believe a majority of the residents of Grand County favor this proposal. That is why both the Grand Canyon Trust and the National Parks and Conservation Association are on board, and that is why the National Park Service and the administration have indicated support. This is a pro-environment, pro-open process, pro-park vote and, most importantly, it is the right thing to do.

Mr. Speaker, I ask for an affirmative vote.

Mr. HANSEN. Mr. Speaker, I submit for the CONGRESSIONAL RECORD the attached language that clarifies the operation and maintenance of the existing natural gas pipeline in Arches National Park and the proposed Lost Spring Canyon addition to the park.

This language has been agreed to by the majority and minority staffs of the National Parks and Public Lands Subcommittee, the sponsor of the bill, Mr. CANNON, the National Park Service, and the operator of the pipeline.

Section 2(d)(2) provides that the natural gas pipeline currently located within the boundary of Arches National Park, and that is located in the Lost Spring Canyon addition to the park, can continue to be operated and maintained in a manner necessary to achieve compliance with Federal pipeline safety regulations.

This language does not give the operator of the pipeline authority to expand the pipeline's current capacity, replace the pipeline, or construct new facilities. Section 2(d)(2) simply recognizes that the operator is bound by the Federal pipeline safety law and implementing regulations to maintain certain safety standards. The committee believes the operator should not be forced into a position where the operator is in violation of those requirements and where the safe operation of the pipeline is jeopardized.

For example, safety regulations require that pipeline operators maintain certain levels of cathodic protection along pipelines to protect against corrosion. Cathodic protection involves the creation of a small electrical current along the pipe to counter the current that naturally occurs between the pipe and the soil. By neutralizing this natural current, corrosion of the pipe is avoided. The committee understands that the pipeline operator now maintains a cathodic protection facility in the Lost Spring Canyon addition to the park. This language insures that such facility could continue to operate if retaining a facility in this area is necessary to achieve the levels of cathodic protection required by Federal regulation.

The committee understands that the National Park Service periodically renews the permit governing the operation of the pipeline located within the park. This language in no way is intended to interfere with the National Park Service's ability to require operation of the pipeline in a manner that minimizes its impact on the park. Again, the language is intended to ensure that the pipeline operator is not forced to operate the pipeline in a manner that is unsafe and inconsistent with Federal law and regulations governing safety.

Mr. COOK. Mr. Speaker, I rise in support of H.R. 2283, the Arches National Park Expansion Act. This bill simply expands the existing national park by 3,140 acres to include scenic wonders that were left out when the park boundaries were drawn 25 years ago. These sites belong in the park and should have been included the first time around. Let me give you an example: Lost Spring Canyon is a spectacular canyon. Nature has carved at least 10 arches in the walls of this dramatic canyon. Yet, only a small portion of the canyon is part of the Arches National Park. The rest was cut out because park boundaries were drawn along sectional lines. This bill now brings the entire canyon into the park.

This is an inexpensive, practical move that has the broad support of the people in my dis-

trict and my State. I urge the passage of H.R. 2283. Thank you. I yield back the balance of my time.

Mr. HANSEN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. CALLAHAN). The question is on the motion offered by the gentleman from Utah [Mr. HANSEN] that the House suspend the rules and pass the bill, H.R. 2283, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: "A bill to expand the boundaries of Arches National Park in the State of Utah to include portions of the following drainages: Salt Wash, Lost Spring Canyon, Fish Seep Draw, Clover Canyon, Cordova Canyon, Mine Draw, and Cottonwood Wash, which are currently under the jurisdiction of the Bureau of Land Management, and to include a portion of Fish Seep Draw, which is currently owned by the State of Utah."

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HANSEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the two bills just passed.

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

There was no objection.

TRIBUTE TO HONORABLE THOMAS M. FOGLIETTA

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

Mr. TRAFICANT. Mr. Speaker, there will be some debate on the floor about the gentleman from Pennsylvania [Mr. FOGLIETTA] who has been named ambassador to Italy. I just wanted to take this time this evening in the event that I am not here on the floor when that tribute is made that I want to really salute our colleague for that tremendous achievement. He started out in Philadelphia as the youngest city councilman ever elected. He worked tirelessly for his constituents. I know that the gentleman in the chair has served with him for years in the Committee on Appropriations. He was always fair. While we wait here for the next legislation, I think it is absolutely proper and fitting to pay tribute. I just wanted to put my little two cents in and thank the gentleman from Pennsylvania for the great job he has done for the country, for his constituents and all the help he has given me and my constituents.

JAMES L. FOREMAN U.S.
COURTHOUSE

Mr. DUNCAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1502) to designate the U.S. Courthouse located at 301 West Main Street in Benton, IL, as the "James L. Foreman United States Courthouse".

The Clerk read as follows:

H.R. 1502

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

SECTION 1. DESIGNATION.

The United States Courthouse located at 301 West Main Street in Benton, Illinois, shall be known and designated as the "James L. Foreman United States Courthouse".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the building referred to in section 1 shall be deemed to be a reference to the "James L. Foreman United States Courthouse".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Tennessee [Mr. DUNCAN] and the gentleman from Ohio [Mr. TRAFICANT] each will control 20 minutes.

The Chair recognizes the gentleman from Tennessee [Mr. DUNCAN].

Mr. DUNCAN. Mr. Speaker, I yield myself such time as I may consume. H.R. 1502 designates the United States courthouse located in Benton, Illinois as the James L. Foreman United States Courthouse.

Judge Foreman was appointed to the Federal bench in 1972 and became Chief Judge in 1978, continuing in this position until 1992, when he assumed senior status. As Chief Judge, Judge Foreman initiated the efforts to redesignate the judicial districts for the State of Illinois. Judge Foreman also was instrumental in instituting a formal case management system for the Federal courts and establishing court facilities at the United States Penitentiary in Marion, Illinois.

Additionally, Judge Foreman served on the Judicial Resource Committee of the Judicial Conference of the United States. On several occasions he has been appointed to sit by designation in cases before the United States Court of Appeals for the Seventh Circuit and in the United States District Court for the Western District of Kentucky.

Judge Foreman has served with honor and distinction during his tenure on the Federal bench, and this is a fitting tribute for his service. I support the bill and urge my colleagues to support the bill.

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

Mr. TRAFICANT. Mr. Speaker, I yield myself such time as he may consume to the hardworking gentleman from Illinois [Mr. POSHARD], the sponsor of this bill.

Mr. POSHARD. Mr. Speaker, I thank the gentleman for yielding me this time. As the sponsor of H.R. 1502, I appreciate the opportunity to pass this legislation today before the end of the

session. This bill will designate the United States courthouse located in Benton, Illinois as the James L. Foreman United States Courthouse.

I introduced identical legislation in both the 103rd and 104th Congresses and am pleased to note that they easily passed the House both times. Unfortunately, in both cases the Senate adjourned before the bills were brought before the Senate for consideration.

Benton, a southern Illinois town in Franklin County, was once a member of the Eastern Judicial District of Illinois. This district covered a large area ranging from the outskirts of Chicago south to Champagne-Urbana and covered the entire southern section of the State.

Today Franklin County is one of 38 southern Illinois counties located in the renamed Southern District. The boundaries of this district were reviewed and adjusted at Judge Foreman's suggestion. Judge Foreman has had an outstanding career of service on the Federal bench. Appointed in 1972 after serving as an assistant attorney general for Illinois and Massac County state's attorney during the early 1960s, his hard work and dedication did not go unnoticed. He was appointed Chief Judge in 1978 and continued in this position until 1992, when he was promoted to a senior district judge position.

Long before formal case management systems were mandated for Federal courts, Judge Foreman instituted such a system in the Southern Illinois District. Judge Foreman was also instrumental in establishing court facilities at the maximum security United States Penitentiary in Marion, Illinois to accommodate the community's special security concerns with the prisoners there.

Judge Foreman's honored and distinctive term of service on the Federal bench accompanies his work with the Judicial Resource Committee of the Judicial Conference of the United States, the United States Court of Appeals for the Seventh District Circuit, and the U.S. District Court for the Western District of Kentucky, as proof of his outstanding character and dedication to this great Nation. I believe it would be most appropriate to recognize Judge Foreman's many contributions by naming the courthouse in Benton, Illinois after him.

Mr. Speaker, I am proud to represent Judge Foreman and the citizens of his judicial district. I urge all the Members of the 105th Congress to join me in commending his outstanding record of service to our country and to pass this bill.

Mr. TRAFICANT. Mr. Speaker, I yield myself such time as I may consume. I want to join with the gentleman from Illinois [Mr. POSHARD], the gentleman from Tennessee [Mr. DUNCAN], and the gentleman from California [Mr. KIM] in supporting this bill to designate the courthouse in Benton, Illinois as the James L. Foreman United States Courthouse. In addition to all

that has been said, Judge Foreman is best known perhaps for his diligence in instituting a formal case management system long before that concept was ever mandated for all of our Federal courts. He will be remembered for that innovative and decisive action. It is absolutely fitting and proper that we honor Judge Foreman with this designation. I again want to thank the gentleman from Illinois [Mr. POSHARD], who has worked hard to salute the fine judge that we honor here this evening.

Mr. OBERSTAR. Mr. Speaker, I join with Mr. POSHARD, sponsor of H.R. 1502, in honoring Judge James L. Foreman. H.R. 1502 would designate the United States Courthouse located at 301 West Main St., Benton, Illinois as the James L. Foreman United States Courthouse.

Judge Foreman has enjoyed an outstanding career on the Federal bench. During the early years of his career he served as the Massac County State's attorney from 1960 to 1964. In 1972, he was appointed to the Federal bench after serving as the assistant attorney general for the State of Illinois. From 1978 to 1992 he served as the chief judge and in 1992 he took senior status.

Judge Foreman was instrumental in instituting formal case management long before it became mandatory in the Federal system. His service to the legal community is marked with diligence, honor and distinction.

It is fitting and proper to honor Judge Foreman with this designation.

Mr. TRAFICANT. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. DUNCAN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee [Mr. DUNCAN] that the House suspend the rules and pass the bill, H.R. 1502.

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

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. KIM. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 1502.

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

There was no objection.

UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION POLICIES ACT OF 1970 AMENDMENT

Mr. KIM. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1258) to amend the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 to prohibit an alien who is not lawfully present in the United States from receiving assistance under that Act.

The Clerk read as follows:

S. 1258

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

SECTION 1. DISPLACED PERSONS NOT ELIGIBLE FOR ASSISTANCE.

Title I of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601 et seq.) is amended by adding at the end the following:

"SEC. 104. DISPLACED PERSONS NOT ELIGIBLE FOR ASSISTANCE.

"(a) IN GENERAL.—Except as provided in subsection (c), a displaced person shall not be eligible to receive relocation payments or any other assistance under this Act if the displaced person is an alien not lawfully present in the United States.

"(b) DETERMINATIONS OF ELIGIBILITY.—

"(1) PROMULGATION OF REGULATIONS.—Not later than 1 year after the date of enactment of this section, after providing notice and an opportunity for public comment, the head of the lead agency shall promulgate regulations to carry out subsection (a).

"(2) CONTENTS OF REGULATIONS.—Regulations promulgated under paragraph (1) shall—

"(A) prescribe the process, procedures, and information that a displacing agency must use in determining whether a displaced person is an alien not lawfully present in the United States;

"(B) prohibit a displacing agency from discriminating, against any displaced person;

"(C) ensure that each eligibility determination is fair and based on reliable information; and

"(D) prescribe standards for a displacing agency to apply in making determinations relating to exceptional and extremely unusual hardship under subsection (c).

"(c) EXCEPTIONAL AND EXTREMELY UNUSUAL HARDSHIP.—If a displacing agency determines by clear and convincing evidence that a determination of the ineligibility of a displaced person under subsection (a) would result in exceptional and extremely unusual hardship to an individual who is the displaced person's spouse, parent, or child and who is a citizen of the United States or an alien lawfully admitted for permanent residence in the United States, the displacing agency shall provide relocation payments and other assistance to the displaced person under this Act if the displaced person would be eligible for the assistance but for subsection (a).

"(d) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section affects any right available to a displaced person under any other provision of Federal or State law."

SEC. 2. DUTIES OF LEAD AGENCY.

Section 213(a) of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4633(a)) is amended—

(1) by redesignating paragraphs (2), (3), and (4) as paragraphs (4), (5), and (6), respectively; and (2) by inserting after paragraph (1) the following:

"(2) provide, in consultation with the Attorney General (acting through the Commissioner of the Immigration and Naturalization Service), through training and technical assistance activities for displacing agencies, information developed with the Attorney General (acting through the Commissioner on proper implementation of section 104;

"(3) ensure that displacing agencies implement section 104 fairly and without discrimination in accordance with section 104(b)(2)(B);"

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from

California [Mr. KIM] and the gentleman from Ohio [Mr. TRAFICANT] each will control 20 minutes.

The Chair recognizes the gentleman from California [Mr. KIM].

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

□ 2230

Mr. Speaker, today we bring to the floor S. 1258, a bill to amend the Uniform Relocation Assistance and Real Property Acquisition Policies Act to prohibit an illegal alien unlawfully present in the United States from receiving assistance under the act.

Earlier this year the House passed a virtually identical bill, H.R. 849, originally introduced by the gentleman from California [Mr. PACKARD].

When House Resolution 849 was last before this body, on the corrections calendar it passed by a vote 399 to 0, an overwhelming indication of House Resolution 849's bipartisan appeal.

S. 1258 and H.R. 849 plugs a loophole left open in last year's immigration reform bill by amending the Uniform Relocation Assistance Act to prohibit illegal aliens from receiving relocation assistance. Acting at the request of the administration, the Senate bill extends the time which the Department of Transportation will have to write the implementing regulation from 6 months to 1 year. I recommend to my colleagues we accommodate the administration on this issue.

I want to once again thank the gentleman from Minnesota [Mr. OBERSTAR] and their staff for the cooperative way in which they have worked with us to prepare this bill for final consideration today. I want to also thank the gentleman from California [Mr. PACKARD] for sponsoring his legislation and bringing this important issue to the House's attention today. This is a good simple bipartisan bill that plugs a loophole in immigration law. I urge my colleagues to support the bill.

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

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

Mr. Speaker, the only substantive difference between the Senate bill and H.R. 849 is the time period the Department of Transportation will have to develop the regulations that prescribe the processes, the procedures and the information a displacing agency must use to determine whether a displaced person is ineligible for assistance because of immigration status. The House bill provided 6 months; the Senate bill provides 1 year. These regulations will, in large part, determine whether this policy change is implemented fairly, that is all displaced persons must demonstrate the immigration status, or whether we are creating a new tool to, in fact, discriminate.

The administration believes it needs a full year, the Senate responded to those concerns, and I am satisfied with changing the time period for the rule-

making involved and also the fact I want to thank the gentleman from California [Mr. KIM], the gentleman from Pennsylvania [Mr. SHUSTER] and the gentleman from California [Mr. PACKARD] for agreeing for key safeguards the Democrats insisted must accompany the policy that illegal immigrants will not be eligible for assistance under this act.

So with that again I thank the gentleman from California [Mr. PACKARD] for his timely work on this issue. Having no other requests for time, I urge an aye vote.

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

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

The SPEAKER pro tempore (Mr. CALAHAN). All time has expired.

The question is on the motion offered by the gentleman from California [Mr. KIM] that the House suspend the rules and pass the Senate bill, S. 1258.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. KIM. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on S. 1258.

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

There was no objection.

CITY OF CLEVELAND, OHIO, LAND TRANSFER

Mr. DUNCAN. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1347) to permit the city of Cleveland, Ohio, to convey certain lands that the United States conveyed to the city.

The Clerk read as follows:

S. 1347

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

SECTION 1. DEFINITIONS.

For purposes of this section, the term "fair market value" shall have the meaning provided that term by the Secretary of Transportation, by regulation.

SEC. 2. AUTHORITY TO GRANT WAIVERS.

(a) IN GENERAL.—Notwithstanding any other provision of law and subject to section 47153 of title 49, United States Code, and section 3, the Secretary of Transportation may waive any of the terms contained in the deed of conveyance described in subsection (b).

(b) DEED OF CONVEYANCE.—The deed of conveyance described in this subsection is the deed of conveyance issued by the United States and dated January 10, 1967, for the conveyance of lands to the city of Cleveland, Ohio, for use by the city for airport purposes.

SEC. 3. CONDITIONS.

(a) FAIR MARKET VALUE OR EQUIVALENT BENEFIT.—As a condition to receiving a waiver under this section, the city of Cleveland, Ohio, may convey an interest in the

lands described in section 2(b) only if the city receives, in exchange for the interest—

(1) an amount equal to the fair market value of the interest; or

(2) an equivalent benefit.

(b) Use of Amounts or Equivalent Benefits.—Any amount or equivalent benefit that is received by the city of Cleveland shall be used by the city for—

(1) the development, improvement, operation or maintenance of a public airport; or

(2) lands (including any improvements to those lands) that produce revenues that are used for airport development purposes.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Tennessee [Mr. DUNCAN] and the gentleman from Illinois [Mr. LIPINSKI] each will control 20 minutes.

The Chair recognizes the gentleman from Tennessee [Mr. DUNCAN].

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

Mr. Speaker, I rise in strong support of this legislation. S. 1347 simply expedites the conveyance of land from Cleveland Hopkins International Airport to the city of Brook Park, OH. The Cleveland Airport has a major capacity expansion program that includes the construction of a new runway and the extension of an existing runway. It is my understanding that this important project is the result of many years of negotiations between the cities of Cleveland and Brook Park. This project cannot go forward unless the current deed restrictions are waived.

Mr. Speaker, this legislation will ensure that the city of Cleveland shall receive fair market value for this parcel, and the city will be required to use any and all of the funds for the development, improvement of operations or maintenance of the Cleveland Airport.

I want to commend the gentleman from Ohio [Mr. LATOURETTE] for his leadership and strong support for this legislation and his willingness to answer the call of his constituents on this very important matter.

Mr. Speaker, I urge all of my colleagues to support S. 1347.

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

Mr. LIPINSKI. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, I rise in support of S. 1347, a bill which would remove a deed restriction and permit land to be transferred from Cleveland Hopkins International Airport to the city of Brook Park, OH.

For several years the cities of Brook Park and Cleveland have been trying to reach agreement on an airport project which necessitates the transfer of land between the two cities. An agreement has now been reached. Eighty-five acres of land currently belonging to the airport will be transferred to Brook Park in exchange for approximately 300 acres which are needed for the runway project.

This legislation is not controversial. It is supported by both local Congressmen, the gentleman from Ohio [Mr.

LATOURETTE] and the gentleman from Ohio [Mr. KUCINICH]. The administration does not object. It has already passed the Senate. Economic development in the Cleveland area will benefit from the passage of this legislation. I urge my colleagues to join me in passing S. 1347.

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

Mr. DUNCAN. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio [Mr. LATOURETTE].

Mr. LATOURETTE. Mr. Speaker, I thank the gentleman from Tennessee [Mr. DUNCAN] for not only his leadership, but for making sure that this bill expeditiously gets to the floor.

Mr. Speaker, the purpose of this legislation is to provide authority to the Secretary of Transportation to waive a deed restriction on the parcel of land currently under the ownership of the city of Cleveland for aviation purposes. Since 1970, Congress has granted this authority to the Secretary; however, the parcel in question was deeded by the Federal Government to the city of Cleveland in 1967 and is currently restrained by a reverter clause.

This noncontroversial conveyance of the land from the city of Cleveland to the city of Brook Park is critical to the expansion plans for Cleveland Hopkins Airport. It is supported by the Federal Aviation Administration given its importance for public aviation purposes.

I have been honored to have the assistance of my colleague from Cleveland, OH [Mr. KUCINICH]. He represents this portion of the city of Cleveland, and I represent the city of Brook Park, and he cosponsored the House companion language to S. 1347. We also are thankful to our senior Senator from the State of the Ohio for moving this bill through the Senate. The bill enjoys bipartisan support from the leadership of the House Committee on Transportation and Infrastructure.

Mr. Speaker, Congress has a history of enacting specific provisions that allow the Secretary to waive reverters and other deed restrictions for deeds preceding 1970. I would appreciate the support of the House to support this technical correction for public aviation purposes.

Mr. LIPINSKI. Mr. Speaker, I yield such time as he may consume to the gentleman from Cleveland, OH [Mr. KUCINICH].

Mr. KUCINICH. Mr. Speaker, I first want to begin by thanking the gentleman from Tennessee [Mr. DUNCAN] for his leadership and for his help in moving this along. Certainly that could not have been done without his help and with the help of my good friend the gentleman from Ohio [Mr. LATOURETTE] with whom we share this project.

The gentleman from Ohio [Mr. LATOURETTE] has made sure that all the things that needed to be done to get this through the legislative process have been accomplished and really deserves a lot of credit for his assistance.

I also want to thank my good friend the gentleman from Illinois [Mr. LIPINSKI] for his efforts and for his willingness to be here to help us move this legislation. I appreciate his help in this, and it is gratefully appreciated, the guidance that he has given us as to how we could achieve this moment.

The gentleman from Illinois [Mr. LIPINSKI] and the gentleman from Ohio [Mr. LATOURETTE] both know the help that we got from Senator GLENN on this as well.

This particular bill will assist and improve airport transportation not only in the city of Cleveland, but throughout this country. It has the strong support of Cleveland's business community, which has worked for years to try to achieve this agreement between Brook Park and Cleveland, which can now be consummated through the approval of this legislation.

I appreciate the support, the bipartisan support, which brought us to this moment. I appreciate the support of the Congress on this bill.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee [Mr. DUNCAN] that the House suspend the rules and pass the Senate bill, S. 1347.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the Senate bill just passed.

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

There was no objection.

ANNOUNCEMENT OF LEGISLATION TO BE CONSIDERED UNDER SUSPENSION OF THE RULES TODAY

Mr. LATOURETTE. Mr. Speaker, I wish to announce the following suspensions for the 1-hour notice requirement: H.R. 2977, S. 1378, S. Con. Res. 61, S. Con. Res. 62, S. Con. Res. 63, H.R. 2979, H.R. 764, H.R. 2440, H.J. Res. 95, H.J. Res. 96, S. 1079 and H.R. 1604.

CLARIFICATIONS TO PILOT RECORDS IMPROVEMENT ACT OF 1996

Mr. DUNCAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2626) to make clarifications to the Pilot Records Improvement Act

of 1996, and for other purposes, as amended.

The Clerk read as follows:

H.R. 2626

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

SECTION 1. RECORDS OF EMPLOYMENT OF PILOT APPLICATIONS.

Section 44936(f) of title 49, United States Code, is amended—

(1) in paragraph (1) by striking "Before hiring an individual" and inserting "Subject to paragraph (14), before allowing an individual to begin service"; (2) in paragraph (1)(B) by inserting "as a pilot of a civil or public aircraft" before "at any time"; (3) in paragraph (4)—

(A) by inserting "and air carriers" after "Administrator"; and

(B) by striking "paragraph (1)(A)" and inserting "paragraphs (1)(A) and (1)(B)";

(4) in paragraph (5) by striking "this paragraph" and inserting "this subsection";

(5) in paragraph (10)—

(A) by inserting "who is or has been" before "employed"; and

(B) by inserting " , but not later than 30 days after the date" after "reasonable time"; and (6) by adding at the end the following:

"(14) SPECIAL RULES WITH RESPECT TO CERTAIN PILOTS.—

"(A) PILOTS OF CERTAIN SMALL AIRCRAFT.—Notwithstanding paragraph (1), an air carrier, before receiving information requested about an individual under paragraph (1), may allow the individual to begin service for a period not to exceed 90 days as a pilot of an aircraft with a maximum payload capacity (as defined in section 119.3 of title 14, Code of Federal Regulations) of 7,500 pounds or less, or a helicopter, on a flight that is not a scheduled operation (as defined in such section). Before the end of the 90-day period, the air carrier shall obtain and evaluate such information. The contract between the carrier and the individual shall contain a term that provides that the continuation of the individual's employment, after the last day of the 90-day period, depends on a satisfactory evaluation.

"(B) GOOD FAITH EXCEPTION.—Notwithstanding paragraph (1), an air carrier, without obtaining information about an individual under paragraph (1)(B) from an air carrier or other person that no longer exists, may allow the individual to begin service as a pilot if the air carrier required to request the information has made a documented good faith attempt to obtain such information."

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Tennessee [Mr. DUNCAN] and the gentleman from Illinois [Mr. LIPINSKI] each will control 20 minutes.

The Chair recognizes the gentleman from Tennessee [Mr. DUNCAN].

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

Mr. Speaker, H.R. 2626, as amended, was approved by the Subcommittee on Aviation on October 23 and by the full Committee on Transportation and Infrastructure on October 29. This bill was introduced on October 7 by myself; the chairman of the full Committee on Transportation and Infrastructure, the gentleman from Pennsylvania [Mr. SHUSTER]; the ranking member of the full committee, the gentleman from Minnesota [Mr. OBERSTAR]; and the ranking member of the Subcommittee on Aviation, the gentleman from Illi-

nois [Mr. LIPINSKI]. We also have many additional cosponsors representing all areas of the country.

Last year this subcommittee and the Congress passed legislation, H.R. 3536, requiring airlines to check a pilot's performance records before hiring them. In fact, the House approved the bill by a vote of 401 to 0. This legislation followed seven fatal accidents involving commuter airlines in which pilot error was to blame. The pilot had a record of poor performance at his previous employer, and the record of that poor performance was not checked before the airline hired him.

The Subcommittee on Aviation held 2 days of hearings on this subject in December 1995 before passing H.R. 3536 in July of last year. H.R. 3556 was eventually incorporated into the FAA Reauthorization Act, which the President signed in October of last year. This law currently requires airlines and the FAA to share a pilot's performance record with the prospective employer within 30 days of a request from that employer.

The problem is that the FAA is not meeting the 30-day deadline. This creates problems for many small aviation businesses that need to hire pilots quickly. In fact, I have heard from several of these small businesses from all across the Nation. As a result, H.R. 2626 was introduced with bipartisan support, as I have previously mentioned.

The bill would first allow all airlines to hire and train pilots, but not actually fly passengers while waiting to receive the pilot's records; and, secondly, allow small air taxis, those that one can charter, but that do not fly scheduled service, to hire and train and also to fly passengers for 90 days while waiting to receive the pilot's records.

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Finally, Mr. Speaker, H.R. 2626, as amended, would also require an airline to provide a pilot with his or her records as requested within 30 days. This was based on a recommendation from the Air Line Pilots Association and is consistent with other sections of the law.

H.R. 2626 is a good bill, a bipartisan bill, and enjoys support from all sectors of the aviation industry. I urge its adoption.

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

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

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

Mr. LIPINSKI. Mr. Speaker, I rise in support of H.R. 2626, a bill making clarifications to the Pilots Records Improvement Act. The act, which was passed last year, required airlines hiring pilots to obtain pertinent safety information from the Federal Aviation Administration, the National Drivers Registry, and former airline employers. Ensuring that potential employers had

access to this type of information enhanced safety and that airlines could make more informed hiring decisions.

The modifications contained in this bill clarify certain provisions in last year's legislation. In addition, it permits carriers to hire and train pilots prior to receiving records but would still require that they could not operate commercial flights until the records were received and reviewed. The House passed a version of this bill last year that contained this provision, but it was modified in conference.

Finally, it recognizes that air taxis are a unique segment of the aviation industry and one that has been disproportionately impacted by last year's legislation. Typically air taxis are small businesses. Although there is a legislative requirement that a requesting carrier be forwarded pertinent records within 30 days, we recognize that this is frequently not happening. Carriers sometimes wait for several months before receiving requested records.

This delay, while troubling, is not a significant problem for major carriers with a large pilot work force. However, when a single pilot represents 20 to 25 percent of the work force, the company's finances are severely affected. While I do not condone the failure of various entities to comply with the statutory requirement to provide pilot records within 30 days, I recognize that this failure threatens to put many air taxis out of business.

Consequently, this bill would allow air taxis to permit pilots to begin to fly commercial operations for up to 90 days while waiting for required records. I believe the provision's limited applicability does not undermine the intent of the original legislation.

I urge the FAA to enforce this existing requirement that records be provided within 30 days and take whatever enforcement action may be necessary to ensure that records are forwarded within this time frame.

Mr. Speaker, both last year's legislation on this matter and the bill before us today have broad bipartisan support. I commend the gentleman from Tennessee, [Mr. DUNCAN], for his leadership on this bill. The bipartisan manner in which he guides the subcommittee strongly enhances our ability to improve aviation safety. I also recognize the help and support of the chairman and ranking member of the committee, the gentleman from Pennsylvania [Chairman SHUSTER], and the gentleman from Minnesota, the ranking member [Mr. OBERSTAR]. I urge my colleagues to join me in supporting this important legislation.

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

Mr. DUNCAN. Mr. Speaker, I would simply at this point like to thank the gentleman from Illinois [Mr. LIPINSKI] for the cooperation and the friendship and the bipartisan way in which he has conducted all of his activities and has represented his side on all aviation

matters. I have been told by several people that he and I have about the best relationship of any chairman and ranking Member in the Congress. I do not know whether that is true or not, but if it is not true, it is close anyway. I just wanted to say that for the record.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee [Mr. DUNCAN] that the House suspend the rules and pass the bill, H.R. 2626, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DUNCAN. 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. 2626, as amended.

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

There was no objection.

ANNOUNCEMENT OF BILL TO BE CONSIDERED UNDER SUSPENSION OF THE RULES TODAY

Mr. DUNCAN. Mr. Speaker, I would like at this time to announce the following additional suspension: H.R. 765.

FOREIGN AIRLINES FAMILY ASSISTANCE ACT

Mr. DUNCAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2476) to amend title 49, United States Code, to require the National Transportation Safety Board and individual foreign air carriers to address the needs of families of passengers involved in aircraft accidents involving foreign air carriers, as amended.

The Clerk read as follows:

H.R. 2476

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

SECTION 1. PLANS TO ADDRESS NEEDS OF FAMILIES OF PASSENGERS INVOLVED IN FOREIGN AIR CARRIER ACCIDENTS.

(a) IN GENERAL.—Chapter 413 of title 49, United States Code, is amended by adding at the end the following:

“§ 41313. Plans to address needs of families of passengers involved in foreign air carrier accidents

“(a) DEFINITIONS.—In this section, the following definitions apply:

“(1) AIRCRAFT ACCIDENT.—The term ‘aircraft accident’ means any aviation disaster, regardless of its cause or suspected cause, that occurs within the United States; and

“(2) PASSENGER.—The term ‘passenger’ includes an employee of a foreign air carrier or air carrier aboard an aircraft.

“(b) SUBMISSION OF PLANS.—A foreign air carrier providing foreign air transportation under this chapter shall transmit to the Secretary of Transportation and the Chairman of the National Transportation Safety Board a plan for addressing the needs of the families of passengers involved in an aircraft accident that involves an aircraft under the control of the foreign air carrier and results in a significant loss of life.

“(c) CONTENTS OF PLANS.—To the extent permitted by foreign law which was in effect on the date of the enactment of this section, a plan submitted by a foreign air carrier under subsection (b) shall include the following:

“(1) TELEPHONE NUMBER.—A plan for publicizing a reliable, toll-free telephone number and staff to take calls to such number from families of passengers involved in an aircraft accident that involves an aircraft under the control of the foreign air carrier and results in a significant loss of life.

“(2) NOTIFICATION OF FAMILIES.—A process for notifying, in person to the extent practicable, the families of passengers involved in an aircraft accident that involves an aircraft under the control of the foreign air carrier and results in a significant loss of life before providing any public notice of the names of such passengers. Such notice shall be provided by using the services of—

“(A) the organization designated for the accident under section 1136(a)(2); or

“(B) other suitably trained individuals.

“(3) NOTICE PROVIDED AS SOON AS POSSIBLE.—An assurance that the notice required by paragraph (2) shall be provided as soon as practicable after the foreign air carrier has verified the identity of a passenger on the foreign aircraft, whether or not the names of all the passengers have been verified.

“(4) LIST OF PASSENGERS.—An assurance that the foreign air carrier shall provide, immediately upon request, and update a list (based on the best available information at the time of the request) of the names of the passengers aboard the aircraft (whether or not such names have been verified), to—

“(A) the director of family support services designated for the accident under section 1136(a)(1); and

“(B) the organization designated for the accident under section 1136(a)(2).

“(5) CONSULTATION REGARDING DISPOSITION OF REMAINS AND EFFECTS.—An assurance that the family of each passenger will be consulted about the disposition of any remains and personal effects of the passenger that are within the control of the foreign air carrier.

“(6) RETURN OF POSSESSIONS.—An assurance that, if requested by the family of a passenger, any possession (regardless of its condition) of that passenger that is within the control of the foreign air carrier will be returned to the family unless the possession is needed for the accident investigation or a criminal investigation.

“(7) UNCLAIMED POSSESSIONS RETAINED.—An assurance that any unclaimed possession of a passenger within the control of the foreign air carrier will be retained by the foreign air carrier for not less than 18 months after the date of the accident.

“(8) MONUMENTS.—An assurance that the family of each passenger will be consulted about construction by the foreign air carrier of any monument to the passengers built in the United States, including any inscription on the monument.

“(9) EQUAL TREATMENT OF PASSENGERS.—An assurance that the treatment of the families of nonrevenue passengers will be the same as the treatment of the families of revenue passengers.

“(10) SERVICE AND ASSISTANCE TO FAMILIES OF PASSENGERS.—An assurance that the for-

eign air carrier will work with any organization designated under section 1136(a)(2) on an ongoing basis to ensure that families of passengers receive an appropriate level of services and assistance following an accident.

“(11) COMPENSATION TO SERVICE ORGANIZATIONS.—An assurance that the foreign air carrier will provide reasonable compensation to any organization designated under section 1136(a)(2) for services and assistance provided by the organization.

“(12) TRAVEL AND CARE EXPENSES.—An assurance that the foreign air carrier will assist the family of any passenger in traveling to the location of the accident and provide for the physical care of the family while the family is staying at such location.

“(13) RESOURCES FOR PLAN.—An assurance that the foreign air carrier will commit sufficient resources to carry out the plan.

“(14) SUBSTITUTE MEASURES.—If a foreign air carrier does not wish to comply with paragraphs (10), (11), or (12), a description of proposed adequate substitute measures for the requirements of each paragraph with which the foreign air carrier does not wish to comply.

“(d) PERMIT AND EXEMPTION REQUIREMENTS.—The Secretary shall not approve an application for a permit under section 41302 unless the applicant has included as part of the application or request for exemption a plan that meets the requirements of subsection (c).

“(e) LIMITATION ON LIABILITY.—A foreign air carrier shall not be liable for damages in any action brought in a Federal or State court arising out of the performance of the foreign air carrier in preparing or providing a passenger list pursuant to a plan submitted by the foreign air carrier under subsection (c), unless the liability was caused by conduct of the foreign air carrier which was grossly caused by conduct of the foreign air carrier which was grossly negligent or which constituted intentional misconduct.”.

(b) CONFORMING AMENDMENT.—The table of sections for such chapter is amended by adding at the end the following:

“41313. Plans to address needs of families of passengers involved in foreign air carrier accidents.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the 180th day following the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Tennessee [Mr. DUNCAN] and the gentleman from Illinois [Mr. LIPINSKI] each will control 20 minutes.

The Chair recognizes the gentleman from Tennessee [Mr. DUNCAN].

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

Mr. Speaker, the Subcommittee on Aviation unanimously approved H.R. 2476, as amended, on Thursday, October 23, and the full Committee on Transportation and Infrastructure approved the bill on October 29. This legislation was introduced by the gentleman from Guam [Mr. UNDERWOOD] shortly after the terrible Air Korea disaster which recently occurred on Guam. Both the gentleman from Illinois [Mr. LIPINSKI], the ranking member of the subcommittee, and I, are original cosponsors of the bill.

It essentially mirrors legislation in the Aviation Disaster Family Assistance Act, H.R. 3823, which the Subcommittee on Aviation unanimously approved and the House overwhelmingly supported by a vote of 401 to 4

last year. This legislation was eventually incorporated into the Federal Aviation Administration Reauthorization Act which the President signed in October of last year.

H.R. 2476 would require foreign airlines that have permits to fly in the United States to file family assistance plans with the Department of Transportation and the National Transportation Safety Board. These assistance plans would be activated when a foreign carrier crashes on U.S. soil.

The plans must include provisions such as the establishment of a toll-free telephone number for families, the efficient notification of passengers' families before public notice is given, the return of victims' possessions to family members, unless they are needed for the investigation, and many other similar provisions which all U.S. carriers must comply with now.

H.R. 2476 will surely help the families who have lost loved ones in these tragic air disasters by providing the needed support and coordination necessary to assist in these unfortunate events.

Mr. Speaker, it is my understanding that the Senate Committee on Commerce has already acted on similar legislation. This bill has the support of both the Department of Transportation and the National Transportation Safety Board. Again, I believe this is an outstanding bill, a bill that is very much needed, and I urge its adoption.

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

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

[Mr. LIPINSKI asked and was given permission to revise and extend his remarks.]

Mr. LIPINSKI. Mr. Speaker, I am an original cosponsor of H.R. 2476, the Foreign Airlines Family Assistance Act. This bill would amend the Aviation Disaster Family Assistance Act which was passed last year as a result of several tragic accidents last year. It came to the attention of the subcommittee that the treatment of the families of airline accident victims needed to be improved.

Last year's legislation required all airlines to submit accident action plans to the Department of Transportation. It also designated the National Transportation Safety Board to act as a liaison between various Federal, State, and local government agencies, the airlines, and the families to ensure that they were receiving accurate and timely information.

Last year's legislation attempted to address the many concerns that the subcommittee heard in the two hearings that were held on this issue. What the subcommittee neglected to appreciate was that every day U.S. citizens fly on foreign carriers, which was not included in that legislation.

This omission was tragically highlighted when a Korean Airline flight crashed short of the runway in Guam earlier this year. The support and coordination that the legislation would

have required to have been in place did not exist for the families of those victims. The gentleman from Guam [Mr. UNDERWOOD] saw this inequity and worked with the subcommittee and administration to expand the applicability of the Aviation Disaster Family Assistance Act to foreign carriers and flights between the United States and a foreign point.

Thanks to his efforts, the subcommittee's omission last year is being corrected today. This bill has broad support, bipartisan support, as well as the support of the administration.

I would like to say at this particular time I appreciate the work of the gentleman from Guam [Mr. UNDERWOOD] and I thank my colleagues, the gentleman from Tennessee [Mr. DUNCAN], the gentleman from Pennsylvania [Chairman SHUSTER], and the ranking Democratic member, and the gentleman from Minnesota [Mr. OBERSTAR] for their assistance in this effort. I urge all my colleagues to pass this very important piece of legislation.

Mr. Speaker, at this time I want to say it has been a pleasure once again this year working with the chairman of the Subcommittee on Aviation, my very good friend, the gentleman from Tennessee [Mr. DUNCAN]. I look forward to another very productive year next year, and I am sure that our bipartisan spirit will continue to pave the way in the area of aviation.

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

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

Mr. Speaker, I also would like to once again thank the gentleman from Illinois [Mr. LIPINSKI] and say maybe if they want to pass some of this controversial legislation, they should just turn it over to the gentleman from Pennsylvania [Mr. SHUSTER] and me.

Mr. UNDERWOOD. Mr. Speaker, I introduced this bill on September 15, 1997, about a month after the crash of Korean Air Flight 801 on Guam. As many of my colleagues know, the Foreign Air Carrier Family Support Act is a consequence of this tragic episode. Of the 254 people on board the flight, 228 perished. And linked to these 254 people are numerous family members and friends who suffered along with their loved ones as they waited to hear news about the crash victims.

The people of Guam combined efforts with Federal officials, military personnel, and volunteers from Guam and off-island to search, rescue, and treat victims involved in the Korean Air crash. I cannot emphasize enough the diligence and compassion demonstrated by these groups of individuals.

As in any major disaster, there are many things which we think could have been done differently. The ValuJet and TWA disasters produced the Aviation Disaster Family Assistance Act of 1996, requiring domestic airlines to submit family assistance plans. With H.R. 2476, I am asking my colleagues to make this law applicable to foreign airlines which operate in the United States and its territories. The Foreign Air Carrier Family Support Act would require foreign air carriers to submit family as-

sistance plans should their air carrier crash on American soil.

From establishing a toll-free number for victims' families to consulting family members on the construction of monuments dedicated to a crash, H.R. 2476 provides guidelines for foreign air carrier family assistance plans. Other points include that upon request, foreign air carriers will provide and update a list of passengers' names, and an assurance that, upon request, possessions owned by the victim will be returned to families. Although I have mentioned only a couple of measures contained in H.R. 2476, I hope I have demonstrated the fact that this bill will increase the level of efficient service provided to family members as they cope with the loss of a relative.

I wish to thank Chairman DUNCAN and Congressman LIPINSKI, ranking member of the Aviation Subcommittee, for agreeing to be original cosponsors of this bill and to help pass this legislation in committee. I also wish to thank the National Transportation Safety Board, the Department of Transportation, Task Force on Assistance to Families in Aviation Disasters, the State Department, and 23 of my colleagues who have chosen to cosponsor H.R. 2476.

I encourage the rest of my colleagues to vote for the passage of the Foreign Air Carrier Family Support Act. American families all over the world will thank you.

Ms. JACKSON-LEE of Texas.

Mr. Speaker, I rise today in strong support of H.R. 2476, the Foreign Airline Family Disaster Assistance Act. This bill extends to foreign airlines operating in the United States the same family assistance requirements imposed upon U.S. airlines.

Following the July 1996 crash of TWA Flight 800 off the coast of Long Island, Congress passed legislation requiring the National Transportation Safety Board and all U.S. airlines to take certain actions to compassionately address the needs of the families of airline crash victims. This law applied to U.S. airlines only, however, and not to foreign airlines—even if a foreign airline crashes in the United States.

Since that time, the need to extend this legislation to foreign airlines, has become clear. The pain, frustration, and turmoil experienced by the families of the 228 victims of the August 1997 Korean Airlines Flight 801 crash in Guam brought this need home to us all. At a time, when they were faced with immense grief and a terrible loss, they were mired in an insensitive and unresponsive bureaucracy.

We hope that with the passage of H.R. 2476, we can forestall others from suffering these same pains. This legislation will require foreign airlines to submit to the Transportation Department and the National Transportation Safety Board a plan for providing special assistance to the families of victims of fatal airline crashes that occur in the United States. Airlines would be required to publicize a reliable toll-free number and provide staff to handle calls from family members. Additionally, the airline would be required to notify families as soon as possible, and in person when possible, of the fate of their loved ones, using suitably trained individuals for this purpose. Airlines would be required to provide passenger lists to the National Transportation Safety Board's family advocate and to the Red Cross. The airline would also be required to return a victim's personal effects to the family

when requested to do so. An airline would be required to consult with family members regarding any monuments to the victims that may be built. Finally, airlines would be required to assist families in traveling to the accident site, and to provide for their comfort while there. Under the measure, airlines that do not meet this plan could be denied permission to operate in the United States.

The loneliest people in the world are those left behind when their loved ones are killed in such a tragic and terrible manner. These are catastrophic accidents and while we are not always able to prevent such disasters, we can vote now to ensure that families touched by such tragedy will receive competent, compassionate, and efficient assistance during their time of great need. I urge my colleagues to vote in support of this compassionate legislation.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee [Mr. DUNCAN] that the House suspend the rules and pass the bill, H.R. 2476, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DUNCAN. 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. 2476, as amended.

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

There was no objection.

CONFERENCE REPORT ON S. 1026, EXPORT-IMPORT BANK REAUTHORIZATION ACT OF 1997

Mr. CASTLE. Mr. Speaker, I move to suspend the rules and agree to the conference report on the Senate bill (S. 1026) to reauthorize the Export-Import Bank of the United States.

(For conference report and statement, see proceedings of the House of November 7, 1997, at page H10210.)

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Delaware [Mr. CASTLE] and the gentleman from New York [Mr. FLAKE] each will control 20 minutes.

The Chair recognizes the gentleman from Delaware [Mr. CASTLE].

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

Mr. Speaker, this important bipartisan legislation reauthorizes the Export-Import Bank of the United States, Eximbank, for an additional 4 years.

Reauthorizing Exim is critical to supporting America's ability to export and will help ensure that American businesses and American workers are able to compete and win against sub-

sidized foreign competition in today's global market. This common-sense legislation is good for America; it advances the national interests, helps reduce the trade deficit, and enhances our export competitiveness.

Briefly, the conference report provides for the following: First, a 4-year extension of the bank's authority through September 30, 2001; second, an extension of tied-aid authority; third, an extension of the authority for providing financing for the export of non-lethal defense articles; fourth, a clarification of the President's authority to deny bank financing based on national interest concerns; fifth, creation of an Assistant General Counsel for Administration; sixth, authorization for the establishment of an Advisory Committee to assist the bank in facilitating U.S. exports to sub-Saharan Africa; seventh, a requirement that two labor representatives be appointed to the Bank's Advisory Committee; eighth, a requirement that the bank's chairman design an outreach program for companies that have never used its services; ninth, identification of child labor as a human right which can serve as a basis for a Presidential determination to deny applications for credit based on national interest concerns; and, tenth, the denial of export financing for sales to the Russian Government or military if that country transfers SS-N-22 missile systems to China, the President determines that such action represents a significant and imminent threat to the security of the United States, and the President also requests the Bank to cease that export financing.

□ 2300

At this time, I would like to extend my deep appreciation to all of the members of the conference committee and others who have worked so hard in support of Exim, beginning with the chairman of the Committee on Banking and Financial Services, the gentleman from Iowa [Mr. LEACH], as well as the gentleman from New York [Mr. LAFALCE], the gentleman from Nebraska [Mr. BEREUTER], and the gentleman from Illinois [Mr. MANZULLO].

In particular, I would like to express my gratitude for the extraordinary help and cooperation of the gentleman from New York [Mr. FLAKE], not only on this legislation, but for the extraordinarily productive partnership we have shared in serving together on the Subcommittee on Domestic and International Monetary Policy. It has been a privilege for me to serve with the gentleman on this subcommittee. Frankly, I cannot imagine how we are going to manage without the gentleman, or his first rate chief of staff Shawn Peterson. We will miss them both.

In closing, I believe this is a non-controversial conference report. It deserves enthusiastic bipartisan support. I urge its immediate adoption.

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

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

I rise this evening in support of the conference report, S. 1026, the Export-Import Bank Reauthorization Act of 1997. The gentleman from Delaware [Mr. CASTLE] and I are proud to preserve the ideas and efforts of the House in our deliberations with the other body. We both believe that this conference report is indicative of our good working relationship on the Subcommittee on Domestic and International Monetary Policy.

First, we instruct the State Department to expressly use the CHAFEE amendment process when it has national interest concerns with potential Exim deals. Moreover, this provision has been enhanced to explicitly include child labor abuses in recipient countries. We also preserved an advisory panel to counsel the bank on efforts to increase the U.S. exports to Sub-Saharan Africa. These efforts reflect a bipartisan commitment to increasing trade with Africa, and are indicative of and positive efforts by the administration, the Congressional Black Caucus, the Speaker, the trade-oriented leaders of Congress. I believe this is the right thing to do, and I am happy to have created this panel as I leave Congress.

The conference report preserves a mandated ethics counseling unit within Exim. Consequently, we ensure that employees have the best possible ethical advice when major financing decisions are made.

The conference report also adopted modified provisions of the House bill that experience the labor communities' representation on the bank's advisory panel, a provision that instructs the bank to reach out to small businesses and language which clarifies the bank's role in expanded job opportunities and economic growth within the United States.

Let me expand my remarks by stating that we need the Export-Import Bank. The need was always in mind during the rather difficult negotiations with the other body with respect to most of the House amendments that had been adopted on this floor. I am pleased to state that the gentleman from Iowa [Mr. LEACH], the gentleman from New York [Mr. LAFALCE], the gentleman from Delaware [Mr. CASTLE], the gentleman from Nebraska [Mr. BEREUTER], and I were never in disagreement on these issues. Accordingly, our belief in bipartisan solidarity, our belief in the necessity of the bank, and our duty to preserve the House provisions are reflected in this conference report.

It is in this spirit that we reached a very difficult agreement on prohibiting export financing to Russia, should it export SS-22 missile systems to China. This provision clearly identifies a major policy concern of the Congress and still cedes to the executive branch the flexibility to use its expertise in the areas of intelligence and threat assessment.

So while we keep what most conferees consider to be a difficult and dangerous precedent with respect to Exim's role in foreign policy, we arrived at this consensus position, which, in my opinion, will work for both the bank and the author of this amendment.

I close by noting that there are detractors of the agency, and we certainly are cognizant of corporate welfare arguments. This line of reasoning, however, ignores the fact that 81 percent of Exim's financing deals go to small businesses. It also ignores the reality that for the 19 percent of deals that Exim does with large enterprises, it inherently still maintains the operations of small businesses as contractors and suppliers. These enterprises operate throughout the Nation and employ thousands of Americans. Thus, if we examine the institution's impact on American employment, we cannot come to the conclusion that Exim is the exclusive concessional window of credit to corporate America. Rather, it is the lender of last resort, and is successful in financing billions of dollars in U.S. exports for a rather small budget. In short, we need Exim, and I intend to support its reauthorization and I ask my fellow colleagues to please join me in doing so.

I am grateful to the gentleman from Iowa [Mr. LEACH], the gentleman from New York [Mr. LAFALCE], the gentleman from Texas [Mr. GONZALEZ], and particularly to the gentleman from Delaware [Mr. CASTLE], who I have had the privilege of working with over the last 3 years as he has served as chairman of this committee with judiciousness, with balance, and with a bipartisan spirit. I would pray that whoever replaces me as the ranking member of this committee will approach the gentleman from Delaware [Mr. CASTLE] with the same spirit that he will approach them. That is as a gentleman, as a person who really understands what it means to do legislation in a fashion where there is a degree of comity.

I would also like to thank Mr. John Lopez of his staff and Mr. Shawn Peterson of my staff, for without them we would not have been able to be as successful as we have been over these last 3 years.

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

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

Mr. Speaker, I appreciate the comments of the gentleman from New York [Mr. FLAKE]. I hope that whoever his successor is in the position as ranking member approaches it with at least 50 percent of the spirit he has for what we do and we will be well served.

Mr. Speaker, I yield such time as he may consume to the gentleman from Iowa [Mr. LEACH], the distinguished chairman of the Committee on Banking and Financial Services.

Let me just say that he is a wonderful individual to work with on these is-

issues, a man that truly understands international financing, as well as international relations, and it made a big difference on this legislation, and we appreciate it.

Mr. LEACH. Mr. Speaker, let me thank the distinguished chairman of the subcommittee and say in behalf of the House what a wonderful job he has done in leading this Congress on this issue, and also what a wonderful job the gentleman from New York [Mr. FLAKE] has done. I think, speaking for this side, it is pretty self-apparent we are going to miss the gentleman very badly, and we hope in prayerful consultation he will figure out another way to rejoin the public fray at some point in the future.

Let me make a couple of process observations and then go to the substance.

First, I know of no issue that has been addressed in a more bipartisan, bicameral, biinstitutional way, bipartisan symbolized by the gentleman from New York [Mr. FLAKE] and the gentleman from New York [Mr. LAFALCE], who has been so thoughtful in his additions to this subject matter, and frankly who, in an amendment that did not prevail and I am hopeful that in the next year will, because it is one of the most thoughtful amendments that I think has come up on this subject matter in recent years.

Second, it is interesting, because the time this is being considered is 8 or 10 hours before this Congress is about to be divided, divided philosophically and divided by interest groups. Labor and the business community really have their dukes up on what is called the fast track bill.

In this bill, the organized labor community of the United States and the business community is in total concert, with thorough support. I would like to give an example.

When I recently spoke at a group in my home area in the Quad Cities in East Moline, Illinois, on the other side of the Mississippi River, the United Auto Workers and the leadership of Deere & Company came together to express their thanks for what the Eximbank had done to be able to provide them the resources to in effect send a large number of combines to the Newly Independent States, the former Soviet Union. If there was a greater example of swords into plough shares, I do not know it, all made possible by the Export-Import Bank.

Sometimes it is important to use examples, and let me use a couple of others from my congressional district. In River Dale, Iowa, is the largest Alcoa processing plant for the development of aluminum that goes on the wings of every single Boeing aircraft sold. In Cedar Rapids, also in my congressional district, is the Collins Radio Division of Rockwell, which makes instrument panels of the vast majority of aircraft exported from the United States of America. Without the Export-Import Bank, literally in my congressional

district, we would have thousands fewer jobs. What should be stressed is that these are fewer jobs of the highest, best kind in my district.

So from a district perspective, this makes good sense. But we have to look at things first from the national perspective. And here I think this country, as we look around the world and look at the export versus import equation, which is running against the United States, not to give the benefit of the doubt to those programs that advance exports would be a major mistake.

In terms of cost, there is a modest cost in this bill. On the other hand, over the last several decades, the Export-Import Bank has approximately broken even on the ledger sheet, but more importantly, if one combined the income from the taxes to corporations and individuals based upon jobs that are created, the country is running well ahead of the game. So this is a very cost-effective program.

Finally, let me just say with regard to an observation of the gentleman from New York [Mr. FLAKE], I want to commend the leadership of this Export-Import Bank under the Clinton administration for moving more impressively towards the small business community. And even though, if we take an order for combines that might come from Deere & Company, there might be foundries that are small business, seat manufacturers that are small business and other suppliers that will be small business. There are also small business ventures themselves that are getting increasing attention from the Export-Import Bank, and I think that is a very fine trend.

So let me just say in conclusion, I believe this is a good judgment of the Members, a good judgment of the administration, and good policy for the United States.

Mr. FLAKE. Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. LAFALCE].

[Mr. LAFALCE asked and was given permission to revise and extend his remarks.]

Mr. LAFALCE. Mr. Speaker, I rise to support the adoption of the conference report to accompany Senate 1026, the Export-Import Bank Reauthorization Act of 1997.

Mr. Speaker, 63 years ago the Congress chartered the Export-Import Bank to support the financing of United States exports when private sector financing was not available to support those exports for sale in overseas developing markets.

The United States economy in 1934 was quite different than today's financial good times, but the need for export financing is as necessary in 1997 as it was in those post-depression days. For small businesses alone in fiscal year 1996, there were almost 2000 Export Bank transactions valued at \$2.4 billion, and the volume of Export Bank business grows daily.

The conference report we consider today extends the authority of the Export Bank and its Tied Aid Credit Fund through September 2001. For the most part, each of the amendments adopted in the House are reflected in the conference report. The conferees worked diligently, however, to ensure that the thrust of the House amendments be reflected in the overall policy and practices of the Export Bank. Yet, we made sure that there would be no provisions in the report which would impair the bank's ability to function effectively to support the export market.

So on balance, this conference report is very good public policy and deserves the bipartisan support of the entire House.

In closing, Mr. Speaker, I would be very remiss if I did not recognize the support of the gentleman from Iowa [Mr. LEACH], the chairman of the Committee on Banking and Financial Services, and the extraordinary work of the chairman and ranking member of the Subcommittee on Domestic and International Monetary Policy. The gentleman from Delaware [Mr. CASTLE], the subcommittee chairman, led the reauthorization fight, despite the fact that Members in this body might have been pleased to see the work of the bank abandoned.

Also, the tremendous work of the gentleman from New York [Mr. FLAKE], the subcommittee's ranking member, has been widely discussed because he is leaving the House shortly. There are many things for which he can be remembered, but now the 4-year extension of the Export Bank can remain as another visible reminder of the outstanding quality of Congressman FLOYD FLAKE'S contributions to the United States Congress and to the American public.

□ 2315

Mr. CASTLE. Mr. Speaker, I yield such time as he may consume to the gentleman from Nebraska [Mr. BEREUTER], another gentleman who has a strong understanding of international finance and the importance of it to America.

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

Mr. BEREUTER. Mr. Speaker, I thank the gentleman for yielding me this time and for his kind words.

Mr. Speaker, I was in my office, turned on the TV, and realized that the conference report was on the floor and hurried over here quickly. I am extremely pleased to see that the House and the Congress will have a chance to complete its work on the reauthorization of the Export-Import Bank. I think it is a very good step for America.

I am very pleased that the House conferees have also been able to take the sense and the spirit and the wording and the dramatic impact of what the House had earlier voted upon. I feel that the five conferees in the House

have stood together and brought a very good result to the House. Everyone should feel comfortable and enthused, in fact, about passing this legislation. I do appreciate the words of commendation and join in them for the chairman, the gentleman from Iowa [Mr. LEACH], who gave us the support to get this legislation through conference and to the floor here tonight.

I particularly, however, want to concentrate my remarks on the gentleman from Delaware [Mr. CASTLE] and the gentleman from New York [Mr. FLAKE], who have worked in excellent fashion, and in tandem and individually have done a tremendous job on this legislation as it came to the floor, as it was crafted in committee and in the conference.

The gentleman from New York, of course, as mentioned, is leaving, but whether or not he was leaving, he should be commended for the kind of work that he has done on the Committee on Banking and Financial Services over the years.

I did not get a chance to join in those commendations on the House floor earlier, but his work on urban development, housing, and exports has been really extraordinarily positive for the country, and for his constituents as well.

So we are going to miss him, I say to the gentleman from New York [Mr. FLAKE], and we wish him very great success in his continued work with his religious flock and for the development activities he is so much involved in in his own State.

Mr. Speaker, in closing, I want to say that I think that the work we have done to refine the CHAFEE amendment, the work we have done to extend the provisions for the sale of, the financing of the guarantees of dual use technology, especially as it relates to the air control system, have proven to be a very important step as the nations of Eastern and Central Europe have moved from communism to embrace democracy.

This has been good for our national interest, for our defense, and for our industrial base. Likewise, we have seen those kinds of benefits come to American industry with respect to sales in Latin America.

So Mr. Speaker, I urge strongly support for this legislation. It is in the best interests of this country.

Mr. FLAKE. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, I would just like to say to the gentleman, I thank him for his remarks. If I had any second thoughts about it, when I finished my sermon about 1 o'clock this morning, I was up at 5 o'clock to preach my 6:30, 8:30 and 11 o'clock services, I was on the shuttle at 2 o'clock and on the floor at 11:20, so any second thoughts I had, the Lord removed them today with this schedule.

Mr. Speaker, I yield such time as he may consume to the gentleman from Texas [Mr. KEN BENTSEN].

Mr. BENTSEN. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in support of this conference report. I want to commend the chairman of the subcommittee on which I served and the ranking member, the gentleman from New York [Mr. FLAKE], as well as the chairman and ranking member of the Committee on Banking and Financial Services for the work they did, and the other conferees.

Mr. Speaker, this is a terribly important bill that we are passing. Sometime later tonight or perhaps early tomorrow morning, we may or may not take up the issue of fast track. There will be a lot of debate held about trade and what the United States ought to be doing in trade. But the bill that we are considering right now is terribly important because markets are not always efficient. We know in the finance market and in the export market that we have many allies who heavily subsidize their exports, some to the extent of 20 or 30 percent of their export market.

What we do in the United States through the Export-Import Bank is to provide in effect a matching subsidy for the banks and the other financial institutions where the private market will not go. It only makes up, I believe, about 2 percent or so of our export market, but it is a very important part, because without it, many U.S. companies would just simply not be able to participate in these world markets. Therefore, we would lose any competitive advantage we might have, and ultimately we would lose jobs in those industries.

So regardless of how Members intend to vote, either later tonight or sometime tomorrow, whenever we do this, however long we keep the gentleman from New York [Mr. FLAKE] here for that particular debate, I hope that they will support this bill, because this is very important. This is not corporate welfare.

In closing, Mr. Speaker, let me also add my support and accolades for the ranking member, the gentleman from New York [Mr. FLAKE]. I think it is important to note, and it was not mentioned in great detail, that the gentleman from New York, while a Representative from New York, has only been there on assignment from a higher authority and will return there, but he and I are both from Houston, Texas, originally. At some point we hope that he will return.

He is often back in Houston and in my district, and I look forward to seeing him in his other and now to be his main or only capacity in preaching. He has a great number of followers in Houston, not just for his religious activities, but was in Houston recently and met with a number of fellow ministers from my district, all of whom are very eager to come up and see the model which he has built in his district. We look forward to doing that. I appreciated the opportunity to have served with the gentleman in the Congress, and I look forward to working with him later on.

Mr. FLAKE. Mr. Speaker, I thank the gentleman for his comments, and I yield such time as he may consume to the gentleman from Minnesota [Mr. VENTO].

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

Mr. VENTO. Mr. Speaker, I rise in support of this conference committee report on the Export-Import Bank. I want to thank the subcommittee and committee chairmen for their work in conference, as well as our friend and colleague, the gentleman from New York, Mr. FLOYD FLAKE, and to add my positive recognition of his work and their work, his work throughout his service in Congress, and the work especially in this conference committee.

Mr. Speaker, I had added an amendment on the floor, an important amendment to me, one that I think built on the protocols in terms of some of the strictures in the export administration law with regard to child labor, and I am appreciative of the fact that the Members did go to conference and keep the spirit if not the letter of that particular provision within the bill. I really appreciate being consulted upon that matter while it was in conference, and the work that was done to in fact keep it within the context of this conference.

This is an important tool that we have in terms of export. Historically, of course, it has been used by some of the larger manufacturing concerns in the U.S. in the jobs that they create. Some of the companies and institutions have been mentioned this evening. We have some, certainly, from Minnesota. But more importantly, it has in recent years been the focus on smaller- and middle-sized businesses that are moving into the export market.

While we will have a big debate on trade tonight, I think all of us recognize we are going to be involved in the global economy. These tools that provide the type of direct credit, the guarantees and credit insurance, are enormously important in order to facilitate that process.

I would point out to my colleagues, certainly the members of the committee on which I serve, the Committee on Banking and Financial Institutions, are aware of it, but so often this credit is put in place and these newly emerging nations, for instance, the nations of the former Soviet Union, the newly emerging states, where in fact the type of financial underpinning and structure is not in place, and they need the additional credit in order to facilitate the purchase of U.S. products or other products. We could do it with subsidies; we could do it with other types of assistance. This has been an effective and very efficient way to do it, which capitalizes or builds and leverages our private sector banks and financial institutions to accomplish this.

But in any case, Mr. Speaker, this is a good measure. It has been an espe-

cially difficult year to deal with it, because of the climate with regard to this type of institution. For that, I think the gentleman from Delaware, Mr. MIKE CASTLE, subcommittee chairman, and Chairman LEACH and others that have worked in this really did a masterful job in terms of advocating this on the floor, and through the Congress to enactment or to the President, and final enactment today hopefully will be successful.

I certainly support it.

Mr. Speaker, I rise today in support of the Export-Import (Ex-Im) Bank Reauthorization bill. Typically, this authorization is an exercise that receives scant attention and afterthought. Granted it has its detractors that denounce its practices as corporate welfare, but the criteria of Ex-Im assistance has remained relatively intact. I am pleased that this bill breaks with tradition, and includes an amendment I offered to the House bill that denies U.S. Ex-Im assistance to companies that violate child labor laws. For the first time child labor violations will serve as the basis for a determination to deny companies U.S. Ex-Im assistance.

By directing loans, loan guarantees, and credit insurance, Ex-Im Bank fills an important niche in our sales abroad, especially in environments where financial institutions are not stable. That could be the Newly Independent States of the former Soviet Union or any other region where the economy is developing anew. This is a sound program that speaks to American jobs and U.S. businesses. It is a partnership with the federal government that works. Clearly, in the context of extending these specific credit assurances of opportunities, we should be certain that worker rights, environmental issues, and intellectual and financial property rights are safeguarded. As we move forward to reauthorize the Ex-Im program for an additional four years, and as we continue to push for smaller business export loans and benefits, we should initiate new policy guidelines to enhance our efforts and goals. The Vento child labor amendment is one such important effort.

Child labor practices today reveal an unprecedented tragedy of a far greater magnitude than what transpired in a less global economic marketplace. The International Labor Organization estimates that over 250 million children worldwide under the age of 15 are working instead of receiving basic education. That is 250 million reasons to ensure that U.S. Ex-Im guarantees, insurance, and loans take the extra step to protect against the exploitation of child labor by U.S. companies and partners. Because we neither investigate nor know the child labor practices of the companies we assist, this language is essential in drawing attention to the child labor practices. It also presents the potential for increased involvement on behalf of Non-Governmental Organizations to discover and publicize specific child labor abuses.

I realize no single nation or single agency can eradicate the child labor problem. However, we should deliberately pursue each opportunity in order to turn the tide on the inappropriate employment of young children. If we help these U.S. companies, then we should expect that they and their partners reflect and follow fundamental U.S. values and laws. Both symbolically and substantively, the U.S. must set an example as we advance and engage in the global marketplace.

There is no other practice so universally condemned, yet so universally practiced as the exploitation of child labor. Crimes committed against children around the world, that this Congress is so adamant to speak out against, should not be encouraged or tolerated by our own government policies. We all recognize the depth of this problem, yet as a nation we do little to protect children from exploitation. For example, one of the most important measures of the 105th Congress, fast track negotiating authority, does not recognize child labor protections as a legitimate negotiating objective. Foreign investment, intellectual property, both made the list of trade objectives. We have always gone to great lengths to enhance and protect the profits and rights of companies at home and abroad, while ignoring the rights of working people, particularly children. Are the world's children not deserving of the same support? For those that want to keep child labor protections out of trade agreements, child labor is merely a harsh reality that makes good economic sense.

I hope that this language will help make the invisible visible and generate the significant public pressure that is necessary to make political progress on child labor protections. Our trade policy must promote progress in wages, living standards, and human rights here in the U.S. and around the globe. It should not undermine progress in these important areas or legitimize the status quo. This language ensures that there will be more U.S. responsibility in the strategy for the eradication of exploitative child labor. It gives each of us the opportunity to stand up for children, who even marginally, may be contributing to a subsidized U.S. export product.

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

Mr. Speaker, I would also like to include among our thanks Mr. Jamie McCormick of the staff of the gentleman from Iowa [Mr. LEACH], because without the cooperation of the full committee chairman and the cooperation of his staff, much of what the gentleman from Delaware [Mr. CASTLE] and I have been able to achieve could not have happened.

I thank again all of those who have offered remarks, and certainly I look forward to, as I leave this place, remaining in relationship and friendship with all of the Members.

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

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

Mr. Speaker, I would, too, like to thank all the great staff. I mentioned Sean Peterson before, but Jamie McCormick and John Lopez of our staff, they all did really a wonderful job on that. I would like to thank all those who spoke tonight who are very thoughtful, from the chairman, the gentleman from Iowa [Mr. LEACH] on down. These are people who have thought a lot about this, and do, I think, a wonderful job of handling these difficult and complex issues.

Mr. Speaker, obviously, in final words for our friend, the gentleman from New York, Mr. FLOYD FLAKE, I thought it was just me for a while who thought he was an exceptional individual to work with, and then I began to

realize that a lot of people in this House thought that.

I missed the tribute on the floor. I got there when he was actually speaking. I came back to my office from actually being down and meeting on this particular bill. I realized later what everybody said about him. I guess we always say nice things about each other, but I do not know of anyone in this House who is truly more respected, liked and admired than the gentleman from New York, Mr. FLOYD FLAKE. He has done an exceptional job, not just in this subcommittee, but in general, and it is with a great amount of sadness that, while it may not be, we still have a coin bill coming along, but it may be the last bill we are going to handle, and I would like to add my homage to what everybody has said about him.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Delaware [Mr. CASTLE] that the House suspend the rules and agree to the conference report on S. 1026.

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

A motion to reconsider was laid on the table.

EXTENDING CERTAIN PROGRAMS UNDER THE ENERGY POLICY AND CONSERVATION ACT

Mr. DAN SCHAEFER of Colorado. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 317) providing for the agreement of the House to the Senate amendment to the bill, H.R. 2472, with an amendment.

The Clerk read as follows:

H. RES. 317

Resolved, That, upon the adoption of this resolution, the bill H.R. 2472, to extend certain programs under the Energy Policy and Conservation Act, be, and the same is hereby, taken from the Speaker's table to the end that the Senate amendment to the text of the bill be, and the same is hereby, agreed to with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate, insert the following:

SECTION 1. ENERGY POLICY AND CONSERVATION ACT AMENDMENTS.

The Energy Policy and Conservation Act is amended—

(1) in section 166 (42 U.S.C. 6246) by striking "1997" and inserting in lieu thereof "1998";

(2) in section 181 (42 U.S.C. 6251) by striking "September 30, 1997" both places it appears and inserting in lieu thereof "September 1, 1998"; and

(3) in section 281 (42 U.S.C. 6285) by striking "September 30, 1997" both places it appears and inserting in lieu thereof "September 1, 1998".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Colorado [Mr. DAN SCHAEFER] and the gentleman from Texas [Mr. HALL] each will control 20 minutes.

The Chair recognizes the gentleman from Colorado [Mr. DAN SCHAEFER].

GENERAL LEAVE

Mr. DAN SCHAEFER of Colorado. 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 matter on the resolution under consideration.

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

There was no objection.

Mr. DAN SCHAEFER of Colorado. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the bill we will be sending back to the other body reauthorizes a provision of the Energy and Conservation Act related to the Strategic Petroleum Reserve and the U.S. participation in the international agreement for 1 fiscal year.

These provisions, which expired September 30, assure that if there is an energy emergency, the President's authority to draw down the Strategic Petroleum Reserve and the ability of U.S. oil companies to participate in the international energy agreement without violating antitrust laws is preserved for another year.

As I stated when the House passed this bill earlier this year, because of their importance to the U.S. national energy security, I believe these programs should not go unauthorized. At the same time, I believe requiring them to be reauthorized annually is appropriate as long as oil from the Reserve continues to be sold for budgetary purposes.

□ 2330

It is my hope that when DOE completes its review of the SPR policies, we can work with the administration and the appropriators to develop a coherent and consistent policy regarding the future of the reserve.

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

Mr. HALL of Texas. Mr. Speaker, I yield myself such time as I may consume.

(Mr. HALL of Texas asked and was given permission to revise and extend his remarks.)

Mr. HALL of Texas. Mr. Speaker, I will not have any speakers. I rise in support of the bill. I would like to have a colloquy with the gentleman from Colorado, Mr. DAN SCHAEFER.

I thank the chairman for his leadership and for his hard work to ensure that the Energy Policy and Conservation Act is reauthorized. EPCA provides the authority for the U.S. to cooperate with their international allies during world oil crises, to alleviate shortages in calm markets.

Mr. DAN SCHAEFER of Colorado. Mr. Speaker, will the gentleman yield?

Mr. HALL of Texas. I yield to the gentleman from Colorado.

Mr. DAN SCHAEFER of Colorado. Mr. Speaker, I thank the gentleman from Texas [Mr. HALL] for his work and agree that we must have EPCA in

place, particularly in light of the ongoing events in the Middle East.

Mr. HALL of Texas. Mr. Speaker, reclaiming my time, I would like to propose to my good friend from Colorado also that while this simple extension of existing authority is a good thing, we need to take a closer look early next year at the need to update EPCA's antitrust provisions.

Mr. DAN SCHAEFER of Colorado. If the gentleman would continue to yield, I thank the gentleman again for his remarks, and I agree that the Committee on Commerce and other affected committees should take a closer look at this issue to ensure that our national interests are fully protected and we can meet our treaty obligations.

Mr. HALL of Texas. Mr. Speaker, I thank the gentleman from Colorado, Mr. DAN SCHAEFER. I think we ought to get on top of this sooner rather than later next year, when we have time to consider the matter thoroughly. We ought not to wait until EPCA expires next September. Maybe by then we will be comfortable providing for a longer-term reauthorization.

Mr. DAN SCHAEFER of Colorado. Mr. Speaker, I certainly agree with the comments of my colleague. We have worked very closely together in the past, and I want to continue to do that, particularly on this issue and any other issue that deals with our committee. But we have to ensure that we have energy policy in this country that is going to be best for the American citizens.

Mr. DINGELL. Mr. Speaker, I rise with a sense of profound disappointment to speak reluctantly in support of H. Res. 317, and only because we have no better alternative. Notwithstanding disturbing hourly reports from the Middle East, Members of the House has been presented with an unpleasant and wholly unnecessary choice. We can either vote for this barebones, better-than-nothing reauthorization of the most essential parts of the Energy Policy and Conservation Act—our nation's first line of defense in dealing with an international oil crisis—or we can take our chances that the Act, which has already been allowed to lapse, will not have to be deployed during the next 2 months while the Congress is out of session.

Since 1984, the United States has sought to persuade our international partners to graduate from a cumbersome and outdated oil allocation plan to a more market oriented "coordinated stock drawdown" policy under which each country would release petroleum stocks to forestall any shortages. This type of approach, which was tried out during Desert Storm, shows great promise and has finally been accepted by our allies and the International Energy Agency.

Neither of these policies, however, can work without the cooperation and assistance of both U.S. and international oil companies. In times of severe supply shortages or market instability, the I.E.A. needs real time information about the location and movement of oil stocks and refined produces with only these companies can provide. EPCA was drafted with an appreciation of these need for partnership,

and included from the beginning a "limited antitrust defense" to ensure companies are not prosecuted for actions they are requested to take by government during an oil emergency.

This is exactly the type of voluntary co-operation Congress should be encouraging. For three years now, the Administration and the U.S. oil industry have been asking Congress to update EPCA's antitrust provisions to permit them to assist the U.S. government and the I.E.A. in carrying out a coordinated stock drawdown. The Senate's bill includes language supported by both the Administration and industry.

Unfortunately, H. Res. 317 does not address the antitrust issue. Hearings have been held, testimony has been provided, and no objection has been voiced to the type of changes the Administration has proposed and the Senate has adopted. This is an entirely unnecessary omission, and represents a failure by the House and its leadership to properly discharge their responsibilities. Let no one be mistaken—in the event that international oil markets suffer a severe shock in the coming months, the I.E.A. will be hamstrung in its ability to temper the impact on consumers and financial markets because U.S. oil companies will not be able to participate fully. This is a mistake which could have been averted had the necessary homework been done at the proper time.

While I support H. Res. 317 and urge members to vote for the resolution, I do so with a sense of regret and measure of anger at the choice with which this body has been presented.

Mr. HALL of Texas. Mr. Speaker, I thank the gentleman from Colorado for his leadership on this issue, and I yield back the balance of my time.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Colorado [Mr. DAN SCHAEFER] that the House suspend the rules and agree to the resolution, H.R. 317.

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

A motion to reconsider was laid on the table.

ILLEGAL IMMIGRATION REFORM AND IMMIGRANT RESPONSIBILITY ACT OF 1996 AMENDMENT

Mr. SMITH of Texas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2920) to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to modify the requirements for implementation of an entry-exit control system.

The Clerk read as follows:

H.R. 2920

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

SEC. 1 Modification of Entry-Exit Control System.

Section 110 of the Illegal Immigration Reform and Immigration Responsibility Act of 1996 is amended—

(1) in subsection (a), in the matter preceding paragraph (1), strike "Act," and insert "Act (and not later than 3 years after the date of the enactment of this Act in the case of land border points of entry).";

(2) in subsection (a)(1), strike "and" at the end;

(3) in subsection (a)(2), strike the period at the end and insert "; and";

(4) by adding at the end of subsection (a) the following:

"(3) not significantly disrupt trade, tourism, or other legitimate cross-border traffic at land border points of entry."

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas [Mr. SMITH] and the gentleman from Michigan [Mr. CONYERS] each will control 20 minutes.

The Chair recognizes the gentleman from Texas [Mr. SMITH].

GENERAL LEAVE

Mr. SMITH of Texas. Mr. Speaker, I ask unanimous consent that Members have 5 legislative days in which to revise and extend their remarks on the bill under consideration.

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

There was no objection.

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, Congress has required the Immigration and Naturalization Service to develop and implement a system to track the entry and exits of those crossing our borders. The purpose of this bill is to make sure that such a system will not substantially impede trade or traffic across our borders, both northern and southern.

The intent is, first, to set a reasonable time frame for the development and implementation of an exit/entry system and, second, to reaffirm that it is the policy of this Congress that such a system is to be developed so that, upon implementation, it will not substantially impede trade or border crossings.

Understandably, this matter may be of particular concern to those States along our northern border. Unlike the southern border, there are relatively few northern border entry points and they already are congested by high volumes of traffic frequently using one- and two-lane highways and bridges. Any further slowdown in the flow of such traffic could be seen as hurting the economies of many States, especially New York, Michigan, and Washington State, but also Minnesota, Wisconsin, Maine, Pennsylvania, Idaho, Montana, North Dakota, Vermont, and New Hampshire.

States along our southern border, where 2½ times as many individuals were inspected than were along our northern border in fiscal year 1997, are more experienced in addressing these kinds of problems. For instance, today in San Diego thousands drove across the border and were monitored electronically. Some entry points on our southern border have as many as 23 lanes to speed traffic.

Increased trade with Mexico has spurred investments in the construction of major new crossings elsewhere. What this bill does is reassure all Americans and our neighbors both to the north and to the south that, as the United States exercises its right to control its borders, it is also committed to facilitating trade.

We should expand our Nation's capacities to trade with our neighbors as well as facilitate the lawful crossing of citizens on both sides of our borders. Unfortunately, many people enter our country along our northern and southern borders legally but, wrongfully, never return home. Forty percent of the estimated 5 million illegal aliens in the country today entered in such a manner, overstaying their visas.

The United States needs to develop an entry-exit system to fairly and effectively address these illegal overstays, but we must do so in a manner that does not significantly disrupt trade, tourism, or other legitimate cross-border traffic.

Some may suggest this bill would set a different standard for people crossing our northern border. Any such suggestion is contradicted by the facts. This bill treats our southern and northern borders exactly the same. It makes no distinction.

Again, this bill is an affirmation of two important national policies; one, that we have a right and duty to control our borders; and, two, that it is in the best interest of the United States and our neighbors both to the north and south to act so as to facilitate trade and border crossings.

Our task in the House today is to ensure that border crossings will not be substantially impeded while we also protect the Nation's interest in being able to control our borders. And that is exactly what this bill does.

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

Mr. CONYERS. Mr. Speaker, I yield as much time as he may consume to the gentleman from North Carolina [Mr. WATT], the ranking minority member.

Mr. WATT of North Carolina. Mr. Speaker, I rise in opposition to H.R. 2920.

As the ranking member of the Subcommittee on Immigration and Claims, I have had the opportunity this year to learn a great deal about America's borders and the importance of securing the borders against illegal immigration, narcotic, and alien smugglers, and potential terrorists. Because of this, I have supported efforts by the chairman of our subcommittee to increase security along the southwest border of the United States.

Because of the success along the southwest border, pressure has increased along the northern border. I recognize that there is a long tradition of openness between the United States and Canada along the northern border, but times are changing, and I believe our policies must adjust to reflect these changes.

There have been numerous incidents of alien smugglers bringing in hundreds of illegal immigrants across the border between Ontario and upstate New York. One of the terrorists on trial for participating in the conspiracy to blow up the Lincoln Tunnel in New York entered the United States from Canada. The Canadian border must be as secure as the southern border. Otherwise, we might as well put a neon light over the Canadian border inviting immigrants to come across it with impunity.

Section 110 provides that by October 1, 1998, the Attorney General will develop an automated entry and exit control system that will collect a record of departure of every alien departing the United States and match the records of departure with the records of aliens arriving in the United States. This would enable the Attorney General to identify folks who are overstaying their visas or staying in the country illegally.

In fairness, the language of this bill is neutral on its face and makes no direct reference to Canada. Make no mistake about it, however; this bill is about treating Canada and the northern border differently from Mexico and the southern border.

There are already stringent entry control systems in place along the southwest border. Because the INS has a record of every entry from Mexico, it is able to determine when someone entered the United States and whether they overstayed or violated the terms of that entry. This is not the case along the Canadian border.

Crossing into the United States from Canada is not unlike driving through a toll booth. Passengers answer some routine questions, and if they are citizens or legal permanent residents of either Canada or the United States, they are flagged through. Once in the United States, Canadians are virtually indistinguishable from other Americans. Perhaps that is why Canada ranks fourth as the source country for illegal immigrants in the United States.

There are at least 120,000 Canadians working illegally in the United States, and none of these people entered the country illegally. Nearly half of all the illegal immigrants in the United States overstaying the terms of their valid tourist or student visa came in through the Canadian border. Overstaying or violating the terms of valid visas is the illegal immigration method of choice for Canadian, Europeans, and others who know that the INS will never find them.

Section 110 of the illegal immigration reform bill was specifically designed to give the INS the tools to combat this problem. If my colleagues are truly committed to combating illegal immigration in all its forms, if my colleagues want an immigration policy that does not distinguish between white Canadians and colored Mexicans, then we must enforce the laws on an equal basis and do it in a racially color-blind way.

I think this bill does not support that proposition, and I rise in opposition to the bill.

Mr. CONYERS. Mr. Speaker, I reserve the balance of our time.

Mr. SMITH of Texas. Mr. Speaker, I yield 3 minutes to the gentleman from New York [Mr. SOLOMON], the chairman of the Committee on Rules.

Mr. SOLOMON. Mr. Speaker, I thank the gentleman from Texas [Mr. SMITH] for yielding me the time.

I really am sorry that this bill is being characterized as dealing with only one of our borders. And I really am upset with the Congressional Quarterly, which put out a publication this morning here which said "U.S.-Canadian border controls," and it talks about our legislation.

Well, our legislation is sponsored by Members from all of the borders from all over the country. It is not just, sure, I am concerned about it because it deals with New York State. But my colleagues ought to, I think, listen carefully to the debate.

Last year, Congress did pass legislation which would require the Immigration and Naturalization Service to document the entry and departure of every alien in the United States beginning no later than September 30, 1998. That is really just around the corner when we start talking about putting in this kind of a program.

This legislation, with the best of intentions, was designed to prevent visa overstays and control the flow of illegal immigrants and the transmission of illegal drugs, terrorism, and other things. The problem is that this legislation, as it is currently drafted, could have a devastating effect on commerce, on tourism, along the Texas border, the California border, and all across all of the borders across the northern United States, on both sides of the borders.

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In New York State, we have many, many corporations that have corporations right across the border, and many United States citizens, New Yorkers, live in New York and work in Canada. There are many other corporations who have the same businesses in both countries and they have Canadian citizens that come across the border daily. Many of them are nurses and doctors, of which we have a real shortage in northern New York, for jobs.

Mr. MCHUGH. Mr. Speaker, will the gentleman yield?

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

Mr. MCHUGH. The gentleman made mention of treating the two borders differently and I think that is an important fact. It is my understanding that this bill treats both borders equally, that the delay applies equally to both borders. So I would suggest to the gentleman that is not an issue in this particular context.

Mr. SOLOMON. Let me just say that this bill is simple. It delays the implementation of the exit and entry control

system until 1999. It will take that long to implement the system, anyway, even if we were to let it go ahead.

In addition, it adds statutory language which specifically requires, and I think this is what we need to listen to, because this affects American jobs, this adds statutory language which specifically requires that any automated system, implemented by the INS, will not disrupt trade, tourism or any other legitimate border crossing traffic.

Mr. Speaker, the value of trade crossing on all our borders is immense. For instance, direct trade between New York State and Canada totaled \$24 billion last year alone. I could go on and on. In New York State, many merchants and communities along the Canadian border owe at least 50 percent of their business to Canadian visitors. The same thing is true in Texas and in California. I hope my colleagues can support the legislation. It is very important to us.

Mr. CONYERS. Mr. Speaker, I yield 3 minutes to the gentleman from New York [Mr. LAFALCE].

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

Mr. LAFALCE. Mr. Speaker, first, I strongly support this bill, although the bill does not go far enough. I support it in the hope that we can go further within conference with the Senate. Why does the bill not go far enough? Because it simply delays the effective date with respect to land borders from September 30, 1998 to September 30, 1999. The Clinton administration has said to this Congress section 110 cannot be enforced. The Clinton administration has said to this Congress with respect to land borders, repeal section 110 because it cannot be implemented. They have submitted legislation to this Congress calling for its repeal, and all we are doing in this bill is delaying the effective date for one year. The Clinton administration says it cannot be enforced, repeal it with respect to land borders.

Mr. Speaker, I have introduced some other bills. In September I introduced H.R. 2481. Yesterday I introduced a companion bill to Senator ABRAHAM's bill, H.R. 2955. I believe that the bill that Senator ABRAHAM has introduced in the United States Senate, to which a few dozen of us cosponsored yesterday, is the more appropriate approach.

I am not an expert on the Mexican border. I consider myself an expert on the Canadian border, however. When I was a young boy, I lived perhaps two blocks away from the Peace Bridge going from the United States to Canada and vice versa. That is where I played baseball, that is where I learned how to swim, play tennis. We used to walk across the Peace Bridge to Canada, to go swimming, to go fishing as easily as one would go from Virginia to Maryland to the District of Columbia, as easily as one would go from North Carolina to South Carolina. We pride ourselves on a shared border, on an

open border. Do not regress in history. Do not turn aside 200 years of history and build a wall around the United States. Do not say to individuals, before you can leave the United States, we must document each and every person leaving the United States. We have never done that before, we ought not to do it now. At the very least, delay its implementation until September 30, 1999 rather than September 30, 1998, when cooler heads might be able to prevail.

Mr. SMITH of Texas. Mr. Speaker, I yield 2½ minutes to the gentleman from Michigan [Mr. KNOLLENBERG].

Mr. KNOLLENBERG. Mr. Speaker, I rise to enter into a colloquy with the gentleman from Texas [Mr. SMITH]. I have some concerns about H.R. 2920 that have been raised by the gentleman from New York [Mr. LAFALCE]. I do believe that section 110 of this immigration reform bill does require some revision, or some study.

As a Representative from Michigan, a State which shares a wide border with Canada, I have strong concerns about the impact that section 110 may have on States all across the northern border. Implementation of this system would slow commerce to a virtual standstill. Let me give Members an example in my State of Michigan. For example, in Detroit alone, in Port Huron, some 30,000 motorists, actually more than that, 30,000, at the Ambassador Bridge alone cross daily. In fact, the President of the International Bridge Company has testified that that could result in backups, delays, and I am talking about people that work on both sides of the river, both sides, it would back up traffic perhaps halfway to Flint, Michigan, 40 or 50 miles, and on the Canadian side even further. In particular, this system would cripple the automotive industry and the local economy which, as Members, know depends upon just in time deliveries.

What I would like to do, if I could, I wanted to enter into a colloquy with the gentleman to make a determination, and I think the way the bill reads right now is that border crossings will not be substantially impeded. We have a great deal at risk here. I wanted to get the gentleman's assurance that that would be the case.

Mr. SMITH of Texas. Mr. Speaker, will the gentleman yield?

Mr. KNOLLENBERG. I yield to the gentleman from Texas.

Mr. SMITH of Texas. The gentleman is correct. The language in this bill is mandatory and says that the entry-exit system shall not significantly disrupt trade, tourism or other legitimate cross border traffic. I believe the bill will do exactly what the gentleman would like to see done.

Mr. KNOLLENBERG. If I could reclaim my time, I would like to just say that I think the gentleman from New York [Mr. LAFALCE] has an idea that is shared by a number of others. We want to do what obviously is best. We have some time now to do that. I thank the gentleman for making a clarification.

Mr. CONYERS. Mr. Speaker, I yield myself 1 minute.

To the distinguished gentleman from Texas, the chairman of the subcommittee, we never had hearings on this. This was introduced up in the Committee on Rules and shot through here like a bullet. This is a very important subject. Does the gentleman have any idea why we did not? It is our committee. It is the gentleman's subcommittee. We never had hearings. I guess that does not matter.

Now he comes here in the middle of the night telling us this is a very critical matter. We have all kind of hearings all year long on everything in the gentleman's subcommittee. I, for one, if I have any sympathies for this measure, do not like the process that it was carried on in.

I rise in strong opposition to H.R. 2920, providing for a 1-year delay in section 110 of last year's immigration bill (requiring a border card on the Canadian and Mexican borders).

No Member is more concerned about the potential problems caused by section 110 than I am. We can see Windsor, Canada from my district. Last year United States trade with Canada was over \$355 billion making it the largest exchange between any two countries in the world. Of that figure, 57 billion dollars worth of goods were traded with Michigan—giving it a larger share of trade with Canada than any other State. The State Department has stated, "Section 110 represents a serious speed bump on the continued expansion of our economic relationships—one which could literally cause traffic across our northern land border to slow to a crawl."

However, H.R. 2920 is the wrong fix at the wrong time. This is a difficult problem which involves sensitive and complex issues concerning trade, drug running, tourism, and illegal immigration. Yet, the bill comes to this floor without the benefit of any committee hearings, debate, or report.

The bill is strongly opposed by the Canadian Government. They have written:

In a nutshell, Canada opposes the bill because it would only postpone a problem that really needs to be eliminated . . . under the present circumstances, the best course of action would be to refer H.R. 2920 to Committee, in order for it to be properly debated before being brought before the full House for a vote.

From my perspective, there are far preferable approaches available. The Senate has already conducted two hearings on the issue and Senator ABRAHAM has introduced legislation (S. 1360) which provides for a full exemption from the land border crossing requirements while we study the problems of implementing this vast new bureaucracy. A counterpart bill (H.R. 2955) has been introduced in the House which is supported by the administration.

In order to consider these and other responses, we need to vote this bill down today, so we can look at this issue in the Judiciary Committee with more than 24 hours notice.

H.R. 2920 is a "Band-Aid quick fix" which does not provide the proper solution for our border control concerns. Section 110 is not scheduled to be implemented until October 1998. We have plenty of time to hold committee hearings and develop a practical bipartisan solution to this problem.

I urge a "no" vote.

Mr. SMITH of Texas. Mr. Speaker, I yield 1 minute to the gentleman from Michigan [Mr. CAMP].

Mr. CAMP. Mr. Speaker, I thank the gentleman for yielding me this time. I just want to mention that I know this legislation is approved also by the gentleman from Illinois [Mr. HYDE], the chairman of the committee. I think this is critical. I am glad that we are acting, because the implementation date of September 30, 1998 could cause tremendous disruption in Michigan, not only to tourist traffic but to trade and to our economy. I think this new statutory requirement that this automated system will be delayed until 1999, and it will not disrupt trade, tourism or other legitimate cross border traffic is a good thing. I strongly support the bill.

Mr. CONYERS. Mr. Speaker, I yield 1 minute to the gentleman from North Carolina [Mr. WATT].

Mr. WATT of North Carolina. I just find it very amazing that all of these representations are being said about what disruption is going to happen on the Canadian border as if the same disruptions do not happen on the southeastern border and the southern border. There is absolutely no distinction between the northern border and the southern border. The same arguments that apply on the northern border apply on the southern border. All these people are talking about, well, 50 years ago I used to play on the Canadian border. Fifty years ago we all used to keep our doors unlocked at night. But nobody does that now. We have turned up the pressure on the southern border and people are going around, coming in the northern border as if it is a sieve. It was the Republicans who kept telling us last year that we had to secure our borders. Now they are back making exception after exception after exception.

PARLIAMENTARY INQUIRY

Mr. SOLOMON. Parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore [Mr. EVERETT]. The gentleman will state it.

Mr. SOLOMON. Mr. Speaker, I am confused about who is managing the time on that side of the aisle. I have heard the gentleman from Michigan [Mr. CONYERS] yield time, but then I am told that the gentleman from North Carolina [Mr. WATT] has the time. Who is managing the time on that side of the aisle? And how much time is remaining on both sides?

The SPEAKER pro tempore. The gentleman from Michigan [Mr. CONYERS] is managing the time for the minority.

Mr. SOLOMON. Mr. Speaker, how much time is remaining on both sides?

The SPEAKER pro tempore. The gentleman from Michigan [Mr. CONYERS] has 10¼ minutes remaining, and the gentleman from Texas [Mr. SMITH] has 10½ minutes remaining.

Mr. SMITH of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. MCHUGH].

(By unanimous consent, Mr. MCHUGH was allowed to speak out of order.)

REQUEST FOR AUTHORITY FOR SPEAKER TO DESIGNATE TIME FOR RESUMPTION OF PROCEEDINGS ON REMAINING MOTIONS TO SUSPEND RULES CONSIDERED MONDAY, SEPTEMBER 29, 1997

Mr. MCHUGH. Mr. Speaker, I ask unanimous consent that the Speaker be authorized to designate a time not later than the legislative day of November 14, 1997, for resumption of proceedings on the seven remaining motions to suspend the rules originally debated on September 29, 1997.

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

Mr. WATT of North Carolina. Mr. Speaker, reserving the right to object, I am afraid I did not understand what the gentleman was doing in the midst of the debate on this bill. Would the gentleman restate what he is doing?

Mr. MCHUGH. Mr. Speaker, if the gentleman will yield, I am informed that the unanimous-consent request had already been agreed to and I was reading the text of that into the RECORD.

Mr. WATT of North Carolina. There cannot be a unanimous consent that is agreed to if he is asking unanimous consent on the floor.

Mr. SOLOMON. Mr. Speaker, regular order.

Mr. WATT of North Carolina. Mr. Speaker, I reserve the right to object.

The SPEAKER pro tempore. The gentleman from North Carolina [Mr. WATT] has reserved the right to object.

Mr. MCHUGH. Mr. Speaker, I withdraw the unanimous consent request, and I yield to the gentleman from New York [Mr. SOLOMON].

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Mr. SOLOMON. Mr. Speaker, evidently my good friend, the gentleman from North Carolina [Mr. WATT], and he is a good friend, did not hear my testimony earlier. I spoke about the borders of California, about the borders of Texas.

As my colleagues know, we are talking about all of the borders of this land. This legislation affects the borders on California, the borders on Texas, the borders on all across the northern part of the country. They are all affected the same, and we should not be trying to mislead, and I thank the gentleman from New York for having yielded me the time.

Mr. MCHUGH. Mr. Speaker, I would just add to my friend, the gentleman from Michigan [Mr. CONYERS], he asked why have we not had any hearings, and I think that is an appropriate point. I would suggest to him that this arose very quickly because very quickly the Immigration and Naturalization Service came to us in my office and said, "By the way you will be the lucky recipient of a test program." We felt that that had not had hearings. That indeed had not been an issue discussed, and I would suggest to the gentleman that

the entire point behind delaying the implementation of this bill for years was to provide the gentleman and the gentleman from Texas [Mr. SMITH] and others who have a direct and very understandable interest in this with the opportunity to have the hearings, and therefore I believe we should support this for the very reasons he stated.

Mr. CONYERS. Mr. Speaker, I yield myself 1 minute.

Now there is no urgency on this bill. This is not an appropriation. This is not anything. It has not had a hearing, and here we are at midnight and one of the last days of the first session of the 105th Congress talking about a 1-year extension. We had plenty of time to hold all the hearings in the world in the Committee on the Judiciary, which the gentleman from Texas [Mr. SMITH] has never held on this subject. Now the Senate has held hearings on this subject, and by the way, the other body has no inclination whatsoever, whatsoever to pass this measure.

So what I am saying is that the best reason to be against this measure is that we do not understand its import and we are not in any rush. This measure does not expire until October 1998.

Mr. SMITH of Texas. Mr. Speaker, I yield 3 minutes to the gentleman from Minnesota [Mr. OBERSTAR].

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

I do not want to get caught in the crossfire of who had or did not have hearings, but there is some urgency to this matter, and it is very uncomplicated.

Mr. Speaker, I did not vote for this immigration bill to begin with because I thought it was going to have many of the problems that have come up because it is so complicated, and the border between the United States and Canada is one of the most complex. It is also the longest open, free, unguarded border in the entire world. Every day a billion dollars in goods and services cross the border from Canada to the United States and back and forth.

In an era of just-in-time delivery of goods, it is extremely important that we have a smooth flow across the U.S.-Canada border for that billion dollars daily of economic activity to survive. But with this legislation the more than 76 million people who enter the United States by land from Canada are going to line up, be checked in, have long waiting lines.

And let me just tell, my colleagues, what happens from the International Falls Daily Journal newspaper, the northern border of my district, a place that most of my colleagues will recognize as the cold spot of America. Right across the water is Fort Francis, Canada. Mark Elliot crosses the International Bridge of the United States nearly every day to visit his girlfriend in International Falls. Crossing between these countries normally takes very little time because he is such a familiar face, he and many other resi-

dents. But a law scheduled to take effect in 1998 will make his visits more difficult.

That is what it is all about. It comes down to one human being. This is a border control, this is an entry/departure control measure, it is not an inspection requirement. It is going to build up complexity between our two countries. It is going to build up complexity between the United States and Mexico. The amendment that we are considering tonight applies to both borders, will resolve these complexities.

I do not address the United States-Mexico situation because I do not live there, and I do not understand that problem, but I do understand United States-Canada, and for every individual to have to have an entry or departure control document is going to, for those 76 million crossings, is going to be extraordinarily complex. I can imagine it would be even worse on the United States-Mexican border.

It is not difficult to understand the problem. This is a very simple fix of 1 year delay. Give us time to adjust, to think out, what this language means. We should not have passed that bill in the first place, but having passed it, this mistake ought to be corrected.

Mr. CONYERS. Mr. Speaker, I yield myself 20 seconds.

To the gentleman from Minnesota [Mr. OBERSTAR], my ranking member on the Committee on Transportation and Infrastructure, my best friend, No. 1, that guy with the girlfriend in Canada, one of them ought to move. No. 2, the Canadian Government, not that we give a hoot about their opinion, is totally opposed to what we are doing, not that that matters.

Mr. Speaker, I yield 3 minutes to the gentleman from Texas [Mr. REYES].

Mr. REYES. Mr. Speaker, I thank the gentleman for yielding this time to me, and now I can perhaps give some personal perspective to what is being discussed here this evening in the hypothetical, although I will tell my colleagues that hearing some of the impassioned reasons like trade, commerce, long waiting lines, tourism, congestion; as my colleagues know, they are discussing Canada, but they are describing the southern border with Mexico, and my good friend, the gentleman from Minnesota [Mr. OBERSTAR], made mention that perhaps this bill should never have been passed.

Well, absolutely there were a lot of things that were passed in this House before I was able to be here that should not have been passed. There were a lot of things that we are going to have to go back and address because they are simply not fair, and what we are doing here this evening is simply not fair.

And I can tell my colleagues as an ex-immigration officer, as an ex-border patrol chief, the gentleman from Michigan [Mr. CONYERS] is absolutely correct. If we shut down the southern border, guess where they are going to smuggle from? Guess where intelligence today tells the United States

Border Patrol, the United States Customs, the United States Immigration Service, the United States Secret Service, guess where the focus of entry is? Guess where the only documented cases of entries into this country for terrorism have come through? It has not been through Mexico, because, no, we have been pretty darn tough on Mexico. It has been through the Canadian border, because, as several of my colleagues have said, heck, we have an open border up there.

I grew up there. I played baseball. I went back and forth. There is a gentleman that has got a girlfriend and goes back and forth. Well, guess what? Those same things could describe the relationship between Texans and Mexico, between New Mexicans and Mexico, between Arizona and Mexico, between southern California and Mexico. All of those things are appropriate, all of those things apply to the southern border of the United States as well.

And my point here tonight is that this issue is about fairness. This issue is about listening to ourselves as we make these arguments in some inane way where the people on the southern border cannot understand us. First my colleagues want to be tough, then they want to be not so tough on the northern border. Well, my colleagues, it does not work that way. It does not work that way because the men and women that enforce the laws of this country, myself included for 26½ years, are impartial. We do not want to enforce one law on the southern border and another law on the northern border. We do not want to treat Canadians one way and Mexicans a different way.

Let us get a grip. If we want to be fair, if this country is going to remain the beacon of fairness, the beacon of liberty, the beacon of opportunity, then for God's sake let us do the right thing and let us apply the law equally on the northern border as it is on the southern border.

Mr. SMITH of Texas. Mr. Speaker, I yield 20 seconds to the gentleman from Minnesota [Mr. OBERSTAR].

Mr. OBERSTAR. Mr. Speaker, I simply want to respond to the concern of the gentleman and others who have spoken about shifting of drug trafficking from one border to another. I tell my colleagues we have got a wilderness border between the United States and Canada in my district, and the timberwolves will get them before anybody else gets across that border, believe me. There is no trafficking across that border.

Mr. CONYERS. Mr. Speaker, I yield myself 20 seconds.

There is not any trafficking across that part of the northern border, but there is plenty of drugs increasingly coming in at the northern border.

And one more thing, my colleagues. This bill is being represented as a temporary fix. What the real deal is is that it is going to be permanent, and we will never get to the hearings on the bill that everybody is for or against it. It never had hearings.

Mr. SMITH of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. QUINN].

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

I want to associate myself with the remarks of my good friend, the gentleman from New York [Mr. LAFALCE], earlier tonight. When my other dear friend, the gentleman from North Carolina [Mr. WATT], talks about the fact that there is absolutely no distinction between these two borders, we are simply coming here tonight to tell our colleagues in a very calm, experienced way that we think there might be some distinctions, and we would like to share some of those differences with our colleagues if we see some. My other friend from Texas says that they are all the same, and I would suggest to him that this is exactly the reason we want to try to treat them the same.

Now, we had an opportunity tonight to hear about statistics and numbers and the amount of trade and the tourism that goes back and forth between at least the border that we know best, the Canadian border. I would like to suggest to the rest of my colleagues as we look at 2920 that there is also the people that are involved here entering into that equation.

When my good friend, the gentleman from New York [Mr. LAFALCE], talks about his knowledge and experience in the Buffalo area at the Peace Bridge, I want to add to that my own experience, and it is not ancient history, colleagues, it is not something that happened 50 years ago or 60 years ago, it is happening today. It is happening right now, and it is happening with young people, experienced people, whether it is drivers, whether it happens to be jobs, it is happening now.

And all we are suggesting to our colleagues is that we would like the time that 2920 suggests to have some of the hearing and some of the time that has been talked about, but we are not just trying to tell our colleagues that we are telling someone else what they should do. We have some experiences there, we know what is happening at that border, and we are suggesting to our colleagues that if this plan is implemented now, it will be disastrous to affect not only trade, not only jobs, not only commerce, all the good things my friend from Texas talked about, but also affecting people's everyday lives.

And it is not political, and it is not Democrat, or it is not Republican. We have got people from both parties here trying to add some intelligence to the discussion.

□ 0015

Mr. CONYERS. Mr. Speaker, I yield myself 15 seconds.

Mr. Speaker, we need experts like that to testify at a hearing. You know, we are at midnight talking about all the experts on immigration at the northern border, and we have not had one hearing on this whole thing. I suggest this suspension be turned back

and that the Committee on the Judiciary do its job.

Mr. Speaker, I yield 1½ minutes to the gentleman from North Dakota [Mr. POMEROY].

Mr. POMEROY. Mr. Speaker, sometimes we screw up, and when we do, we need to take steps to fix it. When we passed the illegal immigration reform bill, that put on to the INS the requirement to develop a system for documenting every alien entering and leaving this country by October of 1998. We put in place a system that could not work, that will not work, and that threatens commerce on both borders.

This is about delaying the effective date of that one year, and I believe we will even have to take additional steps, as outlined by the gentleman from New York [Mr. LAFALCE] and others.

Let me just show you North Dakota. I represent this State. It is a State that shares one of the longest borders with Canada in the entire country. It is absolutely vital to our commerce, more than \$50 million of commerce to North Dakota coming back and forth every year, 2 million border crossings in North Dakota alone.

This has not been a problem. What the people back home cannot understand is, when Congress makes a mistake, we all make mistakes, but why can we not fix the mistake before people get hurt?

I have got letters here from small businesses all across the State of North Dakota. Now, they are not involved in any of the high stakes and the high rhetoric about the immigration reform. All they know is, they need the daily flow of commerce like they have had it.

Please, please, do not hurt North Dakota's economy on a mistake that we did last year. Let us fix this mistake, or at least delay the implementation 1 year. Please pass this bill.

Mr. CONYERS. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. BILBRAY].

Mr. BILBRAY. Mr. Speaker, I ask my colleagues on both sides to listen to the discussion. I heard my colleague talk about when the borders used to be open in Canada. I remember walking up and down the beaches along the Mexican border all the time. We do it today.

But this debate is really showing that we need to have internal enforcement. Do not try to do it all at the border. I do not care if it is in my neighborhood, that of the gentleman from Texas [Mr. REYES] and mine with Mexico, or Canada.

I call on everyone saying that they want to see the good things continue to go across the border and to stop the bad things; let us finally sit down and work on internal enforcement. Do not try to do it all on the borders or all in the Canada neighborhoods or in the Mexico neighborhoods of those of us who live next door to it.

Let us get together and say all of America should be participating in controlling illegal immigration. Not

just those of us on the frontier who just happen to live along the border, but all Americans should join in this. Let us take this debate and accept that there is a problem here and in Mexico. Back and forth, we need to have a check system. In Canada we need it. But we also need a check system on every employer and every social program in America.

Mr. CONYERS. Mr. Speaker, I yield 1 minute to the gentleman from Maine [Mr. BALDACCI].

Mr. SMITH of Texas. Mr. Speaker, I yield 1 minute to the gentleman from Maine.

The SPEAKER pro tempore [Mr. PEASE]. The gentleman from Maine [Mr. BALDACCI] is recognized for 2 minutes.

Mr. BALDACCI. Mr. Speaker, I thank the gentlemen for yielding me this time.

Mr. Speaker, I am almost hesitant to wade into this discussion going on, but I feel I must, especially since Maine does border Canada and we have been very deeply involved in this.

This is a very technical matter. It is a technical correction that is being offered, and it is something that is not a fight between the Mexican border or the Canadian border. Unfortunately, Section 110 overlooks the history and tradition of the longest peaceful border in the world, and that is shared north-north borders with Canada.

For decades, most Canadian nationals have been exempt from registering with the I-94 documentation for entry into the United States. In 1996, more than 116 million people entered the United States by land from Canada, and 76 million more were Canadian nationals or U.S. permanent residents. Imposing a registration requirement on Canadians who otherwise are not required to possess a visa or passport will cause traffic tie-ups of chaotic proportions.

All this bill purports to do is, it purports to delay the implementation of the requirements on both borders. It is a technical correction.

Mr. WATT or North Carolina. Mr. Speaker, will the gentleman yield?

Mr. BALDACCI. I yield to the gentleman from North Carolina.

Mr. WATT of North Carolina. Mr. Speaker, I just want to say, people keep saying that. Understand, the Mexican border, the entry system is already in place. So this notion that we are delaying and it is just applying to equally is just not true.

Mr. BALDACCI. Mr. Speaker, reclaiming my time, this bill is a technical bill that only delays the implementation on both borders. It does not show a preference on one border or the other. It delays the implementation of the rule on both borders, so it is not showing preference. This is very badly needed because of the interests, especially of what we are talking about, because the Canadian Government does not only support moving in this direction, but they want to do it perma-

nently. They are not in opposition to the direction, they just would like to have more instead of less.

We are 99.9 percent problem-free. We have an agreement between the United States and Canada that was a border agreement accord which was the framework of the border inspections.

I urge Members to support this legislation.

Mr. CONYERS. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from California [Mr. BECERRA].

Mr. Speaker, will the gentleman yield?

Mr. BECERRA. I yield to the gentleman from Michigan.

Mr. CONYERS. Mr. Speaker, I wanted to appeal to the distinguished subcommittee chairman to consider withdrawing this bill. It is clear we need hearings. The smart thing for us to do at 12:20 in the morning is to take this thing back to the Committee on the Judiciary, where it has never been.

Mr. BECERRA. Mr. Speaker, reclaiming my time, I thank the gentleman for yielding me this time.

Mr. Speaker, I believe it was the chairman in the beginning of this debate that said that this country has the right and the duty to control our borders. Well, if we pass H.R. 2920, we will be asserting our right but we will be ignoring our duty.

You see, back in 1996, just a year ago, we passed a law that said that we must inspect our borders, both in terms of people entering and people leaving. For Mexico, last year we imposed that entry check, so anyone coming into this country from our southern border right now must go through this entry check.

It was not until this year, a year later, that the exit check for both Mexico and Canada was to take effect, along with the entry check for Canada, which did not take effect when the entry check for Mexico took place. Only now is that entry check now going to take effect in Canada.

But where was the outrage about the disruption to commerce, to tourism, to family ties, when we imposed the entry check on the U.S.-Mexico border? Now we hear the outrage. The same thing applies, but it is different treatment. What people are saying today is, if it was good enough for one part of the border, it is good enough for the rest of the borders.

What we have to understand is, what we do today if we pass this bill is say we are allowing and willing to allow people to come into this country, overstay their visas, and become undocumented individuals in this country.

Understand, there are people that cross through all parts of our border. If you vote for this bill, you are saying you are willing to allow people to overstay and become, as many of you term it, "illegal aliens." So understand, do not make any mistake about it, this is not to just conform the law, this is not to try to take care of disruption for commerce and family, this is an at-

tempt to try to withhold the function of the law, the application of the law, for one place but not for others. If it is fair for one place, it should be fair for all the others.

The SPEAKER pro tempore. All time for the gentleman from Michigan [Mr. CONYERS] has expired.

Mr. SMITH of Texas. Mr. Speaker, I yield myself 15 seconds.

Mr. Speaker, I want to say my friend from California has, I believe, made a statement that was inaccurate. The point of this bill, H.R. 2920, is not to eliminate an entry-exit system but simply to make the system more workable.

Mr. Speaker, I yield 1 minute to the gentleman from New York [Mr. LAFALCE].

Mr. LAFALCE. Mr. Speaker, first of all, I want to reiterate one point: That is, the Clinton administration favors repeal of section 110 with respect to land borders. The Canadian Government favors repeal also. This bill does not call for repeal; it calls for a 1-year additional delay.

I also want to thank the distinguished ranking Democrat on the Committee on the Judiciary, the gentleman from Michigan [Mr. CONYERS], for, number one, being an original cosponsor of the bill, H.R. 2481, repealing it; for being an original cosponsor of H.R. 2955, repealing it; for having testified before Senator ABRAHAM's hearing in Detroit respecting it; and for indicating at that time that when the technical corrections bill is taken up in the Committee on the Judiciary, he would offer an amendment to the technical corrections bill seeking repeal of section 110 with respect to land borders.

Until we get to that point though, let us delay its effective date for 1 year.

Mr. SMITH of Texas. Mr. Speaker, I yield 30 seconds to the gentleman from Washington [Mr. METCALF].

Mr. METCALF. Mr. Speaker, this issue is very critical to my district. I have the second largest traffic in the whole country, I believe, from the Blaine border crossing. It is very critical, very important. I believe this is a technical correction, and it is just very vital.

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

Mr. Speaker, I urge my colleagues to support this bill, H.R. 2920. It will do two things: It will facilitate trade, and it will protect our borders. Most importantly of all, it has one fair standard for both borders, north and south.

Mr. Speaker, it will affirm America's commitment to facilitate lawful trade and border crossings with our northern and southern neighbors and also support development of a workable, and I emphasize the word "workable," border entry-exit system for all our borders.

Mr. NETHERCUTT. Mr. Speaker, I rise today in support of H.R. 2920, introduced by my colleague from New York, Mr. SOLOMON. H.R. 2920 would delay the implementation of Section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act (P.L. 104-

208) at land-based border entry ports from October 1, 1998, to October 1, 1999. Section 110 requires the Immigration and Naturalization Service [INS] to implement an entry-exit system at all entry points to the U.S. H.R. 2920 would still require the INS to implement an entry-exit system at U.S. airports and seaports by October 1, 1998, and would also require the INS to implement Section 110 in such a way that would not significantly disrupt or impeded trade or tourism.

I was a proud supporter of immigration reform last year, and believe that an entry-exit system should be an integral part of U.S. efforts to address illegal immigration. However, I believe Congress should provide the INS additional time to implement Section 110 at land-based border entry points. There are simply too many land-based entry points into the U.S., six in my district, for the INS to implement an entry-exit system by the end of next year. Allowing the INS to first implement an entry-exit system at U.S. airports and seaports should give the INS additional time to implement an entry-exit system in such a way that would not cause unnecessary delays at border crossing. Mr. SPEAKER, there have been numerous legislative proposals to address concern about Section 110, and I have been supportive of legislative corrections to Section 110. It is possible that Congress will pass such corrective legislation next year, but I believe this is too important an issue to leave unresolved until then. I thank my colleague from New York for introducing his bill at this time, and ask my colleagues to support H.R. 2920.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas [Mr. SMITH] that the House suspend the rules and pass the bill, H.R. 2920.

The question was taken.

Mr. WATT of North Carolina. 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 325, nays 90, not voting 18, as follows:

[Roll No. 627]
YEAS—325

Ackerman	Blunt	Chambliss
Aderholt	Boehlert	Chenoweth
Allen	Boehner	Christensen
Andrews	Bonilla	Clement
Archer	Bonior	Coble
Armey	Bono	Collins
Bachus	Borski	Combest
Baker	Boswell	Condit
Baldacci	Boyd	Cook
Ballenger	Brady	Cooksey
Barcia	Brown (OH)	Costello
Barr	Bryant	Cox
Barrett (NE)	Bunning	Coyne
Barrett (WI)	Burr	Cramer
Bartlett	Buyer	Crane
Barton	Callahan	Crapo
Bass	Calvert	Cunningham
Bateman	Camp	Danner
Bereuter	Campbell	Davis (FL)
Berman	Canady	Davis (VA)
Bilirakis	Cannon	DeFazio
Blagojevich	Cardin	DeGette
Bliley	Castle	Delahunt
Blumenauer	Chabot	DeLauro

DeLay	Kildee
Deutsch	Kilpatrick
Diaz-Balart	Kim
Dickey	Kind (WI)
Dicks	King (NY)
Dixon	Kingston
Doolittle	Klink
Doyle	Knollenberg
Dreier	Kolbe
Duncan	Kucinich
Dunn	LaFalce
Ehlers	LaHood
Ehrlich	Lampson
Emerson	Latham
Everett	LaTourrette
Farr	Lazio
Fawell	Leach
Fazio	Levin
Foley	Lewis (CA)
Forbes	Lewis (KY)
Fossella	Linder
Fowler	Lipinski
Fox	Livingston
Frank (MA)	Lofgren
Franks (NJ)	Lowey
Frelinghuysen	Lucas
Furse	Luther
Gallegly	Maloney (CT)
Ganske	Maloney (NY)
Gejdenson	Manton
Gekas	Manzullo
Gephardt	Markey
Gibbons	Mascara
Gilchrest	McCarthy (MO)
Gillmor	McCarthy (NY)
Gilman	McDade
Goode	McGovern
Goodlatte	McHale
Goodling	McHugh
Gordon	McInnis
Goss	McIntosh
Graham	McIntyre
Granger	McKeon
Greenwood	McNulty
Gutknecht	Meehan
Hall (OH)	Menendez
Hall (TX)	Metcalfe
Hamilton	Mica
Hansen	Miller (FL)
Hastert	Minge
Hastings (WA)	Moakley
Hayworth	Mollohan
Hefley	Moran (KS)
Herger	Moran (VA)
Hill	Morella
Hilleary	Murtha
Hinchey	Myrick
Hobson	Nadler
Hoekstra	Neal
Holden	Nethercutt
Hooley	Neumann
Horn	Ney
Hostettler	Northup
Houghton	Nussle
Hoyer	Oberstar
Hulshof	Obey
Hutchinson	Olver
Hyde	Oxley
Inglis	Packard
Istook	Pallone
Jenkins	Pappas
John	Parker
Johnson (CT)	Pascrell
Johnson (WI)	Paul
Jones	Paxon
Kanjorski	Pease
Kaptur	Peterson (MN)
Kasich	Peterson (PA)
Kelly	Petri
Kennedy (MA)	Pickering
Kennelly	Pickett
	Pitts
	Pombo
	Pomeroy

NAYS—90

Abercrombie	Clyburn
Baesler	Coburn
Becerra	Conyers
Bentsen	Cummings
Berry	Davis (IL)
Bilbray	Deal
Bishop	Dellums
Brown (CA)	Doggett
Brown (FL)	Dooley
Carson	Edwards
Clay	Etheridge
Clayton	Evans

Porter	Jackson (IL)
Portman	Jackson-Lee
Poshard	(TX)
Pryce (OH)	Jefferson
Quinn	Johnson, E. B.
Radanovich	Kennedy (RI)
Rahall	Klecza
Ramstad	Lantos
Redmond	Lewis (GA)
Regula	LoBiondo
Riggs	Martinez
Rivers	Matsui
Roemer	McKinney
Rogan	Meek
Rogers	Millender-
Ros-Lehtinen	McDonald
Royce	Miller (CA)
Ryun	Mink
Sabo	Ortiz

Owens	Shadegg
Pastor	Sherman
Payne	Skeen
Pelosi	Skelton
Price (NC)	Snyder
Rangel	Stark
Reyes	Stenholm
Rodriguez	Stokes
Rohrabacher	Strickland
Rothman	Taylor (MS)
Roybal-Allard	Thompson
Rush	Torres
Salmon	Traficant
Sanchez	Turner
Sandlin	Velazquez
Scarborough	Waters
Schaffer, Bob	Watt (NC)
Scott	Wynn
Serrano	

NOT VOTING—18

Boucher	Foglietta	McDermott
Burton	Gonzalez	Norwood
Cubin	Johnson, Sam	Riley
Dingell	Klug	Roukema
Ewing	Largent	Schiff
Flake	McCrery	Yates

□ 0055

Messrs. WYNN, TORRES, ABERCROMBIE, LOBIONDO, SHADEGG, BOB SCHAFFER of Colorado, SCARBOROUGH, and SHERMAN changed their vote from "yeas" to "nays."

Mrs. MALONEY of New York, Mr. MOAKLEY, and Mr. KENNEDY of Massachusetts changed their vote from "nay" to "yea."

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

THE JOURNAL

Ms. PRYCE of Ohio. Pursuant to clause 5 of rule I, the pending business is the question de novo of the Speaker's approval of the Journal of the last day's proceedings.

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

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

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 1189. An act to increase the criminal penalties for assaulting or threatening Federal judges, their family members, and other public servants, and for other purposes.

S. 1228. An act to provide for a 10-year circulating commemorative coin program to commemorate each of the 50 States, and for other purposes.

S. 1507. An act to amend the National Defense Authorization Act for Fiscal Year 1998 to make certain technical corrections.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF S. 738, AMTRAK REFORM AND ACCOUNTABILITY ACT OF 1997

Mr. DIAZ-BALART (during consideration of H.R. 2920) from the Committee

on Rules, submitted a privileged report (Rept. No. 105-400) on the resolution (H. Res. 319) providing for consideration of the bill (S. 738) to reform the statutes relating to Amtrak, to authorize appropriations for Amtrak, and for other purposes, which was referred to the House Calendar and ordered to be printed.

PROVIDING FOR CONSIDERATION OF CERTAIN RESOLUTIONS IN PREPARATION FOR THE ADJOURNMENT OF THE FIRST SESSION SINE DIE.

Ms. PRYCE of Ohio. Mr. Speaker, by the direction of the Committee on Rules, I call up House Resolution 311 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 311

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House a joint resolution waiving certain enrollment requirements with respect to certain specified bills of the One Hundred Fifth Congress. The joint resolution shall be considered as read for amendment. The previous question shall be considered as ordered on the joint resolution to final passage without intervening motion except: (1) One hour of debate equally divided and controlled by the majority leader and the minority leader or their designees; and (2) one motion to commit.

SEC. 2. Upon the adoption of this resolution it shall be in order to consider in the House a joint resolution appointing the day for the convening of the second session of the One Hundred Fifth Congress. The joint resolution shall be considered as read for amendment. The previous question shall be considered as ordered on the joint resolution to final passage without intervening motion except: (1) One hour of debate equally divided and controlled by the majority leader and the minority leader or their designees; and (2) one motion to commit.

SEC. 3. The Speaker, the majority leader, and the minority leader may accept resignations and make appointments to commissions, boards, and committees following the adjournment of the first session sine die as authorized by law or by the House.

SEC. 4. A resolution providing that a committee of two Members of the House be appointed to wait upon the President of the United States and inform him that the House of Representatives has completed its business of the session and is ready to adjourn, unless the President has some other communication to make to them, is hereby adopted.

SEC. 5. A concurrent resolution providing that the two Houses of Congress assemble in the Hall of the House of Representatives on Tuesday, January 27, 1998, at 9 p.m., for the purpose of receiving such communication as the President of the United States shall be pleased to make to them is hereby adopted.

SEC. 6. House Resolution 306 is laid on the table.

□ 0100

The SPEAKER pro tempore (Mr. PEASE). The gentlewoman from Ohio [Ms. PRYCE] is recognized for 1 hour.

Ms. PRYCE of Ohio. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to my friend, the

gentlewoman from New York [Ms. SLAUGHTER], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, on Friday night, with little debate, the Committee on Rules reported House Resolution 311 by voice vote. This rule provides for the consideration and adoption of resolutions in preparation for the adjournment of the first session of the 105th Congress sine die. The rule includes a laundry list of items that the House must take care of in preparation for the end of the year, when it is time for us to leave Washington and go home to our families and constituents.

For example, the rule makes in order a joint resolution that would waive certain enrollment requirements with respect to specified bills, so that after legislation is passed, it can be sent to the President for his signature without delay.

Further, the rule provides for consideration of a joint resolution that specifies the day when the 105th Congress will reconvene for a second session. Each of these resolutions will be debatable for 1 hour, equally divided between the majority and minority leaders, and will be subject to a motion to commit.

Further, with the adoption of this rule, a resolution to provide for the appointment of two Members of the House to inform the President that the House is ready to adjourn, unless he has some other communication to make to the House, will be adopted. Other housekeeping items this rule provides for will allow the Speaker, majority leader, and minority leader to accept resignations and make appointments to commissions, boards, and committees following adjournment.

This rule also disposes of H. Res. 306, which the House has no need to consider.

Finally, this rule looks forward to the time when we will return to Congress next year, refreshed and renewed, ready to work, by setting the date for the President's State of the Union on Tuesday, January 27, 1998, at 9 p.m.

Mr. Speaker, as we plan for adjournment, it is worthwhile to reflect on the accomplishments of the first session of the 105th Congress. And we have a lot to be proud of. Perhaps most notably, the 105th Congress passed legislation to provide tax relief for the first time in 16 years. Through your efforts, we have given 41 million children a tax credit, we have slashed the capital gains tax to promote economic growth, and we have reined in the death tax to provide relief to family-owned farms and businesses.

At the same time, we reached our goal of enacting a balanced budget that will eliminate the deficit by slowing the growth of government spending and creating a small, more effective Federal Government. Through that same legislation, we saved the Medicare program from bankruptcy, extending its

life for at least 10 years, so that today's seniors and future generations will have the affordable, quality health care they so strongly deserve.

And that is not all. This House has passed legislation to move children from foster care to permanent homes. We passed legislation to give workers the flexibility of opting for time off rather than overtime pay, and we passed housing reforms to help low-income families.

In recent days, we have started down the path to overhauling our onerous tax system by passing legislation to reform and restructure the IRS. And the education reform measures we have adopted will give hope to children eager to learn and the promise of choice to parents who want the best for their kids.

Mr. Speaker, we have worked hard, and it shows. Now it is time to wrap up our work, go home to our families and constituents, and renew ourselves for the legislative challenges that lie ahead. Adoption of this rule will take us one step closer to the completion of a very productive first session, and I urge its swift adoption.

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

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

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

Ms. SLAUGHTER. Mr. Speaker, I appreciate that the two of us are about as popular as we can get this evening, holding this crowd. However, it is necessary for us to do this or the business of the Republic cannot go on; it is that important.

Mr. Speaker, for the most part, the rule provides for usual housekeeping duties that are required to bring a session of Congress to a close. I do not oppose those provisions, but I do believe that they should only be brought up at the appropriate time, when we have completed all of our vital pending business.

A major issue that needs to be addressed before we leave is campaign finance reform. The 1997 elections merely enforce the obvious problems with our campaign finance laws that we learned in the 1996 elections. The use of massive amounts of soft money on supposed "issue advertising," which was intended and succeeded in affecting the outcome of individual races; the failure of disclosure rules to adequately inform the public, because of noncompliance and delayed compliance with the current rules; the continued laundering of money through supposed nonpartisan, nonprofit interest groups must stop.

House Members on both sides of the aisle know it is necessary, because 187 Members of this Congress have taken the extraordinary step of signing Discharge Petition 3 to force a full discussion of a variety of proposals. The American public deserves better than

our current out-of-control system, and we need to work on reform now. We all know the process will be difficult and contentious, but, nevertheless, reform is essential to ensure that citizens and not money decide who wins elections.

Finally, Mr. Speaker, I would like to comment on the last section of the rule, which lays on the table H.R. 306. H.R. 306, as we all remember, was the resolution that this House should have considered to expedite procedures at the end of the session. It was similar to the resolutions in previous Congresses.

Instead, this majority demonstrated its utter disregard for Members' basic right to assert their constitutional prerogatives as representatives elected by their constituents. For the first time in the 218-year history of the House of Representatives, we voted last Thursday to strip from Members the right to raise before the whole body questions of privilege affecting the rights of the House collectively, its safety, dignity, and integrity of its proceedings. And I am saddened that this dangerous precedent was set.

I would like to say that I think we also need to say before the close of this session of Congress that to drag on the question of the gentlewoman from California [Ms. SANCHEZ] in District 46 of California, to drag that on is the penultimate case of not being able to adjourn to go home, to leave unfinished business.

I regret with all my heart that we are at that state. And I hope when we come back next week we can remedy that problem.

Mr. Speaker, I yield as much time as he may consume to the gentleman from Maryland [Mr. HOYER].

Mr. HOYER. Mr. Speaker, as everybody is as tired and interested in going home as I am, it bears repeating that, and I did not know that the gentlewoman from New York [Ms. SLAUGHTER] was going to mention the gentlewoman from California [Ms. SANCHEZ], but, as we leave, to repeat that this is the longest pending case in history under the Federal Contested Election Act, the longest in history.

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

Ms. PRYCE of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Let me remind my colleagues who are focused so loud on campaign finance reform that the House will have that debate when we return in the spring. Currently, there is no consensus on what campaign finance should look like, as was evidenced by hearings held in the Committee on House Oversight.

Our hope is that by March or April, the House will find some consensus on this issue so that meaningful campaign finance reform can be passed and signed into law. I want to remind my colleagues who are focusing on what we have not done of what we have accomplished in the first session. And once again I will remind them.

We have passed legislation to provide for tax relief for the first time in 16 years, a balanced budget that eliminates the deficit by 2002, adoption reforms for children in foster care, comp-time for America's workers, housing reform for low-income families, education reform for children eager to learn, and IRS reform for the taxpayers. I have to say very proudly that much of this has been accomplished in a bipartisan manner.

So, Mr. Speaker, we should be proud of these accomplishments and recognize that while we see a break in the action here soon, this resolution does not signify the end of the 105th. We will be back next year to add to our good works.

Further, Mr. Speaker, this resolution, in and of itself, should not be controversial. There were no objections heard in the Committee on Rules. So I urge my colleagues to support the rule.

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

Mr. SOLOMON. 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 257, nays 159, not voting 17, as follows:

[Roll No. 628]

YEAS—257

Aderholt
Allen
Archer
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Blagojevich
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady
Bryant
Bunning
Burr
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clement
Coble
Coburn
Collins
Combust
Cook

Cooksey
Cox
Cramer
Crane
Crapo
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeLahunt
DeLay
Dellums
Diaz-Balart
Dickey
Dicks
Dixon
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Foley
Forbes
Fossella
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gibbons
Gilchrist
Gillmor
Gilman
Goodlatte

Gordon
Goss
Graham
Granger
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Ingليس
Istook
Jackson (IL)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kennedy (MA)
Kennelly
Kildee
Kim
King (NY)
Kingston
Knollenberg
Kolbe
LaHood
Lantos

Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lucas
Maloney (CT)
Manzullo
McCarthy (NY)
McCollum
McDade
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
Metcalf
Mica
Miller (FL)
Minge
Moakley
Moran (KS)
Morella
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oxley
Packard

Pappas
Parker
Pascarell
Pastor
Paul
Paxon
Pease
Pelosi
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Pomeroy
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Rangel
Redmond
Regula
Riggs
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Royce
Ryun
Sabo
Sanford
Sawyer
Saxton
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw

Shimkus
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stabenow
Stearns
Stokes
Stump
Sununu
Talent
Tauzin
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Upton
Walsh
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Wynn
Young (AK)
Young (FL)

NAYS—159

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Becerra
Bentsen
Berman
Berry
Bishop
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Cardin
Carson
Clay
Clayton
Clyburn
Condit
Conyers
Costello
Coyne
Cummings
Davis (IL)
DeFazio
DeGette
DeLauro
Deutsch
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Ford
Furse
Gejdenson
Gephardt
Goode
Green
Gutierrez
Hamilton

Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Holden
Hoolley
Hoyer
Jackson-Lee
(TX)
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (RI)
Kilpatrick
Kind (WI)
Klecza
Klink
Kucinich
LaFalce
Lampson
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (NY)
Manton
Markey
Mascara
Matsui
McCarthy (MO)
McHale
McNulty
Meehan
Meek
Menendez
Millender-
McDonald
Miller (CA)
Mink
Mollohan
Moran (VA)
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Payne

Peterson (MN)
Pickett
Poshard
Price (NC)
Rahall
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roukema
Roybal-Allard
Rush
Salmon
Sanchez
Sanders
Sandlin
Scarborough
Schumer
Scott
Serrano
Shays
Sherman
Sisisky
Skaggs
Skelton
Slaughter
Snyder
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson
Thurman
Tierney
Torres
Towns
Turner
Velazquez
Vento
Visclosky
Wamp
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey

NOT VOTING—17

Barton	Gonzalez	Murtha
Burton	Goodling	Riley
Cubin	Klug	Schiff
Dingell	Martinez	Smith (OR)
Flake	McCrery	Yates
Foglietta	McDermott	

□ 0143

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.

H. Res. 306 was laid on the table.

The SPEAKER. Pursuant to House Resolution 311, House Resolution 320 and House Concurrent Resolution 194 are adopted.

The text of House Resolution 320 is as follows:

H. RES. 320

Resolved, That a committee of two Members of the House be appointed to wait upon the President of the United States and inform him that the House of Representatives has completed its business of the session and is ready to adjourn, unless the President has some other communication to make to them.

The text of House Resolution 194 is as follows:

H. CON. RES. 194

Resolved by the House of Representatives (the Senate concurring), That the two Houses of Congress assemble in the Hall of the House of Representatives on Tuesday, January 27, 1998, at 9 p.m. for the purpose of receiving such communication as the President of the United States shall be pleased to make to them.

LEGISLATIVE PROGRAM

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

Mr. ARMEY. Mr. Speaker, I take this time to speak out of order for the purposes of announcing the schedule and pending business before the House.

Mr. Speaker, I want to thank all the Members for their patience and good humor at this very, very late hour on Sunday and early hour on Monday.

Mr. Speaker, I do not believe we will have any more business before the House this evening that will require a vote before the House. However, we have been working with the minority, and, I believe, and I am pleased to see the gentleman from Michigan [Mr. BONIOR], there for the purpose of concurrence on this, I believe that the minority agrees in some clearances for some unanimous consent requests that would still be taken tonight and for which we should not expect a vote.

We would conclude our legislative business for this week, but I should advise Members that we would resume legislative business at noon on Wednesday next, with no votes until after 5 o'clock on next Wednesday, with the expectation that we would conclude the legislative work for the year on that Wednesday evening and on Thursday.

In order to facilitate that work to be done on Wednesday and Thursday, we would, with the concurrence of the mi-

nority, be looking for unanimous consent to have a CR that would take us through Friday of next week, and then a unanimous consent to allow a rule that would give us same day authority under which we could consider any additional appropriations conference reports to come before us, the ISTEA legislation, the Amtrak legislation, the fast-track legislation, and any suspensions that we might properly notice in agreement with the minority. That authority, incidentally, Mr. Speaker, would last through Friday.

Those particular unanimous consents will be asked, of course, upon the conclusion of this advisory commentary on the schedule.

Mr. BONIOR. Mr. Speaker, will the gentleman yield?

Mr. ARMEY. I yield to the gentleman from Michigan.

Mr. BONIOR. Mr. Speaker, I thank the gentleman for yielding.

I would ask the gentleman at this time if I heard correctly that the fast-track legislation has been put off indefinitely? Does the gentleman concur on that?

Mr. ARMEY. I am not sure I heard the word "definitely" or "indefinitely."

Mr. BONIOR. There was an "in" before the "D."

Mr. ARMEY. The fast-track legislation will not come up at this time. However, the gentleman may have noticed that we will be asking unanimous consent that that be included in that list of legislation that would be available for same-day authority on Wednesday night or Thursday.

Mr. BONIOR. So is the gentleman telling us this morning that he expects the fast-track legislation to come before us next Thursday or Friday?

Mr. ARMEY. I thank the gentleman. I guess I feel a little bit like Pip; I still have great expectations. They are shared at the White House. We are hopeful that might be worked out, but I have no announcement or even, for that matter, prediction to make at this time. We just want to have that contingency available to us, should things develop favorable to that course of action.

If I could hold the gentleman's attention, I wonder if the gentleman can concur that we should expect no objections to the unanimous consent requests that I outlined?

Mr. BONIOR. That would be my recommendation on the two unanimous consents that the gentleman has propounded to the body this morning.

Mr. ARMEY. If that be the case, Mr. Speaker, I would like to propound some unanimous consents right now.

If I may, before I do so, for the benefit of my good friend, the gentleman from Pennsylvania [Mr. SHUSTER], who is very anxious about his own legislation and has worked very hard, and for so many Members who have unanimous consents, please understand that we are working with the minority. We may not be able to have officially

cleared and prepared for the floor through the leadership of the minority and the majority your unanimous consent for today, but we are attentive to these matters, and we are hopeful to have those worked out for you before we conclude business next week. I do again appreciate everybody's patience.

AUTHORIZING SPEAKER TO DESIGNATE TIME FOR RESUMPTION OF PROCEEDINGS ON REMAINING MOTIONS TO SUSPEND RULES CONSIDERED MONDAY, SEPTEMBER 29, 1997

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that the Speaker be authorized to designate a time not later than the legislative day of November 14, 1997, for resumption of proceedings on the seven remaining motions to suspend the rules originally debated on September 29, 1997.

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

There was no objection.

ADJOURNMENT TO WEDNESDAY, NOVEMBER 12, 1997

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that when the House adjourns on the legislative day of today, it adjourn to meet at 12 noon on Wednesday, November 12, 1997.

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

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

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

There was no objection.

WAIVING PRINTING ON PARCHMENT FOR REMAINING APPROPRIATION BILLS

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that H.J. Res. 103, a joint resolution waiving the printing on parchment for the remaining appropriation bills when presented to the President, be discharged, considered, and passed.

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

There was no objection.

The text of H.J. Res. 103 is as follows:

H.J. RES. 103

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the provisions of sections 106 and 107 of title 1, United States

Code, are waived for the balance of the first session of the One Hundred Fifth Congress with respect to the printing (on parchment or otherwise) of the enrollment of any bill or joint resolution making general appropriations for the fiscal year ending on September 30, 1998, or continuing appropriations for the fiscal year ending on September 30, 1998. The enrollment of any such bill or joint resolution shall be in such form as the Committee on House Oversight of the House of Representatives certifies to be a true enrollment.

The SPEAKER. Without objection, the joint resolution is considered and passed.

There was no objection.

A motion to reconsider was laid on the table.

FURTHER CONTINUING APPROPRIATIONS, FISCAL YEAR 1998

Mr. LIVINGSTON. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations be discharged from the further consideration of the joint resolution (H.J. Res. 105) making further continuing appropriations for the fiscal year 1998, and for other purposes, and that the House immediately consider and pass the joint resolution.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore [Mr. PEASE]. Is there objection to the request of the gentleman from Louisiana?

Mr. OBEY. Mr. Speaker, reserving the right to object, am I to understand that the continuing resolution which went into effect at midnight is now to be superseded by this continuing resolution, making the previous continuing resolution the shortest CR in the history of the United States Congress, and that under the resolution the gentleman is offering, that the CR will run until next Friday?

Mr. LIVINGSTON. Mr. Speaker, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Louisiana.

Mr. LIVINGSTON. Mr. Speaker, to the best of my knowledge, the continuing resolution that was passed by us just a few hours ago has been in effect for approximately 2 hours, and, as such, will now be superseded by H.J. Res. 105 and will carry the activities of Government forward through the end of business until midnight this forthcoming Friday.

Mr. OBEY. Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The text of H.J. Res. 105 is as follows:

H.J. RES. 105

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That section 106(3) of Public Law 105-46 is further amended by striking "November 10, 1997" and inserting in lieu thereof "November 14, 1997", and each provision amended by sections 122 and 123 of such public law shall be applied as if "November 14, 1997" was substituted for "October 23, 1997".

The SPEAKER pro tempore. Without objection, the joint resolution is considered and passed.

There was no objection.

A motion to reconsider was laid on the table.

FEDERAL ADVISORY COMMITTEE ACT AMENDMENTS OF 1997

Mr. HORN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2977) to amend the Federal Advisory Committee Act to clarify public disclosure requirements that are applicable to the National Academy of Sciences and the National Academy of Public Administration.

The Clerk read as follows:

H.R. 2977

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 "Federal Advisory Committee Act Amendments of 1997".

SEC. 2. AMENDMENTS TO THE FEDERAL ADVISORY COMMITTEE ACT.

(a) EXCLUSIONS FROM DEFINITION.—Section 3(2) of the Federal Advisory Committee Act (5 U.S.C. App) is amended in the matter following subparagraph (C), by striking "such term excludes" and all that follows through the period and inserting the following: "such term excludes (i) any committee that is composed wholly of full-time, or permanent part-time, officers or employees of the Federal Government, and (ii) any committee that is created by the National Academy of Sciences or the National Academy of Public Administration."

(b) REQUIREMENTS RELATING TO THE NATIONAL ACADEMY OF SCIENCES AND THE NATIONAL ACADEMY OF PUBLIC ADMINISTRATION.—Such act is further amended by redesignating section 15 as section 16 and inserting after section 14 the following new section:

"REQUIREMENTS RELATING TO THE NATIONAL ACADEMY OF SCIENCES AND THE NATIONAL ACADEMY OF PUBLIC ADMINISTRATION

"SEC. 15. (a) IN GENERAL.—An agency may not use any advice or recommendation provided by the National Academy of Sciences or National Academy of Public Administration that was developed by use of a committee created by that academy under an agreement with an agency, unless—

"(1) the committee was not subject to any actual management or control by an agency or an officer of the Federal Government;

"(2) in the case of a committee created after the date of the enactment of the Federal Advisory Committee Act Amendments of 1997, the membership of the committee was appointed in accordance with the requirements described in subsection (b)(1); and

"(3) in developing the advice or recommendation, the academy complied with—

"(A) subsection (b)(2) through (6), in the case of any advice or recommendation provided by the National Academy of Sciences; or

"(B) subsection (b)(2) and (5), in the case of any advice or recommendation provided by the National Academy of Public Administration.

"(b) REQUIREMENTS.—The requirements referred to in subsection (a) are as follows:

"(1) The Academy shall determine and provide public notice of the names and brief biographies of individuals that the Academy appoints or intends to appoint to serve on

the committee. The Academy shall determine and provide a reasonable opportunity for the public to comment on such appointments before they are made or, if the Academy determines such prior comment is not practicable, in the period immediately following the appointments. The Academy shall make its best efforts to ensure that (A) no individual appointed to serve on the committee has a conflict of interest that is relevant to the functions to be performed, unless such conflict is promptly and publicly disclosed and the Academy determines that the conflict is unavoidable, (B) the committee membership is fairly balanced as determined by the Academy to be appropriate for the functions to be performed, and (C) the final report of the Academy will be the result of the Academy's independent judgment. The Academy shall require that individuals that the Academy appoints or intends to appoint to serve on the committee inform the Academy of the individual's conflicts of interest that are relevant to the functions to be performed.

"(2) The Academy shall determine and provide public notice of committee meetings that will be open to the public.

"(3) The Academy shall ensure that meetings of the committee to gather data from individuals who are not officials, agents, or employees of the Academy are open to the public, unless the Academy determines that a meeting would disclose matters described in section 552(b) of title 5, United States Code. The Academy shall make available to the public, at reasonable charge if appropriate, written materials presented to the committee by individuals who are not officials, agents, or employees of the Academy, unless the Academy determines that making material available would disclose matters described in that section.

"(4) The Academy shall make available to the public as soon as practicable, at reasonable charge if appropriate, a brief summary of any committee meeting that is not a data gathering meeting, unless the Academy determines that the summary would disclose matters described in section 552(b) of title 5, United States Code. The summary shall identify the committee members present, the topics discussed, materials made available to the committee, and such other matters that the Academy determines should be included.

"(5) The Academy shall make available to the public its final report, at reasonable charge if appropriate, unless the Academy determines that the report would disclose matters described in section 552(b) of title 5, United States Code. If the Academy determines that the report would disclose matters described in that section, the Academy shall make public an abbreviated version of the report that does not disclose those matters.

"(6) After publication of the final report, the Academy shall make publicly available the names of the principal reviewers who reviewed the report in draft form and who are not officials, agents, or employees of the Academy.

"(c) REGULATIONS.—The Administrator of General Services may issue regulations implementing this section."

(c) EFFECTIVE DATE AND APPLICATION.—

(1) IN GENERAL.—Except as provided in paragraph (2), this section and the amendments made by this section shall take effect on the date of the enactment of this Act.

(2) RETROACTIVE EFFECT.—Subsection (a) and the amendments made by subsection (a) shall be effective as of October 6, 1972, except that they shall not apply with respect to or otherwise affect any particular advice or recommendations that are subject to any judicial action filed before the date of the enactment of this Act.

SEC. 3. REPORT.

Not later than 1 year after the date of the enactment of this Act, the Administrator of General Services shall submit a report to the Congress on the implementation of and compliance with the amendments made by this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. HORN] and the gentleman from California [Mr. WAXMAN] each will control 20 minutes.

The Chair recognizes the gentleman from California [Mr. HORN].

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

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

Mr. HORN. Mr. Speaker, we will use much less than the amount given to either of us. We know the House has been working hard and late, and we are going to keep our comments to just a very few minutes on either side.

Mr. Speaker, the Federal Advisory Committee Act was passed in 1972, as some of the senior Members will remember. For the last 25 years, the administration, Congress, and the various academies such as the National Academy of Sciences and the National Academy of Public Administration, have never questioned the applicability of this law. Recently, however, the United States Court of Appeals for the District of Columbia applied the law of the Federal Advisory Committee Act to the National Academy of Sciences.

Last week, the Supreme Court announced that it will not review the appeals court's decision. The proposal before the House has been cleared with both of the academies, the Office of Management and Budget, the minority and the majority, and the chairman of the House Committee on Science. This proposal would return the National Academy of Sciences to its previous status under law which this House had followed for a quarter century.

In addition, the legislation requires more openness when Federal agencies utilize the academies, similar to those of the National Academy of Sciences and the National Academy of Public Administration.

This increased openness that is now required with their consent is the following:

1. The names, biographies, and conflict of interest disclosures when committee members are nominated.

2. Most data gathering committee meetings will be open to the public unless the type of meeting is excepted under the Freedom of Information Act.

3. The names of reviewers of draft committee reports.

4. Summaries of any closed committee meetings.

The administration, the House and the Senate, both the majority and minority, all agree the academy should not be subject to the full process of the Federal Advisory Committee Act. The Senate is prepared to consider this legislation before the end of this session.

The gentleman from California, [Mr. WAXMAN], the gentlewoman from New

York [Mrs. MALONEY], and the gentleman from Indiana [Mr. BURTON] are cosponsors of H.R. 2977. Last week, the Subcommittee on Government Management, which I chair, held a hearing on this matter. We heard most helpful testimony from both sides of the recent court case. The litigants that brought the court case agreed that the full brunt of the Federal Advisory Committee Act should not apply to the academies.

I strongly recommend favorable consideration of this bill to preserve the quality of the research provided to the Federal Government through the National Academy of Sciences and the National Academy of Public Administration.

Our respective staffs have done an excellent job in developing the legislation before us. The members of this team included: For the Republicans, Russell George, chief counsel and staff director of the Subcommittee on Government Management, Information and Technology; Robert Alloway, professional staff member; Mark Brasher, senior policy advisor.

For the Democrats, we are most appreciative of the work of Phil Barnett, chief counsel of the Committee on Government Reform and Oversight, who was joined by David McMillen, professional staff member, and Sheridan Pauker, research assistant.

We all greatly appreciate the find legal drafting and long hours put in by Harry A. Savage, assistant legislative counsel.

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

Mr. Speaker, I ask consent that correspondence from Franklin D. Raines, Director, Office of Management and Budget, Executive Office of the President, dated October 28, 1997, and two letters from Dr. Bruce Alberts, president, National Academy of Sciences, dated November 9, 1997.

Also included is my full statement in lieu of a committee report.

EXECUTIVE OFFICE OF THE PRESIDENT,
OFFICE OF MANAGEMENT
AND BUDGET,

Washington, DC, October 28, 1997.

Hon. STEPHEN HORN,

Chairman, Subcommittee on Government Management, Information and Technology, Committee on Government Reform and Oversight, House of Representatives, Washington, DC.

DEAR CHAIRMAN HORN: This letter presents the views of the Administration on proposed legislation that would amend the Federal Advisory Committee Act, 5 U.S.C. App. 2, to clarify that the Act applies to committees that are subject to actual management and control by Federal officials.

The need for this legislation was created by the recent decision of the U.S. Court of Appeals for the District of Columbia Circuit in *Animal Legal Defense Fund, Inc. v. Shalala*, 114 F.3d 1209 (D.C. Cir. 1997), that FACA should apply to panels of the National Academy of Sciences. In so deciding, the court of appeals appears to have misinterpreted what Congress intended when it adopted FACA in 1972. The concept of extending FACA to privately managed and controlled organizations outside the Federal government such as the

National Academy of Sciences was discussed and rejected when the FACA legislation was adopted by the House of Representatives. 118 Cong. Rec. 31.421 (1972). The Administration believes that Congress did not intend to apply FACA in this situation. The Executive Branch has consistently followed this interpretation of Congressional intent since 1973. The court decision is directly contrary to that longstanding interpretation.

Moreover, while the full impact of the court of appeal's decision remains to be clarified, implementing this decision may impose significant burdens on the Federal government. More than 450 NAS panels potentially could become subject to FACA. This is almost equal to the total number of discretionary committees (committees created under general agency authorization) that are now subject to FACA in all Federal agencies. Thus, implementation would almost double the number of discretionary committees subject to the FACA chartering requirements, almost double the number of discretionary committees that must be monitored by Federal officials, and significantly increase the administrative burdens on OMB and GSA in overseeing FACA committees. In addition, there is a risk that other entities outside the Federal government might subsequently be deemed "quasi-public" and thus subject to FACA.

As now written, FACA applies to advisory committees that are "established" or "utilized" by Federal agencies. 5 U.S.C. App. 2, section 3(2). Congress can remedy the problem created by the recent court decision by clarifying that a "utilized" committee means one that is subject to actual management and control by a Federal agency. This interpretation is consistent with decisions handed down by appellate courts prior to the 1997 decision in *Animal Legal Defense Fund*, which have held that FACA applies only when committees are subject to actual management and control by agency officials. See *Washington Legal Found. v. U.S. Sentencing Comm'n*, 17 F.3d 1446 (D.C. Cir. 1994); *Food Chemical News v. Young*, 900 F.2d 328 (D.C. Cir.), cert. denied, 498 U.S. 846 (1990). Adoption of this language would also be consistent with administrative policy that the Executive Branch has followed for the past 25 years.

Sincerely,

FRANKLIN D. RAINES,

Director.

"Strike Section 3(2)(C) and all that follows in Section 3(2) and insert in lieu thereof:

"3(2)(C) established or utilized by one or more agencies, in the interest of obtaining advice or recommendations for the President or one or more agencies or officers of the Federal Government, except that such terms exclude:

(i) any committee created by an entity other than an agency or officer of the Federal Government and not subject to actual management and control by such agencies or officers, and

(ii) any committee composed wholly of full-time, or permanent part-time, employees of the Federal Government. The Administrator shall prescribe regulations for the purposes of this subsection."

NATIONAL ACADEMY OF SCIENCES,

Washington, DC, November 9, 1997.

Hon. STEPHEN HORN,

Chairman, Subcommittee on Government Management, Information and Technology, Committee on Government Reform and Oversight, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: I am writing on behalf of the National Academy of Sciences to explain how the Academy intends to apply

the requirements of the Federal Advisory Committee Act of 1997 to Academy committees that are currently working on contracts or agreements with federal agencies.

Under the Act, the Academy is not required to apply the procedures of section 15 to committees that are currently underway. This makes sense, because the appointment provisions of section 15 could not be applied retroactively to committees whose members have already been appointed. There are, however, some provisions of section 15 that depending upon the stage of a committee's work could be reasonably applied to ongoing committees. For example, if a committee has not yet concluded its data gathering process, the requirement that data gathering meetings be open to the public could be followed by the committee.

On behalf of the Academy, you have my assurance that the Academy will apply the procedures set forth in section 15 to committees that are currently underway to the fullest extent that is reasonable and practicable.

Sincerely,

BRUCE ALBERTS,
President,
National Academy of Sciences.

NATIONAL ACADEMY OF SCIENCES,
Washington, DC, November 9, 1997.

Hon. STEPHEN HORN,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN HORN: I understand that some concerns have been raised concerning the use of the Section 552(b) exceptions as a basis for closing meetings provided in HR 2977.

I wish to assure you that we subscribe fully to the goal of providing as much openness as possible in our work. In particular, we have no intention of using Section 552(b)(5), which deals with interagency memoranda, as a basis for closing meetings of Academy committees. In fact, it is the Academy's standard practice not to treat the type of material covered by Section 552(b)(5) as confidential input to any Academy deliberative process. This procedure insures that, inasmuch as possible, all the information that a committee uses to reach its conclusion is in the public record.

Sincerely,

BRUCE ALBERTS,
President.

STATEMENT OF REPRESENTATIVE HORN ON THE
FEDERAL ADVISORY COMMITTEE ACT AMENDMENTS OF 1997

Mr. Speaker, I move to suspend the rules and pass the bill, H.R. 2977.

The Federal Advisory Committee Act was passed in 1972. It governs the activities of advisory committees created by the Government to obtain expert views and advice on complex issues confronting our Nation. The Act was designed to address two major concerns. First, at that time, advisory committees seemed to be disorganized, duplicative, and generally in need of oversight. Second, committee activities often took place without public participation, making it hard to know whether the committees were really acting in the public interest.

The Act required advisory committees to adhere to certain procedural rules. These rules included, among others: open meetings, involvement by Federal Government officials, and balanced membership. It also provided Office of Management and Budget oversight which was subsequently transferred to the General Services Administration.

Congress did not intend that this legislation would apply to the National Academy of Sciences. The National Academy of Sciences

in an independent organization of scientists and academics that was chartered by Congress in 1863. It frequently sets up committees that provide independent advice to the Government: 90% of these reports are requested by government agencies and/or legislative committees of Congress.

The only other group affected by this bill is the National Academy of Public Administration. It is also an independent organization, founded in 1967 and chartered by Congress in 1984 to assist Federal, State, and local governments on matters of efficiency and accountability.

Congress did not intend for the Act to apply to either of these Academies. This intent in relation to the Academy of Sciences was expressly noted during the deliberations on the legislation in the House of Representatives.

[Quote from CONGRESSIONAL RECORD of September 20, 1972, H3142, follows:]

Mr. HORTON. Am I correct in the understanding that this bill does not apply to such organizations as the National Academy of Sciences and its various committees which make studies and submit reports to the Federal agencies on request?

Mr. HOLIFIELD. The gentleman is quite correct. If he will refer to the joint explanatory statement of the committee of conference at page 10, the first full paragraph, it states as follows: "The Act does not apply to persons or organizations which have contractual relationships with Federal agencies nor to advisory committees not directly established by or for such agencies." As the gentleman knows, the National Academy of Sciences was founded by Congress and, therefore, it comes under that category.

Mr. HORTON. So it would be excluded?

Mr. HOLIFIELD. That is correct.

For the last twenty-five years the Administration, Congress, and the Academies have never questioned the applicability of this law.

Recently, the United States Court of Appeals for the District of Columbia decision applied the law to the National Academy of Sciences. That case is the: *Animal Legal Defense Fund, Inc., et al. v. Donna E. Shalala, et al.*, 104 F.3rd 424 (D.C. Circuit 1997). Last week the Supreme Court announced it will not review the appeal court's decision.

The proposal before the house would return the National Academy of Sciences to the status under the law that it held before the recent court rulings. In addition, the legislation requires more openness when Federal agencies utilize the Academies.

These increased openness requirements are:

1. Post for public comment the names, biographies, and conflict of interest disclosures when committee members are nominated.

2. Invite public attendance at all data gathering committee meetings. (Of course, the exemptions established by the Freedom of Information Act would still apply for items such as privacy and national security issues.)

3. Post for the public record the names of reviewers of draft committee reports. And,

4. Make summaries available to the public of any committee meetings which are closed.

These changes will benefit the public and Federal agencies and will also contribute to the quality and credibility of Academy reports.

Furthermore, the proposal requires a General Services Administration [GSA] study within one year to assess the implementation of this legislation.

There seems to be broad agreement on this bill. The Administration, the House, and the Senate—both the Majority and the Minority—all agree that the Academies should not

be subject to the full process of the Federal Advisory Committee Act.

The Academies are valuable to America precisely because they are independent of agency influence; because they bring together the best professionals and experts with impressive backgrounds and because they derive their recommendations from multiple perspectives. They are asked to study and issue *only* when it is important, complex, and controversial. This bill will help preserve their high quality, objective, independent studies while also adding more openness.

The Senate is prepared to quickly consider this legislation before the end of this session. The Senate is awaiting House action.

The subcommittee on Government Management, Information and Technology, which I chair, held a hearing on this matter last week. GSA, GAO, and OMB have expressed support for this effort. This legislative is fully supported by Mr. Burton, chairman of the full committee. Mr. Waxman, the Ranking Democratic Member on the full Committee on Government Reform and Oversight is also a co-sponsor of this bill, so is Ms. Maloney, the Ranking Democratic Member on the Subcommittee. The litigants that brought the successful court case also testified before our subcommittee and they too agree that the full brunt of the Federal Advisory Committee Act should not apply to the Academies.

I strongly recommend favorable consideration of this bill to preserve the quality of the research provided to the Federal Government by the National Academy of Sciences and the National Academy of Public Administration.

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

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

Mr. WAXMAN. Mr. Speaker, I rise in strong support of H.R. 2977, the Federal Advisory Committee Act Amendments of 1997. I ask unanimous consent to revise and extend my remarks and to insert extraneous material into the RECORD.

Recent federal court decisions have held that the National Academy of Sciences committees convened by federal agencies or Congress are subject to the Federal Advisory Committee Act.

The Federal Advisory Committee Act includes important measures that provide for public scrutiny of taxpayer-funded advisory committees. This Act, however, also imposes some procedures which may affect the independence of the National Academy of Sciences and the National Academy of Public Administration, an advisory body with a similar congressional charter to the National Academy of Sciences.

The Federal Advisory Committee Act Amendments of 1997 strike a balance between the Academies' need for independence and the public's right to know about the advisors and procedures used to produce technical or policy advice for the government.

These amendments require that the National Academy of Sciences appoint members without conflicts of interest—or else promptly disclose any unavoidable conflicts of interest to the public. The bill requires the Academy to make public the names and backgrounds of appointed committee members and creates a public comment period on these members. This public comment period must occur before committee members are finally appointed unless this is not practicable due to unusual time constraints.

More meetings of the National Academy of Sciences will be made open to the public. If meetings are closed, the Academy must provide summaries of closed meetings to the public. The purpose of this provision is to provide a summary of the committee's deliberations, as well as a list of the committee members present and other matters determined by the Academy.

The burden of insuring compliance with this legislation falls on the agencies. Agencies may not use the advice or recommendations provided by the Academy unless the procedural requirements set forth in the legislation have been followed by the Academy.

A letter from the National Academy of Sciences clarifies an important technical issue relating to the use of the section 552(b) exceptions. Pursuant to my earlier unanimous consent request, I am inserting this letter in the record for publication.

I urge my colleagues to adopt these amendments.

NATIONAL ACADEMY OF SCIENCES,
Washington, DC, November 9, 1997.

Hon. HENRY WAXMAN,
U.S. House of Representatives, Washington, DC.

DEAR CONGRESSMAN WAXMAN: I understand that some concerns have been raised concerning the use of the Section 552(b) exceptions as a basis for closing meetings provided in H.R. 2977.

I wish to assure you that we subscribe fully to the goal of providing as much openness as possible in our work. In particular, we have

no intention of using Section 552(b)(5), which deals with interagency memoranda, as a basis for closing meetings of Academy committees. In fact, it is the Academy's standard practice not to treat the type of material covered by Section 552(b)(5) as confidential input to any Academy deliberative process. This procedure insures that, in as much as possible, all the information that a committee uses to reach its conclusions is in the public records.

Sincerely,

BURCE ALBERTS,
President.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. HORN) that the House suspend the rules and pass the bill, H.R. 2977.

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

A motion to reconsider was laid on the table.

CONSIDERING AMENDMENT TO H. RES. 314 AS ADOPTED WHEN CONSIDERED

Mr. SOLOMON. Mr. Speaker, I ask unanimous consent that when the

House considers House Resolution 314, the amendment that I have placed at the desk be considered as adopted.

□ 0200

The Clerk read as follows:

Page 1, line 5, strike "November 11" and insert in lieu thereof "November 15".

Page 2, after line 13, insert the following:

(4) The bill (S. 1454) to provide a 6-month extension of highway, highway safety and transit programs pending enactment of a law reauthorizing the Intermodal Surface Transportation Efficiency Act of 1991.

Page 2, line 14, strike "November 11" and insert in lieu thereof "November 15".

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

There was no objection.

PERSONAL EXPLANATION

Mrs. CLAYTON. Mr. Speaker, I was unavoidably delayed because of the death of a staff member when the House voted on H.R. 2013. Had I been present, I would have voted "aye."