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House of Representatives

The House met at 10 a.m., and was called to order by the Speaker pro tempore (Mr. SHIMKUS).

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
March 25, 1998.

I hereby designate the Honorable JOHN SHIMKUS to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

PRAYER

Reverend Henry E. Eisenhart, National Chaplain, The American Legion, Washington, D.C., offered the following prayer:

Almighty God, we stand before You in prayer, entreating Your presence in this House of Representatives.

We thank You for America, for the privileges we have, the rights we cherish, the freedoms we enjoy. Bless these Representatives while they reflect on the historic past, shape our destiny today, and focus on the challenges and opportunities of a new century. Stimulate them to think clearly, speak cautiously, and act courageously on complex issues for the betterment of the people. Endow them with wisdom to legislate discreetly and discerningly for a safer and stronger Nation and for peace and justice in our world.

Empower the legislators not only upon what they are doing, but also upon what they ought to be doing for God and country. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

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

Mr. LEWIS of Kentucky led the Pledge of Allegiance as follows:

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

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will recognize 15 1-minutes on each side.

INTRODUCING GUEST CHAPLAIN, REVEREND HENRY E. EISENHART

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

Mr. GREENWOOD. Mr. Speaker, I rise to welcome and to introduce our guest chaplain for today, Reverend Henry Eisenhart. He is the National Chaplain of the American Legion, and I want to thank him for his thoughtful words this morning.

Mr. Speaker, I would like to tell my colleagues a little bit about Reverend Eisenhart. He is a lifelong resident of Pennsylvania. He graduated from Muhlenberg College with a bachelor of philosophy degree in 1942, and he was inducted into the United States Army Corps, where he served with honor and with distinction. He was part of the landing at Oran, North Africa on January 27, 1943. He was attached to the 51st Troop Carrier Squadron and the 62nd Troop Carrier Group. He served valiantly in some of the most desperate and critical battles, campaigns, and air offenses of the war in Tunisia, Sicily, Naples-Foggia, Po Valley, the Northern Apennines, the Balkans, Rome-Arno, and southern France.

Following his discharge in 1945, Reverend Eisenhart entered the Lutheran Theological Seminary at Mount Airy, Pennsylvania, where he received a bachelor of divinity degree in May 1948 and he was ordained into the Gospel of Ministry of the United Lutheran Church of America. He continued his graduate studies to earn a master of sacred theology degree in May 1952.

Four congregations have had the privilege of being ministered by Reverend Eisenhart prior to his retirement in 1982.

In retirement, Reverend Eisenhart's desire to serve has not diminished. He is a 36-year member of the Wallace Willard Keller American Legion Post 232 and he has been Post Chaplain since 1963. Additionally, he has served as Pennsylvania State Chaplain of the American Legion from 1989 to 1997. He was named chairman of the Patriotic Religious Memorial Service for the 75th National Convention of the American Legion held in Pittsburgh, Pennsylvania in 1993. And most recently, he was appointed National Chaplain of the American Legion for the Legion year 1997–1998.

I am not surprised, Mr. Speaker, that he received the ''Good Thing You Do Award'' for outstanding and dedicated services rendered to the Pennsylvania American Legion.

It is fitting this morning that we honor Reverend Eisenhart for his lifelong devotion to serving his country, his community, and for his untiring service to the Word of the Lord.

It is, thus, with great pleasure that I welcome the Reverend Henry Eisenhart to the House today and offer him heartfelt thanks on our behalf for leading us in prayer this morning as our guest chaplain.

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EXECUTIVE PRIVILEGE

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

Mr. DELAY. Mr. Speaker, according to press reports, the President has invoked executive privilege to avoid explaining some of his actions in the White House. And for the record, neither George Bush nor Ronald Reagan ever invoked executive privilege during their tenure in the White House.

If the President is allowed to use executive privilege regarding current events, I can only wonder what other ways would he use executive privilege. Would he cite executive privilege to avoid explaining his plans to spend the surplus? When people ask him his real thoughts about cutting taxes, will he simply say executive privilege? And when it comes to his opposition to education savings accounts, the President could cite executive privilege. It is better than admitting he is a pawn of the teachers' unions.

Mr. Speaker I urge the President to rethink his use of executive privilege. It sets a terrible precedent.

DEMOCRATS OFFER REAL CAMPAIGN FINANCE REFORM

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

Mr. PALLONE. Mr. Speaker, the Republican leadership has scheduled a sham campaign finance reform bill for consideration this week. The Republican bill would not achieve reform even if it passed. But the Republicans have include a poison pill, an antilabor provision, just to make sure that the bill does not pass.

The GOP campaign finance charade would allow wealthy individuals to contribute more money. It would make it more difficult for workers to organize and for the National Labor Relations Board to stop employers from violating labor laws.

Democrats, on the other hand, will offer a substitute bill, essentially the McCain-Feingold legislation that includes real reform, including a ban on soft money. Democrats offer real reform that gives average working families an equal voice in the political system and limits the influence of wealthy special interests in our political process.

REALLY PUT SOCIAL SECURITY FIRST

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

Mr. SMITH of Michigan. Mr. Speaker, I would like to compliment the President for saying let us put Social Security first. I would like to compliment Senator MOYNIHAN for moving the solutions of this issue to the front burner. I would like to invite my colleagues to really put Social Security first by co-sponsoring a bill with me today.

The bill that I will be introducing accomplishes two major objectives. Number one, it provides that the money that we are borrowing from the Social Security trust fund this next year be marketable certificates. Instead of the nonmarketable IOUs, they would be marketable so we could, in effect, take it around the corner to the local bank anytime the Trust Fund needed that money for paying benefits.

The other provision takes some of the surplus money and allows younger workers on a ten year pilot to invest some of that surplus money in their own 401(k)—Thrift savings-type retirement accounts. That will help in the long term to keep Social Security solvent and let these workers accrue more wealth than they would have under the current system.

Mr. Speaker, I invite my colleagues to look at this bill and consider cosponsorship.

CONGRESS BETTER START DOING SOMETHING ABOUT JOBS

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

Mr. TRAFICANT. Mr. Speaker, every day the American people are told how great the economy is. I do not buy it. Let us check the scoreboard. In 1995 900,000 Americans filed for bankruptcy. In 1996 1,100,000 filed for bankruptcy. And last year 1,400,000-plus filed for bankruptcy. Total bustout ''morgueville,'' belly up. A 20 percent increase in one year.

What is worse, our kids are moving to Mexico to find work. They cannot find it around here. Take Boeing, for example, please. They laid off 18,000 workers since December. What is next, Congress? Will we be told that El Nino is good for the economy?

Beam me up.

Mr. Speaker, I think Congress better start doing something about jobs in America.

AMERICAN TAXPAYERS' MOST DREADED DAY: APRIL 15

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

Mr. GIBBONS. Mr. Speaker, the countdown is on. The tax clock is ticking. The nightmare of all nightmares to American workers: The tax man is coming.

That is right. Just 3 short weeks from today is the American taxpayers' most dreaded day: April 15. This day looms on the calendar each year as an ominous reminder of the crushing burden of the current Federal Tax Code. And while the IRS smiles behind closed doors, American workingmen and women are struggling to keep pace with an out-of-control Federal agency.

Over the next 21 days, taxpayers across this country will spend many sleepless nights and work countless hours in an attempt to figure out exactly how much of their hard-earned money must be sent to the government.

Heaven forbid the amount is off by a single cent, causing the taxpayer to face the unbridled wrath of the IRS.

Mr. Speaker, the time is now to enact comprehensive tax reform. Sweet dreams, Mr. and Mrs. America.

AN ACCURATE COUNT OF EVERY AMERICAN IS ESSENTIAL IN THE YEAR 2000 CENSUS

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

Mr. DAVIS of Illinois. Mr. Speaker, as we prepare to take the census in the year 2000, I want to take just a moment and underscore the importance of this issue. I also want to commend and congratulate the gentlewoman from New York (Mrs. MALONEY) for her leadership in keeping this issue before the American people.

Mr. Speaker, let us remember that every person must count; therefore, every effort must be made to count each and every citizen. We must be able to avoid the massive undercounts that we experienced during the past 2 decades, especially among poor and minority population groups. Just as we have been able to count the huge crowds that have turned out to greet the President on his visit to Africa, we must be able to count each and every citizen of this country.

Sampling is the most effective way, the most cost-conscious way, and the most assured way that will let us make it happen.

□ 1015

TIME FOR VICE PRESIDENT TO COME CLEAN ABOUT FUND-RAISING EVENT

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

Mr. PITTS. Mr. Speaker, it is time for a little quiz. What is the difference between a community outreach event and a fund-raiser? We really would like to know. But maybe the Vice President can help us. How about this one? What is the difference between a finance-related event and a fund-raiser? Or how about the difference between an event for donor maintenance and a fund-raiser?

It is a time for the Vice President to come clean about the legal event, whatever euphemism we want to use to describe it, that was held on April 29, 1996, in California. Maybe the Vice President can help us with the problem we are having trying to understand how an event organized by Maria Hsia, who is a fund-raiser, which raised $55,000, is not a fund-raiser?

Mr. Speaker, we do not need an MBA, we do not need a CPA, we do not need a Ph.D. in economics to see when a professional fund-raiser raises $55,000 at a finance-related event we are talking about a fund-raiser.

Leaving the shredded documents and money laundering aside, what exactly is the Vice President's explanation about this sordid affair?

CAMPAIGN FINANCE REFORM

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

Ms. KILPATRICK. Mr. Speaker, last week the Committee on House Oversight, of which I am a member, reported out a bill called campaign finance reform. What a sham. The bill, among other things, increases the limits that an individual could give a party from $20,000 to $60,000. Now, who does that benefit?

I put an amendment in at that time, and will again on the floor if the Committee on Rules allows, to strike section 1, which would ban labor unions and nonprofits from educating their people, their members, on what Federal legislation and otherwise they need to know about before they vote.

How is that campaign finance reform, campaign finance reform that the people want to take all the money out, $600 million raised last year, soft money and hard money from the Republican Party, $60 million from Democrats, Republicans and Democrats. Too much money.

American voters want to participate and they do not want to have to have $75,000 to do so.

TIME TO SCRAP AMERICAN TAX CODE

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

Mr. CHABOT. Mr. Speaker, an American who goes abroad can brag about a lot of things about our country, but one thing he cannot brag about is the American Tax Code.

Mr. Speaker, just look at what has happened over the last 75 years. Back in 1913, the Tax Code was 14 pages. Now it is 3,500 pages. From 14 pages to 3,500 pages. That is not progress in my book. The Tax Code is 3,500 pages of incomprehensible regulations, exemptions, loopholes and other absurdities just to figure out how much we, as citizens, owe Uncle Sam.

I suspect that an American who goes abroad will have a long list of things to be proud of, but that list will not include our Tax Code. The Tax Code is not logical. It is virtually incomprehensible and it is not fair. It is time to scrap the Tax Code in favor of a simple, low tax rate that will be the envy of the world.

PROFESSIONAL FOOTBALL TEAM IN HOUSTON

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

Mr. GREEN. Mr. Speaker, the owners of the National Football League voted Monday to provide Cleveland with an expansion franchise, the 31st NFL team. The Cleveland team will be known as the Browns and will begin playing in 1999.

Congratulations to Cleveland and the gentleman from Ohio (Mr. STOKES); they are finally going to get a football team. Last year the gentleman from Ohio introduced H.R. 2699 after losing their professional football team. He wanted to protect cities from losing their professional sports teams. I cosponsored this bill.

Sports are a way in which people identify with their hometown and take pride in their hometown. As a Member of Congress from Houston, we also lost our team last year. When we think of Houston, we think of oil. We think maybe of the Houston Oilers. Do we really think of the Tennessee Oilers?

Houston is the fourth largest city. There should be a professional football team in Houston. I hope the NFL owners will even the number to number 32 and approve an expansion team to Houston.

Again, congratulations to Cleveland. Hopefully, with this example of an expansion franchise, we might just see another football team in Houston again soon.

TIME FOR AMERICA TO CRY OUT AND PRAY FOR HER CHILDREN

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

Mr. LEWIS of Kentucky. Mr. Speaker, it is time for America to weep and mourn. It is time for America to cry out for her children. ''A voice was heard,'' as Jeremiah said in the Old Testament, ''in Ra'mah, lamentation, and bitter weeping; Rachel weeping for her children because they were no more.''

Mr. Speaker, Jonesboro, Arkansas, is the third small community in recent months to experience a tragedy of wholesale slaughter where children are killing children. Yes, Mr. Speaker, it is time for America to cry out and pray for her children.

Every day almost 3,000 teenage girls get pregnant, over 1,000 teenage girls have abortions, over 4,200 teenagers contract a sexually transmitted disease, 135,000 children carry guns or other weapons to school, 10 children are killed by guns, 6 teenagers commit suicide, and 211 children are convicted of drug use, every single day.

It is time for all of us who call ourselves Americans and love our children to be outraged, outraged at a morally corrupt culture that is alien to every tried and tested moral structure that traditionally has undergirded our Nation.

NATIONAL DO-NOTHING DAY ON CAMPAIGN FINANCE REFORM

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

Mr. DOGGETT. Mr. Speaker, without a doubt, this Congress today can go down in history as the biggest do-nothing Congress in memory. It has done less work on this floor in 3 months than the ordinary American would do in 3 weeks. Indeed, if we really think about all the important issues that have been taken up here, this Congress could have met for 3 days and gone home.

Having achieved the ability to do nothing better than anyone else noticed in this country, this Gingrich Congress will tomorrow declare ''National Do-Nothing Day'' on campaign finance reform. I see for years they have been promising to do something to fix the corrupting influence of campaign dollars, and tomorrow they will devote a couple of hours to talking about it and then doing nothing. They have cut off any real debate on proposals, not only of Democrats, but some of the Republicans who came forward with specific proposals to fix this perverted, broken system.

This Gingrich Congress defends doing it the same old way to let the tobacco companies come in here and dump billions of dollars into this corrupt system.

TIME FOR CONGRESS TO CUT MORE SPENDING, CUT MORE WASTE, ELIMINATE MORE BUREAUCRACY

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

Mr. HEFLEY. Mr. Speaker, the only outrages bigger than those coming out of the West Wing of the White House are those coming out of the left wing of the White House. Just listen to their latest warning about letting people keep a little more of their own money.

The White House, only 2 years after calling Republicans extremist for wanting to balance the budget and cut taxes at the same time, now thinks that the tax cuts would be dangerous, irresponsible, and bad policy. This is the same White House that has proposed billions and billions of dollars in new spending programs in their latest budget.

Can anyone please tell me why it is that multibillion dollars of new spending programs will not endanger the balanced budget, but tax cuts will? Can anyone please explain to me why Congress should not cut more spending, cut more waste, eliminate more bureaucracy so that American families might be able to keep more of their own money?

The tax package Congress passed last year was only a first step. It is time for us to take more steps in that direction.

''SO-CALLED'' CAMPAIGN FINANCE BILL

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

Ms. DELAURO. Mr. Speaker, I hope the Republican majority does not think that they can actually pass off their ''so-called'' campaign finance bill as genuine reform. The American people are much smarter. All they have to do is pick up the morning papers where newspaper editorial boards are calling their bluff.

The New York Times titles their piece ''Campaign Finance Charades'' and says, ''Next, GINGRICH has a plan to snooker Americans yearning for a cleanup of their corrupt election finance system.''

The Times calls this bill ''sham legislation dressed up to look like reform.'' The Times is not alone. The Washington Post editorial, titled ''Mocking Campaign Reform'' says, ''The leadership has put together a mock reform bill to create the impression of action, but none of the risk.''

We can go on and on and on. The League of Women Voters, Common Cause, every public group that has focused in on trying to clean up the campaign finance reform system agrees that the Republican proposal is a sham.

Let us pass McCain-Feingold II.

TAX REFORM

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

Mr. KNOLLENBERG. Mr. Speaker, when considering the tax burden imposed on the American people today, I am reminded of an observation that was made by Mark Twain: ''What's the difference between a taxidermist and a tax collector? The taxidermist takes only your skin.''

According to the nonpartisan Tax Foundation, the average American family is now paying more in taxes than they spend on food, clothing, and shelter combined. That, I believe, is an outrage. Working families should be allowed to take care of their basic needs before being required to finance the whims of politicians.

Last year's tax cut did improve the situation, but more work needs to be done. If we exercise the courage and discipline to cut wasteful spending and make the Federal Government more efficient, the American people can have some of their money back.

Mr. Speaker, let us do the right thing. Let us cut taxes again, this time for everybody, so working Americans can then keep more of their hard-earned money. They can spend their money better than we can. Let us allow them to do so.

CAMPAIGN FINANCE REFORM

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

Mr. SNYDER. Mr. Speaker, a year ago many people in this House, in a bipartisan fashion, adopted the principle of let us do the doable, and began talking about putting together bipartisan campaign finance reform bills that deal with the problem of the large soft money donations. Instead, the Republican leadership has adopted the principle of let us kill the killable, and will put up a bill tomorrow that is a bill in name only, campaign finance reform.

They have put in provisions that have caused the League of Women Voters to call it a travesty, Common Cause to call it a hoax, the Washington Post to call it a mockery, and the New York Times to call it a charade.

This Republican bill is not leadership, it is not campaign finance reform, it is an embarrassment to this House.

TAX RELIEF FOR MIDDLE-CLASS AMERICANS

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

Mr. TIAHRT. Mr. Speaker, the Republican Party stands for tax relief for working Americans. We know middle-class families are getting killed by paying 50 percent of their income in direct and indirect tax, and what they get in return for those taxes suggests that the Government mocks their hard work that went into the earning of their wages.

But the possibility of enacting middle-class tax relief this year appears to be quite remote. The reason is because the President and the liberals here in the House refuse to cut spending. They refuse the means by which tax cuts are put on the table.

The President and his liberal allies in Congress do not believe that any more can be cut from the $1.7 trillion budget, for they believe all those wonderful, big government programs are more important than giving middle-class families some real tax relief; and they do not want to offend their special interests that keep them in power.

Mr. Speaker, I think it is time to put the average middle-class American before the special interests. Let us rid the Government of more wasteful programs and fight for tax relief for middle-class Americans.

THE FIX IS IN

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

Mr. ALLEN. Mr. Speaker, the fix is in. After the Republicans have spent millions of dollars in campaign finance investigations, now the Republican leadership has crafted their own campaign finance reform bill. It comes to the floor tomorrow. The fix is in. It is not bipartisan. It is not reform. It is designed to fail.

This Republican leadership bill attacks unionized workers, it triples what wealthy individuals can give to candidates who are political parties in hard money. They say it bans soft money, but they are wrong. It does not. It allows the soft money races to go on at the State party level. The Freshman Task Force developed a bipartisan bill. It was a good bill. The Republican leadership will not let it come to the floor.

Mr. Speaker, the fix is in. Vote against the Republicans so-called campaign reform bill when it comes up tomorrow.

DREAM OF A DRUG-FREE AMERICA

(Ms. GRANGER asked and was given permission to address the House for 1 minute.)

Ms. GRANGER. Mr. Speaker, the poet Carl Sandburg once wrote that ''Nothing happens unless first a dream.''

Today, as we confront the issue of drugs, I urge my colleagues to dream of a nation without drugs. Imagine schools where our children are not told it is cool to be high. Imagine streets where drug pushers are nowhere to be seen. And imagine a world where the scourge of drugs has been eliminated for good forever.

The issue of drugs deserves our immediate attention. In the 1990s, teenage drug use has nearly doubled. Nearly half of all 17-year-olds in our communities today say they can buy marijuana within an hour. That is not a problem. That is a crisis.

The good news is that today communities all across America are beginning to dream again and families are beginning to hope again. Why? Simply because millions of American families are more determined than ever to win the war on drugs. I believe our dream of a drug-free America can become a reality if we pursue a strategy based on simple principles. First, face the reality of drugs.

Principles such as empowering families to effectuate change. And principles such as protecting the victims and punishing the criminals.

Mr. Speaker, the drug crisis is real and rising. But I have always believed that what is wrong with America can be cured by all that is right with America. And that's why I am so pleased to be a member of the Speaker's Task Force for a Drug Free America.

I believe the war on drugs is one that can be won, must be won, and will be won, if only we have the courage to dream of a drug-free America. Together, we can save America from the scourge of drugs. One day at a time. One neighborhood at a time. And one child at a time.

LET US GET REAL CAMPAIGN FINANCE REFORM OUT ON THE FLOOR

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

Mr. HINCHEY. Mr. Speaker, the American people and most of the Members of this Congress agree that the most important issue currently facing our country is reforming the way we finance campaigns. Earlier this year, the Senate defeated campaign finance reform when the leadership over there engaged in a filibuster. Now the leadership in this House is bringing a bill to the floor which is a complete hoax.

Here is what Common Cause has to say about the bill. ''Under the Republican leadership bill, tobacco companies could continue to launder soft money through the State parties in order to influence Federal elections, as they did in 1996. And under the Republican leadership bill, medium mogul Rupert Murdoch could again run $1 million in soft money through the California Republican party, as he did during the 1996 campaign while he was seeking favorable treatment in Washington on Federal communications legislation.'' He succeeded, by the way.

The great Republican Abraham Lincoln said, ''You can't fool all the people all the time.'' Let us stop fooling around and get real campaign finance reform out here on the floor.

□ 1030

FAIRNESS FOR SMALL BUSINESS AND EMPLOYEES ACT

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

Mr. KINGSTON. Mr. Speaker, how absurd are things in America today. Try this. Today we will vote on a bill that requires employees who work for a company to actually spend 50 percent of their daily job working for that company. You heard me. Under this legislation, if you work for Wal-Mart, you must spend half your weekly 40 hours, 20 hours a week, actually working for Wal-Mart.

Think about that. When I was a kid, my dad made me cut the grass. What would he have done if I cut half of it and then we went fishing? That would have been a lively conversation. What if you were at a restaurant and the waitress served half the people that you are eating with. Or what if a football player on a breakaway punt return crosses the 50-yard line and stops for a coffee break?

The idea is ridiculous. But listen to this. The Democrats oppose it. H.R. 3246 is not even a reality check, but a halfway measure to correct a half-baked idea that a half-brained Washington bureaucrat botched all the way.

CAMPAIGN FINANCE BILL

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

Ms. MCCARTHY of Missouri. Mr. Speaker, our guest chaplain today called upon us to find the courage to make the tough decisions before us for the sake of the American people. A timely blessing indeed, for this week we will consider campaign finance reform.

I support a bipartisan measure to reform the process. But the Republican leadership will present us with a very partisan campaign finance measure which contains some of the very worst ideas on campaign finance reform. The so-called Paycheck Protection Act is completely unbalanced and will not work. The Voter Eligibility Verification Act discriminates against voters, is deeply flawed, is not needed, will not work and has nothing to do with campaign finance reform.

The Republican bill also does nothing to ban soft money and raises contribution limits for donations to Federal candidates. This bill takes a giant step in the wrong direction. This has been called a charade, a sham. Mr. Speaker, let us vote on the real thing for the sake of the American people.

THE STATE OF NATIONAL SECURITY

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

Mr. CUNNINGHAM. Mr. Speaker, yesterday the Committee on Appropriations went forth on, quote, emergency supplementals in different areas. One was for IMF, the other was U.N., one for emergency spending, and the state of defense. Let me talk about the state of defense.

In 30 years, Mr. Speaker, our national security is the worst and the lowest I have ever seen it. We have gotten there because Somalia, Haiti and Bosnia policies set forward were not paid for. They have cost $16 billion out of an already low defense budget. Those dollars come out of operation and maintenance of a 1950s budget.

The other problems that we have in emergency spending, we have got to find some offsets for those. It is going to be difficult in the upcoming weeks to find those offsets so we do not break the budget. Alan Greenspan has said if we break the budget caps, then the economy we have, the interest rates and everything else is going to go down. We need to work together to find those offsets, Mr. Speaker.

ALL GUNS SHOULD HAVE TRIGGER LOCKS

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

Mr. SCHUMER. Mr. Speaker, our thoughts and our tears and our prayers are with the families of Jonesboro, Arkansas. No parent, no child, no school should have to suffer this way. I beg every parent with a gun in the home and every gun manufacturer to please, please listen.

There are two ways that children get a gun. They either take it from their home without their parents' knowledge or they steal it from a neighbor. You lock your car. You lock your home. You should lock your gun. Every gun should be sold with a childproof trigger safety lock that only the parents know how to unlock.

A borrowed gun, a stolen gun should be a harmless gun. Please, make your gun useless to others. Make it harmless with a trigger lock. I am asking every parent who owns a gun to purchase a trigger lock today and make your gun safe. I am asking all gun manufacturers to include a trigger lock with every gun sale.

SUPPORT SCHOOL CONSTRUCTION BILL

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

Mr. ETHERIDGE. Mr. Speaker, I rise today to call on my colleagues to join me to pass legislation to build new schools for all of education and for all of our children. Yesterday I taught a class to a group of sixth graders in Terrell Lane Middle School in Louisburg in my district. It was part of my Give a Teacher a Break program.

As superintendent for 8 years of my State schools, I know I probably have spent more time in public schools than any other Member of this Congress. I know what it takes to improve education for our children.

Mr. Speaker, we must make the investment necessary to strengthen our public schools. We must provide resources to assist our communities in the drowning enrollment growth they are facing. And we must have the foresight to target these funds to the areas that we know will experience tremendous growth of the baby boom echo in the near future. I am drafting school construction legislation that will accomplish these goals. My bill will provide $7.2 billion in school construction for States and communities that are growing. My bill will be paid for by the same offset others would use to finance their risky private school voucher scheme.

CAMPAIGN FINANCE REFORM SCAM

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

Mr. LEWIS of Georgia. Mr. Speaker, here is what the New York Times has to say about the campaign finance reform bill Republicans will bring to the House floor this week: ''Newt Gingrich has a plan to snooker Americans yearning for a cleanup of their corrupt election finance system.''

Here is what the Republican bill will do, among other things. It would increase the amount of money rich individuals could contribute to a candidate from $1,000 to $2,000. It would increase the amount of money a rich individual could contribute to a political party from $20,000 to $60,000, and it would increase the total amount a rich individual could contribute to candidates and parties from $25,000 to $75,000; $1,000 to $2,000, $20,000 to $60,000, $25,000 to $75,000.

That is the Republican campaign finance reform. If you think there is not enough money in politics, this is the campaign finance reform bill for you.

This bill is a scam, it is a sham, it is a shame and a disgrace. The Republican majority ought to be embarrassed to bring this bill to the floor.

CAMPAIGN FINANCE REFORM

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

Mr. TIERNEY. Mr. Speaker, the moment of truth is upon us. It is showdown time today in the Rules Committee on campaign finance reform.

Last November, the Speaker of this House promised the House a very fair bipartisan vote on campaign finance reform. The question is, will the Committee on Rules live up to that promise when it meets today?

Certainly, Mr. Speaker, the deck against passing reform is stacked. The bill that the Republicans are putting forth today is in no way reform. It is in fact deform. We will not have a chance to vote on real reform nor will we have a chance to vote on anything but a half-baked concoction of campaign finance deforms that are going to be offered to us in a so-called Thomas bill.

Just this week the chairman of the Rules Committee indicated that he wants to allow a vote on a substantive campaign finance bill in addition to the Thomas bill. I urge the Speaker, I urge the Rules Committee, to fulfill the promises that have been made last fall. Give us a fair bipartisan vote on campaign finance reform.

COPYRIGHT TERM EXTENSION ACT

Mr. DIAZ-BALART. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 390 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 390

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2589) to amend the provisions of title 17, United States Code, with respect to the duration of copyright, and for other purposes. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. No amendment to the committee amendment in the nature of a substitute shall be in order unless printed in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII. Points of order against the amendment printed in the Congressional Record and numbered 1 pursuant to clause 6 of rule XXIII for failure to comply with clause 7 of rule XVI are waived. The chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first of any series of questions shall be 15 minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. SHIMKUS). The gentleman from Florida (Mr. DIAZ-BALART) is recognized for 1 hour.

Mr. DIAZ-BALART. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. Frost), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 390 is a modified open rule providing for the consideration of H.R. 2589, the Copyright Term Extension Act. The purpose of this legislation is to extend the term of copyright protection in all copyrighted works, that have not fallen into the public domain, by 20 years.

House Resolution 390 provides for 1 hour of general debate to be equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary.

The rule makes in order the amendment in the nature of a substitute recommended by the Committee on the Judiciary as an original bill for the purpose of amendment and provides that it will be considered as read.

The rule further provides that first-degree amendments must be preprinted in the CONGRESSIONAL RECORD. This will facilitate their prompt consideration. Last Wednesday, March 18, the chairman of the Committee on Rules announced on the House floor that the rule for the copyright extension bill may require the preprinting of amendments. I believe that this was ample notice to Members who are interested in offering amendments on this measure.

In 1995, the European Union extended the copyright term for all of its member states by 20 years, from life of the author plus 50 years to life of the author plus 70 years. Therefore, this is not a new issue. As the leader in the export of intellectual property, I think it is important that the United States extend the copyright term as well.

The rule waives points of order against the amendment by the gentleman from Wisconsin (Mr. SENSENBRENNER) printed in the CONGRESSIONAL RECORD and numbered 1 for failure to comply with clause 7 of rule XVI which prohibits nongermane amendments. The Sensenbrenner amendment involves an issue that has some degree of controversy, dealing with songwriters, restaurants and small businesses. However, to be fair to those with other viewpoints on the issue, it will be possible for Members who wish to amend the Sensenbrenner amendment to be able to do so without any special protections.

In addition, the rule provides for the Chairman of the Committee of the Whole to postpone votes during the consideration of the bill and to reduce votes to 5 minutes on a postponed question if the vote follows a 15-minute vote.

Finally, Mr. Speaker, the rule provides for one motion to recommit, with or without instructions.

Mr. Speaker, I believe House Resolution 390 is fair rule. It is a modified open rule for the consideration of H.R. 2589, the Copyright Term Extension Act. I believe the underlying bill is very important. As for the music issue, I think Members will have the opportunity to vote for the amendment by the gentleman from Wisconsin or alternatives proposed by other Members. I think this is a judicious way to handle the issue. I urge my colleagues to support this rule.

I commend the gentleman from Illinois (Mr. HYDE) and the gentleman from North Carolina (Mr. COBLE) for their hard work on H.R. 2589 and would urge my colleagues to support both this open rule and the underlying bill.

In conclusion, Mr. Speaker, House Resolution 390 is a fair rule. I urge its adoption.

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

□ 1045

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

Mr. Speaker, I rise in reluctant support of this rule, but I do support H.R. 2589, the Copyright Term Extension Act. H.R. 2589 seeks to provide important protections for American copyright holders in the world marketplace. This legislation will extend the term of

copyright protection for works created after January 1, 1978, for life of the author plus 70 years after death, bringing this protection into line with the standard in the European Union. This is an especially important protection for U.S. intellectual property since this parity will ensure that American works will receive copyright protection equal to that received in European countries for European-produced intellectual property. Because European countries are huge markets for U.S. intellectual property, this protection is worth hundreds of millions of dollars for works produced by Americans.

Mr. Speaker, this rule allows only for the consideration of any germane amendments to the committee substitute which has been printed in the CONGRESSIONAL RECORD. There is no reason for the preprinting requirement since the underlying bill is relatively free of controversy, and it is for that reason that I only reluctantly support this rule. However, the rule also provides for consideration of a nongermane amendment by the gentleman from Wisconsin (Mr. SENSENBRENNER) by waiving the provisions of clause 5, rule XVI against it. Further, the rule does allow for the consideration of germane amendments to the Sensenbrenner amendment, and it is anticipated that the gentleman from Florida (Mr. MCCOLLUM) and the gentleman from Michigan (Mr. CONYERS) will offer a substitute to the Sensenbrenner amendment. Because these amendments relate to music licensing and not directly to the issue of copyright protection extension, the germaneness waiver is necessary.

In order that the House may proceed to consider this important legislation, Members should support this rule. In the future, however, I would hope that open rules might be truly open and not bound by unnecessary preprinting requirements.

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

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

Mr. SENSENBRENNER. Mr. Speaker, I thank the gentleman from Florida for giving me this 2 minutes, and also thank the chairman of the Committee on Rules, the gentleman from New York (Mr. SOLOMON) for providing this open rule containing a waiver which may be necessary to protect a process supported by the chairman, the gentleman from Illinois (Mr. HYDE), and subcommittee chairman, the gentleman from North Carolina (Mr. COBLE), and the leadership of the House. The rule guarantees this body the opportunity to provide balance to the underlying bill, the Copyright Term Extension Act, with a modest package of relief for America's small business.

The supporters of fairness in music licensing, which is the subject of my amendment, believe it complements the Copyright Term Extension Act quite fittingly. The underlying bill extends the term of copyright for an additional 20 years, thereby permitting copyright owners to continue to commercially exploit works that are beginning to fall into the public domain.

My amendment suggests the need to balance this generous expansion of rights, which the gentleman from Texas (Mr. FROST) estimates to be worth hundreds of millions of dollars for copyright owners, with a set of reforms designed to level the playing field for the users of intellectual property.

Again, I thank the Committee on Rules for offering this open rule enabling a fair debate and an up-or-down vote on my amendment.

Mr. FROST. Mr. Speaker, I yield 4 minutes to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Speaker, the Copyright Term Extension Act makes an important correction in our existing law to ensure that the intellectual property of artists across this land is protected, that it is not raided and misappropriated by people around the world to their benefit, without compensation to the original owner.

It is therefore particularly contradictory and ironic that this rule will attach and permit attachment to this protection of intellectual property, what many people have come to call the Music Theft Act, a measure that is a separate freestanding piece of legislation that has nothing to do with copyright extension, but is being attached to the most convenient vehicle to steal the intellectual property of thousands of small businesspeople who are song writers in this land.

This Music Theft Act is based on a very simple premise: If one cannot get someone else's property for free, then pass a law to allow them to steal it from them. It is particularly ironic that this Music Theft Act is being considered here on the floor of Congress at a time when we have just completed the great South By Southwest Music Festival that pulled together hundreds, indeed thousands of people interested in the music industry and what it contributes to the enjoyment of life here in America and how it spreads our American culture literally around the globe.

In my home city, the city of Austin, Texas, where that South By Southwest Music Festival pulled people from around the world to enjoy and build on the success of our music capital, our claim to be the ''loud music capital of the world,'' we have hundreds of songwriters who are small businesspeople who rely on the income that they earn from their songwriting to support themselves. They work hard creating a product that all of us enjoy, and when someone else uses or enjoys their product, they expect to make a profit just like any other business. When Joe Ely or Shaun Colvin or Tish Hinojosa go downtown to play at a club, they do not do it for free. That is how they earn their living. And the same thing ought to apply when music is being broadcast by one of those artists in a restaurant. If a business owner is using a song writer's property to help that business, then it ought to compensate the person that provides, that provided the benefit to them, the songwriter who is responsible for creating the work.

Let us be real clear about what we are discussing. The songwriter's property is just that; it is property every bit as real as a trade name, every bit as real as the script for a movie or for a new book, every bit as real as a new phone system or a copying machine. Music is the property of the songwriter who created it. And when music helps attract people to a restaurant, and that is what this is all about is the desire of the National Restaurant Association to take someone else's property for free, they may not offer any free lunch around America but they are willing to take for free the property of someone else to help them promote their profits in the restaurants.

Supreme Court Justice Oliver Wendell Holmes had it right when he wrote many years ago ''It is true that music is not the sole object, but neither is the food. . . . The object is a repast in surroundings that give a luxurious pleasure not to be had from eating a silent meal. If music did not pay, it would be given up . . . Whether it pays or not, the purpose of employing it,'' the music, ''is profit, and that is enough. ''

And that is what is at stake here today, the right of thousands of small businesspeople who are creative, who write music, to earn an income from doing so.

Mr. DIAZ-BALART. Mr. Speaker, I yield 2 minutes to a distinguished gentleman from Florida (Mr. SCARBOROUGH).

Mr. SCARBOROUGH. Mr. Speaker, I thank the gentleman for yielding me the time, and it may surprise and scare the gentleman from Texas (Mr. DOGGETT) but I actually agree with him on this issue and he is shocked. I agree with him on several issues: on South By Southwest; it is an incredible festival. But more importantly, I agree about what he is talking about are property rights, and I think it is very interesting. It is usually us Republicans hurling charges at Democrats, saying that they do not respect property rights enough and that they are Socialists because they believe the government and others can intervene in their own property rights. And yet I find it to be very, very ironic today, as we come to the floor and debate a bill that is going to gut the property rights of artists, that apparently the belief on the amendment actually is the belief that property rights are only important if there are supporters' property rights.

I think the gentleman talked about Shaun Colvin, a young songwriter. Last night she performed in Washington, D.C. She is 5 months pregnant, she

won a Grammy; she is still struggling. She is not rich, she is not wealthy; and there is going to be an attempt to make these musicians out to be rich and famous rock star types. They are not.

There are a lot of struggling people who have been working 15, 20, 30 years, working their entire life to build property, intellectual property that is every bit as dear to them as real property in our districts. And so for us to just gut their ability to earn a living because of problems they have done is absolutely ridiculous.

So I thank the gentleman for his statements, and I am greatly distressed that apparently some people in this Chamber only respect the property rights of nonsupporters.

Mr. DOGGETT. Mr. Speaker, will the gentleman yield?

Mr. SCARBOROUGH. I yield to the gentleman from Texas.

Mr. DOGGETT. Mr. Speaker, I am so pleased to see that not all of the concern for music on the Republican side is expressed by the singing Senators and that there are other musicians and lovers of music on the Republican side that recognize this is basically a property rights issue.

Mr. SCARBOROUGH. This is an issue that was very important to Sonny Bono, and in fact is one of the issues that he talked about the most when he was here on Capitol Hill, because Sonny understood, he had been struggling his whole life to create songs, to create something that mattered, that would have a lasting impact, that is going to last long after Sonny has been gone. And so it is not just myself, Sonny recognized it, there are other people who recognize that if we are for property rights, real property rights, we should be for intellectual property rights too.

Mr. FROST. Mr. Speaker, I urge adoption of the rule, and I yield back the balance of my time.

Mr. DIAZ-BALART. Mr. Speaker, I yield back the balance of our time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. SHIMKUS). Pursuant to House Resolution 390 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2589.

The Chair designates the gentleman from Alabama (Mr. EVERETT) as Chairman of the Committee of the Whole, and requests the gentleman from Florida (Mr. DIAZ-BALART) to assume the Chair temporarily.

□ 1058

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 2589 to amend the provisions of title 17, United States Code, with respect to the duration of copyright, and for other purposes, with Mr. DIAZ-BALART (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from North Carolina (Mr. COBLE) and the gentleman from Massachusetts (Mr. FRANK) each will control 30 minutes.

The Chair recognizes the gentleman from North Carolina (Mr. COBLE).

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

Mr. Chairman, I rise in support of the bill, H.R. 2589, the Copyright Term Extension Act, reported by the Committee on the Judiciary by voice vote, without objection. This important and significant bill will give to the United States economy 20 more years of foreign sales, revenues from books, movies, records, and software products sold abroad.

We are, Mr. Chairman, by far the world's largest producers of copyrighted works, and the copyright industries give us one of our most significant trade surpluses.

□ 1100

Our most valuable economic resource is no longer our industrial power and natural resources, but the creative potential of the minds of our citizens.

While our creativity holds America's greatest promise for the future, it is also our most fragile commodity, fragile because while difficult and expensive to produce and market, it is relatively easy and inexpensive to copy and to use for free.

We must ensure that foreign markets are open to our intellectual property exports, and just as importantly, that our copyright industries be given reciprocity and the opportunity to compete. That is what this bill is all about, Mr. Chairman.

The European Union countries, pursuant to a directive, have adopted domestic laws which would protect their own works for 20 years more than they protect American works. This bill would correct that by granting to United States works the same amount of protection which, under international agreements, requires reciprocity.

Under the current law, most works receive copyright protection for the life of the author plus 50 years. In the case of works made for hire, such as a movie, the copyright term typically endures for a period of 75 years from the year of its publication.

H.R. 2589 would bring the term of copyright protection from the life of the author plus 50 years to the life of the author plus 70 years and of works made for hire from 75 to 95 years from the date of publication.

Trade surpluses are not the only benefit of term extension. It is also good for consumers. When works are protected by copyright, they attract investors who can exploit the work for profit. That, in turn, brings the work to the consumer who may enjoy it at a movie theater, at a home, in a car, or in a retail establishment. Without that exploitation, a work may lie dormant, never to be discovered or enjoyed.

Now, of course, copyright protection should be for a limited time only. Perpetual protection does not benefit society. But extending the term to allow a property owner to hand that property down to his or her children or grandchildren is certainly appropriate, it seems to me, and grants the benefits of exploitation for that limited time.

I urge all my colleagues, Mr. Chairman, to vote yes on this bipartisan, noncontroversial legislation.

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

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself as much time as I may consume.

Mr. Chairman, I am delighted to appear, along with the gentleman from North Carolina, chairman of the Subcommittee on Courts and Intellectual Property. I should note that this bill is also strongly supported by the chairman and ranking member of the Committee on the Judiciary.

The responsibility to protect intellectual property is a very important one. As the gentleman from North Carolina has indicated, there are both cultural and economic reasons for doing so. The cultural reasons are probably more familiar to people, so we stress sometimes in this debate the economic reasons, not because we think the cultural reasons are less important, but the economic reasons are not always fully understood.

In an evolving world economy, there are areas where Americans will do less than they have in the past. We will make unsophisticated products in far less amounts than we used to in an internationally competitive world. We all know that. People can lament it, people can support it, but it is an unchangeable fact. There is simply not going to be in the future, as there already has been, a diminution in American products of a relatively simple and uncomplicated era.

On the other hand, America's comparative advantage in the world has been growing in the intellectual property area. We not only enrich much of the rest of the world culturally, but we enrich ourselves economically by the production of songs and movies and a whole range of other things.

Much of our effort is, in fact, to protect our intellectual property against theft overseas. Members are familiar with this in the cases of piracy and counterfeiting. What we do here is to try to make sure, in part, that the people who do the actual creation share in these riches. And they are not people who are in the multibillion dollar category exclusively and, in fact, not even primarily.

Frankly, for the wealthiest of the creators and performers, the additional copyright term is relatively unimportant. This becomes important precisely for those who make a living as a song writer, but do not get rich at it, who make a living in these areas. What we do here is to enhance the stream of income that goes to support their creative efforts.

One part of this bill that is particularly important, that was worked out in a bipartisan way, in fact, says, in cases where the creative person, the song writer, the artist, the writer of the book, where for a variety of reasons that person may have signed away some of his or her rights, to the extent that we are creating a new set of values here in this 20-year extension, we have urged that this be renegotiated and that the creators be given a share of the additional 20 years. We will be monitoring that carefully. I am confident that we will see the creator is better treated.

Yes, many people write songs and write books because of their love of the creative process. Love of the creative process is a great thing. But great as it is, it is kind of hard to support a family on it. It is kind of hard to sustain that.

What we are saying is, we want to encourage creativity, not simply as a hobby, not simply as something that people who are independently wealthy can do on their own time, but as a way for people to earn a living to support themselves and their families.

This bill is an important step precisely for those who are not in the wealthy category, precisely for those who are trying to earn a living day-today by writing songs, by writing books. This enhances their ability, and it particularly is relevant when we talk about the 20-year extension, about their obligation that they feel to deal with their families.

We are talking here about people earning and then being able to transfer to their families, to later generations, this kind of writing. It is a very important piece of legislation.

There is an overwhelming consensus on the part of the Committee on the Judiciary, which as some of you might have noticed is not always united. The Committee on the Judiciary has, indeed, recently been overdescribed as a source of contention and as a place for fighting.

I must say that, having served on the Committee on the Judiciary for 18 years, I have yet to see the first pie thrown. I keep reading with some disappointment that it is a locus for food fights. They seem to have them when I am absent. I am going to insist that I be invited to the next one; I have got my own seltzer bottle, and I am ready to come.

But precisely because the Committee on the Judiciary is composed of people who are prepared to engage in the most vigorous democratic debate when issues divide us, I think it is noteworthy that here there is an overwhelming consensus that for cultural reasons, for economic reasons, as a matter of fairness, as the gentleman from Florida was saying as I came in, we have come forward with a bill that protects the right of the creative people in our society, who so enrich the rest of us, to benefit some from that creativity.

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

Mr. COBLE. Mr. Chairman, I thank the gentleman from Massachusetts for his opening statement.

Mr. Chairman, I yield 5 minutes to the gentleman from Wisconsin (Mr. SENSENBRENNER), a member of the Committee on the Judiciary.

Mr. SENSENBRENNER. Mr. Chairman, today I rise in support of H.R. 2589, the Copyright Term Extension Act, if, and only if, my amendment to ensure fairness in music licensing passes.

H.R. 2589 provides a very generous windfall to the entertainment industry by extending the term of copyright for an additional 20 years. That is 20 years more that they can commercially exploit works that would otherwise fall into the public domain.

Mr. Chairman, the Constitution I read suggests the need for balanced intellectual property rights between its creators and users. When the mechanisms designed to ensure that balance are broken, it is the duty of Congress to act.

Passage of the amendment which I will offer later on today will provide that balance. It sends the message that the voice of the tavern keeper in Boston, Massachusetts, Greensboro, North Carolina, or Milwaukee, Wisconsin is just as important as the parade of celebrities that Hollywood has trotted out to support expanding its rights by passing term extension and oppose my efforts to enact the modest reforms I seek for small business.

The amendment which I will offer is a compromise version of my legislation, H.R. 789, the Fairness in Music Licensing Act and is a key vote for the NFIB, the National Restaurant Association, the National Association of Beverage Retailers, and the many other small business associations.

They support my amendment because it ensures fairness by providing for local arbitration of rate disputes, so small businesses do not have to go to New York City and hire an expensive attorney to contest a rate that may involve several hundred dollars.

They support my amendment because it prevents small businesses from being forced to pay every music licensing society a fee for music already paid for several times over.

Let me make this point: Under my amendment, nobody gets a free ride. The creators of intellectual property are paid. My amendment only provides for the exemption for a retailer who has a TV set on or a radio set on where the creators of the intellectual property have already been paid a licensing fee by the TV or radio station or the other broadcast media.

We should stop the double-dipping, and we should stop the harassment of small business operators over the type of programming that they have no control over. It does not provide an exemption for tapes or CDs or live music performances such as has been described earlier.

The same groups oppose a window-dressing amendment to be offered later on today by the gentleman from Florida (Mr. MCCOLLUM). That amendment is unanimously opposed by America's small businesses because it reflects a rejected proposal from failed negotiations. It contains no local arbitration, and it excludes the vast majority of America's small businesses from any relief from the music-licensing monopolies.

Make no mistake, the McCollum substitute to my amendment is the music monopolies' amendment. The McCollum-ASCAP-BMI substitute is a key vote, no, by the same groups I just identified in support of my amendment.

Next time, Mr. Chairman, you walk down Main Street in a town in your district, walk with your head held high knowing that you did the right thing for small business. Do not cozy up to the same folks who have been abusing small businesses in your district and mine for years by supporting the McCollum amendment, because it substitutes the interest of Main Street for the interest of the music monopolies.

In the name of balance and support for Main Street U.S.A., vote no on McCollum and yes on Sensenbrenner.

The CHAIRMAN. The Chair now recognizes the gentleman from Massachusetts (Mr. DELAHUNT) as the new controller of time for the minority.

Mr. DELAHUNT. Mr. Chairman, I yield as much time as he may consume to the gentleman from California (Mr. BERMAN).

Mr. BERMAN. Mr. Chairman, I thank the gentleman from Massachusetts for yielding me this time.

Mr. Chairman, I rise in strong support of the bill H.R. 2589, Copyright Term Extension. As I believe my colleagues know, Congress is obliged under the Constitution to protect intellectual property or, to be precise, to secure for limited times to authors the exclusive right to their respective writings.

My colleagues may be less familiar, however, with the fact that the U.S. also has international obligations to protect copyright. In 1989, the United States, in a long-overdue move, became a member of the Berne Convention, the century-old international treaty mandating copyright rules for member countries. Under the ''rule of the shorter term,'' member countries are only obliged to protect the work of foreign authors to the same extent that they would be protected in their country of origin.

Herein lies the problem. Under current U.S. law, copyright term for most works is life of the author plus 50 years. For works made for hire, such as motion pictures, the term is 75 years. However, in 1995, the European Union extended copyright term by 20 years. If we fail to extend our copyright term as well, our intellectual property industry would lose millions of dollars in export revenues, and the U.S. balance of trade would suffer commensurately.

European Union countries would not have to extend to American works the additional 20-year protection that they have already extended to European works. This is an outcome we can and must prevent by passing H.R. 2589.

Later in the debate we will be addressing an amendment that I strenuously oppose, to be offered by the gentleman from Wisconsin (Mr. SENSENBRENNER). That amendment would do great harm to the integrity of copyright law, and I will speak to it at the appropriate time.

□ 1115

But I do not want us to lose sight of the significance of H.R. 2589 to America's intellectual property interests, both at home and abroad.

Mr. COBLE. Mr. Chairman, how much time does each side have remaining?

The CHAIRMAN (Mr. EVERETT). The gentleman from North Carolina has 21½ minutes, and the gentleman from Massachusetts has 22½ minutes.

Mr. COBLE. I thank the Chairman.

Mr. Chairman, I yield 10 minutes to the gentleman from Florida (Mr. SCARBOROUGH).

Mr. SCARBOROUGH. Mr. Chairman, I thank the gentleman for yielding me this time. I certainly agree with the gentleman that H.R. 2589 is very important for the copyright protection of this country. However, and I will speak to this issue a little bit later on during the debate of the Sensenbrenner amendment, but a few things were said that need to be addressed.

The gentleman from Wisconsin (Mr. SENSENBRENNER) talked about how the McCollum music machine amendment would abuse small businesses. He talked about fairness in music licensing. He talked about ''a windfall.'' He talked about ''commercial exploitation.''

Now, we talk about double-speak; who is using the property rights of whom to sell beer, to sell food, to sell products in the taverns that he spoke about in Anytown, USA? My restaurant owners in northwest Florida certainly understand the importance of music in setting a mood in a tavern, in setting a mood in a restaurant. They also understand what would happen if they turned the music off. Mr. Chairman, that is the choice they all have if they do not want to use a product.

And I hear this talk that somehow supporting property rights now is anti-small business. I was elected by small business. Some of my biggest supporters throughout northwest Florida own small restaurants and own nightclubs, and own other things that come under this bill, and they all understand that what sells their product is the mood that they set.

The gentleman from Texas was talking about how music was a backdrop. It is. It is a backdrop for these small businesses. Not only is it the sound track of our lives and of the movies that we watch, but it is also the restaurants that we go into. It sets the mood. And yet, we have an amendment to this very, very important bill that would absolutely gut the right of those people that are making the property that helps people set the moods to sell the products in these small businesses that are extraordinarily important to me.

Let me state again the backbone of my political support comes from small businesses, not from PACs, certainly not from unions, not from people who want more regulation, and not from people who want this Congress to interfere in goodwill negotiations. My people, my supporters, are small business people that talk about property rights, and they do not talk about property rights only when it suits them politically. They talk about property rights for everybody.

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

Mr. SCARBOROUGH. I yield to the gentleman from Texas.

Mr. DOGGETT. Mr. Chairman, if I understand what the gentleman is saying, then if someone develops a very successful restaurant and they think it contributes to have some music playing there, they do not expect to get the electricity for free, they do not expect to get the recording device for free, but some of them apparently think that they can take the property of the song writer and get that for free.

Mr. SCARBOROUGH. Mr. Chairman, reclaiming my time, I do not think it is they. I think it is a very small number of people in Washington, D.C. Because again, people that own the restaurants in my district understand. I have talked to them about this. I would not come on the floor without talking to people that support me.

They understand, if one pays for the carpet to set a mood and one pays for the wallpaper to set a mood and one pays for the lighting to set a mood, they also understand the most important thing, again, in music is the property rights.

Mr. DOGGETT. Mr. Chairman, if the gentleman will continue to yield, if one of those successful restaurants in the gentleman's district has a famous name, I could not take that name and open up right next door without stealing their property, could I?

Mr. SCARBOROUGH. Mr. Chairman, the gentleman is exactly right.

Mr. DOGGETT. Mr. Chairman, is that not the same thing as stealing the works of people that have devoted significant time to creating something we all enjoy?

Mr. SCARBOROUGH. Again, reclaiming my time, it certainly does, and I remember hearing Sonny Bono talk about this, hearing him over and over again. He wrote us Dear Colleague letters, he talked about it nonstop.

Everybody has this image of Sonny Bono as some guy that just sort of stumbled into 7 or 8 gold records, that he just somehow, in the late 1960s stumbled into 7 gold records and a number 1 and number 2 TV show that he produced. That is not the case.

Sonny told me his story, because we were on the Committee on National Security together. He told me his basically hard-luck story about going out to Los Angeles in the late 1950s, about working hard around the clock. I do not know how many people here know who Phil Spector is, but he ran around doing errands for Phil Spector, getting coffee, emptying his garbage can, do everything he could do, writing songs, to get an opportunity to make a little bit of money.

What Sonny told me then was, he said, the great thing is now, it is something that is going to help my kids. Sonny did not realize just how pathetic his words were going to be, to help his kids a lot sooner unfortunately than any of Sonny's friends would have liked it to be.

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

Mr. SCARBOROUGH. I yield to the gentleman from Texas.

Mr. DOGGETT. Mr. Chairman, so what the gentleman is saying is, most of the song writers in America, they do not begin their careers at the Grammy's or in the movies or on television. It is hard work, and for every Sonny Bono, there are thousands of other song writers out there that are song-writing on the side, and they are out maybe working for one of the small businesses whose misguided association has promoted this bill.

Mr. SCARBOROUGH. Mr. Chairman, reclaiming my time, the gentleman is exactly right.

Last night, again I met one of the gentleman's constituents, Shawn Colvin. Now, Shawn Colvin just won a Grammy, and everybody thinks she is at the top of the world because she won the Grammy. I saw her last night, she was in a dressing room.

Mr. DOGGETT. Mr. Chairman, if the gentleman would continue to yield, the gentleman has good taste, better than I realized.

Mr. SCARBOROUGH. Mr. Chairman, again reclaiming my time, she was in a dressing room smaller than the bathroom of many Members in the Rayburn Building, and I will guarantee, she will not make as much money as a song writer as any Member in this Chamber today.

I wrote down the words, when we are hearing about music machine and Hollywood stars and blah, blah, blah, I mean this sort of rhetoric to make this thing seem, gee, this is going to really help the wealthy people. It is not going

to help the wealthy people. They are going to be making the majority of their money on other things, on videos, selling the CDs.

This helps the people like Ms. Colvin who is 5 months pregnant, who certainly, if she was wealthy, would be sitting at home watching TV instead of running around trying to make a little bit of money. This helps Ms. Colvin, and this helps other people that are struggling to get by so that they can work, so that they can devote their life to creating artistic works that enhance the quality of life for all of us.

Mr. DOGGETT. Mr. Chairman, will the gentleman yield further?

Mr. SCARBOROUGH. I yield to the gentleman from Texas.

Mr. DOGGETT. Mr. Chairman, I want to extend an invitation to the gentleman to come down to Austin, Texas, at some time other than the campaign season, of course, and enjoy her where she sounds the best. But whether we have Shawn Colvin on the radio or Jerry Jeff Walker or any other fine artist from down there in central Texas, the average cost of using that kind of music. To the small business, when they talk about balance, it is only about a buck and a half a day; is it not?

Mr. SCARBOROUGH. Mr. Chairman, reclaiming my time, it is very minimal. I have to say again, I want to finish how I began because people seeing the gentleman from Texas and I go back and forth talking, it might scare some of my natural constituents.

I am a friend of small restaurant owners, I am a friend of small businesses. My voting record over 3 or 4 years has shown that. In fact, I think the gentleman has called me a right-wing extremist because of a lot of my votes on less taxes and less regulation, less Federal spending. But I also recognize that small business people are people that are song writers, they are people that are doing things that may not fit our national constituency, and they deserve protection as much as landowners deserve protection.

If we want to talk about something that really hits home with me in my district, because I am always fighting for property rights, stopping extremists from coming in and having improper takings, I think we can apply that to this situation where we have an amendment in the Sensenbrenner amendment that constitutes nothing less than an improper taking; and where there is a taking, there needs to be just and full compensation, and our Constitution says that. That is why I think this does violence to the Constitution's provision and the Fifth Amendment. It talks about eminent domain, it talks about just taking, it talks about property rights.

That is why I think the far more sensible approach is the approach taken by the distinguished gentleman from Florida (Mr. MCCOLLUM). I will be supporting his amendment. I ask every single Republican and Democrat that cares about property rights, that cares about small business owners, that cares about the things that we have been talking about we care about for the past 4 years to support Chairman MCCOLLUM on his amendment when it comes up later on, because it is the wise, the fair alternative.

Mr. DELAHUNT. Mr. Chairman, I yield myself such time as I may consume to say that listening to the colloquy between the gentleman from Florida and the gentleman from Texas, I do not know how, but it might be appropriate to redesignate the bill before us as the Sonny Bono Act.

Mr. Chairman, I yield as much time as he may consume to the gentleman from Texas (Mr. DOGGETT).

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

Last week at the Austin Music Awards down at the South by Southwest Music Gathering, we had people from all over the world, and of course we had to spotlight a little local talent, so the band that was playing is Ray Benson's Asleep At the Wheel, and I think what the gentleman from Florida and I are trying to do, from very different, perhaps, political perspectives on some other issues, is to be sure that this Congress is not asleep at the wheel today.

Mr. Chairman, the basic thrust of the legislation that we are debating today is very positive. We are saying that whether one is an author or one is a music artist, that one's property ought not to be stolen in China or in Europe or someplace else where people take advantage and pirate American works. It is a major problem. This Copyright Extension Act is basically sound legislation that tries to protect the creative work of the American people wherever it might be used around the globe.

But as we reach out to protect our citizens around the globe, we have a group, a special interest group that has come in here to the Congress and said, well, we want to hang on a little amendment to this, and our little amendment is something called the Musical Fairness Act. We cannot get it passed on its own, but we want to stick it on this good bill and kind of put it in there.

It reminds me of another one of our Austin song writers, the late Stevie Ray Vaughn. To call this the Fairness in Musical Licensing Act is to remind me of that line from his song called the Garden of White Lies, ''They are pulling wool over our eyes,'' because that is what this is all about.

It is about pulling wool over our eyes, as we consider a good bill, to tack on a very bad bill that could not pass on its own because it basically is contrary to a long series of American court decisions and American recognition that just because one cannot touch property, a trade name, a musical work does not mean it is not very real property that deserves to be protected by our Congress. And those who would steal this property know that they cannot get away with it under our existing law, so they want it legalized in the amendment that is being offered today.

□ 1130

Most of the people that are going to be hurt by this musical theft amendment are not even full-time songwriters. They work for small businesses and large businesses across this country, and on the side they apply their creativity talent. Less than 10 percent of the American Society of Composers, Authors, and Publishers earn their living full-time from the music that we all enjoy. They are only getting a little supplemental income and hoping that one day they can become a Sonny Bono, or they can become a Willie Nelson.

The small compensation that current law requires of those that use that music to pay is modest, indeed, compared to the benefit they derive. It has been estimated that it costs about $1.58 a day to get the benefits of all of those members of the American Society of Composers.

Goodness, do you know in Austin, Texas, you cannot even get a bowl of tostados and a little guacamole on the side while you are enjoying this music for $1.58. It is not unreasonable to ask that there be some compensation to encourage the kinds of musical genius that we have, not only in Austin but across this land.

I have heard from literally hundreds of musicians in this country, many of them, of course, from Texas, who have urged the defeat of this Musical Theft Act, and who recognized that it represents a deprivation of private property rights.

It is so ironic that some of the people who have spoken out in favor of private property rights on this floor would now authorize the taking of private rights from the musicians that create so much of what adds to the quality of our life, and obviously, flows to the benefit of people, regardless of the party label that they wear when they come on this floor.

As with any debate, there is room for some middle ground. Indeed, there have been extensive negotiations over this issue, trying to reach a reasonable balance. A reasonable balance is not to give the authority to steal the property rights of our musicians. But, for example, there is a discussion that has gone on that exempts over 65 percent of all the drinking establishments in the United States and creates 12 regional sites for arbitration of disputes.

On this proposal, actually there was agreement reached with the National Licensed Beverage Association, but the National Restaurant Association will not have any of it. Why pay something when you can change the law and get it for nothing, seems to be their approach. So they have been unwilling to join those reasonable organizations that would respect private property rights and recognize they ought to

have to pay something for them, because they want it all their way.

What we are asking today is that we approve the base legislation, the very positive, bipartisan legislation that is being presented here today, but not attach to it something that has nothing to do with it, that is completely contrary to the purposes of this legislation, and will only serve to take away the rights, the creativity, of artists across this land.

I would urge the rejection of that amendment, and the whole concept of trying to reach some balance is not achieved by this Musical Theft Act, but by the very reasonable approach that follows the agreement with the National Licensed Beverage Association that our Republican colleague, the gentleman from Florida (Mr. MCCOLLUM) is going to offer, an approach that provides a change in the law for small businesses, but recognizes that there are many other small businesses out there involved in the music industry that need protection, too, and will draw a reasonable balance and not permit the theft of music creativity.

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

Mr. Chairman, let me put another oar in the water. I was not even going to get into this, but the die has been cast. The gentleman from Florida (Mr. SCARBOROUGH) addressed it very adeptly.

I resent the fact that this is being portrayed as big business versus little business. It is not true. I will compare my voting record supporting small business men and small business women with anybody on this floor. As far as being a friend to the restaurateurs and the restaurants across my district, ask any of them down there. I can assure the Members that they will say that I have spoken favorably for them.

They do a good job. Songwriters do a good job. Must we, in this era of conflict, have to be opposed to one? Can you not be for the songwriter and the restaurateur? It seems to me that you can be. Some people, I think, are incapable of that in this current climate and in this era. They must be opposed to one. They cannot embrace both, they have to reject one. I think that is poppycock. I think the gentleman who will come on next is going to have an amendment that will exemplify that spirit of compromise, and that spirit of embracing both parties to this affray.

Mr. Chairman, I yield 5 minutes to the gentleman from Florida (Mr. MCCOLLUM), a member of the full committee, who will have a subsequent amendment on this matter.

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

Mr. MCCOLLUM. Mr. Chairman, I thank the chairman for yielding time to me.

First of all, I would like to point out that we are here today primarily to pass copyright extension. While we are going to be having this huge debate over the songwriters' music licensing fees, and I am going to offer a substitute amendment that has been already widely discussed out here, we do not want to miss the point that hundreds and thousands, and more than that, hundreds of thousands, really, of various parties in this country, individuals, businesses, and so forth, who have copyright interests in books, in music, in TV videos, in movies, and all kinds of various productions that are copyrighting, whatever you can have a copyright for, anything that you write that you copyright on, are in great need of a copyright extension that is the underlying part of this bill; that is, to lengthen the life of how long your property right is protected, how long can you get royalties or money for the reproduction, the publishing of the book, if you will, if you want to put it back in the old-fashioned term of art; how long will you and your family be able to get royalties for that, and when will it become public property to which you have lost your personal property right.

We have been waiting around for quite a long time, 5 or 6 years, to get this bill to the floor of the House, simply because there has been this big dispute between the restaurants of this country and their primary association and the songwriters and their primary association over the so-called music licensing issue. We need to resolve that.

When I come out here in a little while, after the gentleman from Wisconsin (Mr. SENSENBRENNER) has offered his amendment, that is going to basically exempt all restaurants and businesses from having to pay a fee that has been paid for years and years to the associations for the songwriters' benefit, for every playing of a radio or TV rebroadcast of their music, when I come out here in a few minutes to offer my substitute, the debate is going to be about certain ways you go about giving some relief to some restaurants or some businesses further than they already have today.

There is already an exemption in the law, it has been there a long time, for any business of under 1,055 square feet. So if you have a really tiny business, you want to play the radio or have your television and music on, you do not have to pay a licensing fee.

The average fee out there on music licensing for restaurants they have to pay now is about $30 a month, which for the larger restaurants is not a very big deal. For some small restaurants it is a big deal. What we have worked out that the gentleman from North Carolina (Chairman COBLE) I believe is going to support and the gentleman from Illinois (Chairman HYDE) of the full Committee on the Judiciary, and the gentleman from Michigan (Mr. CONYERS), is an amendment to the amendment offered by the gentleman from Wisconsin (Mr. SENSENBRENNER).

That is basically the compromise. That we think is where we have gotten the product after 5 years of discussion, as close as we can get it when the two parties would not come to an agreement, to a technical agreement.

So it is truly a compromise amendment that I am offering. It would exempt 65 to 70 percent of all restaurants who are currently paying music licensing fees from ever having to pay it, my substitute would. That is a pretty big hunk of it. That is certainly all the smaller restaurants and quite a number of restaurants of much larger size.

It would exempt all restaurants, regardless of size, from having to pay these fees they have always paid to songwriters if they have as many as six speakers to broadcast the radio around in their shop, or fewer, or if they have four televisions or fewer. So a lot more are going to be picked up. It is hard to measure how many have that. You can limit the number of speakers you have in your restaurant and get exempted altogether from paying fees that you have currently been paying.

But more importantly, perhaps, than what it does in that regard, it provides some balance, because as the gentleman from Florida (Mr. SCARBOROUGH) has pointed out, songwriters are small business men, too. We are out here trying to protect small business men and give exemptions to the truly small restaurateurs of this country, but also protect the songwriters so they continue to be able to get their livelihood.

There are thousands of songwriters, most all of whom get their entire income and livelihood from the royalty fees they get from the copyrighted songs that they write, yet their average income is somewhere under $10,000 a year for a songwriter. That is pretty darned small. They are not the wealthy people of this Nation. The fees they get from the use of their songs in these restaurants, especially in the larger chains that are out there, is very important to them.

As I said, it is about $30 a month that the restaurants pay. It goes into a pool of money these associations have, and then those associations of songwriters spread the money around and pay a proportionate share to all the songwriters who are members. I think that is really important to protect. That is what my amendment would do, to allow them to continue to have some money from this source from the larger restaurants in this country. That is, again, the compromise, the balance, in here that is involved.

I also would like to point out that most songwriters never get a big hit. If they get a big hit, a few of them do make some money. I am sure there will be somebody out here sometime today pointing out some of those people who do. But for every songwriter that gets a big hit and makes a lot of money, there are literally a thousand others for every one of those who do not. That is what this legislation protects are those thousand others, thousands of others, who do not ever get the big hit.

Last but not least, there is a compromise in what I am going to offer out here in a little while dealing with the question of complaints we have had for some time about the fact that restaurants in particular, small businesses, have had to go a long way, to New York, to go appeal a fee dispute with these associations collecting the music licensing fees, because there is a rate commission set up to do it.

What the gentleman from Wisconsin (Mr. SENSENBRENNER) would provide would be that there would be arbitration in every locality around the country. That would provide uniformity. That would be expensive the other way around.

What we have tried to do in a compromise is say we will set up a provision for circuit riders from this rate commission to go around to the sitting seats of all 12 Federal judicial circuits to sit regularly to settle these disputes, so people do not have to travel as far.

I think what I am offering in a little while out here truly is the compromise substitute. Let us do it now so we can get on with the main, underlying thrust of this bill, and that is copyright extension. That is what we are here about today. It is long overdue. We cannot afford to have this dispute between the restaurants and the songwriters tie up this legislation any longer. The bill, underlying bill, is too important. I urge my colleagues to both vote for my substitute when the time comes and vote for the underlying bill.

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

Mr. Chairman, I rise in strong support of the underlying bill. I think it is important to understand that this bill is not simply a means to encourage American creativity and to protect the products of that creativity. Just as importantly, it is about the future of our national economy. I suggest that is not an exaggeration.

Most importantly, it is about our balance of trade, a balance of trade that for some time has registered a substantial deficit, a deficit that exploded last month as a result of the financial crisis in Asia, and according to most economists, a deficit that will continue to escalate because of that crisis.

Mr. Chairman, we cannot afford to not pass this bill if we hope to control this burgeoning trade deficit and protect our national economic well-being. Furthermore, it is essential that the Sensenbrenner amendment that we will be considering shortly be defeated and the McCollum-Conyers substitute pass. Otherwise our trading partners will claim that Congress has enacted an overly broad exemption to our copyright laws that violates our international treaty obligations. If we do not defeat the Sensenbrenner amendment, not only will this be unfair to songwriters, but it will further exacerbate our trade deficit.

America is the world's leading producer and exporter of copyrighted products. The entire world clamors for American software, American movies, American television programs, American videos, American literature, and American music. Just these core copyrighted industries produce a surplus of $50 billion annually in our trade with the rest of the world.

Just imagine what our trade deficit would be if that $50 billion annual surplus were at risk or declining. Imagine how many well-paying American jobs would be jeopardized in just these industries, which create new jobs for American workers at nearly three times the rate of the rest of the economy.

□ 1145

Well, if we want to avoid that disastrous scenario, we must pass this bill; because if we are to maintain American leadership and retain our comparative advantage in this aspect of international commerce, we must adapt to changing international standards of copyright protection, and this bill does just that.

The emerging world standard for the term of copyright protection in Europe and throughout most of the developed world is the life of the author plus 70 years. In 1995, the European Union adopted this standard, but only with respect to works that enjoy comparable protection in the country of origin. This means that until the United States extends its copyright term to 70 years from its current term of 50 years, U.S. works will not be entitled to protection for the full term accorded to works in the European markets. If this situation persists, it will put our creative industries at a serious competitive disadvantage and will substantially and adversely affect our overall trade posture. Rather, we should foster and nurture our creative industries for the sake of our economic future.

So, Mr. Chairman, I urge my colleagues to vote for American prosperity. Support the bill as amended by the McCollum-Conyers substitute.

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

Mr. COBLE. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. GALLEGLY), a member of the Committee on the Judiciary.

Mr. GALLEGLY. Mr. Chairman, I thank the gentleman from North Carolina (Mr. COBLE) for giving me the opportunity to speak today in support of this important piece of legislation.

In February of last year, I introduced a copyright term extension bill which is almost identical to the legislation we are considering here today. This legislation extends the term for copyrighted products by 20 years. This will allow the U.S. copyright term to keep pace with the term of European countries that are now our main competitors for copyrighted products such as motion pictures and music.

In 1995, the European Union required member Nations to extend the copyright term to life of the author plus 70 years. This is 20 years more than is currently granted to the U.S.-based copyrighted works. Moreover, under the rules of an international treaty, most of our economic competitors are not required to give U.S. works the same term of protection as they give their domestic works if the U.S. has a shorter copyright term.

The European Union has exercised this rule and now requires EU member States to limit protection of U.S. works to the shorter term granted in the United States. Let me emphasize this point: Under a current European Union directive, member nations are actually required to discriminate against American copyrighted works. The result, unless this bill becomes law, is to place our copyright industries at a competitive disadvantage with other nations, threatening the incomes of U.S. authors, artists, songwriters, and other copyright holders.

As many of my colleagues know, our copyright industry employs over 6 million Americans and is one of the fastest growing segments of our economy. Moreover, with estimated foreign sales of over $53 billion last year, the copyright industry is one of the few areas in the U.S. actually enjoying a healthy trade surplus.

Copyright term extension has enjoyed strong bipartisan backing and is supported by a wide-ranging coalition in the current Congress. Among many of the groups that support term extension legislation are the Songwriters Guild of America, National Academy of Songwriters, the Motion Picture Association of America, the Intellectual Property Law Section of the American Bar Association, the Recorded Industry Association of America, National Music Publishers Association, the Information Technology Association of America, and many, many others.

Mr. Chairman, I would like to congratulate the gentleman from North Carolina (Mr. COBLE), my friend and colleague, the chairman of the Subcommittee on Courts and Intellectual Property of the Committee on the Judiciary, for recognizing the importance of the copyright industry to the U.S. economy and the need to update our copyright law to the current legal and competitive climate faced by the U.S. from countries throughout the world.

Mr. Chairman, I urge my colleagues to support this commonsense yet very critical piece of legislation.

Mr. CONYERS. Mr. Chairman, I urge my colleagues to support this amendment which is a fair and balanced compromise to the current dispute surrounding music licensing. This dispute really revolves around big business seeking an exemption to paying public performance royalties for radio, television and other broadcast in their restaurants. Copyright owners have the exclusive right to authorize others to publicly perform their works. When a commercial establishment turns on the radio or television, that is a public performance of another's intellectual property.

Why should all commercial establishments be exempted from licensing fees? Representative SENSENBRENNER's amendment is far from a fair approach to music licensing. His amendment would create a carve out for all commercial establishment using music via any transmission, not just standard radio and TV broadcast. Adopting this provision would mean an outrageous give away of music by allowing big restaurants to stop paying a mere $1.58 a day! Meanwhile ninety percent of music writers make less than $10,000 a year! Most songwriters don't perform, so licensing fees are critical to their incomes. This amendment is a direct big business attack on the livelihood of songwriters.

My amendment, offered with Representative MCCOLLUM, represents provisions of an agreement which the parties came close to at the end of recent negotiations. The McCollum-Conyers substitute expands the current exemption from music licensing to cover all restaurants of less than 3,500 square feet, excluding parking lots, no matter what kind of radio or television devices are being used. It also exempts restaurants of 3,500 square feet or larger if they use only four television sets and six speakers, with no more than four speakers in one room and reasonable television screen sizes. This compromise offers a fair approach by providing a broad exemption to small businesses and protecting royalties of songwriters.

Many of you have heard the song, ''I Heard It Through the Grapevine'' which has been recorded by the Temptations, Gladys Knight and the Pips, Marvin Gaye and many others. But I bet you have never heard of Barrett Strong, the songwriter. Music licensing fees collected by performing rights organization (e.g. BMI, ASCAP and SESAC) is the only income Mr. Strong receives from his creative work. Don't let big businesses ''rip off' artists!

It is time to end this long dispute—but not by giving away artists' rights to just compensation for their creative works. I urge my colleagues to vote for the McCollum-Conyers substitute.

Mr. HOYER. Mr. Chairman, I rise in strong support of the legislation, in strong support of the McCollum amendment, and in opposition to the Sensenbrenner amendment.

The Sensenbrenner amendment is nothing short for a ''takings'' provision. I have heard a lot about taking. This is about taking, whether to or not to. It would force songwriters to provide their music for free to restaurants and others. These restaurants then, in turn, use this music to enhance their business.

How is this fair? For the thousands of songwriters, composers and music publishers, this amendment is a two-fold insult. First, it says to them, ''Your hard work and creative talent aren't worth protecting.'' Then it says, ''And by the way, it's not worth a dime either.''

My colleague, Stephen Foster died a pauper. Why did Stephen Foster die a pauper? Because the product he created was not popular, was not wanted, was not used? No. Because Stephen Foster put his product on the table, it was eaten—if you will—listened to, more appropriately, but not paid for. And so Stephen Foster, one of the great songwriters of America, and indeed the world, died a pauper because the world enjoyed his music but did not compensate him for his music.

The McCollum amendment tries in a reasonable way to get at what is a problem that is by some perceived as cataclysmic and by others perceived as procedural. It is a reasonable alternative. It is one that I will support. But if it does not pass, I will as strongly as I know how oppose this legislation, even though I believe its underlying 20-year extension of the copyright protecting one's property is appropriate.

Mr. Speaker, I have been and always will be opposed to any legislation that infringes upon the property rights of anyone. I cannot digest ''taking'' someone else's hard work from them for free. This amendment is an affront to the tens of thousands of individuals who spend a lifetime trying to sell their work in a competitive and sparsely rewarded field—especially after considering the cost benefit analysis.

It is estimated that the restaurant business is a $289.7 billion industry, while thousands of songwriters draw an income that is minuscule in comparison and subsist largely off of royalties. Music licensing fees account for less than one percent of expenses for a full service restaurant, and the average cost for a restaurant business that uses music is $1.58 a day—equivalent to one draft beer.

Mr. Chairman, let me make it plain: we are considering stripping individuals of their intellectual property rights over what boils down to a mug of beer.

Mr. Chairman, I would hope that my colleagues who in fact have some property that we put in the public sphere, not expecting remuneration, at least not in money, the remuneration we expect is votes when we put our property, our ideas, our thoughts, our opinions in the public wheel. But when a songwriter sits down to create art, that songwriter does so for their own personal enjoyment, but they also do so with the expectation that if someone wants to use their product, they will do in a capitalistic society what we expect, and that is to compensate them fairly for that.

The previous speaker spoke about the problem with small business. Government does not require a small business in America to turn on the radio in their place of business or to turn on the television in their place of business, not one. They do so because they think to some degree it enhances the ambiance of their establishment, and I agree with them. And if they thought curtains did or tablecloths did or pretty windows did, they would have to pay for all of those increases to the ambiance of their establishment. If the restaurant pays for the hamburger, it should also face the music and pay for the licensing.

I have a lot of restaurants in my district and in my State. I understand some of them are concerned, and I believe that the McCollum amendment tries to reach out to them and say yes, we understand there is a problem, let us try to solve it and let us try to solve it where there is a meeting of the minds. And in fact, I understand there was a meeting of the minds until one party thought perhaps they could win without agreement. I do not know that; I have heard that.

But let us, as we vote on the Sensenbrenner amendment, remember Stephen Foster, remember that Stephen Foster gave us so much, this Nation and this world, enriched our lives, enriched our culture, enriched our enjoyment, and let us not say to the Stephen Fosters of the world what they do is not worth us compensating them for it.

Let me share with you part of a concise perspective offered by former Chief Justice Oliver Wendell Holmes: ''If music did not pay, it would be given up. If it pays, it pays out of the public's pocket. Whether it pays or not, the purpose of employing it is profit, and that is enough.''

I would hope that we would defeat the Sensenbrenner amendment, pass the McCollum amendment and pass the bill.

Mr. HYDE. Mr. Chairman, I rise in support of the bill H.R. 2589, the ''Copyright Term Extension Act,'' reported by the Committee on the Judiciary by voice vote, without objection.

This is an important bill for our economy. It will mean 20 more years of foreign sales revenue coming back into the United States for our intellectual property products sold abroad. We are by far the world's largest producers of intellectual property and it is one of our most significant trade surpluses.

Copyright is a property right. It is meant to be handed down by its creator to his or her children and grandchildren. This amendment provides for a small extension in the term of copyright which will allow the heirs of our nation's creators to benefit from the work of their family members. Writing a song or a novel is no less significant than contributing to a family business to be passed on to those we choose.

The Berne Convention for Literary and Artistic Works, of which we are a Member, has a provision called the ''Rule of the Shorter Term.'' It states that a country need not give a foreign work any more protection than that work is given in its country of origin. The European Union countries recently adopted the term for copyright that we propose in this bill, life of the author plus 70 years. Under the Berne Convention, they need not give American copyrighted works the benefit of that term, but may limit protection in their countries of our works to our current term of life of the author plus 50 years. That, of course, means that their works are protected in their countries for 20 years longer than our works are protected in their countries. While that may be good for their products, it is not good for ours.

I am proud of the fact that American creators and owners of creations have made the U.S. the dominant producer in the world of copyrighted material. It reflects the ingenuity of our people and indicates that through freedom and democracy, people will use their powers of creativity for their own benefit and, consequently, for society's benefit. This bill will maintain our dominance and continue to allow for the exploitation of that creativity which brings it to consumers for their enjoyment.

I want to say a special word about the creative community that is the bedrock of our great film and television business. I refer to the screenwriters, the directors and the performers. Through their respective guilds, they have consistently supported the extension of the copyright term, and have asked that they be specifically made beneficiaries of the extension. In particular, they requested remuneration during the new term for those who currently receive no residuals and no royalties for films made before 1960. These films include such masterpieces as Casablanca, The Best Years of Our Lives, and Sunset Boulevard.

This bill does not give them that because the Committee believes that private negotiation between private parties is always the best place to start when determining remuneration. I am certainly a believer in the marketplace. But this bill does contain a very strong and

very serious admonition, a ''Sense of the Congress,'' that urges film studios and the guilds to voluntarily negotiate what remuneration screenwriters, directors and performers of pre-1960 films shall receive for the new term. Congress will be watching the negotiations. I expect that both sides in good faith will negotiate a fair outcome, and it will certainly not be taken lightly if the ''Sense of the Congress'' is not turned into a contractual reality.

Mr. Speaker, this is a good and balanced bill which will ensure our global competitiveness while urging fair compensation for the creators who, with the investors and owners, make great copyrighted works our national treasures.

I urge my colleagues to support this fine legislation.

Mr. CONYERS. Mr. Chairman, I rise in strong support of H.R. 2589, the ''Copyright Term Extension Act''. This bill will allow the United States to keep pace with the copyright terms of European countries that are our main competitors for copyright products such as motion pictures and music.

In 1995, the European Union harmonized the copyright term in its member countries at a minimum of life plus 70 years—20 years longer than the term in the United States. By directive, EU countries will not provide copyright protection for U.S. intellectual property in Europe beyond what our own law provides. This approach is known as the ''rule of the shorter term.'' As a result, absent congressional action, U.S. copyright owners will not receive income from uses of their works during the 20 additional years of protection available in European countries and will therefore be at a relative disadvantage to their European competitors.

Changes in technology that have increased the commercial value of works created many years ago. In music, for instance, copyright owners are now digitizing musical works and reissuing them to a receptive market. A short copyright term is harmful to works of art and music whose value may not be recognized until many years since they were initially created.

The world loves American-made music, movies, computer software and books. Creators of these works should not be placed at a competitive disadvantage in overseas markets. American intellectual property is the most sought after abroad and is one of the few bright spots in our balance of trade. By acting on copyright extension, Congress will be furthering American innovation and protecting American jobs.

H.R. 2589 also includes a carefully crafted, balanced library exemption that ensures that the legitimate needs of the libraries are met. In addition the ''fair use doctrine'' is unaffected by the bill. Therefore, users continue to enjoy the full benefits of ''fair use'' under Section 107 of the Copyright Act.

I urge all Members to support extending the copyright term which will protect American creators and keep U.S. copyright laws in proper balance domestically and abroad.

Mr. COBLE. Mr. Chairman, I have no further speakers, and I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the committee amendment in the nature of a substitute printed in the bill is considered as an original bill for the purpose of amendment and is considered read.

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

H.R. 2589

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 ''Copyright Term Extension Act''.

SEC. 2. DURATION OF COPYRIGHT PROVISIONS.

(a) PREEMPTION WITH RESPECT TO OTHER LAWS.—Section 301(c) of title 17, United States Code, is amended by striking ''February 15, 2047'' each place it appears and inserting ''February 15, 2067''.

(b) DURATION OF COPYRIGHT: WORKS CREATED ON OR AFTER JANUARY 1, 1978.—Section 302 of title 17, United States Code, is amended—

(1) in subsection (a) by striking ''fifty'' and inserting ''70'';

(2) in subsection (b) by striking ''fifty'' and inserting ''70'';

(3) in subsection (c) in the first sentence—

(A) by striking ''seventy-five'' and inserting ''95''; and

(B) by striking ''one hundred'' and inserting ''120''; and

(4) in subsection (e) in the first sentence—

(A) by striking ''seventy-five'' and inserting ''95'';

(B) by striking ''one hundred'' and inserting ''120''; and

(C) by striking ''fifty'' each place it appears and inserting ''70''.

(c) DURATION OF COPYRIGHT: WORKS CREATED BUT NOT PUBLISHED OR COPYRIGHTED BEFORE JANUARY 1, 1978.—Section 303 of title 17, United States Code, is amended in the second sentence by striking ''December 31, 2027'' and inserting ''December 31, 2047''.

(d) DURATION OF COPYRIGHT: SUBSISTING COPYRIGHTS.—

(1) IN GENERAL.—Section 304 of title 17, United States Code, is amended—

(A) in subsection (a)—

(i) in paragraph (1)—

(I) in subparagraph (B) by striking ''47'' and inserting ''67''; and

(II) in subparagraph (C) by striking ''47'' and inserting ''67'';

(ii) in paragraph (2)—

(I) in subparagraph (A) by striking ''47'' and inserting ''67''; and

(II) in subparagraph (B) by striking ''47'' and inserting ''67''; and

(iii) in paragraph (3)—

(I) in subparagraph (A)(i) by striking ''47'' and inserting ''67''; and

(II) in subparagraph (B) by striking ''47'' and inserting ''67'';

(B) by amending subsection (b) to read as follows:

''(b) COPYRIGHTS IN THEIR RENEWAL TERM AT THE TIME OF THE EFFECTIVE DATE OF THE COPYRIGHT TERM EXTENSION ACT OF 1997.—Any copyright still in its renewal term at the time that the Copyright Term Extension Act of 1997 becomes effective shall have a copyright term of 95 years from the date copyright was originally secured.'';

(C) in subsection (c)(4)(A) in the first sentence by inserting ''or, in the case of a termination under subsection (d), within the five-year period specified by subsection (d)(2),'' after ''specified by clause (3) of this subsection,''; and

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

''(d) TERMINATION RIGHTS PROVIDED IN SUBSECTION (c) WHICH HAVE EXPIRED ON OR BEFORE THE EFFECTIVE DATE OF THE COPYRIGHT TERM EXTENSION ACT OF 1997.—In the case of any copyright other than a work made for hire, subsisting in its renewal term on the effective date of the Copyright Term Extension Act of 1997 for which the termination right provided in subsection (c) has expired by such date, where the author or owner of the termination right has not previously exercised such termination right, the exclusive or nonexclusive grant of a transfer or license of the renewal copyright or any right under it, executed before January 1, 1978, by any of the persons designated in subsection (a)(1)(C) of this section, other than by will, is subject to termination under the following conditions:

''(1) The conditions specified in subsection (c)(1), (2), (4), (5), and (6) of this section apply to terminations of the last 20 years of copyright term as provided by the amendments made by the Copyright Term Extension Act of 1997.

''(2) Termination of the grant may be effected at any time during a period of 5 years beginning at the end of 75 years from the date copyright was originally secured.''.

(2) COPYRIGHT RENEWAL ACT OF 1992.—Section 102 of the Copyright Renewal Act of 1992 (Public Law 102–307; 106 Stat. 266; 17 U.S.C. 304 note) is amended—

(A) in subsection (c)—

(i) by striking ''47'' and inserting ''67'';

(ii) by striking ''(as amended by subsection (a) of this section)''; and

(iii) by striking ''effective date of this section'' each place it appears and inserting ''effective date of the Copyright Term Extension Act of 1997''; and

(B) in subsection (g)(2) in the second sentence by inserting before the period the following: '', except each reference to forty-seven years in such provisions shall be deemed to be 67 years''.

SEC. 3. TERMINATION OF TRANSFERS AND LICENSES COVERING EXTENDED RENEWAL TERM.

Sections 203(a)(2) and 304(c)(2) of title 17, United States Code, are each amended—

(1) by striking ''by his widow or her widower and his or her children or grandchildren''; and

(2) by inserting after subparagraph (C) the following:

''(D) In the event that the author's widow, widower, children, and grandchildren are not living, the author's executors shall own the author's entire termination interest, or, in the absence of a will of the author, the author's next of kin shall own the author's entire termination interest, on a per stirpes basis according to the number of such author's next of kin represented. The share of the children of a dead next of kin at the same level of relationship to the author eligible to take a share of a termination interest can be exercised only by the action of a majority of them.''.

SEC. 4. REPRODUCTION BY LIBRARIES AND ARCHIVES.

Section 108 of title 17, United States Code, is amended—

(1) by redesignating subsection (h) as subsection (i); and

(2) by inserting after subsection (g) the following:

''(h)(1) For purposes of this section, during the last 20 years of any term of copyright of a published work, a library or archives, including a nonprofit educational institution that functions as such, may reproduce, distribute, display, or perform in facsimile or digital form a copy or phonorecord of such work, or portions thereof, for purposes of preservation, scholarship, or research, if such library or archives has first determined, on the basis of a reasonable investigation, that none of the conditions set forth in subparagraphs (A), (B), and (C) of paragraph (2) apply.

''(2) No reproduction, distribution, display, or performance is authorized under this subsection if—

''(A) the work is subject to normal commercial exploitation;

''(B) a copy or phonorecord of the work can be obtained at a reasonable price; or

''(C) the copyright owner or its agent provides notice pursuant to regulations promulgated by

the Register of Copyrights that either of the conditions set forth in subparagraphs (A) and (B) applies.

''(3) The exemption provided in this subsection does not apply to any subsequent uses by users other than such library or archives.''.

SEC. 5. VOLUNTARY NEGOTIATION REGARDING DIVISION OF ROYALTIES.

It is the sense of the Congress that copyright owners of audiovisual works for which the term of copyright protection is extended by the amendments made by this Act, and the screenwriters, directors, and performers of those audiovisual works, should negotiate in good faith in an effort to reach a voluntary agreement or voluntary agreements with respect to the establishment of a fund or other mechanism for the amount of remuneration to be divided among the parties for the exploitation of those audiovisual works.

SEC. 6. EFFECTIVE DATE.

This Act and the amendments made by this Act shall take effect on the date of the enactment of this Act.

The CHAIRMAN. No amendment to the bill is in order unless printed in the portion of the CONGRESSIONAL RECORD designated for that purpose.

The Chairman of the Committee of the Whole may postpone a request for a recorded vote on any amendment and may reduce to a minimum of 5 minutes the time for voting on any postponed question that immediately follows another vote, provided that the time for voting on the first question shall be a minimum of 15 minutes.

Are there any amendments?

AMENDMENT NO. 2 OFFERED BY MR. COBLE

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

The Clerk read as follows:

Amendment No. 2 offered by Mr. COBLE:

Page 4, line 9, strike ''of 1997''.

Page 4, line 24, strike ''of 1997''.

Page 5, line 12, strike ''of 1997''.

Page 6, line 4, strike ''of 1997''.

Page 6, strike line 17 and all that follows through page 7, line 4 and insert the following:

''(D) In the event that the author's widow or widower, children, and grandchildren are not living, the author's executor, administrator, personal representative, or trustee shall own the author's entire termination interest.''.

Insert the following after section 5 and redesignate the succeeding section accordingly:

SEC. 6. ASSUMPTION OF CONTRACTUAL OBLIGATIONS RELATED TO TRANSFERS OF RIGHTS IN MOTION PICTURES.

(a) IN GENERAL.—Part VI of title 28, United States Code, is amended by adding at the end the following new chapter:

''CHAPTER 180—ASSUMPTION OF CERTAIN CONTRACTUAL OBLIGATIONS

''Sec.

''4001. Assumption of contractual obligations related to transfers of rights in motion pictures.

''§ 4001. Assumption of contractual obligations related to transfers of rights in motion pictures

''(a) ASSUMPTION OF OBLIGATIONS.—In the case of a transfer of copyright ownership in a motion picture (as defined in section 101 of title 17) that is produced subject to 1 or more collective bargaining agreements negotiated under the laws of the United States, if the transfer is executed on or after the effective date of this Act and is not limited to public performance rights, the transfer instrument shall be deemed to incorporate the assumption agreements applicable to the copyright ownership being transferred that are required by the applicable collective bargaining agreement, and the transferee shall be subject to the obligations under each such assumption agreement to make residual payments and provide related notices, accruing after the effective date of the transfer and applicable to the exploitation of the rights transferred, and any remedies under each such assumption agreement for breach of those obligations, as those obligations and remedies are set forth in the applicable collective bargaining agreement, if—

''(1) the transferee knows or has reason to know at the time of the transfer that such collective bargaining agreement was or will be applicable to the motion picture; or

''(2) in the event of a court order confirming an arbitration award against the transferor under the collective bargaining agreement, the transferor does not have the financial ability to satisfy the award within 90 days after the order is issued.

''(b) FAILURE TO NOTIFY.—If the transferor under subsection (a) fails to notify the transferee under subsection (a) of applicable collective bargaining obligations before the execution of the transfer instrument, and subsection (a) is made applicable to the transferee solely by virtue of subsection (a)(2), the transferor shall be liable to the transferee for any damages suffered by the transferee as a result of the failure to notify.

''(c) DETERMINATION OF DISPUTES AND CLAIMS.—Any dispute concerning the application of subsection (a) and any claim made under subsection (b) shall be determined by an action in United States district court, and the court in its discretion may allow the recovery of full costs by or against any party and may also award a reasonable attorney's fee to the prevailing party as part of the costs.''.

(b) CONFORMING AMENDMENT.—The table of chapters for part VI of title 28, United States Code, is amended by adding at the end the following:

''180. Assumption of Certain Contractual Obligations ..... 4001''.

Mr. COBLE (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

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

There was no objection.

Mr. COBLE. Mr. Chairman, this amendment will make technical changes to further clarify who owns the termination interest in a copyrighted work when an author passes away, and provide for the proper transfer of contractual obligations when a copyright is transferred.

Regarding the transfer of contractual obligations provision, I would like to clarify the meaning of a certain term. The ''reason to know'' language is intended to be interpreted in light of common sense and industry practice. Because many motion pictures made in the United States are produced subject to one or more collective bargaining agreements, the distributor would ordinarily perform some check on whether the motion picture is subject to such an agreement. The provision would not, however, require a burdensome or exhaustive examination. Publicly available information that indicates a work's status, such as records of a guild's security interest in the motion picture filed with the copyright office, would ordinarily provide ''reason to know'' within the meaning of the act.

Mr. Chairman, this amendment is noncontroversial and as best I can determine is not opposed, and I urge my colleagues to support it.

Mr. FRANK of Massachusetts. Mr. Chairman, I move to strike the last word.

Mr. Chairman, the gentleman from North Carolina (Mr. COBLE) is right. It is not controversial and there is no opposition.

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina (Mr. COBLE).

The amendment was agreed to.

AMENDMENT NO. 1 OFFERED BY MR. SENSENBRENNER

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

The Clerk read as follows:

Amendment No. 1 offered by Mr. SENSENBRENNER:

Page 1, insert before section 1 the following:

TITLE I—COPYRIGHT TERM EXTENSION

Strike section 1 and insert the following:

SEC. 101. SHORT TITLE.

This title may be referred to as the ''Copyright Term Extension Act''.

Redesignate sections 2 through 5 as sections 102 through 105, respectively.

In section 105, as so redesignated, strike ''this Act'' and insert ''this title''.

Strike section 6 and insert the following:

SEC. 106. EFFECTIVE DATE.

This title and the amendments made by this title shall take effect on the date of the enactment of this Act.

Add at the end the following:

TITLE II—MUSIC LICENSING

SEC. 201. SHORT TITLE.

This title may be cited as the ''Fairness in Musical Licensing Act of 1998''.

SEC. 202. EXEMPTION OF CERTAIN MUSIC USES FROM COPYRIGHT PROTECTION.

(a) BUSINESS EXEMPTION.—Section 110(5) of title 17, United States Code, is amended to read as follows:

''(5) communication by electronic device of a transmission embodying a performance or display of a nondramatic musical work by the public reception of a broadcast, cable, satellite, or other transmission, if—

''(A)(i) the rooms or areas within the establishment where the transmission is intended to be received by the general public contains less than 3,500 square feet, excluding any space used for customer parking; or

''(ii) the rooms or areas within the establishment where the transmission is intended to be received by the general public contains 3,500 square feet or more, excluding any space used for customer parking, if—

''(I) in the case of performance by audio means only, the performance is transmitted by means of a total of not more than 6 speakers (excluding any speakers in the device receiving the communication), of which not more than 4 speakers are located in any 1 room or area; or

''(II) in the case of a performance or display by visual or audiovisual means, any visual portion of the performance or display is communicated by means of not more than 2 audio visual devices, if no such audio visual device has a diagonal screen size greater

than 55 inches, and any audio portion of the performance or display is transmitted by means of a total of not more than 6 speakers (excluding any speakers in the device receiving the communication), of which not more than 4 speakers are located in any 1 room or area;

''(B) no direct charge is made to see or hear the transmission;

''(C) the transmission is not further transmitted to the public beyond the establishment where it is received; and

''(D) the transmission is licensed.''.

(b) EXEMPTION RELATING TO PROMOTION.—Section 110(7) of title 17, United States Code, is amended—

(1) by striking ''a vending'' and inserting ''an'';

(2) by striking ''sole'';

(3) by inserting ''or of the audio, video, or other devices utilized in the performance,'' after ''phonorecords of the work,''; and

(4) by striking ''and is within the immediate area where the sale is occurring''.

SEC. 203. BINDING ARBITRATION OF RATE DISPUTES INVOLVING PERFORMING RIGHTS SOCIETIES.

(a) IN GENERAL.—Section 504 of title 17, United States Code, is amended by adding at the end the following new subsection:

''(d) PERFORMING RIGHTS SOCIETIES; BINDING ARBITRATION.—

''(1) ARBITRATION OF DISPUTES PRIOR TO COURT ACTION.—

''(A) ARBITRATION.—(i) If a general music user and a performing rights society are unable to agree on the appropriate rate or fee to be paid for the user's past or future performance of musical works in the repertoire of the performing rights society, the general music user shall, in lieu of any other dispute-resolution mechanism established by any judgment or decree governing the operation of the performing rights society, be entitled to binding arbitration of such disagreement pursuant to the rules of the American Arbitration Association. The music user may initiate such arbitration.

''(ii) The arbitrator in such binding arbitration shall determine a fair and reasonable rate or fee for the general music user's past and future performance of musical works in such society's repertoire and shall determine whether the user's past performances of such musical works, if any, infringed the copyrights of works in the society's repertoire. If the arbitrator determines that the general music user's past performances of such musical works infringed the copyrights of works in the society's repertoire, the arbitrator shall impose a penalty for such infringement. Such penalty shall not exceed the arbitrator's determination of the fair and reasonable license fee for the performances at issue.

''(B) DEFINITIONS.—(i) For purposes of this paragraph, a 'general music user' is any person who performs musical works publicly but is not engaged in the transmission of musical works to the general public or to subscribers through broadcast, cable, satellite, or other transmission.

''(ii) For purposes of this paragraph, transmissions within a single commercial establishment or within establishments under common ownership or control are not transmissions to the general public.

''(iii) For purposes of clause (ii), an 'establishment' is a retail business, restaurant, bar, inn, tavern, or any other place of business in which the public may assemble.

''(C) ENFORCEMENT OF ARBITRATOR'S DETERMINATIONS.—An arbitrator's determination under this paragraph is binding on the parties and may be enforced pursuant to sections 9 through 13 of title 9.

''(2) COURT-ANNEXED ARBITRATION.—(A) In any civil action brought against a general music user, as defined in paragraph (1) for infringement of the right granted in section 106(4) involving a musical work that is in the repertoire of a performing rights society, if the general music user admits the prior public performance of one or more works in the repertoire of the performing rights society but contests the rate or the amount of the license fee demanded by such society for such performance, the dispute shall, if requested by the general music user, be submitted to arbitration under section 652(e) of title 28. In such arbitration proceeding, the arbitrator shall determine the appropriate rate and amount owed by the music user to the performing rights society for all past public performances of musical works in the society's repertoire. The amount of the license fee shall not exceed two times the amount of the blanket license fee that would be applied by the society to the music user for the year or years in which the performances occurred. In addition, the arbitrator shall, if requested by the music user, determine a fair and reasonable rate or license fee for the music user's future public performances of the musical works in such society's repertoire.

''(B) As used in this paragraph, the term 'blanket license' means a license provided by a performing rights society that authorizes the unlimited performance of musical works in the society's repertoire, for a fee that does not vary with the quantity or type of performances of musical works in the society's repertoire.

''(3) TERM OF LICENSE FEE DETERMINATION.—In any arbitration proceeding initiated under this subsection, the arbitrator's determination of a fair and reasonable rate or license fee for the performance of the music in the repertoire of the performing rights society concerned shall apply for a period of not less than 3 years nor more than 5 years after the date of the arbitrator's determination.''.

(b) ACTIONS THAT SHALL BE REFERRED TO ARBITRATION.—Section 652 of title 28, United States Code, is amended by adding at the end the following:

''(e) ACTIONS THAT SHALL BE REFERRED TO ARBITRATION.—In any civil action against a general music user for infringement of the right granted in section 106(4) of title 17 involving a musical work that is in the repertoire of a performing rights society, if the general music user admits the public performance of any musical work in the repertoire of the performing rights society but contests the rate or the amount of the license fee demanded by the society for such performance, the district court shall, if requested by the general music user, refer the dispute to arbitration, which shall be conducted in accordance with section 504(d)(2) of title 17. Each district court shall establish procedures by local rule authorizing the use of arbitration under this subsection. The definitions set forth in title 17 apply to the terms used in this subsection.''.

SEC. 204. VICARIOUS LIABILITY PROHIBITED.

Section 501 of title 17, United States Code, is amended by adding at the end the following:

''(f) A landlord, an organizer or sponsor of a convention, exposition, or meeting, a facility owner, or any other person making space available to another party by contract, shall not be liable under any theory of vicarious or contributory infringement with respect to an infringing public performance of a copyrighted work by a tenant, lessee, subtenant, sublessee, licensee, exhibitor, or other user of such space on the ground that—

''(1) a contract for such space provides the landlord, organizer or sponsor, facility owner, or other person a right or ability to control such space and compensation for the use of such space; or

''(2) the landlord, organizer or sponsor, facility owner, or other person has or had at the time of the infringing performance actual control over some aspects of the use of such space, if the contract for the use of such space prohibits infringing public performances and the landlord, organizer or sponsor, facility owner, or other person does not exercise control over the selection of works performed.''.

SEC. 205. CONFORMING AMENDMENTS.

Section 101 of title 17, United States Code, is amended by inserting after the undesignated paragraph relating to the definition of ''perform'' the following:

''A 'performing rights society' is an association, corporation, or other entity that licenses the public performance of nondramatic musical works on behalf of copyright owners of such works, such as the American Society of Composers, Authors, and Publishers, Broadcast Music, Inc., and SESAC, Inc. The 'repertoire' of a performing rights society consists of those works for which the society provides licenses on behalf of the owners of copyright in the works.''.

SEC. 206. CONSTRUCTION OF TITLE.

Except as provided in section 504(d)(1) of title 17, United States Code, as added by section 203(a) of this Act, nothing in this title shall be construed to relieve any performing rights society (as defined in section 101 of title 17, United States Code) of any obligation under any consent decree, State statute, or other court order governing its operation, as such statute, decree, or order is in effect on the date of the enactment of this Act, as it may be amended after such date, or as it may be enacted, issued, or agreed to after such date.

SEC. 207. EFFECTIVE DATE.

This title and the amendments made by this title shall take effect on the date of the enactment of this Act, and shall apply to actions filed on or after such date.

Mr. SENSENBRENNER (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

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

There was no objection.

Mr. SENSENBRENNER. Mr. Chairman, the amendment that I offer today is the culmination of nearly 4 years of effort to provide relief for the small business community from the unfair music licensing system administered by the performance rights monopolies.

My involvement in this issue stems from the tactics of an ASCAP operative who circumnavigated a lake in my district, hitting up every bar or restaurant with the standard take-or-leave-it proposition. Needless to say, I received a number of calls from perplexed and outraged owners. The tactics of ASCAP's representative prompted me to make a more thorough investigation of how these performance rights organizations function and who, if anybody, controls their behavior.

What I learned was an eye opener. ASCAP and BMI, the two largest music licensing societies, are virtual monopolies operating under consent decrees administered by the Justice Department. Unfortunately, the Justice Department's priorities have been elsewhere, allowing the two monopolies to

operate with impunity. The conduct of these monopolies has prompted 22 States to adopt code of conduct laws. Given the licensing society's' record of heavy-handed action, a Justice Department that has looked the other way, and a Federal law that is either ambiguous or clearly skewed, now is the time for Congress to act.

My amendment incorporates three of the core principles embodied in my original bill, H.R. 789, the Fairness in Music Licensing Act. First it eliminates the most unfair aspect of the current system. Under the consent decrees, any business in the United States that wishes to dispute a licensing fee with ASCAP or BMI is forced to travel to New York City, hire a New York attorney, and fight it out in the Federal District Court for the Southern District of New York, the so-called rate court.

My amendment establishes local arbitration of these rate disputes so no one is coerced into accepting a license rate simply because it would be foolish to spend thousands of dollars to travel to New York to challenge the licensing monopolies and their litigation war chest.

Let me point out that the current law requires that these disputes be resolved in court. My amendment takes it out of court, eliminates the necessity of hiring an attorney, and has local arbitration decide the issue.

Second, the amendment updates the existing home-style exemption. Under the amendment, businesses whose public space is 3,500 square feet or less would be exempt from paying royalties for playing the radio or TV unless they charge admission. Those over 3,500 square feet would be exempt if they had two TVs or less and no more than six speakers.

It is important to note that the exemption provided in my amendment does not, and I repeat, does not apply to live or recorded music where the proprietor controls the content. Only TV and radio broadcasts for which the broadcaster has already paid the royalty are exempt.

Let me give an example of how far down the food chain the licensing societies go in pursuit of royalties. A marching band plays a song during the half time of a football game. First the stadium pays the licensing society to use the song played by the band. Then the national TV network pays to broadcast the song. Next the local TV station pays to broadcast the song. Then the local cable system pays for the song again. And finally, the bar in Pewaukee Lake, Wisconsin pays for airing the song on TV. That is right. The music licensing societies are paid five times, five times for the right, the one playing of one song. That is a scam and that is what my amendment reforms.

The provision also exempts retailers of stereos and television sets who under existing laws must pay licensing fees simply to demonstrate that their product works so that a customer may buy it. You go into your local appliance store to buy a TV. The proprietor turns the TV on so that you can see the quality of the picture. And because the proprietor did that to sell the TV, they have to pay ASCAP under this current law. My amendment eliminates that.

And finally, the amendment protects landlords and convention owners from vicarious liability for music licensing fees for music played by a tenant or an exhibitor.

The CHAIRMAN. The time of the gentleman from Wisconsin (Mr. SENSENBRENNER) has expired.

(By unanimous consent, Mr. SENSENBRENNER was allowed to proceed for 2 additional minutes.)

Mr. SENSENBRENNER. Mr. Chairman, many of our communities do operate convention centers and they lease out space. If somebody turns on a TV set because they are selling a product or asking to go on vacation someplace, then the city or the owner of the convention center gets hit up for a licensing fee because they could not turn the hand of the tenant on the dial to turn the TV set off.

Mr. Chairman, while considering the underlying bill, we have suggested that Congress is the appropriate place for the expansion of the scope of copyright expansion of business' obligations to pay additional fees. Meanwhile, the licensing societies and their defenders in the Congress claim that this body has no role in the music licensing debate where the central issue is a proposal to perhaps modestly diminish their ability to extract fees. But the Constitution itself suggests the need for balanced intellectual property rights. That is precisely what my amendment accomplishes.

Mr. Chairman, I urge my colleagues not to stand aside and permit this Congress to do the bidding of the copyright holders who seek a one-way street to expand their rights while denying balance and fairness to the small business users of intellectual property. My amendment is supported by virtually every small business organization in the country, including the NFIB, the National Restaurant Association, the National Retail Federation, home builders, florists, and the list goes on.

In the name of balance and in the name of America's small business, I ask my colleagues for an ''aye'' vote on the Sensenbrenner amendment.

□ 1200

AMENDMENT NO. 3 OFFERED BY MR. MCCOLLUM TO AMENDMENT NO. 1 OFFERED BY MR. SENSENBRENNER

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

The Clerk read as follows:

Amendment No. 3 offered by Mr. MCCOLLUM to Amendment No. 1 offered by Mr. SENSENBRENNER:

In lieu of the matter proposed to be inserted as title II, insert the following:

TITLE II—MUSIC LICENSING EXEMPTION FOR FOOD SERVICE OR DRINKING ESTABLISHMENTS

SEC. 201. SHORT TITLE.

This title may be cited as the ''Fairness In Music Licensing Act of 1998.''

SEC. 202. EXEMPTION.

Section 110(5) of title 17, United States Code is amended—

(1) by striking ''(5)'' and inserting ''(5)(A) except as provided in subparagraph (B),'';

(2) by adding at the end the following:

''(B) communication by a food service or drinking establishment of a transmission or retransmission embodying a performance or display of a nondramatic musical work intended to be received by the general public, originated by a radio or television broadcast station licensed by the Federal Communications Commission, or, if an audiovisual transmission, by a cable system or satellite carrier, if—

''(i) either the establishment in which the communication occurs has less than 3500 gross square feet of space (excluding space used for customer parking), or the establishment in which the communication occurs has 3500 gross square feet of space or more (excluding space used for customer parking) and—

''(I) if the performance is by audio means only, the performance is communicated by means of a total of not more than 6 loudspeakers, of which not more than 4 loudspeakers are located in any 1 room or adjoining outdoor space; or

''(II) if the performance or display is by audiovisual means, any visual portion of the performance or display is communicated by means of a total of not more than 4 audiovisual devices, of which not more than one audiovisual device is located in any 1 room, and no such audiovisual device has a diagonal screen size greater than 55 inches, and any audio portion of the performance or display is communicated by means of a total of not more than 6 loudspeakers, of which not more than 4 loudspeakers are located in any 1 room or adjoining outdoor space;

''(ii) no direct charge is made to see or hear the transmission or retransmission;

''(iii) the transmission or retransmission is not further transmitted beyond the food service or drinking establishment where it is received; and

''(iv) the transmission or retransmission is licensed by the copyright owner of the work so publicly performed or displayed;''; and

(3) by adding after paragraph (10) the following:

''The exemptions provided under paragraph (5) shall not be taken into account in any administrative, judicial, or other governmental proceeding to set or adjust the royalties payable to copyright owners for the public performance or display of their works. Royalties payable to copyright owners for any public performance or display of their works other than such performances or displays as are exempted under paragraph (5) shall not be diminished in any respect as a result of such exemption''.

SEC. 203. LICENSING BY PERFORMING RIGHTS SOCIETIES.

(a) IN GENERAL.—Chapter 5 of title 17, United States Code, is amended by adding at the end the following:

''§ 512. determinations of reasonable license fee for individual proprietors

''In the case of any performing rights society subject to a consent decree which provides for the determination of reasonable license fees to be charged by the performing rights society, notwithstanding the provisions of that consent decree, an individual proprietor who owns or operates fewer than 3

food service or drinking establishments in which nondramatic musical works are performed publicly and who claims that any license agreement offered by that performing rights society to the industry of which the individual proprietor is a member is unreasonable in its license fee as to that individual proprietor, shall be entitled to determination of a reasonable license fee as follows:

''(1) The individual proprietor may commence such proceeding for determination of a reasonable license fee by filing an application in the applicable district court under paragraph (2) that a rate disagreement exists and by serving a copy of the application on the performing rights society Such proceeding shall commence in the applicable district court within 90 days after the service of such copy, except that such 90-day requirement shall be subject to the administrative requirements of the court.

''(2) The proceeding under paragraph (1) shall be held, at the individual proprietor's election, in the judicial district of the district court with jurisdiction over the applicable consent decree or in that place of holding court of a district court that is the seat of the Federal circuit (other than the Court of Appeals for the Federal Circuit) in which the proprietor's establishment is located.

''(3) Such proceeding shall be held before the judge of the court with jurisdiction over the consent decree governing the performing rights society. At the discretion of the court, the proceeding shall be held before a special master or magistrate judge appointed by such judge. Should that consent decree provide for the appointment of an advisor or advisors to the court for any purpose, any such advisor shall be the special master so named by the court.

''(4) In any such proceeding, the industry rate, or, in the absence of an industry rate, the most recent license fee agreed to by the parties or determined by the court, shall be presumed to have been reasonable at the time it was agreed to or determined by the court. The burden of proof shall be on the individual proprietor to establish the reasonableness of any other fee it requests.

''(5) Pending the completion of such proceeding, the individual proprietor shall have the right to perform publicly the copyrighted musical compositions in the repertoire of the performing rights society, and shall pay an interim license fee, subject to retroactive adjustment when a final fee has been determined, in an amount equal to the industry rate, or, in the absence of an industry rate, the amount of the most recent license fee agreed to by the parties. Failure to pay such interim license fee shall result in immediate dismissal of the proceeding, and the individual proprietor shall then be deemed to have had no right to perform the copyrighted musical compositions in the repertoire of the performing rights society under this section from the date it submitted its notice commencing the proceeding.

''(6) Any decision rendered in such proceeding by a special master or magistrate judge named under paragraph (3) shall be reviewed by the presiding judge. Such proceeding, including such review, shall be concluded within 6 months after its commencement.

''(7) Any such final determination shall be binding only as to the individual proprietor commencing the proceeding, and shall not be applicable to any other proprietor or any other performing rights society, and the performing rights society shall be relieved of any obligation of nondiscrimination among similarly situated music users that may be imposed by the consent decree governing its operations.

''(8) For purposes of this section, the term 'industry rate' means the license fee a performing rights society has agreed to with, or which has been determined by the court for, a significant segment of the music user industry to which the individual proprietor belongs.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 5 of title 17, United States Code, is amended by adding after the item relating to section 511 the following:

''512. Determinations of reasonable license fee for individual proprietors.''.

SEC. 204. DEFINITIONS.

Section 101 of title 17, United States Code, is amended—

(1) by inserting after the definition of ''display'' the following:

''A 'food service or drinking establishment' is a restaurant, inn, bar, tavern, or any other similar place of business in which the public or patrons assemble for the primary purpose of being served food or drink, in which the majority of the gross square feet of space is used for that purpose, and in which nondramatic musical works are performed publicly.'';

(2) by inserting after the definition of ''fixed'' the following:

''The 'gross square feet of space' of a food service or drinking establishment means the entire interior space of that establishment and any adjoining outdoor space used to serve patrons, whether on a seasonal basis or otherwise.'';

(3) by inserting after the definition of ''perform'' the following:

''A 'performing rights society' is an association, corporation, or other entity that licenses the public performance of nondramatic musical works on behalf of copyright owners of such works, such as the American Society of Composers, Authors and Publishers (ASCAP), Broadcast Music, Inc. (BMI), and SESAC, Inc.''; and

(4) by inserting after the definition of ''pictorial, graphic and sculptural works'' the following:

''A 'proprietor' is an individual, corporation, partnership, or other entity, as the case may be, that owns a food service or drinking establishment. No owner or operator of a radio or television station licensed by the Federal Communications Commission, cable system or satellite carrier, cable or satellite carrier service or programmer, Internet service provider, online service provider, telecommunications company, or any other such audio-visual service or programmer now known or as may be developed in the future, commercial subscription music service, or owner or operator of any other transmission service, or owner of any other establishment in which the service to the public of food or drink is not the primary purpose, shall under any circumstances be deemed to be a proprietor.''

SEC. 205. CONSTRUCTION OF TITLE.

Except as otherwise provided in this title, nothing in this title shall be construed to relieve any performing rights society of any obligation under any State or local statute, ordinance, or law, or consent decree or other court order governing its operation, as such statute, ordinance, law, decree, or order is in effect on the date of the enactment of this title, as it may be amended after such date, or as it may be issued or agreed to after such date.

SEC. 206. EFFECTIVE DATE.

This title and the amendments made by this title shall take effect 90 days after the date of the enactment of this title.

Mr. MCCOLLUM (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

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

There was no objection.

Mr. MCCOLLUM. Mr. Speaker, we are going to have a serious dispute today in some detail about how we deal with music licensing, but let me tell my colleagues what my amendment is all about. It is all about what is called compromise. It is all about the fact that for about 5 years now we have been debating, maybe a little longer than that, how to get a copyright extension bill out which affects thousands of people and all kinds of businesses totally unrelated to what the Sensenbrenner amendment is about.

The reason we have had that debate is because the restaurant owners of America have wanted to be exempted from some long-term fees that they have had to pay song writers for playing their music in their restaurants, and the song writers and their associations that collect the fees have been resisting that. And we have arbitrated and tried to get dispute settlements and all kinds of things.

The gentleman from North Carolina (Mr. COBLE), who is my subcommittee chairman, and the gentleman from Illinois (Mr. HYDE), who is my full committee chairman, and the gentleman from Michigan (Mr. CONYERS), who is our ranking member, and the gentleman from Massachusetts (Mr. FRANK) have all worked hours and hours trying to get agreement between these parties on something so we could move this bill ahead.

Well, we never got there. But this amendment I am offering is essentially where those gentlemen think the compromise ought to be. It is true compromise.

What it does is this: It provides that most of the restaurants of this country, the vast majority, will be exempted from paying this fee, so the small businessman will not have to pay it anymore. It is about $30 a month, they tell me, for each restaurant, and the big restaurants are still going to have to pay it. I think that is fair because that is the property right of the song writer that he or she has invested their entire livelihood in.

In fact, what it boils down to, if we talk about song writers, is that, and there are thousands of them out there, very few of them ever have a big hit. The few that do are not terribly worried about it, but the thousands that do not average under $10,000 a year in income, average under that. So they are really very small business people, and their primary livelihood, their only livelihood, frankly, comes from the royalties on their songs. And royalties pay gradually.

Many, many different times, as the gentleman from Wisconsin (Mr. SENSENBRENNER) correctly pointed out, these songs are played, reproduced at different levels, and a little bit here or a little bit there, penny here or penny there, is paid into a royalty house that

distributes money to these folks that only nets them out, after all is said and done, for everything they write in a given year about $10,000 overall in the whole Nation.

And the restaurants are a big part of that. And if we take away, as the Sensenbrenner amendment does, virtually all restaurants in the United States paying these fees and lots of other businesses too, we have taken away a big hunk of that $10,000 that the average song writer gets in the United States from his or her work product each year.

But my amendment is going to go to exempting small businesses. It is the compromise to do that. It does it by using the same 3,500 square feet number that the Sensenbrenner amendment does to exempt, but it does it on a gross square footage level, which is a lot more reasonable to do, where we talk about the entire restaurant, whether it is made up with kitchens or bathrooms or whatever, not trying to get in there and be more obtrusive, that I do not think most restaurants would want, and trying to measure out every restaurant to figure out just exactly how much this or that or the other restaurant has in the way of square footage for the actual eating space.

It takes what will probably be on the books in the local community with the ordinances that they have and the zoning requirements and all, so we can clearly see, without having to go in there and take a tape measure, how much are you going to base the fee upon?

Anyway, the net result of this dispute is that we exempt, as I say, 65 or 75 percent in my amendment, whereas his does virtually all the restaurants in the United States.

If a restaurant has 6 or fewer speakers for broadcasting on radio or television or 4 or fewer televisions, my substitute amendment will exempt that restaurant no matter what size it is, no matter what size it is. That seems very reasonable.

But at the same time we provide balance. Besides making these changes that exempt a lot of restaurants, we provide balance in the compromise amendment to the song writers because we protect their property rights so they get something back from the larger restaurants. And we recognize they do not always have the big hit by giving them this protection.

By the way, my amendment would increase the exemptions by about 406 percent over what they are now. I think now there are very few that are exempted. But we also provide some balance in terms of the access to the courts and to the rate dispute settlement process that has been discussed. Right now there are problems in the fact that the rate commission that decides various disputes over whether this fee or that fee should be paid when a restaurant owes is set up in New York and everybody has to go to New York. That is expensive.

Granted, almost all the small restaurants are being exempted, but even the larger ones, we do not want them to have to go to New York. We do not want any other business to have to travel that far from home. So we set up a provision in the substitute amendment that the circuit seat of every one of the Federal judicial circuits, that is, 12 of them, where the Federal circuit courts sit, there will be a circuit rider from that rate commission travel out there periodically so rate disputes can be heard.

But we will have uniformity. We will not go to the arbitration in every local hometown that the Sensenbrenner amendment proposal would do.

The CHAIRMAN. The time of the gentleman from Florida (Mr. MCCOLLUM) has expired.

(By unanimous consent, Mr. MCCOLLUM was allowed to proceed for 1 additional minute.)

Mr. McCOLLUM. Mr. Chairman, so what I am trying to do in this substitute is fairly straightforward; it is to provide an opportunity for the Members to vote on as close as we can get it to where the dispute has been put in terms of compromised negotiations over all of these 5 years.

When it became ripe here in the last couple of weeks, we did not get this to closure. Frankly, the restaurants want more. Frankly, the song writers would like to have it more their way. But the reality is, this is truly a compromise that will provide my amendment, my substitute, provide relief for the truly smaller restaurants, 65, 70 percent of all restaurants in the United States never have to pay these licenses fees again; provide easy access to courts, to settling these disputes closely in the geographical area, and protect the property rights of the song writers so the song writers can still get some money, some income, since most of them do not have a whole lot, from the larger restaurants and the larger establishments. That is what it is all about.

I urge a vote for my substitute as the reasonable alternative and compromise.

Mr. SENSENBRENNER. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, first of all, this McCollum amendment is no compromise. It was the last offer of the music-licensing monopolies, ASCAP and BMI, in the negotiations which broke off and has been rejected unanimously by all the organizations that support my amendment. The adoption of the McCollum amendment will not fix the problem with music licensing.

I would like to give a little comparison between the two. First, the McCollum amendment does not provide for local arbitration. Any business owner or proprietor that wishes to contest a rate demand by ASCAP and BMI still has to go to court and hire a lawyer.

Now, instead of having to go to New York, the McCollum amendment has the cases heard by a Special Master in each of the 12 circuits. That does not reduce the cost to a proprietor who wishes to contest something that he feels unreasonable. Going to San Francisco from Pocatello, Idaho, or to Atlanta from Kissimmee, Florida, or to Chicago from Superior, Wisconsin, is going to cost a lot of money and the meter ticks; and local arbitrations in the Sensenbrenner amendment will solve that.

Secondly, the McCollum amendment only covers certain restaurants and not other music users, whereas, my amendment is universal. Only bars and restaurants are covered by the McCollum amendment, not funeral homes, the dentist's office, florists, the Main Street appliance store. They still are subject to the same type of harassment by ASCAP and BMI that my amendment seeks to eliminate. So unless our funeral home or our dentist's office has got a restaurant or a bar license, then we do not get the exemption. So it is very narrowly targeted.

Third, the McCollum amendment is poorly targeted and would include parts of a restaurant where music is not played. For example, the 3,500 square feet contained in the McCollum amendment includes the bathroom, the broom closet, the refrigeration area, the storage area and the like, instead of the 3,500 square feet in my amendment, which is just where the music is played. If we want to pay a royalty fee or have to pay a royalty fee, we ought to pay a royalty fee where people can listen to the music rather than where there is no music.

The McCollum amendment also does not apply to all music licensing societies in its circuit rider provision. It only provides to ASCAP and BMI, which are the subject of the consent decrees that were entered many years ago. Bob Dylan is not a member of ASCAP and BMI, and if one of his tunes comes up on the radio or the TV, the McCollum amendment does not apply, and the restaurateur or the bar owner or the other retail proprietor is subject to the existing law. The Sensenbrenner amendment does not have that defect.

There is no freedom from vicarious liability in the McCollum amendment. So our city's convention center or a big hotel which is open for various types of exhibitions is on the hook because one of their tenants that they have leased space out to happens to turn on the TV when licensed music is played. The Sensenbrenner amendment gets rid of the vicarious liability, and that is a protection for hotels as well as for the municipalities that operate convention centers and the like.

The McCollum amendment circuit rider adjudication provision is only as good as the Department of Justice consent decrees. If the DOJ gets rid of the consent decrees, then everything goes back to New York City. And DOJ has done that on many complicated areas, the most prominent of which is the AT&T litigation consent decree.

The McCollum amendment only applies to a restaurant owner who does not own any other business besides his restaurant. So if the restaurant owner is into something else, the McCollum amendment does not apply. It would go back to the existing law which is so strongly objected to.

And finally, under the McCollum amendment, an appliance store dealer who sells radios and TVs would still have to pay royalties for music that comes across the TV when he turns them on to sell them. The Sensenbrenner amendment does not do that.

I think that the McCollum amendment is a sham. It is a fig leaf that really does not solve the problems that have caused this issue to come to the Congress. And finally, I would like to point out that there are those who say that passing the Sensenbrenner amendment is going to take away the income of poor, starving artists. If they believe ASCAP's figures, only 14 cents of their revenue on the dollar comes from fees from bars and restaurants. My amendment does not exempt live performances, big nightclubs——

The CHAIRMAN. The time of the gentleman from Wisconsin (Mr. SENSENBRENNER) has expired.

(By unanimous consent, Mr. SENSENBRENNER was allowed to proceed for 1 additional minute.)

Mr. SENSENBRENNER. And establishments that play their own recorded music, their own CDs and tapes.

My guess is that the exemption that my amendment proposes might reduce ASCAP's and BMI's fees by as much as 5 cents on the dollar, but they will be able to pick that up with the 20-year term extension that is contained in the underlying bill.

Vote for balance, vote against McCollum and vote for Sensenbrenner.

Mr. DOGGETT. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I have done everything I could to stop the Sensenbrenner amendment except threaten to sing myself; and I would ask my colleagues to spare the House that kind of circumstance by supporting the amendment the genuine compromise and moderate approach that the gentleman from Florida (Mr. MCCOLLUM) has offered as a substitute to the Sensenbrenner amendment.

A lot was just said about it. But I think that the bottom line that most people in this House and across the country would want to know about is that if it is approved, if this McCollum music licensing amendment substitute is approved, 65 percent of all the eating and drinking establishments in this country will be exempt, their problems will be taken care of.

Already the national licensed beverage folks have agreed to something very, very similar, if not exact, to the amendment that the gentleman from Florida (Mr. MCCOLLUM) is offering. The same amendment would exempt audio sound systems with fewer than 6 speakers and would exempt video systems with 2 television sets. So there is ample room for agreement.

I am troubled frankly by some of the provisions in this amendment. I would like to leave the system largely as it is at present. But I think that trying to achieve some balance is a realistic compromise, my colleague has come forward with a reasonable amendment.

We do need to focus, though, on what a failure to adopt his amendment is really all about. You see, there really is not any free lunch, we have all heard that, and if the restaurants across this country were to offer one free lunch after another, we know full well that they would go out of business because they have to earn a profit on their labor and on their services.

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The same thing is true with reference to those who offer something to our community through song writing and through their creative spirit. I believe that those same folks deserve to have their property protected just as much as the restaurant owner or any small business in this country.

I think one of the reasons we see some of our colleagues tending to put our songwriters in a different category is that we often think of them as the rich and famous. We think of famous artists like Willie Nelson and Jimmy Dale Gilmore, we think of people coming star-studded in the limousines and the designer clothes to the Grammys and the other celebrations of music like our South by Southwest Music Festival down in Austin. But the truth of the matter is that most of our artists are out there working somewhere else and doing a little creative work on the side and these revenues which are only costing the restaurant or the small business that uses this work product about $1.58 a day, those revenues are vital to that creative spirit.

I think not only of the famous groups there in Austin, but one that is becoming a little more famous, the Austin Lounge Lizards. They have a hit called ''Newt the Gingrich.'' If they want to play that over in the Republican Conference to add a little bit more tranquility and a little ambience, they would be permitted under the McCollum amendment to do that without having to pay any licensing fee. I think it would be worth $1.58 a day to them to do that. But in the spirit of compromise, they would be exempted from this. And struggling groups like that and the members of that band who will be up here I think later in the spring to play in Washington, they work full-time at other jobs.

We ought to recognize the creative genius that they bring, that they are not driving the limousines, they are in the cowboy boots and they are driving the pickup trucks down in our area, and that they have property rights that deserve to be protected, not stolen as would be accomplished by the Sensenbrenner amendment if it were adopted in full.

I quoted from this earlier, but I think it is important to note that even going right up to the Supreme Court of the United States, the importance of music and music rights has been recognized. It was Supreme Court Justice Oliver Wendell Holmes who said it is true that music is not the sole object but neither is the food. The object is a repast in surroundings that give a luxurious pleasure, not to be had from eating a silent meal.

If music did not pay, it would be given up. Whether it pays or not, the purpose of employing it is profit and that is enough. Indeed it is. It is a very real quantity. As Justice Holmes wrote in the language of an earlier era when this right was recognized, the songwriter contributes something to the restaurant or the small business or the convention that uses that songwriter's product, that is very real. It would not be used at all if the person using it did not think that it would bring more profit.

The CHAIRMAN pro tempore (Mr. GUTKNECHT) The time of the gentleman from Texas (Mr. DOGGETT) has expired.

(By unanimous consent, Mr. DOGGETT was allowed to proceed for 1 additional minute.)

Mr. DOGGETT. Mr. Chairman, I want to be wholly bipartisan, as the gentleman from Florida (Mr. SCARBOROUGH) and I have been on the party line, but I would just close in being truly bipartisan on the issue of music by making reference to a songwriter from outside of Austin, a fellow named Don McLean, who wrote ''American Pie.'' The first verse goes like this:

A long, long, time ago
I can still remember how that music used to make me smile
And I knew if I'd had my chance
That I could make those people dance
And maybe they'd be happy for a while
But February made me shiver
With every paper I'd deliver
Bad news on the doorstep
I couldn't take one more step
I can't remember if I cried
When I read about his widowed bride
But something touched me deep inside
The day the music died.

What this amendment is all about is to ensure that the creative genius of our songwriters does not die, at least protected in part with the moderate, reasonable approach that the gentleman from Florida (Mr. MCCOLLUM) has advanced here today.

Mr. DREIER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the McCollum amendment. I would like to bring up the name of our very dear, departed colleague Sonny Bono. Sonny Bono was someone who got very involved in this issue. He felt very strongly about it. Sonny Bono had a very unique perspective on this issue. He was a restaurateur, and he was also a songwriter.

I believe that as we look at this issue, that Sonny would have supported what I do believe is a compromise. The gentleman from Wisconsin (Mr. SENSENBRENNER) indicated this

is not a compromise, but as I have talked to lots of people on this issue, it seems to me that this is in fact a compromise. Obviously not everyone agrees to it, but it is a compromise.

What does it do? It actually increases, as the gentleman from Texas said, the number of exemptions by 400 percent, to 65 percent of those restaurants that actually will be exempt. That is information that was provided to us by the Congressional Research Service.

There is another issue here that is rather troubling to me, and that is as we deal in this global economy today, which obviously is getting smaller and smaller and smaller as we have found from the trip of the President to Africa who was there touting the agreement which we just passed in this House last week on expanding new trade opportunities with sub-Saharan Africa, it seems to me that as we look at that very important issue which we as Americans continue to argue in behalf of, that being intellectual property, the fact that when an individual has an idea, a concept, that person should be remunerated for that. If we were to pass the Sensenbrenner amendment, it would send, I believe, a terrible signal to our global trading partners that we as a nation are not going to be there on the front line arguing in behalf of intellectual property.

Mr. Chairman, I am strongly supporting the McCollum amendment. Frankly, I do not think it is the very best measure but I am in support of it as a compromise. It is a compromise that many of our friends in the entertainment industry seem to be accepting.

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

Mr. DREIER. I yield to the gentleman from Florida.

Mr. MCCOLLUM. Mr. Chairman, as the gentleman knows, as part of that compromise, we have actually increased from what the gentleman from Wisconsin (Mr. SENSENBRENNER) is offering the exemption for up to four TV sets instead of two in a restaurant which actually is very sizable. We have doubled the number. That was something that, quite frankly, the music industry really did not want us to do. We have tried to go out. That is beyond the discussion point where this was a couple of weeks ago. There has been a big effort at that.

Also, the gentleman from Wisconsin has taken away some liability that the owner of a space that might be renting it has whenever they might be improperly showing, say, Titanic or something, so you do not any longer get a fee. It is kind of clever, the owner who might know about this.

Last but not least, he has come along also and done some other things that are kind of in the grass back there. He has managed to come to the position of saying even the music channel like Muzak, even if you play that, and that is what you are playing from a transmission other than radio and TV, which is all that we were discussing before we got to today in these debates between restaurants and music writers.

Mr. DREIER. If I could reclaim my time, I would say maybe the gentleman went even further than I might have in this negotiating process. I will nevertheless continue to support the amendment.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. DREIER. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Chairman, on this question about whether or not this is a compromise, and the gentleman has mentioned our late colleague Sonny Bono who worked so hard for this, he frankly thought this went much too far. He wrote a letter to the Registrar of Copyrights expressing his opposition to the notion of giving away on the square footage that he felt it might undermine our international negotiating process.

I say that simply for those who would deny that this is a genuine compromise. There were people who were strong supporters of the original bill who thought it went too far.

Mr. Chairman, I am supportive of it because I think it is a reasonable approach, but I do want to validate the point he made. This is a genuine compromise. Mr. Bono in fact thought it had gone too far.

Mr. DREIER. Mr. Chairman, I thank the gentleman for his contribution on that. I would simply say that the only argument that we will be able to use with our international trading partners is the fact that we have been able to come to a compromise with those who do in fact hold that intellectual property here.

I urge strong support of the McCollum amendment as a compromise. I hope very much that we will finally be able to put to rest this battle which has been going on for literally years and recognize the very important rights of talent that exists in this country.

Also in closing, I see our former colleague Carlos Moorhead has just come into the Chamber. He deserves a great deal of respect for his work on this copyright legislation, which he has pursued for a long period of time. Resolving this whole overall bill, it will be a great day for this institution.

Mr. DELAHUNT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, much has been made about the ability of the performing rights societies, principally ASCAP and BMI, to drive a hard bargain. They have been described as monopolies. I would just simply quote a great South Boston philosopher, Paddy McPhagan, who clearly would say in these circumstances, ''Give me a break.'' These organizations are not monopolies. They are trade associations, collective bargaining units, if you will, which enable authors and composers to negotiate contractual terms that are fair and are equitable. It is absurd to suggest that the thousands of songwriters who belong to these trade associations could ever negotiate a contract on their own.

I understand why the restaurant association would want to focus on the market power of ASCAP and BMI, but I think it is important to remember what this issue is really about. It is about the people that are part of these trade associations, the songwriters who create American music. They are mostly people whose songs we all know by heart but whose names none of us, or most of us, would not even recognize. As Mac Davis testified at our hearing, the people who write the songs are the low men on the totem pole, the tiny names in fine print and parentheses under that star's name on the label, the last guys to get credit and the last guys to get paid. They are the ones who create the music that fuels an industry that pours millions of dollars into our economy and generates millions upon millions of dollars in taxes. Yet the songwriters get the smallest piece of the pie, pennies, if you will.

Mac Davis is one of the lucky ones. He is a renowned songwriter. His musical gifts have been recognized and he has done extremely well. But most songwriters write hundreds of songs over the course of a long career before they achieve financial success, if they ever do. George David Weiss, who is the current President of the Songwriters Guild and one of America's truly great songwriters, commissioned a study that established that 10 percent of his colleagues are able to earn a living writing songs. He quoted a study that was done in 1980 and I am quoting now.

> Song writing is an occupation which has a high degree of risk, a high degree of failure, a low chance of success and in general miserly rewards.

Like all true artists, they do what they do because they love it. When it comes to being compensated for their labors, they are willing to accept the verdict of the marketplace. But what they cannot accept is having their work stolen from them, and that is what the Sensenbrenner amendment would do. I urge my colleagues to vote for the McCollum amendment.

Mr. TALENT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, we have heard a number of different artistic products quoted this afternoon. I think that is probably appropriate in this context. I remember when I was growing up I was a big fan of the show All In The Family. I remember one time somebody said to Archie Bunker, who was of course the lead character in that show, to those old enough to remember, they said, ''The times they are a-changing, Arch,'' quoting a Bob Dylan song. He said, ''Yeah, and every time they do they turn around and kick me in the rear end.''

That is how I think the small businesses of this country continually feel. They are ganged up on by big government, by big business, by monopolies,

whether you call them trade societies or artistic units or whatever, by the big people who come in and nick them for a little money here and there and under circumstances where even if they tentatively or theoretically have some rights under the law, they cannot do anything about it.

The politicians always say, ''Yeah, small businesspeople, we love you. You're the backbone of our economy, the backbone of our communities.'' Now we get a chance to do something to help these people, to vindicate their efforts, to vindicate their efforts to achieve the American dream, and we have difficulty doing it.

Let us talk about what the real-world situation is here. It is a dentist or somebody who runs a funeral home or somebody who runs a small restaurant. They have some speakers in the background and they carry a local radio broadcast. Somebody comes in from BMI or ASCAP and has a beer or sits there in the waiting room and listens for a little while and writes down some songs and then asks to see the manager and says, ''You're playing music that we've licensed. You owe us a hundred dollars a month. Here's the contract. Sign it. If you don't think you owe us or if you don't think you owe us that much, you can do something about it. You can go to the Southern District of New York and file suit in Federal court and try and vindicate your rights under the law.''

□ 1230

And they know and we know and everybody knows that is not going to happen. That is what the Sensenbrenner amendment is designed to fix. We have been trying to fix it for years. Even the supporters of the McCollum amendment admit we need to fix something here, we need to do something about the situation.

Now the reason I support SENSENBRENNER and not MCCOLLUM comes down to a couple of things, a couple of the biggest things. First is, the McCollum amendment does not cover everybody who is in the situation, only covers some restaurants. How many? Sixty-five, 70, 55; I do not know if it does not cover all of them, and it does not cover the funeral homes or the florists or the dentists' shops, so this will not be the end of it if we pass Sensenbrenner. They will be coming back because they are manifestly being treated in an unjust fashion where they cannot vindicate their rights under the law.

And the other problem with the McCollum substitute is that it requires these small businesspeople to go to circuit court in the seat of where? In the city where the circuit court is headquartered. Might as well be the Southern District of New York or Honolulu or Russia or the Moon. If one lives in North Dakota or South Dakota they cannot go to St. Louis, where the Eighth Circuit Court of Appeals is located, and try and vindicate their rights to be only charged $80 a month like the guy next door instead of $100 a month. And again, we all know that. It will not make any difference. We will be right back where we started from if we pass McCollum instead of the Sensenbrenner amendment.

Mr. Chairman, there is a lot of interest at stake here. That is why these things are hard, and that is why Members honestly feel differently about these kinds of issues, because we have a conflict of interest. It is important to protect the intellectual property rights, as my friend from California talked about, people who write songs, and protect them not just here but all over the world. We need to protect them in sub-Saharan Africa as well. But there is another interest, the interests of these small businesspeople who stake everything on their investments in their small business, for whom that is their life. They are interested in being treated fairly. That is important too, and we ought to recognize that.

I agree there is no such thing as a free lunch, and we have all learned that in a lot of different endeavors and a lot of different circumstances. But how many times does one have to pay for lunch? Go to a restaurant, pay for it once. Every situation where a small business owner is playing radio music, that license has been paid for at least once by the radio operator, sometimes twice, three or four times if it is a TV broadcast.

Let us deal with this issue. Let us admit what we all know. Incidental use of this music by people who are not charging admission, who do not have a jukebox, who do not have a CD player, they are too small on the chain for us to go out and get them in a way that is fair and a way that is appropriate and a way that allows them to vindicate their rights when they feel they have been treated unfairly.

We can solve this issue and solve it now. Let us pass the Sensenbrenner amendment. Let us be fair to the small businesspeople.

Mr. SCARBOROUGH. Mr. Chairman, will the gentleman yield for a moment?

Mr. TALENT. I yield to the gentleman from Florida.

Mr. SCARBOROUGH. Mr. Chairman, I have great respect for the gentleman, and I have followed him on a lot of issues in our committee and on the floor.

Mr. TALENT. Reclaiming my time, so far the gentleman is fine.

Mr. SCARBOROUGH. But I am going to ask a question or two that the gentleman may not be fine with.

Mr. Chairman, the gentleman has said that we need to do something, we need to protect the property rights of these people.

The CHAIRMAN pro tempore (Mr. GUTKNECHT). The time of the gentleman from Missouri (Mr. TALENT) has expired.

(By unanimous consent, Mr. TALENT was allowed to proceed for 1 additional minute.)

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

Mr. TALENT. I yield to the gentleman from Florida.

Mr. SCARBOROUGH. Mr. Chairman, the gentleman from Missouri said something needs to be done, he said that the property rights need to be protected, he said that they need to do something, and yet he was talking about endorsing an amendment that is a black-and-white, an all-or-nothing approach where absolutely nothing is done. Their property rights will be absolutely eviscerated.

So my question to the gentleman is, as somebody who I have seen for 3 or 4 years respect property rights, where do we go from here? If my colleague supports an amendment that will destroy all property rights then what does the gentleman propose we do next?

Mr. TALENT. Mr. Chairman, reclaiming my time, of course the gentleman knows I am not supporting an amendment that destroys all property rights, and the gentleman is setting up a premise that is a false premise.

The copyright is vindicated in every case because it is paid for at least once, sometimes it is paid for twice, sometimes it is paid for three times. And now if the gentleman will indulge me, let me ask him a question: Does he expect a tavern owner or a dentist who lives in Fargo or who lives in Nebraska to be able to come to St. Louis to vindicate his right maybe to pay 20 or 30 or $40 less? Why is the gentleman afraid of an arbitration procedure, which is what we have in the Sensenbrenner amendment?

The CHAIRMAN pro tempore. The time of the gentleman from Missouri (Mr. TALENT) has expired.

(By unanimous consent, Mr. TALENT was allowed to proceed for 30 additional seconds.)

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

Mr. TALENT. I yield to the gentleman from Florida.

Mr. SCARBOROUGH. Mr. Chairman, I am not afraid of an arbitration process, and I like the McCollum idea that we are actually taking it out of New York and moving it across the country. What I fear is that the gentleman is setting up an arbitration system that has absolutely no supervision from any court above it. The gentleman is going to be talking about the wild, wild West where somebody in Fargo could make a decision that has absolutely nothing to do with the rate system that happens in Atlanta, Georgia or California. We would not do that with our Federal court system; why would we do it with this?

Mr. TALENT. Reclaiming my time, Mr. Chairman, a local arbitration procedure with a neutral expert master at arbitration is the only way to permit these issues to be heard and give everybody a chance to have their rights vindicated.

Mr. HOYER. Mr. Speaker, I move to strike the requisite number of words.

Mr. Speaker, I rise in strong support of the legislation, in strong support of the McCollum amendment, and in opposition to the Sensenbrenner amendment.

This amendment is nothing short, referring to the Sensenbrenner amendment, of a taking. I have heard a lot about taking. This is about taking, whether to or not to. It would force songwriters to provide their music for free to restaurants and others.

My colleagues, Stephen Foster died a pauper. Why did Stephen Foster die a pauper? Because the product he created was not popular, was not wanted, was not used? No. Because Stephen Foster put his product on the table, it was eaten, if my colleagues will, listened to, more appropriately, but not paid for. And so Stephen Foster, one of the great songwriters of America, and indeed the world, died a pauper because the world enjoyed his music but did not compensate him for his music.

The McCollum amendment tries in a reasonable way to get at what is a problem that is by some perceived as cataclysmic and by others perceived as procedural. It is a reasonable alternative. It is one that I will support. But if it does not pass, I will as strongly as I know how oppose this legislation, even though I believe its underlying 20-year extension of the copyright protecting one's property is appropriate.

Mr. Chairman, I would hope that my colleagues who in fact have some property that we put in the public sphere, not expecting remuneration, at least not in money, the remuneration we expect is votes when we put our property, our ideas, our thoughts, our opinions in the public wheel. But when a songwriter sits down to create art, that songwriter does so for their own personal enjoyment, but they also do so with the expectation that if someone wants to use their product, they will do in a capitalistic society what we expect, and that is to compensate them fairly for that.

The previous speaker spoke about the problem with small business. Government does not require a small business in America to turn on the radio in their place of business or to turn on the television in their place of business, not one. They do so because they think to some degree it enhances the ambiance of their establishment, and I agree with them. And if they thought curtains did or tablecloths did or pretty windows did, they would have to pay for all of those increases to the ambiance of their establishment.

I have a lot of restaurants in my district and in my State. I understand some of them are concerned, and I believe that the McCollum amendment tries to reach out to them and say yes, we understand there is a problem, let us try to solve it and let us try to solve it where there is a meeting of the minds. And in fact, I understand there was a meeting of the minds until one party thought perhaps they could win without agreement. I do not know that; I have heard that.

But let us, as we vote on the Sensenbrenner amendment, remember Stephen Foster, remember that Stephen Foster gave us so much, this Nation and this world, enriched our lives, enriched our culture, enriched our enjoyment, and let us not say to the Stephen Fosters of the world what they do is not worth us compensating them for it.

I would hope that we would defeat the Sensenbrenner amendment, pass the McCollum amendment, and pass the bill.

Mr. HYDE. Mr. Chairman, I move to strike the requisite number of words.

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

Mr. HYDE. Mr. Chairman, I do not intend to take the full 5 minutes, but I do want to say that I support the McCollum amendment. I have great respect and admiration for Mr. SENSENBRENNER who has worked long and hard on this issue, and admirably so. It is regrettable that over 3 years of discussions have not resulted in a negotiated settlement. This is something that should have been agreed to and negotiated, but I guess it was not meant to be. But the McCollum-Conyers substitute, it seems to me, is a reasonable and balanced alternative to the issue of music licensing, and of some importance is the Congressional Research Service finding that the McCollum substitute will exempt over 60 percent of all restaurants in the United States from paying music licensing fees to songwriters for music played over radio and television to their customers.

This is small business week on the floor of the House. We are considering important legislation to help preserve the strength of the most important sector of our economy which employs more Americans than any other, and the amendment of the gentleman from Wisconsin includes an exemption for large chains and corporations who are able to pay their fair share of licensing fees to songwriters, many of whom I might also mention, are small businesses themselves; I am speaking of the song writers.

The McCollum substitute concentrates on true small businesses, those restaurants and bars under 3,500 gross square feet. That constitutes over 60 percent of the restaurants in America. The substitute also exempts restaurants larger than 3,500 gross square feet as long as radio and television music is not played over too many speakers. This will protect larger restaurants that only play radio and television music in bar areas.

There is much more to be said, and I will put that in the statement that will appear in the RECORD, but if this could not be resolved, could not be negotiated, then I prefer the solution proposed by the gentleman from Florida (Mr. MCCOLLUM).

Mr. Chairman, I rise in support of the McCollum/Conyers substitute to the Sensenbrenner amendment to H.R. 2589, the ''Copyright Term Extension Act,'' and urge the House to support the substitute.

I believe the McCollum/Conyers substitute presents Members with a reasonable and balanced alternative on the issue of music licensing. According to the Congressional Research Service, the McCollum/Conyers substitute will exempt over 60% of all restaurants in the United States from paying music licensing fees to songwriters for music played over radio and television to their customers in order to enhance their businesses.

This is ''Small Business Week'' on the floor of the House. We are considering important legislation that will help to preserve the strength of a sector of our economy which employs more Americans than any other. The Sensenbrenner Amendment includes an exemption for large chains and corporations who are able to pay their fair share of licensing fees to songwriters, many of whom, I might also mention, are small businesses themselves. The McCollum/Conyers substitute concentrates on true small businesses—those restaurants under 3,500 gross square feet. That constitutes over 60% of the restaurants in America. The substitute also exempts restaurants larger than 3500 gross square feet as long as radio and television music is not played over too many speakers. This will protect larger restaurants that only play radio and television music in bar areas.

In addition to including large chains and corporations, the Sensenbrenner exemption also includes within its scope music that comes from sources other than radio and television. Surely, we do not want to prevent songwriters from getting just compensation for property that has not already been broadcast publicly for private enjoyment.

As you know, negotiations on this issue have been ongoing in the Judiciary Committees of both the House and the Senate for almost 3 years now. One of the problems that Mr. SENSENBRENNER rightly attempts to correct is the fact that small business owners have to travel to New York City if they have a dispute about the rate they are being charged to play music in their establishment. This is unfair and needs to be rectified. The Sensenbrenner Amendment goes too far the other way, however, by being just as unfair to the three performing rights organizations by forcing them to arbitrate in any town in America. The McCollum/Conyers substitute is a compromise that will allow litigants to dispute rates in 12 places around the country where the seats of our U.S. Courts of Appeals are located.

I also want to mention the relevance of our international obligations. Under the Trade-Related Aspects of Intellectual Property Agreement, and the Berne Convention, the United States may also restrict copyright to a point where it does not affect an author's ability to own his or her work. I believe, along with the United States Trade representative and the Secretary of Commerce, that the Sensenbrenner Amendment may violate these treaties which are the law of our land. We cannot allow ourselves to be unsuccessful defendants under the dispute mechanism of the World Trade organization on this issue which may lead to retaliation in areas other than intellectual property such as agriculture or resources.

The United States makes more money internationally from intellectual property than from almost any other sector of our economy. It is

one of our most prized trade surpluses. We must be cautious and balanced in affecting our ability to persuade other nations to protect U.S. intellectual property. It is difficult to force others to live up to intellectual property agreements if we do not live up to them ourselves.

Let us not forget that this is about taking someone's property. The Constitution makes it clear that Congress has a duty to encourage creativity by allowing for just compensation. I believe that the McCollum/Conyers Amendment carries out that purpose while meeting our international obligations and protecting small businesses who cannot afford licensing fees or travel to New York to dispute an unfair rate. The Sensenbrenner Amendment violates that incentive, our international obligations, and reaches beyond the constituency it purports to protect.

I urge my colleagues to vote for the McCollum/Conyers substitute to the Sensenbrenner Amendment.

Mr. BERMAN. Mr. Chairman, I move to strike the requisite number of words.

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

Mr. BERMAN. Mr. Chairman, this is an issue raised by the gentleman from Wisconsin (Mr. SENSENBRENNER)—let me indicate initially that I rise in strong support of the McCollum substitute and very strong opposition to the Sensenbrenner amendment—and it has been an issue that has been around the Committee on the Judiciary for a very, very long time. And it came to us initially as stories of a series of abuses, real or perceived, reported by owners particularly of restaurants and bars about things they were required to do. One, they could not get access to repertoire. The McCollum amendment provides that, which I think in practice is now already being provided. It makes it very clear in its provisions that every performing rights organization will have to list every piece of music with every writer on the Internet, with access to the general public, to the owners and proprietors of the store.

Mr. MCCOLLUM. Mr. Chairman, will the gentleman yield on that point?

Mr. BERMAN. Yes, I yield to the gentleman from Florida.

□ 1245

Mr. MCCOLLUM. Mr. Chairman, I think that is really important because you have two different organizations. Sometimes smaller restaurants do not want to have to pay a fee to two different outfits. So they have the list. They do not have to pay the fee to two different outfits. They can just play the music of the group that that organization publishes. The gentleman from California's point is really well made.

Mr. BERMAN. But this was central to the complaints that has initiated the whole fight that has been going on for, I think, 8, 10 years in the Committee on the Judiciary.

Secondly, it was always put in the context of the small restaurant or the small bar. I never thought that I would see the day when I would be coming forward to support an amendment that would exempt establishments of 3,500 square feet or under from paying any single fee to a performing rights organization for the use of their music.

The gentleman from Missouri (Mr. TALENT) made an eloquent statement. But when you examine some of his points, he said I do not want a free lunch for anyone. But this is a free lunch. He said the music has already been paid for, not by the people who are using it, by the stations that have decided to broadcast it. He is now creating a new public performance of that music.

If it is just incidental, which is the way the gentleman from Missouri put it, if it is just incidental to the main purpose of their business, then if they do not want to pay the small amount annually they paid in order to use that music, they turn the radio off. It is very, very simple. It is incidental by its own terms. If it is incidental, it is essential.

I would suggest the music is used as part of creating an atmosphere which encourages customers to come and patronize that restaurant, and I would suggest it is appropriate to ask them to pay for that just as much as they would pay for any other aspect of it.

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

Mr. BERMAN. I am happy to yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Chairman, I have a copy of the McCollum amendment that appears at page H–1448 of yesterday's RECORD, and I do not see any provision guaranteeing consumers access to repertoire anywhere in the McCollum amendment. Perhaps I am in error, and the gentleman from California can enlighten me.

Mr. BERMAN. Does the gentleman want to take this one at a time?

Mr. SENSENBRENNER. The second thing is, what we are talking about here is TV and the radio. And how is the proprietor of the retail establishment to know what song is going to go on next so he can look up whether this is licensed by ASCAP or BMI? There is no way he can do it.

Mr. BERMAN. Mr. Chairman, I was not saying the gentleman is simply an agent of the restaurant and bars. He used to catalog a series of things he felt were wrong with the way music was paid for, and that it was very difficult for people who had to pay for music to find out just which of the performing rights organizations had the music, and that was part of his whole series of criticisms.

Mr. Chairman, I yield to the gentleman from Florida (Mr. MCCOLLUM) to answer the gentleman from Wisconsin's initial question.

Mr. MCCOLLUM. Mr. Chairman, the fact is that, technically, the gentleman from Wisconsin is right. There is nothing in my bill about the repertoire because it is already on-line. The point I think the gentleman from California (Mr. BERMAN) is making, which I was trying to amplify, is the fact that that was the reason why the people came from the restaurants to originally complain that started the whole history of this, is they could not get and figure this out. Now they can.

The BMI, ASCAP, those associations of songwriters have gone and put it on-line so people do not have that complaint anymore. That is the basic reason. It does not need to be in the bill.

Mr. BERMAN. Mr. Chairman, I think I should then also correct myself. The version of the amendment that I read yesterday on the airplane had some very specific provisions. Apparently they are not in here now.

Mr. SCARBOROUGH. Mr. Chairman, will the gentleman yield for one second?

Mr. BERMAN. I yield to the gentleman from Florida.

Mr. SCARBOROUGH. Mr. Chairman, just to address the second point, you do not have to call the radio stations now, and he knows that. You do not have to call the radio stations now anymore. There is now digital servers.

The CHAIRMAN pro tempore (Mr. GUTKNECHT). The time of the gentleman from California (Mr. BERMAN) has expired.

(By unanimous consent, Mr. BERMAN was allowed to proceed for 3 additional minutes.)

Mr. SCARBOROUGH. If the gentleman will continue to yield, if you want to hear the Beatles 24 hours a day, if you want to hear jazz all day, you can hear jazz all day through these digital servers. That is one of the really dangerous things about this bill is it expands beyond radio and TV and goes into this vast new universe that they know is coming down the road.

Mr. BERMAN. Mr. Chairman, does the gentleman from Florida mean the bill or the Sensenbrenner amendment?

Mr. SCARBOROUGH. I am sorry, the Sensenbrenner amendment. But these servers will also be able to provide the restaurant owners in the future services that will allow them just to pipe in music by BMI or just to pipe in music by ASCAP. And that technology is available today and certainly will be used, I predict, in the next few years to make it easy for restaurant owners to do that.

So it is a very easy thing to do. It is very doable. You do not have to call your local radio station to see what the play list is. And I suspect that most of the people that were behind this amendment know that already.

Mr. BERMAN. Mr. Chairman, continuing, there was one point, though, that I have not heard discussed so far. The Sensenbrenner amendment simply is not an amendment that exempts some restaurants and bars. It exempts all retail establishments.

But it does a number of other things. It fundamentally changes the whole concept of vicarious and contributory

infringement of copyright. It contains a provision which, if applied, would affect the situation like this. I own a number of theaters. I lease those theaters to people who are showing unauthorized pirated works. And I am exempt from any liability and charging money for patronizing those particular works.

They exempt from any liability the owner of the property that is leased, thereby eliminating any incentive that that landlord has when he leases his studios or facilities to put in provisions to ensure that the lessee does not engage in infringing conduct, does not go out and do public performances without paying the people who wrote the music.

That is a huge and gaping loophole which will lead to a great deal of improper activity that could easily be deterred if you just simply retain existing concepts of contributory and vicarious liability.

I think that is another huge weakness in the amendment of the gentleman from Wisconsin. The McCollum amendment undoes the effect of that amendment, and, therefore, it should be supported.

Mr. SOUDER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am a cosponsor of H.R. 789, the Fairness in Music Licensing Act, which has bipartisan support of over 157 Members of Congress. While I wish that it were what he was offering today on the floor, I believe this compromised amendment by Mr. SENSENBRENNER is fair and balanced.

The Sensenbrenner amendment is balanced because it does several key things. One, it levels the playing field for businesses that use music. These business owners will now have a way to settle their disputes with music licensing societies without having to go to rate court in New York City. We have heard about different options under this but that is an important change.

Two, it will allow businesses of a certain size, 3,500 square feet or less where the speakers are located, and that is important, because it isn't just a question of where the diners are sitting, it is a question of your storage, your kitchens, and receiving areas as well are located to be exempt from copyright royalties when they play TVs and radios, which is important to remember it is TV and radio music. If a business is over 3,500 square feet, it may be exempt if it plays only two TVs and has no more than six speakers.

The Sensenbrenner amendment is fair because it does not change the law with respect to other kinds of music that a business may use. For example, a restaurant that has live music or plays CDs will not be covered by this Sensenbrenner exemption. These restaurants will still have to pay copyright royalties.

Two, it does not change the law with respect to penalties. If a business is found to be violating copyright law, the penalty is a severe $20,000 per violation. That is, a business caught stealing copyrighted music is still liable under the Sensenbrenner amendment.

I wanted to add a couple of comments based on some of the debate here. We are kind of getting lost here, whether Stephen Foster would have died a pauper, which I find quite a stretch into this debate. This is really about individuals who go to eat at restaurants.

There is a mythology that businesses pay taxes. Businesses are pass-through agents. What we are really talking about is whether we are going to increase the cost of eating out for diners, or whether diners are going to have less ambience, so to speak, or any music in the background at all.

What we are forgetting here in a debate between different financial interests are the actual consumers of America. Are we in Congress going to, in effect, pass a food and beverage tax increase in this Congress? Are we going to have little music police going around to try to see how restaurants are enforcing that? Because that is the net that will happen.

Either we will have the sounds of silence, perhaps some restaurants will broadcast sounds of silence brought to you by your local congressmen, if this passes. Are we going to have the sounds of silence here in the restaurants, or are we going to have higher food prices?

That is really what we are debating here today. We are not debating starving artists versus starving restaurant owners. We are debating what is going to happen to consumers in the restaurant business.

It kind of frustrates me in this debate. It is not a matter of just the rich and famous as we hear these things are put together, but, rather, rich and famous on other sides who are trying to, in effect, hit the consumers at restaurants.

We have also heard that, in fact, restaurant owners could try to figure out which licensing company is doing this by going to digital. My friend, the gentleman from Florida (Mr. SCARBOROUGH) made that point.

I am sitting here as a small business owner myself thinking this is not possible. I mean, in effect, businesses will decide probably not to offer the music or, in fact, they have not only the licensing fee cost, but the cost of the people that try to track that licensing fee.

So we really are talking a significant potential increase, not just a marginal increase in the cost of doing business. Restaurant owners are already hammered by our Congress in minimum wage increases, in marginal inspection type increases.

As we have more and more two-parent working families, more and more people are eating out. This is really a question of the financial pressures we are going to put on families just because of radio and TV broadcast, which, in fact, already are going through a process of paying for these fees. And it is a secondary market.

One other comment I wanted to make as far as Congress itself. We constantly have this cuteness. I think it would be very interesting for somebody in the media to go through Members of Congress' records. When constituents call in, many Senators and House Members put them on hold, and there is music there.

I would be very interested to see whether, in fact, the copyright laws are being violated by the Members who have stood up here and said the restaurant owners should pay. Are they paying the starving artists in their offices because they are part of a branch of an institution that has 535 offices in it? Are they paying the fees to the starving artists if they have music going over their system from a radio station? I really question whether that is being done in many cases.

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

Mr. SOUDER. I yield to the gentleman from California.

Mr. CALVERT. Mr. Chairman, I am glad the gentleman from Indiana brought up these points. I thought I would come on down as a person who was in the restaurant business or used to be in the restaurant business before I came to this body.

The CHAIRMAN pro tempore. The time of the gentleman from Indiana (Mr. SOUDER) has expired.

(By unanimous consent, Mr. SOUDER was allowed to proceed for 3 additional minutes.)

Mr. CALVERT. If the gentleman will continue to yield, I have heard some discussion about 60 percent of the restaurants would be exempt on the 3,500 square foot gross. Now, I know from my experience in the restaurant industry, many restaurants today are fast food establishments, and if you are adding that restaurant to the component, which I believe it is, I suspect that the number of dining restaurants, sit-down establishments is much lower than the number that is being thrown out here today.

I point out another subject. When I was in the restaurant business, I paid ASCAP and BMI fees because I had live entertainment, and I used to tape music. So if I used FM radio on the interim, it would not have raised my BMI or ASCAP fees at all.

But those restaurants that just have FM radio, public access, and television, which are very few, by the way, it seems to me the only reason that we pursue the Sensenbrenner amendment and not the McCollum amendment.

From my perspective, real estate companies who have background music, or you mentioned dentists' offices, moving around to pursue collecting fees from these businesses is, I think, poor business on their part, but certainly intrusive to all small business.

I would encourage everyone here to vote against the McCollum amendment and vote for Sensenbrenner.

Mr. SOUDER. Mr. Chairman, reclaiming my time, I would hope that there is an understanding in general when it is background music and not primarily, something that is the primary business of the company that is playing the music.

But there is an understanding that this helps promote, to some degree, the music involved with the individuals, and they are not going to be helped by restaurants going silent. They are not going to be helped by higher prices in restaurants either. That is really what I have a question about in this Republican controlled Congress. Are we, in effect, going to pass another backdoor tax increase?

Mr. FRANK of Massachusetts. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, to begin, I want to answer the question posed by the gentleman from Indiana about whether Members of Congress who play music when people are on hold are paying ASCAP.

My understanding of this bill is that you incur that obligation if you are charging people, that is, if you are selling them a meal. So I assume those Members who have charged people to call them would owe ASCAP money. So if you have a separate line for contributors, then you better talk to ASCAP.

For those of us who do not charge our constituents to call us, I think we are probably not in this situation. Although I do not play music on my phone, I do not sing or dance for my constituents, I have more mundane services I try to perform for them.

But I would say to the gentleman, if you are charging people to call you, then you better be in touch with BMI and ASCAP.

□ 1300

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

Mr. FRANK of Massachusetts. I yield to the gentleman from Indiana. A microphone will probably help. The gentleman will not be charged for using it.

Mr. SOUDER. Mr. Chairman, my understanding is that it is a violation of Federal copyright law if one is not paying a licensing fee, whether or not it is for profit.

Mr. FRANK of Massachusetts. Mr. Chairman, reclaiming my time, if the gentleman is simply playing it in his office.

Let me put it this way to the gentleman. There is a commercial nexus here. No, not every time one turns on the radio and someone else listens does one have to pay the fee. If one turns on the radio in one's office and people wander in to talk, one does not owe them a thing, and that is the point that some of the opponents I think are missing here.

This is a charge for people who are charging the public to come in. Owners of businesses are not irrational, they do not do things randomly, at least not as a whole. When the owner of a restaurant plays music, he or she does it to enhance the attractiveness of the restaurant; it is part of the package of things that bring people in. And what we are saying is, yes, if you are going to use other people's work product to enhance the attractiveness of your commercial establishment, you should pay them something.

I was surprised to hear this referred to as a tax. I thought a tax was when one collected the money for the government. I do not think enforcing an obligation that one private owner owes another is a tax. People play the music in the restaurants or elsewhere because it brings in more customers. If not, there would not be a problem.

People say, well, it would cost more for the consumer. That is true. And if one could get one's food for free, it would be cheaper for the consumer. If one could get people to work for free, that would be cheaper for the consumer.

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

Mr. FRANK of Massachusetts. I yield to the gentleman from Florida.

Mr. SCARBOROUGH. Mr. Chairman, there is a misperception with what the gentleman said, and knowing the gentleman, I know that he did not intend to make this mistaken statement, but he is talking about, it is going to be a new back-door tax increase, it is going to be a new expense. The gentleman was talking about a new expense.

It is not a new expense. It is existing, it is already there. In fact, even this compromise language subtracts how much restaurants would have to pay a hundredfold.

Mr. FRANK of Massachusetts. Mr. Chairman, reclaiming my time, I think the gentleman is correct. We are talking about enforcing the existing obligation, and I guess if we agreed with the gentleman, we would have to assume that if the amendment of the gentleman from Wisconsin would pass, restaurant prices would drop, because suddenly they would not owe as much.

I do not think anyone in this building believes that.

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

Mr. FRANK of Massachusetts. I yield to the gentleman from California.

Mr. BERMAN. Mr. Chairman, I guess if the gentleman from Wisconsin had offered an amendment saying that everyone who owns a restaurant gets to deduct 50 percent of their lease price, the gentleman from Indiana would say, in a Republican-controlled Congress, we have to support that amendment; otherwise, we will have an unnecessary tax increase on the patrons of that restaurant.

Mr. FRANK of Massachusetts. Mr. Chairman, reclaiming my time, I think the gentleman is right. We are talking about an existing obligation.

But I want to talk about what it is all about. What we are saying is, if one earns money in part by playing music, then one should share some of that with the people whose music one is playing. There was reference to the fact that well, it might be played on one television on the local station and the network will charge in the long term; yes, because they want to make money off of it. Yes, the network makes money off the program, they sell advertising, and then the local people do it. This notion that there should only be one source of revenue for each program does not comport with reality.

This is the principle: If one is enhancing one's own money-making ability, which is a good thing, by playing music and increasing the attractiveness of one's place, one owes some small percentage. The gentleman calculated that it would only be about 5 percent of income.

Well, I do not think any of us think a 5 percent reduction in income is a minor or trivial matter. If we were talking about .005, maybe we would be in that category, but a 5 percent reduction in one's income seems to me a significant factor, and we ought not to be doing it.

I want to stress one other very important point here which will cause problems if we adopt the amendment of the gentleman from Wisconsin. We spend a lot of time, overwhelmingly supported in this Congress, in trying to enforce American intellectual property rights overseas.

The CHAIRMAN pro tempore (Mr. Gutknecht). The time of the gentleman from Massachusetts (Mr. FRANK) has expired.

(By unanimous consent, Mr. Frank of Massachusetts was allowed to proceed for 3 additional minutes.)

Mr. FRANK. Mr. Chairman, as was pointed out by the gentleman from Florida, the amendment of the gentleman from Wisconsin, unlike that of the gentleman from Florida, abolishes the doctrines of vicarious and contributory liability here.

What that means is that if one is not the one who is actually playing the music, even if one is facilitating that in various ways through one's economic arrangements with them, we cannot go after them and they may have deep pockets.

Here is the problem. If the United States Congress, in this, so substantially diminishes this notion of contributory and vicarious liability and exempts people who are making money by playing other people's music, or maybe showing other people's movies, or in other ways using other people's products, if we exempt them in some ways, we drive a hole in our efforts to enforce American intellectual property rights overseas that is enormous.

Think what the People's Republic of China could do with the amendment of the gentleman from Wisconsin. All they would have to do is say, okay, we are going to take these principles that the American Congress has adopted; there will be no vicarious and contributory liability. If you catch the individual, that is fine; otherwise, no, there is

no liability. And if it is only incidental to some other use, there is going to be no liability.

We severely threaten our ability to protect one of the major sources internationally by which America profits, and that is intellectual property.

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

Mr. FRANK of Massachusetts. I yield to the gentleman from California.

Mr. BERMAN. Mr. Chairman, I thank the gentleman for yielding. Let us follow that a little further.

If a company in Russia proliferates missile technology in Iran, we are not going to make the Russian Government responsible. They did not make the decision, it was just some company in Russia. It undermines every aspect of enforcement here when we eliminate the major inducement to do something to ensure the law is not violated.

Mr. FRANK of Massachusetts. Mr. Chairman, reclaiming my time, let me stress that because the doctrines of contributory and vicarious liability are not obscure, what they say is, if one has rented the premises to people, and as I read the amendment, even if one has rented the premises and one knows what they are using them for and one knows there is this symptomatic effort to violate other people's rights, one is not at all liable.

I ask Members to think what the People's Republic of China and other notorious abusers of intellectual property rights could do with these principles, and I guarantee the Members that if we enact these into law here in the United States House of Representatives, efforts by the United States Trade Representative or any others to enforce intellectual property overseas goes down the drain.

We are talking about movies. We are talking about books. We are talking about music. We are talking about a number of very important efforts. I do not think that this is an enormous burden.

By the way, we have heard from restaurant owners. People have said, well, it is a problem for appliance owners, this one, that one, convention centers. Nobody has heard from the convention centers of America complaining about this.

What this amendment does, the underlying amendment of the gentleman from Wisconsin is to make it very, very difficult for us internationally to defend our intellectual property rights. The gentleman from Florida has responded sensibly to the complaints of restaurant owners. He exempts most restaurant owners. He says, if one is a larger restaurant and playing this music enhances one's ability to make money, one will share a little with those who created it. That is a reasonable approach.

Mr. COBLE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, about 8 or 9 months ago, 4 or 5 of us from the Subcommittee on Courts and Intellectual Property were chatting one night, and in the group was the late Sonny Bono. One of the Members, I do not recall his identity, but one of the Members said to Sonny, Bono, you are a restaurateur, you are a song writer. Who do you support on this issue?

Sonny said, can we not support both? He said, must I reject one in favor of the other?

And I said to him, amen, Sonny.

The gentleman from Florida (Mr. MCCOLLUM) has crafted such a compromise, a compromise I am told that the song writers and the restaurateurs, neither of whom is completely ecstatic, but both of whom can live with.

I have said before, Mr. Chairman, I am a friend of restaurants in my district. Restaurateurs speak to me frequently, and if anybody accuses me of trashing restaurants just because I am supporting the McCollum amendment, I will meet him in the back lot, because that is simply not the case. But restaurateurs come to me and say, this issue is important, but there are other issues that are far more vital to us as operators of restaurants than music licensing. You all get that over with, and there will be other issues on our agenda that we want you to visit before you adjourn in the fall.

We had conducted 2 hearings on this, Mr. Chairman. Fair and open-minded, we invited all parties who had interest in the matter to appear. The second hearing occurred in Washington last July. One of the witnesses, a tavern and restaurant owner from Mr. SENSENBRENNER's home State of Wisconsin, in his testimony in response to a question, he admitted that his gross earnings for the current period were in excess of $400,000, and he furthermore admitted that his payment to play music was $500. Some of the folks almost fell out of their respective chairs when he announced that his gross was over $400,000, yet he was only required to pay $500.

Now, I am not suggesting, Mr. Chairman, that that gentleman typifies restaurant and tavern owners around the country; I am suggesting that he was the witness who was selected to appear by the coalition that the gentleman from Wisconsin (Mr. SENSENBRENNER) represents.

Now, Mr. Chairman, these are issues that talk about big business versus little business. That is not the case at all, and I tried to portray that earlier. I think both sides of the aisle have portrayed it, Republicans, Democrats, liberals, conservatives, mugwumps, if there are any, everybody has come to the plate on this.

Mr. CLEMENT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise to express my strong opposition to the amendment of the gentleman from Wisconsin (Mr. SENSENBRENNER) and also my strong support for the McCollum amendment.

The Sensenbrenner amendment would be devastating to our Nation's song writers. Rather than deny their right to make a living, Congress should recognize the importance and significance of these gifted and talented individuals. As a Representative from Nashville, Tennessee, or as I might say it, Music City, USA, I am deeply concerned about this amendment's effort to compromise the intellectual property rights of our song writers and assault their ability to make a living.

Mr. Chairman, this amendment devalues the achievements and diligent efforts of our song writers and musicians. The property rights of any individual should not be considered secondary to the rights of others. For Congress to single out song writers would send a signal to both the American creative community and to the world at large that intellectual property no longer holds any value in the United States.

John F. Kennedy once said,

> I look forward to an America which will reward achievement in the arts as we reward achievement in business or statecraft. I look forward to an America which will steadily raise the standards of artistic accomplishment and which will steadily enlarge cultural opportunities for all of our citizens. I look forward to an America which commands respect throughout the world, not only for its strength, but for its civilization as well.

Songs are born in any number of magical and mystical ways. But what might appear to take 15 minutes to create often takes 15 years of hard work, sacrifice, dedication, practice, and persistence. We should be rewarding these creators and not punishing them by the Sensenbrenner amendment.

Mr. Chairman, I strongly urge my colleagues to oppose this amendment and support the McCollum substitute amendment in an effort to uphold intellectual property rights for all.

Mr. HEFLEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I just want to say that I always thought that we were great when we got behind Radio Free Europe and others, and I thought we had free radio here in the United States. It is a shame to me that we are even arguing over this.

Mr. Chairman, I yield to the gentleman from Wisconsin (Mr. SENSENBRENNER).

Mr. SENSENBRENNER. Mr. Chairman, I thank the gentleman from Texas for yielding.

The gentleman from North Carolina, when he gave his statement, referred to the testimony of a Peter Madland who used to be the President of the Tavern League of Wisconsin, talking about how big his place was and how much his gross income was.

□ 1315

But what the gentleman from North Carolina did not tell us, and he would not yield to me so I could enlighten him, is that under the Sensenbrenner amendment, Mr. Madland's establishment would not be exempt from paying ASCAP fees.

He testified before the subcommittee of the gentleman from North Carolina (Mr. COBLE) on July 17, 1997, that he has 20,000 to 25,000 square feet in his establishment. It is a big bar. I have never been there, it is in the district represented by the gentleman from Wisconsin (Mr. OBEY). But the exemption contained in both the McCollum amendment and the Sensenbrenner amendment goes to 3,500 square feet, and Mr. Madland's establishment is way over that. He does not get a free ride. He is going to pay the same ASCAP fee as he has paid before because he has a big establishment.

For the gentleman from North Carolina, having presided over the hearing where Mr. Madland testified on how big his establishment is, to make a representation that this major operator was going to get a free ride I think is regrettable.

Mr. SAM JOHNSON of Texas. Mr. Chairman, I move to strike the requisite number of words, and I yield to the gentleman from North Carolina (Mr. COBLE).

Mr. COBLE. Mr. Chairman, I thank the gentleman from Texas for yielding to me.

I want to formally apologize to my friend, the gentleman from Wisconsin. Oftentimes, Mr. Chairman, in the heat of debate we become embroiled, and I should have yielded to him. But I assume, I would ask the gentleman from Wisconsin (Mr. SENSENBRENNER), that he is not suggesting that my testimony was inaccurate, or is he?

Mr. SENSENBRENNER. If the gentleman from Texas will yield to me, Mr. Chairman, absolutely not. The gentleman from North Carolina (Mr. COBLE) might have forgotten that Mr. Madland testified on how big his establishment is, and might not have made the connection with the exemption contained in the Sensenbrenner amendment.

I am just here to inform the gentleman from North Carolina that Mr. Madland would not be exempt, and representations that the operator of that big an establishment, whether it is in Chetek, Wisconsin, or anyplace else in the country, would be exempt, that person simply has not read what is in the text of the Sensenbrenner amendment.

Mr. Madland pays, and anybody else that has that big an establishment would pay under my amendment.

Mr. COBLE. If the gentleman would continue to yield, Mr. Chairman, I just wanted to apologize to the gentleman from Wisconsin (Mr. SENSENBRENNER) and to the Members. I should have yielded, but we are embroiled in this, and for that purpose, Mr. Chairman, I want to get that on the record.

Mr. SCARBOROUGH. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to talk about a couple of issues that have been brought up. The first has to do with what a good friend of mine, the gentleman from Indiana, talked about. He talked about the back-door tax increase. Again I want to reiterate to my friends who may be listening to this, this is a red herring. It is not a back-door tax increase. It is one small business owner paying another small business owner for their property, for using their property.

Secondly, there will be no increase in payments. This is talking about an existing payment that has to be done.

He also talked about the phone system. I think it is very important to realize, we talked about incidental use, or we talked about using music to enhance business, to make more money. There are marketing firms out there that actually get paid to tell dentists what type of music to play on their phone systems. I know, because I have a father-in-law who is a dentist. There are marketing firms who pay people to tell law firms what type of music to play on their phone systems to help them lure more business, more money.

It is a means, music is a means to make more money. I think it is unconscionable that all these people that have stormed Capitol Hill in the name of property rights in 1994, just 4 years later want to take away property rights from others, when it is clear that this property is being used to make a profit.

I wonder if these bar and tavern owners that are so offended about five different entities actually using the same property to make money would be that offended when they charge five people to come into their restaurant to use the same property, or 500 people? Or how about the Titanic? If we have theater owners who allow people to see the Titanic four or five times, do they pay once and get a free pass for the other four times they see it? Absolutely not. This is ridiculous. They are red herrings.

Unfortunately, a process was set up where reasoned people could get together, could compromise, and regrettably, one party did not want to compromise.

We have heard, talking about apologies on the floor, we have heard the McCollum amendment called ''a sham,'' when most reasoned people have said that the McCollum amendment was where the two parties were going before one party went aside.

We also heard somebody talked about property rights for songwriters being ''a scam.'' That is not the case. We have also heard people parade up to the microphone saying they have to go to New York, they have to hire a godawful New York attorney. That is not the case anymore. The McCollum amendment makes sure that we have boards go throughout the land.

For those people to suggest that we set up an arbitration system with absolutely no oversight whatsoever, we are talking about a wild, wild West judicial system with no oversight, with no guidance, and would lead to the most bizarre, inconsistent, crazy results. It is dangerous.

I hear people coming up to the microphone saying, well, there is no such thing as a free lunch. Yet, they turn around and advocate an amendment that provides a free lunch. We hear people coming up talking about how the small restaurants will be hurt.

Let me tell the Members, again, it needs to be reiterated, CRS has estimated a 406 percent increase in restaurants exempted under this provision. There is 406 percent of restaurants that will be exempted under this provision. Only the largest restaurants will pay any fee. The average paid is $30 a month, $30 a month.

When I hear people come up talking about how this is going to be crushing to small business, it is laughable. Small business is using this property to make a profit. I am a capitalist, I am a supporter of small business. I talk to the restaurant owners, I talk to the restaurant owners that elected me, talk to the people that I fought against the minimum wage for, talk to the people that I fought for to eradicate the capital gains tax.

I believe in free enterprise. I believe in the free market system, and I believe that if somebody has a product that helps somebody else make money, then I am all for it. Get it out in the marketplace. But let us forget this free market concept. Let us support the amendment offered by the gentleman from Florida (Mr. MCCOLLUM), and let us make sure people get paid fairly for their property rights.

Let us make sure we do not send the wrong message to China. China feels very, very free in taking our property rights, be it CDs or software. I do not hear anybody here saying Microsoft should only charge once for their program. I have yet to hear one person say that. Yet, it is the same concept. If you can copy a Microsoft program over and over and over again without paying Microsoft, what is the difference there? It is the same exact thing.

The CHAIRMAN pro tempore. The time of the gentleman from Florida (Mr. SCARBOROUGH) has expired.

(By unanimous consent, Mr. SCARBOROUGH was allowed to proceed for 3 additional minutes.)

Mr. SCARBOROUGH. Mr. Chairman, I ask my conservative brethren that came here in 1994 fighting for property rights, if they were to fight for Bill Gates' right to make sure that he protects what is his to protect, then we do the same thing for the small, struggling songwriter.

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

Mr. SCARBOROUGH. I yield to the gentleman from Florida.

Mr. MCCOLLUM. Mr. Chairman, I thank the gentleman for yielding. He has eloquently expressed where we are at this point.

I just wanted the gentleman to yield to bring out the fact that we are near the end of this debate, we may have one or two more speakers. The bottom line is that what I am offering truly is

a compromise. I would like to make the point, and drive it home, that a great many restaurants are going to be exempted by my amendment. We have already talked about a 400 percent increase over the current law.

These folks have been paying, restaurants have been paying these royalties, these fees for years. This is nothing new. We are talking about exempting 75 or 80 percent of those restaurants. I think probably it will be even more, because in this amendment we bumped up from what the negotiated status was, which is what I am trying to offer, pretty much, here; we bumped up the number of television sets you can have in a restaurant that get you exempted, no matter what your square footage is, to four. If you have six speakers in the restaurant you are exempted, no matter what your square footage is, how big you are. I think that takes care of anything but really big restaurants.

So I do not know what the squabble is about. We need to pass a copyright extension bill, we need to get this debate passed, and we need to do what the gentleman has suggested, and that is protect the property rights interests of both the small business restaurateur and the small business songwriter. Adopting the McCollum amendment substitute to Sensenbrenner will do that. His will not do that. It is not fair. I thank the gentleman for yielding time to me.

Mr. SCARBOROUGH. Mr. Chairman, I thank the gentleman for his amendment.

I am reminded by the remark the gentleman from California said a few minutes ago, that a lot of people would be absolutely shocked that they would be coming to the floor voting for legislation such as the gentleman's, an amendment such as that of the gentleman from Florida (Mr. MCCOLLUM), because we have compromised so much, and yet we are still told that is enough.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. SCARBOROUGH. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Chairman, on the international side, people have said the restaurant owners should not have to pay because someone has already paid for this once, the national TV, et cetera.

Put that doctrine in the hands of the Chinese or others overseas and you say to them, okay, as long as something was once paid for in America, this book, this movie, this recording, this CD, then I can sell it without paying the owner, and you have destroyed our capacity to defend American intellectual property overseas.

Mr. SCARBOROUGH. It would be absolutely devastating to the computer industry, the software industry. It is a dangerous, dangerous precedent.

Mr. GORDON. Mr. Chairman, I move to strike the requisite number of words. Mr. Chairman, there has been a lot of rhetoric on both sides of this issue. Let me just take a quick moment to try to summarize where we are, please.

The main bill that we are debating today is the Copyright Extension Act. What that does is extend the copyrights for music and film in this country to the same level of other countries around the world. If we do not do this, then the United States is going to lose hundreds of millions of dollars in revenue from other countries that should come in to the United States.

That is very reasonable, and I think most everybody agrees with that. But then, unfortunately, the gentleman from Wisconsin (Mr. SENSENBRENNER) has taken this noncontroversial bill and added a completely unrelated, very controversial amendment.

What the amendment offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) basically says is that unlike the present and the past, that restaurants and bars should not have to pay for the music or the royalties for the music that they play in their establishments, which amounts to just a little over $1.50 a day.

It really is somewhat amazing that the gentleman from Wisconsin, who is a strong property rights advocate, it is really ironic, he would never say that these same bars and restaurants should not have to pay the supplier for the chairs and tables, for the paint on the walls, for the chandeliers, or for anything else that helps them make the atmosphere for that particular restaurant or bar. However, for some reason they should not have to pay $1.50 a day for the music, knowing that if this $1.50 is not worthwhile, if the music does not enhance their establishment, they can turn it off. Nobody is telling them they have to play it. Only that they need to pay for it if they use it, like the tables and chairs.

Mr. Chairman, the gentleman from Florida (Mr. MCCOLLUM) has come along and introduced an amendment to that of the gentleman from Wisconsin (Mr. SENSENBRENNER), a compromise, and is trying to bring some rationality to this issue. He is, the gentleman from Florida (Mr. MCCOLLUM), exempting the smallest bars and restaurants in the country; as a matter of fact, two-thirds of the restaurants and bars in the country, which is a very reasonable amendment. Because we have to remember, if the songwriters are not paid, they cannot produce the songs, and when they do not produce the songs, the music is going to stop.

I would like to share with the Members a song that one of the songwriters back home has written about this issue. I say to my friend, the gentleman from Wisconsin (Mr. SENSENBRENNER), I am going to spare him me singing this, so I am going to read it here for the gentleman.

It is ''Dear, dear, U.S. Congress:

''Some merchants want to use my song, but they don't want to pay me, and I think that is wrong. How would you like to have a job where you work hard every day, you love what you are doing, but you don't get any pay? I can't give away my songs for free 'cause this is the way I feed me and my family. And if you merchants disagree, that's fine. Go write your own songs, just don't use mine.''

Now, Mr. Chairman, let me ask the Members today to keep the music. Do not stop the music from coming forward. I support a very reasonable compromise offered by the gentleman from Florida (Mr. MCCOLLUM) to keep the music for all America.

Mr. BONILLA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, this is a debate that involves small business, and I think all of us who believe in the American way and in driving the American economy understand that small business is the backbone of that culture that drives the American economy.

Too often this Congress dumps on them: more regulations, higher mandated wages, taxes that are too high. So we have people, for example, that are running small restaurants in this country that are asking us not to dump on them one more time.

☐ 1330

In my hometown of San Antonio, small businesses and restaurants are at the forefront of job creation and economic opportunity. Anyone who has visited San Antonio and the River Walk know how these small businesses enhance my town's premier tourist attraction.

These businesses cannot afford in many cases any more ruinous fees. This amendment offered by the gentleman from Wisconsin (Mr. SENSENBRENNER), which I am supporting, provides a reasonable compromise to protect jobs while protecting the copyrights of artists.

Simply put, the Sensenbrenner amendment makes needed changes in Federal law by providing for local arbitration of music licensing fee disputes. Small businesses will no longer be forced to travel across the country to New York to make their case. They could not afford to do that anyway. Today's small business has no local recourse. This is a more than reasonable compromise the gentleman from Wisconsin is offering in his amendment.

The amendment does not fully exempt businesses from paying royalties or change existing penalties. It merely recognizes that changing technology makes some of the current fees unfair and represents a double charge for licensing.

Mr. Chairman, I cosponsored H.R. 789, the Fairness in Music Licensing Act, because I believe it represents a responsibility compromise. I urge my colleagues to please join me in voting for the Sensenbrenner amendment, which will help ensure that small business remains the engine driving our economy.

Mr. NADLER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise to oppose strongly the Sensenbrenner amendment and to support the McCollum amendment to the Sensenbrenner amendment.

The Sensenbrenner amendment would be essentially a license for restaurants, taverns, and other establishments to use songwriters' work product, their property, without paying for it. It would be a license to steal from America's creative community and, therefore, I must oppose it vigorously.

The late Justice Oliver Wendell Holmes said that, ''It is true that the music is not the sole object, but neither is the food,'' referring to a restaurant.

> The object is the repast and surroundings that give luxurious pleasure not to be had from eating a silent meal. If music did not pay, it would be given up. Whether it pays or not, the purpose of employing it is profit and that is enough.

Mr. Chairman, several people have said, and I will say it for myself, that I never thought I would come before the House, advocating support of an amendment that would exempt an establishment as large as 3,500 square feet. The McCollum amendment, frankly, I think goes far too far. But it is acceptable to the songwriters. I do not think they are getting as fair a deal as they ought out of it, but I will support it as the best we can get.

Mr. Chairman, I looked at this issue very carefully when I was a member of the Subcommittee on Courts and Intellectual Property of the Committee on the Judiciary, and I remember coming to several conclusions after hearing from both sides. The first conclusion is the question of equity. Ninety percent of songwriters make less than $10,000 a year. Many make more, but are still struggling. The average restaurant pays $400 to $450 a year for songwriter fees. The average income of the restaurant makes that a small proportion, a very small proportion, and yet for the songwriters it is very important. So as a matter of equity, when something is very important for one side as a percentage of their income and very small for the other, it makes sense to go with the side that we would really hurt if we went the other way.

Second of all, and here I fail to see how some of my friends on the other side of the aisle can even think of supporting this amendment, we are talking here about private property. We are talking about private arrangements between one group of property owners, the songwriters who own the songs that they have produced, and another group of property owners, the restaurant owners who want to purchase the use of those songs.

I am not a total believer in the efficacy of the free market in all circumstances, unlike some of my friends on the other side of the aisle. But I do believe that before the government should come in and pass a law dictating the terms of an arrangement between property owners, before we should come in and say some can use that music for free and some must pay, there has got to be a very, very strong showing of the public policy necessity. There has got to be a showing of why the free market and private negotiations cannot work its will to the best interest of the economy and the people of the country, as it usually does. One has to make a showing why the free market cannot work in a situation before we ask for government regulation.

What do we have here? We have some people coming in, some people who are normally great supporters of private property rights and against regulation and, based on nothing at all, saying let us dictate the terms of the arrangement and say to the restaurant owners they can use the other people's property for free.

Why? What is the necessity? Why do we not trust the market to work this out? Why do we not trust the songwriters and the restaurants to negotiate deals as they have for the last, I do not know, 70 or 80 years?

I see no reason. We hear that here it is a question of secondary use; that they have already paid once for it. Well, so what? So what? I would not be permitted, none of us would be permitted to purchase a CD or a tape of a movie, purchase it, go in and pay $15 for a tape of a movie, and then going go to my machine and making a lot of tapes of it and selling those. None of us would be permitted to do that. We are using that property, and it is exactly the same thing.

So on these grounds I do not see why we should pass any amendment at all on the subject. I will reluctantly go along with the amendment offered by the gentleman from Florida (Mr. MCCOLLUM) as a reasonable compromise, and certainly more reasonable than an attempt, frankly, to appropriate the songwriters' property for free, for the benefit of restaurant owners.

Mr. Chairman, I love restaurant owners. I have plenty of them in my district. But they are not entitled to the free use of other people's property. Period. So I urge my colleagues to oppose the Sensenbrenner amendment and support the McCollum amendment to the Sensenbrenner amendment.

Mr. WATT of North Carolina. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I will not take 5 minutes, but I rise in support of the McCollum-Conyers substitute and in opposition to the Sensenbrenner amendment.

I want to address two issues quickly. Number one, I do not think this is an issue of big business against small business or a small business issue. It seems to me that restaurants are small businesses, but music writers are also small businesses. So either way we vote on this, we are going to be trying to support, as all of us I believe do, small business in this country.

The second is an argument that I have heard a number of restaurant owners advance from time to time that music is just background music, and we ought not be obligated to pay for it, even though we are using somebody else's work product. And my typical response to that is, if what they are saying is true, if this is of no benefit to their company, if this is truly background music, cut it off. And if they cut it off, then nobody obligates them to pay for the use of it.

So I just think, as a matter of fairness and equity, that a person who has written a song and dealt with that song and put it in the stream of our intellectual property ought to be compensated for the use of it. And I think the McCollum amendment represents a reasonable approach to it. I have some concerns about it also, but I will support that substitute and vote against the amendment offered by the gentleman from Wisconsin.

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

Mr. WATT of North Carolina. I yield to the gentleman from Michigan.

Mr. BONIOR. Mr. Chairman, I thank the gentleman from North Carolina (Mr. WATT) for his remarks and support him in his support of the McCollum-Conyers amendment. I think the gentleman hit the nail on the head when he talked about that these are small businesspeople, all of the folks who write songs, who write music for a living. This is an important work. It brings great joy and great dignity to our society. They pour their heart and soul into their work.

Mr. Chairman, I am just finishing a book called Lush Life, the story of Billy Strayhorn, one of the great song people of our time. And reading that gives a sense of the dignity and the tough work, but the joyous work of these individuals. And it just seems to me that they need as much protection as the folks who own the bars and the restaurants and all the other facilities that we have talked about.

So I thank the gentleman from North Carolina (Mr. WATT) for his comments and his remarks, and I hope that we will adopt the McCollum-Conyers amendment this afternoon.

The CHAIRMAN pro tempore (Mr. SUNUNU). The question is on the amendment offered by the gentleman from Florida (Mr. MCCOLLUM) to the amendment offered by the gentleman from Wisconsin (Mr. SENSENBRENNER).

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

RECORDED VOTE

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

A recorded vote was ordered.

The CHAIRMAN pro tempore. Pursuant to clause 2 of rule XXIII, the Chair announces that he may reduce to not less than 5 minutes the period of time within which a recorded vote may be taken without intervening business on the Sensenbrenner amendment.

The vote was taken by electronic device, and there were—ayes 150, noes 259, not voting 22, as follows:

[Roll No. 68]

AYES—150

Abercrombie
Ackerman
Allen
Baldacci
Becerra
Berman
Bliley
Bonior
Borski
Boucher
Brown (CA)
Brown (OH)
Bryant
Callahan
Canady
Capps
Carson
Clay
Clayton
Clement
Coble
Costello
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dingell
Dixon
Doggett
Dooley
Dreier
Ehrlich
Engel
Eshoo
Evans
Fattah
Fazio
Filner
Foley
Forbes
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gilchrest
Gilman
Goodlatte
Gordon
Gutierrez
Hall (OH)
Hansen
Hastings (FL)
Hefner
Hilleary
Hinchey
Hoyer
Hunter
Hutchinson
Hyde
Jackson (IL)
Jenkins
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kucinich
LaFalce
LaHood
Lampson
Lantos
Lazio
Levin
Lewis (GA)
Lipinski
Livingston
Lofgren
Lowey
Luther
Maloney (NY)
Manton
Markey
Martinez
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDade
McGovern
McKinney
Meehan
Meek (FL)
Meeks (NY)
Menendez
Miller (CA)
Mink
Moakley
Mollohan
Morella
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pascrell
Paul
Pease
Pelosi
Poshard
Radanovich
Rahall
Rivers
Rogan
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Scarborough
Schumer
Serrano
Shays
Sherman
Skaggs
Slaughter
Stokes
Stupak
Tanner
Tauscher
Thomas
Thurman
Tierney
Torres
Towns
Velazquez
Vento
Wamp
Watt (NC)
Waxman
Wexler
Wise
Yates

NOES—259

Aderholt
Andrews
Archer
Armey
Bachus
Baesler
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Boswell
Boyd
Brady
Bunning
Burr
Burton
Buyer
Calvert
Camp
Campbell
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clyburn
Coburn
Collins
Combest
Condit
Cook
Cooksey
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Dicks
Doolittle
Doyle
Duncan
Dunn
Edwards
Ehlers
Emerson
English
Ensign
Etheridge
Everett
Ewing
Farr
Fawell
Fossella
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gillmor
Goode
Goodling
Goss
Graham
Granger
Green
Greenwood
Gutknecht
Hall (TX)
Hamilton
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilliard
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Hulshof
Inglis
Istook
John
Johnson (CT)
Johnson (WI)
Johnson, Sam
Jones
Kanjorski
Kasich
Kind (WI)
King (NY)
Kingston
Klink
Klug
Knollenberg
Kolbe
Largent
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Maloney (CT)
Manzullo
Mascara
McCrery
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McNulty
Metcalf
Mica
Miller (FL)
Minge
Moran (KS)
Moran (VA)
Murtha
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oxley
Packard
Pallone
Pappas
Parker
Pastor
Paxon
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Ramstad
Redmond
Regula
Reyes
Riley
Rodriguez
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Ryun
Salmon
Sandlin
Sanford
Sawyer
Saxton
Schaefer, Dan
Schaffer, Bob
Scott
Sensenbrenner
Sessions
Shadegg
Shaw
Shimkus
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Strickland
Stump
Sununu
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Thompson
Thornberry
Thune
Tiahrt
Traficant
Turner
Upton
Visclosky
Walsh
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Weygand
White
Whitfield
Wicker
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NOT VOTING—22

Brown (FL)
Cannon
Cardin
Conyers
Ford
Gonzalez
Harman
Houghton
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Kleczka
McDermott
Millender-McDonald
Payne
Rangel
Riggs
Rothman
Royce
Schiff
Stark
Waters

□ 1400

The Clerk announced the following pair:

On this vote:

Mr. McDermott for, with Mr. Rangel against.

Messrs. SMITH of Texas, HULSHOF, DICKS, FOX of Pennsylvania, PICKETT, THOMPSON, BATEMAN, COX of California, CUMMINGS, BERRY, Ms. STABENOW, Mrs. FOWLER, Mr. UPTON and Mr. FARR of California changed their vote from ''aye'' to ''no.''

Messrs. GUTIERREZ, MOAKLEY, SHAYS, Ms. LOFGREN, Mr. STOKES, Mr. RUSH, Mrs. MORELLA, and Mr. HINCHEY changed their vote from ''no'' to ''aye.''

So the amendment to the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore (Mr. SUNUNU). The question is on the amendment offered by the gentleman from Wisconsin (Mr. SENSENBRENNER).

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

RECORDED VOTE

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

A recorded vote was ordered.

The CHAIRMAN pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 297, noes 112, not voting 22, as follows:

[Roll No. 69]

AYES—297

Aderholt
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Borski
Boswell
Boucher
Boyd
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clayton
Clyburn
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Dicks
Doolittle
Doyle
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Ensign
Etheridge
Evans
Everett
Ewing
Farr
Fawell
Foley
Fossella
Fowler
Fox
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Hulshof
Hunter
Hutchinson
Inglis
Istook
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kim
Kind (WI)
King (NY)
Kingston
Klink
Klug
Knollenberg
Kolbe
Kucinich
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lucas
Maloney (CT)
Manzullo
Mascara
McCrery
McDade
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McNulty
Metcalf
Mica
Miller (FL)
Minge
Mollohan
Moran (KS)
Moran (VA)
Murtha
Myrick
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Obey
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paxon
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Rahall
Ramstad
Redmond
Regula
Reyes
Riley
Rodriguez
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Rush
Ryun
Salmon
Sandlin
Sanford
Sawyer
Saxton
Schaefer, Dan
Schaffer, Bob
Scott
Sensenbrenner
Sessions
Shadegg
Shaw
Shimkus
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Strickland
Stump
Sununu
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt

Torres	Watkins	Whitfield
Traficant	Watts (OK)	Wicker
Turner	Weldon (FL)	Wise
Upton	Weldon (PA)	Wolf
Visclosky	Weller	Wynn
Walsh	Weygand	Young (AK)
Wamp	White	Young (FL)

NOES—112

Abercrombie	Hilliard	Nadler
Ackerman	Hinchey	Oberstar
Allen	Hoyer	Olver
Becerra	Hyde	Ortiz
Berman	Jackson (IL)	Owens
Bonior	Kelly	Paul
Brown (CA)	Kennedy (MA)	Pease
Brown (OH)	Kennedy (RI)	Pelosi
Capps	Kennelly	Pombo
Clay	Kildee	Radanovich
Clement	Kilpatrick	Rivers
Coble	LaFalce	Rogan
Cummings	LaHood	Roybal-Allard
Davis (IL)	Lampson	Sabo
DeFazio	Lantos	Sanchez
DeGette	Levin	Sanders
Delahunt	Lewis (GA)	Scarborough
DeLauro	Lofgren	Schumer
Deutsch	Lowey	Serrano
Dingell	Luther	Shays
Dixon	Maloney (NY)	Sherman
Doggett	Manton	Skaggs
Dooley	Markey	Slaughter
Dreier	Martinez	Stokes
Engel	Matsui	Stupak
Eshoo	McCarthy (MO)	Tanner
Fattah	McCarthy (NY)	Tauscher
Fazio	McCollum	Tierney
Filner	McGovern	Towns
Forbes	McKinney	Velazquez
Frank (MA)	Meehan	Vento
Furse	Meek (FL)	Watt (NC)
Gejdenson	Meeks (NY)	Waxman
Gephardt	Menendez	Wexler
Gilman	Miller (CA)	Woolsey
Gordon	Mink	Yates
Gutierrez	Moakley	
Hastings (FL)	Morella	

NOT VOTING—22

Brown (FL)	Jackson-Lee (TX)	Payne
Cannon	Jefferson	Rangel
Cardin	Johnson, E. B.	Riggs
Conyers	Kleczka	Rothman
Ford	McDermott	Royce
Gonzalez	Millender-McDonald	Schiff
Harman		Stark
Houghton		Waters

□ 1414

The Clerk announced the following pair:

On this vote:

Mr. Kleczka for, with Mr. McDermott against.

Mr. MOAKLEY, Mr. FORBES and Mrs. KELLY changed their vote from ''aye'' to ''no.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. RIGGS. Mr. Chairman, on Rollcall Nos. 68 and 69, I was unavoidably detained on other business and unable to be present in the House Chamber. Had I been present, I would have voted ''no'' on No. 68 and ''yes'' on No. 69, respectively.

The CHAIRMAN pro tempore (Mr. SUNUNU). Are there any other amendments?

If not, the question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN pro tempore. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. GIBBONS) having assumed the chair, Mr. SUNUNU, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2589) to amend the provisions of title 17, United States Code, with respect to the duration of copyright, and for other purposes, pursuant to House Resolution 390, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the adoption of the amendment.

The amendment was agreed to.

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

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN THE ENGROSSMENT OF H.R. 2589, COPYRIGHT TERM EXTENSION ACT

Mr. COBLE. Mr. Speaker, I ask unanimous consent that the Clerk be authorized in the engrossment of the bill, H.R. 2589, to insert ''Sonny Bono'' before ''Copyright Term Extension Act'' each place it appears; in other words, the bill bear Sonny's name.

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

There was no objection.

AUTHORIZING THE CLERK TO MAKE FURTHER CORRECTIONS IN ENGROSSMENT OF H.R. 2589, SONNY BONO COPYRIGHT TERM EXTENSION ACT

Mr. COBLE. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 2589, the Clerk be authorized to correct section numbers, punctuation, and cross-references and to make such other technical and conforming changes as may be necessary to reflect the actions of the House in amending the bill.

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

There was no objection.

GENERAL LEAVE

Mr. COBLE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the legislation just passed.

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

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3310

Mr. KUCINICH. Mr. Speaker, I ask unanimous consent to take my name off of H.R. 3310 as a cosponsor.

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

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2500

Mr. FATTAH. Mr. Speaker, I ask unanimous consent to remove my name as a cosponsor to H.R. 2500, the Responsible Borrower Protection Act.

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

There was no objection.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3246, FAIRNESS FOR SMALL BUSINESS AND EMPLOYEES ACT OF 1998

Mrs. MYRICK, from the Committee on Rules, submitted a privileged report (Rept. No. 105–463) on the resolution (H. Res. 393) providing for consideration of the bill (H.R. 3246) to assist small businesses and labor organizations in defending themselves against government bureaucracy; to ensure that employees entitled to reinstatement get their jobs back quickly; to protect the right of employers to have a hearing to present their case in certain representation cases; and to prevent the use of the National Labor Relations Act for the purpose of disrupting or inflicting economic harm on employers, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2515, FOREST RECOVERY AND PROTECTION ACT OF 1998

Mrs. MYRICK, from the Committee on Rules, submitted a privileged report (Rept. No. 105–464) on the resolution (H. Res. 394) providing for consideration of the bill (H.R. 2515) to address the declining health of forests on Federal lands in the United States through a program of recovery and protection consistent with the requirements of existing public land management and environmental laws, to establish a program to inventory, monitor, and analyze public and private forests and their resources, and for other purposes, which was referred to the House Calendar and ordered to be printed.

EXTENDING THE VISA WAIVER PILOT PROGRAM

Mrs. MYRICK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 391 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 391

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2578) to amend the Immigration and Nationality Act to extend the visa waiver pilot program, and to provide for the collection of data with respect to the number of non-immigrants who remain in the United States after the expiration of the period of stay authorized by the Attorney General. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. After general debate the bill shall be considered for amendment under the five-minute rule. The bill shall be considered as read. No amendment to the bill shall be in order unless printed in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII. The chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. After passage of H.R. 2578, it shall be in order to consider in the House S. 1178. It shall be in order to move that the House strike all after the enacting clause of the Senate bill and insert in lieu thereof the provisions of H.R. 2578 as passed by the House.

The SPEAKER pro tempore. The gentlewoman from North Carolina (Mrs. MYRICK) is recognized for 1 hour.

Mrs. MYRICK. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Ohio (Mr. HALL), pending which I yield myself such time as I may consume. During consideration of this resolution, all time is yielded for the purpose of debate only.

Mr. Speaker, yesterday the Committee on Rules met and granted a modified open rule to H.R. 2587, which provides for 1 hour of general debate, equally divided and controlled by the chairman and the ranking minority member of the Committee on the Judiciary.

The rule also provides that no amendment to the bill will be in order unless it has been preprinted in the CONGRESSIONAL RECORD.

The rule allows the Chairman of the Committee of the Whole to postpone votes during consideration of the bill and to reduce voting time to 5 minutes on the postponed question if a vote follows a 15-minute vote.

The rule provides for one motion to recommit, with or without instructions.

Finally, the rule provides that after passage of the House bill, it will be in order to insert the House-passed language into the Senate bill number.

Since 1986, the visa waiver pilot program has allowed tourists from our closest allies to enter the United States for up to 90 days without a visa. In order to participate in the program, a tourist must first purchase a round trip ticket, must not pose a safety threat to United States citizens, and must abide by all of the waiver program's rules and regulations.

H.R. 2578 would extend the visa waiver pilot program through September 30, 1999, and will require the Attorney General to collect data on nonimmigrant aliens who unlawfully remain in the United States.

Mr. Speaker, the visa waiver pilot program enjoys broad, bipartisan support. In fact, the program has been so successful that under today's open rule we will consider amendments to extend the program to countries such as Greece, Portugal, and South Korea.

I urge all of my colleagues to support this open rule.

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

Mr. HALL of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to thank my colleague, the gentlewoman from North Carolina (Mrs. MYRICK) for yielding me the time. This rule will allow a debate on H.R. 2578, which is a bill to extend the visa waiver pilot program. As my colleague has described, this rule provides 1 hour of general debate, to be equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. Under this rule, amendments will be allowed under the 5-minute rule, which is the normal amending process in the House, provided that amendments have been previously printed in the CONGRESSIONAL RECORD.

The bill extends for 2 years the visa waiver pilot program started in 1988 and said to expire April 30, 1998. Under the program, tourists and business travelers from some countries can come to the United States for up to 90 days without a visa.

□ 1430

The program is intended primarily to assist the U.S. terrorism industry. The bill is fairly easy to understand. The Committee on the Judiciary approved it by voice vote. I would urge a vote on the rule.

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

Mrs. MYRICK. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Speaker, I thank both sides of the aisle for bringing the legislation forward. I know that in the case of Greece, Greece has been our ally for a long time. I recently went with the Chairman on my first trip ever in 7 years to Greece. I know the problems associated with an ally of ours, just the fact of trying to get a visa. Since my wife is Portuguese, of course I support that as well.

I would like to thank the gentlewoman from North Carolina (Mrs. MYRICK) and the Members on the other side of the aisle for the legislation. It is good legislation and a long time overdue.

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

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. CHAMBLISS). Pursuant to House Resolution 391 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2578.

□ 1432

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2578) to amend the Immigration and Nationality Act to extend the visa waiver pilot program, and to provide for the collection of data with respect to the number of nonimmigrants who remain in the United States after the expiration of the period of stay authorized by the Attorney General, with Mr. SUNUNU in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Texas (Mr. SMITH) and the gentleman from North Carolina (Mr. WATT) each will control 30 minutes.

The Chair recognizes the gentleman from Texas (Mr. SMITH).

Mr. SMITH of Texas. Mr. Chairman, I yield myself such time as I may consume. Let me first explain the bill; then I want to very quickly yield to the gentleman from Illinois (Mr. HYDE), chairman of the Committee on the Judiciary.

Mr. Chairman, H.R. 2578 extends the visa waiver pilot program. The visa waiver program allows business visitors and tourists to enter the United States without obtaining a visa. Currently, 26 nations have qualified as visa waiver countries.

Normally, a consular officer conducts a face-to-face interview with a visa applicant to check for fraudulent documents and to weed out individuals who do not plan to leave the United States before their visas expire.

Since the visa waiver program removes the ordinary visa requirement, there is very legitimate concern that those intending to violate our immigration laws, and perhaps more serious

crimes inside the United States, could very well abuse it.

The security of the program currently rests on two standards. First, to become eligible, a nation must have a visa refusal rate of less than 2 percent. Second, to remain in the program, a nation must have a visa overstay rate of less than 2 percent. The INS has been unable to calculate specific visa overstay rates for close to 5 years, so there is no reliable way to determine if a country should, in fact, remain in the program.

The only reasonable course of action is to extend the visa waiver program for 2 years, as the administration recommends, so that the administration can implement reforms that will allow it to determine those visa overstay rates.

To encourage these efforts, this legislation includes a provision requiring the INS to collect data regarding visa overstays and to report such data to Congress.

Pending this review, the Attorney General, as well as the State Department, has strongly endorsed an extension of this program, with no amendments to change the standards for entry.

I urge all of my colleagues to support this bill and oppose any amendments that would lower the standards and thus increase illegal immigration in the United States.

Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois (Mr. HYDE), chairman of the Committee on the Judiciary.

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

Mr. HYDE. Mr. Chairman, I want to thank the gentleman from Texas (Mr. SMITH), the chairman of the Subcommittee on Immigration and Claims, for being so kind as to yield to me and to the gentleman from North Carolina (Mr. WATT) for his deference, too, which I appreciate.

I am pleased to speak in support of this legislation which extends the visa waiver pilot program. Under this program, the United States allows short-term visitors for business or pleasure, with passports from 26 designated countries, to travel to the United States without first obtaining visas abroad. Visa waiver substantially facilitates international travel and greatly benefits the economy of the United States, with over 12 million visitor arrivals under the program in 1996.

Designation as a new visa waiver program country under current law necessitates, along with other requirements, low nonimmigrant visitor refusal rates for nationals of the particular country. That rate, calculated over the last 2 fiscal years, must average below 2 percent and must remain below 2.5 percent for each of those years. In other words, the general requirement of consular screening abroad can only be waived when the U.S. consular officers rarely deny visitor visas to a country's nationals as demonstrated by objective criteria.

It is important to retain such criteria undiluted at this time as a safeguard against potential immigration law abuses. The legislation before us adheres to that principle. INS officers, Immigration and Naturalization Service officers, at ports of entry, of course, will continue to check everyone seeking admission, including visitors under the visa waiver program.

Visa waiver, properly limited, encourages leisure and business travel from low-fraud countries while permitting the State Department to concentrate consular resources where they are most needed. It is a good program. It advances U.S. interests. I urge my colleagues to support its extension.

Mr. SMITH of Texas. Mr. Chairman, I appreciate the remarks of my friend, the gentleman from Illinois.

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

Mr. WATT of North Carolina. Mr. Chairman, I yield such time as he may consume to the gentleman from Massachusetts (Mr. DELAHUNT).

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

Mr. DELAHUNT. Mr. Chairman, I rise in support of this bipartisan amendment, which would broaden the visa waiver pilot program to make tourists from Portugal and Greece eligible to participate on equal terms with their European neighbors.

These two countries are presently the only members of the European Union who do not benefit from this program, and it is high time that Congress corrected that inequity.

There is only one fair justification for excluding these or any other countries from the waiver program: namely, where there is a high rate of abuse. Yet there is no evidence that visitors from Portugal are any likelier than others to overstay their welcome in the United States once their visas have expired. In fact, the evidence refutes any suggestion that there has been an increase in illegal immigration from Portugal in recent years.

Yet the continued exclusion of these countries from the pilot waiver program creates a hardship for the many visitors who wish to come to this country and enhance our local economies. It creates a hardship for the many families in this country with relatives in Portugal who seek to travel here to see them.

Many of those families are from southeastern Massachusetts, where the Portugese-American community has made enormous contributions to our local heritage. These citizens and their family members overseas deserve to be treated fairly, and I urge my colleagues to vote for the amendment.

Mr. WATT of North Carolina. Mr. Chairman, I yield myself as much time as I may consume.

Mr. Chairman, I rise today in support of H.R. 2578, a bill to extend the visa waiver pilot program and to require the collection of data regarding the visa overstay rates of nonimmigrants who visit the United States.

The visa waiver pilot program was first authorized in 1986. The principles and goals of the program are sound: to save government resources while promoting tourism to the United States.

The program was based on the presumption that when visa abuse is very low from a given country, it is better to shift resources away from U.S. consular posts in that country and toward consular posts where the risk of visa fraud is more likely.

I do not believe that any of us are interested in seeing the visa waiver pilot program expire. The impact on the State Department, which would have to redeploy key resources, would be enormous. The potential negative impact on U.S. travel and tourism would be immeasurable.

I understand that the chairman will offer an amendment to extend the program until the year 2000 to make it a true 2-year extension of this pilot program. I will support that amendment, but only because the bill, as currently drafted, includes provisions which will require the Attorney General to implement a program to measure visa overstay rates for all visitors to the United States.

Currently, a country is eligible to participate in the visa waiver program if it has a visa refusal rate lower than 2.5 percent for the preceding 2 years and if other criteria are met.

The other criteria include having machine-readable passports, reciprocity for American tourists, and a low risk of compromising the law enforcement interest of the United States.

In non-State Department jargon, the words visa refusal rates refer to the percentage of tourist visa applications that are denied in a given country. Visa applications are refused when U.S. consular officers, often using subjective factors, race or class-based profiles, decide whether someone is likely to overstay a visa or not.

A resident at the U.S. consulate in San Palo, Brazil highlights the irrationality of reliance on visa refusal rates for participation in the visa waiver program rather than objectively measured overstay rates, which this bill will allow us to gather information to implement.

In the instance in Brazil, the Brazilian consular officers were using criteria, a code on the application that illustrates the point that I am making. The code on the application was a code which says LP, which stood for ''looks poor.'' These same consular officers were instructed to carefully review any visa application from persons living in regions of Brazil which were predominantly black or Asian.

The net effect of this careful review was that few Brazilians of African or Asian ancestry ever got visas to visit the United States. We only found out about this because one of the consular officers refused to follow this process. When he did, the State Department fired him. When the State Department fired him, he sued them. Finally, last week, a U.S. Federal District Judge ordered that he be reinstated in his job.

Because of the subjectivity of visa rates, visa refusal rates generally, I

firmly believe that we must move toward a policy where participation in the visa waiver pilot program is conditioned not on subjective factors, but on objective criteria. That objective criteria should be low visa overstay rates, not low visa refusal rates. Simply put, countries whose nationals enter the U.S. but then fail to leave should not be allowed to participate in a visa waiver pilot program.

Whether that country is Europe or Africa, the same criteria ought to be applicable. Likewise, countries whose nationals enter the U.S. and then leave as they have committed to do and are obligated to do should be given the presumptions the visa waiver program gives to them. Their visa overstays should be the criteria.

We must stop presuming, based on whatever subjective stereotypical or irrational criteria we are using, that one group or another is more or less likely to overstay their visa and stay in the United States. We should have some objective criteria.

Of the 26 countries currently authorized to participate in the visa waiver program, 21 are European countries. Part of that is because we are now using subjective criteria. Many have requested that we make our visa waiver pilot program a permanent program.

□ 1445

The Chairman's amendment will extend that by 2 years, rather than just into 1999 as the current draft of the bill will do.

I will support the Chairman's amendment, but I should be clear that so long as participation in the program is based on subjective rather than objective criteria and, therefore, potentially discriminatory criteria, I would oppose any efforts to make this Visa Waiver Program a permanent program.

On the other hand, Mr. Chairman, if we move to a point where participation is based on truly objective criteria, the amount of overstays in this country, I will be among the first to seek to make this program a permanent one.

Mr. Chairman, this bill moves us in that direction by significantly, under its provisions, directing the INS to gather information that will allow us to measure visa overstays and not just be a slave to visa denials. I, therefore, encourage my colleagues to support this bill.

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

Mr. SMITH of Texas. Mr. Chairman, I yield myself such time as I may consume.

I would like to make the point that today we have a very rare alignment where we have the Justice Department, the State Department, the administration as a whole, as well as the full committee chairman of the committee of jurisdiction and the subcommittee chairman of the subcommittee of jurisdiction all in favor of this bill, but all opposed to any weakening amendments that would expand this program to include any other country; and the reason for this bipartisan alignment that would oppose any weakening amendments is simply because of our very, very serious concern that expanding the program would lead to a dramatic increase in illegal immigration to America.

Mr. Chairman, what I would like to do is to read into the RECORD the statement of administration policy that we just received yesterday. These are direct quotes. ''The administration would oppose any changes to the current program criteria used to determine country participation in the Visa Waiver Program. The current program criteria are objective, non-country-specific, and help to maintain the security and law enforcement interests of the United States.''

From Attorney General Janet Reno we have a letter that says, ''I ask you to join me in supporting pending legislation that will extend the Visa Waiver Program for 2 years in its current form; that is, without amendments.''

We have another letter from the Department of Justice saying that ''The Department also endorses the recommendation that the qualification criteria for designating countries to participate in the Visa Waiver Program not be changed at this time.''

And a letter from the State Department says, ''As laid out in existing law, the criteria for participating in the program, which are objective and not country specific, have worked out extremely well. The established requirements have ensured that only low-fraud, low-risk countries have been designated as participants.''

Mr. Chairman, I have to admit that at some times in the past the administration has, in fact, politicized the immigration policy. But today we see an administration willing to take a principled stand, willing to stand for and protect the integrity of the immigration process by supporting this extension without any weakening amendments to include any other countries.

Mr. Chairman, I think that we should compliment the administration for their stand and support their recommendation, as well as the recommendation of many of us who are concerned about increased illegal immigration in America, were we to bring any other countries into this Visa Waiver Program, until we have additional data.

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

Mr. WATT of North Carolina. Mr. Chairman, I yield such time as she may consume to the gentlewoman from the Virgin Islands, Ms. CHRISTIAN-GREEN.

Ms. CHRISTIAN-GREEN. Mr. Chairman, I thank the gentleman from North Carolina (Mr. WATT), for yielding to me.

Mr. Chairman, today I rise to join my colleagues on the Travel and Tourism Caucus in strong support of H.R. 2578, which will extend the visa waiver pilot program, as well as provide for the collection of data related to the overstay rates for visitors.

Mr. Chairman, the visa waiver pilot program deserves all of our support because it has served our country well. It is a carefully crafted program which was created in 1988 to allow for hassle-free travel between the country and countries offering similar privileges to U.S. citizens for periods of 90 days or less for business or pleasure, without having to obtain a visa.

At a hearing before the Subcommittee on Immigration and Claims of the Committee on the Judiciary, witnesses from the Clinton administration and the travel and tourism industry testified that the failure to extend the visa waiver pilot program would cause disruptions in State Department operations and hamper business travel and tourism in the United States. In addition, neither the State Department nor the INS reports a significant level of violations on the part of persons entering the United States under the current Visa Waiver Program.

Mr. Chairman, the visa waiver pilot program works and continues to deserve our support. More than 46 million international travelers visit the United States every year, providing a boost of $84 billion in spending to our economy. Many of the small businesses in the districts of my colleagues, and mine, benefit directly from these visitors; and they will feel the effect of lost revenue and jobs if this program is not renewed.

In closing, I want to also mention that my staff and I for some time now have been exploring the possibility of extending a similar Visa Waiver Program to the neighboring eastern Caribbean islands of my district of the Virgin Islands. Allowing the residents of Antigua, St. Kitts, Dominica and the other Caribbean island nations to visit the Virgin Islands for short periods, to shop and for other commercial activity, would mean a tremendous boost to our fragile economy. This is similar to the Underwood amendment, which I also support.

Mr. Chairman, this is a good bill. I urge all of my colleagues, in a bipartisan spirit, to support the passage of H.R. 2578 and extend this program.

Mr. SMITH of Texas. Mr. Chairman, I yield myself such time as I may consume.

Let me go into a little bit more detail as to why so many of us, including the administration, feel that if we expand the program to include any other country, it will increase illegal immigration in our country.

While the United States, as we have seen in the past couple of years, has increased security along our land borders, we have found out that those who want to enter illegally are increasingly looking for other avenues, such as coming in through visa-waivered countries.

State Department visa officers who issue the visas are in fact our first line of defense against illegal immigration. Through face-to-face interviews with

the visa applicants, the consular officers can weed out individuals who do not plan to leave the United States when their visas expire. Just as Border Patrol agents defend our land borders every time a Border Patrol agent apprehends an illegal alien, so our consular officers defend our borders every time they deny a visa to an individual who would have stayed in the United States illegally and would have overstayed their visa.

Mr. Chairman, the INS, through their Border Patrol agents, last year apprehended 1.6 million illegal aliens. Consulate officers denied visas to 1.5 million foreign applicants, almost the exact same number apprehended in the United States by the Border Patrol agents. Without our visa screening, therefore, we would have at least 1.5 million more illegal aliens in the United States, and perhaps many times that number.

Mr. Chairman, a lot of people do not realize that 40 percent, or at least 40 percent of the number of illegal aliens in this country today did not cross the border illegally; they came in on a tourist visa or a business visa and then overstayed that visa. That is 40 percent of our illegal alien problem in America today. If we eliminate a visa screening process for additional countries, we are simply going to be asking for more illegal immigration.

I have to say also that one of the particular problems we have with admitting a country like Portugal is that the problem will be worse with that country than with any other visa-waivered countries. Today, there are 26,000 people in the United States who are here illegally and who came from Portugal. If we did not have a visa program for individuals coming from Portugal and if the visa program was eliminated and if Portugal became a visa-waivered country, think how many times that 26,000 illegal alien number from Portugal we would have in the country today.

So clearly it does not make any sense to give a country that already has so many people who have already come in illegally, to give any special consideration to not have to go through the visa process.

Finally, I have to say to many of my colleagues, and I know there are several who support expanding the program, that I am surprised by their stand; and it is not clear to me why any individual who has supported reducing illegal immigration in the past by their votes in Congress would support an expansion of this program when so clearly that expansion would mean an increase in illegal immigration.

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

Mr. WATT of North Carolina. Mr. Chairman, would the chair advise us to how much time remains on each side?

The CHAIRMAN (Mr. SUNUNU). The gentleman from North Carolina has 19 minutes remaining; the gentleman from Texas has 20 minutes remaining.

Mr. WATT of North Carolina. Mr. Chairman, I yield 7 minutes to the gentleman from Guam (Mr. UNDERWOOD).

Mr. UNDERWOOD. Mr. Chairman, I thank the gentleman for yielding me this time.

I take the time today to express my strong support for H.R. 2578, which is of vital importance to many areas that rely on tourism, including my own home island of Guam where we get over 1.2 million tourists a year, many of them from Japan.

Today I want to speak about an amendment that I have printed in the RECORD which I will explain in the course of general debate now and withdraw later on. I want to take the time to explain exactly what I am trying to do.

Guam has a Guam-only Visa Waiver Program which is separate from this general Visa Waiver Program. In our Guam-only Visa Waiver Program, visitors are allowed to come from countries like Japan, Korea, and Taiwan for 15 days, and there are 14 other countries on that list.

One of the issues that always affects the people of Guam, which has a large number of Philippino Americans, is how to deal with family events; and what we have been proposing and what we have been working towards with a locally organized task force for the past 4 years is to set up a pilot project within the scope of this Guam-only Visa Waiver Program, to run a pilot project for 1 year, allowing 100 citizens of the Philippines to come in under a Visa Waiver Program per month and to determine subsequent to that whether such a program can be realistically enforced on a longer-term basis.

This has been done through a lot of discussions, and my own efforts in personally observing and discussing the process with officials in the U.S. embassy in Manila and trying to work through with local INS officials on Guam.

The program that I envision, the pilot project that is mentioned in the amendment, envisions a family-based program in which citizens would be allowed to come for special family events. The program that we are outlining here says that no program will be in effect until a memorandum of understanding is signed between the U.S. Attorney General and the Government of Guam to make sure that the pilot project is conducted in a fair, efficient and effective manner; and at the same time, it also posits that if we get a 20 percent failure rate on any month, that the pilot project immediately come to a halt. So that is the basic outline of the project that we have.

Some of the questions that have been raised pertain to whether this will be a conduit for illegal immigration. I want to assure the Members of this House that the Guam-only Visa Waiver Program is in force by INS not only as people come into Guam, but as people leave Guam and go to Honolulu.

I dare say I am probably the only Member of Congress who has to show a passport to go from his home district to Washington, D.C. That is how stringent the process is. Maybe we ought to introduce legislation to exempt me from this burden, but it is accurate to say that the anomaly of the situation is such that there is a double-check.

So Guam-only visas are exactly that. They are only meant for Guam; they are meant for 15 days, it is not the 90 days that is in the general Visa Waiver Program.

□ 1500

We feel very strongly and we believe that if this program were family-based, based on sponsorship, based on a limited number, we would be able to obtain better data.

The visa refusal rate in the U.S. embassy in Manila is a general refusal rate. It does not track Guam visitors as a separate category. We think that this is a fair response to the problem. We think it is an honorable response, and we hope that we will be allowed to proceed with such a pilot project.

In recognition of the chairman's concerns about this, and the fact that perhaps it caught him a little unaware in the process of bringing up the general visa waiver program, I will not proceed with the amendment later on today, but I would like to ask the chairman if he would be willing to work with me over the next couple of weeks to see what we can do to make progress towards this pilot project.

Mr. SMITH of Texas. Mr. Chairman, will the gentleman yield?

Mr. UNDERWOOD. I yield to the gentleman from Texas.

Mr. SMITH of Texas. Mr. Chairman, I thank the gentleman for yielding.

Let me reassure the gentleman that I am happy to work with the gentleman on this idea. Let me say, listening to the gentleman's explanation, which is an education for all of us, we have not had time to study the amendment. He makes many valuable points. Certainly the gentleman is doing an excellent job of representing his constituents.

I certainly recognize the need to try to expedite that free exchange and flow of trade, free trade and tourism between the countries as planned, and we look forward to hearing more about that in our subcommittee deliberations.

Mr. UNDERWOOD. Mr. Chairman, I thank the gentleman for that statement. I look forward to trying to make sure this works out for the people of Guam, in full recognition of the general provisions of the visa waiver program, and as well as making sure that it meets the concerns of the people of Guam.

Mr. SMITH of Texas. Mr. Chairman, I yield 3 minutes to my friend, the gentleman from Florida (Mr. FOLEY).

Mr. FOLEY. Mr. Chairman, I thank the gentleman for yielding me the time. I thank the gentleman from Texas (Chairman SMITH) for bringing this very important bill to the floor.

Having heard the gentleman from Guam, we understand, certainly, his interests and obviously other countries'

interests in expanding the program, but we want to make certain as well that before we expand unlimitedly, that we provide the kind of safeguards that the gentleman from Texas (Chairman SMITH) has been asking for, to make certain that the programs do in fact work, that we do have a viable program, but that we do not unwittingly provide for a flood of illegal immigration, if you will.

I want to talk specifically about the bill the chairman has on the floor. It has been in existence 10 years. The visa waiver program has been an excellent tool for encouraging tourists to come to the United States. That has had a direct impact on virtually every region of our country. Whether you are on the West Coast of the United States, Florida, or Massachusetts, we have all benefited by the visa waiver program.

In fact, in 1996 alone 46 million international visitors came to the United States, and they spent more than $90 billion; $90 billion spent by 46 million international visitors. Those dollars translate into jobs in hotels, in airports, in train stations, in restaurants, in clothing stores, in nearly every sector of the American economy.

International tourists are so important that travel and tourism itself has become one of America's largest employers, directly employing 6.8 million Americans and generating a total travel-related payroll of $121.6 billion. Travel and tourism in fact ranks as the first, second, or third largest employer in fully 32 States and the District of Columbia.

The visa waiver program extends to more than 20 countries right now, including Japan, Germany, and the United States, and tourists from these countries have generated considerable dollars for us. Some 5 million Japanese, for instance, visited America in 1996, and they spent more than $10 billion while they were here.

Why do I keep underscoring numbers? Why do I keep talking about dollars? Because the jobs and the economy of the United States depend on a vibrant tourism industry. The visa waiver program has been part and parcel of that success.

As cochairman of the Congressional Travel and Tourism Caucus, along with my colleague, the gentleman from California (Mr. FARR), I strongly support the visa waiver program because of the benefits it provides to our economy through tourism. I strongly urge my colleagues, whose State economies all benefit from travel and tourism, to vote yes on the chairman's bill to keep this program alive.

Whether Members know it or not, and they should ask their local restaurant operator, ask their local hotelier, ask their local rental car agent, ask their local merchant, how many people come into their businesses on an annual basis that are from other countries? I think it will startle and surprise us, because not only is the Sunshine State of Florida a popular destination, but almost every State now is enjoying the economy from tourism.

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

Mr. WATT of North Carolina. Mr. Chairman, I yield 5 minutes to the gentleman from Hawaii (Mr. ABERCROMBIE).

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

Mr. Chairman, I would like to commend the gentleman from Texas (Mr. LAMAR SMITH), the chairman of the Subcommittee on Immigration and Claims, for his work in developing this important legislation to extend the visa waiver pilot program. I would like to add parenthetically, Mr. Chairman, my particular thanks to the gentleman from Texas (Mr. SMITH) for his kindness, courtesies, and his consideration of the issues that I brought before him.

He has been accommodating in listening to concerns and suggestions those of us from Hawaii have expressed to him through hearings last year in which Hawaii Lieutenant Governor Mazie Hirono presented testimony for the State, as well as through discussions we have had in the Committee on the Judiciary's consideration of the bill, and in subsequent discussion.

I am engaging the gentleman from Texas (Chairman SMITH) today to further emphasize the importance not only of the changes the committee has recommended, but also of the need to expand the number of countries allowed to participate in the expedited entry procedures accorded visa waiver pilot program participants.

The committee has wisely recommended that the INS undertake compiling visa overstay rates for those countries of which we still require visas for entering the country, and I think the gentleman from Texas (Mr. SMITH) has made quite extensive remarks already on that subject.

I am certain that the Committee on the Judiciary will monitor closely expeditious implementation of the requirement. The INS has not been timely in completing an interagency report on reform issues which would have aided House consideration of this bill. I trust overstay statistics will be the basis for changes in the future by which countries will qualify for the waiver program based on how well foreign citizens comply with visa requirements, instead of the current system, under which qualification is based on the percentage of applications for visas which are rejected by the State Department.

Rejections are based on often subjective criteria, as was illustrated last week when a mediation panel found a U.S. consular official in the Sao Paolo, Brazil, visa office was unjustly dismissed from his position for having criticized the visa approval system as being vague and having inconsistent criteria used there, criteria such as labeling some non-immigrant applicants as ''looks poor,'' ''talks poorly,'' or ''looks rough.'' Moving away from such a seriously flawed system would be welcome.

Representing an area very heavily dependent on tourism, particularly on tourists from Asia, I and a number of others here in the Chamber have been working to bring South Korea into the visa waiver program. The Seoul embassy has the highest number of applications for non-immigration visa of any U.S. embassy. Approximately 600,000 visa applications were filed there last year, many of them for visitor visas.

This shows not only the importance of Korean travel to our country, but also the need to expedite the system for allowing Korean visitors into the United States for tourism, as well as for business and commercial purposes.

Mr. SMITH of Texas. Mr. Chairman, will the gentleman yield?

Mr. ABERCROMBIE. I yield to the gentleman from Texas.

Mr. SMITH of Texas. Mr. Chairman, I thank the gentleman from Hawaii, my friend, for his generous comments about me personally. They are appreciated. The only thing I can do is to reciprocate, and say that in my time in Congress I have met few individuals who have been as articulate and as persuasive in advocating their constituents' interests as has the gentleman from Hawaii (Mr. ABERCROMBIE).

Mr. Chairman, we have talked about this issue a number of times over the past months, probably because of the gentleman's persuasive powers and the merits of the case. I am hoping we can move forward in a substantive way in the near future as well. I particularly appreciate the comments of the gentleman from Hawaii. I understand the concerns that he and others have brought to the attention of the subcommittee.

I also want to acknowledge and thank the gentleman from Hawaii for his efforts in presenting the facts about Korea's eligibility for the visa waiver program. He has added greatly to our understanding of the program as it pertains to the Republic of Korea. He has moved us forward on the issue, and I believe that because of his work we are closer to a resolution that satisfies the requirements of all parties involved.

For a variety of reasons, we have not been able to get this bill yet through our subcommittee and to accommodate all of his interests. He has brought, however, not only reasoned but intense commitment to his constituents in the legislative process. I understand well the need to increase tourism, not only from Korea and Asia, but also from the rest of the world, to Hawaii as well.

I recognize the economy of Hawaii is very heavily dependent on tourism, particularly tourism and family visits from Asia, and that the State stands to benefit greatly if Korea was able to enter the visa waiver program. That is one of the reasons we have, on a bipartisan basis, mandated the compilation

of overstay statistics, so we can base participation in the program on sounder public policy than we are able to under the rejection rate criteria now required. It is necessary to remain under the flawed system until we can rationally deliberate and debate an alternative, which we expect to do.

The CHAIRMAN. The time of the gentleman from Hawaii (Mr. ABERCROMBIE) has expired.

Mr. SMITH of Texas. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I want to also commend the gentleman from Hawaii (Mr. ABERCROMBIE) for his bringing this issue to our attention, and for his constructive proposals for reforming the program to allow South Korea entry into it.

This bill continues the program until October 1 of next year, and we will be reviewing the program as well as implementation of the system for compiling overstay statistics, and I hope we will be able to move forward at that time to decide whether countries like South Korea comply sufficiently with the aims and goals of the program.

Once again, I thank my friend, the gentleman from Hawaii (Mr. ABERCROMBIE) for his persistence in pursuing the interests of his constituents and the interests of Hawaii, and of course the interests of all of those who want to visit Hawaii as well.

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

Mr. WATT of North Carolina. Mr. Chairman, I yield 30 seconds to the gentleman from Hawaii (Mr. ABERCROMBIE).

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

I am very grateful to the gentleman from Texas (Mr. SMITH) for his kind remarks, and I look forward to working with him and the administration in the future to address these matters, as well as the very legitimate concerns such as security that the chairman has raised.

Mr. WATT of North Carolina. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. FARR).

Mr. FARR of California. Mr. Chairman, I thank the chairman for yielding time to me.

Mr. Chairman, visa waiver has nothing to do with credit cards, but it has a lot to do with small business. I stand in support of this, because as cochair of the Travel and Tourism Caucus, along with the gentleman from Florida (Mr. MARK FOLEY), we stand in bipartisan fashion to support the White House Conference on Travel and Tourism's recommendation to this House that we ought to expand the visa waiver program. I hope it is expanded.

Let me tell the Members why this is important to this country. Twenty-six countries now have the visa waiver program. This bill helps Main Street, U.S.A. Why? Because it brings people from other places, international visitors, to the United States. They spend $90 billion when they are here, money that is brought into this country to shop and visit places in America. They learn about our country. They learn about our culture. They visit this Capitol. They may be sitting upstairs right now.

We have over 46 million international visitors each year in the United States. They spend more in this country than all of the Americans spend when we go abroad, so our balance of trade in the tourism issue is in the $26 billion surplus.

We are winning with this program. It is good for Main Street, America. It is good for the United States Congress, because it helps, I think, visiting this country and understanding what makes it work at the local government, State government, Federal government level, it really helps people appreciate what democracy is all about.

The visa waiver program is one small step for getting us on more user-friendly terms with countries that we as Americans just take for granted, because oftentimes they require no visa for us to visit them. We should not require a visa for them to visit us, particularly when the error rate is so low. I hope we will adopt the amendment that will allow other countries to come into the program.

Mr. SMITH of Texas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to respond to several of the Dear Colleagues that have been passed around among Members. I am talking particularly about several of these Dear Colleagues. There have been three now which have said the exact same thing.

□ 1515

They have made the point that every country in the European Union is a visa waiver country except for two, Portugal and Greece. But I want to say to my colleagues that just because countries are a European country does not mean that they are going to automatically get certain special treatment. There should be nothing magic attached to the fact that a country is in the European Union or not.

The fact that there are two countries that are not in the visa waiver program that are in the European Union simply points and underlines the fact that we do have objective criteria that determine whether or not a country is going to be a visa waiver country or not. What it shows is that we have the same standards that apply to every single country in the world. The countries that meet the standards are admitted and become part of our visa waiver system. The countries that do not meet the standards are not admitted, and it does not matter whether they are in Europe or some other continent.

The fact of the matter is that saying that two countries deserve to be admitted to the visa waiver program just because they are European, and that is the implication of these three Dear Colleagues, is implying that European countries are more qualified to be admitted than countries in South America or Asia or Africa. I hope that is not the intent of the drafters of what those Dear Colleagues meant. Nevertheless, that is the clear conclusion that any of us can draw when they say that the reason these two other countries, Portugal and Greece, should be admitted is because they are part of the European Union.

Again, there is nothing magic about being in the European Union. If any country in the world wants to become a visa waiver country, all they have to do is meet the very clearly delineated standards. We should not change the rules simply to guarantee an outcome that we might like to have. That would be a little like a teacher who wants to lower the passing grade from 50 to 40 just to be able to pass a particular student.

Mr. Chairman, we should not lower the standards for countries that want to become visa waiver countries, just like we should not lower the standards in our classrooms. It is not good for education and it is not good for our immigration process.

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

Mr. WATT of North Carolina. Mr. Chairman, I yield 4 minutes to the gentleman from Rhode Island (Mr. KENNEDY).

Mr. KENNEDY of Rhode Island. Mr. Chairman, I thank the gentleman from North Carolina (Mr. WATT) for yielding me this time.

Mr. Chairman, I want to comment on what the gentleman from Texas (Mr. SMITH) just said about what our motives were for putting the two European countries, as if we were implicitly also condemning countries in Africa or Asia or South America by singularly referring to the European Union as like if every other country is part of it, then why should these two not be a part of it. That would be the same way as me saying that the gentleman's metaphor about the classroom meant that he does not think Greece and Portugal are up to grade. I would never question the gentleman's motivations to say that Greece and Portugal are not up to grade.

Mr. SMITH of Texas. Mr. Chairman, will the gentleman yield?

Mr. KENNEDY of Rhode Island. I yield to the gentleman from Texas.

Mr. SMITH of Texas. Mr. Chairman, I think the gentleman did understand the point of my metaphor there, but if the countries have not met the standard that currently exists, we are not asking for special treatment.

Mr. KENNEDY of Rhode Island. Mr. Chairman, reclaiming my time, I appreciate the fact that the gentleman from Texas (Mr. SMITH) talked about standards, because implicitly in this bill the gentleman is begging the question. The gentleman is changing the standards in this bill. That is what everyone is talking about. The gentleman

is moving from that ''standard'' that he says is an objective standard, but readily admits is a faulty standard. The gentleman from Texas (Mr. SMITH) readily admits it is a faulty standard.

That is why we have got this bill, because this bill is going to move from an overall refusal rate to an overstay rate. It is a much more realistic measure of what we should be determining, which countries make it into the visa waiver program versus which countries do not.

So, Mr. Chairman, the gentleman from Texas (Mr. SMITH) himself is admitting that, well, it needs to comply with the standard, but then he is also saying that standard is no good anymore. That is exactly our point.

The idea behind this, if I might say so, is Portugal and Greece are two of our closest allies, and the fact of the matter is if we want to look at indices, and the gentleman from Texas (Mr. SMITH) has cited a few indices over there but I would be happy to cite some on our side, the fact of the matter is that between 1992 and 1996, illegal immigration, so to speak, from Portugal was on the decrease.

I do not know where the gentleman got his statistics, but I beg to differ. Let us call a truce, because the INS is giving the gentleman a set of statistics and they are giving us another set. But let us look at the objective facts. So far as Portugal is concerned, Portugal's economy is growing by leaps and bounds. Their unemployment rate is 4 percent lower than that of the old European Union. So what may have given cause for the State Department to be worried initially that the Portuguese were going to come over here to live, to get a job, has been refuted by the fact that the economy is so strong.

In terms of Greece, the fact of the matter is that there are more Greek Americans going over to live in Greece than there are Greeks coming over to live here in the United States. So we have two irrefutable facts, they are commonsense facts, and we lay them on top of the fact that we enjoy a good relationship with these two countries, and it is a terrible thing for our diplomacy to have two of our closest allies be rejected from a program which every one of our other allies in Europe is a part of.

Mr. Chairman, if we want to talk about refusal rates and Portugal and Greece not coming up to par, the fact of the matter is they are just on the cusp. And I might add, let us not argue about whether they make the standard or not, because the gentleman from Texas (Mr. SMITH) just admitted the standard is faulty.

The standard is based upon a way of measuring this that is based upon the refusal rate and not the overstay rate. The gentleman in his bill admits that we need to tell the Attorney General and the State Department to move towards this new standard, because the gentleman inherently acknowledges that the current standard is faulty.

Mr. Chairman, I look forward to offering an amendment with my colleagues, the gentleman from California (Mr. POMBO), the gentleman from Massachusetts (Mr. FRANK), and the gentleman from New Jersey (Mr. PAPPAS) to add Portugal and Greece. I look forward to a fuller debate when we get that amendment before the full House.

Mr. SMITH of Texas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I just want to point out to the gentleman from Rhode Island (Mr. KENNEDY) that this faulty data that he refers to is an interesting way to describe a requirement that he has in his own amendment. I am looking on page 2 of the gentleman's amendment where he says such refusal rate for nationals of that country during the previous full fiscal year was less than 3 percent. The gentleman is using the exact data that he criticizes.

But the point here is that at least we have the same requirements for every country. And the gentleman again talked about the two countries were the only countries not in the European Union. I am afraid the gentleman reinforces the point that I made a while ago, that we are giving special preference to countries because they are European countries, and it makes me concerned that we are discriminating against other countries that might not be European countries.

Mr. KENNEDY of Rhode Island. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Texas. I yield to the gentleman from Rhode Island.

Mr. KENNEDY of Rhode Island. Mr. Chairman, the gentleman from North Carolina (Mr. WATT), my good friend and colleague, said he is not going to bite on that argument. The fact of the matter is that because I am for Greece and Portugal does not mean that I am against Africa, South America and Southeast Asia.

Mr. SMITH of Texas. Mr. Chairman, reclaiming my time, the reason that I will not budge from that argument is that the gentleman keeps using that phrase, that they deserve to get the visa waiver status because they are members of the European Union. If the gentleman will refrain from using that argument, I will refrain from pointing out that it might be discriminatory.

Mr. KENNEDY of Rhode Island. Mr. Chairman, if the gentleman will again yield, let us concede then that Greece and Portugal are two very close allies and let us take it from there.

Mr. SMITH of Texas. Mr. Chairman, again reclaiming my time, I agree with the gentleman that Portugal and Greece are close allies. We have many friends there. They are both great countries. Portugal is one of my favorite countries. It so happens I have two original oil paintings in my home of Portuguese sailing boats. I have a great affinity for both of those two countries. But that is not the issue here today.

The issue is whether we are going to lower our standards and expand the program, knowing that such an expansion is going to increase illegal immigration in America.

Mr. Chairman, a couple of people here today have tried to make the point that this is a so-called arbitrary process whereby we decide what countries are in the visa waiver program or not. First of all, I will refer my colleagues to the statements by the Attorney General herself, as well as by the State Department, as well as by the administration, all saying that we do have objective criteria.

I am a little surprised about that arbitrary charge, because that is, quite frankly, an insult to the consular officials who are career professionals, who have a lot of technical training and many years of experience. They are the individuals who, as I said, are on the front lines of trying to determine, when someone applies for a visa, whether they are likely to overstay their visa in the United States and, therefore, contribute to the growing illegal immigration population in America.

Mr. Chairman, the point is that these consulate officers are not flipping a coin to determine who gets in, who does not get in. They have this list of criteria that includes such things as whether they have family members in their home country that would help them be assured that they are going to return home; what the economy is like; whether individuals might be fleeing the home country economy that has gone sour because there is a better economy in the United States, and so on.

These are objective standards that are consistently and fairly applied to every country in the world. And I think it is regrettable that many of our allies today are not visa waiver countries. There are a lot of other countries that are just a notch away from Portugal and Greece, countries and allies like Israel. And I wonder why we have not included them if we are going to expand the program just a tiny bit. But apparently we are interested just again in those two countries, and perhaps because they are members of that sacrosanct European Union.

Mr. Chairman, I will end on the point that I think we should extend the program. We can all agree on that. But we should not expand the program because if we do so, then we are going to eliminate that screening process when individuals apply for visas from Portugal or Greece and, therefore, we are going to be in a position where all one needs is a passport to come to the United States, and we are going to end up with a lot more people coming in illegally and overstaying their period of time.

I think it is an interesting argument that the individuals make who want to expand the program, accusing the program of now being arbitrary and yet they also favor an extension of the program to the 2-year length of program. If the program is so arbitrary, it seems

to me they would not support an extension of the program for 2 years, but in fact they do.

Lastly, I just want to make the point, and again we cannot say enough about how great those two countries are, but unfortunately what we need to do is to encourage those countries to take steps so that they have a lower visa refusal rate, rather than lowering the standards and making a special dispensation for certain countries. The answer to those countries becoming visa waiver countries is to frankly have a better record, and they have control over what they do to determine that.

Lastly, Mr. Chairman, in the case of Portugal, I mentioned a minute ago that they have at least 26,000 individuals from that country who are in this country illegally. Those are 26,000 people that have overstayed their visas. If Portugal did not even have a visa screening program, how many times in that 26,000 would we have illegal individuals who were from Portugal who would then come to America? There is no answering that.

But we do have a comparison to make. That is, if we look at all the visa countries that we have today, almost all of those countries just had 1 or 2 or 3 or 4,000 individuals illegally in the country today. Portugal, with this 26,000 with the visa screening process, if we lift that screening process and just allow individuals to come with a passport only, it is very clear that Portugal, if it became a visa waiver country, would have an exponentially larger number of illegal aliens in the country than any other visa waiver country. That is why the administration opposes any weakening amendments, and that is why I think my colleagues should as well.

Now, in the case of Greece, we ought to be able to decide very quickly who has got the better data, and I would be happy to share mine with the gentleman from Rhode Island (Mr. KENNEDY). Our data is that Greece is going in the exact wrong direction. Their record is getting worse. The number of individuals who were denied visas this year in 1997 is greater than the individuals who were denied visas in 1996.

I have data from the INS and from the State Department which I will be happy to share with the gentleman from Rhode Island (Mr. KENNEDY), but we have one country, that is Portugal, that is going to be susceptible to a huge increase of illegal aliens in this country, and another country, Greece, where the record is going in the wrong direction. The risk is increasing, not decreasing. The figures are getting worse, not better. And if the trend would continue, they would not even qualify in a year from now for the visa waiver program.

The gentleman from Rhode Island (Mr. KENNEDY) says he has other data. Perhaps in the next minute or two we could exchange data, but mine come from the State Department and the INS.

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

Mr. WATT of North Carolina. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, this is a good bill. It is good because we need a visa waiver pilot program. The idea of having a visa waiver program is a good idea.

□ 1530

It is good because we have in this bill the mechanism for making the Visa Waiver Program a substantially better program by gathering the information that we need on visa overstays, to set up a rational basis for which countries can participate in the Visa Waiver Pilot Program.

The gentleman from Rhode Island (Mr. KENNEDY) and the gentleman from California (Mr. POMBO) are going to try to make the bill better by extending the bill's coverage to some other countries that ought to be included under the existing Visa Waiver Program.

So what I am recommending to my colleagues is that we support the bill, support the manager's amendment that will make it a 2-year extension, and support the amendment that is going to be offered by the gentlemen from Rhode Island and California so that we make it a better bill.

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

Mr. SMITH of Texas. Mr. Chairman, how much time remains on each side?

The CHAIRMAN pro tempore (Mr. SNOWBARGER). The gentleman from Texas (Mr. SMITH) has 6 minutes remaining, and the gentleman from North Carolina (Mr. WATT) has no time remaining.

Mr. SMITH of Texas. Mr. Chairman, I yield myself such time as I may consume.

Let me respond to another Dear Colleague. I mentioned the 3 Dear Colleagues that seem to say we ought to give preference to Portugal and Greece because they are in Europe. This is another Dear Colleague that says that the Visa Waiver Program ''discriminates against Greece and Portugal.''

Let me reiterate and say that the Visa Waiver Program does not discriminate against anyone, it applies the same standards to every country in the world. And again I say, as I mentioned a while ago, to reward a couple of countries that have not met the long-established criterion that is objectively applied is like saying to a student who failed the test, we are going to keep lowering the passing grade until we pass you. That is not good for education; it is not good for immigration policy.

In the case of Greece and Portugal, two great, wonderful countries, they simply do not qualify. The amendment is not to carve out any kind of a special exemption for those countries. As I mentioned a while ago, it is interesting to me that the special exemption starts right before a number of our other allies, perhaps like Israel is, if we were going to expand the program, why not catch all the other allies? But the amendment is not to make any special exemption for any special country; it is for that country to take the steps itself.

Again, I double-checked my figures that were in discussion a few minutes ago and confirmed the fact that in the case of Greece, their record on visa refusals was, in fact, worse in 1997 and in 1996. So this amendment that we expect includes one country, Greece, which unfortunately has a record that is going in the exact wrong direction.

The likelihood of illegal immigration is increasing; it is not decreasing. And again, why admit a country that is going to increase illegal immigration?

I can understand why that might be in the interest of some of our friends in these other countries, but I would like for someone to explain for me why it is good for America to increase illegal immigration.

Mr. KENNEDY of Rhode Island. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Texas. I yield to the gentleman from Rhode Island.

Mr. KENNEDY of Rhode Island. Mr. Chairman, I want to say with respect to Greece, my colleague said Greece's refusal rate is higher than Portugal; yet their overstay rate, according to his statistics, is lower. And the point is that it is arbitrary.

Mr. SMITH of Texas. Mr. Chairman, let me reclaim my time and ask the gentleman to point to some figures that I believe he has, and these are the refusal rates tabulated by the Department of State; and he will see in fiscal year 1996, which is what I am looking at, the Greece visa refusal rate was 2.48. In fiscal year 1997, it was 2.81.

Now, it seems to me that 2.8 is greater than 2.4, and if that is the case, then the visa refusal rates were worse in 1997 than 1996. And I would stand by my statement, the record is getting worse for Greece, not better.

Mr. KENNEDY of Rhode Island. If the gentleman would yield further, according to the INS, their overstay rates are getting lower. So that proves the point.

Mr. SMITH of Texas. Mr. Chairman, the overstay rate has not been current for 5 years. That is why we all agree that we need to extend the program for 2 years and get the correct data from the INS. When we have the right data, then we will be in a better position. But the data that we have is over 5 years old.

Mr. Chairman, how much time do I have remaining?

The CHAIRMAN pro tempore. The gentleman from Texas controls 2½ minutes.

Mr. SMITH of Texas. Mr. Chairman, I yield myself such time as I may consume.

Let me conclude by saying once again that today our colleagues are seeing a rare alignment of orbits here where we have the Department of Justice, the State Department, and the White House itself joining many of us

in Congress who are Republicans in saying that we need to extend the program, but we need to oppose any weakening amendments. The primary reason for opposing those weakening amendments is because of the danger of increasing illegal immigration in America.

As I pointed out, unfortunately and regrettably, the country that seems to have let a lot of people into the country illegally is Portugal, 26,000 today. And that is why the visa screening process is in place. If Portugal becomes a Visa Pilot Program and it has an exemption for obtaining visas, then we are going to be in a situation where it is even easier for individuals from that country to come into the United States and stay illegally. That 26,000 figure is simply going to explode; we will have more illegal aliens from Portugal than any other visa exemption country.

Second of all, in the case of Greece, then their record is going the wrong direction. We should not be going in a direction that is going to continue to undermine the integrity of the immigration system.

One more point about Portugal. We have there, in the State Department as well, one of the real concerns that we have and that they have is that if Portugal became a visa waiver country, we would see a dramatic increase in child smuggling. The reason for that is that Portugal has passports that do not have the photographs of children on them; and just because a document or a passport is machine readable does not require that they have the photographs of the children. And that is one reason the State Department has also opposed admission of Portugal as a visa waiver state.

Mr. Chairman, I simply conclude by saying that we should not change our standards to accommodate specific countries. We ought to remember that we have a very clear analogy here, and that is, if we were a teacher, we are not going to change the failure grade 50 to 40 just to accommodate a specific student. We should not lower our standards in immigration policy just to accommodate a specific country.

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

The CHAIRMAN pro tempore. All time for general debate has expired.

Pursuant to the rule, the bill is considered read for amendment under the 5-minute rule.

The text of H.R. 2578 is as follows:

H.R. 2578

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

SECTION 1. 2-YEAR EXTENSION OF VISA WAIVER PILOT PROGRAM.

Section 217(f) of the Immigration and Naturalization Act is amended by striking ''1997.'' and inserting ''1999.''.

SEC. 2. DATA ON NONIMMIGRANT OVERSTAY RATES.

(a) COLLECTION OF DATA.—Not later than the date that is 180 days after the date of the enactment of this Act, the Attorney General shall implement a program to collect data, for each fiscal year, regarding the total number of aliens within each of the classes of nonimmigrant aliens described in section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)) whose authorized period of stay in the United States terminated during the previous fiscal year, but who remained in the United States notwithstanding such termination.

(b) ANNUAL REPORT.—Not later than June 30, 1999, and not later than June 30 of each year thereafter, the Attorney General shall submit an annual report to the Congress providing numerical estimates, for each country for the preceding fiscal year, of the number of aliens from the country who are described in subsection (a).

The CHAIRMAN pro tempore. No amendment to the bill is in order unless printed in the portion of the CONGRESSIONAL RECORD designated for that purpose.

The Chairman of the Committee of the Whole may postpone a request for a recorded vote on any amendment and may reduce to a minimum of 5 minutes the time for voting on any postponed question that immediately follows another vote, provided that the time for voting on the first question shall be a minimum of 15 minutes.

Are there any amendments to the bill?

AMENDMENT NO. 3 OFFERED BY MR. SMITH OF TEXAS

Mr. SMITH of Texas. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment No. 3 offered by Mr. SMITH of Texas:

Page 2, strike lines 1 through 5 and insert the following:

SECTION 1. EXTENSION OF VISA WAIVER PILOT PROGRAM.

Section 217(f) of the Immigration and Naturalization Act is amended by striking ''1998.'' and inserting ''2000.''.

MODIFICATION TO AMENDMENT NO. 3 OFFERED BY MR. SMITH OF TEXAS

Mr. SMITH of Texas. Mr. Chairman, I ask unanimous consent that the amendment be modified in the form at the desk.

The CHAIRMAN pro tempore. The Clerk will report the modification.

The Clerk read as follows:

Strike ''naturalization'' on line 2 and insert ''nationality.''

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

There was no objection.

Mr. SMITH of Texas. Mr. Chairman, when the Committee on the Judiciary reported out H.R. 2578, the Visa Waiver Pilot Program was set to expire on September 30, 1997. The bill proposed to extend the program for 2 years until September 30, 1999; however, Congress acted in the Commerce, Justice, State appropriations bill for fiscal year 1998 to extend the program until April 30, 1998. Thus, in order that the House pass a full 2-year extension as originally planned, this amendment would extend the program until April 30, 2000.

So I urge my colleagues to support this amendment. I understand that there is no objection. I appreciate the support of my colleague, the gentleman from North Carolina (Mr. WATT).

Mr. WATT of North Carolina. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of the amendment and encourage my colleagues to support it.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Texas (Mr. SMITH), as modified.

The amendment, as modified, was agreed to.

AMENDMENT NO. 2 OFFERED BY MR. POMBO

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

The Clerk read as follows:

Amendment No. 2 offered by Mr. POMBO:

Page 2, after line 22, insert the following:

SEC. 3. QUALIFICATIONS FOR DESIGNATION AS PILOT PROGRAM COUNTRY.

Section 217(c)(2) of the Immigration and Nationality Act (8 U.S.C. 1187(c)(2)) is amended to read as follows:

''(2) QUALIFICATIONS.—Except as provided in subsection (g), a country may not be designated as a pilot program country unless the following requirements are met:

''(A) LOW NONIMMIGRANT VISA REFUSAL RATE.—Either—

''(i) the average number of refusals of nonimmigrant visitor visas for nationals of that country during—

''(I) the two previous full fiscal years was less than 2.0 percent of the total number of nonimmigrant visitor visas for nationals of that country which were granted or refused during those years; and

''(II) either of such two previous full fiscal years was less than 2.5 percent of the total number of nonimmigrant visitor visas for nationals of that country which were granted or refused during that year; or

''(ii) such refusal rate for nationals of that country during the previous full fiscal year was less than 3.0 percent.

''(B) MACHINE READABLE PASSPORT PROGRAM.—The government of the country certifies that it has or is in the process of developing a program to issue machine-readable passports to its citizens.

''(C) LAW ENFORCEMENT INTERESTS.—The Attorney General determines that the United States law enforcement interests would not be compromised by the designation of the country.''.

Amend the title so as to read: ''A bill to amend the Immigration and Nationality Act to modify and extend the visa waiver pilot program, and to provide for the collection of data with respect to the number of nonimmigrants who remain in the United States after the expiration of the period of stay authorized by the Attorney General.''.

Mr. POMBO (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

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

There was no objection.

Mr. POMBO. Mr. Chairman, just to explain this amendment, what it does is it takes the refusal rate from 2 percent to 3 percent. Under that change, there are 2 countries that would currently qualify to be included in the Visa Waiver Program, those two countries being Portugal and Greece.

The refusal rate, just to explain to my colleagues exactly what that is, is that if they go in and apply for a visa,

if they are refused, that goes into the category in the refusal rate.

To explain that further, I recently had a friend of mine whose parents wanted to come over to this country in order to attend their granddaughter's graduation from high school, and they were refused a visa from Portugal to come into this country. Even though they own a home over there, even though they own a business over there, even though they have been to this country in the past and returned, they were refused. And because those two people were refused, we now need over a hundred other people who need to apply and get approved in order to keep the rate under.

So that is what the refusal rate is. What we are talking about is taking it from 2 people in 100 to 3 people in 100 that are refused under this arbitrary rate.

Furthermore, under the current rules, there are only 2 countries within the European Union that are exempted from the program, those being Greece and Portugal, because of the way that the numbers are currently done. I would argue that it is arbitrary in the manner that, sure, we are giving the people general guidelines of what they have to go by, but they make an arbitrary decision as to whether or not to refuse that at that time.

The chairman, in previous arguments, brought up that this may in some way increase crime and terrorism and illegal immigration by allowing Portuguese citizens to visit this country and by allowing Greek citizens to visit this country. Unfortunately, by some of the Dear Colleagues that have been sent out, we would read those and believe that somehow Portugal is an exporter of terrorism around the world, which I find personally very offensive and my family members find personally very offensive; it is not true. Nor is it true that Portugal is known as a country that exports babies around the world in some kind of child smuggling ring, for God's sake. But according to some of the Dear Colleagues that have been passed around here, unfortunately, we would believe that that is the case, and it is absolutely untrue and unfounded.

I think it is very unfortunate that anybody would have sent that out. But even if it was the case, even if it was the case, according to the law, the Attorney General, in consultation with the Secretary of State, may for any reason, including national security, refrain from waiving the visa requirement in respect to nationals of any country who may otherwise qualify for the designation at that time.

So if the Attorney General determines that, for some reason, Portugal or Greece should not qualify, that they increase terrorism and child smuggling around the world, they can withdraw the ability of Portugal to be in the program.

Furthermore, I do not understand, quite, the logic. There was debate previously about illegal immigration and how somehow Portugal, that if they are included in this, that that will increase illegal immigration. Well, I hate to surprise my colleagues, but we are talking about a legal program for people to legally come to the United States for tourism or business, to legally come in. We are not talking about illegal immigration, see, because people that are going to break the law are going to break the law and come in illegally.

That is what happens. That is how we end up with illegal immigrants to this country. What we are talking about here is allowing people to follow the rules and legally come into this country and visit their relatives or come here on legitimate business purposes. And just by a minor change in the current law, we would allow, at this point, people from Portugal and Greece to come in.

But it is not just an amendment for them; it is an amendment for anyone who would qualify under that new standard. Today it means Portugal and Greece. But if anybody else brings their arbitrary refusal numbers down to below 3 percent, they would then qualify to come in.

We also had data that has come out that says that Portugal has 26,000 people that have overstayed their visa, that Greece has 5,000 people that have overstayed their visa, that are illegally in this country. By the quoting from the chairman, the data that we have is 5 years old.

□ 1545

How can he bring this out and say that this has any bearing on the current status of the people that are coming over here from Greece or Portugal into this country today on legitimate legal tourism or legitimate legal business activities into this country? By the gentleman's own quote, the data is 5 years old and it is inaccurate. It is not good data. It really bears no argument in this. We can prove anything we want with facts.

I can bring out my facts that show how many people have come in and how many people have gone back and whether or not this program, in the facts, can bring Portugal and Greece under this program. But I think that the real point is the fairness of whether or not somebody from Portugal ought to be able to come into this country just like every other European country can, under a tourist visa or a legitimate business activity.

Mr. KENNEDY of Rhode Island. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise today in support of the gentleman from California (Mr. POMBO) in his effort to bring some fairness back into the visa waiver program with respect to Portugal. I also rise in support of the gentleman from New Jersey (Mr. PAPPAS) in his efforts to make sure that the visa waiver program is extended to Greece. These amendments will make changes that are long overdue in bringing two excluded members of the European Union, Portugal and Greece, into the visa waiver program.

The amendment is simple. First, the amendment is about fairness to our allies, two countries that have been there for our country throughout our history. It is important that we take a step forward in promoting this relationship. By doing that, we would bring a closer relationship to Portugal and Greece between our countries. These are countries that have made extraordinary steps forward in their efforts to be considered with the rest of the European Union in qualifying for this program.

Secondly, this amendment, as the gentleman from California (Mr. FARR) said, is about tourism. One would think by the way the opponents of this amendment would talk that illegal immigration from Portugal and Greece is somehow a drain on our economy. Come to Rhode Island. Come to any of the parts of this country where we are seeing lively groups of Greek American and Portuguese Americans reside in this country who come here for tourism, and you would find a very great economic impetus.

Mr. SMITH of Texas. Mr. Chairman, will the gentleman yield?

Mr. KENNEDY of Rhode Island. I yield to the gentleman from Texas.

Mr. SMITH of Texas. I would simply ask the gentleman, I think he is referring to legal immigrants because I assume he is not endorsing illegal immigration in America.

Mr. KENNEDY of Rhode Island. No.

Mr. SMITH of Texas. I thank the gentleman for yielding.

Mr. KENNEDY of Rhode Island. I would like to add, Mr. Chairman, that by the whole tone of this debate, by declaring Portugal and Greece not eligible for the visa waiver program, it sends a very chilling effect between the United States and our two closest allies that somehow they are not up to par, that we do not value them, that they do not meet the standard, as the gentleman has said himself in his opening remarks. I think that is a very destructive message to be sending to our very close allies.

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

Mr. KENNEDY of Rhode Island. I yield to the gentleman from California.

Mr. POMBO. I think it was an important point that the gentleman from Texas brought out. We are talking about legal immigration.

Mr. KENNEDY of Rhode Island. That is true.

Mr. POMBO. People who are legally coming to this country.

Mr. KENNEDY of Rhode Island. Mr. Chairman, I think it is so important that he says that because the fact of the matter is no one should confuse this debate for illegal immigration. Yet the way this amendment is being portrayed, he would have one believe

that we are trying to invite illegal immigration. The fact of the matter is these people who are coming to the United States to visit their families are coming here to this country and participating in our economy and growing our economy. Our economy is growing as a result of the strong relationship that we have between Greece and Portugal.

I might add, in addition to that, we need to make sure that we go forward with this amendment because it is an amendment about fairness and making sure that we have fairness extended to two allies that make up a very important part of our geopolitical relationship around the world, Portugal and Greece. We should make sure that they are not unfairly treated and allowed to join this program because of the nature of this program, which even the gentleman from Texas who is supporting the bill and opposing this amendment says is a program that is in need of improvement.

Mr. Chairman, in conclusion, let me say that we need to change this program. I applaud the efforts in this bill to change the underlying premise of this program, which means instead of doing it from a refusal rate measure, we are going to go to an overstay rate measure. It is a much more accurate measure for what we are trying to do with this program. In doing so, I think we will have a much more accurate representation of what the true facts are. Then in addition to that, I think if we pass this amendment by the gentleman from California (Mr. POMBO) and the gentleman from Massachusetts (Mr. FRANK) and the gentleman from New Jersey (Mr. PAPPAS) and myself, we will be going a long way in improving relations with two very close allies to the United States of America. I think that that is something all of our colleagues in this House can certainly stand up and support. Like the gentleman from California (Mr. POMBO) said, this is about legal immigration.

Mr. PAPPAS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the amendment offered by the gentleman from California (Mr. POMBO). As my colleagues can see, this issue attracts the attention of a wide spectrum of political ideologies. This is the case because of the importance of treating the citizens of our valued allies like Greece and Portugal with the respect this Nation should afford them. I find it wholly ironic that Greece, our NATO ally, is trusted with safeguarding our troops, trains with our military, utilizes our high technology equipment and has fought with us on every conflict this century, yet at the same time our country does not seem to think that citizens of Greece are safe or secure enough to enter this country without a visa like Germany, France or every other nation that is in the European Union except Portugal. This amendment is a common sense legislative fix that will protect America's relations with its allies and promote tourism and economic activity that follows with Greece and Portugal. This Congress should be encouraging tourism as a trade industry for us, and the existing 2 percent threshold makes it much more difficult for Greeks and Portuguese to visit our great country.

One of the problems this bill fails to take into effect is geography. In Greece the U.S. has two consulates, one in Athens and one in Thessaloniki. However, Greece is not a country with easy access to all its parts. The country is spread out among many islands, and the famous mountains of Greece make travel difficult for many. The United States does not make it easy to get to the consulate for a visa.

Moreover, I have been in communications with the U.S. State Department this past summer about my perception that we are trying to close down the consulate in Thessaloniki. The present facility was damaged in an earthquake many years ago and rumors abound about a diminished role or shutdown altogether of this consulate in the northern part of Greece. There are plans to move to another, less noticeable part of the community where the consulate may not even fly the U.S. flag. If closed or hours curtailed, the U.S. Government would be doing nothing to improve the situation.

This matter passed by unanimous consent in the other legislative body. Although we may generally get frustrated by the actions in the Senate, I think the record must reflect that if any one of the 100 Senators thought this 3 percent threshold was a bad idea, a Senator would have objected. No Senator did. They did not because moving this waiver from 2 to 3 percent only affects two countries, Portugal and Greece.

I must also note my disappointment at some of the veiled language and intimations of the proponents of the status quo. The Greeks and Portuguese are not terrorists or criminals, and I resent any attempts to suggest that this is the case. Rather, Greeks and Portuguese are hardworking, well respected and proud members of the world community. U.S. policy should treat them so. Greek Americans and Portuguese Americans are the local small businesspeople, families and neighbors from every district of this great country, and yes, even Members of Congress. They have helped make America the greatest Nation in the world. We ought to acknowledge this by passing this amendment.

Finally, I must note the irony of having this vote today, on Greek Independence Day. Later tonight a prescheduled special order on this important subject was scheduled. America was founded on the idea of democracy from Greece. The poet Shelley once wrote, ''Our laws, our literature, our religion, our arts have their roots in Greece.'' Failure to pass this amendment would dishonor this statement.

Rather than divide our American allies and constituencies, let us work together and resoundingly pass this well thought out amendment by the gentleman from California.

Mr. WEYGAND. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of this amendment. I think that it has been well crafted and it deserves our support. I listened very intently, Mr. Chairman, to the words of the gentleman from Texas with regard to his opposition to this particular amendment, and the basis, the premise of all this is the premise that the rate of refusal from 2 percent to 3 percent is really something we should not be doing. If my colleagues look at that number, if they look at the real definition of rate of refusal, they will know that it is very, very subjective. If they talk with any of the immigration agencies or authorities, they will find that the rate of refusal as such is based upon a lot of times the personality of the immigration person or the person looking at the passport, allowing that person to come in.

I had an experience just recently, my office deals with many different problems of immigration, where we had one person, a person who had a visa, a person went back to their original country, wanted to come back into the United States and for some unknown reason was refused a visa to come back in. I called just to find out why. The reason why? The gentleman just did not have time on the other side, this is from the American embassy, to pay attention to that person and just did not want to be bothered with it. The person then went to another person and got admitted.

That is what adds to the statistic that the gentleman from Texas is basing his opposition for this amendment on, which is totally wrong. It is fabricated. It is very, very subjective. But now let us take a look at the facts. Look at the facts about Greek Americans who are going back to their country of origin, to Greece. It is higher there than Greeks coming to America. Take a look at my State of Rhode Island, where we and the State of Massachusetts have one of the highest rates of immigration from Portugal. These people are hardworking, dedicated individuals who really have made a difference for our State and our country. What we are doing is we are saying to them, because of a subjective judgment by a bureaucrat on the other side, we are going to dismiss the opportunity for family members to come over on a short-term visa to visit their family, to visit this country and increase tourism to our States and our country.

This is wrong. As the gentleman from New Jersey (Mr. PAPPAS) said, it is wrong on the basic principles that we have founded our country. It is wrong on the basic principles of democracy. What we should be doing is providing a reasonable access for our allies, for

those people who have helped us time and time again, in all the world wars who have fought for us and helped us. But we are turning our backs on them because of some bureaucratic, subjective decision. This is wrong. Pass this amendment. Pass it now.

Mrs. MALONEY of New York. Mr. Chairman, I move to strike the requisite number of words. I rise in support of the Pombo-Kennedy amendment to H.R. 2578. This amendment is narrowly drawn. It would raise the visa waiver program refusal rate from 2 to 3 percent. This would allow citizens of Greece and Portugal to travel to the United States for 90 days without a visa.

There has been a lot of incorrect information that has been circulated about this amendment. This amendment is not about immigration but rather about tourism and commerce. It would allow people from Greece and Portugal to travel to the United States, whether for business or pleasure, without getting a visa, just as those countries allow people from our country to come to their countries. Tourism from these countries would increase dramatically and help and benefit the American economy.

In fact, the first year that Argentina was in the program, tourism from that country to the United States grew by 11.5 percent. I am fortunate to represent Astoria, Queens, which is one of the largest Hellenic American communities in the United States. I know that they would like for their families to be able to come and visit them here in the United States without having to get a visa, just as they are able to travel to Greece without a visa.

It is very appropriate that this amendment is before us today, because this is the 177th anniversary of Greek independence. Greece is one of our oldest and strongest allies. They have fought by our side in every war this century. Their ideas of democracy and individual liberties became the foundation of our government. It is time that we extend to them the same courtesy that they extend to us. I strongly support this amendment. It is narrowly drawn. It will help tourism in this country.

□ 1600

Mr. NEAL of Massachusetts. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I think that the arguments being applied on the House floor as I stand in support of the gentleman from Rhode Island (Mr. PATRICK KENNEDY) and his amendment today is essentially this: The question of how immigration has served this Nation during the last many years, and what I am struck by in terms of this debate is that while we are asking for a narrow solution, I think it draws us to the broader argument of what immigration does for America.

In the instances of Portugal and Greece where, by the way, the United States Senate has already swiftly acted on this initiative, we are not only talking about great allies, but we are talking about people who regularly visit and then regularly and faithfully return. The truth is that for many of us who have large Greek constituencies or large Portuguese American constituencies, not only is it an opportunity for families to reunite for brief periods of time, but also I think is an opportunity to once again extend the argument that America warmly welcomes and receives the idea and notion of what immigration has meant in our history.

I have stood on this floor in debate in the past over the issue of immigration, and happen to believe, as one whose grandparents were immigrants to this Nation, that immigrants and immigration serves the purpose of this Nation very well. Technology allows for more instant communication, and now there is the opportunity here to allow Greek and Portuguese visitors to America to come with more regularity. In both instances, I think it is an example not only of cooperation but how in the long run this boosts the American economy.

When the gentleman from Rhode Island (Mr. KENNEDY) asked me today to join this debate I was enthusiastic about doing it, based upon the constituencies that I have had a chance to represent now for more than 2 decades in Springfield. We are still a Nation that honors the notion of immigration. It is hard work, it is principle, it is dedication, it is faith and family and friend that these people still celebrate. They could give all of us a lesson in patriotism and hard work.

We should adopt the amendment that is offered here today that the gentleman from Rhode Island (Mr. KENNEDY) is proposing, and we should do it with enthusiasm and we should do it on behalf of those millions of Americans who have come to this shore in the past, only to improve the circumstance with which we all live.

I am pleased to add my voice in support of this proposal.

Mr. McGOVERN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Speaker, I rise in support of this amendment to raise the visa refusal rate from 2 percent to 3 percent to allow citizens of Portugal and Greece to participate in the visa waiver pilot program. Since 1998, travelers from 26 countries have enjoyed this program's privileges. These visitors have been allowed to travel to the United States for 90 days without a visa. Portugal and Greece are the only countries in the European Union whose citizens must have visas in order to travel to the United States. This requirement, Mr. Chairman, is outdated and requires modification.

In my district, from Worcester to Fall River, we have strong Portuguese American and Greek American communities. Members of these communities should be able to welcome visitors from their countries of origin, whether for business or travel, without burdensome administrative delays. During times of celebration or crisis, families should not have to face the uncertainty of the visa process. Participation in the visa waiver program is based on annual refusal rates of visa applications. For the past 2 years, the refusal rates for Greece and Portugal have declined considerably and will meet the proposed 3 percent level.

INS reports also indicate no documented increase in illegal immigration from these countries since 1996, and additional safeguards to prevent abuse will be enforced if this bill is adopted today.

Mr. Chairman, I urge my colleagues to support the Pombo-Kennedy-Frank-Pappas amendment which is so important to the Greek and Portuguese families, not only in my district but throughout the country. This is an important amendment, it is the right thing to do, and I urge adoption of this amendment.

Mr. TIERNEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I also want to add my voice, together with those of my colleagues that have spoken here this afternoon and who are in the Hellenic and Portuguese Caucus, for offering this necessary amendment.

I firmly believe that the visa waiver program is important to allow citizens of eligible countries to enter the United States temporarily without a visa, whether it be for business meetings or simply to visit with their families.

Mr. Chairman, every country in the European Union participates in this waiver program; that is, with the exception of Portugal and Greece. It is a bit ironic that while we may applaud both countries for their booming economies and their low unemployment, we deny them participation in this program that helps tourism and facilitates travel to the United States.

For example, Mr. Chairman, last year the first year that Argentina was in the visa waiver program, tourism from that country to the United States increased by 11.5 percent. I think that we can expect the same type of results if we move forward in the way that has been suggested here.

I am a bit perplexed about the argument of those who would oppose, including Greece and Portugal, this visa waiver program. We do not believe that citizens of those countries are a threat to our public safety, certainly; we do not believe that they would increase illegal immigration; and we do not think there is any evidence of either of those events occurring.

We can all agree that the number of people that have overstayed their visas otherwise might be a serious problem, and the Immigration and Naturalization Service has the authority to identify people who have done so, but refusing both Greece and Portugal entrance into the visa waiver program, based on

inaccurate and out-of-date information, strikes me as discriminatory, unfair, and simply bad public policy.

Mr. Chairman, I represent a large number of people of Greek and Portuguese origin from Lynn to Peabody, Massachusetts, to Newburyport and Ipswich and Haverhill; and all the way through our district, people are proud of their heritage, and many feel slighted by this country's exclusion of them from the visa waiver program merely because the number of people in those countries who are refused a visa may be slightly more than the current rigid 2 percent refusal rate. These people have worked hard, and the countries have worked hard to bring those rates down and to decrease the overstay rates.

Mr. Chairman, I think that we should not continue to deny these allies and these people the opportunity to have members of their family, people with business interests coming in for the requisite period of time.

I strongly support the Pombo-Kennedy-Frank amendment that would raise the refusal rate to 3 percent. It will allow Portugal and Greece to participate in the program, will hopefully encourage other countries to improve their overstay and refusal rates, and the amendment simply affords these countries the fair treatment to which they are entitled and the rewards that their hard work and improving their overall economies and lowering their overstay rates have brought. It is time we recognize this hard work, Mr. Chairman, and I ask us and urge our colleagues to support the amendment.

Mr. FRANK of Massachusetts. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I guess the House is about to vote on the theory of the infallibility of the bureaucracy. The chairman of the subcommittee believes that when visa applications come, they are decided with a degree of precision and exactitude rarely equaled in American government. They are apparently perfect within a very small margin of error. Indeed, none of us has yet found a pollster in our own elections who could come closer to exactitude than the gentleman from Texas thinks can be found in the consular offices.

Now I think highly of the Consular Corps, I just do not get them quite as high as the gentleman from Texas, who appears to have gotten them celestial in their perfection and absence of error. People make mistakes. What we have is a situation where residents of countries strongly allied to our own, countries that share our democratic commitment, countries which have living amongst us relatives and friends, innocent citizens, clearly innocent citizens of those countries, are to be penalized because of errors that second parties make about third parties.

Now I understand the gentleman from Texas talked about overstays. Let us be very clear. If there are people who are overstaying, and the invincible bureaucratic officials know about it, why do they not make them go home? We are not protecting people who are here illegally. Nothing in this amendment diminishes one iota of the authority of the State Department and the Justice Department and anybody else they want to borrow to send the overstays home.

The question is this: I represent an area in southeastern Massachusetts 2,000 miles from the Azores. A large number of American citizens came from the Azores. They have friends and relatives in the Azores, as close to them as Denver is. They go back and forth to visit. People come for weddings, for funerals, for family events. There are charter flights that go back and forth. If one lives in one of the islands in the Azores, and the islands are spread out, which does not have a full-time consular official, and there is an emergency that comes up, someone dies, sadly, or there is some other need for you to come right away, maybe someone is ill and they are going to come sit with the children for awhile, these are the kinds of interactions we are talking about. They have got to go and get a visa. Why do they have to go and get a visa, which they would not if they lived in any of the other European countries? Because some other people may have been trying to do something which a consular official did not like, so you are punished.

We are talking about increasing the rate from 2 percent to 3 percent. It is simply not credible that 2 percent as opposed to 3 percent is some important qualitative difference. The gentleman from Texas apparently feels that 2 percent, that is absolutely the most, although I must say I guess neither the gentleman from Texas nor I were here when we first enacted this, and I would hate to be one of the residents of those countries who would have had to depend on him to enact the whole program in the first place. But the point is that it is there, and we are now saying at 2 percent, they come in at 3 percent, they cannot. What that means is if 97.8 percent of the people who apply are applying legitimately, and no errors are made, then they still have to go through the visa waiver situation.

Remember the visa waiver program does not mean they sneak in here unknown. We have records of who is here. We have every right we have under the bill to deal with overstays. The gentleman from Texas has in his legislation language saying let us get the data on overstays. Our amendment does not change it.

What our amendment says is this: There are a large number of American citizens of Greek and Portuguese ancestry who have friends and relatives with whom they would like to be able to visit, exchange visits, et cetera. Why, why would the House want so strongly to make it hard on them? What kind of determined attachment to bureaucratic norms insists on denying these overwhelmingly decent people a little convenience and a little ease? Is this great country threatened in some way with instability, with chaos, with economic ruin because we would go from 2 percent to 3 percent, allowing two fairly small countries in population to have a more easy interchange?

As the gentleman from California pointed out, people are trying to smuggle themselves in here. They do not need to get visas. This is not affected by that. And I understand the State Department does not want it, the Justice Department does not want it. No, bureaucrats do not want a lot of things that we do want. That is why we have the lawmaking power, and not them. That is why we make the decision about what is decent and what is compassionate.

So on the one hand, we have the citizens of this country who want a little ease and a little flexibility in seeing their relatives.

The CHAIRMAN pro tempore (Mr. SNOWBARGER). The time of the gentleman from Massachusetts (Mr. FRANK) has expired.

(By unanimous consent, Mr. FRANK of Massachusetts was allowed to proceed for 30 additional seconds.)

Mr. FRANK of Massachusetts. Mr. Chairman, and on the other hand you have an insistence on attachment to unyielding, undeviating fealty to the notion of bureaucratic perfection. That is hardly worth inflicting this degree of inconvenience on so many decent Americans and their relatives.

I hope the amendment is adopted.

Mr. POMBO. Mr. Chairman, I ask unanimous consent to address the Committee for 2 minutes.

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

There was no objection.

Mr. POMBO. Mr. Chairman, I would just like to close the debate by bringing us home to what the issue is that we are debating. We are debating going from 2 people in 100 being refused a visa to come to the United States as a tourist or on legitimate business purposes, and to go from 2 people out of 100 to 3 people out of 100 being refused and being refused on, I would argue, an arbitrary basis as to whether or not they meet an arbitrary standard that is set up by the person sitting across a desk from them.

Now I have not come at this with somewhat of a unique perspective from most of my colleagues, and I will fully admit I am the only Portuguese Member of the House of Representatives, of Portuguese descent. My grandparents immigrated here from Portugal, and I am very proud of that. But I can tell my colleagues that there is a difference between whether or not my relatives can come over on a tourist visa or not, and that does mean something to me and my family, and I think that this is a very important amendment.

□ 1615

I think that it is fair. All I am asking my colleagues to do is to allow people

to come in for legitimate reasons. We are not talking about illegal immigration. We are not even talking about legal immigration. We are talking about people coming into this country as tourists. We are talking about people coming into this country for legitimate business reasons. That is what we are talking about.

How this could possibly explode the illegal immigration into this country? How this could possibly explode terrorism into our country is beyond me, and I fail to follow anyone's logic who tries to make that argument.

What I ask my colleagues to do is to support a very simple amendment which would say that we are taking the refusal rate from two people in 100 to three people in 100. That would result in Greece and Portugal being included in the Visa Waiver Program. I ask my colleagues' support.

Mr. SMITH of Texas. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, let me tell my colleagues a story. On the upper east side of New York City, there is a textile shop. Its windows are nailed shut, and they are opaque with grime. Pedro, who is 10, and his sister, Amora, who is 8, labor in a single, dingy room 6 days a week.

This is part of a child-smuggling ring that entices children from Portugal to come to America. The children are promised an education, the parents are promised money, and neither promise is kept.

Six months before, a smuggler had flown to Lisbon to pick up Pedro and Amora. They were two of two dozen children that he had brought to the United States. This was possible because Portugal had become a visa waiver country and only a passport was now required to enter the United States.

While many countries require passports to have the photos of children, Portugal does not. Because of this and the ease with which Portuguese passports can be counterfeited, Pedro and Amora and the others were easily smuggled into the U.S. That is one reason why the State Department and the Department of Justice and the White House and many of us do not want this amendment to pass. We do not want smugglers to condemn Pedro and Amora to those sweatshops.

Mr. Chairman, I want to correct some misimpressions that may have been given in the short time that I have left. First of all, this debate is not about immigration. There are many aspects of immigration that are good for America. It is not about the countries of Greece and Portugal. They are wonderful countries, and someday, if they meet the criteria and meet the standards without lowering the standards, I hope they become visa countries.

It is not about individuals who are illegal aliens who are in this country today. The gentleman from Massachusetts actually has a greater faith than I do in the bureaucracy, because he seemed to imply that if someone was in the country illegally, they would be deported by the INS. In point of fact, only one out of 100 illegal aliens in the United States is ever deported by the INS.

The other problem mentioned was the difficulty of obtaining passports or visas in Portugal. Portugal is one of the few countries that has same-day service for walk-in applicants. It is one of the few countries that guarantees a return by mail within 3 days of those applications for visas.

Another misstatement that was erroneously made was the fact that the Senate already has adopted this. In point of fact, the Senate bill says that no new country can become a member of the Visa Waiver Program until we have a determination of visa overstay rates. We know that that time is at least 2 years away, and that that is why it is in conformity with the 2-year extension that we have in the bill at hand.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Texas. I am happy to yield just very briefly because I have more I would like to say.

Mr. FRANK of Massachusetts. Mr. Chairman, I would like to have the gentleman join me in acknowledging that the gripping story he began with was, of course, an invention, has not happened, and was in fact mythic. Now, the gentleman is entitled to employ myth, but the story about what happened because Portugal is not in the Visa Waiver Program, since it is not in the program——

Mr. SMITH of Texas. I am reclaiming my time, Mr. Chairman, because my story had a point.

Yes, it was apocryphal, but yes, the point was that it could occur if Portugal was a visa waiver country. And I am not going to yield because I need to finish some comments I would like to make.

Mr. Chairman, the problem with Portugal and Greece is not the fact that they are not great countries. The problem, as recognized by the State Department and the Department of Justice and the White House, is that we should not lower our standards just to accommodate these specific countries. They can improve their records themselves. Then they can be admitted to the Visa Waiver Program.

In the case of Portugal, we have a country that already has 26,000 people in this country illegally, and that is with the visa screening process because they are not part of the Visa Waiver Program. If they become part of the Visa Waiver Program, how many more times that 26,000 illegal folks are we going to have in this country from Portugal?

The point is, we do not know, but it could be in the hundreds, and that is why, clearly, if we have a Visa Waiver Program in Portugal, we are going to contribute significantly, in fact, to the illegal population in America. Undeniably, if Portugal becomes a visa waiver country, there will be more illegal aliens from that country than any other visa waiver country.

In the case of Greece, again I repeat the point I made a while ago, that the record for Greece is worsening. The number of individuals who were denied their visas in fiscal year 1997 is greater than the number denied in fiscal year 1996. Their record is going exactly the wrong direction. Why we want to reward that country when their record is worsening, I do not know. But in any case, we should not weaken our standards.

Now, in the case of Portugal, and again it is a great, great country, but unfortunately, with their passport the way it is today, it does lend itself, as the State Department and Justice Department have told us and we have seen demonstrated from cables, it does lend itself to having its passports counterfeited; and it does lend itself to child smuggling simply because they do not have photographs of children. All that is required is the name and age. It is very, very easy for individuals to smuggle over the children from Portugal.

So, again, Mr. Chairman, the debate is not about whether people of Portugal or Greece are great people. That is undeniable. It is undeniable that these are great countries. But it is also undeniable that we are going to increase our illegal immigration problem in America if we lower the standards and admit countries so that they no longer have to obtain visas if they are coming to America.

It is also undeniable that if we lower these standards, we are going to increase the temptation for individuals to smuggle children into the country as well. It is also undeniable that if we pass this amendment, we are going to be admitting one country that will contribute to our illegal immigration problem and another country that has a record going in the exact wrong direction when it comes to lowering visa fraud rather than increasing it.

Mr. Chairman, I would simply urge my colleagues to oppose this amendment, support the underlying bill, and join the administration and many of us who are concerned about illegal immigration.

Mr. WATT of North Carolina. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I yield to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Mr. Chairman, I appreciate the gentleman from Texas acknowledging that he was being, as he said, apocryphal, a very nice word for ''made up.'' His incident that he began with is totally made up.

It is a little bit apocryphal, too, when he talks about the passport, because under this bill, to become eligible for visa waiver, you would have to change the passport to make it machine readable. So the current Portuguese passport would not be the

same. It would have to become machine readable.

The fact is that if there is an overstay problem, that should be dealt with by enforcement. And this notion that somehow there are these thousands of Portuguese children waiting to be smuggled, in fact, exists only in the apocryphal imagination of the gentleman from Texas.

I thank the gentleman for yielding.

Mr. SMITH of Texas. Mr. Chairman, will the gentleman from North Carolina yield?

Mr. WATT of North Carolina. I yield to the gentleman from Texas.

Mr. SMITH of Texas. Mr. Chairman, I will be very brief. I just wanted to correct the gentleman from Massachusetts. The amendment actually says that the countries only have to be in the process of developing a machine readable passport, not that they actually have to have one so we still have the problem with counterfeiting passports, and we still have the problem with child smuggling as well.

Mr. KENNEDY of Rhode Island. Mr. Chairman, will the gentleman yield?

Mr. WATT of North Carolina. I yield to the gentleman from Rhode Island.

Mr. KENNEDY of Rhode Island. Mr. Chairman, let us just make it clear here, the idea is, the Attorney General still has discretion to reject these countries based upon any concerns that she may have with respect to these issues that, I might say, are ancillary.

You are talking process now with the machine. What we are talking is substance. We are talking about letting families come over here when their family members have a family event. If it is a happy event, they come over for that.

Mr. SMITH of Texas. Mr. Chairman, will the gentleman from North Carolina yield?

Mr. WATT of North Carolina. I yield to the gentleman from Texas.

Mr. SMITH of Texas. I was not talking process. I was talking real people, real children who might be smuggled, real illegal aliens.

Mr. FRANK of Massachusetts. No, the gentleman from Texas was talking apocryphal real people.

Mr. SMITH of Texas. No. We were talking about individuals where there is a real threat.

Mr. FRANK of Massachusetts. The gentleman from Texas was talking about apocryphal real people.

Mr. SMITH of Texas. If you want to, the State Department has received a number of these cables that go into the problem in great detail.

Mr. KENNEDY of Rhode Island. Mr. Chairman, will the gentleman yield? Let us get clear here.

Mr. WATT of North Carolina. I yield to the gentleman from Rhode Island.

Mr. KENNEDY of Rhode Island. Mr. Chairman, let me just say here very quickly, if there is a problem, as the gentleman said, then that is a problem that needs to have law enforcement. If there is a problem with the fact that these people need to have the visa overstay enforced, that should be enforced. But the fact of the matter is, that does not negate the primary reason for this amendment.

And the primary reason for this amendment is to let two allies, Greece and Portugal, who have large numbers of family members here in the United States of America, be able to come over on a visitor's visa or a business visa for a temporary period of time, for 90 days or less, and not have to go through a bureaucratic process.

It means that we have got to let our families rejoin for family occasions and business people to come over for tourist reasons. And let us not confuse the gentleman's being hung up on bureaucratic procedure as a reason to preempt us from passing this important piece of legislation.

Mr. WATT of North Carolina. Mr. Chairman, let me just put this in perspective here.

I am in favor of this amendment. The reason I am in favor of it is that the whole notion of a visa refusal rate, if you understand that, means almost nothing, because if 100 people show up in an INS office and/or in a consular office, and two out of that 100 are refused a visa, then you have a 2 percent refusal rate. If three out of 100 are denied a visa, then you have a 3 percent refusal rate.

If the consular officer in that office is sitting there, and they have a criterion that says, I do not like people who look poor, or I do not like people who look black, or I do not like people who look a particular way, then the refusal rate may be 98 percent. It could be 100 percent.

The point I am making is that that is an irrational basis, a subjective basis, for setting up our whole Visa Waiver Program in the first place. So whether it is 2 percent or 3 percent, I cannot get all bent out of shape about it.

This amendment would move it from 2 percent to 3 percent.

The CHAIRMAN. The time of the gentleman from North Carolina (Mr. WATT) has expired.

(By unanimous consent, Mr. WATT of North Carolina was allowed to proceed for 2 additional minutes.)

Mr. WATT of North Carolina. Mr. Chairman, what everybody ought to focus on is that in this bill is the mechanism to move us from this visa refusal rate process, which is irrational, to a visa overstay process, which is a rational basis for determining whether a country ought to participate in the Visa Waiver Program.

Because once these people get into the country, if they do not go home, then I get real bent out of shape about that. When the time comes, they ought to be required to go home. And the visa overstay information would allow us to measure that and get to a rational basis. Right now, we have no rational basis.

So I do not have any problem whatsoever from moving the threshold from two out of 100 to three out of 100, because I know that there are some countries that are being denied 50 out of 100 on no rational basis whatsoever, in some cases, 75 out of 100 on no rational basis whatsoever.

We ought to support this amendment, pass this bill. Let us get the visa overstay information we need to implement a rational Visa Pilot Program, and we will all be a lot happier. People throughout the world will be a lot happier because we will have a rational basis for having a program.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of this amendment.

□ 1630

First of all, I want to speak in strong support of both the gentleman from California (Mr. POMBO) and the gentleman from Rhode Island (Mr. KENNEDY), who I always like to speak in favor of, and I speak in favor of this particular amendment.

I think it is important for us to recognize that the gentleman from Texas (Mr. SMITH), who has offered this bill, is trying to deal with a fundamental problem we have with immigration, and that is that the vast majority of illegal immigration has come into the country because of visa overstays; and that is why I did not vote for a lot of the legislation that came out as so-called ''immigration reform'' last year, because it did not deal with the fundamental issue.

I think that the gentleman from Texas (Mr. SMITH) ought to be congratulated for the efforts that he is making to try and deal with this important issue.

I just think that the particular oversight in this bill needs to be straightened out. If, in fact, we are dealing with visa overstays, I think we have to reform the process, but if we do not deal with visa overstays and we just deal with some bureaucrat that is sitting in some embassy somewhere around the world who is saying, this particular individual does not qualify, and we add up all of those circumstances and one gets a 2 percent denial rate and one gets a 3 percent denial rate and, therefore, we are going to eliminate the ability of these countries to go back and forth to see their families. I will tell my colleagues, every single Member of Congress has had to get on the phone at one time, and in my case, many, many times, with some bureaucrat sitting in some embassy somewhere around the world because some family has a very legitimate right to come to America and is being denied because some bureaucrat does not think they have every ''T'' crossed and ''I'' dotted.

We are not talking about vast numbers of illegal immigrants coming into America using this process. We are talking about a 1 percent difference; and that 1 percent difference is an opportunity for families to be reunited, it

is an opportunity to increase trade. We should deal with the fact that we in America make money off of immigration. This is a money-maker for the United States of America. It is a money-maker for the taxpayers, it is a money-maker for the Federal Government.

If the problem is the underlying issue of people that come here and stay illegally, then let us deal with that. We deal with that issue by dealing with overstays. And we ought to be tough on overstays, and if we have a bill and legislation that comes in here and gets tough with people that are breaking the law, I will support it. But let us not do it arbitrarily, because for some reason we do not want to get into opening up the bill; and then we are going to hurt people from only 2 countries, from Portugal and Greece.

Two of our Nation's proudest immigrant populations come from both Portugal and Greece. They have done so much to not only settle the United States of America, but make phenomenal contributions to our culture. We walk this very Capitol Building and see how many Greek and Portuguese immigrants are up on our walls.

This democracy is founded upon the Greek democracy, and for us to be breaking that tie and saying we are going from 3 percent to 2 percent, so therefore, we are going to make every Greek immigrant go through some massive bureaucracy is a ridiculous point of bureaucratic nonsense that I cannot believe that the gentleman from Texas, who is as clear-thinking and as forward-thinking as he is, would possibly oppose this amendment. Because I know that he fundamentally has already said, as I heard him in my office, he said that in fact he agrees that this bill should be stipulated to deal with the overstay issue, and he recognizes that the gentleman from Rhode Island (Mr. KENNEDY) and the gentleman from California (Mr. POMBO), their amendment only deals with this issue because it has to do with the visa denial rate.

There is a huge difference between a visa denial rate and a visa overstay. Let us deal with the issue.

I would just hope that the gentleman from Texas (Mr. SMITH) might consider amending his opposition to this amendment and accept it and be done with it before we get to bringing everybody over here for a vote. I think that this is good legislation; I think it will help the bill, and I would be happy to see him see the light.

Mrs. MINK of Hawaii. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Pombo-Kennedy amendment, although as the gentleman from Massachusetts (Mr. KENNEDY) who just spoke so eloquently highlighted the real problem, and the problem is that we are dealing with trying to just simply solve a problem with the existing formula by raising the 2 percent to 3 percent to take care of the Portuguese and the Greeks.

I am a member of the Portuguese caucus, so I rise to support this amendment on 2 scores: Because it is important, it is fair, it is just; because I feel that these 2 groups are entitled to this support.

Mr. Chairman, the issue that brings me to the floor to discuss this whole matter of visa waiver, however, is the very, very huge problem that I have with the Asian constituency that I must deal with almost daily. And there the issue of denials of visa, visa applications to come to America for whatever reason, are mind-boggling.

Almost every day I am writing letters to the embassies asking them for compassion, for consideration, for allowing people to come to Hawaii to visit a terminally ill parent; and they are virtually denied without really very much consideration, for economic reasons primarily, not enough earnings, no ownership of property, they do not own businesses.

But even in some cases where they own businesses and have very large personal wealth, they are still not permitted to come in. So the denial rate that occurs in many of these countries is a real problem as a prejudice in opening up opportunities for them to travel.

My State enjoys a very large multicultural society, and so we have people from all over the world who live in Hawaii. It just is simply unfair that in the Asian area so few of these individuals even with very solid and strong economic backgrounds are not able to come to visit.

As the gentleman from Massachusetts (Mr. KENNEDY) indicated, the visitor industry is an important industry. I call upon the people who belong to the tourist caucus to understand the importance of allowing people into the country to visit. Why is it that we are so afraid of the people coming in to visit, to spend their dollars, to enjoy themselves? Well, there is practically a band, a barrier to the entrance of these individuals from Asia at the current time, and it is a real difficult problem.

Mr. Chairman, what I am confronted with, with a great deal of pain and anxiety, is that the denials go to very, very compassionate situations, like somebody terminally ill. I have a doctor's certificate, I present that, and it is still not any good. When the person has already died and they are awaiting funeral services, the family is still not even allowed to come in to attend the funeral, and it is a very, very sad time. This is what we are talking about when we talk about visa denials.

So while we would have wanted to come to the floor, my colleague, the gentleman from Hawaii (Mr. ABERCROMBIE) and myself, to urge the extension of the Kennedy-Pombo amendment to include Korea, very strong allies, very supportive; we have committed ourselves to the defense of the people of South Korea, yet they have great difficulty in entering the United States for business, for pleasure, to visit their relatives, or to attend even funerals and to attend to people who are sick within their families. It is just extremely unfair.

Mr. Chairman, we were hoping for some way in which we could demonstrate that the denials of visas in Korea were becoming very, very low, and that they would qualify under this 3 percent factor. But as we all know in this House, there has been a complete rupture of the economy of many of the Asian countries, and they are suffering very, very gravely because of these difficulties. As a result, more and more people are being denied visa opportunities and opportunities to come for business or pleasure or whatever, and as a result, we would probably not be able to prevail under the 3 percent current level.

So, Mr. Chairman, I appreciate very much the efforts of the gentleman from Rhode Island (Mr. KENNEDY) and the gentleman from California (Mr. POMBO), and I rise in strong support of this amendment, and I hope that the people who are guiding this debate will accept this amendment as just and fair and look to further changes in the law in the next session.

Mr. BILIRAKIS. Mr. Chairman, I move to strike the requisite number of words.

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

Mr. Chairman, I rise in support of the Pombo/Kennedy/Frank/Pappas amendment to H.R. 2578, the Visa Waiver Pilot Program Act. This amendment simply allows Greece and Portugal—and only Greece and Portugal—to participate in the Visa Waiver Pilot Program.

Let me make it clear that I have the highest respect for my colleague and friend from Texas, Chairman LAMAR SMITH. As a fellow subcommittee chairman, I know the rigors and demands of directing a panel, which contains an array of divergent views. It was his strong and determined leadership that allowed the House to pass historic and much needed reform of our nation's immigration laws in the 104th Congress.

We have an honest difference of opinion about whether Greece and Portugal should be allowed to participate in the Visa Waiver Pilot Program. Rather than rehashing the same arguments and issues that have already been debated, I want to focus on Greek citizens and why they want to participate in this program.

My staff in Clearwater, Florida, informed me that they have been approached by individuals who have faced difficulty entering the United States when a loved one has passed away. Currently, Greek citizens have to go to one of two U.S. consulates in Greece to initiate the application process to obtain a travel visa.

The simple logistics of travel are, in many cases, prohibitive to Greek citizens seeking temporary entry into the United States. The entire process can often take two weeks or more and requires considerable cost and effort.

I am dismayed that, in some arguments against this amendment, it has been insinuated that terrorism and domestic crime will increase in the United States if Greece and Portugal are permitted to participate in this program. It is important to note that Greece and

Portugal are the only member nations of the European Union to be excluded from the program *and* whose citizens *must* obtain a visa to enter the United States. Ironically, Americans do *not* need a visa to enter Greece.

Some of my colleagues believe that allowing Greece to participate in this program would lead to increased illegal immigration, because individuals would overstay their visas. In fact, the number of immigrants from Greece and Portugal who settle in the United States each year is not significantly higher than the number of Americans who establish residence in these countries.

I want to make one final point. It is my understanding that Chairman SMITH opposes this amendment because he believes the two percent refusal rate is a fair and equitable level.

In my judgment, we are quibbling about numbers, and very small numbers at that. The other body passed legislation which raises the refusal rate threshold to three percent. It unanimously approved an amendment to allow Greece and Portugal to participate in the Visa Waiver Pilot Program. We should do the same.

Tonight, I am conducting a special order in this chamber to commemorate the 177th Anniversary of Greek Independence Day. Today marks the day when Greece began restoring its democratic heritage after nearly four centuries of foreign oppression. I can tell you personally, as the son of Greek immigrants, that the Greeks share a love of the United States which may be unparalleled abroad. Greece and the United States share a common bond: an intense desire for freedom and democracy. It was, in fact, the ancient Greeks who forged the ideas upon which our nation was founded.

Greece has been our staunch ally for many years. We should reciprocate that treatment and approve the Pombo/Kennedy/Frank/Pappas amendment to H.R. 2578.

Mr. KLINK. Mr. Chairman, I rise today in strong support of the amendment offered by Mr. POMBO. This amendment would increase the visa refusal rate from 2% to 3% which would allow Greece and Portugal to participate in the tourist visa waiver program. As of now, these two countries are the only two members of the European Union not included in the program. However, U.S. citizens visiting Greece, do not need a visa.

This is inappropriate treatment for a country like Greece which is one of the United States' best allies. Greece is one of only three countries outside the British Empire which has fought with the U.S. in every war this century. In fact, one out of nine Greeks gave their lives as American allies fighting the Axis powers and during the communist civil war which followed. Our nations' close relationship continues today.

Greece is and always has been a close friend and ally of the U.S. Bringing Greece into the visa waiver program would strengthen our ties. It would also be an appropriate gesture of good will for today, Greek Independence Day, to a country that gave this country the precious gift of democracy.

The Senate voted to end this program for Greece by increasing the refusal rate from 2% to 3% for the Visa Waiver Pilot Program. Now we in the House should do the same.

Mrs. MINK of Hawaii. Mr. Chairman, I rise in support of the Pombo amendment to H.R. 2578, the Visa Waiver Reauthorization Act.

This amendment would admit a slightly wider circle of countries to the program—those with a visa refusal rate of 3% or less—a level which I believe is more than justified.

In 1986, the Visa Waiver Pilot Program was authorized essentially on a ''trial run'' basis, under the very stringent control of a 2% visa refusal rate—averaged over two years—with no one year having a rate over 2.5%.

The visa waiver saves our embassies and consulates enormous amounts of time and appropriated funds. In 26 countries, our consular staffs are freed from processing visas in stable areas where there are virtually no visa refusals anyway. The visa waiver has made money for the United States by greatly boosting tourism and sparing visitors the inconvenience of traveling to a consulate and going through the red tape of applying for a visa that would likely be approved anyway.

Congress has recognized the success and benefits of this program and has repeatedly reauthorized the visa waiver program over the years. Yet I feel that Congress is just waking up to the fact that the program is overly strict in its means of measuring who can participate and who cannot.

The visa refusal rate is a poor indicator of a country's ability to participate responsibly in the U.S. visa waiver arrangement. Consular officers have far-reaching powers to deny visas. Indeed, a federal employment case recently brought to light that the consular officers in Sao Paulo, Brazil were expected to rely heavily on an applicant's race, appearance or manner in denying visas, which obscured whether the applicants actually and a motivation to return home on time.

To be fair to the State Department, I concede that consular officers cannot read minds or predict the future. They cannot know in advance whether or not a visa applicant will violate our immigration laws. But this uncertainty leads them to err too much on the side of caution and deny visas that may be a bit borderline.

A far more accurate indicator for whether a country should be eligible for visa waiver program is whether foreign visitors do in fact, overstay or violate our immigration laws.

For this reason, I applaud the provision in the main bill requiring the INS to collect data on persons who overstay their 90-day visa waiver period. This should be the benchmark, not a mere hunch on the part of a consular officer.

Mr. Chairman, I support raising the disqualification rate to 3% at this time. This will bring in Greece and Portugal now, and—I hope—South Korea before long.

My state of Hawaii has seen many affluent Korean tourists—and tour groups as well—who are quite interested in visiting Hawaii—and the West Coast as well—but who are discouraged by the visa process. Australia, and other countries get these precious travel dollars, because the South Koreans can enter there without a visa.

South Korea's tourism market is estimated at about billion dollars a year. The average visitor spends more than $2,000 in the U.S., not including airfare. The strong demand for U.S. visas has not escaped the notice of airlines and the rest of the travel and tourism industry. Like the European countries that do participate, the U.S. and South Korea have close historical ties, a military alliance, and a very strong trade relationship. In fact, South Korea is our sixth largest trading partner.

Much has been said about Greece and Portugal being the only European Union countries that are still ineligible for visa waivers. Allow me to point out that the refusal rate of 2% means that Japan is the only East Asian country now able to participate in the program. South Korea, whose visa refusal rates have been 3.75% and 2.87% in the last two fiscal years, will not be brought under the program, even if this amendment to raise the bar to 3% is adopted.

Despite that, Mr. Chairman, I feel this amendment is a step in the right direction, and I urge its passage.

The CHAIRMAN pro tempore (Mr. SNOWBARGER). The question is on the amendment offered by the gentleman from California (Mr. POMBO).

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

RECORDED VOTE

Mr. SMITH of Texas. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 360, noes 46, not voting 25, as follows:

[Roll No. 70]

AYES—360

Abercrombie	Cubin	Gutierrez
Ackerman	Cummings	Gutknecht
Allen	Cunningham	Hall (OH)
Andrews	Danner	Hamilton
Archer	Davis (FL)	Hansen
Armey	Davis (IL)	Hastert
Bachus	Davis (VA)	Hastings (FL)
Baldacci	DeFazio	Hayworth
Barcia	DeGette	Hefley
Barrett (NE)	Delahunt	Hefner
Barrett (WI)	DeLauro	Herger
Bartlett	DeLay	Hill
Bass	Deutsch	Hilleary
Bateman	Diaz-Balart	Hilliard
Becerra	Dickey	Hinchey
Bentsen	Dicks	Hinojosa
Bereuter	Dingell	Hobson
Berman	Dixon	Hoekstra
Bilbray	Doggett	Holden
Bilirakis	Dooley	Hooley
Bishop	Doolittle	Horn
Blagojevich	Doyle	Hostettler
Bliley	Dreier	Hoyer
Blumenauer	Duncan	Hulshof
Boehlert	Dunn	Hunter
Boehner	Edwards	Inglis
Bonilla	Ehlers	Jackson (IL)
Bonior	Ehrlich	Jenkins
Borski	Engel	John
Boswell	English	Johnson (CT)
Boucher	Ensign	Johnson (WI)
Boyd	Eshoo	Jones
Brown (CA)	Etheridge	Kanjorski
Brown (OH)	Evans	Kaptur
Burr	Everett	Kasich
Burton	Ewing	Kelly
Buyer	Farr	Kennedy (MA)
Callahan	Fattah	Kennedy (RI)
Calvert	Fazio	Kennelly
Camp	Filner	Kildee
Capps	Foley	Kilpatrick
Carson	Forbes	Kind (WI)
Castle	Fossella	King (NY)
Chabot	Fowler	Kingston
Chambliss	Fox	Klink
Chenoweth	Frank (MA)	Klug
Christensen	Franks (NJ)	Knollenberg
Clay	Frelinghuysen	Kolbe
Clayton	Frost	Kucinich
Clement	Furse	LaFalce
Clyburn	Ganske	LaHood
Coble	Gejdenson	Lampson
Coburn	Gekas	Lantos
Condit	Gephardt	Largent
Cook	Gibbons	Latham
Cooksey	Gillmor	LaTourette
Costello	Gilman	Lazio
Cox	Goode	Leach
Coyne	Gordon	Levin
Cramer	Goss	Lewis (CA)
Crane	Graham	Lewis (GA)
Crapo	Greenwood	Linder

Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paul
Paxon
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Redmond
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rohrabacher
Ros-Lehtinen
Roybal-Allard
Rush
Ryun
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sawyer
Scarborough
Schaefer, Dan
Schaffer, Bob
Scott
Sensenbrenner
Serrano
Sessions
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith, Adam
Smith, Linda
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stenholm
Stokes
Strickland
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Traficant
Turner
Upton
Velazquez
Vento
Visclosky
Walsh
Wamp
Watkins
Watt (NC)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NOES—46

Aderholt
Baesler
Baker
Ballenger
Barr
Barton
Berry
Blunt
Brady
Bryant
Bunning
Campbell
Canady
Collins
Combest
Deal
Emerson
Fawell
Gallegly
Gilchrest
Goodlatte
Goodling
Granger
Green
Hall (TX)
Hastings (WA)
Hutchinson
Hyde
Istook
Johnson, Sam
Kim
Lewis (KY)
McCollum
Pease
Rogers
Roukema
Sanford
Shadegg
Smith (TX)
Snowbarger
Solomon
Stearns
Stump
Taylor (MS)
Watts (OK)
White

NOT VOTING—25

Brown (FL)
Cannon
Cardin
Conyers
Ford
Gonzalez
Harman
Houghton
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Kleczka
McDade
McDermott
Millender-McDonald
Payne
Rangel
Rothman
Royce
Saxton
Schiff
Schumer
Towns
Waters
Yates

□ 1701

Messrs. LEWIS of Kentucky, ADERHOLT, BAESLER, MCCOLLUM, BARR of Georgia and GILCHREST changed their vote from ''aye'' to ''no.''

Messrs. NEUMANN, ROHRABACHER and ENGLISH of Pennsylvania changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore (Mr. SNOWBARGER). Are there further amendments?

There being no further amendments, under the rule the committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. LAHOOD) having assumed the Chair, Mr. SNOWBARGER, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2578) to amend the Immigration and Nationality Act to extend the visa waiver pilot program, and to provide for the collection of data with respect to the number of nonimmigrants who remain in the United States after the expiration of the period of stay authorized by the Attorney General, pursuant to House Resolution 391, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

(Mr. GINGRICH asked and was given permission to speak out of order.)

ANNOUNCEMENT OF PASSING OF CONGRESSMAN STEVE SCHIFF

Mr. GINGRICH. Mr. Speaker, I have the sad duty to inform the House that earlier today, STEVE SCHIFF, our colleague, died in Albuquerque. All of my colleagues know he fought a very, very long and very courageous struggle against cancer.

I had an opportunity to talk just a few minutes ago with his wife, and the family is bearing up very, very well. His staff has been wonderful in a very difficult situation for over a year, and has done really courageous work in representing STEVE and representing the district.

Mr. Speaker, I would like to ask the House to join me in a moment of silent prayer for STEVE and his family, and then afterwards I will comment further.

Amen.

Let me just say, that Mrs. Schiff indicated they will decide later on this evening whether the funeral will be on Friday or on Monday. Obviously, the House will suspend for the purposes of the funeral, and we will invite Members who care to go, to go and join the family at that time.

It is a very sad time for all of us, and I think that those of us who knew STEVE well knew the integrity, the decency, the love for this country that he brought to the job of Representative, the degree to which he gave all of us honor in the way in which he served. And I know that all of my colleagues will want to reach out in their own way to the Schiff family and to the people of New Mexico and, in particular, as I said a minute ago, to the very fine staff who has just truly done heroic work over the last year under the most difficult possible circumstances.

I know that my colleagues will want to join in prayers for Mrs. Schiff and for the immediate family. We will report more as we learn more.

Mr. HOYER. Mr. Speaker, will the gentleman yield?

Mr. GINGRICH. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Speaker, I know on this side of the aisle, we join all of our colleagues on that side of the aisle. All of us, in losing a colleague, share the sadness and share the concern for our colleague's family.

Mr. Speaker, another one of our colleagues is grieving this day as well, as many probably know. The family of the gentleman from Maryland (Mr. CARDIN) lost their son, 30 years of age, last night and buried him this afternoon. So as we pray for our colleague and for the Schiff family, if we could remember the Cardin family as well, I know they would appreciate it. I thank the gentleman from Georgia (Mr. GINGRICH) for yielding.

Mr. GINGRICH. Mr. Speaker, reclaiming my time, I thank the gentleman from Maryland (Mr. HOYER) for briefing us and I thank the House for its attention.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would announce that following final passage of this bill, a resolution will be offered by the gentleman from New Mexico (Mr. SKEEN).

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read the third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

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

RECORDED VOTE

Mr. SMITH of Texas. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 407, noes 0, not voting 23, as follows:

[Roll No. 71]

AYES—407

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Capps

Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Foley
Forbes
Fossella
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paul
Paxon
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Redmond
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Roybal-Allard
Rush
Ryun
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Scarborough
Schaefer, Dan
Schaffer, Bob
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Traficant
Turner
Upton
Velazquez
Vento
Visclosky
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NOT VOTING—23

Brown (FL)
Cannon
Cardin
Conyers
Ford
Gonzalez
Harman
Houghton
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Kleczka
McDermott
Millender-McDonald
Payne
Rangel
Rothman
Royce
Saxton
Schumer
Towns
Waters
Yates

□ 1726

So the bill was passed.

The result of the vote was announced as above recorded.

The title of the bill was amended so as to read: ''A bill to amend the Immigration and Nationality Act to modify and extend the visa waiver pilot program, and to provide for the collection of data with respect to the number of nonimmigrants who remain in the United States after the expiration of the period of stay authorized by the Attorney General.''

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SMITH of Texas. 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. 2578, the legislation just considered and passed.

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

There was no objection.

Mr. SMITH of Texas. Mr. Speaker, pursuant to the rule, I call up from the Speaker's table the Senate bill (S. 1178) to amend the Immigration and Nationality Act to extend the visa waiver pilot program, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The text of S. 1178 is as follows:

S. 1178

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 ''Visa Waiver Pilot Program Reauthorization Act of 1997''.

SEC. 2. AMENDMENT OF THE IMMIGRATION AND NATIONALITY ACT.

(a) DESIGNATION OF PILOT PROGRAM COUNTRIES.—Section 217(c) of the Immigration and Nationality Act (8 U.S.C. 1187(c)) is amended to read as follows:

''(c) DESIGNATION OF PILOT PROGRAM COUNTRIES.—

''(1) IN GENERAL.—The Secretary of State, in consultation with the Attorney General, may designate any country as a pilot program country if it meets the requirements of paragraph (2). In order to remain a pilot program country in any subsequent fiscal year, a country shall be redesignated as a pilot program country by the Attorney General in accordance with the requirements of paragraph (3).

''(2) QUALIFICATIONS.—The Secretary of State may not designate a country as a pilot program country unless the following requirements are met:

''(A) LOW NONIMMIGRANT VISA REFUSAL RATE FOR PREVIOUS 2-YEAR PERIOD.—The average number of refusals of nonimmigrant visitor visas for nationals of that country during the two previous full fiscal years was less than 3.0 percent of the total number of nonimmigrant visitor visas for nationals of that country which were granted or refused during those years.

''(B) LOW NONIMMIGRANT VISA REFUSAL RATE FOR EACH OF 2 PREVIOUS YEARS.—The average number of refusals of nonimmigrant visitor visas for nationals of that country during either of such two previous full fiscal years was less than 3.5 percent of the total number of nonimmigrant visitor visas for nationals of that country which were granted or refused during that year.

''(C) MACHINE-READABLE PASSPORT PROGRAM.—The government of the country certifies to the Secretary of State's and the Attorney General's satisfaction that it issues machine-readable and highly fraud-resistant passports to its citizens.

''(D) LAW ENFORCEMENT INTERESTS.—The Attorney General determines that the United States' law enforcement interests would not be compromised by the designation of the country.

''(E) ILLEGAL OVERSTAY AND DISQUALIFICATION.—For any country with an average nonimmigrant visa refusal rate during the previous two fiscal years of greater than 2 and less than 3 percent of the total number of nonimmigrant visitor visas for nationals of that country which were granted or refused during those years, and for any country with an average number of refusals during either such year of greater than 2.5 and less than 3.5 percent, the Attorney General shall certify to the Committees on the Judiciary of the Senate and the House of Representatives that the sum of—

''(I) the total of the number of nationals of that country who were excluded from admission or withdrew their application for admission at a port of entry during such previous fiscal year as a nonimmigrant visitor, and

''(II) the total number of nationals for that country who were admitted as nonimmigrant visitors during such previous fiscal year and who violated the terms of such admission,

is less than 2 percent of the total number of nationals of that country who applied for admission as nonimmigrant visitors during such previous fiscal year.

''(3) CONTINUING AND SUBSEQUENT QUALIFICATIONS.—The Attorney General, in consultation with the Secretary of State, shall assess the continuing and subsequent qualification of countries designated as pilot program countries and shall redesignate countries as pilot program countries only if the requirements specified in this subsection are met. For each fiscal year (within the pilot program period) after the initial period the following requirements shall apply:

''(A) COUNTRIES PREVIOUSLY DESIGNATED.—(i) Except as provided in subsection (g) of this section, in the case of a country which was a pilot program country in the previous fiscal year, the Attorney General may not redesignate such country as a pilot program country unless the sum of—

''(I) the total of the number of nationals of that country who were excluded from admission or withdrew their application for admission during such previous fiscal year as a nonimmigrant visitor, and

''(II) the total number of nationals of that country who were admitted as nonimmigrant visitors during such previous fiscal year and who violated the terms of such admission,

was less than 2 percent of the total number of nationals of that country who applied for admission as nonimmigrant visitors during such previous fiscal year.

''(ii) In the case of a country which was a pilot program country in the previous fiscal year, the Attorney General may not redesignate such country as a pilot program country unless the Attorney General has made a precise numerical estimate of the figures under clauses (i)(I) and (i)(II) and reports those figures to the Committees on the Judiciary of the Senate and the House of Representatives within 30 days after the end of the fiscal year. As of September 30, 1999, any such estimates shall be based on data collected from the automated entry-exit control system mandated by section 110 of Public Law 104–708.

''(iii) In the case of a country which was a pilot program country in the previous fiscal year and which was first admitted to the visa waiver pilot program prior to September 30, 1997, the Attorney General may not redesignate such country as a pilot program country unless the country certifies that it has issued or will issue as of a date certain machine-readable and highly fraud-resistant passports and unless the country subsequently complies with any such certification commitments.

''(B) NEW COUNTRIES.—In the case of a country to which the clauses of subparagraph (A) do not apply, such country may not be designated as a pilot program country unless the following requirements are met:

''(i) LOW NONIMMIGRANT VISA REFUSAL RATE IN PREVIOUS 2-YEAR PERIOD.—The average number of refusals of nonimmigrant visitor visas for nationals of that country during the two previous full fiscal years was less than 3.0 percent of the total number of nonimmigrant visitor visas for nationals of that country which were granted or refused during those years.

''(ii) LOW NONIMMIGRANT VISA REFUSAL RATE IN EACH OF THE 2 PREVIOUS YEARS.—The average number of refusals of nonimmigrant visitor visas for nationals of that country during either of such two previous full fiscal years was less than 3.5 percent of the total number of nonimmigrant visitor visas for nationals of that country which were granted or refused during that year.

''(iii) COMMENCEMENT OF AUTHORIZED PERIOD FOR QUALIFYING COUNTRIES.—No country qualifying under the criteria in clauses (i) and (ii) may be newly designated as a pilot program country prior to October 1, 1998.

''(C) REPORTING REQUIREMENTS FOR OTHER COUNTRIES.—For every country from which nonimmigrants seek entry into the United States, the Attorney General shall make a precise numerical estimate of the figures under subparagraph (A)(i) (I) and (II) and report those figures to the Committees on the Judiciary of the Senate and the House of Representatives within 30 days after the end of the fiscal year.

''(4) INITIAL PERIOD.—For purposes of paragraph (3), the term 'initial period' means the period beginning at the end of the 30-day period described in section 2(c)(1) of the Visa Waiver Pilot Program Reauthorization Act of 1997 and ending on the last day of the first fiscal year which begins after such 30-day period.''.

(b) AUTHORIZED PILOT PROGRAM PERIOD.—Section 217(f) of that Act is amended by striking ''September 30, 1997'' and inserting ''September 30, 2000''.

(c) DEVELOPMENT OF AUTOMATED ENTRY CONTROL SYSTEM.—(1) As of the date of enactment of this Act, no country may be newly designated as a pilot program country until the end of the 30-day period beginning on the date that the Attorney General submits to the Committees on the Judiciary of the House of Representatives and the Senate a certification that the automated entry-exit control system described in paragraph (2) is operational.

(2) The automated entry-exit control system is the system mandated by section 110 of Public Law 104–208 as applied at all ports of entry excluding the land borders.

SEC. 3. REPORT ON AUTOMATED ENTRY-EXIT CONTROL SYSTEM.

(a) Within six months after the date of enactment of this Act, the Attorney General shall report to the Committees on the Judiciary of the Senate and the House of Representatives on her plans for and the feasibility of developing an automated entry-exit control system that would operate at the land borders of the United States and that would—

(1) collect a record of departure for every alien departing the United States and match the records of departure with the record of the alien's arrival in the United States; and

(2) enable the Attorney General to identify, through on-line searching procedures, lawfully admitted nonimmigrants who remain in the United States beyond the period authorized by the Attorney General.

(b) Such report shall assess the costs and feasibility of various means of operating such an automated entry-exit control system; shall evaluate how such a system could be implemented without increasing border traffic congestion and border crossing delays and, if any such system would increase border crossing delays, evaluate to what extent such congestion or delays would increase; and shall estimate the length of time that would be required for any such system to be developed and implemented at the land borders.

MOTION OFFERED BY MR. SMITH OF TEXAS

Mr. SMITH of Texas. Mr. Speaker, pursuant to the rule, I offer a motion.

The Clerk read as follows:

Mr. SMITH of Texas moves to strike out all after the enacting clause of the Senate bill, S. 1178, and insert in lieu thereof the text of the bill, H.R. 2578, as passed by the House.

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

The title of the Senate bill was amended so as to read: ''A bill to amend the Immigration and Nationality Act to modify and extend the visa waiver pilot program, and to provide for the collection of data with respect to the number of nonimmigrants who remain in the United States after the expiration of the period of stay authorized by the Attorney General.''

A motion to reconsider was laid on the table.

A similar House bill (H.R. 2578) was laid on the table.

PERMISSION FOR COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE TO FILE REPORT ON H.R. 2400, BUILDING EFFICIENT SURFACE TRANSPORTATION AND EQUITY ACT OF 1997

Mr. PETRI. Mr. Speaker, I ask unanimous consent that the Committee on Transportation and Infrastructure have until midnight, Wednesday, March 25, 1998, to file a report to accompany the bill (H.R. 2400) to authorize funds for federal-aid highways, highway safety programs, transit programs, and for other purposes.

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

There was no objection.

PERMISSION FOR COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE TO HAVE UNTIL MIDNIGHT, FRIDAY, MARCH 27, 1998, TO FILE SUPPLEMENTAL REPORT ON H.R. 2400, BUILDING EFFICIENT SURFACE TRANSPORTATION AND EQUITY ACT OF 1997

Mr. PETRI. Mr. Speaker, I ask unanimous consent that the Committee on Transportation and Infrastructure may file a supplemental report to the bill (H.R. 2400) to authorize funds for federal-aid highways, highway safety programs, transit programs, and for other purposes, at any time before midnight, March 27, 1998.

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

There was no objection.

EXPRESSING SORROW OF THE HOUSE AT THE DEATH OF THE HONORABLE STEVEN SCHIFF, REPRESENTATIVE FROM THE STATE OF NEW MEXICO

Mr. SKEEN. Mr. Speaker, I offer a privileged resolution (H. Res. 395) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 395

Resolved, That the House has heard with profound sorrow of the death of the Honorable Steven Schiff, a Representative from the State of New Mexico.

Resolved, That a committee of such Members of the House as the Speaker may designate, together with such Members of the Senate as may be joined, be appointed to attend the funeral.

Resolved, That the Sergeant at Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provisions of these resolutions and that the necessary expenses in connection therewith be paid out of the contingent fund of the House.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

Resolved, That when the House adjourns today, it adjourn as a further mark of respect to the memory of the deceased.

The SPEAKER pro tempore. The gentleman from New Mexico (Mr. SKEEN) is recognized for 1 hour.

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

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

Mr. SKEEN. Mr. Speaker, our great state of New Mexico is mourning the death of the gentleman from New Mexico (Mr. SCHIFF), one of our most distinguished colleagues of this honorable body we proudly call the United States House of Representatives.

STEVE has been suffering from cancer for nearly a year, and unfortunately this morning his fight came to a tragic end. Since STEVE became ill, we all prayed every day for his recovery. We prayed that he would win this tough battle so that he could once again join us in Washington and continue to do the work that he enjoyed and loved. STEVE was dedicated to his constituents and worked hard to represent their interests in Congress. Even in the face of this tragic situation, STEVE continued to put the needs and interests of his constituents and all New Mexicans at the forefront almost until the very end of his life. Even though his illness forced him to remain in Albuquerque, he continued to spend several hours a day in his district office and working at his home for the people of his district.

STEVE SCHIFF, who is survived by his wife Marcia and two children, Jaimi and Daniel, will be remembered with great fondness by the many people whose lives he touched as husband, as father, as friend and neighbor, as U.S. Air Force officer, and a distinguished public servant. STEVE was widely respected by everyone, including his political adversaries. This public admiration was due in large part to his reputation for being a man of integrity, his evenhanded approach as a public official, and for always standing by his word. All of us regret his untimely passing and the terrible emptiness his death leaves in our lives.

Thank you, STEVE SCHIFF, for caring so much, for trying so hard, and for doing so much for your district, your State and your country. I know that you will arise to the occasion for the two bell votes in heaven. God bless you.

Mr. Speaker, I yield 1 minute to the gentleman from New Mexico (Mr. REDMOND).

Mr. REDMOND. Mr. Speaker, it is with deep sadness we mourn the loss of our fellow New Mexican, Congressman STEVE SCHIFF. STEVE was highly respected in the House of Representatives on both sides of the aisle. STEVE was known for his keen mind, his absolute sense of fairness, and above all his integrity. As a friend and mentor, I share in the loss with his family. New Mexico and America have lost a patriotic son and a humble servant in STEVE SCHIFF. STEVE will be greatly missed.

Mr. SKEEN. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois (Mr. HYDE).

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

Mr. HYDE. Mr. Speaker, I thank the gentleman from New Mexico (Mr. SKEEN) for taking this moment to commemorate the loss of our mutual friend, STEVE SCHIFF. I knew STEVE years ago before he was involved in Republican politics. Actually he was a lawyer for the Democratic Party in the State capital of Illinois, Springfield, when I first encountered him. I took an immediate liking to him because he was very smart, he was very serious about government and was a very honorable young man. You can imagine my delight when I learned a few years later that he had become a Republican and was elected the State's attorney in his community in New Mexico and then ran for Congress and got elected. Again it was my good fortune to serve with him on the Committee on the Judiciary.

STEVE, as I say, was bright, he was serious. He brought to government a desire to make things better. He loved the law, yet he had a compassion, a sensitivity and understanding about people and their problems. He was always someone you could count on for a very thoughtful appraisal and analysis of difficult situations.

As the gentleman from New Mexico (Mr. REDMOND) just said, he will be sorely missed. I think it is St. John who said when you love somebody, they are no longer where they were, they are always where you are. It will be impossible to turn around and look at the seats and the spaces that are left for the members on the Committee on the Judiciary without imagining STEVE there and without missing him terribly, his wise counsel and his support.

A death is always beyond expression in terms of adequate language. Martin Luther King had a wonderful saying, the inaudible language of the heart. And so it is with the inaudible language of the heart that I extend to his family, whose loss is tremendous, because he was such a tremendous person and so his being taken from them is a tremendous loss. I extend to them my deepest sympathy. Life is a mystery and death is a mystery. The way he met a not terribly pleasant illness at the end was typically STEVE SCHIFF, brave, courageous, uncomplaining, hopeful. We remember you, STEVE. You have made us better people for having known you.

Mr. SKEEN. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. STEARNS).

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

Mr. STEARNS. Mr. Speaker, I thank the gentleman from New Mexico (Mr. SKEEN) for setting aside time tonight to talk about our friend, our dear friend. When I think of STEVE, I think of his sense of humor. Perhaps not many people have mentioned that. He used to be in the cloakroom, he would have his time back there, he would have a small sandwich, he would have something to drink, we would talk and sit side by side. He and I came in together in 1988. We were elected in the 101st Congress. Our class is pretty small. We came in with George Bush when he was President. I think George Bush helped a number of us get in, but we had a very small class, so we would meet. There were about 16 of us. I think from the moment we all came together and we were with STEVE, we realized that there was something about him, something righteous. It was the way he either carried himself, the way he spoke, the way he looked, the countenance on his face. It was one of a righteous soul, somebody that you could trust, somebody that you could go into business with, somebody who would be your lawyer and as I understand he was a district attorney. You just sort of would gravitate toward STEVE and would listen to what he had to say and with that sort of twinkle in his eye, I remember that twinkle in his eye he had when he would look at you, you just know what he was saying was almost the gospel.

I extend my deepest sympathy and compassion for his family. I think that we are all going to miss him very much. Sometimes we kid each other, because I would vote and he would vote and we would compare each other and he would say, ''Well, there you go, CLIFF, you're voting with the right wing,'' and I would say ''There you go, STEVE, you're voting with the moderates.'' He said, ''No, it's not moderate, CLIFF. I'm voting as an enlightened Member of Congress.'' We had our side jokes.

I think tonight it is obviously a great deal of sadness we have that he is not with us. His tragic death is remembered tonight. I think he will be remembered for many, many years. I come to the House floor tonight to pay my respects and again offer my condolences to his family.

Mr. SKEEN. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. SOLOMON).

Mr. SOLOMON. Mr. Speaker, I thank the gentlemen from New Mexico for yielding me this time.

Mr. Speaker, we certainly will miss one of the finest gentleman I think I have ever had the privilege of knowing in this body and anywhere else in America. I certainly have known a cross-section of people. The thing I guess that always struck me the most about STEVE SCHIFF is his inquisitiveness and his wanting to know what was going on and how sincere he was about it.

I have an office right up over the gallery here. I do not know how many times in the last several years that Steve would call and ask if he could have a few minutes just to come in and talk things over, not a particular subject, but he wanted to know what was going on and he wanted to know both sides of the issue. That is a remarkable

man, to be as fair as he was. I do not think that there was a partisan bone in his body. He was here to serve his State, his congressional district, and more than anything else to serve his country, which he did so admirably.

I thank the gentleman for offering this resolution. Again we are so sad to see him be taken away.

Mr. SKEEN. Mr. Speaker, I yield 1 minute to the gentleman from Tennessee (Mr. WAMP).

Mr. WAMP. I thank the gentleman for yielding me this time. I, too, Mr. Speaker, come to the well today with a heavy heart, remembering a wonderful life of our colleague and friend, Mr. STEVE SCHIFF from New Mexico. He was my subcommittee chairman in the 104th Congress in the Committee on Science. He was always thoughtful, always pleasant, one of the most intelligent Members of this body that I have come across. Soft-spoken, very effective, always going the extra mile.

I remember he came to Oak Ridge, Tennessee at my request to chair a field hearing of the Committee on Science. I just want to say that part of that arrangement was that I would at some point travel to New Mexico and participate in a field hearing there for him. Unfortunately, I will not have that opportunity. But as he breathed his last breath this day, our thoughts and prayers go out to his family and all those that crossed the path of STEVE SCHIFF. We were blessed with his relationship and his life. I just pray that the peace of God, the peace which passeth all understanding, will be with his family in the hours ahead as the United States House of Representatives mourns the loss of STEVE SCHIFF with his family in New Mexico.

Mr. SKEEN. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. EHLERS).

Mr. EHLERS. Mr. Speaker, I also rise with a heavy heart to pay tribute to a close friend, a good colleague, and a wonderful Congressman. During my maiden voyage in Congress after election in a special election, and you may recall that in a special election we jump right into the work, one of the subcommittees I was assigned was the one chaired by Mr. SCHIFF. He was an outstanding chairman and a very kind friend that was willing to show a freshman the ropes and was extremely helpful. But what struck me most throughout my brief acquaintance with him in the House was that he was absolutely totally honest. He was diligent, a straight arrow, a very fine person and a good example for all of us. It was a delight and a pleasure to work with him.

I, along with the gentleman from Tennessee (Mr. WAMP) and all my other colleagues, offer our prayers for him and his family. I think especially of his wife Marcia. We pray that she may enjoy the comfort of God during these difficult times and that his family will feel his presence as well. We certainly offer them our best. We pay tribute to STEVE for serving his country well in so many ways, but particularly in this Congress.

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

Ms. PELOSI. Mr. Speaker, I thank the gentleman from New Mexico (Mr. SKEEN) for offering this resolution in honor of a very special Member of Congress. I am pleased and saddened to join my colleagues in honoring the memory of STEVE SCHIFF. In this Congress, we have the protocol of referring to each other as the gentleman or the gentlewoman, the gentlewoman from our State, but STEVE SCHIFF was indeed a gentleman from New Mexico.

□ 1745

He was a quiet man, so unless my colleagues worked closely with him sometimes, they would not know the full force of his contribution to this body, and it was very, very significant.

People have said, I think almost every spokesperson has spoken about his honesty. He was a man of great integrity. I served with for many years, more years than I think we both would like to have served, on the Committee on Standards of Official Conduct with Mr. SCHIFF, and every single day there we learned from him.

As was mentioned, he was a prosecutor. He knew the law; we learned from him every day. And he was a person of very, very, very high standards. He served here with great dignity. With great dignity.

I think of many words to describe him: Integrity would be one; dignity another; intellect, a great intellect; and he was very, very proud of the district that he represented.

We used to vie to see who had the better district. I, of course, think San Francisco is the best district to represent, but he was certain it was Albuquerque. We both agreed that New Mexico deserved the name ''Land of Enchantment,'' it being a very special place. But he was very, very proud of his very special constituency in Albuquerque, and he served his constituents well.

His commitment to public service, his dedication to high ethical standards, and his great intellect were a resource not only to his constituents but to every Member who served with him on any committee.

One of the tragedies of today is that I know one person, BEN CARDIN, my colleague who also served with us, when we served together on a day-to-day very close basis on our subcommittee, and BEN and STEVE spoke the same language; they were both attorneys, the two others of us were not. So they had their own sympatico, and I know that BEN would love to be here to be a comfort to STEVE's family, and I know he will be in the future. But I think of all these people here, these two people would be a comfort to each other.

I am pleased to join my colleagues in extending my deepest sympathy to Marcia, to the Schiff family, and to say that we all will miss him very much for a long time to come, and though he is no longer physically with us here, his contribution has made an impact on us for as long as we serve in the Congress, and longer.

Mr. SKEEN. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. MICA).

Mr. MICA. Mr. Speaker, we have lost one of our beloved colleagues and one of my dear friends, STEVE SCHIFF, the gentleman from New Mexico.

I had the great honor of serving with STEVE when I first entered this body as a new Member of the House of Representatives on the Committee on Government Operations. STEVE grew to be, as I said, not only my colleague but my friend.

There are some things that you distinguish about individuals, and others have said it here today, but truly, in the very truest sense of the word, STEVE SCHIFF was a gentle man.

As my colleagues know, he was also a wise man, a wise man because I know so many, including myself, sought his counsel and we depended on him, his judgment, his wisdom and his great intelligence.

STEVE SCHIFF was also a tough man. If my colleagues knew STEVE, he was a tough individual with a tough prosecutorial background.

But most of all, he was a fair man, and that is something we all remember about STEVE.

Most of all we must remember, and I remember STEVE as a family man, and how his family must mourn him today and how we will all miss him because of his dedication to not only his congressional family, but his own family who has suffered such a great loss.

This afternoon and in the coming days, my prayers go out to STEVE's wife and his family and his many friends in his district, for we indeed have lost a great friend and a gentleman. The House of Representatives has lost indeed a great Member.

Mr. Speaker, we will all miss him, and I miss him as a friend.

Mr. SKEEN. Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania (Mr. FOX).

Mr. FOX of Pennsylvania. Mr. Speaker, it is with great sadness that I rise to join my colleagues because of the loss of a great friend, STEVE SCHIFF. His life, however, is one to celebrate because he did so much good. He did good not only as a great Congressman, but he was a great prosecutor. Those men and women in law enforcement in New Mexico and across the country realize well that he was a great district attorney, United States Attorney; he was fair, honest, a crime fighter to be sure, but someone who would make sure that it was done in the right way. And because of his outstanding efforts, we have seen reductions of crimes in the areas where he worked, and we have seen other district attorneys and other prosecutors want to be in the field because of STEVE SCHIFF's outstanding efforts and outstanding accomplishments.

And he was a great Congressman. As a member of the Committee on the Judiciary, he helped write laws to improve our court system, helped write laws to protect the rights of individuals. As a member of the Committee on Government Reform and Oversight, where he was a leader, he led special investigations in the United States Government to make sure we root out fraud, waste, and abuse, and he did so in a very thorough and effective style.

His leadership was also shown as a great humanitarian. For those of us who had the privilege and honor to serve with him, we saw him as a role model, as someone who lived his life in an exemplary way, someone who is a great father, a great husband, great family man, and someone who wanted to give back to his district 1,000 percent. Everything he thought about was how can he help his constituents and how can he make this country better and stronger, safer and more fair.

And he was a great speaker. When he used to speak on the House floor right here or in committee, people listened because he always had something to say that hadn't been said before, or had not been said in a way that only STEVE could explain it. He knew how to marshal the facts, to research the law, and then to apply the appropriate persuasion to win his point, and he did that repeatedly, and that is why his legislation was passed, his amendments were passed, and the country is better, safer, and stronger because STEVE SCHIFF has been a Member of this House and made a difference for his home State of New Mexico as well as the country at large.

So I join my colleagues and all the residents of his wonderful State and across the Nation in saluting a great man who made a difference not only with his family and his friends and his community but to his country. He was a great patriot, and we will forever remember, as we have difficulty looking at this in the future, we would say to ourselves, what would Congressman SCHIFF do, and I am sure the answer will come to us swiftly.

We love you, STEVE. God bless you and your family.

Mr. SKEEN. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. COX).

Mr. COX of California. Mr. Speaker, I thank my colleague from New Mexico for yielding this time to me, and I echo what the gentleman from Pennsylvania (Mr. FOX) just said. He said, ''We love you, STEVE.'' STEVE is not with us here, but he really is still here with us.

STEVE is a classmate of mine. We got elected as freshmen together, and tomorrow night over at my house we are having a get-together, the class of 1988. We have been planning this for a long time. We have not had enough get-togethers of our class, and so even though STEVE has been seriously under the weather, we were hoping at least a few months back that he would be able to be there with us tomorrow night.

His office is right next door to mine, and we got together as freshmen routinely for many years, had an office together, and his seat is right next to me on the Committee on Government Reform and Oversight. When I go to the Committee on Government Reform and Oversight meetings now, I sit next to his empty chair, and the sign is still there for his name; we do not take it away. I just sit next to his empty chair and go back to my office and pass the open door to his office where his staff have been coming to work every day.

STEVE is not gone, really. I mean, STEVE is still here. He is only 5 years older than I am. This is not an old man who is passing on at the end of a long life. This is the same as somebody getting run over by a car or bus right in the middle of a very healthy and active life.

We know that he was a lawyer and prosecutor. And some people have in fact said, how does a Jewish lawyer from New Mexico end up representing Anglo Protestants and Hispanic Catholics? And people who ask that question are not from America, because that is the way America works. And, of course, STEVE was the perfect representative for New Mexico, and STEVE will always be the perfect model for a Representative back here.

But sometimes we forget that STEVE was a lot more than just a very able prosecutor and a very able lawyer on the Committee on the Judiciary, or a very able government reformer looking after ways to streamline the Federal Government and make it work better on the Committee on Government Reform and Oversight.

At the time of the Gulf War, when we had one of our best debates ever on the floor of the House, STEVE not only supported the decision that President Bush took to use force in the Gulf, but then as a colonel in the Air Force Reserves, he went there. He was in Turkey, he was in northern Iraq. He opposed President Clinton's sort of cockeyed Dayton plan for Bosnia, but once that decision was taken to send troops to Bosnia, he went to the mission op center at Aviano Air Force base in Italy and volunteered. That is what STEVE SCHIFF did.

He was a great defender of our national labs on the Committee on Science, and of course while we are always as Republicans looking for ways to save money and cut spending and so on, he was dedicated to making sure that that part of government which worked got more attention, and he firmly believed that that was true about our national labs.

He was tough on crime. We all know that he personally, single handedly, virtually pushed through Congress successfully the Sexual Crimes Against Children Act, and basically that was because he was a very tough and strong prosecutor. But he was also responsible for our 1996 crackdown on health care fraud.

Tomorrow night when my class of 1988 gets together, in the same way that I walk by that open door when I go back to my office and I sit next to that empty seat in the Committee on Government Reform and Oversight, we will have a seat at the table for STEVE, and he will be there with us.

Mr. SKEEN. Mr. Speaker, I have no other speakers on tap, and I would like to say good-bye, STEVE we will miss you.

Mrs. KENNELLY of Connecticut. Mr. Speaker, I rise to express my condolences to the family and friends of Congressman STEVE SCHIFF. We are all saddened by the loss of STEVE, and his presence and his efforts in this Chamber and on the Judiciary Committee will be missed.

I was fortunate to get to work with STEVE, because he and I shared an interest in law enforcement technology. STEVE saw that as criminals became more sophisticated, we in Congress had an obligation to provide our law enforcement officers with the best and most cutting edge equipment to combat crime. He worked tirelessly with the National Institute of Justice and Sandia Laboratories in New Mexico to support the research, development, and testing of critical and innovative technology, such as personalized guns. I recall participating in a press conference with STEVE and Pat Schroeder to report on progress toward developing these firearms, which can only be fired by their owners, and to unveil the first working prototype of such a gun. I recall how pleased STEVE was to know that this technology was moving forward, and that someday, police officers would not have to fear having their own weapons turned against them.

Despite STEVE's illness, he continued to support efforts to improve technology and to ensure that the important research being done by the National Institute of Justice in the area of law enforcement technology remains to be a priority. My office has worked with STEVE's and his staff on these issues, and I will continue to work here in Congress to see that these efforts continue.

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

The SPEAKER pro tempore. Without objection, the previous question is ordered.

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ANNOUNCEMENT OF AMENDMENT PROCESS FOR THE EMERGENCY SUPPLEMENTAL APPROPRIATIONS BILL FOR FISCAL YEAR 1998

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

Mr. SOLOMON. Mr. Speaker, the Committee on Rules is planning to meet on Monday, March 30, to grant a rule which may limit the amendment process for the emergency supplemental appropriation bills for fiscal year 1998. Any Member wishing to offer an amendment should submit 55 copies and a brief explanation of the amendment by noon on Monday, March 30, to the Committee on Rules, in Room H–312 of the Capitol.

Amendments should be drafted to the text of the committee print ordered reported by the Committee on Appropriations on Tuesday March 24. Copies of this committee print of the bill are available in Room H–218 of the Capitol right now.

The Committee on Rules strongly suggests that Members wishing to offer, and Members ought to listen carefully to this, Members wishing to offer amendments which would add spending to the bill, provide offsets for this additional spending in their amendment. And I would suggest that they adopt the amendments that would offset further spending in the Defense Department. I for one, as chairman of the committee, would not look kindly on those amendments.

Members should also use the Office of Legislative Counsel to ensure that their amendments are properly drafted and should check with the Office of the Parliamentarian to be certain their amendments comply with the rules of the House.

□ 1800

TRIBUTE TO THE HONORABLE STEVEN SCHIFF OF NEW MEXICO

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

Mr. WALSH. Mr. Speaker, I was a little bit late for the resolution regarding my classmate, colleague and very good friend, STEVE SCHIFF, and I wanted to have my remarks included with the other Members who spoke in that resolution.

STEVE was a remarkable man, someone who I got to know when I came to Washington. I served with him for 9 years, admired him, admired his honesty and his judgment, his dedication.

He is one of those many Members who comes here and who does not come here for the glory. He comes here for the service to the country, and he provided it in an exemplary way.

As I was coming into the Capitol and I looked up and I saw the flag at half-staff, and I thought what a tribute that is to him, how proud he would have been, how proud his family must be of him, how proud his State is of the service that he provided, how proud his friends must be of the service that he provided.

TRIBUTE TO THE HONORABLE STEVEN SCHIFF OF NEW MEXICO

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

Ms. LOFGREN. Mr. Speaker, I also would like to note with great sadness the passing of our colleague, STEVE SCHIFF. I was part of the 1994 Democratic freshman class from west of the Rockies. When I arrived here in Washington, I found what I guess can best be described as a tumultuous time. But Steve was there. He was like a beacon of light, someone who was willing to stretch his hand out across the aisle, someone who was always interested in moving for the good of the country, and not anyone who would let the tumultuousness of the time get to him.

I served with him on the Committee on the Judiciary and the Committee on Science. We also served together on the Subcommittee on Basic Research as well as the Subcommittee on Crime.

Steve was someone who had tremendous passion for science and what science could do for this country and for humankind.

As chairman of the Subcommittee on Basic Research, which I think he got to chair because of his district, his efforts went far beyond his district. They went into the future of humankind. He did a tremendous amount of good work for this Nation.

The country will miss him, and I will miss him personally. My prayers are with his wonderful family at this time of enormous loss for them, his district, and America.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. SNOWBARGER). Under the Speaker's announced policy of January 7, 1997, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. RIGGS) is recognized for 5 minutes.

(Mr. RIGGS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

TRIBUTE TO WHITNEY M. YOUNG HIGH SCHOOL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. DAVIS) is recognized for 5 minutes.

Mr. DAVIS of Illinois. Mr. Speaker, a few years ago, then Secretary of Education William Bennett made the statement that the Chicago public schools were among the worst in the Nation. I am pleased to note today, Mr. Speaker, that the Chicago public schools are making significant progress, and they are making progress towards the level of excellence of which we can, indeed, be proud.

I picked up the Chicago Sun Times this past Tuesday, and on page three of the headlines read: ''Whitney Young students Savor Triple Title Weekend.''

Please note that Whitney M. Young is a public high school in the City of Chicago in the Seventh Congressional District. Therefore, I commend and congratulate Gary Chico, Chairman, and the Chicago Board of Education, Superintendent Paul Vallas and his staff, the chairperson and members of the local school advisory council, Ms. Joyce Keller, principal, and her staff, and all of the outstanding students and their families.

Whitney M. Young High School was the first school to win the State of Illinois' academic decathlon, the State Class AA basketball championship, and the State sportsmanship award on the same day in the same year, Saturday, March 21, 1998.

Whitney M. Young is no stranger to winning the State academic decathlon. As a matter of fact, they have won it 13 years in a row. They have become the Michael Jordans, the Mozarts, the Marian Andersons, the John Hope Franklins, and the Bill Gates of education.

Whitney M. Young continues to produce a dynasty of superstars who excel year after year. Last November, Whitney Young played host to U.S. Services Academy Day for us at their school. There were 125 students in attendance from all over the Seventh district, Chicago and suburbs, asking questions about West Point, the Air Force Academy, Annapolis, all of the service academies.

I was, indeed, delighted to see so many students and their guidance counselors take hard looks at the superb educational opportunities offered by these outstanding institutions.

It is no surprise to me that public education can and does work. When people are committed and the resources are made available, Mr. Speaker, the sky is the limit. Ms. Joyce Kenner, principal of Whitney Young High School, understands this concept and practices it by allocating resources where they are needed the most and places people where they can do the most good. As a result of this, Whitney M. Young continues to excel.

We in the United States Congress must adopt these same principles and commitment to saving our public schools throughout America. We must commit to providing 100,000 new teachers, commit to rehabbing aging school buildings, commit to fostering learning in our classrooms. With our support, every public school in America is a potential Whitney M. Young High School.

Therefore, I again congratulate each of the outstanding Young men and women, their coaches and teachers, and again especially their principal, Ms. Joyce Kenner.

Public education can and does work when we provide adequate resources, have concerned parents interacting with well-prepared and committed professional teachers and staff, students who are seeking knowledge and opportunity. Mix it all together, and we get a Whitney M. Young High School, academic champions, athletic champions, and good sports, gentlemen and women. The pride of our State, we salute you Whitney M. Young High School.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Mexico (Mr. Redmond) is recognized for 5 minutes.

(Mr. REDMOND addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

EAST ASIA ECONOMIC INSTABILITY AFFECTS U.S.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. HINCHEY) is recognized for 5 minutes.

Mr. HINCHEY. Mr. Speaker, I want to talk this evening for just a few minutes about the meeting of the Federal Reserve Federal Open Market Committee which will take place on Tuesday of next week, the 31st of March.

This is a very important meeting, as all of these meetings are, because the Federal Open Market Committee will in effect be setting short-term interest rates for the months ahead. Setting short-term interest rates is important because it governs so much of the lending that goes on, particularly the consumer lending that goes on in our country.

It is consumer lending and borrowing that affects so much of our economic circumstances, including the level of growth. So the interest rates which will be determined at this meeting of the Federal Open Market Committee on Tuesday are critically important.

The Fed has been saying, in effect, that they have been holding interest rates steady. That is essentially true. They have been holding them steady at about 5½ percent. When you factor in the very important fact that the consumer prices, in other words, the cost of living, has been going down, then you see that real interest rates have, in fact, been going up over the course of the last many months.

This chart here, I think, demonstrates that quite clearly. Beginning in 1997, the interest rates have gone up quite dramatically. And the indications are that, absent any change in Federal Reserve policy, real interest rates, that is interest rates as a function of inflation, as a function of the cost of living in our society will continue to go up as this chart here clearly demonstrates.

If interest rates go up, that means that the cost of many things will go up as people have to borrow to buy those things in our society. The Fed is excusing this raising of real interest rates by saying that there are indications of inflation in our economy.

□ 1815

But when we look closely at it, we discover that that is not the case at all.

Just today, an announcement came out of the Department of Commerce indicating that durable goods orders were down again, orders for durable goods, which are used in every aspect of manufacturing in our country have gone down, indicating that manufacturing is going to go down in the future because those durable goods orders are going down.

Consumer prices at both the retail and at the wholesale level continue to decline. There is absolutely no indication of any inflation anywhere in our economy, yet the Federal Reserve continues to allow interest rates to creep up. That is real interest rates, interest rates as a function of inflation.

Now, under ordinary circumstances, this would be troubling, and we would be upset with the Federal Reserve for allowing the cost of borrowing to continue to creep up this way. But we are now involved in a circumstance that is not normal at all; it is very unusual. That circumstance is the financial crisis that is sweeping across all the countries, virtually all of the countries, at least, of East Asia and the very complicated financial problems that exist in those countries, which are causing actual disinflation in East Asia, and even deflation in some places that is going to flood the marketplace of every other economy in the world, as much as possible, with these cheap goods. Therefore, that is going to cause additional economic problems here.

Indications are that the flooding of these cheap goods into our economy is going to cost us as much as 1 or 2 points in our economic growth and the cost could be even higher. We could experience economic growth of only 1 percent or even negative economic growth sometime later this year if the Federal Reserve does not act soon to reduce interest rates and prepare us for the onslaught of the consequences of what is taking place in East Asia.

Some other countries are preparing themselves for the consequences of these activities. For example, some of the OPEC countries recently realizing that the deflation going on in East Asia that is causing oil prices to drop have come together and they are reducing the amount of oil that they are producing, and that is going to raise oil prices a bit, but what they are doing is preparing their economies for the onslaught of this disinflation and even deflation that is coming across from East Asia.

Mr. Speaker, we need to do the same. The most important way that we can prepare ourselves for the effects of this disinflation and deflation is to lower interest rates, lower short-term interest rates at the next meeting of the Federal Reserve Federal Open Market Committee.

I am circulating a letter this week to all of the Members of the House of Representatives asking them to join me in a letter to the Federal Reserve, asking them to take into consideration the fact that durable goods orders are down again, to take into consideration the fact that consumer prices and wholesale prices continue to fall, and to take into consideration the fact that we are about to be hit by the disinflation sweeping across East Asia, and that is going to have a damning effect on our economy, and we need to act, and act soon.

The SPEAKER pro tempore (Mr. DEAL of Georgia). Under a previous order of the House, the gentleman from Illinois (Mr. EWING) is recognized for 5 minutes.

(Mr. EWING. addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

H.R. 23, THE STOP SWEATSHOPS ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PASCRELL) is recognized for 5 minutes.

Mr. PASCRELL. Mr. Speaker, I rise today to bring to the attention of my colleagues a tragic event of yesterday and raise a call to action on a serious problem of today.

Today marks the 87th anniversary of what was, by many accounts, the worst factory fire in the history of our Nation, a fire that by the time it was finally quenched, had taken the lives of 146 women, many of whom would better be described as young ladies, girls as young as 13 years of age. The fact that 146 innocent lives were lost make the events of March 25, 1911, horrible, but it is the reason why these lives were lost that makes it a very tragic, a serious tragedy and a crime.

The fire occurred in the factory at the Triangle Shirtwaist Company, a woman's clothing manufacturer. The factory was little more than 500 women crammed together at sewing machines in a small building which now houses part of New York University, forced to stay at the machines for long hours at little pay. The tragedy was fostered by the fact that the room was packed well beyond its capacity and the doors were locked by the owners to keep the women at their machines.

Mr. Speaker, this is history being repeated today, a setting which led to the loss of 146 lives in 15 minutes. As great a tragedy as the Triangle Shirtwaist Factory fire was, the bigger tragedy is that the very conditions that led to it 87 years ago still exist. Despite what many think, sweatshops are not a thing of the past nor are they the domain of Third World nations. They exist right here in this greatest of all democracies.

Mr. Speaker, a 1994 General Accounting Office study estimated that New York City's famed garment industry may be populated by as many as 2,000 sweatshops. In Los Angeles and Miami, 90 percent, 80 percent of all garment shops are sweatshops; the Department of Labor officials have determined that in my own State of New Jersey, in the northern part of the State, 300 sweatshops, a figure that is actually on the rise as more and more sweatshops are migrating across the river from New York to New Jersey to take advantage of less expensive rents.

The continued proliferation of sweatshops is one of the greatest threats to the continued vitality of our economy and the rights of hard-working Americans. The honorable businesses that observe the Fair Labor Standards Act

and the other laws of this Nation that govern the workplace are put at serious competitive disadvantage when they are forced to compete with sweatshops that ignore all the laws, and then we have stars go on television and smile and say of their sponsored products, they know nothing about it.

How can we reasonably expect a company that pays its workers a livable wage and provides a safe workplace to compete with sweatshops? Such a notion is absurd. If we continue to allow these sweatshops to operate, who are the real losers? Our workers, the millions of hard-working Americans who will see their wages artificially repressed and their jobs lost as legitimate businesses are forced out of business by sweatshops.

Mr. Speaker, what does it say about us as a society if we are willing to allow sweatshops that treat humans worse than we would treat animals to continue to operate; sweatshops where children and women are forced to work 14 hours a day, overcrowded rooms at a fraction of the minimum wage? Mr. Speaker, if we are going to save jobs, especially those in the manufacturing industry, and ensure our workers appropriate conditions and pay, we must crack down on these illegal sweatshops.

I have joined with several of my colleagues to send a strong message by cosponsoring H.R. 23, the Stop Sweatshops Act. This important measure would hold any manufacturer legally responsible if it or one of its contractors operates a sweatshop.

Simply increasing the penalties is not enough. It is time for the Department of Labor to get off their fannies, to begin addressing the problem with the seriousness that this warrants. It is time for the Department to make exposing and putting sweatshops out of business a real priority.

Mr. Speaker, 87 years ago 146 young women died in what amounts to a senseless tragedy motivated by greed. We owe it to their memory to rid our Nation of sweatshops and those who endorse them, and fight against those who smile and say they know nothing about it when they endorse those products.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Wyoming (Mrs. CUBIN) is recognized for 5 minutes.

(Mrs. CUBIN addressed the House. Her remarks will appear hereafter in the Extension of Remarks.)

TRIBUTE TO FORMER CONGRESSMAN JIM HOWARD

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, 10 years ago today, March 25, 1988, Congressman Jim Howard passed away. It was a very sad day for us, for his friends and colleagues, his family, and for the country, because he had given so much and was at the height of his career as chairman of the House Public Works and Transportation Committee.

Mr. Speaker, I wanted to say these words tonight because I wanted to make sure that Jim and his tremendous legislative accomplishments are not forgotten. As his successor, representing most of his old district, I can point to many reminders back home of Jimmy's 24 years in Congress. There is the massive Jersey Shore beach restoration project, the rebuilding of Barnegat Inlet, the electrification of North Jersey Coast Rail Line, and Ocean County Community College.

There is the veterans outpatient clinic in Brick Township, the National Marine Fisheries Lab at Sandy Hook, the Computer Sciences Hall at Monmouth University, and Interstate 195 in Central Jersey, all of which carry his name as a reminder of his outstanding service to his district and to his State.

His contributions nationally were broad and lasting. As Chairman of the Surface Transportation Subcommittee from 1975 to 1981, he developed the ''Howard Plan'' which, for the first time, combined mass transit and highway legislation into one bill. It was an effort to give mass transit equal billing with highways and to better coordinate national transportation policy.

As chairman of the Committee on Public Works from 1981 to 1988, he championed, with the bipartisan help of the committee's current chairman and ranking member, the critical needs of the Nation's crumbling infrastructure. He undertook a bruising, but successful battle to raise the Federal gas tax to pay for the roads and the bridges that were deteriorating at an alarming rate.

He also championed highway safety, the 55-mile-per-hour speed limit, as well as anti-drunk driving and 21-year-old minimum drinking age laws that have saved many lives throughout the country. Perhaps most critical for his Jersey Shore district, he was an environmentalist who passed a tough clean water bill over a presidential veto. He set the timetable to end ocean dumping, developed a plan to end plastic floatables pollution and helped pass a comprehensive Superfund law.

In many ways, particularly in the environmental area, I am trying to carry on with some of these initiatives, because they are ongoing in nature and require a constant vigilance; and I have great respect for Jimmy's legacy and for that of his family. His widow, Marlene, his daughters, Kathy, Lenore and Marie, who is here this evening and is also a staffer on the Committee on Resources, and four grandsons, Brian, Jamie, Anthony and Joseph.

The love and support that Jim Howard received from his family was critical to his success in Congress and also at campaign time. He often talked about his first campaign in 1964, which was run from his kitchen table, using the entire family savings of about $5,000 at the time. His wife, Marlene, was the campaign manager, and my colleagues have to understand, this was a very risky venture for a grammar school teacher running in a district that had never gone Democratic for President and has not since that day in 1964 when Lyndon Johnson was elected and so was Jim Howard. His campaign slogan in 1964 was ''He cares about people, it's that simple.'' I think that really sums up why Jim was reelected each time against odds that often were overwhelming.

Mr. Speaker, I would like to include for the record two letters which I think paint a rich picture of the human side of Jim Howard, his wonderful sense of humor and his love of life. One of the letters is from Jimmy's daughter, Marie Howard Fabrizio, and the other is from Hayley Roberts Mullan of Belmar, New Jersey, which is the town in our congressional district where Jim grew up. Hayley has many childhood memories of her Congressman, which I would like to share and I include them for the RECORD at this time.

MARCH 25, 1998.

Congressman FRANK PALLONE,
Cannon House Office Building, House of Representatives, Washington, DC.

DEAR FRANK: On behalf of my mother Marlene, my sisters Kathy and Lenore, and all the Vetrano and Howard family, thank you so much for taking the time to remember and honor my father, Jim Howard, today on the tenth anniversary of his passing. Our hearts are filled with appreciation for this kind gesture.

Dad served in the House of Representatives for 24 years and he loved this House. He was a liberal Democrat from a fairly conservative Republican district. First elected in 1964, he remained in Congress until his death on this date in 1988. I believe he was continuously reelected because he was respected by Democrats and Republicans alike for his candor, and willingness to listen to different opinions and learn from them. I can remember several occasions when he came home and told us that he was going to come out on one side or the other of an extremely contentious issue and it would probably mean he wouldn't be reelected. If we asked why he had to take such a stand the answer was always the same—because it was the right thing to do. Not to do so was a totally foreign concept to him.

In the mid 1960's when he had only been in Congress for a short time, he came out against further U.S. involvement in the Vietnam war. A position that didn't put a young Congressman in a good light with the powerful Johnson White House nor with his district which strongly supported the war effort. It seems funny to think of it now, but his position in favor of allowing 18 year olds to vote, was an incredibly divisive issue at the time it was being considered. He told me he could not rationalize how the government could draft someone into combat but deny that person a say in who made such decisions. Of course, few were thrilled when as Chairman of the House Public Works and Transportation Committee, he pushed so hard for the 55 mile an hour national speed limit. He was most proud of that legislation because it was so immediately responsible for a large decrease in highway fatalities and incidents of paralysis, epilepsy and other medical problems resulting from head trauma.

My dad used to say that next to the clergy, he believed public service was the next highest calling. He strongly believed that government was not the enemy of the people but rather an instrument to be used to make life better for those living in the shadows of life, and to foster strength within our union by embracing the diversity among all Americans.

Clearly, he passed his love of Congress on to me. After 18 years of working here I can say I've been blessed with the opportunity to work for three Members who, although diverse in personality, remind me so much of the ideals I respected most in my dad. Senator Bill Bradley for his forethought; Congressman Mo Udall for his unfailing humor and ability to bring warring sides together; and Congressman George Miller for his keen intellect and unwavering courage to take on the most unpopular of issues simply because it's ''the right thing to do.''

Everyone who knew my dad, knows that he got involved in politics because of the vision of the Kennedys. When he met Senator Jack Kennedy and listened to his vision for America—he was hooked. He remained true to that vision throughout his entire life and proudly wore his PT 109 tie pin and carried a Kennedy half dollar with him every day as reminders of where he came from. Frank, I know in your campaign office you have a rather large picture of my father with then Senator Bobby Kennedy, but I'm not sure you know the story behind the big smiles they have. The picture was taken during my dad's first reelection bid in 1966. Senator Kennedy was recording a radio spot which referred to my dad as being named the Outstanding Freshman Congressman. After the recording, Senator Kennedy said, ''Gee Jim, that's pretty nice. What group picked you?'' to which my dad quickly responded, ''My staff. The vote was 6-to-4.''

His quick wit may be what I miss most of all. He tried to instill in his daughters the importance of being able to laugh at our own human foibles. I remember my first day working as an intern in a Congressional office. I must have been 16 or 17 years old and was sent to deliver something in the Senate. I was hopelessly lost when I suddenly saw several men coming my way. Without thinking, I grabbed the arm of one of the man and asked for his help. As I looked up—into Senator Ted Kennedy's face—I was mortified. He was actually being interviewed and my intrusion caused cameras to click off and writers to stop writing. As the other men laughed, the Senator couldn't have been nicer, and told me the direction I needed to go. I felt like such a fool but when I told the story to my dad, he laughted so hard that in no time we were both roaring with laughter.

My dad always felt so lucky to be here and never forgot that under the many titles he amassed—Honorable, Congressman, Chairman—he was just a young, Irish kid with a head full of dreams given the opportunity of a lifetime to come to Washington with his Italian wife from Asbury Park to represent their beloved Jersey Shore.

It's hard to believe that ten years has passed since I heard his voice, squeezed his hand, or kissed his cheek. An entire decade has passed since I heard him sing an Irish song, tell me he loved me, or saw the twinkle in his eye that was always followed by that crooked smile which indicated he just saw something very funny in an otherwise serious situation.

How well I remember that sunny March day at St. Catherine's when you served as a pallbearer for my dad. I know he was your mentor and you worried about filling his shoes but with the work you have done here, especially with regard to the environment and shore protection, he would be proud of you.

I try to keep my dad's torch alive inside of me by remembering his teachings to me to never forget where I came from, always remember that one person can make a difference and everyone must try, and to always find the humor in life and revel in it. You also keep his torch alive by continuing to represent the interests of the Jersey Shore with respect and enthusiasm.

Again, thanks to you and your wonderful staff, Nancy Fatemi for this most gracious of tributes to my dad's memory.

Fondly,

MARIE HOWARD FABRIZIO.

DEAR CONGRESSMAN PALLONE:

There's a saying I adore, but I don't know whom to credit:

''The world is filled with music for those who would hear it.''

Jim Howard ''heard'' the music and he helped others follow the rhythm. He was a family man—a man of integrity and values. He played his politics from the heart. He worked diligently for what he believed was right—even if it meant hitting a few sour notes along the way. He could always take a deep breath and continue his melody, usually without skipping a beat.

Jim many times was the conductor of Congress—heading committees, establishing ideas to help the district and country, yet never forgetting that without the ''musicians'' his music wouldn't be heard. He knew that with the correct accompaniment the music would be beautiful and sonorous.

He also knew when it was time to slow down the beat—even during a busy campaign. He would be out on the links teeing off, or watching cartoons with a child, or getting a group of people to hold hands and sway to the music of ''Sweet Caroline''. He would also take time out of a busy day to stop by a friend's house to show off the latest in technology ''toys'' or he would stop by a hospital to visit a friend's newborn baby.

These are all things that I remember about Jim Howard. I also remember at this funeral, during the 21-gun-salute the realization that not only was I loosing someone important in my life, but so was our country. I know his time on this earth was cut short and there were many things he hadn't finished yet. Hopefully, he's looking down on all of us and giving us guidance to continue his work. And hopefully, for him it's always sunny and he sinks every putt.

He was a husband, father, grandfather, friend, teacher, Congressman. Never once did he forget those who cared for him or abuse his power in the government to hurt others. He thought of others first and how his actions or works would affect them. And luckily, for us, he helped a young politician named Frank Pallone to continue his work. Another man who doesn't forget what he's learned and helps to pass it onto others. We've been a very lucky district indeed.

My only misfortune is that I was not of age to cast my vote for Jim Howard—I was seventeen when he passed away. But I leaned many things from him about politics and life. Politics didn't require ''dirty pool'' or opportunistic photo ops. Politics needed heartfelt belief in what was correct and proper. If you lived your life in that manner you didn't need to worry about winning an election—the people knew a kind, generous, and trustworthy person when they saw one. I am definitely a better person today for having known him and his legacy stays with me every day of my life.

Jim was like a second grandfather to me and I loved him and I miss him. But I know that one day I'll meet him again.

HAYLEY ROBERTS MULLAN.

Mr. FALEOMAVAEGA. Mr. Speaker, will the gentleman yield?

Mr. PALLONE. I yield to the gentleman from American Samoa.

Mr. FALEOMAVAEGA. Mr. Speaker, I commend the gentleman for bringing this Special Order in recognition of our former Chairman of the Committee on Public Works, Mr. Howard. I do remember the gentleman working as a former staffer for the late Congressman Phil Burton.

I had the privilege of meeting Mr. Howard, and if there is anything that I would identify and remember best about this great gentleman, not only as a Congressman, but as the Chairman of the Committee on Public Works, was the fact that he cares for the working man. And if there is anything that I could remember well in my association with the late Congressman, Phil Burton, was Jim Howard's concern about the needs of the working people here in America.

Mr. PALLONE. Mr. Speaker, reclaiming my time, I thank the gentleman for his remarks. I just want to say, Mr. Speaker, once again, that Jim Howard was my mentor. There are so many things that I try to emulate in his life, and I am very proud to be able to present this Special Order tonight, 10 years to the day of the anniversary of his death.

Mr. SHUSTER. Mr. Speaker, ten years ago today, Congress and the nation lost a true patriot. James J. Howard was a dear friend of mine and should be remembered as a tremendous public servant of the people of New Jersey, and of the entire country. For more than 20 years, the House knew Jim as a well-respected chairman who always put the health and safety of the American people above all else.

Jim was a colleague and predecessor of mine: a dedicated, resourceful Chairman of the House Public Works and Transportation Committee for more than eight years. Throughout the 80's, Jim was the driving force behind the major improvements that were made to our nation's infrastructure.

Jim fought for the principle that our infrastructure is one of the most crucial building blocks of our economy. He saw reliable highway systems, transit lines, air facilities, and water and sewage treatment capabilities, not as mundane subjects of public policy, but as a means to a better life for all. Better funding for highways and mass transit projects was secured because of Jim's work on the Surface Transportation Assistance Act of 1982. Work on the Airport and Airway Improvement Acts of 1982 and 1987 assured similar improvements for aviation.

Jim believed that a solid infrastructure meant economic health and more jobs for his constituents and America. Because of Jim's vision, we appreciate this concept today, and his old Committee is proud to continue his work.

Jim also knew that the goals he doggedly pursued had to be achieved at no risk to the people and to the environment. The 21-year minimum drinking age and speed limit laws for which he was responsible is clear evidence that safety of the American people was always among the foremost of his legislative concerns.

Water pollution, waste dumps, sewage contamination—Jim battled to rid his district and

the country of these and other such threats to public safety. I have every confidence saying that many people are living today because of Jim's efforts, and I think that's something that should never be forgotten.

Jim worked hard so that every American would have a better life. Looking back over the last 10 years, his legacy and enduring philosophy still drive the work of the Transportation Committee he so expertly piloted toward the 20th century.

Jim, we miss you and we thank you for all that you did for this country.

Mr. FROST. Mr. Speaker, I rise to remember Jim Howard on the tenth anniversary of his death. Jim Howard was a great American and he was a proud Member of the House of Representatives. He embodied the idea of public service and his love for his country, his state and district, and for this institution is a memory none of us who knew him will ever forget. His dedication to the public good, to the betterment of life for every man, woman and child in this country is a testament to his love for his Nation.

Mr. Speaker, today, in some circles, there is disdain for the kind of career legislator that was Jim Howard. He was an inside operator, a man who knew the rules, a man who knew how to get the job done. He fashioned a career from serving his constituents and his country and I, for one, think of his service to the United States as honorable and decent and well worth celebrating. Those who disparage public service should look closely at the record of achievement of a man like Jim Howard.

As Chairman of the then Public Works and Transportation Committee, Jim Howard was responsible for creating a coordinated program of highway and mass transit transportation to serve our cities and our rural areas; he was a champion of energy conservation as well as public safety on our nation's highways. He understood the need for expanding and upgrading the nation's airports and air traffic control system, and was a prime mover in the deregulation of the airline industry. His legacy also includes the landmark 1987 Clean Water Act, which was passed by the Congress after a hard-fought, but fairly-won, battle and which became law in spite of a Presidential veto. He was a man who knew what he stood for and fought hard for it.

Mr. Speaker, I am proud to have known Jim Howard. I appreciate the opportunity to salute him on this anniversary of his passing.

Mrs. MINK of Hawaii. Mr. Speaker, I rise tonight to remember a former colleague, the late Congressman James Howard, Democrat who served his State of New Jersey, and his Third District from 1965 until he died on March 25, 1988 at the age of 60 years.

Congressman Howard was first elected to the U.S. House in the fall of 1964 and took office in January of 1965. Until his election this district had been basically Republican. I was elected that same year. We had an entering class of nearly 100 members.

It was a historic Congress. Lyndon Baines Johnson was President. We enacted the first federal aid to education bill. We embarked on a War against Poverty. We made dramatic changes in the immigration laws. We provided help for young people going to college. We enacted Medicare. The list of achievements is long and impressive. It included things like Head Start, legal aid, aid to the elderly, new programs in housing and many others.

Jimmy Howard as he was affectionately known as a stalwart leader in all these enactments. He stood for his people in the Third District. He was dedicated and creative. He was loyal and hardworking. I considered him to be one of my best friends. We formed caucuses to create greater opportunities for freshman to have a say in policy. We worked hard to reform the House Rules to make it more open and democratic. He stood tall for civil rights, for women's rights and for human rights.

Jimmy Howard was a school teacher before he was elected to Congress. When he came to Congress he continued to use his background as a teacher and taught his colleagues about the importance of individual relationships and of the effectiveness of simple direct communication. He had a great wit and engaged the Congress in many provocative debates.

In 1975 he became a subcommittee chair in the Public Works Committee. He rose to the Chair of the full Public Works Committee in January of 1981.

One of his more notable accomplishments was the consolidation of mass transit with the highway legislation.

He was a very determined strategist and work ceaselessly to preserve the jurisdiction of his committees. He enacted the first 55 miles an hour speed limit on federal highways, which has probably saved the lives of thousands of people across the nation.

Congressman Howard was a constant legislator always on the outlook for ways he could make the highways safer. He worked hard to fight against drunk drivers and to fight for greater safety for child passengers.

In addition he is honored for his work to protect and preserve the environment. He fought against polluters and championed legislation to clean up toxic waste and keep dangerous chemicals out of our neighborhoods.

I am pleased to take this moment to note the life and accomplishments of this great legislator, my friend and colleague, The Honorable James T. Howard.

And in remembering Jimmy, I want to pay a special tribute and fond Aloha to his wife, Marlene and their children.

Mr. KENNEDY of Massachusetts. Mr. Speaker, I rise today to honor the memory of Representative Jim Howard from New Jersey. When Congressman Howard passed away suddenly ten years ago today, I was in my first term as a Member of Congress. I am grateful that I was able to meet Jim Howard, and to watch him at work. During his 23 years in Congress, Jim was one of the most able Members to serve in the House. When Jim served as Chairman of the House Public Works and Transportation Committee, he left his mark for us by passing important legislation improving our highways, mass transit, and aviation.

I deeply admired the way Jim Howard balanced building roads while doing his best to clean up the environment. In the mid-80's, Jim Howard sponsored the Clean Water Act, Superfund Act, Groundwater Protection Act, and the Plastic Pollution and Research Act. These laws helped our nation to clean up estuaries, manage non-point pollution, and limit sludge dumping. In addition, Jim Howard worked with EPA to develop a plan to eliminate plastic pollution off the shores of New Jersey.

While working to protect the environment, Jim Howard also worked to increase our fishing waters for our citizens to enjoy, by creating the 200-mile fishing limit.

At the same time, Jim Howard worked for highway safety. He was responsible for lowering the national speed limit to 55. This was the first law recognizing the relationship between speed and highway safety. Jim Howard also foresaw the problem with drunk driving. He wrote laws against drunk driving and raised the minimum drinking age to 21. We cannot know how many lives were saved on the highways due to the efforts of Jim Howard. But we can only thank him.

Mr. Speaker, I could go on and on in counting the many laws Jim Howard got passed in the Congress to protect our environment while expanding our transportation capabilities. It is poignant that we are remembering Jim Howard at this time. He did so much for transportation, and we are reflecting on his accomplishments just as the BESTA bill is about to come to the Floor.

Mr. Speaker, in closing, I can only say that I am grateful that Jim Howard served in this House. He was one of our best Members, and was a good and gracious man.

Mr. MOAKLEY. Mr. Speaker, I want to thank the gentleman from New Jersey, Mr. PALLONE for reserving this time to pay tribute to the memory of a good friend, Jim Howard. It is only fitting that the timing of this event comes as the House is preparing to consider a major surface transportation bill next week.

As a Representative from Boston, I will always be grateful to Jim Howard for his role in shepherding the original authorization of the Big Dig Project in Boston—the biggest public works project in the history of the United States—through the then Public Works and Transportation Committee. Jim's legacy is as strong today as it was when he left us ten years ago. Jim was known as a devoted representative to his constituents in the Third Congressional District, but Jim was also devoted to the citizens of the United States. As many of us know, Jim was responsible for the passage of the 55-mile-per-hour national speed limit. His efforts to focus the national attention on the issue of speed and safety and the perils of drunk driving and under age drinking undoubtedly saved thousands of lives. Jim was widely known as a transportation guy, but Jim also led the way on some of the most important environmental legislation to ever come out of the U.S. House of Representatives. Many a times that I sought Jim's help for clean-up money for Boston Harbor or additional money for a train station or for a particular highway project, Jim was always there. He appreciated the work of a legislator, he knew that if you tried hard enough you truly could make a difference in the daily lives of people.

Jim was known as a fierce defender of the jurisdiction of his beloved Public Works Committee. As a member of the House Rules Committee, I witnessed first hand the many battles he had with the Appropriators whenever he thought they were treading on his committee's ability to legislate. And let me tell you nine times out of ten Jim would prevail. Jim knew the leglsiative process as well as any other Member I knew at the time and it was this knowledge that made Jim the special legislator that he was.

I am eternally grateful for the friendship that Jim Howard accorded me while he was in

Congress. In 1977 I had the opportunity to travel to Egypt with Jim to meet with the leader of Egypt, Anwar Sadat. In my Congressional Office I still have the picture of Jim and myself in the traditional Arab headdress—I smile every time I see it. It brings back fond memories of my old pal.

Again I thank the Gentleman from New Jersey, for reserving this time.

Mr. RAHALL. Mr. Speaker, I rise in tribute to the Honorable Jim Howard, former Member of the House of Representatives, and Chair of the then Committee on Public Works and Transportation, now the Transportation and Infrastructure Committee.

My tribute to Jim's memory has to do with his chairmanship of the Public Works Committee, where he served from 1975 to 1988. This tribute comes from the fact that when I first began my tenure in the House in 1976, as a twenty-seven year old freshman, I chose the Public Works Committee as the major committee I most wanted to join, and having done so I have remained on the Committee for nearly 22 years.

Jim Howard's stewardship of that committee, and the strength and courage of his convictions concerning the importance of this nation's infrastructure, and of our duty to see that it was funded, will always be with me.

As we are poised to vote on the reauthorization of the Federal Highway bill, known as BESTEA, in the coming days, I am reminded even more of the on-the-job training I received under Jim's leadership, which as served me so very well over the years.

During Jim's chairmanship of the Committee, he guarded its jurisdiction with all of his being—which was considerable. It was Jim Howard who was responsible for the passage of the 55-mile per hour national speed limit, the first legislation to focus attention on the relationship between speed and safety.

I was mindful of that fact when, in 1995 during floor consideration of the National Highway System Designation Act, as I tried in vain to preserve that 55-mile per hour speed limit. I wondered at the time whether Jim Howard was watching and listening as the speed limit was raised to ever more dangerous levels nationwide. I continue to believe that Jim was right, and that his 55-miles per hour limit that had stood the test of time as a mandate that prevented the deaths of many innocent victims around the country, should have remained in force.

Chairman Jim Howard was a champion of all the issues over which his committee had jurisdiction, not just highways—from Clean Air to Clean Water, from Mass Transit to Airport and Airway Improvement, and from motor carrier safety to groundwater protection.

As I mentioned above, in the next week when we again meet on the floor of the House to reauthorize the federal highway legislation, I will draw strength from remembering that Jim Howard did not shrink from a floor fight over legislation he believed was in the nation's interest.

I know that he will be watching over us as we carry on with the legacy he left for all of us and for the nation by enacting BESTEA, again focusing attention on our country's infrastructure and environment.

This special order tonight, and our action to enact BESTEA this week or next, will go far in assuring that Jim Howard's role as a National legislator is not forgotten.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

(Mr. BURTON of Indiana addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. OBERSTAR) is recognized for 5 minutes.

(Mr. OBERSTAR addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

AMERICAN SCHOOLS ARE SAFER FROM RELIGION THAN FROM DRUGS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES. Mr. Speaker, people throughout this Nation are being denied a fundamental right, the right to freely express their religious beliefs. It is a shame that I have reason to make that statement here in the United States in the year 1998, but it is a sad fact. Please allow me to list a few examples.

One example, a judge ruled in favor of a teacher who gave a young Tennessee student an F on a research paper, simply because she decided to write the paper about Jesus. On three separate occasions, St. Louis school system officials put a fourth grade student in detention for bowing his head to say a private prayer over lunch.

Mr. Speaker, students from schools across the country have been prohibited from bringing the best-selling book in America to school, the Bible. At the same time, the Justice Department reports that 100,000 young people bring guns to school every day. It is a sad commentary on our Nation to say that our schools are safer from religion than they are from illegal drugs.

Mr. Speaker, this country was built upon Judeo-Christian values. I believe we are in real trouble now that we have reached a time when, sadly, those values are being attacked and not protected. Every American, our children in their formative years especially, should be allowed to freely explore and express their religious beliefs that include voluntary school prayer.

My good friend, the gentleman from Oklahoma (Mr. ERNEST ISTOOK) recognized this fact, and has seen the many threats to religious liberties in this Nation. He has taken action. I am proud to be part of the team of over 150 cosponsors, Democrat and Republican, supporting the religious liberty amendment proposed by the gentleman from Oklahoma (Mr. ISTOOK). I believe it is the right step to protect one of our most fundamental rights which has been so frequently infringed upon recently.

The religious freedom amendment corrects court actions and trends which have suppressed religious expressions. It will permit student-initiated procedures in public schools. The proposal retains the First Amendment safeguard against official religion and keeps school prayer voluntary, but protects it, just as other forms of free speech are protected.

Specifically, if approved by a two-thirds margin of both Houses of Congress and ratified by the legislatures of three-fourths of the States, the religious freedom amendment will add the following words to the United States Constitution:

''To secure the people's right to acknowledge God according to the dictates of conscience: Neither the United States nor any State shall establish any official religion, but the people's right to pray and to recognize their religious beliefs, heritage, or traditions on public property, including schools, shall not be infringed. Neither the United States nor any State shall require any person to join in prayer or other religious activities, prescribe school prayers, discriminate against religion, or deny equal access to a benefit on account of religion.''

I commend my good friend, the gentleman from Oklahoma (Mr. ISTOOK), for presenting us with this opportunity to defend religious freedom in America, and for following the will of the people, as we in this Congress are elected to do.

Public opinion polls have shown time and time again that three-quarters of Americans support a constitutional amendment to allow voluntary prayer in public schools and to protect religious liberties. I urge my colleagues to listen to their constituents, and to join in this effort to protect the right of religious expression in America. Support House Joint Resolution 78.

GENERAL LEAVE

Mr. PALLONE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the subject of my special order today.

The SPEAKER pro tempore (Mr. DEAL of Georgia). Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. LIPINSKI) is recognized for 5 minutes.

(Mr. LIPINSKI addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. EHRLICH) is recognized for 5 minutes.

(Mr. EHRLICH addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Hawaii (Mrs. MINK) is recognized for 5 minutes.

(Mrs. MINK of Hawaii addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. METCALF) is recognized for 5 minutes.

(Mr. METCALF addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

IN RECOGNITION OF DR. PAUL COX AND PROTECTION OF TROPICAL FORESTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from American Samoa (Mr. FALEOMAVAEGA) is recognized for 5 minutes.

Mr. FALEOMAVAEGA. Mr. Speaker, I am proud to be a cosponsor of H.R. 2870, the Tropical Forest Protection Act, a bill recently passed by the House of Representatives and which is now before the Senate for consideration.

I regret not being on the floor of the House when this bill was under consideration, due to a conflict of my schedule, but it is for this reason that I take this opportunity to share my views with my colleagues on this matter.

I do commend the authors of this legislation, the gentleman from Ohio (Mr. PORTMAN), the gentleman from Ohio (Mr. KASICH), and the gentleman from Indiana (Mr. LEE HAMILTON), for their vision and leadership in crafting this measure, which facilitates debt reduction in Third World countries to support efforts for conservation of the fragile tropical forests.

I also commend the chairman of the Committee on International Relations, the gentleman from New York (Mr. BEN GILMAN) and the gentleman from Minnesota (Mr. BRUCE VENTO) for their important contributions that have made improvements in this bill.

Mr. Speaker, the provisions of H.R. 2870 basically allow less developed nations that owe loans to the United States to restructure their debt repayments, funneling savings into a tropical rain forest protection fund which will provide for the conservation and maintenance of native forest resources in each participating country.

To qualify, countries with substantial tropical forests must demonstrate that they support human rights and democratic forms of government, and that they are opposed to narcotics trafficking and international terrorism.

Mr. Speaker, according to the World Wildlife Fund, up to 42 million acres of tropical forests are being devastated each year throughout the world. Indeed, approximately one-half of the world's tropical forests no longer exist. In the Asia-Pacific region alone, it is estimated that 88 percent of original forest lands have been destroyed.

Mr. Speaker, I would especially commend the gentleman from Minnesota (Mr. BRUCE VENTO) for his amendments to the bill, which recognize the importance of tropical forest plants for medical treatment of human illnesses, and that native peoples who live in or near rain forests should be consulted, given their tremendous knowledge of plants that have medicinal value.

Mr. Speaker, it is my understanding that during the House floor deliberations the gentleman from Minnesota (Mr. VENTO) also cited the outstanding work of Dr. Paul Alan Cox, one of the finest ethnobotanists in the world today, and who is especially noted for his studies and research work in the South Pacific.

I have known Dr. Cox for several years from his work in the Samoan Islands and throughout Polynesia. I am extremely gratified that Dr. Cox was honored by Time Magazine as one of the world's top medical scientists in 1997.

Dr. Cox first came to Samoa in the early 1970s as a young Mormon missionary. He became enchanted with Samoa and immersed himself in the Samoan culture, learning to read and write fluently in the Samoan language.

After his departure from the islands to obtain his doctorate degree from Harvard University, he later joined the faculty at Brigham Young University in Provo, Utah. He is also the newly appointed director of the National Tropical Forestry Botanical Garden located on the island of Kauai, in the State of Hawaii.

Over the years, traveling back and forth between Samoa and the United States to conduct research, Dr. Cox has discovered 74 medicinal plants with the assistance of native Samoan healers. Extracts from the leaves, bark, and roots of the rain forest plants have proven effective in treating illnesses from high fever to appendicitis to asthma. In particular, one new plant-derived drug isolated by Dr. Cox, Prostratin, holds the promise of a cure for AIDS.

Mr. Speaker, most of the Earth's 265,000 flowering plants are located in tropical regions, and less than 1 percent of these plants have been tested for effectiveness against disease.

Continuing his work with native healers, Dr. Cox hopes to find the answer to cancer, Alzheimer's disease, and other incurable diseases in the rain forests of Samoa and the world. However, the decimation of tropical forests literally threatens to prevent the discovery of hundreds of new medical drugs.

Mr. Speaker, again, I want to commend Dr. Cox for his life's work devoted to research and protection of the tropical rain forests of Samoa and other regions of the world. By following the footsteps of native healers, Dr. Cox best exemplifies the need for our so-called modern technological world not to disregard the tremendous amount of knowledge that can be obtained from indigenous peoples and their understanding of certain plants that have medicinal and healing value. What Dr. Cox is saying to us is that there is much that our modern world can learn from native cultures.

Mr. Speaker, again, I support the provisions of H.R. 2870, and I commend my colleagues for their endorsement and passage of this legislation.

Also, I would note that Dr. Cox is greatly appreciated and respected by the Samoan people. He has even been bestowed with the Samoan title of Nafanua by the elders of the village of Falealupo because of his contributions, including the establishment of a 30,000-acre rain forest preserve, and a construction of a primary school for the village children.

Mr. Speaker, again, I urge my colleagues to support this legislation when it comes back from the Senate.

Mr. Speaker, I am proud to be a co-sponsor of H.R. 2870, the Tropical Forest Protection Act, a bill recently passed by the House of Representatives and which is now before the Senate for consideration. I regret not being on the House floor when this bill was under consideration, due to a conflict with my schedule, but it is for this reason that I take this opportunity to share my views with my colleagues on this matter.

I commend the authors of this legislation—the gentleman from Ohio, Mr. ROB PORTMAN, the gentleman from Ohio, Mr. JOHN KASICH, and the gentleman from Indiana, Mr. LEE HAMILTON—for their vision and leadership in crafting this measure which facilitates debt reduction in third world countries to support efforts for conservation of their fragile tropical forests. I also commend the House International Relations Committee Chairman BEN GILMAN and the gentleman from Minnesota, Mr. BRUCE VENTO, for their important contributions that have improved the bill.

Mr. Speaker, the provisions of H.R. 2870 basically allow less-developed nations that owe loans to the United States to restructure their debt repayment, funneling savings into a tropical rain forest protection fund, which will provide for the conservation and maintenance of native forest resources in each participating country. To qualify, countries with substantial tropical rain forests must demonstrate that they support human rights and democratic government, and that they are opposed to narcotics trafficking and international terrorism.

Mr. Speaker, according to the world wildlife fund, up to 42 million acres of tropical forests are being devastated each year throughout the world. Indeed, approximately one-half of the world's tropical forests no longer exist; and in the Asia-Pacific region alone it is estimated that 88% of original forest lands have been destroyed.

Mr. Speaker, these careless activities have a dramatic negative impact on the environment that is global in nature. The destruction of tropical forest lands on this scale destroys the Earth's ability to recycle carbon dioxide, significantly contributing to greenhouse gases and climate warming. Perhaps more importantly, we sacrifice and lose the rich and unique biodiversity of these tropical forest ecosystems, which, incidentally, contain over half of the world's plant and animal species;

Mr. Speaker, I would especially commend the gentleman from Minnesota, Congressman

BRUCE VENTO, for his amendments to the bill which recognizes the importance of tropical forest plants for medical treatment of human illnesses, and that native peoples who live in or near rain forests should be consulted, given their tremendous knowledge of plants that have medicinal value.

Mr. Speaker, it is my understanding that during House floor deliberations, Congressman VENTO cited the outstanding work of Dr. Paul Alan Cox, one of the finest Ethnobotanists in the world today, and who is especially noted for his studies and research work in the South Pacific.

I have known Dr. Cox for several years from his work in the Samoan Islands and throughout Polynesia, and I am extremely gratified that Dr. Cox was honored by Time magazine as one of the world's top 10 medical scientists in 1997.

Dr. Cox first came to Samoa in the early 1970s as a young Mormon missionary. He became enchanted with Samoa and immersed himself in the Samoan culture, learning to read and write fluently in the Samoan language. After his departure from the islands to obtain his doctorate degree from Harvard University, Dr. Cox later joined the faculty at Brigham Young University in Provo, Utah. Dr. Cox is also the newly-appointed director of the National Tropical Forestry Botanical Garden, which is located on the island of Kauai, in the State of Hawaii.

In 1984, Dr. Cox, with his family, returned to Samoa to pursue his post-graduate studies of plants found in rain forests. The death of his mother from cancer motivated Dr. Cox to search for new avenues outside of traditional medicine for treating incurable diseases. Residing in the isolated village of Falealupo on the island of Savai'i, Dr. Cox initiated research on how native Samoan healers utilized certain plants from the rain forest for medicinal purposes.

Over the years, traveling back and forth between Samoa and the U.S. to conduct research, Dr. Cox has discovered 74 medicinal plants with the assistance of native Samoan healers. Extracts from the leaves, bark and roots of the rain forest plants have proven effective in treating illnesses from high fever to appendicitis to asthma. In particular, one new plant—derived drug isolated by Dr. Cox, Prostratin, holds the promise of a cure for AIDS.

Mr. Speaker, most of the Earth's 265,000 flowering plants are located in tropical regions, and less than one percent of these plants have been tested for effectiveness against disease. In continuing his work with native healers, Dr. Cox hopes to find the answer to cancer, alzheimer's and other incurable diseases in the rain forests of Samoa and the world. However, the decimation of tropical forests literally threatens to prevent the discovery of hundreds of new medical drugs.

For his efforts to stop the destructive logging of the rain forests of the island of Savai'i, Dr. Paul Cox is greatly respected by the Samoan people. He has even been bestowed the Samoan Matai title of ''Nafanua'' by the village elders of Falealupo on the island of Savai'i, as a token of appreciation for all that he has done for the villagers, including the establishment of a 30,000 acre rain forest preserve and construction of a primary school for the village children.

Mr. Speaker, again I want to commend Dr. Paul Cox for his life's work devoted to research and protection of the tropical rain forests of Samoa and other regions of the world. By following the footsteps of native healers, Dr. Cox perhaps best exemplifies the need for our so-called modern technological world not to disregard the tremendous amount of knowledge that can be obtained from indigenous peoples and their understanding of certain plants that have medicinal and healing value; What Dr. Cox is saying to us is that there is much that our modern world can learn from native cultures.

Mr. Speaker, again I support the provisions of H.R. 2870, and I commend my colleagues for their endorsement and passage of this legislation.

SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from North Carolina (Mrs. MYRICK) is recognized for 5 minutes.

(Mrs. MYRICK addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from the District of Columbia (Ms. NORTON) is recognized for 5 minutes.

(Ms. NORTON addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

PASS THE SUBSTANCE ABUSE TREATMENT PARITY ACT NOW

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. RAMSTAD) is recognized for 5 minutes.

Mr. RAMSTAD. Mr. Speaker, nearly 26 million Americans are presently suffering from the ravages of drug and alcohol addiction. There is an epidemic in America, a national crisis of alcohol and drug addiction. One in 10 people in the United States of America is addicted to drugs and/or alcohol.

The statistics, Mr. Speaker, are absolutely shocking. Alcoholism and drug addiction cost this country $90 billion last year, in addition to even greater human costs: the shattered dreams; the tragic deaths; the violent crime; broken families; shattered, broken lives. Alcohol abuse alone last year killed 100,000 people in this country.

A recent study by Columbia University's National Center on Addiction and Substance Abuse found that 80 percent of American prisoners, 80 percent of the 1.2 million Americans locked up today, are there because of drugs or alcohol.

Mr. Speaker, as a recovering alcoholic myself, I know firsthand the value of treatment for chemical addiction. Mr. Speaker, I am here to speak from personal experience that treatment works. I ask my colleagues to consider the following facts that make clear the effectiveness of treatment.

A University of Pennsylvania study by Dr. Thomas McLellan found that long-term treatment is just as effective as long-term treatment for diabetes. Research by former Assistant Health Secretary Philip Lee found that every dollar invested in treatment for chemical dependency can save $7 in future costs: medical costs, incarceration costs, social service costs, and so forth.

A Rutgers University study found that untreated alcoholics incur health care costs that are 100 percent higher than for treated alcoholics or alcoholics. After treatment, Mr. Speaker, the days lost to illness, sickness claims, and hospitalizations drop by one-half.

A Brown University study found that drug and alcohol treatment could reduce crime by over 80 percent, and a Minnesota study, a study in my home State of Minnesota, evaluated our treatment programs and concluded that Minnesota last year saved $22 million in health care costs because of treatment.

Mr. Speaker, the facts are clear: treatment works. Treatment is cost-effective. Assuring access to treatment will not only combat this insidious disease, but it will also save health care dollars.

As someone who stays very close to other recovering people in Minnesota and to treatment professionals in our State, I have been alarmed by the dwindling access to treatment in this country. In fact, over the last decade, 50 percent of the treatment facilities in America have closed. Even more alarming, over the last decade, 60 percent of the adolescent treatment centers in our country have closed. The current system either blocks access for addicted people, or greatly limits their treatment experience.

It is time to put chemical dependency on par with insurance coverage for other diseases. That is why I have introduced the Substance Abuse Treatment Parity Act, H.R. 2409. This commonsense and cost-effective legislation would expand access to treatment by prohibiting health plans from imposing limits on substance abuse coverage that are different from those requirements for other health care services.

□ 1845

All this bill does is provide parity for treatment of substance abuse. This would remove barriers to substance abuse treatment without significantly increasing health care premiums. In fact, we have all the empirical evidence in the world, study after study to show that this is cost effective. In fact, one released just yesterday by the Substance Abuse and Mental Health Services Administration shows how inexpensive and cost effective this legislation is. That study, released yesterday, shows that the average health care premium would only increase by two-tenths of 1 percent per month. So for the cost of a cup of coffee, $1.35 a month, we could treat 16 million Americans who have insurance but are presently being blocked from treatment because of these barriers, higher copayments higher deductibles, limited hospital stays, and so forth.

Mr. Speaker, Congress can take a big step this year to knock down barriers to treatment. Just as the Civil Rights Act of 1964 tore down barriers to integration, just as the Americans with Disabilities Act tore down barriers for people with disabilities, this year we can knock down barriers to treatment for people who are suffering the ravages of drug and alcohol addiction. We can pass the Substance Abuse Treatment Parity Act and make treatment available for 16 million more Americans.

Mr. Speaker, let me just close by saying this is a life-or-death issue because chemical addiction is fatal if it is left untreated. So, I urge my colleagues, please join me in cosponsoring H.R. 2409.

OFFERING CONDOLENCES TO THE FAMILIES OF VICTIMS OF TRAGIC AMBUSH SHOOTING IN CRAIGHEAD COUNTY, AR

The SPEAKER pro tempore (Mr. DEAL of Georgia). Under a previous order of the House, the gentleman from Arkansas (Mr. BERRY) is recognized for 5 minutes.

Mr. BERRY. Mr. Speaker, I rise with great reluctance to address this body today. I am honored every time that I step into this Chamber, but this afternoon to be here and to speak on a topic that I am about to address, is the last thing I want to do.

Mr. Speaker, I rise tonight to eulogize the lives of the five people, one woman and four little girls, who lost their lives yesterday in the senseless and tragic ambush shooting in Craighead County, Arkansas. I rise to offer my condolences to the families of these victims and to those that were injured and to the entire community as they struggle to make sense of the violence that we never dreamed would be visited upon our State.

As nearly everyone in the country knows from the media reports that we have been receiving, yesterday afternoon someone pulled a fire alarm at Westside Middle School in Craighead County, Arkansas. As teachers and students evacuated the building, they were greeted by a torrent of gunfire from nearby woods.

Among the victims is Shannon Wright. Mrs. Wright was a 32-year-old teacher who was shot while trying to shield sixth grader Emma Pittman from the hail of bullets. Mrs. Wright died at 7:53 last night, following surgery. Eleven-year-old Amber Vanover told reporters what she saw: ''He was fixing to shoot her, and Mrs. Wright moved in front of her.''

Eleven-year-old Natalie Brooks also lost her life. Paige Ann Herring and Stephanie Johnson, age 12, and Brittany Varner, age 11, had their lives taken from them. A heartbreaking loss for their families and friends.

Sara Lynette Thetford, who teaches social studies to Westside sixth graders, stepped in front of 13-year-old Brittney Lambie when the shooting began. Mrs. Thetford and Brittney remain in critical condition today. Eight more students were wounded in the shooting: Amanda Barnes, Jennifer Jacobs, Candace Porter, Ashley Betts, Tristan McGowan, Christina Amer, Jenna Brooks, and Whitney Irving.

Inevitably, tragedies produce heroes and there was no shortage of heroes yesterday. In addition to teachers Shannon Wright and Sara Thetford, Sheriff Dale Haas and the Craighead County Sheriff's Department, as well as the Arkansas State Police, did a commendable job of containing the scene and securing the surrounding areas.

The emergency medical response teams in Jonesboro and Craighead County, Emerson Ambulance Service, Patient Transfer Service, and Keller Ambulance Service, all showed great professionalism under difficult circumstances.

The paramedics and medical technicians from those three agencies worked together as a team and did a tremendous job of administering care to the victims. The doctors and staff of St. Bernard's Regional Medical Center did an outstanding job of preparing themselves for the chaos that entered the emergency room yesterday afternoon. They have also done an outstanding job of keeping the community informed of the status of the survivors.

I know that the families around Craighead County are thankful for the many counselors and ministers from Jonesboro and from around the State who have offered their services to help the children of Westside cope with this horrible tragedy. The people in the communities that make up Westside school district, Bono, Cash, and Egypt, will look to each and to the Lord in the wake of this tragedy. The fact that children were victimized in a place where they should be safe makes this ordeal even more difficult to comprehend.

We are all asking ''Why?'' Why did these young lives have to be snuffed out so senselessly? That answer may never come, and as many have suggested, the answer may be beyond our comprehension. Craighead County is a wonderful place full of people who for many, many years have worked to strengthen their community. It is a place where traditional values, faith in God, love of fellow man, and commitment to family are the pillars upon which the community is built and the source of strength that they will have to rely on now.

As is often the case when the world seems turned upside down, the Bible provides some solace. The 46th Psalm says, ''God is our refuge and strength, a very present help in trouble. Therefore we will not fear, though the earth be removed and the mountains be carried into the sea.''

If there is any place on earth that is capable of dealing with a tragedy of this magnitude, that place is Craighead County, Arkansas. Mr. Speaker, my wife Carolyn and I, and our children, send our heartfelt condolences and prayers to the families and to the community as a whole, as does the entire staff of the offices of the First Congressional District.

We stand ready to assist in any way that we can and wish Godspeed to the people of Craighead County as we all continue to deal with this horrifying tragedy.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. HASTINGS) is recognized for 5 minutes.

(Mr. HASTINGS of Washington addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Mrs. MCCARTHY) is recognized for 5 minutes.

(Mrs. MCCARTHY of New York addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PAPPAS) is recognized for 5 minutes.

(Mr. PAPPAS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. STUPAK) is recognized for 5 minutes.

(Mr. STUPAK addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Indiana (Ms. CARSON) is recognized for 5 minutes.

(Ms. CARSON addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kentucky (Mr. LEWIS) is recognized for 5 minutes.

(Mr. LEWIS of Kentucky addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

TRANSPORTATION UPDATE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. FOX) is recognized for 5 minutes.

Mr. FOX of Pennsylvania. Mr. Speaker, I join with the gentleman from Arkansas (Mr. BERRY), my good friend, and all of our colleagues in wishing all the prayers to the First District of Arkansas and to all the families there,

greatest sympathy and prayers for God to help in every way he can from this point forward. The gentleman from Arkansas knows that he has our support in that endeavor.

Mr. Speaker, in other action in the House this week, I wanted to make special mention of the cooperation and the assistance in working together on an outstanding new transportation bill that would not have come without the outstanding leadership of the gentleman from Pennsylvania (Mr. SHUSTER) and the gentleman from Minnesota (Mr. OBERSTAR), ranking member, in crafting a piece of legislation which is historic in providing the road improvements, the mass transit assistance that is so important to all of our municipalities, cities, and towns all across the United States.

I know from my district that roads need to be improved and mass transit systems can be made to be better in many ways. I am especially grateful for the approval by the committee of a new system which would be the Schuylkill Valley Metro, the first new transit system in many years in our State, and one of the first new ones in our region of the United States. This Schuylkill Valley Metro will go from Philadelphia to Reading, and help people who now find themselves in gridlock on a major highway to now have safe, convenient transit once we have finished the appropriations process.

I also wanted to bring to the attention of my colleagues tonight another related transportation matter. As the lead person in the House on the Results Caucus with regard to the Federal Aviation Administration, I am working with my colleagues on both sides of the aisle to adopt legislation which will improve their safety, not the least of which would be to require the child safety seats on airplanes, which will make sure that we keep our children as safe in an airplane as we do in our vehicles. Most of all, protection for airplane employees, to make sure that the defects that are present can be reported more easily so that the changes can be forthcoming, and to allow our airline staff on the planes to have defibrillators so that those who are on long trips can get all the medical attention they need prior to going to a hospital for further care.

These are three important bills moving through the House, hopefully with as much speed as possible. I will continue my efforts, working with like-minded colleagues on collision avoidance systems, improved air traffic control, and increased use of the Doppler radar to make sure that those who fly the planes can avoid wind shear and to make sure our skies are as safe as possible so that the transit of our constituents can be that which we want it to be, the safest in the world.

Mr. Speaker, I look forward to working with the gentleman from Pennsylvania (Mr. SHUSTER), our chairman, the gentleman from Tennessee (Mr. DUNCAN), our subcommittee chairman, and the gentlewoman from Missouri (Ms. DANNER) because she will be working with us in a bipartisan fashion, to do what we can, working with the airlines, military, and commercial aircraft and their experts so that we can make sure that airplane safety will be as safe as it can be, and to make sure that the flying public have the confidence always, as they already have, that they will get the best.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3310, SMALL BUSINESS PAPERWORK REDUCTION ACT AMENDMENTS OF 1998

Mr. GOSS, from the Committee on Rules, submitted a privileged report (Rept. No. 105–466) on the resolution (H. Res. 396) providing for consideration of the bill (H.R. 3310) to amend chapter 35 of title 44, United States Code, for the purpose of facilitating compliance by small businesses with certain Federal paperwork requirements, and to establish a task force to examine the feasibility of streamlining paperwork requirements applicable to small businesses, which was referred to the House Calendar and ordered to be printed.

REMEMBERING CONGRESSMAN STEVE SCHIFF

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. GOSS) is recognized for 5 minutes.

Mr. GOSS. Mr. Speaker, it is with great sadness that I learned this evening of the death of my friend, my congressional classmate, and my colleague, STEVE SCHIFF. His family and close friends in New Mexico and across the country are certainly all in our prayers.

Mr. Speaker, I wanted to speak briefly about this. I was not able to be here during the memorial resolution because of the duties of the Committee on Rules. I think it is important that those of us who knew STEVE well have an opportunity to reflect, even briefly.

STEVE possessed a trait in Washington that is all too rare. His word was simply as good as gold. He was certainly one of the most conscientious Members I have every worked with. He was responsible, hardworking, and I think he made an extraordinary contribution to every project that he participated in.

I know he was very well regarded by his colleagues. That was certainly one of the reasons why he was asked to take on the difficult services of a job in the Committee on Standards of Official Conduct, a responsibility that I shared with him during one of perhaps the most tumultuous episodes in this House's recent history.

In his work of the House to resolve what I would call difficult and sensitive matters, STEVE proved to have necessary skills: experience, judgment, guidance, a good shoulder to lean on, a lot of rational demeanor, and above all, principles, very solid principles that never moved, the principles that got the job done.

□ 1900

He was the right person in the right place at the right time for this House, and we all owe him a debt of gratitude and thanks for that very difficult assignment.

It turned out that STEVE's work on the Ethics Committee, ironically was one of his last high-profile accomplishments in Washington. And it was not something that he or any of us particularly enjoyed. It was a duty, as with all his duties, that he discharged with integrity and accountability. I will say that he was an inspiration for all of us during those long and frustrating hours and days and weeks. And it was a time, incidentally, when he was sick and we did not know it.

And all through that period this was true. For his entire public service career, STEVE ably and thoughtfully represented the people of New Mexico's First Congressional District. It is quite a record and a great legacy.

I am honored to have served with STEVE. I will miss him. I extend my deepest sympathy to his family.

TREATY OF GUADALUPE HIDALGO

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from Colorado (Mr. BOB SCHAFFER) is recognized for 60 minutes as the designee of the majority leader.

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, this evening the freshmen Republican class takes to the floor to spend a little time during this special order to discuss various issues that we have been focusing on as individual Members and as a group, 34 Members strong.

We spent a lot of time in our home districts holding town meetings, surveying our constituents and focusing on the topics that we believe our constituents have sent us here to represent. Joining me this evening is the gentleman from New Mexico (Mr. REDMOND), who has been fighting very vigorously for some property rights issues in his district.

At this point, Mr. Speaker, I would like to recognize and turn some of our time over to the gentleman from the State of New Mexico to talk about his legislation, House Resolution 2538, which would establish a presidential commission to determine the validity of certain land claims arising out the Treaty of Guadalupe Hidalgo from 1848.

Mr. REDMOND. Mr. Speaker, I appreciate the time to share with the House of Representatives today a portion of history that many people have forgotten. This is a story, a story of a people who settled in the American Southwest many years before the pilgrims landed at Plymouth Rock.

The story has been forgotten by most Americans, but it lives on. It is a story

that lives on in the daily lives of many hard-working people in New Mexico in my congressional district. It lives on in the daily traditions and the way of life. And it is a life-style that we are seeking to enhance and to preserve.

And so tonight, Mr. Speaker, I stand here for my constituents to tell the story of the Treaty of Guadalupe Hildago, a story, as I stated earlier, Mr. Speaker, that most Americans are not aware of.

In 1846 there was a war between the United States and Mexico. The United States won that war, the Mexican-American War, and at the end of the war, there was a treaty that was signed. The title of the treaty has a beautiful name to it. The name of the treaty is the Treaty of Peace, Friendship, Limits, and Settlement. It is called the Treaty of Guadalupe Hildago.

It was signed on February 2, 1848. And in that treaty, the residents of the territory that became New Mexico and became the State of New Mexico in that treaty, the people that lived in that area, they had a choice, as in America we allow individuals a choice; and the choice that the residents had was the choice to move south of the border to old Mexico and to retain their citizenship as Mexican citizens or to remain north of the border and to embrace an American way of life of freedom and a Constitution that guaranteed those rights.

So, with high hopes, the residents of New Mexico, many of them chose to stay behind to become citizens of the United States of America; and in the treaty, it stated very specifically certain rights that would be guaranteed to those who stayed behind. And so the hope of greater freedom, an opportunity, was embraced by those residents. And the treaty begins like this:

In the name of Almighty God:

The United States of America, and the United Mexican States, animated by a sincere desire to put an end to the calamities of war which unhappily exist between the two Republics, and to establish upon a solid basis relations of peace and friendship, which shall confer reciprocal benefits upon the citizens of both and assure the concord, harmony, and mutual confidence wherein the two peoples should live as good neighbors, have for that purpose appointed

representatives and those representatives mutually came together with the stipulations of the treaty.

This evening, Mr. Speaker, I am going to read two small articles that are very important for the legislation that will be considered in a short time here in the House of Representatives. But these two articles are very, very important because these were the polar stars on which the Hispanics in New Mexico stayed behind and they chose to become citizens of the United States.

This is Article VIII I will begin with. Article VIII says,

Mexicans now established in territories previously belonging to Mexico, and which remain for future within the limits of the United States, as defined by the present treaty, shall be free to continue where they now reside, or to remove at any time to the Mexican Republic, retaining the property which they possess in the said territories, or disposing thereof and removing the proceeds wherever they please; without their being subjected, on this account, to any contribution, tax, or charge whatever.

Those who shall prefer to remain in the said territories may either retain the title and rights of Mexican citizens or acquire those of citizens of the rights of the United States, but they shall be under the obligation to make their election within one year from the time of the dates of exchange of ratification of this treaty; and those who shall remain in the said territories after the expiration of that year, without having declared their intention to retain the character of Mexicans, shall be considered to have elected to become citizens of the United States. In the said territories, property of every kind, now belonging to Mexicans not established there, shall be inviolably respected. The present owners, the heirs of these, and the Mexicans who may hereafter acquire said property by contract, shall enjoy with respect to it, guaranties equally ample as if the same belonged to the citizens of the United States.

Article IX:

The Mexicans who, in the territories aforesaid, shall not preserve the character of citizens of the Mexican Republic, conformably with what is stipulated in the preceding Article, shall be incorporated into the Union of the United States and admitted as soon as possible according to the principles of the Federal Constitution, to the enjoyment of all rights of citizens of the United States. In the meantime, they shall be maintained and protected in the enjoyment of their liberty, their property, and the civil rights now vested in them according to the Mexican laws. With respect to political rights their condition shall be on an equality with that of the inhabitants of the other territories of the United States and at least as good as the inhabitants of Louisiana, the Floridas, when these provinces, by transfer from the French Republic and the Crown of Spain, became territories of the United States.

The same most ample guaranty shall be enjoyed by all ecclesiastic and religious corporations or communities, as well in the discharge of the offices of their ministry, as in the enjoyment of their property of every kind, whether individuals or corporate. This guaranty shall embrace all temples, houses and edifices dedicated to the Roman Catholic worship; as well as all property destined to its support or to that of schools, hospitals, and other foundations for charitable or beneficent purposes. No property of this nature shall be considered as having become the property of the American Government, or as subject to be, by it, disposed of or diverted to other uses.

Finally, the relations and communication between the Catholics living in the territories aforesaid and their respective ecclesiastical authorities, shall be open, free, and exempt from all hindrance whatever, even although such authorities shall reside within the limits of the Mexican Republic, as defined by this treaty; and this freedom shall continue, so long as a new demarcation of ecclesiastical districts shall not have been made, conformably with the laws of the Roman Catholic Church.

I ask, Mr. Speaker, all Americans to remember and to learn on this, the Quatrocentenario; and also the 150th anniversary of the signing of the Treaty of Guadalupe Hidalgo, I ask for all Americans to remember the solemnness of this treaty which we entered into with those who had hope of becoming American citizens and promised that they would maintain all of the rights of American citizens.

So I encourage all Americans to learn and to remember the Treaty of Guadalupe Hidalgo and to do justice in accordance with the Treaty.

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, reclaiming my time, I am curious just in terms of a 150-year-old treaty that has come up now, what happened to it in those 150 years? Why were we not talking about the treaty 10 years, 20 years, 30 years ago? Why has it now become an issue that has come to the floor and we are considering legislation which is supported by a great many members of the freshman class and other Members of the Congress, as well?

Mr. REDMOND. If the gentleman would continue to yield, basically the treaty was put on the shelf. It collected a lot of dust. But, as I said, here in this city this treaty was forgotten, but it was never forgotten in the minds and hearts and in the daily lives of the citizens of the State of New Mexico.

The treaty is very much alive. This treaty was the basis for the Native American Land Claims Commission during the 1940s and the 1950s and 1960s. There are times it has been pulled off the shelf and utilized. But at this particular time, what we are focusing on in this new piece of legislation are those pieces of lands that are known as land grants.

Many people in the Midwest would have known them as homesteads. We have friends that live in the Midwest that are corn farmers and bean farmers and wheat farmers, and they came by their land through a document. Some documents were signed by President Martin Van Buren and other Presidents of the United States, and they received guaranties from the government that if they were to move into a particular area of land and build a house, build a barn, settling that area, that they could stake a claim and that land became their private land.

Nobody would ever think of going into Iowa or Illinois or Indiana and telling farmers that they could keep their barns, that they could keep their house, their corral, their feedlots, but that their fields now become Federal property. But this is what happened in New Mexico.

The law was just slightly different, because under Hispanic law, they recognized not only individual homesteads, or land grants, as they were called, but it also recognized the establishment of communities and municipalities. So, according to law under the Spanish Crown, it was required that 10 families move together to an area to create a village, to create a community on the frontier of the Hispanic Empire, and it was necessary to have 10 families to have what was called a community land grant.

It was communal in the sense that they shared a common land, but it was private in the sense that only those 10 families and their heirs had title to that land. They were public lands, but they were public only for those immediate families. They were not public for people in the land grant next to them or further down the road or someplace else in the State of New Mexico. They were not public to other States. They were public and common only to the original families.

Mr. BOB SCHAFFER of Colorado. And what happened over that period of time, the Federal Government, as I understand, has come to lay claim to most of that land and manages much of the land today either under the Bureau of Land Management or through the Forest Service or other various Federal, and sometimes, I suppose, State and local entities, as well, are in possession of those lands today.

How was it that the Federal Government became the primary manager of those lands today?

Mr. REDMOND. Well, the land grants that were lost to the Federal Government, to the inventory of government land, were lost in various ways. There is not a single way in which the land was lost. But let me give my colleague an example.

When New Mexico became a territory, the economy of New Mexico was basically a barter economy. It did not operate on a cash basis like the States in the East. And so what happened was, when taxes were levied, quite often against the Hispanics, which, by the way, at the time that the Treaty of Guadalupe Hidalgo was signed, many of the families had occupied the land almost 300 years. So if we can imagine a farmer in the Midwest owning a farm for 300 years and then all of a sudden the government coming and saying, ''You can no longer own this'' after you have many generations that have invested in that piece of real estate.

□ 1915

Basically what happened in many cases is that because they did not understand the English language at the time, because they did not understand the English law because American law is based on British common law, which was different from Spanish common law, that many of the folks just did not understand what their obligations were to their new government and so taxes were levied and many times the notice of taxation was never sent or sent in a very incomplete way, or sent in English and they could not read it. You have to remember that this area was a conquered area. We gained this territory as a result of the Mexican-American War, so it was a conquered area, so there was no preparation in terms of engagement with Washington and the East Coast culturally, monetarily, economically, and so often people lost their land because they did not know that tax was due to the government. Often they lost their land because they did not adequately file claims and patents according to the American law because they were just unaware of it.

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, I would like the gentleman to talk if he would, if he would not mind answering more questions about the bill, because these are questions that I think occur to most folks who take a general look at the bill. Before I ask a couple of more, I would point out in my district in Colorado, Colorado State University is the largest higher ed institution in my congressional district. There is a professor there who has been holding seminars recently and giving public discussions about the Treaty of Guadalupe Hidalgo. We had contacted him recently and asked him just about your bill and about some of the events that are occurring, the Speaker of the House, for example, coming to the gentleman's district to talk with many of his constituents about this issue. The Speaker termed these events that the gentleman has initiated here in Congress as revolutionary, that was the word he had used, and spoke very clearly about the absolute validity of the treaty.

Most of these lands are today managed by various public entities, primarily the Federal Government, sometimes other public entities. In some cases these lands are now owned by private landowners. That is the minority of cases, but that does exist on some of these lands. How might the treaty affect those who are private landowners today and maybe purchased the land or obtained it legally in some way? How are they going to be treated as this bill moves forward?

Mr. REDMOND. It is important that we do not create two wrongs and believe that we are going to make a right out of this. It is very important that we honor the treaty and we also go beyond just honoring those passages that talk about the right to private property. But in the treaty it is very specific that those Hispanics that stayed behind to become American citizens, that they had full rights as American citizens, which includes the Fifth Amendment, the right to private property, and since it is the Federal Government that did not honor and protect that right, it is imperative that the Federal Government come in and restore that right to the fullest sense possible.

I parallel this to, for instance, slavery. Some people are saying, why are you dealing with an issue that is 150 years old? If we still had slavery today, if the Civil War was not successful in eradicating slavery in America, I doubt there would be a single Member in this Chamber that would vote for the institution of slavery. Just because something has been on the table for a long time, you do not use the calendar and the clock to determine what is right and what is wrong. In this particular case, I believe that the Federal Government should step up to the plate, secure the justice for these individuals, and in the case for those lands that are now occupied by other individuals who have purchased those lands, what we believe should be done is that the Federal Government should identify some other land in the government inventory, because the government did not protect these rights and that that land be swapped out for equal value, not equal acreage, because many of the acres that were taken from the Hispanic families was very beautiful, mineral rich, timber rich, wildlife rich, and to trade off for an area that they could not graze their cattle would not be justice. That would be adding insult to injury. So if it is impossible, for instance, there are some cases where there are whole towns and communities that have grown up in the middle of these land rights, where we cannot just give a whole town and a city and community away.

Mr. BOB SCHAFFER of Colorado. For the gentleman and I who reside out in the West, these issues of property rights and public lands, lands management in general, public or private, are routine discussions. For those who are not familiar with the claims made under the Treaty of Guadalupe Hidalgo and other debates and discussions that have ensued over the years, this may seem a new issue. It really is not as the gentleman has expressed. But it is a relatively new issue in recent years for this Congress. In fact, the people of his constituency have been discussing the issues, a terribly important one politically, culturally and so on in New Mexico and throughout the West, not just New Mexico. It really was the gentleman from New Mexico who brought this issue to the attention of the full Congress and really revived this topic here in Washington.

Mr. Speaker, I just want to take a second or two here and commend the gentleman for having the courage to stand forward and bring an issue to Congress that his constituents have been talking about and been concerned about for many, many years and for the right and obvious reasons, his constituents decided to send him here to Congress. I commend them for that as well, and have really empowered him to raise their voice here on the House floor. It is an issue that has not been raised for quite a long time, he has done it, I think it is a wonderful statement on behalf of the people in New Mexico and those in his constituency.

Mr. REDMOND. I appreciate that. But I think the bottom line, we need to recognize that this is not about land. This is about the integrity of the institution of the government of the United States that stands forward and very boldly says that we hold these truths to be self-evident, that all men are created equal and they are endowed by their Creator with certain unalienable rights. In this case, the Federal Government did not stand up to the plate and bat on behalf of the citizens of the Territory of New Mexico and the citizens of the State of New Mexico. And

so this is not about land, this is about the integrity of our institution, of a free, democratic-republican form of government, a representative form of government where people have their voice heard. The voices of these people have been silenced for almost 150 years. I am determined to in this institution let their voices ring all the way from New Mexico to this institution. We will not rest until justice is done.

This issue is about who we are as an American people, because many people sitting across the Nation, say from Washington State down to Florida and New York, Chicago, they might say that this does not deal with me. I am here to tell you that it does deal with you, because if the Federal Government at one point in the history of our great Nation can violate the right of private property for a minority of people, if it has been done once, that sets the precedent for this government to do it again. That is in direct violation of the Fifth Amendment.

Mr. BOB SCHAFFER of Colorado. The gentleman has spoken in a very general and broad way about the whole issue, the history of the treaty and what has occurred since then. Let me go specifically to his bill, H.R. 2538. First, let me say the gentleman has worked tirelessly to describe the bill to Members of Congress, to make them familiar with it, make every Member of Congress familiar with the concerns of his constituents and the issue. This bill calls for more study. It does not answer the question on how to deal with the treaty just yet. It is obvious that it proposes some very perplexing problems in resolving many of these ownership and management issues, but his bill establishes a presidential commission to study the issue and make recommendations back to Congress on what to do next. Tell us a little bit more about just the process of what happens after your bill passes.

Mr. REDMOND. Basically we are looking for a 5-year commission. We want to establish a research center north of the City of Espanola in Rio Arriba County in my congressional district at the de Onate Center, Don Juan de Onate. Basically what we will do is that individuals who believe that they have a valid claim can step forward with other individuals from their same land grant. They would present the documentation and we would work with them on the reconstruction of the documentation. Some of the documentation exists in the State of New Mexico. Some of the documentation exists in Mexico City. Some of the documentation exists in Spain. There is quite a bit of research that is going to have to go into this project. We want the heirs, according to the treaty, to receive their land, but we also do not want individuals filing fraudulent claims and acquiring land that does not rightly belong to them.

The commission is a 5-year commission, it is going to take minimally 5 years to do the research that is necessary to establish the documentation, and at that particular point we will be making a recommendation, the commission will be making a recommendation to the President of the United States and to this body, the House and the Senate, for a final solution for this particular situation.

Mr. BOB SCHAFFER of Colorado. The Speaker was recently in your district talking about a number of issues and visiting town meetings and so on, but this issue came up quite a lot. What was the Speaker's visit like?

Mr. REDMOND. Basically the Speaker met with maybe 100 to 200 of the heirs of the land grant, the original land grant. They presented to him approximately 3,000 signatures from the heirs of the land grants. The Speaker was very clear. Of course he is a historian, doctorate in history, so being a history buff, he was very intrigued with the injustice that was done and he mentioned it as such, he mentioned it was injustice. We have the full support of the leadership of the House of Representatives. He received the petitions, he has those petitions. Our office has a copy of those petitions. He is committed to working with myself, the rest of the New Mexico delegation and the cosponsors of this bill to see it passes as soon as possible.

Mr. BOB SCHAFFER of Colorado. Earlier today at one of the freshman Republican meetings, you brought the issue up again and addressed the class on the topic and also brought some of your constituents with you as well who are here from your home State working on the legislation. I want you to remind me who they were and tell our colleagues about those individuals and their work here in Washington and what they are trying to accomplish.

Mr. REDMOND. We have two distinguished guests with us here in Washington that will testify tomorrow before the subcommittee. The first is kind of the leader of the people of the land grants. He is a leader of the land grant farmers. He has put many, many years into the program, bringing the people and the land grants together. His name is Roberto Mondragon, former lieutenant governor of the State of New Mexico. He is here to testify on behalf of la gente, the people, de norte, the people of the north, which is our congressional district. He has brought with him Robert Torres, who is the State historian. We will be receiving testimony tomorrow not only from myself as their representative but also testimony from the people of New Mexico that deal directly with this issue and the State historian.

Mr. BOB SCHAFFER of Colorado. They are going to testify tomorrow, as I understand?

Mr. REDMOND. They will be testifying tomorrow. This bill is truly a people bill. We had a rough draft of the bill, we took it to the community. There were about 100, 150 land grant heirs that met at the de Onate Center north of Espanola. They looked at the bill, I asked them is this what you want, and there were some changes. They made the changes. We have a couple of changes we would still like to make and mark up, but this is truly a bill of the people, for the people, by the people. It is remarkable to see firsthand how our form of government works. I believe that it is very important that this needs to be grassroots, from the bottom up and not from the top down.

Mr. BOB SCHAFFER of Colorado. That is a theme, if I can kind of move to a broader set of philosophical differences that separate you and I as Republicans from the other side as Democrats typically. What we see here in Washington as a Republican freshman class, we reflect often about the kinds of things we are hearing back home in our town meetings, we share information about the surveys that we send out to our constituents to get their opinions about issues, and share ideas on how we can be effective as Members of Congress by involving our constituencies in the law making process, in establishing an agenda for our districts and ultimately for the country.

This is kind of a typical thing for us as a small group. It is not that typical in Washington in general. I think it really captures what he has done in bringing this bill to us, and the manner in which you have galvanized support for it back home really is remarkable. At least for me, you and our group inspire real confidence in this process and how well it can work if the right people are in charge and empowered to come back here and take the real role of representative democracy in a republican form of government to Washington. Because you are right. Seeing citizens, taxpayers, local leaders coming here to Congress, drafting their own bill, presenting their arguments, and empowering their Congressmen to introduce it and come to the floor here tonight and other days, as you have, to speak about it is an inspiring occasion. And I just want you to know I have been struck that way personally, and wish you very well on moving that legislation forward.

Any final thoughts or comments on the bill?

□ 1930

Mr. REDMOND. Well I would just say, I would just encourage as many Members as possible to cosign on to the bill. It is a bill 2538; it is called the Treaty of Guadalupe Hidalgo Land Grant Claims Commission, and it indeed is a bill written by the people, for the people. And we are looking forward to having that come before this body, hopefully within the next 30 to 60 days, for final passage, and then we can send it to the other body and they can consider it and hopefully get it on the President's desk as soon as possible. I would like to see this become a reality for the people of New Mexico.

One hundred fifty years is a long time to wait for justice to be done, and

I believe that the Members of this body are committed to seeing that justice is done. And so I call upon all my colleagues to not only vote for the bill, but to be proactive and to sign on to the bill, and as we say in New Mexico, taking off of the first line of the Treaty of Guadalupe Hidalgo again, for those that might be joining us, the Treaty of Peace, Friendship, Limits and Settlement, signed between the Government of the United States of America and the United Mexican States on February 2, 1848.

The treaty begins, ''In the name of Almighty God:'' And I would just like to end my portion today, as we would in New Mexico, saying thanks to God: Gracias a Dios.

Mr. BOB SCHAFFER of Colorado. Also joining us tonight is the Congressman from the State of Florida (Mr. WELDON), and Mr. WELDON is not a member of the freshman class, but we will make him an honorary one tonight. He has 2 years' advantage on the rest of us in terms of seniority.

But you know, Mr. WELDON, before I yield time to you, I just want to say that we view our role as a freshman class as one of raising a number of issues and providing a number of opportunities and actually exercising a certain amount of leadership in the Congress as a whole. And when we see people who have come here at different times than we have, that are doing great things and moving forward on issues that are important to the whole country, our goal is not to reinvent the wheel; we want to help where we can help and place the greatest amount of effort to move our great country forward and exert the kind of leadership that I think the American people expect of us.

And with that, let me turn some time over to you to explain the legislation which you have just introduced today, as I understand it.

Mr. WELDON of Florida. Yes, that is right, and I want to thank you for yielding to me, and I certainly want to commend you and the other Members of the freshman class of the 105th Congress for the leadership roles you have been taking. And in listening to the discussion tonight, the gentleman from New Mexico, I think, is representing his district very well, and likewise I think the people of Colorado have been well served by many of the initiatives that you have been putting forward. And I think freshmen, they are fresh, and we always need a fresh look around here. This place can get pretty stale at times, and getting people coming in from the marketplace, from the outside world coming in, I think is a very good thing.

I thank you for yielding. I wanted to talk a little bit about a piece of legislation that I introduced today, along with my good friend and colleague, the gentleman from Ohio (SHERROD BROWN), the Patient Choice and Access to Quality Health Care Act of 1998, H.R. 3547. As most of my colleagues know, prior to coming to the United States Congress, I was a practicing physician. I practiced internal medicine, specifically general internal medicine. I took care of a lot of senior citizens, people on Medicare. I took care of a lot of people with chronic illnesses, diabetes, arthritis. I practiced for 8 years in private practice. Prior to that, I had practiced in the army. And in private practice, I had the opportunity to do some managed care, and I have to say that I have seen the good side and the bad side of managed care, I have seen the good side and the bad side of standard fee-for-service medical care, and there really is no perfect system. Any system has its good points and its bad points, but clearly today in America we are seeing a trend that I think is very dangerous. It is a trend within the managed care industry to compromise quality for the sake of saving the bottom line; in other words, putting dollars ahead of patients, and I think that is wrong.

In particular, there are some managed care entities that are compromising quality so much for the sake of profits that it is putting pressure on some of the honest and well-run managed care entities. And this country has many things about it that makes it great, and I cannot within the confines of the time yielded, describe all of those things. But one of those things, as we all know, is that we have the best health care system in the world, the best quality health care, the most innovative care. So this piece of legislation, the Patient Choice and Access to Quality Health Care Act, is a reasonable proposal, I think, to rein in some of the excesses of the managed care industry.

Specifically, the bill has provisions that assures adequate access to specialty care for in-network care; also some provisions for grievance for enrollees. Also, there are provisions required of the plan to notify the enrollees when they are enrolling of what restrictions they may have on access to various types of specialists. Importantly, there is a provision that places restrictions on health care providers being provided financial incentives not to refer patients. We have provisions in existing Medicare law prohibiting plans from allowing doctors to get extra money for referring patients, but we do not have any provisions that prevent plans from giving doctors money for not referring patients, and in this legislation we limit that or we prohibit that specifically.

We also have a provision in here, a so-called gag prohibition against gag clauses that would allow doctors to freely communicate with their patients. There is also an out-of-network provision, where if patients choose to, they can exercise that option and the plans will be allowed to charge patients extra for going outside the plan.

This is a very, very reasonable piece of legislation. It is a bipartisan piece of legislation. It does not require the creation of vast new bureaucracies that would have to monitor the entire industry. It will allow managed care to continue, but it places reasonable restrictions on managed care restrictions that I would like to point out will serve well to maintain quality.

Most of the provisions in my legislation are provisions that were voted on in this body previously and passed overwhelmingly by this body, by the Senate, and signed by the President. Specifically, these are all provisions that we already placed on the Medicare plan, and some of the provisions as well are already preexisting within Kennedy-Kassebaum legislation that was passed last year.

I think this bill will go a long way to deal with many of the problems and the frustrations that we see today in the health care marketplace. We all know that there are many excesses within the managed care plans that exist out there.

I was reminded recently, as a physician I still practice occasionally, and I spoke to a nurse not too long ago who was complaining to me that her mother, elderly mother who lived in another State, not in Florida, who was enrolled in a managed care plan, had fallen and broken her nose. She could not breathe through her nose when lying down, so she had to sleep sitting up. And the managed care entity was refusing to pay for fixing this problem, it is called a rhinoplasty, claiming that it was cosmetic surgery on an elderly lady. Clearly, this was totally inappropriate. Fortunately, the managed care entity relented and finally paid for the rhinoplasty.

Now this is a minor incident, and I can tell you that I have heard much, much worse cases. Indeed, there are cases out there where people have suffered severe harm as a consequence of denial of appropriate medical care within managed care entities, including cases where there have been deaths.

So in my opinion, legislation is long overdue, and this piece of legislation that I am putting forward is a reasonable proposal, it is a bipartisan proposal, and I would encourage all my colleagues to look at this legislation, and I encourage all my colleagues to sign on to it.

Mr. BOB SCHAFFER of Colorado. As my colleague knows, he mentioned at the outset of his comments that there are good HMOs and there are those that seem to be prone on occasion to various abuses and failure to comply with the contractual agreements that they have established for themselves and their clients.

With respect to the bill and this grievance process and complaint process, there are good examples out in the free market right now, there are good examples of HMOs that have a good grievance process. This bill moves us toward allowing those kinds of questions and concerns to be aired in a timely manner.

Mr. WELDON of Florida. The bill requires that all managed care entities

set up a grievance committee, and it should be, it can be made up of people, doctors that are in the plan, administrators that are in the plan, but it also calls for patients to be enrolled or patients in the grievance committee and, as well, people who are outside the plan.

And you know, I have an aunt and uncle up in New York who have been in a managed care plan all their adult life. They love it, they think it is wonderful. It is a well-run plan, the best that I can determine. So when you say there are good managed care plans, there are.

But I will tell you that some of the good managed care plans are being squeezed by the unscrupulous managed care plans who will frequently come into a community, low-ball prices, sign people up, put pressure on those good plans to reduce their prices or they will go out of business. And how do they do that? Well, how do those unscrupulous plans do that? Well, they deny services, is typically what they do. They deny access to specialists.

And might I also add, I am a primary care provider. I still see patients about once a month, and I used to refer. When I was practicing medicine, I used to refer probably, maybe 10 times a day I would refer somebody do a specialist. But I saw 30 to 40 people a day, and I prided myself in taking care of my patients and not referring them all out to specialists.

This piece of legislation is not to protect specialists, but when I needed to, I referred those patients to specialists for one and only one reason: because it was in the best interests of those patients, because they had a problem, they had a condition that I as a general internist could not handle.

What is wrong is when we provide financial incentives, which is what some of these plans are doing, to doctors to not refer because that compromises the doctor-patient relationship. The patient comes in to see the doctor; there should only be one thing on that doctor's mind: What is best for that patient? And if there is a financial incentive for him not to refer, then that is wrong, and we correct that in this legislation.

And might I also add, when I used to make those referrals, the best thing for those patients, and I was happy to do that even though in many cases, you know, in particular the cancer cases, I will say, I frequently did not see much of them anymore. They would go to the cancer specialist, they would get their chemotherapy, and in terms of, you know, income off of that, it was not for me. They were off to see a specialist. But you know, I was very comfortable with that. I felt nothing was more important than making sure that the patients got to see the specialist they needed to see.

□ 1945

It was part of the Hippocratic oath, as far as I was concerned, that I took when I graduated from medical school. We have seen a corruption of those basic fundamental principles in the health care marketplace.

I think this legislation is something that you would want to support. I encourage you to look at it, and I would encourage you to sign on.

Mr. BOB SCHAFFER of Colorado. Well, purchasing these insurance products, being enrolled in an HMO is something that consumers need to spend a lot of time on, because you can make bad choices. The appeal of low premiums often comes at the expense of, as you mentioned, reduced service.

Just from a business perspective in managing a cash flow, if you are operating on fewer revenues and fewer dollars and doing so to maintain that competitive edge, frequently that comes at the expense, of from a consumer's perspective, of strategies of delay. They see nontreatment of various ailments that they thought might have been covered.

You really need to read those policies very, very closely. There is nothing wrong with buying a cheap policy if that is what you want, if you are willing to deal with the consequences of inadequate care.

I do not think your bill prohibits that, but it certainly says that the patients and customers ought to be fully knowledgeable about and fully apprised of what they are purchasing, the exact terms, the exact limitations that may occur, so that they know that the policy that they hold is exactly what they pay for.

Mr. WELDON of Florida. Well, in the legislation, we have a provision that requires that before they enroll, they have to be counseled regarding any limitations on access to specialists, any out-of-pocket expenses that are associated with going outside the plan. There is a whole list of requirements.

This is basically informed consent, as far as I am concerned. I was not a surgeon. I was a general internist, so I did not do a lot of procedures, but I did a few. I would take some skin lesions off, and I do do some other procedures. Whenever I would do anything like that, I would always say to somebody, like if they had a skin lesion on their face and I had to remove it, I would explain to them, you might have a scar. We call that informed consent. You inform them.

What my bill requires is basically that sort of thing when the health care plan enrolls the person in the HMO; that if you are going to be restricted, that you can only see certain primary care providers, they need to be counseled on that. If there are restrictions on specialists they can see, they need to be made aware of that.

A perfect example of how people are not aware of these sorts of things, in my community, I had an oral surgeon complain to me. This is a typical scenario that he has occur to him. Somebody comes to his office at 5 o'clock on a Friday afternoon, with a big infected tooth that requires surgery and antibiotics. He gets them all ready to be admitted to the hospital. He gets them all ready to be admitted to the hospital. He gets them prepped and everything, and they discover the managed care plan that that person signed onto requires that they travel to another city 60 miles away to see another doctor who they have never seen before.

What my bill says, they can still do that. The managed care plan can do that. They just have to inform the enrollees. I call them patients, but in insurance language, you call them enrollees. Inform the enrollees that those are the prohibitions, the restrictions on them in this plan so that they know.

I think that will be better, actually, for the managed care plans. I think that they will get fewer complaints. I think they will have enrollees who are better understanding of the plan and hopefully better satisfied.

I think my bill is not only good for patients, it is good for the managed care industry as well. It is going to place good, reasonable restrictions. It is going to help the managed care industry to clean up its act.

Mr. Speaker, I thank the gentleman very much for yielding me the time.

Mr. BOB SCHAFFER of Colorado. The gentleman from Florida's expertise as a physician is very valuable to all Members of Congress, and we seek that wisdom and guidance routinely. I appreciate your leadership here tonight.

We have got less than 10 minutes left, and I want to change subjects real quick, because another great leader of the Congress is with us tonight, also not a freshman, but an honorary one at the moment, and we will make him so. That is the gentleman from Michigan (Mr. SMITH), who has been providing a lot of leadership and guidance with respect to balancing our budget, one of our key themes and objectives that we are trying to achieve as a Republican Congress.

It is quite a difficult balance when we have a number of programs that we need to manage. We want to save Social Security, Medicare, and so on, and guarantee the strongest and safest, most secure retirement system in the world and, at the same time, balance our budget. I believe we can do both. But we have not achieved that just yet, in spite of the celebration and claims you might see over at the White House.

Mr. SMITH of Michigan. Mr. Speaker, if the gentleman would yield, first off, I want to tell everybody that might be watching this special order that we thank the gentleman from Colorado (Mr. BOB SCHAFFER) for providing this leadership. And anybody that does not know, the gentleman from Colorado, president of the freshman class, has really spearheaded this legislation through.

I am just starting my sixth year in Congress. And what is great about the new freshman class is they bring in

new energy and new ideas. So I commend the gentleman from Colorado on that.

In terms of balancing the budget, I think this country needs to start making decisions of how big do we want government to be, how much of the money that we earn do we want to pay out in taxes?

Of course, if you are an average American, you pay about 40 cents out of every dollar you earn in taxes at the local, State, and national level. Of course, taxes are especially appropriate at this time of year because most Americans, by the April 15 date, are going to be required to shell out of their pockets and pay money into the Federal Government in taxes.

So I would just urge everybody as they look at their taxes, make sure that you look at your W–2 form. How much has already been deducted from your paycheck to send to the Federal Government, and how much has been deducted from your paycheck in the so-called FICA taxes, the amount that is deducted for Social Security and Medicare, because it is getting larger and larger.

We have had a system of government where so often, the Members elected to the Congress, and even the President of the United States, they say, look, we are going to do more things for more people, and they do not say we are going to tax you more, or we are going to borrow you more so you have to pay more in interest. But it has become sort of a system where, if you come with more spending and more programs and more pork barrel projects, then you take these home to your districts and get on the front page of the paper, cutting the ribbon, or on television.

So in the past, it has increased the propensity that you are going to get reelected if you do more things and spend more money and tax the Americans more. I think the Americans are starting to wise up to these pork barrel projects.

I would just encourage everybody, as we go through the election process for this fall's election, that everybody start going to those debate meetings. Everybody start asking those Members that are running for Congress, look, when are you going to stop taxing us so much? Let us start keeping some of that money so that we can spend it the way we want to, or we can start saving it and investing it to help secure our retirement future.

Mr. BOB SCHAFFER of Colorado. There really is a need for nationwide study or review or recollection of the concept of federalism in the United States, because I think every single day, we in the Congress, and this is what we fight for as a Republican Party, fight for forcing this institution to come to grips with what is the appropriate role of the Federal Government.

There are many functions of government that are appropriate, that are public endeavors that need to be undertaken at one level or another, but that is the key phrase right there.

Mr. SMITH of Michigan. Yes.

Mr. BOB SCHAFFER of Colorado. One level or another.

Mr. SMITH of Michigan. Should all good causes be implemented into Federal law? And I think what I hear you saying is no.

Mr. BOB SCHAFFER of Colorado. I frequently look to the U.S. Department of Education, for example. Now, all of us in this Congress would agree, the most conservative and most liberal Members alike, that a strong public education system is absolutely essential, and it is central to maintaining the Republic.

The second question, though, that begins to divide us is at what level do we best deliver a public education system. Is it Federal, State, or local? The first place we ought to look is the United States Constitution.

I would defy anyone in this Congress to find where it is in this Constitution that the Federal Government has been empowered to manage local school districts. It is not there. We have never been empowered here yet.

Just as you said a moment ago, there are Members of Congress who, at election time, cannot resist the opportunity to get on the front page of the local newspaper or cut the ribbon at some institution and spend other people's money on a function of government that is important but probably is better situated at the State level, as the Constitution suggests.

Mr. SMITH of Michigan. So often what happens is, though we are not authorized under the Constitution to pass laws, what we do is a combination of bribery and blackmail in trying to impose the will of the Federal government on local jurisdictions.

So we say, look, if you do it the way we in Washington think you should do it, if you do it the Washington bureaucratic way, then you can have some of the money back that you paid us in the first place in taxes.

In the transportation bills in the past, we said, look, you cannot have the transportation dollars that you sent us in the first place unless you do such things as lower your speed limit. You cannot have the education money the President is suggesting unless you use it to build a building or unless you use it to do this or unless you use it for the things that we say. The propensity of Washington is that they are elitist. They think they can make the decisions better than the people at the State and local level.

I think it is important that we start looking at reducing the tax burdens so the American workers can start experiencing the creation of wealth. If we would tax a little bit less, then they would have the opportunity to start saving and investing and see the magic of compound interest where, at some of the interest rate, some of the returns that we have experienced, for example, has been very astonishing. We need to give that opportunity for the creation of wealth to more people.

Mr. BOB SCHAFFER of Colorado. Well said. Our Republican vision here as the majority party in Congress is to lower the effective tax rate on the American people from over 40 percent, where it is today, 40 percent of income down to 25 percent at a maximum. It could possibly even go lower than that. But I think as a general goal that we ought to shoot for, this is the target that we have set for ourselves.

It is not going to happen overnight, certainly. But as far as establishing a direction and a goal for the American people, it is this side of the aisle, the Republican Party, led in many respects by our freshman class and with the leadership and encouragement of you and other Members of Congress to get us toward a 25 percent overall effective tax rate. That is at Federal, State, and local levels of government. The cost of being a free citizen in America should not be more than one-quarter of your annual family income.

Mr. SMITH of Michigan. That has got to be an ultimate goal. The other goal that the gentleman from Colorado and I both agree with is we have got to start paying down the Federal debt. Right now, the interest on that $5½ trillion that the Federal Government has borrowed represents 15 percent of the total Federal budget. So we are going to use a lot of this extra money that it looks like it is coming in in surplus and, to be sure, it is not a real surplus, because we are borrowing from the Social Security trust fund.

I thank the gentleman from Colorado very much for participating in this hour.

Mr. BOB SCHAFFER of Colorado. These are great topics that we will pick up at another time. Our hour is about to expire.

Mr. Speaker, the freshman class will be back in 1 week.

CAMPAIGN FINANCE REFORM

The SPEAKER pro tempore (Mr. PEASE). Under the Speaker's announced policy of January 7, 1997, the gentleman from Maine (Mr. ALLEN) is recognized for 60 minutes as the designee of the minority leader.

Mr. ALLEN. Mr. Speaker, I am here tonight to talk about the issue of campaign finance reform. This is a topic that has been a subject of particular importance to the freshman class, and I want to explain why.

We are going to start with the simple fact that the 1996 election was different from other elections in the past. One of the major differences was the amount of soft money that flowed to the national parties that eventually found its way into ads that were run for and against candidates around the country.

□ 2000

Now, soft money is the unlimited money that comes from corporations, from unions, and from very wealthy individuals, to the national parties. This

chart on my right will give my colleagues some sense of how there has been an explosion of soft money in the 1996 cycle.

As my colleagues can see, in the 1980, 1984, 1988 and 1992 cycles, there was a certain amount of soft money flowing to the national parties, but then in 1996, all the limits came off. It is important to remember, as I said before, this is corporate money, this is union money, and this is money from very wealthy individuals.

What was different about 1996? What was different in 1996 is that both parties figured out that they could legally use soft money that came to the national parties to run so-called ''issue advertisements.'' These were advertisements that did not say vote for or vote against a particular candidate, but they did talk about a particular issue, and they did frame the ad almost always in a negative way and urged the voter to call that candidate or call the elected official to complain about a particular position on an issue. They clearly were designed to influence Federal elections, but because they were about issues and not simply saying vote for or vote against a particular candidate, they essentially passed legal muster.

So what was a small loophole became a highway for money that has been prohibited for decades in this country.

When Theodore Roosevelt was President, 1905, the ban against corporate giving to individual candidates to influence Federal elections was established. In 1943, the same ban was applied to unions. But in 1996, those limits, those bans, were effectively circumvented as money flowed to the national parties and then went out to issue ads.

Now, why is that important? What happened in 1996, this is half of the story, the explosion in soft money; the other half of the story that was different is that for the first time or for, I guess I would say, the first complete cycle, we had a lot of money coming from outside groups, issue advertisements, individual expenditures designed to do the same thing, to influence Federal elections, but that fell outside the scope of the Federal election laws.

The freshmen, on a bipartisan basis, Democrats and Republicans, formed a task force, six Members on each side. The gentleman from Arkansas (Mr. HUTCHINSON), a Republican, was the cochair of the Republicans, and I, Tom Allen of Maine, was the cochair of the Democrats on our side. Over a 5-month process we held public forums, we debated these issues and we negotiated a bill.

That bill, H.R. 2183, the Bipartisan Campaign Integrity Act, is a good bill. It bans soft money. It requires faster and more accurate reporting by individual candidates. It requires further disclosure by groups that run issue ads.

Why do I bring this up today? Because after months and months of investigations with millions of dollars spent in this House by House committees to investigate campaign finance abuses in 1996, and after seeing some significant bipartisan efforts toward campaign reform in this House, what is the result this week?

Well, this House, the Republican leadership, is now on the verge of reporting out a so-called ''campaign finance reform bill'' that is a sham. It is not bipartisan, it is not reform and, above all, it is not designed to pass, because the last thing that the Republican leadership wants on campaign reform is for a bill to pass.

Now, that bill, we expect that it might be marked up, there might be a rule on it tonight, it might come up this week. The latest information that I have is that that is probably not going to happen, but I want to talk about the difference between doing this in a bipartisan way and doing it in a partisan way.

If we approach the campaign reform issue in a bipartisan way, we have to begin by taking the poison pills off the table. And when I say a poison pill, I mean a provision that is designed to kill the reform. So what we did with our freshman effort is, we sat down, we took the poison pills off the table.

The Republicans did not want to agree to overall campaign spending limits for individual congressional campaigns. The most common suggested amount was $600,000. Now, some of us thought that for $600,000, one can run a pretty good congressional campaign in this country. They did not want it, so we took it off.

The Democrats said, look, we are not going to go after one interest group and not another in this country, and therefore, the poison pills that involve going after labor unions, trying to gag workers across this country, was taken off the bill. That is what we did. We took the poison pills out. But recently the Republican leadership, in developing their bill, put all of the poison pills back in, all of the poison pills, that is, that mean that Democrats could not vote for the so-called ''reform bill.''

Mr. Speaker, let us go for a moment just to the immediate reaction around the country toward the Republican leadership campaign reform bill. In The New York Times today, they called it Campaign Finance Charades, and the first line reads, ''Newt Gingrich has a plan to snooker Americans yearning for a cleanup of their corrupt election finance system.''

The Washington Post today, same type of editorial. The headline: Mocking Campaign Reform.

USA Today, an editorial entitled, Big Money Buys Big Favors as Campaign Reform Wilts.

The League of Women Voters described the Republican leadership bill as, ''The approach is to package together several of the worst ideas on campaign reform. This bill is a complete travesty.''

Common Cause, which has been leading the fight for campaign reform, described this bill as, ''This bill is a hoax,'' Common Cause President Anne McBride said. ''It is laced through with poison pill provisions, and it not only allows the soft money system to continue in place, but also legalizes Watergate-size contributions for the political parties. No one should be fooled by this cynical effort.''

The fact is that we cannot do campaign reform on a partisan basis, and yet that is exactly what the Republican leadership has been trying to do. We have to get back to first principles, we have to get back to having a bipartisan approach to campaign reform, and I believe that there are others in this House on both sides that have taken an approach, a bipartisan approach.

The gentleman from Connecticut (Mr. Shays) and the gentleman from Massachusetts (Mr. Meehan) on the Democratic side, have worked on this issue for a number of years. There are Members on both sides of the aisle who have worked on this issue. But the Republican leadership bill is not designed to pass; it is not reform, it is not bipartisan, it is a disaster.

I know that on the Democratic side, we are committed to a real campaign reform bill. There is too much money in politics right now. We have to make sure that the ordinary citizen does not feel disenfranchised by this system, and the more big money that comes into politics, the more the cost of campaigns keeps going up, the more the ordinary citizen is going to feel disenfranchised. We have to stop the money race, slow it down, at least, do what we can in this session to do that. We need a different bill, a bipartisan bill on the floor of the House when this issue comes up.

One of the leaders in this effort has been the gentleman from New Jersey (Mr. PALLONE). It is good to have him here tonight willing to talk on this subject.

I yield to the gentleman.

Mr. PALLONE. Mr. Speaker, I want to thank the gentleman from Maine. He really has taken the leadership on this issue, and I am pleased to be able to join him tonight on this Special Order.

I listened to some of what the gentleman said. I was on the way over here when the gentleman began, but it is amazing to me that here is an issue on which the American people, I believe, have basically spoken out and said that they would like to see real campaign finance reform. And the reason why they want campaign finance reform is because they think, as the gentleman mentioned, that there is too much money in politics, and too much interest, if you will, and too much ability of wealthy individuals to influence the political process; and that we have gotten away from the way this country used to be and the way this democracy used to be where politicians, and I use the term ''politician'' in a positive way, used to have to go out to their

constituents. And if they were going to raise some money on the campaign, a lot of times, most of it was from their constituents, and most of it was smaller contributions. They did not have to raise $1 million or $2 million or the kind of money that we are seeing in campaigns today.

In addition to that, we have all of this money that is being spent independently by the special interest groups, the so-called ''independent expenditures,'' so that if one of us were to say, I think the gentleman used the figure of $600,000, if one of us were to say that we are spending $600,000 on our congressional campaign, which is probably about the average right now, what we are not taking into account is the fact that there may be a lot of other special interest groups out there that are spending $200- or $400,000 each on ads in the races, as well, that we are not even counting that $600,000. But the message that I am getting is that there is just too much money in politics.

Now, what do we get? Well, as is often the case here with our Republican colleagues, and maybe I should not say our Republican colleagues, as much as our Republican leadership, because I think that Speaker Gingrich and the Republican leadership are really the culprits here and they are the ones that control, if you will, what comes to the floor in this House. They know that campaign finance reform is something that the public wants. They know that the American people want it, but they come up with this scam, if you will, or sham, I think, the gentleman described it as; some of the editorials are calling it a charade, some are calling it a sham, whatever we want to call it, to try to bring the bill up, load it down with provisions that will make it impossible for it to pass this House, and at the same time not achieve any reform even if it did pass. And I think the biggest example of that, I do not know if the gentleman mentioned it, but talking about this idea of not allowing more money in politics, the Republican bill actually raises contributions to party committees from $20,000 to $60,000, and it raises individual contributions from $1,000 to $2,000.

So for those of my constituents who think that there is too much money in politics and think that a 1,000 contribution may be a little high, now they are going to see that the contribution level is $2,000.

So what the Speaker is doing, what Gingrich is doing is saying we should have more money in politics.

At the same time, we have this poison pill antilabor provision, if you will, just to make sure that the bill does not pass. So either, hopefully, they hope it will not pass, and if it does, it would not actually accomplish campaign finance reform.

Just to mention, this poison pill or antilabor provision, from what I understand, basically makes it more difficult for workers to organize and for the National Labor Relations Board to stop employers from violating labor laws.

Democrats are going to offer a substitute bill, essentially the MCCAIN-FEINGOLD legislation, that provides real reform, including a ban on soft money, which I see you have the chart up there. And the gentleman talks about the amount of soft money and how it has increased so much I guess, just in the last 4 years or so, from 1992 to 1996, and our Democratic substitute, the MCCAIN-FEINGOLD bill, if you will, essentially gives average working families an equal working voice, I think, in the political system and limits the influence of wealthy special interests on our political process.

Mr. Speaker, I just wanted to say, in my home State of New Jersey we have a very good example, and of course there are a lot of different ways that one could go about campaign finance reform, and we do not all agree on the ways to go about it. But we have a very good example in our gubernatorial race, which is also very similar to the presidential race nationally, whereby we allow, or we require, our candidates to raise a certain amount of money in small contributions and large individual contributions, but that has to be matched with public funds; and then we cap the amount of money that can be spent on the race.

That is what I would like to see. I would very much like to see congressional races run in the way the presidential raises are run or the way our gubernatorial races are run in New Jersey where the candidate basically has to raise a certain amount of money, not a lot in relative terms, and then that gets matched with public financing, public dollars, and then there is an overall cap on the amount of money that could be spent in a race.

I really think that the key is to limit the amount of money that is spent, not only by ourselves, but also by these independent organizations or independent expenditures by these special interest groups. Because if we do not limit the amount of money, then ultimately, it will continue to skyrocket and somebody will find a way to spend more and look for a loophole where they can spend more money.

The bottom line is that this Republican proposal, which I guess we are going to consider tomorrow or Friday, allows more money, more influence by wealthy individuals; and it has just been rigged so it cannot pass. And nothing else really is going to happen, and then Republicans and Gingrich can just go home and say, hey, we brought this up for a vote, we failed, we tried. Thank you. At least we let the opportunity present itself to bring this up.

□ 2015

They are really not allowing any opportunity. The way they are setting up the rules, they have rigged the system and they have made for a sham campaign finance reform bill.

Mr. Speaker, I thank the gentleman from Maine (Mr. ALLEN) for putting together this special order this evening.

Mr. ALLEN. Mr. Speaker, I thank the gentleman from New Jersey. I thank him for all his help on this issue, and for his concise summary of the THOMAS bill, the Republican leadership bill.

Let me just mention one thing before I turn to my friend and colleague, the gentleman from Arkansas. What we have in this Republican leadership bill is a worker gag rule. The Center for Responsive Politics has determined that in the last cycle businesses outspent labor by 10 to 1, and notwithstanding that 10 to 1 differential, the Republicans are determined to try to gag unions. Let me give a couple of examples.

They have established a rule where essentially union members would have to give prior consent, individual prior consent, to the use of any portion of their union dues for political kinds of activities. That does not mean just running ads, it means educating their own membership, putting out material to their own membership to tell them what issues are coming up that may affect their jobs and their lives, their health, and all of those issues that we deal with here in this Congress.

They say that they are trying to impose the same restrictions on corporations as they do on unions, but it is not true. It is not balanced and it is not fair.

With respect to unions, the burden of proof is against the union. The member's consent is not presumed. You have to have an individual signed, written statement prior to the use of any portion of those union dues for that particular purpose.

On the other hand, for a corporation, the burden of proof is in favor of the corporation. The shareholders' consent is presumed unless it is specifically rejected. This is just one of the many ways in which this bill is biased and is unfair.

No surprise. It is not a bill that was worked out in committee by a bipartisan process, it is not a bill that has had bipartisan support for any period of time. It was simply put down and put in place, and put together at the last minute by the Republican leadership. It is not fair, and it ought to be voted down.

Mr. PALLONE. If the gentleman will continue to yield, Mr. Speaker, because I know we have our colleague, the gentleman from Arkansas, here, I just find that this poison pill, if you will, this worker gag rule, so objectionable, because I know in my district the unions are very active on election day. They go out, they knock on doors, they put up signs during the campaigns. They do a lot of grass roots activity.

But the idea that individual members of a union cannot pool their resources, if you will, and have to have this extra restriction, if you will, have to individually sign for any contribution that they put forward, it just flies in the face of really the whole organizing effort, if you will, of the union.

Unions are meant to organize working people. If they cannot organize working people effectively for political action, then that takes away an important part of their existence. It makes it that much more difficult for them to be involved in the political process. It just irks me so much, because this is just purely partisan.

There are Republicans in my home State in Congress who are supported by the unions, so they are not strictly Democrat. But more often than not they support Democrats more than Republicans, and that is the reason this is being proposed, because the unions, certainly in the last few years, if not historically, have been more supportive of Democratic candidates.

That is not a reason to gag them. That is not a reason to not allow them to exercise their right to assemble and to participate fully in the political process. That is not what the democracy is all about.

Mr. ALLEN. In a nutshell, what the Republican leadership is trying to do is to place restrictions on and to gag people who contribute a few bucks a month for political activities that are not just activities related to Federal candidates, but just their own union. At the same time, they are tripling the limits that wealthy individuals can give to the national parties. That is an embarrassment.

Mr. PALLONE. Is it not also true, Mr. Speaker, if the gentleman will continue to yield, I think the gentleman told me, if an individual does not want to participate in anything but the collective bargaining aspect of the union, they always have the option themselves of simply contributing their dues for the collective bargaining aspect and not for anything else. So that option is already there. It is just that they are imposing an additional written requirement now in every case. That is the thing that inhibits free speech and the ability to participate.

Mr. ALLEN. The gentleman is right, the Supreme Court has ruled that every individual union worker has an absolute right not to be forced to contribute anything to political activities, to anything other than the activities related to collective bargaining.

I yield to my friend and colleague, the gentleman from Arkansas (Mr. VIC SNYDER), who has been a staunch proponent of campaign reform in this Congress. I am glad to see that the gentleman has brought along his check.

Mr. SNYDER. The gentleman just likes my special effects.

Mr. Speaker, it is interesting to me, the discussion we are having to have about these poison pills, and explain the minutiae of them to the Members of Congress so they will understand why it is a poison pill.

The reality is what we should be talking about, in a bipartisan manner, what we have been talking about for the last year, is where the problem is. It is in the huge soft money donations.

I have this check here I made up, made out to Any Ol' Political Party, signed by my friend, Ima Big Donor. Ima had $1 billion that she wanted to donate. She donated it to her favorite political party. This is completely legal, completely legal, under the current law.

The reason that the gentleman and I have engaged in a bipartisan manner with my friend, the gentleman from Arkansas (Mr. ASA HUTCHINSON) on the freshman bill and the reason we have had other bills like the Shays-Meehan bill, the McCain-Feingold bill, bipartisan bills, is to address the problem of these huge, unregulated donations.

Not so long ago we would have said, well, no one will make a $1 billion donation. Then we had Ted Turner, who donated $1 billion to international relief, and we suddenly realized that there is somebody out there that has the ability to make a $1 billion donation. Donations of several hundred thousand dollars are not uncommon in this day and age. Yet, look at what the average pay scale is in Arkansas, and they are absolutely dwarfed by those sizes of donations.

But this is what we should be concentrating on. This is what the Speaker of the House should be looking at. When we talked and had his promise from him a few months ago that there would be a fair debate on the floor of this House about campaign finance reform, we all envisioned a debate about a bipartisan bill that addresses this most egregious problem in our system, this overwhelming big money that can be made in any amount, and yet that is not going to occur because of the Republican leadership.

Mr. ALLEN. Mr. Speaker, I thank the gentleman from Arkansas (Mr. SNYDER). It is interesting that the Republican leadership bill, I should say, because I want to say this, there are some Members on the Republican side of the aisle who have been engaged in this issue from the beginning, but not enough. We really think it is the leadership that has sort of shut down this exercise at this time.

Let me just talk for one moment about the so-called soft money ban in the Republican leadership bill. The McCain-Feingold bill prevented Federal officials and candidates and parties from raising soft money. The freshman bill did the same thing.

Supposedly the Republican leadership bill did the same thing, but there is a difference. Under McCain-Feingold, the McCain-Feingold bill says that State parties cannot raise or spend soft money as well on any activities that affect the Federal election. So the obvious problem was, if you ban soft money at the Federal level, why will not people just go out and raise it at the State level?

So McCain-Feingold says, no, you cannot do that. You cannot do that. The freshman bill says, okay, we are not going to prevent State parties from controlling their own election laws and allowing soft money to be raised here if they want to, but we are going to prevent States from moving money, soft money being raised from one State to another, so we wall in each State. We have closed down that loophole.

But that provision of the freshman bill was taken completely out of the Republican leadership bill, so it is not a real soft money ban. The obvious loophole, there is a huge loophole in the Republican bill in terms of a soft money ban. It does not work, it is not fair, and it is not real reform.

Mr. Speaker, I yield to the gentleman from Arkansas.

Mr. SNYDER. Mr. Speaker, I would like to make another point. The gentleman from Maine (Mr. ALLEN) is one of my heroes, and he has been on my cable TV show back in Arkansas. The gentleman from Arkansas (Mr. ASA HUTCHINSON), a Republican freshman colleague, is one of my heroes, also. The two of them are the lead cosponsors of the freshman bill.

They spent a lot of time working through the problems when they made the decisions about what would be in that particular bill, and a lot of freshmen participated in that. What was showed was that it was a model of bipartisanship.

We thought we had in this country sometime ago a model of bipartisanship. This is a blowup of the famous photo when the Speaker of the House and President Clinton shook hands when they committed themselves to doing something about dealing with the overwhelming presence of big money in politics.

It is interesting to me now that the President has said he will sign a campaign finance reform bill. He is committed to it. We have leaders on both sides of the aisle, both Republican and Democrat, that have said they want bills on the House floor to deal in a bipartisan manner with this problem of soft money and campaign finance. Yet, the problem we have is with the Republican leadership.

I want to distinguish, there are clearly Members on the Republican side that will vote for campaign finance reform and feel every bit as strongly about it as the three of us do here tonight, but it comes down to a question of leadership.

Unfortunately, the way our House works, if the Republican leadership decides certain bills or certain amendments do not get on the floor of the House, the American people are denied their will, and in fact, the will of Congress is denied, because I am convinced there is a majority of Members of this Congress, when we total up the votes on both sides of the aisle, Republican and Democrat, that will vote for a ban on soft money; a good ban, a true ban on soft money, and try to deal with some of the other issues.

But it comes down to leadership, and the Republican leadership in this House is blocking the will of the House, blocking the will of the American people, and I think it is just an embarrassment to the body that that is occurring.

Mr. ALLEN. The gentleman from Arkansas makes a good point. If we think back to what happened on the Senate side, we can see the same sort of pattern over there, because the fact is that the McCain-Feingold bill, the stripped down version of the McCain-Feingold bill that was brought up in the Senate got 51 votes. A majority of the Senate voted for the McCain-Feingold bill in the Senate. Yet, it is only the Senate's rules that allow filibusters that sent that bill down to defeat.

Here we are, over on the House side, fighting the same fight, and all we are trying to do is get a good, bipartisan bill to the floor for a vote. If we do that, I believe we will win. I believe we will win it. But this is not a topic that can be done in an arbitrary way, in a totally partisan way. It cannot be done with a bill that is designed to fail, intended to fail, constructed to fail. That is what we have on the other side right now.

Mr. SNYDER. If the gentleman will continue to yield, Mr. Speaker, I read a column some time ago on this issue of campaign finance reform. The columnist had a great line, which was, does a fish know that it is wet? Does a fish feel the wet? It lives in water all the time, and I get in the bathtub and it feels wet to me, but does a fish feel the wet?

I do not know what a fish feels, but could use the example in trying to explain why the Republican leadership would be putting out this kind of a bill that has been called a charade, a hoax, a mockery. Why would they be putting out this kind of bill?

It may be that if you have been up here too long, you start being like a fish that no longer feels the wet, that you swim through the money. You swim through the money all the time, and it no longer feels strange to you. You just assume that donations of several hundred thousand dollars, that is just the way politics is. You assume donations from folks that are lobbying you that very same day on activities that come before the legislature, before Congress, that that is just the way it is. You no longer feel the wet. You are no longer aware of how unseemly it is to have big money dominate our politics.

Maybe that is why the freshman bill, I think, was such a prominent part of the discussion here for the last year, because we are all new here. We had just come through the 1996 election, and we got a hint of how big money can just really overwhelm the local effort. We got a hint of what it means to have thousands of dollars pour in from Washington, D.C., and overwhelm the local effort. We still feel what it is like to be wet. We still know what it is like when you get hit with those big sums of money.

But I fear that the Republican leadership no longer is aware of what it means in the American system to have the money floating through this city all the time. I think this may be an explanation why we are seeing this bill that has been called a hoax and a charade being presented on the floor. They do not feel the money anymore.

Mr. ALLEN. I think the gentleman from Arkansas (Mr. SNYDER) has had the best set of special effects and exhibits as anyone has come to the floor.

Mr. SNYDER. We have pyrotechnics scheduled for later in the evening.

Mr. PALLONE. Mr. Speaker, if I could comment on the special effects, I have to say the fish analogy is close to home. I represent the Jersey shore, and I appreciate the drawings that the gentleman from Arkansas made about the fish and the fish swimming through the money.

□ 2030

I think that the problem here is the way the gentleman has identified it. In other words, we have the tremendous outpouring from the American people that we should have campaign finance reform and that we should cut back on the amount of money that we spend in politics. But the Republican leadership, I think the gentleman rightly said, is so used to accumulating all of this money and basically relying on it when they run, that they cannot conceive of a situation where we actually cut back on the amount of money that is spent.

It is true, I think all of us have said that we know that there are Republican colleagues that would like to see a good campaign finance reform bill come to the floor and would probably be willing to vote for it. But so few of them are willing to stand up to the leadership. The leadership tells them, ''Look, we want you to support us and we want you to vote for this sham bill,'' and not enough of them are willing to come forward and essentially defy the leadership on this issue.

I noticed in The New York Times editorial that the gentleman from Maine made mention of before, it actually says at the end of the editorial, it says that ''The Speaker's trick can be defeated if the Democrats stand firm and at least 15 Republicans join them in voting against Mr. GINGRICH's anti-reform scheme.'' And it says, ''There used to be a tradition of enlightened moderation among northeastern Republicans.'' These are the Republicans in my area: New Jersey, New York, other northeastern States. ''But we will be watching to see if it can be revived enough to offset the party's more recent tradition of falling behind Mr. GINGRICH's darkest impulses.''

That is essentially what we have here. We do not have enough. Hopefully we will by tomorrow, but it is unlikely that we will get enough Republicans who will stand up and say this is a mockery and that we need to have a real campaign finance reform bill come to the floor of the House.

I thought it was particularly interesting what the League of Women Voters said about that. I know where I am, and I think around the country, the League of Women Voters is pretty much a bipartisan group that is not necessarily Democrat or Republican. In my area, there is certainly as many Republicans that are Members of the League of Women Voters as Democrats, and they are perhaps even more critical than anybody in this news release where they say that the Gingrich approach is to package together several of the worst ideas on campaign finance reform. The bill is a complete travesty. It says the so-called Paycheck Protection Act is completely unbalanced. It seeks to curtail wide-ranging political activities by unions. A real ban on soft money and closure of the sham issue advocacy loophole would apply equally to both unions and corporations. They use very, very harsh language in basically bringing up how fraudulent this effort is.

We know what happened. My colleague mentioned in terms of what the Senate did. Basically, the pressure was on Speaker GINGRICH to do something a few months ago. He promised a vote 5 months later. Now we have a vote, but he is rigging the vote. That is essentially what we have.

Mr. SNYDER. Mr. Speaker, if the gentleman would yield, that is interesting what the gentleman said about the League of Women Voters. This morning I was reading through some of the articles and statements. The League of Women Voters calls it a ''travesty,'' this Republican leadership bill. Common Cause calls it a ''hoax.'' The Washington Post calls it a ''mockery,'' and the New York Times calls it a ''charade.''

Now, those ought to be some warning signs to Members of this body. It ought to be some warning signs to the American people when we have that kind of criticism, very dramatic criticism of a bill and an issue that these groups feel very strongly about on the need to do something about our campaign finance law.

But I know for myself, I am not going to vote for this bill and I do not want to be a part of a travesty, a hoax, mockery and a charade. I want to be part of a bill like the gentleman from Maine (Mr. ALLEN) offered, our freshman bill, offered along with the gentleman from Arkansas (Mr. HUTCHINSON), or there are other options out there. But this one is the worst of the bills that we have seen.

Mr. ALLEN. Mr. Speaker, I would say the ''travesty,'' ''hoax,'' ''charade,'' are all appropriate words when, in the name of reform, we have a bill which allows an individual who used to be able to give $25,000 to an array of candidates to give $75,000 to candidates. Or when someone used to be able to give $20,000 to the national parties, to be able to give $60,000 to the national parties. That is not reform. That is an explosion of money. Whereas some increase might be appropriate to offset the loss of soft money, because we want our political parties to still be participants in this process, we do not want the campaigns dominated entirely by outside groups, by running

issue ads still. That is ridiculous. That does not make any sense.

The gentleman from Arkansas was just saying there are other good bills out there, and I want to spend just a few minutes on what is called McCain-Feingold 2, because that is a bill that I think really ought to come up for a vote in this House. It is very close, with just a couple of adjustments it is almost the same bill that passed in the Senate, got 51 votes in the Senate, was not allowed to pass, but it got 51 votes in the Senate. Let me say a few words about that.

The McCain-Feingold 2, which is really the Shays-Meehan bill here in the House, eliminates Federal soft money as well as State soft money that influences the Federal election. It has a real soft money ban.

Second, it reforms this whole area of issue advocacy. It basically applies to those broadcast communications that refer to a clearly identified Federal candidate within 60 days of a general election. And it restricts what can be done. It says that any of those kinds of ads or express advocacy, they need to be funded the way regular candidate expenditures are funded.

Third, the bill requires FEC reports to be electronically filed and it provides for Internet posting of disclosure data.

Fourth, it strengthens the campaign finance law by providing for expedited and more effective FEC procedures.

Five, it bans fund-raising on government property.

The Pendleton Act, which is over 100 years old, has prohibited in some very vague and sometimes confusing ways the raising of money on Federal property, but it is not very clear, and it is certainly not clear how it applies in the cases of telephone solicitation.

Well, this bill, the McCain-Feingold bill, fixes that particular problem. And those are some of the highlights, but it is a good bill and ought to come to the floor.

I think that the Democrats want to make sure this bill comes to the floor and want to give it an airing. But here is a bill with a bipartisan history; it was put together by Republicans and Democrats, it got 51 votes in the Senate. The least that could happen is that that bill should be allowed to come to the floor of this House for a vote before this body.

Mr. PALLONE. Mr. Speaker, I could not agree with the gentleman more. My understanding is that we will have the opportunity to do this as a motion to recommit or some procedural way that we will have hopefully an opportunity to vote on McCain-Feingold as a substitute. I guess we are not sure, but we are hoping that we will have that opportunity sometime this week when this campaign finance reform sham bill comes to the floor.

But I just wanted to add a little bit to a couple of things that the gentleman from Maine mentioned, because I think they were significant. When we talk about these issue advocacy ads, I think the average person has no idea the distinction between those and a regular campaign ad. I mean, basically these are the ads, these issue advocacy ads are ads where a particular interest group that has a particular subject that they are interested in, for whatever reason, basically puts on an ad and talks directly, usually in a negative fashion, about one of the candidates accusing them of doing something, oftentimes which is not even true. This is paid for by that special interest group that is interested in the particular issue attacking the candidate, and this is totally outside the regular campaign financing system so that it is not reported as part of the candidate's expenditure. It is not clear that it is reported anywhere at all for that matter, certainly anyplace that we can find it there is no real disclosure, and oftentimes in the campaigns these kinds of ads can be two or three times the budget that is spent on a campaign. That can be 60, 70, 80 percent of the budget, and it is all outside the reporting system that we actually have now for campaign financing.

So what we are doing with McCain-Feingold is basically saying that if these ads mention an individual candidate within a certain number of days before an election, then they have to be treated in the same way as a regular expenditure. There has to be proper disclosure. We have to know who is doing it and it seems to me that is only fair.

Mr. ALLEN. Mr. Speaker, if the gentleman will yield, that, as I mentioned at the outset, is the second problem. In addition to the soft money problem, that really arose or became dominant in the 1996 election cycle, and I think it is important to understand that this is political speech. This is free speech. We have got a first amendment. So it is not possible to say with respect to outside issue groups that they cannot run ads, they can never run ads. All that we are saying, all that McCain-Feingold says, is that if within 60 days of an election, when they mention the name or show the likeness of a candidate for Federal office, then it is brought into the reporting scheme that applies to Federal elections. Because at that point, it is pretty clear they are trying to influence the outcome of a Federal election, and that kind of regulation has been upheld.

It seems pretty clear that that should be a constitutional way of improving the information that flows to the public, because the bottom line is, I believe, that we believe that the American public is entitled to know who is running ads out there. And if there is a group that is running an ad and calls itself the Coalition for Real Change or the Better Government Group, I mean who are these people? I think the American public needs to be well informed to know who those folks are and, in the best of all possible worlds, to know where the money is coming from. But that is one of the kinds of changes that we need.

Mr. PALLONE. Mr. Speaker, the problem is that if we do not do that, if we do not do what is being proposed with McCain-Feingold, then this whole system of campaign laws that were basically put in place as a reform to the Watergate years and the way campaigns were financed prior to Watergate, we might as well throw out the window, because what is happening increasingly, the actual money that comes in under the traditional laws is becoming less and less of what is spent on a campaign, and all of these other expenditures that are outside the law do not come under the FEC and the FEC does not have authority to enforce or investigate are now the norm.

The other thing that the gentleman mentioned in McCain-Feingold is the effort to beef up the FEC. The bottom line is that the Federal Election Commission now is like a toothless tiger. They do not have the money, the investigators, or the power to go after or look at a lot of these expenditures, because they do not come under the law that they have jurisdiction over. So we have got to change it. Otherwise, we have no system. We just have a free-for-all out there.

Mr. ALLEN. Mr. Speaker, we have got to change it, and I think I agree with the gentleman from Arkansas. If we spend as a body, if this Congress spends 2 years and millions and millions of dollars investigating what happened in 1996 and we do nothing, no reform bill, no change, it will be an embarrassment. And we are here tonight because we do not want this House to be embarrassed. We do not want the American people to be embarrassed. We want this Congress to deal with an important, pressing issue that in our view has to be dealt with on a bipartisan basis, but under this Republican leadership bill is not being dealt with in that manner.

Mr. Speaker, I yield to the gentleman from Arkansas.

Mr. SNYDER. Mr. Speaker, it is interesting, the irony of having spent so much money on these investigations, and then to choose to deliberately put up a bill that is meant to fail. I guess that brings out our cynicism. But that is what is going on. It is all right to talk about all of this stuff about campaign finance laws, but we do not really want to do anything, is the message we are hearing from the Republican leadership.

Mr. Speaker, as I was listening to the two of my colleagues discuss in I thought great clarity and in good detail some of the various nuances of the campaign finance reform bills, I am sure that we have some folks that are saying, wait a minute; why are these folks not talking about these issues when the House is in session? Why are we having to do it at this time of night when most of the Members have gone home?

I want to take a moment and point out the Rules of the House. We talk

about the Committee on Rules, and it is not legal for us to bring up amendments on the floor of the House any time we want. It is not legal for us to bring up any bill we want, the Allen-Hutchinson bill any time we want.

Any bill, before it comes out on the floor of this House, has to go before the House Committee on Rules and they make the decision can a bill come out, and they also make the decision what amendments can come out. They make a decision about how much time is allotted. And if they make a decision that no other bill can be considered or other amendment be considered, that is the ruling of that committee and that sets the tone for the debate, and we will not get to discuss other options.

□ 2045

As happens in legislative bodies, that committee is set up; it has overwhelming Republican members and they take their cues from the gentleman from Georgia (Mr. GINGRICH) and the Republican leadership. That is as it should be. The Committee on Rules is dominated by the party in power. But that is why we are left with having to discuss this late at night when most Members have gone home, discuss it with ourselves and with the American people, to let them know that this is a travesty that is going on.

This should be the kind of discussion that happens at 1:00 in the afternoon and 2:00 in the afternoon and 3:00 in the afternoon with 435 Members either in this room or back in their offices watching the debate on C-SPAN in their offices, hearing from their constituents about what they want. But it is because the leadership directive told the House Committee on Rules that they do not want anything to come out on the floor of this House other than a bad bill that will go down to defeat.

I think that is an embarrassment and a travesty, given the amount of investigation that has gone on and the amount of money that has been spent and committed. The American people want to do something different about how we elect people. So I really appreciate my colleagues being such leaders in this effort.

Mr. ALLEN. I appreciate the help of my colleague and the support and leadership on this issue. I want to make a couple of comments.

People who have been around this place for a long period of time or who write about what goes on here will often say, well, the American people do not care. Well, in my district in Maine they care. I hear about this issue every time I go home, ''When are we going to get some campaign finance reform? When are we going to change the way we fund elections?'' I hear it all the time.

But it is also true that this is a different kind of issue. People care about it, but it is not the same. They do not worry about it in the way they may worry about what happens to an elderly parent who may have to go in a nursing home. They do not worry about it in the way we have to worry about, how are we going to get our kids through college. They do not worry about it in the way, what happens to me if I lose my job, what effect will that have on my family? They do not worry about it in the way they may be concerned if somebody in their family is ill or has an extraordinary health care problem that has to be dealt with. And they do not worry about it in the same way they worry about the education of their kids.

But it is our job here to provide the leadership on an issue that is fundamental to whether or not the American people, the ordinary American people, can participate in the system in a way that is healthy and strong and viable. And the more big money comes to dominate our politics, the more the average person in this country has a diminished role.

And I hear about it because people do understand that. They know that. And they may pick education as the most important problem that we have to deal with, and they do that in poll after poll, and I agree with them; but there are these underlying problems, underlying structural issues, that we have a responsibility to deal with, that they care about very much and they want us to do something about it. But they also have become very cynical that we are capable of dealing with it.

The only point I would make is this: 51 votes in the Senate for McCain-Feingold II, 51 votes, the majority of the Senate.

And in this House, give us a chance. Give us a chance. Let McCain-Feingold II go to the floor of this House and see what happens. I think we would find there are many Members who would say, this is a right kind of reform, it is bipartisan reform, it is serious reform. It is not the complete answer, but it is a step in the right direction.

I believe that we are entitled to have that kind of vote on a bipartisan bill on the floor of this House, and we should not be stymied by the Republican leadership.

Mr. SNYDER. I have to wonder what our Speaker is afraid of. I mean, what is the fear of having an open debate on the floor of this House about this very important issue, which is how America elects its leaders? Maybe he has counted votes. Maybe he knows that there is a majority of people in this body that would definitely vote for other alternatives, and the only way he can prevent that from happening is not to let them come to the floor of the House.

But I think, unfortunately, his actions and the actions of the other Republican leaders contribute to the cynicism of the American people. They want to know, ''What is this? Why do we not get to see a vote on a clean bill,'' those people back home.

So, once again, I appreciate the efforts of my colleague.

Mr. PALLONE. I want to say again, I thank both my colleagues for doing this special order tonight because I think this is a very important issue. Our constituents do care about it.

It is a tragedy that we are not going to be allowed to actually vote on true campaign finance reform at the end of this week, because people are crying out for it. And I see people voting less and less, the percentages of people that vote, and that cynicism really bothers me.

This is my tenth year in the House, and I can see less people interested, less people coming to the polls, less people participating in every way; and that is the real tragedy that we have to turn around.

Mr. ALLEN. I want to thank both the gentleman from Arkansas (Mr. SNYDER) and the gentleman from New Jersey (Mr. PALLONE) for their participation in this special order tonight on campaign reform. I know you have all worked hard and others have worked hard to see that we do get a vote on campaign reform.

I guess I would just close by saying that we are at an extraordinary time in American politics. The Cold War is over. The budget is balanced for the first time in 30 years. The number of civilians in the Federal Government is at the lowest level in 30 years. Unemployment is down. The economy is moving along very well.

We are at a time when we really could focus on the issues that matter most to working families: improving education, dealing with health care issues, reforming Social Security so it is there for our children and our grandchildren, and making sure that we leave no child behind, that we build the kind of society in the 21st century that can make this country and make the people here to have all the opportunities or greater opportunities than people have had anywhere on the face of the globe at any time in our history.

To do that, we need a healthy political system, we need a system where people want to participate, want to be engaged in the great issues of our time. I believe to do that we have to have a system which does not run on money, which allows the ordinary citizen a chance and a sense, the confidence that his or her voice can really make a difference. And that is why this issue is so important. It underlies everything else that we do.

If we are going to get to hear all the voices of America come into this Chamber, if we are going to make good decisions, we need to diminish the role of money in politics. We are not going to eliminate it entirely. We simply have got to try to control a system that is now out of control, try to shut down a loophole that has become a highway for soft money, control issue ads and make sure that the voice of the American people can be heard in all of its diversity and all of its power.

So I thank both of my colleagues for being here tonight, and I thank all of those who have worked so hard on this issue. And I extend a last request of the

Republican leadership to give us a fighting chance to vote on a fair campaign finance reform bill.

THREATS TO U.S. NATIONAL SECURITY FROM CUBAN DICTATORSHIP

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from Florida (Mr. DIAZ-BALART) is recognized for 60 minutes as the designee of the majority leader.

(Mr. DIAZ-BALART asked and was given permission to revise and extend his remarks.)

TRIBUTE TO HONORABLE STEVEN SCHIFF

Mr. DIAZ-BALART. Mr. Speaker, the Speaker of the House of Representatives just a few hours ago had the sad duty to report to us the death of one of our colleagues, the gentleman from New Mexico (Mr. SCHIFF). So I would like to begin my remarks this evening expressing my sincere condolences to the Schiff family and letting them know that my prayers go out to them in this very difficult moment.

We will miss in this House STEVE SCHIFF. He was a great man. But I would say that he was really a great man, above all else, because he was a good man. He was a man of extraordinary integrity as well as great intelligence. He possessed a brilliant legal mind that he put to use serving not only this House but our country.

And so, I will certainly miss my friend and colleague STEVE SCHIFF. I will always recall with much affection how, based on the fact that he was of such discipline of mind, he was, for example, teaching himself Spanish and he would enjoy conversing in Spanish; and it was remarkable that just literally months after beginning his Spanish classes he had achieved a great fluency.

Anyway, we will miss, I will certainly miss my friend STEVE SCHIFF.

Mr. Speaker, in just a few days, and I think it is important for the American people to realize it, the Pentagon, the Department of Defense, is scheduled to make public a report, an assessment, of the security risks, the danger to the national security of the United States posed by the Cuban dictatorship just 90 miles from our shores.

A number of us here in Congress have received preliminary reports with regard to that assessment that will be made public in just a few days by the Department of Defense, disturbing reports, because we are of the understanding, we have been led to believe that the Pentagon is about to say that there is, in essence, no threat from the Cuban dictatorship. That is a grave mistake if, in fact, that is the assessment that is made of the threat.

It is a grave mistake and it is really unfortunate. Because the only way in which the conclusion can be reached that there is no threat from the Cuban dictatorship 90 miles from our shores is based on a political decision, an imposition by the White House upon the Department of Defense with regard to the report, its threat assessment, of just a few days.

So if it is the case then, the preliminary reports that we have received, that in effect the Pentagon will say in a few days that there is no threat coming from the Cuban dictatorship, if that is the case, we, those of us in Congress who had received these preliminary reports are of the belief that a political decision is motivating that report.

Just a few days ago, a number of us wrote to the Secretary of Defense and Secretary of State with regard to this very issue. And if I could, I would like, Mr. Speaker, to be able to read this letter:

''Dear Mr. Secretary,

''We are writing to express our concern about the ongoing national security threat from the Cuban dictatorship. Specifically, we are convinced that the Castro dictatorship is a major enemy of our efforts to shield America's frontiers from the drug threats, and we are additionally concerned about Castro's ability to develop biological and chemical weapons. Castro is technically capable of many of the same types of things we know Saddam Hussein is doing, and the Castro dictatorship is the only rogue regime that is 90 miles from our shores.

''We are appalled about current attempts to downplay the Castro threat and are deeply disappointed that the Department of Defense refuses to acknowledge Castro's ongoing threats to the United States. We have received extremely disturbing reports that the Department of Defense plans to officially minimize the threat assessment of Castro's Cuba and that this may be utilized to subsequently remove Castro from the State Department's terrorist list. Despite Cuba's economic situation, Castro remains a dangerous and unstable dictator, with the intentions and the capability to hurt U.S. interests.

''Thirty-five years ago, during the Cuban missile crisis, Castro urged a nuclear first strike by the Soviet Union against the United States. Ten years ago, Cuban General Rafael del Pino disclosed that Cuban combat pilots trained for air strikes against military targets in south Florida. Five years ago a Cuban air force defector in a MiG–29 fighter aircraft, flying undetected until just outside Key West, Florida, confirmed that he had received training to attack the Turkey Point nuclear power facility in south Florida.

Two years ago, Castro ordered Cuban MiG–29 fighter aircraft to attack and kill unarmed American civilians flying in international air space just miles from the United States.

□ 2100

There is a pathologically unstable tyrant in the final years of his dictatorship just 90 miles from our shores. His four-decade record of brutality, rabid hostility toward the Cuban exile community, anti-Americanism, support for international terrorism, and proximity to the United States is an ominous combination.

When considering the potential threat from Castro, the following must be noted.

Despite the end of the Cold War, Castro continues to espouse a hard line, using apocalyptic rhetoric, proclaiming socialism or death, ranting about a final reckoning with the United States, and punishing any Cuban who advocates genuine political or economic reform.

Castro maintains one of Latin America's largest militaries with capabilities completely inconsistent with Cuba's economic reality and security needs.

Despite Cuba's economic failure, Castro has the capability to finance special projects through his network of criminal enterprises and billions of dollars of hard currency reserves he maintains in hidden foreign accounts. Forbes magazine has calculated a minimum of $1.5 billion that Castro has in such foreign accounts. Castro has a proven capability to penetrate U.S. airspace with military aircraft and to conduct aggressive shootdown operations in international airspace just outside the United States.

Castro is training elite special forces units in Vietnam who are prepared to attack United States military targets during a final confrontation, according to Janes Defense Weekly.

Castro actively maintains political and scientific exchanges with each of the countries on the Department of State's list of terrorist nations. Castro continues to provide logistical support for international terrorism and pro-Castro guerrilla groups, and Cuban-trained international terrorists are still active around the world, most ominously these days in Colombia.

Castro continues to coordinate and facilitate the flow of illicit drugs through Cuba into the United States. We will talk more about that later. Castro continues to offer Cuba as a haven for drug smugglers, criminals and international terrorists, including more than 90 felony fugitives wanted by the Department of Justice.

The Lourdes electronic espionage facility is used to spy against U.S. military and economic targets, including the intercept of highly classified Persian Gulf battle plans in 1990–1991. Castro is working with Russia, which recently extended a $350 million line of credit for priority installations in Cuba, and anyone else willing to offer assistance to complete the nuclear reactor at Juragua.

Castro has access to all the chemical and biological agents necessary to develop germ and chemical weapons. Despite Cuba's failed economy, Castro has constructed a secretive network of sophisticated biotechnology labs, fully

capable of developing chemical and biological weapons. These labs are operated by the Military and Interior Ministry, are highly secure and off-limits to foreigners and visiting scientists. Under the guise of genetic, biological and pharmaceutical research, Castro is developing a serious germ and chemical warfare capability. Castro has the ability to deliver biological and chemical weapons with military aircraft, various unconventional techniques and perhaps even missile systems increasingly available in the international black market.

Tyrants are most dangerous when they are wounded and dying. Given Cuba's proximity to the United States and Castro's proven instability, it would seem to be an unacceptable and potentially tragic mistake to underestimate his capabilities. We request that Castro be kept on the State Department's list of terrorist nations and that a realistic threat assessment be made, which includes an examination of Cuba's biotechnical capabilities, as the Castro dictatorship moves towards its final stage.

This letter was sent by nine Members of Congress just a few days ago as I stated, Mr. Speaker, to the Secretary of State and the Secretary of Defense. The evidence with regard not only to what we mentioned in that letter but specifically with regard to narcotrafficking is extensive. The really sad aspect of this, in addition to the fact that it takes place, is that there is an undeniable pattern on the part of the Clinton administration to cover up and deny every single piece of evidence existing linking Castro and his regime to narcotrafficking into the United States. A number of colleagues and I sent a letter back in November of 1996 to General McCaffrey, the Director of the Office of National Drug Control Policy in the White House. We stated, after some introductory paragraphs, ''There is no doubt,'' we told General McCaffrey, ''that the Castro dictatorship allows Cuba to be used as a transshipment point for drugs. We were deeply disappointed when DEA Administrator Tom Constantine testifying before the House International Relations Committee in June said that 'there is no evidence that the government of Cuba is complicit in drug smuggling ventures.' On the contrary, there is no doubt that the Castro dictatorship is in the drug business.''

We continue in our letter to General McCaffrey: ''Your appearance before the committee that day was also very disappointing on this critical issue. Castro and his top aides have worked as accomplices for the Colombian drug cartels and Cuba is a key transshipment point. In fact, just this year sources in the Drug Enforcement Agency's Miami field office stated to the media that more than 50 percent of the drug trafficking detected by the U.S. in the Caribbean proceeds from or through Cuba. Since the 1980s, substantial evidence in the public domain has mounted showing that the Castro dictatorship is aggressively involved in narcotrafficking. In 1982, four senior aides to Castro were indicted by a Florida grand jury for drug smuggling into the United States. They were Aldo Santamaria, Fernando Ravelo, Gonzalo Bassols and Rene Rodriguez-Cruz. In 1987 the U.S. Attorney in Miami won convictions of 17 south Florida drug smugglers who used Cuban military bases to smuggle at least 2,000 pounds of Colombian cocaine into Florida with the direct logistical assistance of the Cuban armed forces. Evidence in this case was developed by an undercover government agent who flew a drug-smuggling flight into Cuba with a MiG fighter escort. In 1988, federal law enforcement authorities captured an 8,800-pound load of cocaine imported into the United States through Cuba. In 1989, U.S. authorities captured 1,060 pounds of cocaine sent through Cuba to the United States.''

''Prior administrations,'' we wrote to General McCaffrey, ''have correctly identified the Castro regime as an enemy in the interdiction battle. As early as March 1982, Tom Andrews, then Assistant Secretary of State for Inter-American Affairs, stated before the Subcommittee on Security and Terrorism of the Senate Judiciary Committee that 'we now have also detailed and reliable information linking Cuba to trafficking narcotics as well as arms.' On April 30, 1983 James Michel, Deputy Assistant Secretary of State for Inter-American Affairs, testified before the Subcommittee on the Western Hemisphere of the Senate Foreign Relations Committee, his remarks validated prior findings. 'The United States has developed new evidence from a variety of independent sources confirming that Cuban officials have facilitated narcotics trafficking through the Caribbean. They have done so by developing a relationship with key Colombian drug runners who on Cuba's behalf purchased arms and smuggled them to Cuban-backed insurgent groups in Colombia. In return the traffickers received safe passage of ships carrying cocaine, marijuana and methaqualone through Cuban waters to the United States.'

July 1989. ''Ambassador Melvin Levitsky, Assistant Secretary of State for International Narcotics Matters, testified that, 'there is no doubt that Cuba is a transit point in the illegal drug flow. We have made a major commitment to interdicting this traffic. Although it is difficult to gauge the amount of trafficking that takes place in Cuba, we note a marked increase in reported drug trafficking incidents in Cuban territory during the first half of 1989.'

''We are sure,'' we continued in our letter to General McCaffrey, ''that while in Panama as Commander of the U.S. Southern Command, you (General McCaffrey) became aware of General Noriega's close relationship with Castro and of Castro's intimate relationship with the Colombian drug cartels.

''Because past administrations identified Cuba as a major transshipment point for narcotics traffic, it was integrated into the larger interdiction effort. By contrast, under the existing strategy, no aggressive efforts have been made to cut off this pipeline despite the growing awareness of its existence.

''In April 1993, the Miami Herald reported that the U.S. Attorney for the Southern District of Florida had drafted and prepared an indictment charging the Cuban government as a racketeering enterprise and Cuban Defense Minister Raul Castro as the chief of a 10-year conspiracy to send tons of Colombia cocaine through Cuba to the United States. Fifteen Cuban officials were named as co-conspirators and the Defense and Interior Ministries cited as criminal organizations.''

We continued in our letter to General McCaffrey, In the last few months, the prosecution of Jorge Cabrera, a convicted drug dealer, has brought to light additional information regarding narcotrafficking by the Castro dictatorship. Cabrera was convicted of transporting almost 6,000 pounds of cocaine into the United States, sentenced to 19 years in prison, and fined $1.5 million. Cabrera made repeated specific claims confirming cooperation between Cuban officials and the Colombian cartels. His defense counsel has publicly stated that Cabrera offered to arrange a trip under Coast Guard surveillance that would proactively implicate the Cuban government.

''Overwhelming evidence points to ongoing involvement of the Castro dictatorship in narcotrafficking. The Congress remains gravely concerned about this issue and we are deeply disappointed that the administration continues to publicly ignore this critical matter.''

We ended our letter to General McCaffrey stating, ''We appreciate the opportunity to share these concerns with you and can assure you that further administration inaction on this matter will be met by serious congressional concern as well as investigation as to its cause.''

Administration inaction has continued for the over 1 year after this letter. The letter in reply that we received was a form letter, totally unacceptable. Even more unacceptable has been the continued cover-up of the administration of this evidence and much more that exists directly connecting the Castro regime to the narcotrafficking of cocaine and other deadly substances into the United States. This is a situation that the American people have got to become aware of. The Clinton administration is covering up the connection, covering up the reality of the Cuban dictatorship's cooperation with the drug traffickers, conspiracy with the drug traffickers to import narcotics into the United States. There is a cover-up of this issue by the Clinton administration. Every time that we hear the President and the drug czar

and other leaders of this administration talking about this issue, the cover-up continues, the cover-up is intensified, the cover-up is magnified. There is absolute silence with regard to this evidence.

But there is more. There is a spy center, an espionage center in the outskirts of Havana that picks up every single telephone conversation in the eastern United States. The Clinton administration systematically ignores the existence of that espionage center and is doing absolutely nothing about it. It is a Russian espionage center that has remained from before the collapse of the Soviet Union, and the Russians maintain it. Even though the Soviet Union collapsed, that espionage center continues to pose a threat to the national interests of the United States.

It is the Lourdes espionage center. It was built in Cuba, according to a secret agreement between former Soviet and Cuban special services, in the early 1960s. The station is controlled and operated by the GRU, the Russian Military Strategic Intelligence Agency, and establishes a radio and electronic intelligence field over the southeast United States and the Atlantic region, collecting intelligence cyberdata in close cooperation with Russian intelligence stations and field offices, military spy satellites, Navy reconnaissance and Air Force reconnaissance. This information came from a high ranking Russian defector who recently came to the United States.

The main mission of the Lourdes espionage station is registration and penetration through coded and ciphered radio, radio-technical/electronic, micro-waves and cellular signals in the eastern part of the United States, disclosing American nuclear missile submarines' combat patrol routes throughout the Atlantic. The station routinely provides to Moscow's military-political leadership extremely important strategic military and economic, commercial and private information about the U.S. and other countries in the Atlantic Basin.

The station is capable of compromising the United States Government's secrets, commercial and private communications, monitoring all American military movements throughout the Atlantic region. This is something that was just confirmed. During Desert Storm, in that extraordinary effort led by President Bush and the United States of America in 1990–1991, when this Nation's military demonstrated to the world not only its technological prowess but the genuine superpower status of the United States of America and liberated Kuwait, during Desert Storm in 1991, in the Lourdes espionage center in Cuba, Russian specialists obtained and disclosed to the Iraqis the U.S. military plans of the battle against Iraq, thus directly compromising American and allied troops in Saudi Arabia and in Iraq.

□ 2115

That has been confirmed by a Russian defector. The plant that Castro is running in cooperation with the Russians not only was able to obtain in Desert Storm all of our military plans, but made it available to Saddam Hussein. The same thing without any doubt is happening now with regard to the plans that we have in case we have to go back into Iraq.

And what are we hearing from the Clinton administration with regard to the Russian espionage center in Havana? Nothing.

I see my friend from California here.

Mr. ROHRABACHER. I would just like to commend my colleague for not only this speech, but the diligence that he has shown over the years in alerting us and the American people to what Fidel Castro is all about. I do not know why, but there seems to be a romance with this bearded fascist down there in Havana, and people do not want to admit the horror that he has brought to the people of freedom all over the world. He has been one of the strongest enemies of freedom anywhere in the planet in the last 40 years, and his dirty deeds; you, know I could see back in the 1960s when people were idealist, they would overlook the fact that when he came to power he just cleared jails out and went out and shot people, you know, just summarily executed people; said those were Batista-ites or something. But as time went on, it seems that the liberal left in this country seems to bend over backwards never to acknowledge the wrongdoing of Fidel Castro.

You mentioned, for example, his drug dealings. We know about his drug dealings. I mean, it is clear that this man and his cohorts down there have been involved up to their necks in drug dealings for decades. Robert Vesco, who we know as probably the fellow who went down and organized the modern drug movement in Latin America, where was his headquarters all of these years? It was in Cuba. Yet when we try to confront our administration with facts about who or where, you know, where are the drugs coming from and who are the kingpins, you never hear Fidel Castro mentioned.

And some of the things you are bringing up tonight about what he has done, and even a few years ago in Desert Storm, that threaten our national security, put the lives of our young men and women in the military at risk; why is it that LINCOLN DIAZ-BALART has to be the one talking to an empty Chamber here and trying to gain the attention of the people of the United States? Where is our administration? Where are the people who are supposed to be watching out for our security? Well, they are making overtures to try to think, well, now is the time we should loosen these restrictions on Castro.

It is beyond me.

Mr. DIAZ-BALART. Mr. Rohrabacher, it is worse than that. Not only are we not hearing anything from our administration, from the Commander in Chief whose responsibility under the Constitution is to protect the security of the American people, not only are we not hearing anything, but in a few days we are going to hear something officially coming from the Pentagon, politically ordered, saying in effect that there is no threat coming from Castro's Cuba.

And what is really sad is that you and I and most of the men and women in this Congress are extraordinary admirers of our men in uniform and our women in uniform, and they are great professionals. But the reality of the matter is that there are sometimes, sometimes examples of undue influence of political decisions made in the White House that are imposed upon the agencies of the executive branch, including the Pentagon.

So I urge, and a number of us have sent in writing our concerns to the Secretary of Defense and the Secretary of State with regard to this upcoming whitewash. This will simply be unacceptable to publicly say that a drug trafficker who maintains that Russian espionage center, and we have not gotten into the nuclear power plants yet, the Soviet-designed nuclear power plants that Castro is doing everything in his power, and he just received a $350 million line of credit from the Russians to complete less than 200 miles from the United States these Soviet-designed nuclear reactors. Defectors that worked in the initial stages of their construction have sworn here under oath in congressional committees and have stated to our intelligence community that, even beyond the inherent dangers of those nuclear plants, all of which, by the way, of that design have been closed in the former Soviet Union and in the former Communist countries of Eastern Europe. Each of those former Communist countries, now liberated, has shut down those, they are called DD–440 Soviet nuclear power plants, because of their inherent dangers. But over and above the inherent dangers, defectors have stated that there were so many mistakes made in the initial stages in their construction that they are literally ticking time bombs. And we are hearing absolutely nothing from our administration with regard to those nuclear plants.

I think it is indispensable. I think it is the constitutional duty of the President of the United States to say those plants are not going to become operational, period. Because that madman, that tyrant, if he is able to blackmail the President of the United States with refugees, imagine with Soviet-designed nuclear power plants. We are not only talking about a Chernobyl-type accident possibility, and I have the records in my files that within 72 hours as far north as Washington, D.C. would receive the radiation, the disaster would be without parallel, without precedent in this country. Not only an accident, but an incident manufactured or

threatened by the Cuban tyrant with those nuclear power plants. Simply unacceptable. We are not only talking about the Cuban people being wiped out in the case of a Chernobyl, it is less than 200 miles from the United States. We are not talking about Chernobyl in the Ukraine. We are talking about Soviet-designed power plants less than 200 miles from the United States of America.

And where is the administration?

Mr. ROHRABACHER. Well, this administration, if the gentleman will yield, is a horrible record. This is totally consistent with what the administration did the last time we were out on vacation. What did they do? They moved to eliminate the final impediments to any type of trade with Vietnam. This administration which, by the way, has of course been involved in a scandal dealing with campaign donations that may have come from Red China, has done more to eliminate those people, the efforts by people to confront the Red Chinese on their human rights abuses.

So, should we be surprised that in this vicious dictatorship in Cuba that they overlook all of the evil that is so apparent to anyone who gives an honest look at the situation?

You know, I used to think these people were, you know, they just briefed in peace and they were so blinded by some desire for peace, but this is not a desire of peace. This is something pathological that when Communist countries and enemies of the United States are doing these type of things that you have outlined today, that we in some ways should try to befriend them and in some way that the threat to us is going to be less because we are befriending this type of monstrous regime.

Mr. DIAZ-BALART. The gentleman is correct in his analysis. The reality of the matter is that just a few days ago, March 20, a Fox News Service release which was distributed, I do not know how many newspapers in the United States picked it up, but nevertheless there was a release, a news release specifying this new commitment by the Russians of a $350 million line of credit to Castro for the completion of the nuclear power plants. This was in the news wires. And reading from that news wire, the scenario could not be more dire.

A nuclear disaster in Cuba that would send a plume of radioactive fallout across Florida and as far as Texas, the likes of which have not been seen since the 1986 accident at Chernobyl in the Ukraine. And it also could not be more plausible, say some Cuba experts now, that Cuba and Russia have announced plans to resume work on two long-stalled nuclear reactors located in the island Nation's western province of Cienfuegos, 180 miles from the United States.

The announcement came in the wake of Russia's decision just a few weeks ago to free up $350 million in credits offered to Cuba last year.

Quote, ''This is a Chernobyl-like disaster just waiting to happen right off of our shores,'' end quote, said Roger Robinson, former senior director of international economic affairs at the National Security Council. Quote, ''Anything could happen given such horrendous deficiencies in design and safety,'' end quote.

''So concerned is the U.S. Department of Defense,'' here is the reaction of the administration, ''So concerned is the U.S. Department of Defense over the plant's safety that it plans to build a radiation detection facility in Florida that would alert residents'' in the United States along the entire Gulf of Mexico and as far north as Washington, D.C. ''of leaks from the two reactors.''

The 1998 defense budget approved by Congress provides $3 million for the early warning system. That is not the solution. It is too late. If this warning, if this detection facility ever picks up radiation coming from those Chernobyl-style plants, it is too late. They cannot be permitted to come on line.

□ 2130

Mr. DIAZ-BALART. I thank the gentleman from California, and we will work very intensely in the coming months on this caucus in the Congress to educate our colleagues and the American people with regard to simply the unacceptable reality of the construction of those plants and that they cannot be completed.

With regard to the point made by the gentleman from California with regard to Castro's hatred of the United States, just the day before yesterday, a dear friend of mine, a former Cuban political prisoner, spoke by phone with one of the most respected and leading dissidents inside of Cuba.

There is an extraordinary story going on unreported in Cuba. I have a list of 500 activists in my office, in the streets of Cuba, in all the provinces who are disarmed, and they are seeking, they are fighting for democracy day in and day out peacefully, in the midst of that totalitarian system and suffering extraordinary repression.

Of course, there are thousands in prison. But just the day before yesterday, perhaps one of the most respected of those dissidents, a young lawyer, 33 years old, who we in this Congress nominated for the Nobel Peace Prize when he was in prison last year, and the gentleman from California joined in that petition to the Nobel Peace Prize Commission, because that young man certainly deserved it, and we hoped to see if we could help him in his physical integrity and protection while he was a political prisoner last year. He has now been released.

He was able to speak to a former political prisoner and very good friend of mine the day before yesterday. I would like to read the remarks and answers in his reply to the questions posed by this gentleman who is now in exile, because one of the points he makes is precisely about Castro's hatred for the United States.

But if I may, Mr. Speaker, the question was, what is Leonel Morejon Almagro, this renowned and respected dissident, what is he doing presently for his country?

''We are working,'' he answered. ''Working and asking God to end this nightmare. We continue working on the plebiscite; we have a good number of signatures.'' Under the Cuban Castro constitution, theoretically, you can put something on the ballot if you have 10,000 signatures. Of course, they never recognize those signatures. He is working on that. He is thrown in jail on that, but nevertheless, he is working on it, trying to find unity, a consensus of the people to achieve something important in this country.

In everything else, trying to grow each day in the people, which is what is vital, to be able to perform a civic action that has real repercussions and can create a movement with the strength of the people, to make the government sit down and talk to us. Or to change the political map of the country, That or any other project that can bring about a consensus among the opposition, and in the end mobilize the masses of the people, the opposition, the dissidents with a common goal. That is the solution. I believe that revitalizing the Cuban Council at this point is important.

What are the changes that Castro has made?

Castro has made absolutely no change. Please, let us not make mistakes, let us not get happy, let us not have futile fantasies, nor celebrations in vain. Because Castro was very clear in his last speech. In his love to talk and talk, he said the following: ''If they lift the embargo, those who are saying that if they lift the embargo we are going to change, we tell them,'' Castro said that if they lift the embargo, ''we will create true socialism.''

Please, Castro has not changed in the least. Castro has played a political hand, gentlemen. A pardon, to forgive some people. We are happy because here are our brothers such as Alonso Romero, Omar del Pozo, et cetera. They have not left Cuba, but they are supposed to, they are being held in Villa Marista. Each time a political prisoner is freed, we are happy, but that is not the solution. What do we gain if one political prisoner is released when tomorrow 20 others are arrested? The punishment is still there.

I am threatened with a 20-year prison sentence. They have told me this to my face, that if I continue working for democracy, they will put me away for 20 years. They do not let me speak, they shut me up. How can I possibly believe in a change in Fidel. Do not believe that, because if Castro fools you, then you are really dumb.

Question: How do you see the U.S. capitalist sectors who wish to invest in Cuba?

Until now, the United States has, more or less, been able to hold back Americans from investing in Cuba. I think that if they allow this to happen, this would be a great lack of respect toward the Cuban people. Not only do they want to invest in Cuba, they want to come here for the ''mulatta,'' to be with the

''Caribbean mulatta'' or the tanned boy. The investors who are already in Cuba are paying trifles. We are like the Indians. They are buying us with necklaces, with glass beads. That is immoral. It is indignant.

If they are able to achieve their wishes of investing, where does that leave us; where does that leave the Cuban people who have been kicked around for years, insulted; where does that leave the people who have suffered beatings, the disrespect, the intolerance? Where does that leave us?

I believe in democratic capitalism, in the one that helps man. If they come here to invest, it is going to be a disaster, because the Cuban people are not ready at this time, under these circumstances. Because the Cuban people are a slave people. The Cuban people are slaves.

And under those conditions we cannot win, because nobody who respects himself, for a little bag at the end of the month and for $148 a year is going to work in this country, nobody is going to do it. And those who do it are unhappy doing it.

For this country to take off economically, there needs to be economic freedom. Cubans have to be able to invest. The people need to live. The people need to prosper, the people need to be able to buy a car when they want to, save money whenever they want to, and Castro is not going to allow that, because that is the way to losing power. Because for Castro to remain in power, he needs the CDR, the Committees for the Defense of the Revolution, militants among the youth, among the party. He needs to have the people hungry and the people under control.

Everyone knows that I am in favor of the Helms–Burton law.

We are talking about a brave man, talking by telephone to the United States. Everyone knows that. He says that he is in favor of the Helms–Burton law.

What I want is for Castro and the Cuban Government to give my people rights, to me, to my daughter, to my wife, and everyone.

The embargo is not a Cuban problem. I remember when I was in high school, in 12th grade. During that time, petroleum was being thrown away. Petroleum and gasoline were wasted, were used for no reason. Because 13 million tons were received each year. There was too much for an island such as this. To the point that oil was sold to Nicaragua, to Africa, and the Caribbean.

At that time, Fidel Castro didn't even remember the embargo. My God, it is not a blockade problem. Fidel Castro uses it as a shield, but when Castro does not have an embargo, he is going to have a conflict with the United States to say, well, the gringos lifted the embargo, but now we cannot leave our one party, nor can we abandon socialism.

And then he will say to those who come to invest that they have to be very careful, because they are our eternal enemies. The speech will then be that it is a strategy to threaten him, Castro. It is a strategy so that we open up and lose power. And then he will ask more than ever not to lay down arms. They will celebrate the lifting of the embargo as a political victory, and everything will remain the same.

Question: What policy should be followed?

Until there is a real opening in democratic Cuba, until we have the possibility of publicly debating the country's problems, until there is the possibility for real change, there can be no softening of the sanctioning of the government, with regard to the pressure on the government, acting as though it were a normal government. If the embargo is lifted, we are lost. It will be a great defeat for the country.

Question: In Europe they say that if the embargo is lifted, Castro will be forced to make changes.

No, not true. The economic avalanche will not have any effect because, in Cuba, there is no will for change. There is no entrepreneurial spirit in the regime. The economic avalanche, whatever it may be, is going to be calculated, controlled by the government. Precisely to avoid change. Because the Cuban people are under a strong economic, political and social control.

The world may open up for Castro, but Castro is not going to open up for the world. Because Castro is only going to open up to his interests or for the benefit of the Communist Party's interests.

Tomorrow the blockade or embargo can be lifted, and the Europeans want to invest in Cuba. But to invest in Cuba, they need to go through the government's commercial filters, because in Cuba there is no commercial freedom, it does not exist in an external or internal sense.

In Cuba, every internal investment needs to go through a commission which decides what is going to be done. Foreign investors cannot meet with Cuban partners.

What do you think motivates those who wish to save Castro? The underlying envy of Europe and the rest of the Americas towards the United States. Castro has utilized that very well. They see Castro as the symbol of anti-Americanism, the anti-yankee, and they want to save him. They want to save his legend.

But Castro has used that legend to hurt the Cuban people, to hurt you, and to hurt me. I cannot have a normal life. What I want most is to enjoy my life. I do not want to be president or even a councilman from Marianao.

What I want is democracy in Cuba. Then after that, I want to write poetry, study piano, I want to travel, I want to study ecology, dedicate myself to my wife and to my daughter. I want to dream. I want to write a book. I want to live, damn it. And that is impossible in Cuba, just impossible.

I am not a politician. What I am is an idealist. And, in Cuba, one cannot live. It is impossible. Because, in Cuba, one cannot live under this system. In Cuba, our dreams have been castrated, there is a castration of the Cuban youth.

What do you recommend be done at this time?

It is necessary to help the opposition. The opposition needs real and concrete help, not just in heart and soul, it is needed in every sense. Much can be done, but there are too few resources for everything. There is nothing here. There is not even a Crayola to paint.

The Cuban Council is hope. And what people do is flee, leave the country. That takes away from us. It takes away from us and we leave the solution in the hands of that man, of this man who is a monster, who is delirious, who is paranoid, a lunatic, whatever he is. Who has ruined our lives, who has ruined my life.

Are you scared of anything?

Yes, I am. I do not want to walk alone at night. I am worried because my wife is very nervous, due to threats I have received. I do not want a bus to mysteriously run over me. I am 33 years old, I do not want to be crucified. I aspire to live the happiest moment of my life, the moment of meeting again with you, with the good that you are, not the bad. The good that can be found in Cuba, to meet again and breathe, breathe in a free country. I want that. That will be the happiest moment of our lives.

I have a 6-year-old daughter. I sleep in one room with my wife and my daughter. She is growing. And I would like to offer her a better life. I am an attorney, I did well in my career, the time that I was working. I lost my career, I lost the possibility of practicing because I thought, and I think, that it was my duty as a man to tell the truth in court and not remain quiet before injustice. I have lost, not lost, but gained years lived in prison, because they have given me the honor of being able to tell my daughter and my grandchildren tomorrow that I suffered in prison for opposing Castro.

I do not want to lose my life, but if I have to lose it, I'd do it happily to destroy a hateful dictatorship in my country. But truly I want to live. I want to live. I want to be able to live. Look, in Cuba, one does not live, people leave Cuba because you cannot live here.

In Cuba, there is no future. Cuba is a country condemned to a totally indecent present. A hateful present. And somebody has to do it. It is my place to speak in the name of those Cubans who are afraid, very afraid, who have many responsibilities, what they cannot say.

Is there hope?

In Cuba, there are thousands of people who are waiting for the opportunity. We can really destroy this in a matter of months, but we need to see the formula. What the people need to understand is that the solution is within us. Let us see how we get there. I have been trying to figure out how to do it. But we have on top of us the entire intelligence apparatus. We are a people controlled by the yoke.

What is the future of the Cuban opposition?

I can guarantee you something. Perhaps tomorrow we cannot call upon a million people to show strength among the people, but I can tell you that no matter what they do to us, they will not be able to get rid of us, to eliminate us. The Cuban opposition was born, grew, and here to stay. Fall who may, and do what they do, we will be here.

What would you say to those who wish to invest while Castro is still in power?

We have to tell them not to get desperate to invest in Cuba because they will lose more investing today than waiting for tomorrow. They should invest in a country with full economic rights and guarantees.

That is the message that we have to give the Americans who are dying to invest in Cuba. We have to tell them to remain calm. They will have opportunities to invest in a country that really has economic potential, with security, and peace. Because Cuba right now is a time bomb, because a people such as this, is not going to, even if it is dormant, even if it is in a long lethargy difficult to wake from, it is not going to resign itself to live as slaves. Because Cuba, at this time, is a country of people who are tired and sodomized. Castro has simply sodomized the Cuban people.

And we must tell those investors not to get desperate, help more by pressuring the government, more so that it opens up, more to make a safe society, a pluralistic society, a society with all its social dynamics, its freedom, and its capabilities open so that they may prosper.

Leonel Morejon Almagro, from Cuba, the national coordinator of the umbrella of 140 dissident and independent press and professional and workers organizations. This is the Cuban people speaking.

In addition to that, you know that the three Cuban American Members of

Congress, both Republicans and Democrats speak like this man speaks, because we know what the Cuban people feel.

Our friends in Congress here, who are all of you, coincidentally, who are here this evening, from both parties, the friends of the Cuban people respect the Cuban people and want free elections for the Cuban people, and they listen to the Cuban people's representatives like Leonel Morejon Almagro. I thank the representatives.

On behalf of Leonel Morejon Almagro and the Cuban people, I thank the representatives of the American people and the American people for standing on the side of Cuba's right to be free.

□ 2145

Mr. ROHRABACHER. Mr. Speaker, if the gentleman will yield, I think that it is vital that we understand that if we do what is right now, and we have the courage, as this man suggested in the reading, that we discipline ourselves and not rush in to try to invest in Cuba before Castro is gone.

Castro will some day be gone, whether it is natural causes or otherwise, and the Cuban people will have a chance to be free. But I fear that American businessmen, as they are doing in China and as they are doing in other dictatorships, are rushing not to try to have a positive influence, but instead, are looking at the quick buck and are establishing economic ties with these totalitarian regimes which will give life to those regimes.

In other words, I believe that once American businessmen invest in Cuba, we will find that Communist Cuba has a whole new group of advocates in the United States, as we have seen in China, as we have seen people who are supposed to be talking about democracy in China because they are Americans and they are investing in China and up spending all of their time trying to do what? Trying to lobby us not to be tough on China because of the abuses of human rights there. This same thing could happen in Cuba.

Mr. DIAZ-BALART. Mr. Speaker, reclaiming my time, at the very least, even though we have not been able to prevent what I personally consider an immoral policy with regard to the Chinese Government, because the real matter is that the Chinese Government uses slave labor and the multinational corporations are investing in that market and benefiting from the slave labor of the Chinese people. We have not been able to stop that because it is a billion people and it is too strong for us to have stopped it.

But at the very least we can say in this hemisphere, this is a hemisphere of democracy and this is a hemisphere of freedom and the Cuban people are not the only people that should be condemned to live in tyranny in this hemisphere; no, they deserve to be free.

Mr. Speaker, I thank the gentleman from Florida (Mr. BILIRAKIS), the gentlewoman from New York (Mrs. MALONEY), the gentleman from New Jersey (Mr. PALLONE), my colleagues that are here. They are representative of the overwhelming majority of the Congress of the United States in both parties who stand with the right of the Cuban people to be free.

We are, in the next few days, going to celebrate the 100th anniversary of the resolution passed by this Congress that said Cuba is and it ought to be free and independent, as we told the Spanish colonialists, who invented the concentration camp under General Wahler. By the way, interestingly enough, Castro's father was sent to Cuba to fight the Cuban insurrection as a Spanish soldier under General Wahler and General Wahler invented the concentration camp, and he put entire segments of the Cuban population in concentration camps to defeat the insurrection.

Mr. Speaker, it was the American people, and the American people alone, that stood with the Cuban people, and Cuba was free and independent. The United States withdrew from Cuba after helping the Cuban people defeat Spanish colonialism in 1888 and the United States withdrew in 1902.

The relationship between Cuba and the United States has always been friendly, except for this madman who represents the anti-Cuba and who will soon be gone from the face of the Earth and will be in the dust bin of history.

I thank the Congress of the United States; I thank the leaders who are here who represent the majority opinion of the Congress and of the American people, and I thank the American people for time after time after time standing with freedom, standing with democracy, two times in this century, saving the world from tyranny. This is a noble people, and what an honor to be able to stand in this Congress of this great Nation of the United States of America.

GREEK INDEPENDENCE DAY: A NATIONAL DAY OF CELEBRATION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentlewoman from New York (Mrs. Maloney) is recognized for 60 minutes.

GENERAL LEAVE

Mrs. MALONEY of New York. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this Special Order.

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

There was no objection.

Mrs. MALONEY of New York. Mr. Speaker, I am here tonight with my colleagues to commemorate the 177th anniversary of Greek Independence Day, which is a national day of celebration of Greek and American democracy.

While commemorative resolutions are no longer permitted in this House, there is still tremendous support for Greek Independence Day. Every year since 1986, a resolution has been cosponsored by over 50 Senators and passed in the Senate, as well as one in the House, sponsored by over 218 Members, and passed.

The President of the United States has once again signed a proclamation this year recognizing this day as Greek Independence Day, and I would like to insert his proclamation into the RECORD at this time.

GREEK INDEPENDENCE DAY: A NATIONAL DAY OF CELEBRATION OF GREEK AND AMERICAN DEMOCRACY, 1998

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA—A PROCLAMATION

This year, as we mark the 177th anniversary of the advent of Greece's struggle for independence, we celebrate with the Hellenic Republic and recognize the close ties that have long existed between Greece and the United States. Through two centuries, our nations have enjoyed a strong and enduring friendship. For more than half a century, we have stood together in NATO, modern history's most successful alliance.

Our bonds are deeper still, however, for we are joined by blood, culture, and a profound commitment to shared values. Greek ideals of democracy and freedom inspired our Nation's founders and breathed life into America's experiment with democratic self-government. Generations of Greek Americans have enriched every aspect of our national life—in the arts, sciences, business, politics, and sports. Through hard work, love of family and community, steadfast commitment to principle, and a deep love of liberty, they have contributed greatly to the prosperity and peace we enjoy today.

The bonds between America and Greece, in fact, have never been stronger than they are today. We are partners in the effort to find a lasting, peaceful solution in the Balkans and to build an enlarged NATO that will enhance our common security. As our two nations prepare for the challenges and possibilities of the new millennium, we look forward to building on that partnership so that the seeds of democracy we have nurtured together for so long will bear fruit in a bright future not only for ourselves, but for our global community.

Now, therefore, I, William J. Clinton, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim March 25, 1998, as Greek Independence Day: A National Day of Celebration of Greek and American Democracy. I call upon all Americans to observe this day with appropriate ceremonies, activities, and programs.

In witness whereof, I have hereunto set my hand this twelfth day of March, in the year of our Lord nineteen hundred and ninety-eight, and of the Independence of the United States of America the two hundred and twenty-second.

WILLIAM J. CLINTON.

Mrs. MALONEY of New York. Mr. Speaker, Greece has been called the birthplace of United States democracy, and I would like to quote: ''Our Constitution is called a democracy because power is in the hands not of the minority, but of the whole people. When it is a question of settling private disputes, everyone is equal before the law. When it is a question of putting one person before another in positions of public responsibility, what counts is not the membership of a particular class, but

the actual ability which the man or woman possesses.''

This sounds like it could have been written by one of our Founding Fathers, but it was actually written by Pericles in an address made in Greece 2,000 years ago.

Thomas Jefferson once said, ''To the ancient Greeks we are all indebted for the light which led ourselves, the American colonies, out of Gothic darkness.''

Just as Greek ideas of democracy and individual liberties became the foundation of our government, the American Revolution became one of the ideals of the Greeks as they fought for their independence in the 1820s. Greek intellectuals translated the Declaration of Independence of the United States and used it as their own declaration.

During the fight for independence, a Greek commander in chief, Petros Mavromichalis, appealed to the citizens of the United States saying, ''Having formed the resolution to live or die for freedom, we are drawn toward you by a just sympathy, since it is in your land that liberty has fixed her abode, and by you that she is prized by our fathers. Hence, honoring her name, we invoke yours at the same time, trusting that in imitating you, we shall imitate our ancestors and be thought worthy of them if we succeed in resembling you. It is for you, citizens of America, to crown this glory.''

Through two centuries, Greece has been a long and trusted ally. In fact, they fought alongside the United States in every major international conflict of this century. For more than half a century, we have stood together in NATO, in friendship, and in alliance.

During the early 1900s, one of every four Greek males between the ages of 15 and 45 departed for the United States of America, and I might add that many of them settled in Astoria, Queens, which I am fortunate to represent. Astoria is one of the largest and most vibrant communities of Greek and Cypriot Americans in this country. It is truly one of my greatest pleasures in Congress to be able to participate in the life of this community with the wonderful and vital Greek American friends that I have come to know.

I have also had the pleasure of establishing, along with my great friend from the great State of Florida, (Mr. BILIRAKIS) the Congressional Caucus on Hellenic Issues. This caucus allows Members of the House to join together to find ways to work together toward better United States Greek and Cypriot relations.

We are here tonight because 177 years ago the revolution which freed the Greek people from the Ottoman Empire began. Greece remained under the Ottoman Empire for almost 400 years, and during this time, the people were deprived of all civil rights. Many volunteers from various localities in the United States sailed to Greece to participate in Greece's war for independence.

So today, as we mark the 177th anniversary of Greece's struggle for independence, we celebrate with the Hellenic Republic and recognize the close ties that have long existed between Greece and the United States.

On this occasion we should also direct our attention to the Island of Cyprus, which for 24 years now has been striving for an end to its tragic division and the illegal Turkish occupation of 37 percent of the island. Again, Cyprus is on the verge of becoming a flash-point for regional conflict because of Turkey's opposition to European membership for Cyprus. Last fall, H.R. 81 passed the House of Representatives unanimously calling for a peaceful solution to the Cyprus problem. President Clerides of Cyprus was recently reelected to a second term, and Cyprus is to begin negotiations with the European Union next week on March 31st.

Mr. Speaker, it is now time to reaffirm our commitment to a peaceful solution. We must use Cyprus's EU accession as an impetus for positive progress and not let Turkey use it as an excuse for heightened tensions. A positive contribution by Turkey to help resolve the situation in Cyprus would facilitate Turkey's aspirations to become a member of the European Union. We should use our influence in the region to help Turkey to understand this.

That is why I, along with many of my colleagues, introduced a resolution to assert our position on a peaceful solution to Cyprus. This bill encourages Turkey to work with Greece and Cyprus to find a just solution, and I would like to introduce into the RECORD at this time the resolution which the gentleman from Florida (Mr. BILIRAKIS) and I are presenting today with well over 32 cosponsors.

H. CON. RES—

Whereas President Glafcos Clerides of the Republic of Cyprus was recently re-elected for a second 5-year term with a renewed mandate to resolve the situation in Cyprus arising from Turkey's invasion of the island in 1974 and its continuing military occupation of 37 percent of Cyprus' territory;

Whereas the international community, including the United States, is expected to engage in a sustained effort to bring about a just, viable, and comprehensive solution to the situation in Cyprus;

Whereas Cyprus will begin negotiations with the European Union on March 31, 1998, for accession to the European Union;

Whereas it is recognized that the prospect of Cyprus' accession to the European Union could serve as a catalyst for resolving the situation in Cyprus;

Whereas the entire population of Cyprus, including the Turkish Cypriots, would benefit greatly from Cyprus's membership in the European Union;

Whereas a positive contribution by Turkey to the solution of the situation in Cyprus, as repeatedly called for by the United States and the international community, will not only facilitate Turkey's aspirations in Europe but will also enhance stability and peace in the Eastern Mediterranean and will safeguard the interests on the United States in the region;

Whereas the United States Government has sought to identify the remains of United States citizen Andreas Kassapis and hopes that this action will lead to further breakthroughs on the subject of the missing from both communities in Cyprus;

Whereas, in July 1997, the House of Representatives and the Senate adopted House Concurrent Resolution 81 and Senate Concurrent Resolution 41 calling for a United States initiative to resolve the situation in Cyprus on the basis of international law, the provisions of relevant United Nations Security Council resolutions, democratic principles, including respect for human rights and fundamental freedoms, and in accordance with the norms and requirements for accession to the European Union;

Whereas the House of Representatives and the Senate in these concurrent resolutions also consider that lasting peace and stability on Cyprus could be best secured by a process of complete demilitarization of the island;

Whereas United Nations Security Council Resolution 1092 of December 23, 1996, states that a Cyprus settlement must be based on a state of Cyprus with a single sovereignty and international personality and single citizenship, with its independence and territorial integrity safeguarded, and comprising 2 politically equal communities as described in the relevant United Nations Security Council resolutions in a bicommunal and bizonal federation and that such a settlement must exclude union in whole or in part with any country or any form of partition or secession; and

Whereas the Congress intends to remain actively seized of the matter: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress strongly urges the President—

(1) to seize the opportunity presented by the beginning of a new presidential term in the Republic of Cyprus and the opening accession negotiations between Cyprus and the European Union to launch an initiative to resolve the situation in Cyprus based on the parameters and principles set forth in House Concurrent Resolution 81 and Senate Concurrent Resolution 41 of the 105th Congress and United Nations Security Council Resolution 1092 of December 23, 1996; and

(2) to continue the bimonthly reports to the Congress on the active engagement of the United States in the efforts to find a solution to such situation in Cyprus.

Mrs. MALONEY of New York. Hopefully, Mr. Speaker, we will soon celebrate Cyprus Day when, once again, the entire island would be united. However, the reason we are here today is to celebrate Greek Independence Day. There has always been a very special bond of friendship between our two countries, and there is no better way to show this than as we did today with a concrete vote on this floor which was helpful to Greek citizens in our country.

Today, Congress voted overwhelmingly, 360 to 46, for an amendment. This amendment will allow people from Greece to travel to the United States, whether for business or pleasure, without getting a visa, just as Greece allows Americans to travel to their country without a visa.

I would really like to end with a quote from the great poet, Shelley, and he said, ''We are all Greeks. Our laws, our literature, our religion, our art have their roots in Greece.'' Tonight

we celebrate Greek independence and the many contributions of Greece to American culture.

Mr. Speaker, I yield to the gentleman from Florida, (Mr. BILIRAKIS), the cofounder and cochair of the Hellenic Caucus. We appreciate all of the gentleman's hard work on behalf of a better bond of friendship between Greece and the United States.

Mr. BILIRAKIS. Mr. Speaker, I thank the gentlewoman. I thank her for leading this Special Order and for her great work regarding the human rights areas particularly of Greece and Cyprus.

Mr. Speaker, I too proudly rise today to lead my colleagues in honoring the valiant Greek freedom fighters who began an arduous struggle to win independence for Greece and its people on this day 177 years ago. So today, we do celebrate Greek Independence Day.

My colleagues may ask themselves, why we are commemorating those who secured independence for Greece, and the answer is really simple. Greek Independence Day, like the 4th of July, reminds us that we have a duty, a moral responsibility, to defend freedom, whatever the cost. Today we pay tribute to all of history's freedom fighters. We honor their triumph and spirit, because they valiantly fought and died for the ideals we and they hold dear.

One American patriarch, President Ronald Reagan, said that freedom is a fragile thing and is never more than one generation away from extinction. He reminded us that freedom is not ours by inheritance, but must be fought for and defended constantly by each generation.

□ 2200

As we know, freedom is not free. Our freedom has been paid for with hundreds of thousands of lives, with sweat and blood, and with a measurable sacrifice. The freedom we enjoy today is due to the sacrifices made by men and women who were willing to accept the highest and most noble responsibility, that of defending and promoting freedom.

This spirit of freedom began in ancient Greece, but it has manifested itself around the world in different centuries throughout history. History has provided shining examples of heroic fights for freedom. For instance, we saw it in Afghanistan, where its people defied the Soviet Union and refused to be oppressed. Afghanistan, like Greece, was ravaged, its people murdered and its villages destroyed.

Just as the Greek patriarchs fought foreign domination, the Afghan people refused to submit to Soviet aggression. They persevered because they believed that they should determine their own destiny.

Let me emphasize that all civilized nations inherited the principles of freedom and democracy from ancient Greece. The Greeks forged the first society which was governed by these principles.

We also celebrate this day because it marks the symbolic rebirth of democracy. On this day, as we have already said, 177 years ago Greece began to restore its glorious heritage through a desperate and unequal struggle for freedom. On March 25, 1821, the Greek people rose in rebellion, igniting a 7-year struggle for independence from 4300 years of foreign domination by the Ottoman Turks. That historic day led to a widespread revolution that attracted international attention.

In fact, President James Monroe issued a declaration in December, 1822, supporting, as he called it, Greece's noble struggle. It read, in part, and I quote, ''That such a country should have been overwhelmed and so long hidden under a gloomy despotism has been a cause of unceasing and deep regret. A strong hope is entertained that these people will recover their independence and resume their equal station among the nations of the Earth.''

When the Greeks began this glorious revolution after 4 centuries of Turkish oppression, they faced what appeared to be insurmountable odds. It was truly David versus Goliath. The Greek freedom fighters had an unwavering commitment to the cause of freedom, and were prepared to live free or die. Reminiscent of Patrick Henry's famous declaration, ''Give me liberty or give me death,'' the Greeks adopted their own creed, ''Eleftheria I Thanatos,'' liberty or death.

In his book, Freedom and Death, renowned Greek author Nikos Kazantzakis recounted the last battle of his hero, a Captain and Greek patriarch who was surrounded by Turkish forces and contemplated the wisdom or folly of sacrificing himself and his men.

Kazantzakis writes, ''He looked about him at the comrades, down at the Turks far below, up at the uninhabited sky high above. Freedom or death, he muttered, shaking his head fiercely, freedom or death. Oh, poor Cretans. Freedom and death, that's what I should have written on my banner. That is the true banner of every fighter, freedom and death, freedom and death.''

In the ensuing battle moments later a bullet pierced his head and gave him both, freedom and death. Our Greek brothers earned their liberty with blood. As I have recounted many times before, the history of the Greek war for independence is filled with acts of heroism. The fabric of Greek independence is woven from remarkable acts by common people united with a singular purpose to break free from Turkish oppression.

It is a story of the Klephts who descended upon their invaders from the mountain stronghold. It is also the story of the Hydriots, seafarers who broke the Ottoman naval blockade. It is a story about the Philhellenes who took tales of heroic Greek actions to Europe, where they gained international recognition.

The spirit of Greek heroism continues in freedom's defense. The Greek landscape has changed remarkably since I came to Congress. I was elected to this body when tensions from the Cold War had reached epic proportions. We lived in a world that feared, if not expected, nuclear war and its devastating consequences. Eastern Europe remained behind the iron curtain of communism, and its people lived largely at the mercy of leaders in the Kremlin. We lived in a world divided between those who were free to determine their destinies and those who were not.

There is probably no better or perhaps worse symbol of this division than the Berlin Wall. The wall divided Berlin physically, but its meaning divided the world. Through determined American leadership and a strong desire to be free, the winds of freedom blew through Eastern Europe and liberated a continent oppressed by Communist rule.

I know my colleagues shared the pride that I felt watching tiny cracks of freedom grow until the Berlin Wall crumbled under the weight of its oppressive rule. We have witnessed freedom and democracy triumphing over tyranny and oppression time and time again. Yet, in some parts of the world, the struggle for freedom and independence continues today.

Ironically, it is still being challenged in the Mediterranean. Turkey continues, Mr. Speaker, to illegally occupy Cyprus, as it has since its brutal invasion, code named Atilla, in 1974. Since the invasion, 1,614 Greek Cypriots and five Americans have been missing.

As a result of a congressional mandate, our government recently discovered the remains of one of these Americans, a young boy, Andreas Kasapis, who was 17 when the invasion occurred. I am proud to announce that I am an original cosponsor of legislation to address this serious matter.

The bill was introduced by my cochair of the Hellenic Caucus, the gentlewoman from New York (Mrs. CAROLYN MALONEY), and urges the President to resolve the unacceptable division of Cyprus. This legislation also asks the President to report to Congress on U.S. efforts to promote a solution in Cyprus.

The United States, Mr. Speaker, we know cannot be the world's policeman, but we must use our freedom to help others who share our passion for liberty and peace. Our Nation has always been willing to fight for freedom on behalf of others. As Americans, as defenders of democracy, as righteous human beings, we must not and cannot remain idle while Cyprus remains divided.

Finding a fair resolution for Cyprus will help stabilize a region that is more often marked by conflict than accord. Cyprus has been a strong U.S. ally for many, many years. As partners in the fight for freedom the United States must accept responsibility and meet its obligation to Cyprus. Actions do speak louder than words, and thus far our actions have paled in comparison to our words.

Let me emphasize that this is certainly not a partisan issue. Cyprus has been divided for 24 years, a time that has spanned both Republican and Democratic administrations.

To those who preach freedom but promote inaction, the U.S. did not remain neutral when imperialism shook Europe's foundations during World War I, and the U.S. did not fail to act when the clouds of German and Italian atrocity descended upon Europe and the rest of the globe during World War II. Throughout the history of the United States, we have answered the call of freedom.

We are fortunate to live in the greatest democratic republic in the world. Therefore, as the leaders of the free world, we must foster freedom when it is challenged. In October we were graced by his All Holiness, Patriarch Bartholomew, who is the spiritual leader of 300 million orthodox Christians worldwide, including 5 million Americans.

In his remarks in the Capitol Rotunda, Patriarch Bartholomew eloquently noted that the orthodox church ''may be opposed, but opposes no one; may be persecuted, but does not persecute; is fettered, but chains no one; is deprived of her freedom, but does not trample on the freedom of others.''

I was heartened, Mr. Speaker, when Congress awarded the Congressional Gold Medal to Patriarch Bartholomew in October. He received this honor, the highest that can be bestowed upon an individual by Congress, because of his commitment to promote peace, understanding, and religious tolerance around the world.

The Patriarch spread his message of peace, even though the Ecumenical Patriarchate in Istanbul has been repeatedly subjected to terrorist attacks. The latest act of violence came only weeks after the Patriarch delivered his stirring speech to Congress. I have introduced legislation urging the U.S. government to provide protection to the Patriarchate and its personnel.

Again, I would, Mr. Speaker, like to thank my friend, the chairman of the Committee on International Relations, the gentleman from New York (Mr. GILMAN), who always joins us in our special orders, for supporting the inclusion of this language in the conference report on the State Department Reauthorization Act. We must continue to take a strong stand in support of religious freedom and human rights worldwide.

Let me close with the words of President John F. Kennedy, who in June, 1963, spoke to the citizens of West Berlin at the Berlin Wall. He correctly pointed out that freedom is indivisible, and when one man is enslaved, all are not free. He went on to say that all free men were citizens of Berlin.

Mr. Speaker, all free men are Philhellenes. We must end the division of Cyprus and reaffirm our commitment to the Greek patriarchs who led Greece out of the darkness of tyranny and into the light of freedom and democracy. If we are to maintain our freedom, we can neither take it nor its architects for granted.

That is why I stand here with the gentlewoman from New York (Mrs. MALONEY), and so many of my other colleagues who have yet to speak, every year to honor those who secured independence for Greece. Again, I thank the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY. Mr. Speaker, I thank the gentleman for his very eloquent remarks and leadership in the Hellenic Caucus.

Mr. Speaker, I yield to the gentleman from New Jersey (Mr. FRANK PALLONE), who is the chair of the Armenian Caucus, and has been a leader on Greek issues and many other important issues before this Congress.

Mr. PALLONE. Mr. Speaker, I thank the gentlewoman. I would like to begin, as I do every year, by thanking the gentlewoman from New York (Mrs. MALONEY) and the gentleman from Florida (Mr. BILIRAKIS) for organizing this hour to honor the anniversary of Greek Independence Day.

My colleagues, my two colleagues, are both tireless champions of Greek-American relations, and I thank them both for their leadership of the congressional Hellenic Caucus, and their tireless efforts to strengthen the ties between our two countries.

Today, March 25, it has been noted, Greece celebrates its 177th year of independence. And despite the late hour, many of us are pleased to be able to take this time to praise a society that represents, in a historical sense, the origins of what we call Western culture, and in a contemporary sense, one of the staunchest defenders of Western society and values.

There are many of us in the Congress on both sides of the aisle who are staunchly committed to preserving and strengthening the ties between the Greek and the American people. I would say that Americans and Greeks are growing even closer, bound by ties of strategic and military alliance, common values of democracy, individual freedom and human rights, and close personal friendships.

In the early 20th century, Mr. Speaker, Greece stood by the United States in World War I. When Hitler's war machine decimated Europe in the middle of this century, Greece again stood on the same side as the United States; I might add, at great cost to the Greek people and the Greek Nation.

History has shown that the historic battle of Crete, in which the indomitable spirit of the Greek people forced Hitler to delay his planned invasion of Russia, was one of the most important battles of the Second World War.

Last October I joined my colleague, the gentleman from New Jersey (Mr. PAPPAS), who is here tonight, in paying tribute to ''Ohi'' Day, commemorating that day in 1940 when Greek Prime Minister Metakis refused Mussolini's ultimatum to surrender with an eloquent one-word answer, ''Ohi'', Greek for no.

World War II's aftermath left Europe mired in the Cold War, and Greece, then a NATO ally, and a NATO ally to this day, once again answered the call. Greece showed its national valor and sense of historic mission, joining forces with the United States in preserving and protecting the freedoms enjoyed today by an unprecedented number of the world's people. The qualities exhibited by the Nation of Greece, Mr. Speaker, are a reflection of the strong character and values of its individual citizens.

The United States has been greatly enriched as many sons and daughters of Greece made a new life here in America. The timeless values of Greek culture have endured for centuries, indeed, for millenia. But I regret to say, Mr. Speaker, that to this day the Greek people must battle against oppression.

My two colleagues have already mentioned that for almost 24 years now, Greece has stood firm in its determination to bring freedom and independence to the illegally occupied Nation of Cyprus. Like their forefathers, who were under control of a hostile foreign power for four centuries, the Cypriot people hold fast in defiance of their Turkish aggressors with every confidence that they will again be a sovereign nation. Negotiations aimed at achieving settlement to the Cyprus issue are an important priority for American foreign policy.

I just want to say that I am proud to be an original cosponsor of legislation that was introduced today by the gentlewoman from New York (Mrs. MALONEY) and also the gentleman from Florida (Mr. BILIRAKIS) that asserts our strong support for a peaceful solution in Cyprus. We have to keep up this effort, as these two leaders in Congress have done, in making it clear that we want an independent and sovereign Cyprus that is united and that is free of Turkish military rule.

The reelection of President Clerides and the bid of Cyprus to join the European Union also offer an historic opportunity for peace on the island. I would point out to Turkey that a positive contribution by that country to both the peace process and the European Union accession by Cyprus could be a start in helping Turkey undo some of the damage they have caused with their intransigent and aggressive policies.

We also have to continue to work with Greek leaders and the United Nations to secure protection for the Ecumenical Patriarchate and orthodox Christians residing in Turkey. As the gentleman from Florida (Mr. BILIRAKIS) mentioned, last year we were shocked by the terrorist attack on the Ecumenical Patriarchate in Istanbul. Many of us in this Congress called on our administration to issue a strong response to this tragic, senseless act.

Many of us have also staunchly opposed the transfer of U.S. military hardware to Turkey.

□ 2215

As the cochair of the Congressional Caucus on Armenia Issues, and I know the gentlewoman from New York mentioned that before and I appreciate it, and also as a member of the Hellenic Caucus, I have consistently fought to change U.S. policy with regard to Turkey. I have sought to block the Turkish Government's efforts to pay big money for Turkish studies chairs at prestigious American universities as an instrument of spreading Turkish propaganda.

The gentleman from California (Mr. SHERMAN) has joined me in many occasions here on the floor, trying to prevent the Turkish Government and the acceptance of money by various American universities from the Turkish Government through these various Turkish studies programs or Turkish chairs that come with strings attached, that basically allow them to spread Turkish propaganda and not tell the truth about the history of Turkey or the history of Armenia or the history of Greece. Turkish leaders must understand that they will not continue to benefit from U.S. economic subsidies if they continue to flout the very values that America, Greece, and other freedom-loving nations of this world stand for.

In closing, I just want to congratulate the Greek people for 177 years of independence and thank them for their contributions to American life.

And I want to thank the gentlewoman from New York (Mrs. MALONEY) and the gentleman from Florida (Mr. BILIRAKIS) for organizing this tonight. All of us are going to continue with our efforts to not only continue to bring up Greek Independence Day, but fight for Cyprus and fight for the other values that Greece and the Greek people hold dear.

Mrs. MALONEY of New York. Mr. Speaker, I thank the gentleman from Pennsylvania for his statement.

Mr. Speaker, I would now like to yield to the gentleman from Pennsylvania (Mr. KLINK). He is a leader in the Hellenic Caucus. He is one of the reasons that we were successful on the floor today in achieving the visa waiver. I yield to the gentleman from Pennsylvania (Mr. KLINK).

Mr. KLINK. Mr. Speaker, I thank the gentlewoman from New York (Mrs. MALONEY) for her leadership, and also thank my dear friend, the gentleman from Florida (Mr. BILIRAKIS), for his leadership in the Hellenic Caucus. We have risen on the floor together so many times on issues that were of importance to Hellenes and philhellenes. We have met together with very important dignitaries who have arrived, from the patriarchy to the leaders in the Greek Government. Many of us have traveled together to Greece.

Mr. Speaker, I want recall, and I have shared with my dear friend, the gentlewoman from New York, stories of a trip that the gentleman from Florida (Mr. BILIRAKIS) and I took last August. She has been such a great leader on these issues that many people in the Greek-American community often refer to her as Bouboulina, who is, of course, the lady who risked her life, her fortune, and everything else in building a fleet of ships to fight for the independence of Greece. The gentleman from Florida and I had the wonderful opportunity last year to travel to the home of Bouboulina, and we wish that our friend, the gentlewoman from New York (Mrs. MALONEY), had been with us because I tell her that she was in our minds and our hearts the whole time we were there.

We appreciate the fact that people because, we have a reason for the feelings that we have, and that is the fact that I am of Greek parentage, the gentleman from Florida (Mr. BILIRAKIS) and the gentleman from New Jersey (Mr. PAPPAS) as well, but our friends and colleagues who take on this issue, because this is in their heart and their mind, and we appreciate what they have done.

Mrs. MALONEY of New York. Mr. Speaker, I thank the gentleman for his statement and all of his hard work and leadership.

Mr. KLINK. Mr. Speaker, if the gentlelady would yield, I thank her very much. Every family who has come from Greece has stories. If we look at the ceremonial uniforms of the Greek soldiers, they have the pleated kilts; and these tall, strong-looking Greek soldiers, and there are 376 pleats in their kilt, one for each year that the Greek nation was held in domination by the Ottoman Empire.

My own family, and I did not have the opportunity to meet the Greek half of my family, it is a long story which I will not go into here. But I did not have the opportunity to meet the Greek half of my family, because of estrangement and divorce, until I was almost 40 years old. I had the opportunity to go to Kalimnos, which is an island off the coast of Turkey where my family came from, as well as the family of the gentleman from Florida (Mr. BILIRAKIS), my dear friend. In fact, we found here we are a Republican from Florida and a Democrat from Pennsylvania, and our families lived on the same tiny island off the coast of Turkey. In fact, we were neighbors, when we got to talking about where we come from, and here we are neighbors on issues in Congress.

They told us about what had happened to the family during almost 400 years of what was practically servitude and enslavement by the Ottoman Empire and by the Ottoman Turks. In fact, the family name at that point had been Papaelias, which meant there was a priest back in the family heritage whose name was Elias. During the time they were under domination by the Turks, the name became Giavasis, which came from the word ''giavasis,'' which is a Turkish word for ''slowly,'' and the reason was simply that they had gone into a 400-year work slowdown.

My family were architects and builders, and so during the virtual servitude to the Turks, 400 years of it, they used to build and to draw designs of buildings. They went into this work slowdown, and so the Turks said ''giavas,'' or ''slowly,'' and the family name eventually became Giavasis for the fact that they had this slowdown that lasted generation after generation after generation.

Every family has stories, some of them very tragic, of what happened to their ancestors during this almost enslavement and involuntary servitude under the Ottoman Turks.

It is ironic that the birthplace of democracy was subjected for so many centuries to a form of domination as the Greeks lived under the Turkish domination for 376 years, political oppression, no kind of freedom. But in 1821, Greece began a very successful fight for independence and today, 177 years later, we celebrate the fact of Greek independence.

Mr. Speaker, I would say there are truly many words in the statement of the gentleman from Florida that freedom fighters all over the world, of whatever nation or whatever race, share together that vision of freedom.

Greece is the home of democracy. Democracy will, I think, for all time, be the greatest gift of the nation of Greece to the rest of the world. The ancient Greeks passed down to us a government that places authority directly in the hands of all the people. How wonderful that we have the opportunity here to stand in the people's House and to talk and to share the heritage of what at that time was a very revolutionary idea that not kings, not emperors, not some quasi-God, should be the dictator of what would happen in men's lives, but that the men and women themselves would be able to make those decisions themselves.

Our founders chose to adopt a Democratic system, just as the Greek Constitution enshrines democracy as the governing rule of the Hellenic Republic. I had an opportunity on a previous trip to Greece to go to the island of Khios that lost much of its population back in 1974 after the Turks invaded the island of Cyprus.

When we start to learn about the struggle that took place over that 400 years of Turkish rule, we find that people like Thomas Jefferson had a constant correspondence with the Greeks to encourage them to fight for themselves and to once again become a nation of democracy. If we go back to the roots of our tree of democracy, we find that our Founding Fathers and the people who eventually got to the point where they were able to lead a successful Greek revolution, share their ideals and corresponded and had a dream that people themselves throughout this

world would be the ones to govern, people themselves would make the decisions.

Americans and Greeks fought together for the principles of democracy during World War II. We stuck together during the Cold War. And today we celebrate Greek independence.

We also have to take time to remember those who still endure oppression anywhere in the world, those who are denied freedom. Democracy does come with responsibilities to always seek peace, but to fight for freedom and to fight for human rights when we must fight, and to continue to build upon a strong democratic foundation.

Again, the gentleman from Florida (Mr. BILIRAKIS), my friend, mentioned, and I am not going to go too far into detail because I know some other friends are waiting to talk, we have to go back, ''Ich bin ein Berliner.'' We were all Berliners because people were behind that wall when President Kennedy said, Mr. Kruschev, take down that wall. Today the divided city is Nicosia in Cyprus.

Since 1974, that city has been divided; 1,609 Greek Cypriots and American citizens remain missing. And it was only March 5, after nearly 24 long years, that the family of Andrew Kasapis of Detroit finally found the remains of that 17-year-old American citizen who was ripped from the hands of his family, ripped away with his passport still on him, and was murdered.

They found his bones scattered in what was no more than a field. And although it took this Congress to take action and it cost millions of dollars to do the most modern DNA screening to determine that that was the remains of this young 17-year-old American citizen, we still do not know where are the over 1,600 other bodies. When will those families seek the peace of at least knowing what happened to their relatives?

On this island nation of Cyprus, the Turks must again allow freedom to move forward, must allow Greek Cypriots and Turkish Cypriots to live together, to have free elections, to live together as neighbors; allow the Greek Cypriots, who were taken from 30 percent of that island where the green line cuts across, to go back into their homes, to go back into their churches of worship which have now become stables, barns, brothels, bars. Imagine such degradation to have one's church turned into a brothel or bar or barn.

Mrs. MALONEY of New York. Mr. Speaker, I wanted to add to some of the gentleman's comments. Today the gentleman from Florida (Mr. BILIRAKIS) and I had a meeting with the Hellenic Caucus and Mr. Miller, the special assistant to Richard Holbrooke, the special envoy who has been supported by President Clinton to support peace efforts in Cyprus, he gave a detailed report which the gentleman from Pennsylvania has brought part of it to the floor today. He also mentioned that they have not received information on the other four missing Americans, but they are working on the report, and he hopes to be able to bring it back to Congress and report to all of us exactly what happened.

I just want to thank the gentleman from Pennsylvania for helping pass this resolution that led to this report that has brought some conclusion for the Kasapis family, but not for all the other families.

Mr. Speaker, I yield back to my colleague.

Mr. KLINK. Mr. Speaker, I thank the gentlewoman for those comments. One family out of 1,619 families has answers. They are not pleasant answers to think that your 17-year-old son, who would now be 41 years old, died in this field, his bones scattered. Only through plowing and digging have these bones been recovered, and not in a grave.

Mr. Speaker, what kind of peace is that? At least they have the knowledge of knowing that he is not languishing in a prison or in slavery, but in fact probably suffered a horrendous death. That is little peace, but at least we know what has happened.

The division of Cyprus has been a problem for the international community since Turkey's invasion of the island in 1974. Its subsequent illegal military occupation of the northern 37 percent of the country has stopped any kind of growth. Cyprus could become a flashpoint for regional conflict because of Turkey's opposition to European membership for Cyprus into the European Union.

Cyprus should be allowed to thrive. Last fall, H. Con. Res. 81 passed the House of Representatives unanimously, calling for a peaceful solution to the Cyprus problems. The President of Cyprus was recently reelected to a second 5-year term, and Cyprus is about to begin negotiations with the European Union.

Mr. Speaker, we want peace. We would like to see Turkey admitted to the European Union. And Greece would like to see that. The gentleman from Florida and I spoke to the leaders of Greece. They would like to see Turkey admitted to the European Union. But to do that, Turkey must obey the U.N. resolutions, they must become a member of the family of nations, which they have ceased to do.

We do not look forward to having votes where we spank Turkey. We want them to do the right thing and they have not done that.

□ 2230

And they have not done that. So I thank my friends for their leadership. I will yield back my time because I have some other friends who are waiting here to speak.

But we could take hour upon hour. These are things that are near and dear to our heart. And the leadership that the gentlewoman from New York (Mrs. MALONEY) and the gentleman from Florida (Mr. BILIRAKIS) and the friendship that you have given us and the leadership in taking us to Cyprus, to Greece, has given us a tremendous education not only of the current situation but of the history of mankind and the need for conscientious, freedom-loving people to stand up for other people who are oppressed whenever they can.

Mrs. MALONEY of New York. Mr. Speaker, I thank the gentleman for his really moving statement tonight.

I now yield to the gentleman from New Jersey (Mr. PAPPAS), newly elected to the 105th Congress, but already a leader here on Hellenic issues and many other issues of concern for New Jersey and our country. I thank him for participating.

Mr. PAPPAS. Mr. Speaker, I thank the gentlewoman for yielding. And I want to thank her and our colleague, the gentleman from Florida (Mr. BILIRAKIS), for their work on behalf of all of us who are interested in the Hellenic issues.

As cochairs of the Hellenic Caucus, they both have been active in informing this Congress about issues of importance to the millions of Americans of Greek descent. Today's successful vote on visa waiver extension is an important example of why the Hellenic Caucus' role is important in this Congress, and I thank both my colleagues for their leadership.

One hundred seventy-seven years ago, the Greek people declared their independence from foreign oppression by the Ottoman Empire. After inspiring America with the democratic ideals of ancient Greece, Greece was, in turn, inspired by the American Declaration in 1776. The idea for democratic independence was the first of a long-standing tradition for these two allies to share great ideas and common values.

The events of March 25, 1821, are critically important to the modern world. By throwing off the yoke of more than 400 years of Ottoman Turk domination, Greece retained its sovereignty, it marked the return to democratic values and civil society in southeastern Europe. It also sowed the seeds for a long-lasting and mutual relationship between Greece and the United States.

Greece has been one of four allies to fight with the United States in every conflict in this century. This has happened because both countries recognize the importance of democracy and that it is better to fight for it than to roll over and suffer under tyranny. As such, I am glad to celebrate this happy occasion with my colleagues on the floor of this House, the embodiment of democracy for many as created by ancient Greece.

Here on this floor, I am a Greek American sent here by citizens in central New Jersey to carry on the right to advocate on their behalf, knowing full well that democracy was created by Greeks and places the ultimate power to govern not in me, not in us in this Chamber, but in the people we represent. What an awesome idea. This

country is eternally grateful for their foresight in ancient times and for their fortitude to break free from the Ottoman oppression and restate their unwavering commitment to democratic ideals.

So, Mr. Speaker, I think it is fully appropriate that we take pride in celebrating this day and acknowledge the debts we owe to Greek ideals.

Mrs. MALONEY of New York. Mr. Speaker, I thank the gentleman for his statement.

The gentleman from California (Mr. SHERMAN) is a member of the very important Committee on International Relations. He has worked hard not only on the Hellenic Caucus but on many, many important issues before this Congress.

I now yield to my colleague from California.

Mr. SHERMAN. Mr. Speaker, I thank the gentlewoman from New York for yielding, and I thank both her and her co-chair of the Hellenic Caucus for not only convening this hour to commemorate Greek independence, but for inviting me to be part of this effort.

One hundred seventy-seven years ago today, on March 25, 1821, the Greek people declared their independence and began a ten-year effort to throw off the yoke of Ottoman oppression. Greek patriot Regas Fereos issued a rallying cry in that struggle, ''Better an hour of freedom than 440 years of imprisonment and enslavement.''

Today, 177 years later, we in this House, just a few hours ago, I think found an interesting way to commemorate Greek independence by allowing citizens of Greece to independently visit the United States as tourists, free and liberated from paperwork, just as we have allowed tourists from other parts of Europe and the European Community to visit the United States without undue restriction.

Greek freedom fighters looked to the American Revolution and to American democracy 177 years ago today, just as the American revolutionaries looked to ancient Greece and its tradition of democracy. After a 10-year struggle, the Greek people won their independence and reestablished democracy. Greece and America are bound not only by a common dedication to democracy, but also because Greek philosophy and Greek culture are so much the foundation of the society in which we live, the society which has gradually established many of the cultural norms, many of the philosophic underpinnings for an emerging world culture.

Since its liberation, Greece has stood by America, and America should stand by Greece. Greece is one of three nations in the world outside the British Empire that has been allied with the United States in every major international conflict of this century. As has been pointed out by earlier speakers, one out of every nine Greeks lost their life fighting the Nazis in World War II. Just as Greece joined the United States in that effort, immediately after that war the Marshall Plan was critical to reviving Greek society and the Greek economy.

Today, Greece remains a staunch NATO ally and it deserves America's support. In the past year, Greece held the historic Inter-Balkan Conference in Crete and has worked to promote regional stability in the Balkan Peninsula, an area that has been contentious throughout this century and an area that Americans are coming to know better today. As we focus on Kosovo, as we focus on Bosnia, we should recognize Greek efforts to bring peace and stability to that troubled region.

As the gentlewoman from New York (Mrs. MALONEY) pointed out, I serve on the Committee on International Relations, and in that capacity, had the opportunity, along with her and many other Philhellenes to meet with the Greek foreign minister just yesterday. And we had an opportunity to praise Greece for not only its constructive role in the Balkans, but also because it is Greece, and the supporters of Greece here in the United States who have urged upon the United States a very interesting approach to foreign aid.

Greece and the supporters of Greece here in the United States have urged that zero be appropriated in military aid to Greece and commensurately zero be appropriated in aid to Turkey. And given the fact that we must diminish the amount that is spent, especially by military forces in that troubled region of the world, this is a very constructive position, a position reflected in President Clinton's most recent budget.

I should point out that, quite wisely, President Clinton's budget does provide continuing aid to Cyprus, a society that continues to suffer from division as a result of the occupation of Turkish forces. Not only is the zero decision one that is included in the President's budget, it is also helpful to the United States as we continue to face budgetary pressures.

There are several outstanding problems that continue to be the focus of those of us who work with the Hellenic Caucus, and I am happy to have been a member of that caucus from my first day in the United States Congress. One of those outstanding problems is that of the Aegean. The Greek-Turkish dialogue should go forward. But many of us have urged that before it goes forward, the Turkish Government, must indicate its respect for international law in the Aegean, and that Turkish overflights of Greek and Cypriot airspace and other acts of aggression, should cease. The Turkish Government should agree to be bound by international law on all issues involving the Aegean and should cease its acts of aggression.

I have joined, most of the leaders of the Hellenic Caucus as a cosponsor of the Peace in Cyprus Resolution last year, and a resolution introduced today reaffirming our commitment to a peaceful resolution of the Cyprus problem with the withdrawal of all Turkish troops from that troubled island. I take special interest in seeing the peace talks move forward now that the Cypriot elections are over and President Clerides has been reelected.

U.S. Presidential envoy Richard Holbrook should move forward toward peace, toward a withdrawal of Turkish troops from the island. Regrettably, there has not been much progress to date. We mentioned earlier in this hour the fact that four Americans are still missing. The remains of one American, Andrew Kasapis, have been returned. But certainly, as important as it is to his family for those remains to have been discovered and returned, we need to see much more progress toward peace and unity in Cyprus.

This is an historic movement for Cyprus, as the European Union accession talks are scheduled to begin next week. The European Union's decision to invite Cyprus to join ranks will benefit a reunified Cyprus and should be an impetus towards peace.

Unfortunately, the Turkish Government seems to wants to hold Cyprus hostage for its own membership in the European Union. If Turkey wishes to join the European Union, Turkey should seek to meet the standards of that union on its own rather than holding Cyprus hostage.

Finally, Turkey must accord protection to the Ecumenical Patriarch, should allow the reopening of the School of Theology, which was closed in 1971, and allow the work of the Patriarch to continue in safety and protection. I also want to call upon my colleagues to join with me and the others in the Hellenic Caucus in cosponsoring House Resolution 148 commemorating the 75th anniversary of the destruction of Smyrna, as it is time for Turkey to come to grips with its past.

Unfortunately, the Turkish Government has decided to embark on a program of denial, of denying the massacres at Smyrna, at denying the genocide of the Armenian people. And this has taken the form of seeking to plant academics in the United States.

I am a proud graduate of UCLA. I was there when we won the NCAA championship after championship. And I was proud of my alma mater then. But as proud as I was when Bill Walton was sinking jump shots, I was even prouder when earlier this year UCLA turned down a gift of over a million dollars from the Turkish Government because that gift came with strings attached which would have curtailed academic freedom and would have given the Turkish Government control over how the occupant of that chair pursued scholarship and teaching in the area of Ottoman and Turkish history. Academic freedom is not for sale at UCLA.

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Now the Turkish government has turned its attention to the north, to the University of California at Berkeley. I hope that our cousins in northern

California will reject all strings and will insist that the occupant of any academic chair be free to pursue academic inquiry wherever it leads. What greater tribute to American universities, what greater tribute to the philosophy of free thinking that we have inherited from the ancient Greeks. As I mentioned, ancient Greece inspires us all. Its philosophy and culture underpin American philosophy and culture, and its greatest gift, as was remarked before, is that of democracy. We owe a lot to the ancient Greeks and we owe a lot to the modern Greeks. They stood with us and we stood with them in World War II and the Cold War. In just a few years, we will have a chance to celebrate the Olympics in the year 2004 as it returns to Greece, its ancient home, and also the place where the modern Olympics were reborn. We have a lot to thank the ancient Greeks for; a lot to thank modern Greeks for. I think the gentleman from Florida (Mr. BILIRAKIS) said it just perfectly when he said all free men are Philhellenes.

Mr. KENNEDY of Massachusetts. Mr. Speaker, the occasion of Greek Independence Day is an opportunity to thank the Greek people for their long tradition of friendship and partnership with the United States, and to reflect on the great values that Greeks and Americans have shared throughout the centuries.

Greek-Americans have helped build the United States and have contributed immeasurably to the nation's cultural and intellectual enrichment. Devoted to education and advancement, Greek-American families have produced great leaders such as Massachusetts' Michael Dukakis and Paul Tsongas. I am currently helping to set up a foundation in the name of Senator Tsongas. The foundation is designed to foster scientific achievement and innovation and honor his life and service.

The United States and Greece are the two cornerstones of democratic tradition in the world, whose shared history is a proud tradition of cooperation. Our experiences have intertwined at some of the most precarious junctures of history. Over 600,000 Greeks died fighting on the side of the Allies in the Second World War. During the Cold War, the friendship between the United States and Greece helped stall the spread of communism, and maintained the freedom and security of the Mediterranean.

Today, the U.S.-Greek relationship is more important than ever. The occasion of Greek Independence Day gives us a chance to reaffirm our commitment to helping Greece with the challenges it faces today. The United States must strengthen its cooperative relationship with Greece to secure our many mutual interests. And Congress must ensure that the United States remains engaged in the region in order that we may secure those interests.

Greece and the U.S. can merge their talents to prevent ethnic conflict from spreading throughout the Balkans and to help the region to develop economically.

In Cyprus, the United States has a duty to lead the charge for a lasting, peaceful solution. Congress must continue to support the Administration's diplomatic efforts for the island. We must insist on demilitarization of the island and demand Turkey's full compliance with international law and the United Nations resolutions on Cyprus which call for its withdrawal. We have still not answered lingering questions about the Greek-Cypriots who disappeared at the hands of Turkish soldiers. The victims and their families deserve answers.

But the peace talks will not work if the arms race continues. We must have a demilitarization process in action alongside the peace talks. How can we talk peace when both sides are stockpiling sophisticated weaponry on both sides of the green line? What kind of negotiations can you have if both sides are looking down the barrel of a gun?

We can honor those who perished and those who have lost loved ones in Cyprus if we work to help today's Cypriots realize their dreams of a free, unified Cyprus. In doing so, we may be able to secure a lasting peace and economic security for a people who are so richly deserving of it.

In sum, Mr. Speaker, let us use the occasion of Greek Independence Day to thank our Greek friends, to salute Greek-Americans, and to reaffirm our commitment to working with Greece to solve the challenges that will face us all in the future.

Mr. HINCHEY. Mr. Speaker, I would like to take this opportunity to offer congratulations to the people of Greece who today are celebrating their 177th year of independence from the Ottoman Empire. Their story is one that closely mirrors that of our own country and is deeply engrossed in the very principles that our nation was founded. Like our forefathers, the people of Greece arduously fought against oppression to win their independence and their right to self-determination. We share a common appetite for the individual freedoms that characterize our democracies and common disdain for those who threaten that liberty.

In fact, the society we live in today—a democracy where freedoms and liberties are paramount—was crafted, in theory, by the great thinkers and politicians of ancient Greece. Our Founding Fathers relied heavily on the political and philosophical experiences of the ancient Greeks as they themselves toiled with the blueprints of this great nation.

We can easily equate the observance of the Greek Independence Day with the celebration of our own independence on the Fourth of July. Both represent opportunities to trumpet the successes of democracy, revel in our freedoms and pay our respects to those who have come before us and perished to protect our liberties.

Mr. Speaker, Greece remains one of the United States' closest allies. It is interesting to note that they are one of only three nations, outside the British Empire, which has fought alongside American soldiers in every war this century. Their loyalty is commendable and deserves our continued reciprocity.

As I stand in the chamber of this great legislative body, surrounded by renderings of several of the most notable Greek philosophers, I am compelled to recognize the legacy left behind by the original pioneers of democracy. I thank the people of Greece for their continued goodwill and offer them my sincere best wishes as they celebrate their lasting independence.

Mr. VISCLOSKY. Mr. Speaker, I join my colleagues today to recognize the 177th anniversary of Greek Independence Day. As the U.S. Representative of a region with over 5,000 people of Greek descent, I know that this important event will be joyously celebrated throughout Northwest Indiana.

I would like to honor not only this important day in Greek history, but the strong and unique relationship that exists today between the United States and Greece. The development of modern democracy has its roots in ancient Athens. The writings of Plato, Aristotle, Cicero and others were the first to espouse the basic tenets of a government of the people and by the people. While these ideals were not always followed in ancient Greece, these writings provided a roadmap for later governments in their attempts to establish democracy in their countries.

The Founding Fathers of the United States were particularly influenced by the writings of the ancient Greeks on democracy. A careful reading of The Federalist Papers reveals the significant part the early Greeks played in the formation of our government. Thomas Jefferson called upon his studies of the Greek tradition of democracy when he drafted the Declaration of Independence, espousing the ideals of a government representative of and accountable to the people. Decades later, these ideas were a catalyst in the Greek uprising and successful independence movement against the Ottoman Empire—the event we celebrate today.

On March 25, 1821, the Archbishop of Patros blessed Greek flag at the Aghia Laura monastery, marking the proclamation of Greek independence. It took eleven years for the Greeks to finally defeat the Ottomans and gain their true independence. After this long struggle against an oppressive regime, Greece returned to the democratic ideals that its ancestors had developed centuries before.

Today, this country's relationship with Greece is as strong as ever. Greece has been our ardent supporter in every major international conflict of this century, and they play an important role in the North Atlantic Treaty Organization and the European Union. Greece is also a key participant in the United Nations peacekeeping force in Bosnia, providing troops and supplies. In turn, the United States has worked to attain a peaceful settlement to the conflict in Cyprus, the island nation that was brutally invaded by Turkey in 1974.

Mr. Speaker, I would thank our colleagues, Mr. BILIRAKIS and Mrs. MALONEY, for organizing this Special Order, and I join all of our House colleagues in recognizing Greek Independence Day. I salute the spirit of democracy and family that distinguish the Greek people, as well as their courage in breaking the bonds of oppression 177 years ago. I look forward to many more years of cooperation and friendship between our two nations.

Mr. ROTHMAN. Mr. Speaker, I rise today to pay tribute to Greek Independence Day.

For the Greek-Americans I represent, and indeed for all Greek-Americans, this day represents the determination of the Greek people to live free. Under Ottoman rule for four centuries, the Greek people proudly secured their independence in 1829. From that moment forward, America's warm relationship with Greece and the Greek people has grown, bringing our two nations closer together in enduring ways.

Today, Greece is a moderm nation and a global force in an ever demanding world marketplace. As Greece moves closer to adopting

the single European currency, the fact of her economic strength becomes ever clearer. All Greek-Americans are rightly proud of Greece's vigorous and growing economy. Their homeland's unique ability to preserve its remarkable history while moving proudly into the twenty-first century is a tribute to the Greek people.

On this day, as we celebrate and recognize Greek Independence Day, I would also like to highlight the fact that Greece will play host to the 2004 Olypmic Games. The historic importance of the Olympic Games returning to their roots in Athens is a story of rediscovery and restoration. I understand that the Greek Cabinet is already planning for a ''Cultural Olympiad'' which will be organized in connection with the 2004 Olympics. All efforts in support of the Olympic Games in Athens, efforts that I know the Greek-American community will be backing, should be supported by this Congress.

To conclude, let me add my name to my many colleagues who today are saluting Greek Independence Day. By remembering this memomentous occasion, this Congress serves to memoralize the sacrifice of a generation of Greeks who gave their last measure so that independence and freedom could be secured for the Greek people. It is a just cause the Greek people fought for in 1829 and one that we honor here today.

Mr. MCGOVERN. Mr. Speaker, I am very proud to rise on the floor of this chamber of American democracy in honor of the 50th Anniversary of Greek Independence Day.

All the world looks to Greece as the fountain and inspiration for every modern-day democracy, including our own.

it is a tragedy of history that the people who created democratic rule were subject to harsh subjugation and robbed of independence for so many centuries.

For 400 years—from the fall of Constantinople in 1453 until the Greek people once again declared their independence in 1821—Greece remained under the Ottoman Empire. During this time, Greeks were deprived of all civil rights. Schools and churches were closed down. Greek Christian and Jewish boys were kidnaped and raised as Moslems to serve the Ottoman Sultan.

In 1823, a famous U.S. Representative from Massachusetts, Daniel Webster, described this period of Greek history in this way: ''This [Greek] people, a people of intelligence, ingenuity, refinement, spirit, and enterprise, have been for centuries under the atrocious unparalleled Tartarian barbarism ever oppressed the human race.''

So today, in reality, marks the 177th anniversary of the beginning of the revolution that freed the Greek people from the Ottoman Empire.

But Greece also lost its freedom during World War II to Nazi Occupation and afterwards briefly to communist rule. In 1948, it once again regained its independence and for the past 50 years, the people of Greece have controlled their own destiny.

It's for these reasons that we gather here today to honor the strength, courage and vision of the Greek people.

I am also here to honor the contributions made by Greek-Americans in my own district in Central Massachusetts. Since the turn of the century, over 5,000 Greek men, women and children have made Worcester, Massachusetts their home, contributing significantly to all aspects of civic life.

The Cathedral of St. Spyridon in Worcester reminds us of this vibrant Greek-American community. In Worcester, this important day is celebrated by teaching children to recite poetry and songs commemorating their past and their heritage. Discussion groups are held to honor the memory and history of the heroic deeds and patriotism of the Greek and Greek-American men and women who fought and died for the freedom I and my constituents enjoy today.

Similar celebrations are held throughout my district—in Fall River and Dartmouth, in Attleboro and Seekonk.

No one standing on the floor of the U.S. House of Representative can fail to honor the contributions of Greece to American democracy, freedom, literature and philosophy. Throughout this Capitol and this city, everywhere you might look, you will see homage to Greek ideas and ideals. They are engraved on our buildings, enshrined in our laws, and they surely influenced the minds and hearts of the men and women who founded this nation.

I want to thank the gentleman from Florida [Mr. MICHAEL BILIRAKIS]—a fine example of the contribution Greek heritage continues to make to American democracy—and to the gentlelady from New York [Mrs. CAROLYN MALONEY] for organizing this special order on this historic occasion.

I would like to remind them that, if Massachusetts would have had its way, we might have had two Greek-Americans as President of the United States. And so I thank them for their leadership of the Hellenic Caucus and for all their fine efforts to educate and involve other Members on the issues challenging Greek and U.S. policy today.

Mr. LOBIONDO. Mr. Speaker, I rise as a member of the Congressional Caucus on Hellenic Issues to again recognize Greek Independence Day. This is a day to honor the sacrifices made by the Greek people over hundreds of years in their struggle against the oppressive rule of the Ottoman Empire.

This day also reminds us that Greece and the United States share much in common, including the 1.1 million American citizens who are of Greek descent. I am pleased to join New Jersey's Greek-American citizens in their celebration. Many of my constituents in southern New Jersey bear a proud ancestry to Greece. Their culture, food, and heritage add to the diversity and richness of our district.

In fact, many artistic and intellectual traditions have been handed down to the people of the United States of America by the people of Greece. Our nation is richer for these traditions, and we remain grateful to Greece.

The ties that bind America to Greece are not only historical, but also modern. Americans have fought side by side with Greeks in two World Wars as well as in the Persian Gulf War. Today, Greece is our invaluable ally in the North Atlantic Treaty Organization. I call upon President Clinton and the Secretary of State, Madeleine Albright, to make Greece—and the protection of Greeks in Cyprus and Turkey—a primary focus of U.S. foreign policy.

Mr. Speaker, in closing, I would ask all Members of the House to join with me in honoring the historical ties between the United States and Greece and in continuing to foster the close relationship between our two countries that has proven so successful.

Mr. WEYGAND. Mr. Speaker, today thousands of Greeks and Greek Americans will celebrate the 177th anniversary of the beginning of the revolution that resulted in the liberation of the Greek people from nearly 400 years of domination under the Ottoman Empire.

Approximately 2000 years ago the democratic principles of equality, freedom and self rule were espoused by such great thinkers as Aristotle, Plato and Polybius. Tragically, under the Ottoman Empire those principles were repressed and for hundreds of years Greeks were deprived of their civil rights. Fortunately, the foundations of democracy formed in Athens resurfaced and inspired the Greeks to stage a revolution in 1821 and break their ties of oppression.

These democratic principles of freedom, equality, and self rule inspired our founding fathers and were heavily relied upon as they drafted the Declaration of Independence and the United States Constitution.

Greece has been a strong ally of the United States. Every time the United States entered into international conflict this century, the people of Greece have shown their support by allying themselves with us. For that, I thank the citizens and soldiers of Greece.

I look forward to continued good relations with Greece and its citizens and working with them to preserve and expand democracy throughout the world. Again, I congratulate Greece on 177 years of independence.

Mr. BONIOR. Mr. Speaker, I am pleased to join the Greek community in celebrating the 177th anniversary of Greek independence. I also want to thank my colleagues Mr. BILIRAKIS and Ms. MALONEY for organizing this event.

On March 25, 1821, the Archbishop of Patras blessed the Greek flag at the Aghia Lavra Monastery near Kalavrita, marking the beginning of the Greek war of independence in which nearly 400 years of Ottoman rule were turned aside.

Ancient Greece was the birthplace of democratic values. It brought forth the notion that the ultimate power to govern belongs in the hands of the people. It inspired a system of checks and balances to ensure that one branch of government does not dominate any other branch.

These ideals inspired our Founding Fathers as they wrote the Constitution. In the words of Thomas Jefferson: ''to the ancient Greeks . . . we are all indebted for the light which led ourselves out of Gothic darkness.''

Today, the United States is enriched not only by Greek principles but also by its sons and daughters. Greek-Americans have made major contributions to American society, including our arts, sports, medicine, religion, and politics.

My home State of Michigan has been enhanced by the Greek community. In Macomb and St. Claire Counties, we are served by St. John's Greek Orthodox Church and Assumption Greek Orthodox Church. These institutions provide a multitude of community services and add to the rich diversity of the area.

Mr. Speaker, I join the people of Greece and those of Greek ancestry around the world celebrating Greek Independence Day.

I salute all of them for the tremendous contributions to freedom and human dignity which they have made.

Mr. ANDREWS. Mr. Speaker, I rise today in celebration of Greek Independence Day, a national day of celebration of Greek democracy.

This day marks the beginning of the revolution which freed the Greek people from the Ottoman Empire. The Greeks were finally liberated after year of oppressive treatment and civil rights violations. Their communities were slowly deteriorating schools and churches were being closed down, and Christian and Jewish boys were kidnapped and raised as Moslems to serve the Sultan.

I spent eight magnificent days last August in Greece and Cyprus. There is no better way to learn about the troubles of Cyprus and the splendors of Greece than to speak directly with the people who live there.

I enjoyed my visit to Athens very much, and learned a great deal about the history of Greece. Greece is one of only three nations in the world allied with the United States in every major international conflict this century. During the early 1900's one in every four Greek males between the ages of 15 and 45 immigrated to the United States. Through their extraordinary compatibility with the people of America, Greek-Americans have made tremendous contributions to the United States.

The American Revolution became one of the ideals of the Greeks as they fought for their independence in the 1820's Greek intellectuals translated the American Declaration of Independence and drew from it in drafting their declaration of freedom.

In 1953, after Greece's post-World War II struggle against the Communist rebels, President Dwight D. Eisenhower appropriately said. ''. . . Greece asked a favor except the opportunity to stand for those rights which it believed, and it gave to the world an example of battle, a battle that thrilled the hearts of all free men and free women everywhere.''

Mr. Speaker, as a supporter of issues of concern to the Greek-American community, I am proud to recognize this population and their day of pride and freedom. Greek civilization touches our lives as Americans, and enhances the culture and traditions of this great Nation.

Mr. ACKERMAN. Mr. Speaker, we are pleased once again to recognize and celebrate Greek Independence Day, commemorating the successful struggle of the Greek people for national sovereignty. Since that time, Greece and the United States have enjoyed a close relationship, characterized by a shared commitment to democracy, peace, and respect for human rights. The ancient Greek civilization was the birthplace of democracy and we as a nation are proud to carry on the principles which were first created there.

We are especially proud to have had Greece as our ally during this last century's upheavals. Greece has been our ally in every major international conflict during this time, and has always acquitted itself with bravery and honor. In particular we recognize the valiant resistance to Axis occupation as commemorated by ''OXI'' day and the refusal of the Greeks to cooperate with or accede to the Holocaust. We also celebrate the heroism and determination shown by Greek soldiers in the crucial Battle of Crete, a turning point in the struggle for democracy and against fascism and oppression.

The many Greek-Americans who have participated in the economic, cultural, and political life of America are testimony to the special relationship between our two peoples. The celebrations for Greek Independence Day which occur both in Greece and all across America demonstrate the spirit of civic pride and participation which have enriched both of our cultures.

I am glad to have this opportunity to once again celebrate Greek culture and toast the Greek people. I had the opportunity late last year to demonstrate my commitment to preserving the territorial integrity of Greece by cosponsoring a resolution expressing our recognition of Greece's claim to the Imia islands. I will continue to support our Greek allies in the future and express my best wishes to all those who are now celebrating the 177th Greek Independence Day.

Mr. MANTON. Mr. Speaker, it is my great pleasure to rise today to mark the 177th anniversary of Greek independence, when Greece set themselves free from the jaws of the Turkish Ottoman Empire. I thank my colleagues, Congressman BILIRAKIS and Congresswoman MALONEY, for their steadfast leadership on Greek issues and for organizing this Special Order to recognize this historic event.

As the shining star of modern civilization, Greece has made a tremendous contribution throughout its history to not only Western Europe and the United States, but also the world. As the birthplace of democracy, Greece was the role model for the foundation of the democratic government and freedom the United States has enjoyed for over two hundred years. With their vast interest in expanding their own knowledge, the Greeks have also increased cultural awareness throughout the world. Johann Wolfgang von Goethe perhaps said it best, ''Of all peoples, the Greeks have dreamt the dream of life best.''

Since Greece achieved independence, their relationship with the United States has only grown stronger. In the beginning, Greece fashioned guaranteed freedom for the people after our Declaration of Independence. During World War II, more than 600,000 Greek soldiers died fighting against the Axis powers, illustrating Greece's commitment to the United States and freedom loving people everywhere. Although their struggle continued after World War II with their fight against Communist rebels, Greece was still able to stabilize the future and strength of their country.

Today, the relationship between the United States and Greece continues to prosper. The recent visit of Foreign Minister Theodore Pangalos to the United States illustrates the lasting harmony our two governments have on a number of issues affecting both our nations.

Since coming to Congress, I have had the pleasure of representing a number of Greek-Americans in the Seventh District of New York. Their influence and active participation in the life of their communities has fostered economic, political and social growth throughout New York City.

As we celebrate Greek independence, we must keep in mind the struggle for freedom and demand for human rights continues on the island of Cyprus. I am confident the work by Richard Holbrooke and Tom Miller will create the chance for peace to be a reality on an island that has been home to division and violence for far, far too long.

Mr. Speaker, on this occasion of commemorating the unique relationship between the United States and Greece, I encourage my colleagues to join me as a member of the Congressional Hellenic Caucus. Members of the Caucus have the opportunity to work on a number of issues affecting Greeks and Greek-Americans in a bipartisan manner.

In closing, Mr. Speaker, let me assure my colleagues I intend to continue my strong commitment to Greek communities in my district, the country, and throughout the world. Their strength and dedication to democracy has provided a strong and stable country and has made Greece the democracy it is today.

Mr. GILMAN. Mr. Speaker, I am pleased to rise on this occasion on which we salute the great nation and people of Greece, the Hellenic Republic as they celebrate the 177th anniversary of Greece's independence. I commend the gentleman from Florida, Mr. BILIRAKIS, for taking the initiative once again to ensure that members have the opportunity to convey our thoughts on this important day. The United States and Greece have enjoyed a long and close relationship. The people of the United States recognize and revere Greece as the cradle of the democratic tradition that has allowed this country to rise to the heights of its greatness.

We are fortunate to have benefitted from the contributions of those immigrants from Greece who have contributed their toil, their knowledge and their culture to our American civilization, and we appreciate the warmth of the citizens of Greece reflected in the welcome they provide to Americans who are fortunate enough to be able to visit the shores of Greece, its beautiful islands and countryside.

Greece plays an important role in helping to stabilize the Balkans, one of the more dangerous neighborhoods of Europe. I was privileged yesterday to host a meeting with the Foreign Minister of Greece, Theodoros Pangalos, during which we reviewed the issues affecting Greek-American relations. I am pleased to report that the state of our relations is healthy. On this occasion let us call on our government to exercise even-handedness between our two important NATO allies in the eastern Mediterranean, Greece and Turkey.

I hope that all of our colleagues and fellow citizens will avail themselves of this occasion to reflect upon the blessings of democracy, for which we will be forever indebted to the ancient Hellenes, and upon our good fortune today in having such a close and reliable ally as the great nation of Greece.

Ms. HARMAN. Mr. Speaker, today, as the people of Greece celebrate the 177th anniversary of their struggle for independence, I join my colleagues in commemorating this day, and in extending heartfelt congratulations to the people of Greece and to those of Greek descent everywhere.

Mr. Speaker, the culture, history, and political philosophy of our country are deeply steeped in the Greek tradition. Greece, the cradle of democracy, inspired our Founding Fathers as they struggled to fashion the American form of government. In turn, the American Revolution inspired Greeks fighting to gain their freedom after 400 years of rule by the Ottoman Empire.

As we speak, the influence of Greek art and architecture surrounds us in our classically-inspired Capitol. And who can ignore the fact that our country has grown culturally richer and economically stronger because of the presence and contribution of countless Greek immigrants? In California's 36th district, which I represent, Greek Americans are a vibrant part of a culturally-diverse community—the South Bay would be less than what it is today were it not for the wide-ranging civic contributions of Greek-Americans.

Mr. Speaker, the familial ties between the United States and Greece are mirrored in the close political cooperation our countries share. As members of the North Atlantic Treaty Organization (NATO), the United States and Greece work together to ensure security on Europe's southern flank. As newspaper headlines sadly remind us, south eastern Europe continues to experience political turbulence, and US-Greek cooperation remains an essential element in bringing stability to this part of the world. I remain committed to strengthening U.S.-Greek ties, and to working on issues of interest to the Greek American community, including a permanent solution to the Cyprus problem.

I thank my colleague, Mr. BILIRAKIS, for his leadership in organizing this special order to highlight the important contributions of Greece to our country, and once again congratulate the people of Greece on this memorable occasion.

Mrs. LOWEY. Mr. Speaker, I rise today to commemorate the 177th anniversary of Greece's independence from the Ottoman Empire, and to celebrate the shared democratic heritage of Greece and the United States. I thank Congressman BILIRAKIS and Congresswoman MALONEY for organizing this special order and for their leadership on issues of importance to the Greek-American community.

On March 25, 1821, after more than 400 years of Ottoman Turk domination, Greece declared its independence and resumed its rightful place in the world as a beacon of democracy.

The people of Greece and the United States share a common bond in their commitment to democracy. Our Founding Fathers looked to the teachings of Greek philosophy in their struggle for freedom and democracy. And the American experience in turn inspired the Greek people who fought so hard for independence 176 years ago.

This bond between our two peoples stretches beyond the philosophy of democracy. The relationship between the U.S. and Greece has grown stronger and stronger through the years, and Greece remains today one of our most important allies.

And the contribution Greece makes to life in America is even stronger than the ties between our two countries. Greek-Americans are a vital part of our cultural heritage. My district in New York would not be what it is today without the valuable contributions made by the Greek-American community.

I am proud to stand today in commemoration of Greek independence and in recognition of the contribution Greece and Greek-Americans have made to our country.

Ms. PELOSI. Mr. Speaker, I thank my colleagues, Ms. MALONEY and Mr. BILIRAKIS for organizing this Special Order. As I rise to join with them in the celebration of the 177th anniversary of Greek Independence Day, I am reminded of the words of the great 20th century Greek writer and philosopher Nikos Kazantzakis: ''What first truly stirred my soul was not fear or pain, nor was it pleasure or games; it was the yearning for freedom.'' Deep within the Greek soul is this unmistakable blueprint for democratic freedoms. It is what propelled the Greek people to revolt against the scourge of the Ottoman Empire which plunged one of the world's most enlightened societies into a Dark Ages that spanned 400 years.

Today, as we celebrate this anniversary we find ourselves revisiting history. The story of Greek Independence is inextricably linked to the terror of Turkish oppression on the island of Cyprus. When the Greeks began their war of independence on March 25th, 1821 the people of Cyprus were singled out for a particular form of bloody retribution, meant to send a message to the rest of occupied Greece. Naturally, the Cypriots were sympathetic to the Greek cause, and were among the first to offer whatever support they could. For this they were sternly punished by the Turkish authorities. The island's Turkish governor was particularly brutal. On July 9th, 1821 he ordered a massacre to begin with the torture and murder of the Archbishop of Cyprus, Kyprianos, his three bishops, and many other members of the clergy and civilians. The Archbishop was hanged from a fig tree outside his residence. The killing and torture continued until December of the same year.

This anniversary of Greek Independence is observed, as it has since 1974, with the notable inclusion of Turkey's bloody invasion of Cyprus in that year. Although the Greek and Cypriot governments have shown a willingness to resolve the issues that undermine a stable peace in the region, the Turkish government continues to dodge the critical questions at hand.

While we celebrate the principles of democracy given to us by the ancient Greeks; While we commemorate the actions of the brave Greeks who fought for their birthright 177 years ago; we must acknowledge that the island of Cyprus is divided and under siege, and until this act of Turkish aggression is reversed, our joy is muted and our sense of outrage sharpened.

Ms. ROS-LEHTINEN. Mr. Speaker, I am pleased to join my colleagues today in commemorating the 177th anniversary Greek Independence Day.

I wish to thank Congressman MIKE BILIRAKIS and Congresswoman CAROLYN MALONEY for calling the special order to raise the public's awareness of the history of Greece and the important role Greece has played in the United States and the world.

Many people believe that Greece's greatest gift to the United States and to the world is the government system of democracy. That is indeed a great gift which has brought much happiness to the world. But the world needs to know that democracy is not easily attained or kept.

When we celebrate Greek Independence Day, we need to note that March 25 is not the day when all of Greece gained its independence. March 25 was the day that Athens and a small portion of Greece gained independence and then areas populated by Greeks were liberated one by one until we have the Greece of today.

The Greek people, through their history, have shown an indomitable will to fight for their freedom. The Greek victories are well known throughout history. There was the Greek war for independence that freed part of Greece from the Ottoman Empire and later during World War II, they fought against the Nazi invaders. But Greeks have also suffered less known tragedies that would have broken the spirit or destroyed a lesser people.

One famous battle had the Greek Spartans defending against a Persian invasion. the Greeks said ''molon lave'' to the invaders.

''Molon lave,'' means ''come and get them'' and in 480 B.C. it was the response that 300 Greek Spartans gave to the Persian Army, who numbered in the tens of thousands, when the Persians offered mercy, if the Spartans would hand over their weapons and surrender.

The Greek Spartans said ''molon lave'' or come and get them.

The Spartans would not hand over their weapons and surrender, because they would be handing over their dreams of being a free people. They would not hand over their dreams of a free Sparta. They fought for those dreams.

That city state of Sparta grew, and is now part of Greece, and that famous battle is part of Greek history and Greek tradition.

Greeks, Greek Cypriots and Greek Americans all come from that same strong tradition.

Today Greek minorities in Turkey and other places in Eastern Europe are suffering political and religious persecution. Just a few months ago a bomb was thrown at the Ecumenical Patriarchate and exploded injuring a church deacon and damaging the cathedral. These repeated attacks on Greek minorities must stop.

We need to raise public awareness of the difficulties faced by our democratic birth place.

In addition to reminding the American people of our roots to the cradle of democracy in Greece, we need to continue raising the public's awareness of the constant threat Greeks live under in Eastern Europe.

On this day that we commemorate Greek independence, it is important to note that the most important and urgent problem facing the international Greek community is Cyprus.

The next few months will bring Cyprus the greatest opportunity for peace, and the greatest risk for further violence.

We have heard this in years past, but I believe it certainly applies today.

Finding a solution to the Cyprus problem has become a priority to the United States and to the international community.

The House has adopted House Concurrent Resolution 81, which I cosponsored, which states clearly and firmly that ''The status quo on Cyprus is unacceptable and is detrimental to the interests of the United States in the Eastern Mediterranean and beyond.''

I introduced H. Con. Res. 181 last year to help relieve the suffering of the enclaved Greek Cypriots and am considering similar legislation in this Congress. We must end the senseless persecution of these brave people. I thank the 60 Members who have co-sponsored and I will work with them to move this legislation forward.

The Greek Cypriots in occupied northern Cyprus live under intolerable inhuman conditions since their land was occupied by a military force. Tensions continue to rise around Cyprus and I urge the administration to apply the same degree of commitment to finding a peaceful solution to the Cyprus crisis that it applied to the Bosnian crisis.

I commend the administration for the appointment of Special Presidential Emissary For Cyprus, Ambassador Richard Holbrooke and for assigning Tom Miller to work with Ambassador Holbrooke to negotiate a peaceful solution for Cyprus.

I believe a solution of the Cyprus problem is crucial to the safety of Greece and all Greeks living in Eastern Europe.

Mr. Speaker, the link between the United States and Greece is a strong bond and I believe the United States should thank the Greek

people for not just being a good ally to America but for their gifts of our heritage of democracy and individual liberty. I am happy to join my colleagues in celebrating this joyous anniversary.

Again, I thank my friends Congressman BILIRAKIS and Congresswoman MALONEY for calling this special order and for their leadership on Hellenic issues.

Mr. KENNEDY of Rhode Island. Mr. Speaker, I want to thank my colleague from Florida for yet again taking the leadership to organize this special order which provides us the opportunity to celebrate one of greatest days in the history of Greece, our close ally.

I also want to commend the Gentleman from Florida and the Gentleman from New York for organizing the Congressional Caucus on Hellenic Issues. I am pleased to be part of an organized and concerted effort to speak out on those issues which are important to Greece, Cyprus, and our constituents of Hellenic descent.

Our war for independence was an example for Greece to begin its own struggle for freedom on March 25, 1821. And so it is appropriate for us to take time to celebrate the beginning of Greece's struggle for independence from the cruel oppression of the Ottoman Empire. Just as American colonists were an inspiration for revolution, the Athenian democracy was an inspiration to our revolutionaries.

The bonds between these two countries are long and strong. As the years run into decades, and the decades run into centuries we realize and appreciate the great debt that America owes to Greece for founding the principles of democracy. We pay tribute to this every day when we meet and debate and freely share ideas.

Further, there is much to be attributed to the hard work of the sons and daughters of Greece who have come to the United States have made a tremendous impact on their communities. In my own state of Rhode Island, there are remarkably strong and productive Greek communities. Since the turn of the century, Greek immigrants have moved into Providence, Pawtucket, and Newport, Rhode Island. There they built business, neighborhoods, churches, schools, and raised families. Today, the grandchildren of those immigrants are leaders in our state, and Rhode Island is richer because of all they have given.

Today, we celebrate what Ancient Greece gave to founding our nation and what Greek-Americans have given in the development of the United States. Again, I thank my colleagues for all of their hard work in making this Special Order possible and look forward to further work with the Hellenic Caucus.

Mr. COYNE. Mr. Speaker, it is an honor to take part once again in this annual special order celebrating the anniversary of Greek independence.

As a Member of Congress representing a district with a vibrant Greek-American community, I can testify personally to the many contributions that Greek Americans have made to our nation. Today is a day when the more than 1 million Greek Americans join the people of Greece in remembering and reflecting upon an event that took place 177 years ago—the beginning of the fight for Greek Independence.

It is only fitting that each year, the Congress of the United States pays tribute to the establishment of the modern nation of Greece, the land that was the cradle of democracy. The ancient city-states of Greece made many seminal contributions to western civilization. Western architecture, literature, science, and philosophy can each trace much of their heritage to the people of ancient Greece. But perhaps ancient Greece's most important gift to the modern world was the creation of the concept of democratic self-government. The Founding Fathers of this country, educated in the classics, looked back to, among others, the ancient Greeks for their inspiration in breaking from England's domination and creating a new, democratic nation in North America.

And yet, two hundred years ago when our country was newly established, Greece—once the cradle of democracy—no longer enjoyed the benefits of self-government. In 1821, most of Greece was, in fact, part of the Ottoman Empire. The Ottoman Empire had dominated the Greek people for over 400 years, and the Ottoman Government's corrupt, autocratic rule was becoming increasingly oppressive.

Unwilling to tolerate Ottoman domination any longer, Greek patriots rose up against the Ottomans in March of 1821. The Greek struggle for independence lasted for nearly ten long years, but the Greek people never wavered in their fight for freedom.

The struggle of the courageous Greek patriots against an overwhelming imperial power won the hearts of many influential figures in Western Europe and the United States. Europeans and Americans identified with the descendants of the nation that had done so much to shape western civilization. Eventually, the French, British, and Russian governments declared their support for Greek independence, and together, they pressured the Ottoman Empire to recognize Greece as an independent state in 1829.

Mr. Speaker, these Greek patriots fought and died for the same principles of freedom and self-government that inspired the Founding Fathers. Consequently, it is appropriate that we remember them today, the 177th anniversary of the advent of Greek independence. I am pleased to join my colleagues in celebrating this very special day.

Mr. BATEMAN. Mr. Speaker, I am proud to join my colleagues today in recognizing the 177th anniversary of the beginning of the revolution that freed the Greeks from the subjugation of Ottoman rule.

On March 25, 1821 Greek patriots began their long struggle for freedom and won independence from the Ottoman Empire in 1829. Throughout their history, the Greeks have defended democracy and remain a valued member of the international community. During World War II, the Greeks fought courageously and suffered severe casualties in their efforts to fend off Nazi armies. With the cessation of hostilities at the conclusion of WWII, democracy in Greece was threatened by the forces of communism, a resistance in which the United States was proud to support. Although faced with many challenges, the people of Greece have demonstrated their resolve, courage, and fortitude. Their dedication to freedom has ensured the ultimate success of democracy in modern-day Greece.

The United States is truly indebted to Greece for all its contributions to our society. Western art, architecture, literature, and philosophy stem from the numerous achievements of the ancient Greeks. The citizens of Greece occupy a unique and proud place in world history. Of all their contributions, the ideal of democracy has had the greatest impact on our world today. Greek democracy has undeniably formed the foundation of the government of the United States. It is appropriate that during the Greek war for independence, they looked to our Declaration of Independence to guild them in the struggle to rediscover democracy.

In closing, I would like to note that no nation has contributed more to modern Western civilization than Greece, and no nation has had to struggle harder or more often to preserve its liberties. I salute our friends in Greece and our many Greek-American citizens on this day of independence.

Mrs. KENNELLY of Connecticut. Mr. Speaker, I rise today to congratulate Greece on the 177th anniversary of the revolution which freed the Greek people from the rule of the Ottoman Empire. Greece has remained under the Ottoman Empire for almost 400 years until it declared its independence in 1821. Just as our forefathers relied on the ancient Greek traditions of self-governance in their fight for independence, the Greeks looked to the ideals of our pioneers in declaring their own independence in 1821. Greek intellectuals translated the U.S. Declaration of Independence and used it as their own.

The Greek fight for independence has been highly regarded and closely followed by Americans throughout the years. In his 1922 message to the 17th Congress, President James Monroe praised the efforts of the Greek population in their fight for independence. ''A strong hope is entertained that these people will recover their independence, and resume their equal station among the nations of this earth,'' he said.

Greece and its people have always been close friends and allies of the United States. The Greeks have fought bravely by our side against oppression and for freedom and democracy throughout the 20th Century. Greeks and Greek-Americans have played an important role throughout history, people like Dr. George Papanicolaou who invented the pap test for cancer, and world famous soprano Maria Callas, have improved the quality of our lives. Let me extend my heart felt congratulations to Greece and its people on this important anniversary.

Mr. FILNER. Mr. Speaker, it is with both great pride and humility that I rise to join in the celebration of the 177th Anniversary of Greek Independence.

On March 25, 1821 the Greeks began their long struggle for independence from what then was the Ottoman Empire. The Ottoman Empire, present day Turkey, had ruled Greece for almost 400 years. Freedom from the Ottoman Turks' subjugation had been dreamed of for many generations prior to Bishop Germano of Patras hoisting the Greek flag over a Peloponnese monastery. This simple act of defiance marked the beginning of a long and bitter struggle for the Greek people, but a struggle that few rejected and many embraced.

Not only were the Greek patriots willing to fight for freedom, but they were willing to sacrifice their lives to ensure their independence. Their success was such during the first years of conflict that the Turks were surprised and confounded. To turn the tide of the war, the Sultan sought and received the help of Egyptian forces. And although the Greeks were

fighting what appeared a losing battle, they never yielded, they never ceased to believe, and they never gave up their hopes and dreams of independence.

Finally, with help from Britain, France, and Russia, in 1829, the Greeks not only routed the Egyptian and Turkish forces, but also demanded and received the Sultan's recognition of independence.

Mr. Speaker, we all in America are taught from childhood about the heroics of George Washington, Paul Revere, Patrick Henry, Lighthorse Harry Lee, John Paul Jones, and the Minutemen of Lexington and Concord. The individuals and events of our own War for Independence are known throughout the world.

But we should also take time to commemorate the struggles of the brave men and women of Greece who fought and died for their own independence. The Greek culture and heritage has greatly influenced our country and the world. It is the spirit of the Greeks who fought for independence that we commemorate and honor today. Because they stood up for freedom and honor and dignity, we in America and Greeks everywhere, owe them a great debt.

Mr. BERMAN. Mr. Speaker, it gives me great pleasure to congratulate the people of Greece on this, the 177th anniversary of the start of the revolution that led to Greek independence from the Ottoman Empire. That conflict restored Greece's ancient and proud democratic tradition—a tradition that greatly influenced our own Founding Fathers.

Today, Greece stands tall in the world community, with memberships in the EU, NATO, and dozens of other multilateral organizations. Its commitment to democracy is an example for all nations. I salute the Greek people on their achievement and proudly celebrate our joint democratic heritage.

Mr. PICKETT. Mr. Speaker, today Greeks and Greek Americans observe Greek Independence Day which marks the 177th anniversary of the revolution which freed Greece from the Ottoman Empire. History records the oppression and deprivation of human liberty to which the Greeks were subjected to during the period prior to the revolution. The Greek people were able to emerge from this period of their history and quickly reestablish their national identity and continue intact their cultural and religious institutions. It is a tribute to the spirit and determination of the Greek people that they prevailed in their struggle for liberty after such a long period.

Greek Independence Day, however, is not just a day of celebration for the Greek nation and for individuals of Greek descent, but rather, it is a day of triumph and celebration for democratic nations and proponents of democracy around the world. Today marks an occasion on which we can all celebrate and revere the birthplace of democracy and democratic ideals.

If you look at history and the teachings of the ancient Greek philosophers, you will quickly discover that it was the Greeks who introduced the notion of democracy into the political theories of the day. The ancient Greeks were the first to advance the principles that people should be equal before the law, that majorities should respect the rights of minorities, that men can govern their own affairs, and that merit should determine a person's place in society. Much of our own constitution is based upon the ideas and the theories recorded years ago by Pericles, Plato, Aristotle and other philosophers of ancient Greece.

In more modern times, the Greeks have continued to cherish their liberty and democratic institutions. More than 600,000 Greeks lost their lives fighting on the side of the Allies in World War II. Greece continues to this day its fundamental commitment to freedom and individual liberty.

So on this anniversary of Greek independence, I join with people of goodwill everywhere in recognizing the successful struggle by the Greek people to gain their independence, and in what their successful struggle means to freedom loving people throughout the world.

Mrs. MALONEY of New York. I thank the gentleman for his very thoughtful statement. The time for our special order is ending. The bonds between our two countries have never been stronger.

As we prepare for the new millennium, we look forward to building on our partnership for democracy in our own countries and throughout the world. I thank my colleagues for participating in this special order.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. FORD (at the request of Mr. GEPHARDT) for today and the balance of the week, on account of on account of official business, participating with presidential delegation in Africa.

Mr. KLECZKA (at the request of Mr. GEPHARDT) for today, on account of a family funeral.

Ms. JACKSON-LEE (at the request of Mr. GEPHARDT) for today and the balance of the week, on account of official business with the President of the United States in Africa.

Ms. EDDIE BERNICE JOHNSON of Texas (at the request of Mr. GEPHARDT) for today and the balance of the week, on account of official business.

Ms. MILLENDER-MCDONALD (at the request of Mr. GEPHARDT) for today and the balance of the week, on account of official business.

Mr. ROTHMAN (at the request of Mr. GEPHARDT) for today, on account of family business.

Mr. WYNN (at the request of Mr. GEPHARDT) for today through Monday, March 30, on account of official business.

Mr. YATES (at the request of Mr. GEPHARDT) for today after 3:30 p.m., on account of physical reasons.

Mr. SAXTON (at the request of Mr. ARMEY) for today after 3:30 p.m., on account of personal matters.

Mr. HOUGHTON (at the request of Mr. ARMEY) for today and the balance of the week, on account of official business.

Mr. EHRLICH (at the request of Mr. ARMEY) for today, on account of attending a funeral.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

The following Members (at the request of Mr. PASCRELL) to revise and extend their remarks and include extraneous material:

Mr. DAVIS of Illinois, for 5 minutes, today.

Mr. HINCHEY, for 5 minutes, today.

Mr. PASCRELL, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. OBERSTAR, for 5 minutes, today.

Mr. LIPINSKI, for 5 minutes, today.

Mrs. MINK of Hawaii, for 5 minutes, today.

Mr. FALEOMAVAEGA, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Mr. BERRY, for 5 minutes, today.

Mrs. MCCARTHY of New York, for 5 minutes, today.

Mr. STUPAK, for 5 minutes, today.

Ms. CARSON, for 5 minutes, today

The following Members (at the request of Mr. JONES) to revise and extend their remarks and include extraneous material:

Mr. BURTON, for 5 minutes, March 26.

Mrs. MYRICK, for 5 minutes, today.

Mr. RAMSTAD, for 5 minutes, today.

Mr. HASTINGS, for 5 minutes, today.

Mr. PAPPAS, for 5 minutes, today.

Mr. MICA, for 5 minutes, today.

Mr. LEWIS of Kentucky, for 5 minutes, today.

Mr. FOX, for 5 minutes, today

The following Member (at his own request) to revise and extend his remarks and include extraneous material:

Mr. GOSS, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Ms. SANCHEZ, and to include therein extraneous material, notwithstanding the fact that it exceeds two pages of the RECORD and is estimated by the Public Printer to cost $2,062.

The following Members (at the request of Mr. PASCRELL) and to include extraneous matter:

Mr. MANTON.

Mr. HAMILTON.

Mr. KANJORSKI.

Mrs. MEEK of Florida.

Mr. KUCINICH.

Mr. PICKETT.

Mr. LIPINSKI.

Mr. BENTSEN.

Mr. BERMAN.

Ms. PELOSI.

Mr. MENENDEZ.

Mr. VENTO.

Mr. KIND.

Mr. LANTOS.

Mr. MCDERMOTT.

Mr. DEUTSCH.

Mr. DINGELL.

Mr. FARR of California.

Ms. LOFGREN.

Mr. BARCIA.

Ms. ESHOO.

Mr. ETHERIDGE.

The following Members (at the request of Mr. JONES) and to include extraneous matter:

Mr. KING.
Mr. HILL.
Ms. ROS-LEHTINEN.
Mr. MANZULLO.
Mr. PACKARD.
Mr. LATOURETTE.
Mr. HAYWORTH.

The following Members (at the request of Mr. PAPPAS) and to include extraneous matter:

Ms. MCCARTHY of Missouri.
Mr. LIVINGSTON.
Mr. MORAN of Virginia.
Mr. MCINNIS.
Mr. ABERCROMBIE.
Mr. ARCHER.
Ms. SANCHEZ.
Ms. HOOLEY of Oregon.
Mr. GEPHARDT.
Mrs. MEEK of Florida.

ADJOURNMENT

Mr. PAPPAS. Mr. Speaker, pursuant to House Resolution 395, I move that the House do now adjourn in memory of the late Honorable STEVEN SCHIFF.

The motion was agreed to; accordingly (at 10 o'clock and 48 minutes p.m.) pursuant to House Resolution 395, the House adjourned until tomorrow, Thursday, March 26, 1998, at 10 a.m. in memory of the late Honorable STEVEN SCHIFF of New Mexico.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

8178. A letter from the Manager, Federal Crop Insurance Corporation, Department of Agriculture, transmitting the Department's final rule—General Crop Insurance Regulations, Various Endorsements; Fresh Market Tomato (Guaranteed Production Plan) Crop Insurance Regulations; and Common Crop Insurance Regulations, Various Crop Insurance Provisions [7 CFR Parts 401, 454, and 457] received March 20, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8179. A letter from the Chief, Programs and Legislation Division, Department of the Air Force, transmitting a cost comparison of the Headquarters Air Mobility Command Computer Systems function at Scott Air Force Base; to the Committee on National Security.

8180. A letter from the Director, Defense Procurement, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Comprehensive Subcontracting Plans [DFARS Case 97–D323] received March 20, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on National Security.

8181. A letter from the Director, Defense Procurement, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Limitation on Allowability of Compensation for Certain Contractor Personnel [DFARS Case 97–D320] received March 20, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on National Security.

8182. A letter from the Director, Defense Procurement, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; List of Firms Not Eligible for Defense Contracts [DFARS Case 97–D325] received March 20, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on National Security.

8183. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report involving U.S. exports to the People's Republic of China, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Banking and Financial Services.

8184. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report involving U.S. exports to Uzbekistan, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Banking and Financial Services.

8185. A letter from the Assistant Secretary, Special Education and Rehabilitative Service, Department of Education, transmitting a notice of Final Funding Priority for Fiscal Years 1998–1999 for a Rehabilitation Engineering Research Center, pursuant to 20 U.S.C. 1232(f); to the Committee on Education and the Workforce.

8186. A letter from the Executive Director, Federal Labor Relations Authority, transmitting the Authority's final rule—Unfair Labor Practice Proceedings: Miscellaneous and General Requirements [5 CFR Parts 2423 and 2429] received March 19, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

8187. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold under a contract to Japan (Transmittal No. DTC–42–98), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

8188. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially to South Korea (Transmittal No. DTC–101–97), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

8189. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold under a contract to the Netherlands (Transmittal No. DTC–2–98), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

8190. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold under a contract to France (Transmittal No. DTC–41–98), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

8191. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold under a contract to Norway (Transmittal No. DTC–20–98), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

8192. A letter from the Chairman, Federal Energy Regulatory Commission, transmitting the report in compliance with the Government in the Sunshine Act for 1997, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Reform and Oversight.

8193. A letter from the Chairman, Federal Maritime Commission Agency, transmitting the report in compliance with the Government in the Sunshine Act for 1997, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Reform and Oversight.

8194. A letter from the Acting Associate Administrator for Legislative Affairs, National Aeronautics and Space Administration, transmitting a report on NASA's FY 1999 Performance Plan, pursuant to Public Law 103—62; to the Committee on Government Reform and Oversight.

8195. A letter from the Director, National Gallery of Art, transmitting a report on the National Gallery's Performance Plan for FY 1999, pursuant to Public Law 103—62; to the Committee on Government Reform and Oversight.

8196. A letter from the Chairman, National Transportation Safety Board, transmitting the report in compliance with the Government in the Sunshine Act for 1997, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Reform and Oversight.

8197. A letter from the Director, Office of Personnel Management, transmitting a report of activities under the Freedom of Information Act for the calendar year 1997, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform and Oversight.

8198. A letter from the Executive Director, Pension Benefit Guaranty Corporation, transmitting a report of activities under the Freedom of Information Act for the calendar year 1997, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform and Oversight.

8199. A letter from the Administrator, Small Business Administration, transmitting the semiannual report on activities of the Inspector General for the period April 1, 1997, through September 30, 1997, and the semiannual report of management on final actions, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

8200. A letter from the Acting Chairman, Thrift Depositor Protection Oversight Board, transmitting a report of activities under the Freedom of Information Act for the calendar year 1997, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform and Oversight.

8201. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administation's final rule—Fisheries of the Northeastern United States; Summer Flounder Fishery; Commercial Quota Harvested for Maine [Docket No. 971015246–7293–02; I.D. 031398D] received March 24, 1998, pursuant to U.S.C. 801(a)(1)(A); to the Committee on Resources.

8202. A letter from the Deputy Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Forage Fish Species Category [Docket No. 971124274–8052–02; I. D. 110597A] (RIN: 0648–AH67) received March 20, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8203. A letter from the Director, Office of Surface Mining Reclamation and Enforcement, transmitting the Office's final rule—Maryland Regulatory Program [MD–033–FOR] received March 20, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8204. A letter from the the Acting Assistant Secretary (Civil Works), the Department of the Army, transmitting a report regarding authorization of a streambank erosion protection project for the Wabash River at New Harmony, Indiana, pursuant to Public Law 104—303, section 101(b)(10); (H. Doc. No. 105—235); to the Committee on Transportation and Infrastructure and ordered to be printed.

8205. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Saab Model SAAB 2000 Series Airplanes [Docket No. 97–NM–289–AD; Amendment 39–10401; AD 98–06–23] (RIN: 2120–AA64) received March 24, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8206. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A310 Series Airplanes [Docket No. 97–NM–77–AD; Amendment 39–10400; AD 98–06–22] (RIN: 2120–AA64) received March 24, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8207. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Eurocopter France Model AS 332C, L, and L1 Helicopters [Docket No. 97–SW–34–AD; Amendment 39–10411; AD 98–06–32] (RIN: 2120–AA64) received March 24, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8208. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Aviation Insurance [Docket No. 28893; Amdt. No. 198–4] (RIN: 2120–AF23) received March 24, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8209. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—IFR Altitudes; Miscellaneous Amendments [Docket No. 29165; Amendment No. 408] received March 24, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8210. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; British Aerospace BAe Model ATP Airplanes [Docket No. 96–NM–200–AD; Amendment 39–10399; AD 98–06–21] (RIN: 2120–AA64) received March 24, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8211. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Diamond Aircraft Industries, Inc. Model DA 20–A1 Airplanes, serial numbers 10002 through 10287 [Docket No. 97–CE–36–AD; Amendment 39–10062; AD 97–13–02] (RIN: 2120-AA64) received March 24, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8212. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 737- 100, -200, -300, -400, and -500 Series Airplanes [Docket No. 97–NM–29–AD; Amendment 39–10061; AD 97–14–04] (RIN: 2120–AA64) received March 24, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8213. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Empresa Brasileira de Aeronautica, S.A. (EMBRAER) Model EMB–120 Series Airplanes [Docket No. 97–NM–46–AD; Amendment 39–10249; AD 97–26–06] (RIN: 2120–AA64) received March 24, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8214. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Cleveland, OK [Airspace Docket No. 97–ASW–29] received March 19, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8215. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Bartlesville, OK [Airspace Docket No. 97–ASW–28] received March 19, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8216. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Muskogee, OK [Airspace Docket No. 98–ASW–12] received March 19, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8217. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Stillwater, OK [Airspace Docket No. 98–ASW–15] received March 19, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8218. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Pryor, OK [Airspace Docket No. 98–ASW–14] received March 19, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8219. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Poteau, OK [Airspace Docket No. 98–ASW–13] received March 19, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8220. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Tahlequah, OK [Airspace Docket No. 98–ASW–16] received March 19, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8221. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Grove, OK [Airspace Docket No. 98–ASW–07] received March 19, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8222. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Shawnee, OK [Airspace Docket No. 98–ASW–06] received March 19, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8223. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Claremore, OK [Airspace Docket No. 98–ASW–05] received March 19, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8224. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Bristow, OK [Airspace Docket No. 98–ASW–04] received March 19, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8225. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Gallup, NM [Airspace Docket No. 97–ASW–25] received March 19, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8226. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Eastland, TX [Airspace Docket No. 97–ASW–26] received March 19, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8227. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; GE Aircraft Engines CT7 Series Turboprop Engines [Docket No. 97–ANE–41–AD; Amendment 39–10231; AD 97–25–07] (RIN: 2120–AA64) received March 19, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8228. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Certain Textron Lycoming 320 and 360 Series Reciprocating Engines [Docket No. 94–ANE–44; Amendment 39–10291; AD 98–02–08] (RIN: 2120–AA64) received March 19, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8229. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Eurocopter France Model SA–365N, SA–365N1, and SA–366G1 Helicopters [Docket No. 97–SW–23–AD; Amendment 39–10313; AD 97–15–15] (RIN: 2120–AA64) received March 19, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8230. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Fokker F28 Mark 1000, 2000, 3000, and 4000 Series Airplanes [Docket No. 96–NM–174–AD; Amendment 39–10266; AD 98–01–02] (RIN: 2120–AA64) received March 19, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8231. A letter from the Associate Administrator for Procurement, National Aeronautics and Space Administration, transmitting the Administration's final rule—Amending the NASA FAR Supplement (NFS) coverage on award fee evaluations to correct inaccurate references and improve clarity [48 CFR Parts 1816 and 1852] received March 20, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

8232. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Determination of Issue Price in the Case of Certain Debt Instruments Issued for Property [Revenue Ruling 98–18] received March 20, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8233. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Department's final rule—Last-In, First-out Inventories [Revenue Ruling 98–16] received March 20, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8234. A letter from the National Director, Tax Forms and Publications Division, Internal Revenue Service, transmitting the Service's final rule— Tax forms and instructions [Revenue Procedure 98–26] received March 24, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DREIER: Committee on Rules. House Resolution 393. Resolution providing for consideration of the bill (H.R,. 3246) to assist small businesses and labor organizations in defending themselves against government bureaucracy; to ensure that employees entitled to reinstatement get their jobs back

quickly; to protect the right of employers to have a hearing to present their case in certain representation cases; and to prevent the use of the National Labor Relations Act for the purpose of disrupting or inflicting economic harm on employers (Rept. 105–463). Referred to the House Calendar.

Mr. HASTINGS of Washington: Committee on Rules. House Resolution 394. Resolution providing for consideration of the bill (H.R. 2515) to address the declining health of forests on Federal lands in the United States through a program of recovery and protection consistent with the requirements of existing public land management and environmental laws, to establish a program to inventory, monitor, and analyze public and private forests and their resources, and for other purposes (Rept. 105–464). Referred to the House Calendar.

Mr. HYDE: Committee on the Judiciary. H.R. 1023. A bill to provide for compassionate payments with regard to individuals with blood-clotting disorders, such as hemophilia, who contracted human immunodeficiency virus due to contaminated blood products, and for other purposes; with an amendment (Rept. 105–465 Pt. 1). Ordered to be printed.

Mr. McINNIS: Committee on Rules. House Resolution 396. Resolution providing for consideration of the bill (H.R. 3310) to amend chapter 35 of title 44, United States Code, for the purpose of facilitating compliance by small businesses with certain Federal paperwork requirements, and to establish a task force to examine the feasibility of streamlining paperwork requirements applicable to small businesses (Rept. 105–466). Referred to the House Calendar.

Mr. SHUSTER: Committee on Transportation and Infrastructure. H.R. 2400. A bill to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; with an amendment (Rept. 105–467 Pt. 1). Ordered to be printed.

REPORTED BILLS SEQUENTIALLY REFERRED

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

[Omitted from the Record of March 23, 1998]

H.R. 3485. Referred to the Committees on the Judiciary and Ways and Means for a period ending not later than March 23, 1998, for consideration of such provisions of the bill and amendment reported from the Committee on House Oversight as fall within the jurisdiction of those committees pursuant to clause 1 (j) and (s), rule X

[Submitted March 25, 1998]

Under clause 5 of rule X, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. SHUSTER: Committee on Transportation and Infrastructure. H.R. 2400. A bill to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes, with an amendment; referred to the Committee on Ways and Means for a period ending not later than March 27, 1998, for consideration of such provisions of the bill and amendment reported by the Committee on Transportation and Infrastructure as fall within the jurisdiction of that committee pursuant to clause 1(s), rule X.

TIME LIMITATION OF REFERRED BILL

Purusant to clause 5 of rule X the following action was taken by the Speaker:

H.R. 1023. Referral to the Committees on Commerce and Ways and Means extended for a period ending not later than June 2, 1998.

H.R. 2400. Referral to the Committee on the Budget extended for a period ending not later than March 27, 1998.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of Rule X and clause 4 of Rule XXII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. BORSKI:

H.R. 3545. A bill to amend section 8 of the United States Housing Act of 1937 to ensure that the tenant-based rental assistance program under such section is carried out in an efficient and fair manner; to the Committee on Banking and Financial Services.

By Mr. ARCHER (for himself, Mr. KASICH, and Mr. BUNNING of Kentucky):

H.R. 3546. A bill to provide for a national dialogue on Social Security and to establish the Bipartisan Panel to Design Long-Range Social Security Reform; to the Committee on Ways and Means.

By Mr. WELDON of Florida (for himself, Mr. BROWN of Ohio, Mr. COBURN, Mr. STRICKLAND, Mr. COOKSEY, and Mr. GREEN):

H.R. 3547. A bill to amend the Public Health Service Act and the Employee Retirement Income Security Act of 1974 to assure patient choice and access to services for enrollees in group health plans and health insurance coverage; to the Committee on Commerce, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ANDREWS:

H.R. 3548. A bill to establish a Fund for Environmental Priorities to be funded by a portion of the consumer savings resulting from retail electricity choice, and for other purposes; to the Committee on Commerce, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. COLLINS:

H.R. 3549. A bill to amend the Internal Revenue Code of 1986 to repeal the taxes on diesel fuel and gasoline used in trains which were enacted for deficit reduction; to the Committee on Ways and Means.

By Mr. GEPHARDT (for himself, Mr. BOSWELL, Mrs. CLAYTON, Mr. CLYBURN, Mr. EVANS, Mr. MINGE, Mr. PETERSON of Minnesota, Mr. POMEROY, Mr. POSHARD, and Ms. STABENOW):

H.R. 3550. A bill to provide a safety net for farmers and consumers, to promote the development of farmer-owned value added processing facilities, and for other purposes; to the Committee on Agriculture.

By Ms. DELAURO:

H.R. 3551. A bill to amend title 18, United States Code, relating to identity fraud, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DREIER:

H.R. 3552. A bill to amend the Internal Revenue Code of 1986 to allow the carryover of unused nontaxable benefits under cafeteria plans and flexible spending arrangements, and for other purposes; to the Committee on Ways and Means.

By Mr. GUTIERREZ (for himself, Mr. BECERRA, Mrs. MEEK of Florida, Ms. WATERS, Ms. SANCHEZ, and Ms. ROYBAL-ALLARD):

H.R. 3553. A bill to amend the Nicaraguan Adjustment and Central American Relief Act to provide to nationals of El Salvador, Guatemala, Honduras, and Haiti an opportunity to apply for adjustment of status under that Act, and for other purposes; to the Committee on the Judiciary.

By Mr. MCNULTY:

H.R. 3554. A bill to amend the Internal Revenue Code of 1986 to allow rollover contributions to individual retirement plans from deferred compensation plans maintained by States and local governments and to allow State and local governments to maintain 401(k) plans; to the Committee on Ways and Means.

By Mr. MORAN of Virginia (for himself, Mrs. MORELLA, Mr. WYNN, Ms. LOFGREN, Mr. WAXMAN, Mr. LAMPSON, and Mrs. LOWEY):

H.R. 3555. A bill to direct the Secretary of Transportation to conduct an assessment of available technologies for establishing a system to access information regarding the motor vehicle driving records of all motor vehicle operators in the United States; to the Committee on Transportation and Infrastructure.

By Mr. SHAYS:

H.R. 3556. A bill to reduce Federal spending in several programs; to the Committee on National Security, and in addition to the Committees on International Relations, Science, Agriculture, Transportation and Infrastructure, Resources, Education and the Workforce, Veterans' Affairs, and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SMITH of Oregon (for himself, Mr. SKEEN, Mr. CRAPO, and Mr. HASTINGS of Washington):

H.R. 3557. A bill to subject the United States to payment of fees and costs in proceedings relating to State water rights adjudications; to the Committee on the Judiciary.

By Mr. DINGELL (for himself, Mr. UPTON, Ms. ESHOO, Mr. LAFALCE, Mrs. LOWEY, Mr. TRAFICANT, Mr. BOUCHER, Mr. MCDADE, Mr. CAMPBELL, Mr. LANTOS, and Mr. FALEOMAVAEGA):

H. Con. Res. 250. Concurrent resolution calling for better awareness and use of federally-supported research findings on the social and economic costs of sleep deprivation and sleep disorders; to the Committee on Commerce.

By Mr. SKEEN:

H. Res. 395. A resolution expressing the condolences of the House on the death of the Honorable Steven Schiff, a Representative from the State of New Mexico; considered and agreed to.

By Mr. HAYWORTH (for himself, Mr. ARCHER, Mr. ENSIGN, Mr. STUMP, Mr. JONES, Mr. ROHRABACHER, Mr. LARGENT, Mr. BRYANT, Mr. JENKINS, Mr. DUNCAN, Mr. HILLEARY, Mr. WELDON of Pennsylvania, Mr. SCARBOROUGH, Mr. MCCRERY, Ms. PRYCE of Ohio, Mr. RYUN, Mr. NEUMANN, Mr. DELAY, Mr. COBLE, Mr. ROGERS, Mr. MCINTOSH, Mr. HUNTER, Mr. COLLINS, Mr. ARMEY, Mr. MCCOLLUM, Mr. EVERETT, Mr. SMITH of Texas, Mr. LIVINGSTON, Mr. SHADEGG, Mr. TALENT, and Mr. SMITH of Michigan):

H. Res. 397. A resolution expressing the sense of the House of Representatives concerning the President's use of the White

House Counsel's Office in matters relating to his personal legal battles; to the Committee on Government Reform and Oversight.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 59: Mr. JENKINS.
H.R. 453: Mr. MCGOVERN.
H.R. 611: Ms. STABENOW.
H.R. 693: Mr. GOODLING.
H.R. 754: Mr. FOX of Pennsylvania.
H.R. 900: Mr. BAESLER, Ms. SANCHEZ, and Mr. BLAGOJEVICH.
H.R. 980: Mr. BEREUTER.
H.R. 1063: Mr. KENNEDY of Massachusetts and Mr. TURNER.
H.R. 1126: Mr. MURTHA and Mr. BLUNT.
H.R. 1151: Mr. MEEKS of New York, Mr. STRICKLAND, Mr. PAPPAS, Mr. SPRATT, Mrs. CAPPS, Mr. CLYBURN, and Mr. WELLER.
H.R. 1283: Mr. BALLENGER, Mr. GRAHAM, Mr. DOOLEY of California, Mr. KLECZKA, Mr. SKELTON, Mrs. TAUSCHER, Mr. ENGLISH of Pennsylvania, Mr. FORBES, Mr. HOEKSTRA, and Mr. SKEEN.
H.R. 1285: Mr. HEFLEY.
H.R. 1371: Mr. THUNE.
H.R. 1375: Ms. HOOLEY of Oregon and Mr. BLUMENAUER.
H.R. 1376: Mr. RANGEL.
H.R. 1401: Mr. SHAYS.
H.R. 1689: Mr. WALSH and Mr. BENTSEN.
H.R. 1712: Mr. CUNNINGHAM.
H.R. 1766: Mr. COLLINS, Mr. CRANE, Mr. EHLERS, Mr. ENGEL, Ms. KAPTUR, Mr. KINGSTON, Mr. NETHERCUTT, Ms. SANCHEZ, and Mr. SANDERS.
H.R. 1807: Mr. FRANK of Massachusetts.
H.R. 2052: Mr. RANGEL.
H.R. 2198: Mr. BOB SCHAFFER.
H.R. 2202: Mr. DIXON, Ms. JACKSON-LEE, and Mr. BURR of North Carolina.
H.R. 2253: Mr. WAXMAN, Mr. ADAM SMITH of Washington, and Mr. MARTINEZ.
H.R. 2351: Mr. CUMMINGS.
H.R. 2380: Mr. BACHUS.
H.R. 2409: Mr. HILLIARD, Mr. OBERSTAR, Mr. WATKINS, and Mr. MATSUI.
H.R. 2488: Mr. SANDLIN.
H.R. 2526: Mr. FOLEY.
H.R. 2560: Ms. SANCHEZ, Mrs. NORTHUP, and Mrs. TAUSCHER.
H.R. 2567: Mr. TALENT.
H.R. 2568: Mr. BRYANT and Mr. CHRISTENSEN.
H.R. 2598: Mr. HUTCHINSON, Mr. PEASE, and Mr. COOKSEY.
H.R. 2695: Mr. HINOJOSA and Ms. CHRISTIAN-GREEN.
H.R. 2936: Mr. MORAN of Kansas.
H.R. 2951: Mr. NEAL of Massachusetts and Mr. ENGLISH of Pennsylvania.
H.R. 2968: Mr. PAUL, Mr. ISTOOK, Mr. METCALF, Mr. LATOURETTE, and Mr. BARTON of Texas.
H.R. 2973: Mr. HANSEN and Mr. HOUGHTON.
H.R. 2990: Mr. WATKINS, Mr. SNYDER, Mr. ROMERO-BARCELO, Mr. PASCRELL, Mr. COOK, Mr. DOOLEY of California, Mr. GILMAN, Mr. MORAN of Virginia, Mr. SISISKY, Mr. CANNON, Mr. SPRATT, Mr. DEFAZIO, Mr. BLILEY, and Mrs. THURMAN.
H.R. 2994: Ms. DEGETTE, Mr. THOMPSON, and Mr. DOYLE.
H.R. 3007: Mrs. JOHNSON of Connecticut and Mr. BARCIA of Michigan.
H.R. 3048: Mrs. MORELLA.
H.R. 3050: Ms. SLAUGHTER.
H.R. 3054: Mr. MANTON, Mr. ENGEL, and Mr. WYNN.
H.R. 3065: Mr. DOOLEY of California.
H.R. 3068: Mr. FRANK of Massachusetts, Mr. WATT of North Carolina, Mr. SANDERS, Mr. HASTINGS of Florida, Mrs. MEEK of Florida, and Ms. SANCHEZ.
H.R. 3107: Ms. WOOLSEY.
H.R. 3110: Mr. CALVERT, Mr. UPTON, and Mrs. JOHNSON of Connecticut.
H.R. 3125: Mr. FALEOMAVAEGA, Mrs. MORELLA, Mr. FROST, Mr. EVANS, Mr. FILNER, Mr. WEXLER, and Ms. SLAUGHTER.
H.R. 3149: Mr. BOB SCHAFFER.
H.R. 3151: Mr. BOB SCHAFFER.
H.R. 3156: Ms. PELOSI, Mr. OBERSTAR, Mr. PETERSON of Minnesota, Mr. ETHERIDGE, Mr. MARKEY, Mr. SCOTT, Mr. SANDLIN, Mr. OLVER, Mr. MARTINEZ, Ms. RIVERS, Mr. GREENWOOD, Mr. MILLER of California, Mr. BENTSEN, Mr. FARR of California, Mr. TORRES, Mrs. CAPPS, Mr. DOOLEY of California, Mr. FRANKS of New Jersey, Mr. GILCHREST, Mr. KNOLLENBERG, Mr. PETERSON of Pennsylvania, Mr. TAYLOR of North Carolina, Ms. SLAUGHTER, Mr. DEFAZIO, Ms. SANCHEZ, Mr. LAHOOD, Mr. SKAGGS, Mr. KOLBE, Ms. ESHOO, Mr. FAWELL, and Mr. POMEROY.
H.R. 3178: Mr. LIPINSKI and Mr. MEEKS of New York.
H.R. 3181: Mr. CONYERS and Mr. SCHUMER.
H.R. 3206: Mr. BARR of Georgia.
H.R. 3248: Mr. FORBES, Mr. GOODLATTE, Mr. SHIMKUS, and Mr. RIGGS.
H.R. 3279: Mr. COSTELLO, Mr. FALEOMAVAEGA, Mr. SANDERS, Mrs. MINK of Hawaii, Mr. DINGELL, Mr. THOMPSON, Mr. KILDEE, and Mrs. KELLY.
H.R. 3284: Mr. GREEN and Mr. KIND of Wisconsin.
H.R. 3438: Mr. FRANKS of New Jersey.
H.R. 3454: Mrs. MYRICK and Ms. RIVERS.
H.R. 3470: Mr. GEJDENSON, Mr. MORAN of Virginia, and Ms. SANCHEZ.
H.R. 3471: Mr. KLECZKA.
H.R. 3475: Mr. SESSIONS, Mr. COBURN, Mr. HOUGHTON, Mr. FOLEY, and Ms. DUNN of Washington.
H.R. 3502: Mr. BILIRAKIS.
H.R. 3522: Mr. MCGOVERN, Mr. NEAL of Massachusetts, and Mr. WEYGAND.
H.R. 3526: Mr. BALDACCI, Mr. KENNEDY of Massachusetts, and Mr. UNDERWOOD.
H.R. 3534: Mr. GINGRICH.
H.J. Res. 113: Mr. LEACH.
H. Con. Res. 127: Mr. COSTELLO and Mrs. JOHNSON of Connecticut.
H. Con. Res. 159: Mrs. THURMAN and Mr. MALONEY of Connecticut.
H. Con. Res. 203: Ms. SLAUGHTER and Mr. NETHERCUTT.
H. Con. Res. 210: Mr. MORAN of Virginia and Mr. WHITFIELD.
H. Con. Res. 214: Mr. TANNER and Mr. BRYANT.
H. Con. Res. 218: Mr. ROHRABACHER, Mr. ROYCE, Mr. BERMAN, Mr. FOX of Pennsylvania, Mr. GILMAN, and Mr. SMITH of New Jersey.
H. Con. Res. 225: Ms. KILPATRICK, Mr. LEWIS of Georgia, Ms. CARSON, Mr. LANTOS, Ms. SLAUGHTER, Mrs. MINK of Hawaii, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. MILLER of California, Mr. FROST, and Mr. MCGOVERN.
H. Con. Res. 233: Mr. MANTON.
H. Con. Res. 246: Ms. KAPTUR.
H. Res. 182: Mr. LAZIO of New York.
H. Res. 313: Mrs. MCCARTHY of New York and Mr. FALEOMAVAEGA.
H. Res. 363: Mr. GREENWOOD and Mr. MCGOVERN.
H. Res. 392: Mr. HINCHEY, Mr. CAMPBELL, and Mr. SANFORD.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 2500: Mr. FATTAH.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 2515

OFFERED BY: MR. BROWN OF CALIFORNIA

(Page and line numbers refer to H.R. 3530, which is made in order as an amendment in the nature of a substitute)

AMENDMENT NO. 1: Page 8, line 17, insert after the period the following:

''However, no commercial timber sale may be conducted as part of any recovery project.''.

H.R. 2515

OFFERED BY: MR. BROWN OF CALIFORNIA

(Page and line numbers refer to H.R. 3530, which is made in order as an amendment in the nature of a substitute)

AMENDMENT NO. 2: Page 27, beginning line 11, strike ''Amounts in the Fund shall be available to the Secretary, without further appropriation—'' and insert ''Only in such amounts as are provided in advance in annual appropriation Acts, the Secretary may use amounts in the Fund—''.

H.R. 2515

OFFERED BY: MRS. CHENOWETH

(Page and line numbers refer to H.R. 3530, which is made in order as an amendment in the nature of a substitute)

AMENDMENT NO. 3: Page 29, beginning on line 15, strike paragraph (4) relating to a prohibition on the use of amounts from the Forest Recovery and Protection Fund to construct roads.

H.R. 2515

OFFERED BY: MRS. CHENOWETH

(Page and line numbers refer to H.R. 3530, which is made in order as an amendment in the nature of a substitute)

AMENDMENT NO. 4: Page 29, beginning on line 15, strike paragraph (4).

Add at the end the following new section:

SEC. 12. ENHANCED CONSISTENCY BETWEEN FEDERAL TIMBER ROADS PROGRAMS.

(a) ELIMINATION OF PURCHASER ROAD CREDITS IN PUBLIC DOMAIN AND OTHER FORESTS.—Section 4 of Public Law 88–657 (16 U.S.C. 535; commonly known as the National Forest Roads and Trails Act) is amended—

(1) by striking ''SEC. 4.'' and inserting the following:

''SEC. 4. CONSTRUCTION OF FOREST DEVELOPMENT ROADS.

''(a) AUTHORIZED METHODS TO FUND CONSTRUCTION.—'';

(2) by striking ''including provisions for amortization of road costs in contracts'' and inserting ''except that the Secretary may not provide purchaser credit for road construction'';

(3) by striking '': *Provided*,'' and all that follows through the period at the end of the proviso and inserting a period; and

(4) by striking the last sentence.

(b) CONSISTENT TIMBER ROAD PROGRAMS; EXCEPTIONS.—Such section is further amended by adding at the end the following new subsections:

''(b) CONSISTENT FEDERAL FOREST ROAD PROGRAMS.—Subject to subsection (c), the Secretary of Agriculture shall carry out the program authorized by subsection (a) for the acquisition, construction, and maintenance of forest roads in the public domain and other national forests in the same manner as the Secretary of the Interior conducts the roads program for forest lands under the jurisdiction of the Bureau of Land Management, as such Bureau of Land Management

roads program was in effect on January 1, 1998.

''(c) SPECIAL REQUIREMENTS FOR FOREST SERVICE ROAD PROGRAM.—

''(1) DESIGN AND ENGINEERING SERVICES.—Using funds available to the Forest Service for the design and engineering of forest roads in the public domain and other national forests, the Secretary of Agriculture is authorized and encouraged to enter into contracts with private persons to perform design and engineering services in connection with the acquisition, construction, and maintenance of forest roads. The Secretary shall ensure that competitive procedures are used in the selection of persons for the performance of such services.

''(2) LEVEL OF CONSTRUCTION.—In the case of a forest road in a public domain or other national forest that is constructed or paid for by a purchaser of national forest timber, the Secretary of Agriculture may not require the purchaser to design, construct, or maintain the road to a higher standard than the standard, consistent with applicable environmental laws and regulations, that is sufficient for the harvesting and removal of the timber and other products covered by the sale, unless the Secretary bears that part of the cost necessary to meet the higher standard.

''(3) TREATMENT OF ROAD VALUE.—In the case of a forest road in a public domain or other national forest that is constructed or paid for by a purchaser of national forest timber, the appraised value of the road shall be considered to be money received for purposes of the payments required to be made under the sixth paragraph under the heading ''FOREST SERVICE'' in the Act of May 23, 1908 (35 Stat. 260; 16 U.S.C. 500), and section 13 of the Act of March 1, 1911 (36 Stat. 963; commonly known as the Weeks Act; 16 U.S.C. 500). To the extent that the appraised value of a forest road determined under this paragraph reflects funds contributed by the Secretary of Agriculture to build the road to a higher standard, the Secretary shall modify the appraisal of the road to exclude the effect of the Federal funds.''.

(c) ELIMINATION OF REFERENCES TO PURCHASER CREDITS.—

(1) TRANSPORTATION SYSTEM.—Section 10(a) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1608(a)) is amended by striking ''benefits'' and all that follows through the period at the end of the subsection and inserting ''benefits.''.

(2) TIMBER SALES WITH PURCHASER CREDIT PROVISIONS.—Section 14 of the National Forest Management Act of 1976 (16 U.S.C. 472a) is amended by striking subsection (i).

(d) APPLICATION OF AMENDMENTS.—

(1) EFFECT ON EXISTING PURCHASER ROAD CREDITS.—Notwithstanding the amendments made by subsection (a), effective purchaser credit already earned for road construction may continue to be used in accordance with section 4 of Public Law 88–657 (16 U.S.C. 535; commonly known as the National Forest Roads and Trails Act), and rules issued under such section, as in effect on the day before the date of the enactment of this Act.

(2) EFFECT ON EXISTING CONTRACTS.—Notwithstanding the amendment made by subsection (c)(2), subsection (i) of section 14 of the National Forest Management Act of 1976 (16 U.S.C. 472a), as in effect on the day before the date of the enactment of this Act, shall continue to apply with respect to any timber contract described in such subsection awarded before October 1, 1998.

H.R. 2515

OFFERED BY: MRS. CHENOWETH

(Page and line numbers refer to H.R. 3530, which is made in order as an amendment in the nature of a substitute)

AMENDMENT NO. 5: Page 29, beginning on line 15, strike paragraph (4).

Add at the end the following new section:

SEC. 12. ELIMINATION OF PURCHASER ROAD CREDITS IN CONNECTION WITH RECOVERY PROJECTS.

Section 4 of Public Law 88–657 (16 U.S.C. 535; commonly known as the National Forest Roads and Trails Act) is amended by adding at the end the following:

''(b) AUTHORIZED METHODS TO FUND ROAD CONSTRUCTION.—In connection with recovery projects, the Secretary of Agriculture—

''(1) may not provide purchaser credit for road construction; and

''(2) shall carry out the program authorized by this section for the acquisition, construction, and maintenance of forest roads in the same manner as the Secretary of the Interior conducts the roads program for forest lands under the jurisdiction of the Bureau of Land Management, as such Bureau of Land Management roads program was in effect on January 1, 1998.

''(c) SPECIAL REQUIREMENTS FOR FOREST SERVICE ROAD PROGRAM.—

''(1) DESIGN AND ENGINEERING SERVICES.—Using funds available to the Forest Service for the design and engineering of forest roads, the Secretary of Agriculture is authorized and encouraged to enter into contracts with private persons to perform design and engineering services in connection with recovery projects involving the acquisition, construction, or maintenance of forest roads. The Secretary shall ensure that competitive procedures are used in the selection of persons for the performance of such services.

''(2) LEVEL OF CONSTRUCTION.—In the case of a forest road in a recovery project that is constructed or paid for by another person, the Secretary of Agriculture may not require the person to design, construct, or maintain the road to a higher standard than the standard, consistent with applicable environmental laws and regulations, that is sufficient for the recovery project involved, unless the Secretary bears that part of the cost necessary to meet the higher standard.

''(3) TREATMENT OF ROAD VALUE.—In the case of a forest road in a recovery project that is constructed or paid for by a purchaser of national forest timber, the appraised value of the road shall be considered to be money received for purposes of the payments required to be made under the sixth paragraph under the heading ''FOREST SERVICE'' in the Act of May 23, 1908 (35 Stat. 260; 16 U.S.C. 500), and section 13 of the Act of March 1, 1911 (36 Stat. 963; commonly known as the Weeks Act; 16 U.S.C. 500). To the extent that the appraised value of a forest road determined under this paragraph reflects funds contributed by the Secretary of Agriculture to build the road to a higher standard, the Secretary shall modify the appraisal of the road to exclude the effect of the Federal funds.''.

H.R. 2515

OFFERED BY: MRS. CHENOWETH

(Page and line numbers refer to H.R. 3530)

AMENDMENT NO. 6: Page 29, beginning on line 15, strike paragraph (4) and insert the following:

(f) ELIMINATION OF PURCHASER ROAD CREDITS IN CONNECTION WITH RECOVERY PROJECTS.—

(1) AUTHORIZED METHODS TO FUND ROAD CONSTRUCTION.—In connection with recovery projects, the Secretary of Agriculture—

(A) may not provide purchaser credit for road construction; and

(B) shall carry out the road construction in the same manner as the Secretary of the Interior conducts the roads program for forest lands under the jurisdiction of the Bureau of Land Management, as such Bureau of Land Management roads program was in effect on January 1, 1998.

(2) SPECIAL REQUIREMENTS FOR ROADS.—

(A) DESIGN AND ENGINEERING SERVICES.—Subject to the availability of appropriations for this purpose, the Secretary of Agriculture may enter into contracts with private persons to perform design and engineering services in connection with recovery projects involving the acquisition, construction, or maintenance of forest roads. The Secretary shall ensure that competitive procedures are used in the selection of persons for the performance of such services.

(B) LEVEL OF CONSTRUCTION.—In the case of a forest road in a recovery project that is constructed or paid for by another person, the Secretary of Agriculture may not require the person to design, construct, or maintain the road to a higher standard than the standard, consistent with applicable environmental laws and regulations, that is sufficient for the recovery project involved, unless the Secretary bears that part of the cost necessary to meet the higher standard.

(C) TREATMENT OF ROAD VALUE.—In the case of a forest road in a recovery project that is constructed or paid for by another person, the appraised value of the road shall be considered to be money received for purposes of the payments required to be made under the sixth paragraph under the heading ''FOREST SERVICE'' in the Act of May 23, 1908 (35 Stat. 260; 16 U.S.C. 500), and section 13 of the Act of March 1, 1911 (36 Stat. 963; commonly known as the Weeks Act; 16 U.S.C. 500). To the extent that the appraised value of a forest road determined under this paragraph reflects funds contributed by the Secretary of Agriculture to build the road to a higher standard, the Secretary shall modify the appraisal of the road to exclude the effect of the Federal funds.

H.R. 2515

OFFERED BY: MS. FURSE

(Page and line numbers refer to H.R. 3530)

AMENDMENT NO. 7: Page 8, strike lines 3 through 17, and insert the following:

(8) RECOVERY PROJECT.—The term ''recovery project'' means a project to restore or protect forest values and resources within an identified recovery area, including the types of projects: restoration of native vegetative cover; prescribed burns; stabilization of slopes; recontouring of slopes; decommissioning and obliteration of roads; removal of man-made barriers to fish spawning runs; improvement of reparian areas and other habitat; and soil stabilization and other water quality improvements.

H.R. 2515

OFFERED BY: MS. FURSE

(Page and line numbers refer to H.R. 3530)

AMENDMENT NO. 8: Page 29, strike ''$500,000'' and insert $50,000,000''.

H.R. 2515

OFFERED BY: MS. FURSE

(Page and line numbers refer to H.R. 3530)

AMENDMENT NO. 9: Page 29, after line 22, insert the following:

(5) PROHIBITION ON USE OF ANY FUNDS TO CONSTRUCT TEMPORARY ROADS.—For purposes of the recovery projects authorized by this Act, amounts in the Fund shall not be used, either directly through direct allocations from the Fund, or indirectly through allocations to recovery projects from other Forest Service accounts, for the construction of temporary roads of any kind.

H.R. 2515

OFFERED BY: MR. MILLER OF CALIFORNIA

(Page and line numbers refer to H.R. 3530)

AMENDMENT NO. 10: Page 27, beginning on line 11, strike ''Amounts in the Fund shall be available to the Secretary, without further appropriation—'' and insert ''Only in such amounts as are provided in advance in annual appropriation Acts, the Secretary may use amounts in the Fund—''.

H.R. 2515

OFFERED BY: MR. MILLER OF CALIFORNIA

(Page and line numbers refer to H.R. 3530)

AMENDMENT NO. 11: Page 29, line 16, strike ''NEW, PERMANENT''.

Page 29, line 22, strike ''new, permanent''.

H.R. 2515

OFFERED BY: MR. MILLER OF CALIFORNIA

(Page and line numbers refer to H.R. 3530)

AMENDMENT NO. 12: Page 29, beginning on line 25, strike ''paid,'' and all that follows through line 6, on page 30, and insert ''deposited in the general fund of the Treasury.''.

H.R. 2515

OFFERED BY: MR. RADANOVICH

(Page and line numbers refer to H.R. 3530)

AMENDMENT NO. 13: Page 29, beginning on line 15, strike paragraph (4) and insert the following:

(f) ELIMINATION OF PURCHASER ROAD CREDITS IN CONNECTION WITH RECOVERY PROJECTS.—

(1) AUTHORIZED METHODS TO FUND ROAD CONSTRUCTION.—In connection with recovery projects, the Secretary of Agriculture—

(A) may not provide purchaser credit for road construction; and

(B) shall carry out the road construction in the same manner as the Secretary of the Interior conducts the roads program for forest lands under the jurisdiction of the Bureau of Land Management, as such Bureau of Land Management roads program was in effect on January 1, 1998.

(2) SPECIAL REQUIREMENTS FOR ROADS.—

(A) DESIGN AND ENGINEERING SERVICES.—Subject to the availability of appropriations for this purpose, the Secretary of Agriculture may enter into contracts with private persons to perform design and engineering services in connection with recovery projects involving the acquisition, construction, or maintenance of forest roads. The Secretary shall ensure that competitive procedures are used in the selection of persons for the performance of such services.

(B) LEVEL OF CONSTRUCTION.—In the case of a forest road in a recovery project that is constructed or paid for by another person, the Secretary of Agriculture may not require the person to design, construct, or maintain the road to a higher standard than the standard, consistent with applicable environmental laws and regulations, that is sufficient for the recovery project involved, unless the Secretary bears that part of the cost necessary to meet the higher standard.

(C) TREATMENT OF ROAD VALUE.—In the case of a forest road in a recovery project that is constructed or paid for by another person, the appraised value of the road shall be considered to be money received for purposes of the payments required to be made under the sixth paragraph under the heading ''FOREST SERVICE'' in the Act of May 23, 1908 (35 Stat. 260; 16 U.S.C. 500), and section 13 of the Act of March 1, 1911 (36 Stat. 963; commonly known as the Weeks Act; 16 U.S.C. 500). To the extent that the appraised value of a forest road determined under this paragraph reflects funds contributed by the Secretary of Agriculture to build the road to a higher standard, the Secretary shall modify the appraisal of the road to exclude the effect of the Federal funds.

H.R. 2515

OFFERED BY: MR. VENTO

(Page and line numbers refer to H.R. 3530)

AMENDMENT NO. 14: Page 10, line 1, strike ''45-day period'' and insert ''60-day period''.

Page 10, line 18, strike ''45-day period'' and insert ''60-day period''.

H.R. 2515

OFFERED BY: MR. VENTO

(Page and line numbers refer to H.R. 3530)

AMENDMENT NO. 15: Page 27, lines 12 and 13, strike '', without further appropriation''.

H.R. 2515

OFFERED BY: MR. VENTO

(Page and line numbers refer to H.R. 3530)

AMENDMENT NO. 16: Page 29, line 16, strike '', PERMANENT''.

Page 29, line 22, strike ',permanent roads'' and insert ''roads, regardless of whether the roads are intended to be permanent or temporary''.

H.R. 3310

OFFERED BY: MR. KUCINICH

AMENDMENT NO. 1: Page 4, strike line 10 and all that follows through page 6, line 25, and insert the following:

''(B) establish a policy or program for eliminating, delaying, and reducing civil fines in appropriate circumstances for first-time violations by small entities (as defined in section 601 of title 5, United States Code) of requirements regarding collection of information. Such policy or program shall take into account—

''(i) the nature and seriousness of the violation, including whether the violation was technical or inadvertent, involved willful or criminal conduct, or has caused or threatens to cause harm to—

''(I) the health and safety of the public;

''(II) consumer, investor, worker, or pension protections; or

''(III) the environment;

''(ii) whether there has been a demonstration of good faith effort by the small entity to comply with applicable laws, and to remedy the violation within the shortest practicable period of time;

''(iii) the previous compliance history of the small entity, including whether the entity, its owner or owners, or its principal officers have been subject to past enforcement actions;

''(iv) whether the small entity has obtained a significant economic benefit from the violation; and

''(v) any other factors considered relevant by the head of the agency;

''(C) not later than 6 months after the date of the enactment of the Small Business Paperwork Reduction Act Amendments of 1998, revise the policies of the agency to implement subparagraph (B); and

''(D) not later than 6 months after the date of the enactment of such Act, submit to the Committee on Government Reform and Oversight of the House of Representatives and the Committee on Governmental Affairs of the Senate a report that describes the policy or program implemented under subparagraph (B).

''(2) For purposes of paragraphs (1)(B) through (1)(D), the term 'agency' does not include the Internal Revenue Service.''.

H.R. 3310

OFFERED BY: MR. MCINTOSH

AMENDMENT NO. 2. Page 6, strike line 25 and insert the following: imposed by the agency.

''(4) Notwithstanding any other provision of law, no State may impose a civil penalty on a small-business concern, in the case of a first-time violation by the small-business concern of a requirement regarding collection of information, in a manner inconsistent with the provisions of this subsection.''.