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House of Representatives

The House met at 10:30 a.m.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate passed a bill of the following title, in which concurrence of the House is requested:

S. 1723. An act to amend the Immigration and Nationality Act to assist the United States to remain competitive by increasing the access of United States firms and institutions of higher education to skilled personnel and by expanding educational and training opportunities for American students and workers.

MORNING HOUR DEBATES

The SPEAKER. Pursuant to the order of the House of January 21, 1997, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to 5 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. SAXTON) for 5 minutes.

IMF PROGRAM SPARKS INDONESIAN TURMOIL

Mr. SAXTON. Mr. Speaker, Americans across our country have seen televised pictures of rioting in Indonesia, of social unrest and political unrest and, according to various news service accounts, the outbreak of rioting in Indonesia was triggered by price increases of basic commodities mandated by the International Monetary Fund. One recent Reuters news story notes that the IMF conditions were ''A key cause of the recent demonstrations.''

The recent violence raises important questions about whether the IMF and its program underestimated the political fragility and instability, both political and social, of Indonesia. This is a relevant concern because political instability could well undermine the potential for economic stabilization.

In yesterday's Wall Street Journal there was an article, and I would like to read a few lines from it. Date line, Washington:

Last fall, Indonesia turned to the International Monetary Fund for an economic life raft. Instead, the resulting IMF program contributed to the turmoil now wracking the world's fourth most populous nation. The IMF program failed to stabilize the Indonesian economy, its stated purpose. As the economy worsened, domestic dissatisfaction grew.

And it goes on,

Jeffrey Sachs, whose Harvard institute has long been an adviser to Indonesia, has been warning for months that the U.S.-backed IMF prescription was harsh and counterproductive.

In addition, it goes on,

Malaysian prime minister Mahathir Mohamad also blames the IMF for worsening Indonesia's problems. ''The IMF is not sensitive to social and economic restructuring,'' he said, according to Malaysia's official news agency.

To answer these questions, more information is needed to understand the International Monetary Fund program and its recent impact on Indonesia. Once again I call on the IMF and the Treasury to publicly release its staff reviews of the Indonesian bailout so that Congress, the public, and private experts can better understand the IMF policy and its effects.

Previous problems with the IMF program were documented in the New York Times article last winter which reported that the International Monetary Fund reviewed and found that the IMF conditions had sparked a bank run on Indonesia several months ago. In recent days the Wall Street Journal has also come to similar conclusions, and I just read from that article.

Given this horrific outburst of violence in Indonesia, Congress has an important obligation to examine the role of the IMF and the role it has played in contributing to this situation with, I might add, the use of U.S. taxpayers' dollars. While it is clear that the policies of the Indonesian government had caused severe economic problems, it appears that the IMF conditions made the situation even worse.

The fragility of the political environment and the potential for violence must be adequately considered when considering these programs. For example, is it not evident that the IMF formally integrated a political risk analysis into the economic program? Obviously, it failed to do so. If the IMF program failed to address the potential that it could destabilize political, social and economic conditions even further, then it was flawed to start with.

Congress has the public need and the ability to examine the IMF staff reviews of the bailouts to determine whether the risks of the IMF program were adequately considered. We have that responsibility and the IMF should give us the information. These documents have been requested repeatedly of the IMF and the Treasury Department. It has been made clear that they may be sanitized before their release.

Mr. Speaker, I include the entire article from the Wall Street Journal for the RECORD:

[From the Wall Street Journal, May 18, 1998]

TIME WILL TELL IF IMF HELPED SAVE OR WRECK INDONESIA

(By Bob Davis and David Wessel)

WASHINGTON.—Last fall, Indonesia turned to the International Monetary Fund for an economic life raft. Instead, the resulting IMF program contributed to the turmoil now wracking the world's fourth most-populous nation.

The IMF program failed to stabilize the Indonesian economy, its stated purpose. As the economy worsened, domestic dissatisfaction grew. The fund also high-lighted what the IMF and the U.S. condemn as a crooked

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brand of capitalism practiced by the Suharto regime, undermining its legitimacy and emboldening the opposition.

Whether the IMF, in the end, is seen as a villain that provoked widespread suffering or a catalyst for constructive change depends largely on what happens in Indonesia over the coming weeks and months.

IMF critics, led by outspoken Harvard University economist Jeffrey Sachs whose Harvard institute has long been an adviser to Indonesia, have been warning for months that the U.S.-backed IMF prescription was harsh and counterproductive. ''The IMF program was really badly designed and made a bad situation worse,'' says Steven Radelet, a Sachs colleague.

Malaysian Prime Minister Mahathir Mohamad also blames the IMF for worsening Indonesia's problems. ''The IMF is not sensitive to the social cost of economic restructuring,'' he said, according to Malaysia's official news agency.

But the Indonesian government hurt itself, too. It backtracked on pledges it made publicly to the IMF, undermining the confidence of both domestic and foreign investors. It vowed to dismantle unpopular arrangements that enriched Suharto cronies, but then rebuilt them under different names. And, at a pivotal moment, it flirted with a controversial currency-board approach to monetary policy. After a parade of international leaders pressured Indonesia to live up to its agreements, Mr. Suharto relented, underscoring his weakness to the newly emboldened opposition.

Then earlier this month, Mr. Suharto's new cabinet ministers changed direction and implemented IMF-backed increases in fuel prices much faster than the IMF demanded, sparking the recent riots. Although the IMF program allowed for the increases to be spread out over a month, some prices soared as much as 70% overnight. ''We didn't set a precise date for [removing subsidies]. The date was chosen by the government,'' an IMF official says.

Despite occasional misgivings about some elements of the IMF approach, the Clinton administration strongly defends the fund. ''The IMF didn't create the Indonesian economic and political crisis,'' says Mr. Clinton's national security adviser, Sandy Berger. ''Indonesia created the economic and political crisis. The International Monetary Fund came in to try to help restore stability and put it on a path back towards growth.''

At their annual summit this weekend, leaders of the Group of Seven large industrial nations and Russia, put the onus on the Suharto government. ''Successful economic reform and international support for it will require political and social stability,'' they said in a statement, and urged the Indonesian government to open a dialogue with opposition leaders over reforms that address ''the aspirations of the Indonesian people.''

Inside the IMF, some argue that the fund's willingness to confront not only fiscal and financial policy issues, but also the corruption of the Suharto regime, is hastening long-overdue social change. Indeed, IMF programs in Korea and Thailand, they argue, may be succeeding precisely because they coincide with political reforms—a new democratic government in Seoul, constitutional reforms in Bangkok. Mr. Suharto's departure wouldn't be mourned at the IMF.

But it's also clear that IMF advice failed to revive the Indonesian economy and may have worsened a bad situation. Last year's demand that Indonesia close 16 troubled banks—meant a signal that the government was finally addressing problems in the financial sector—backfired. Depositors pulled funds out of other banks, further weakening the system.

Harvard's Mr. Radelet said the IMF's emphasis on ending monopolies and closing government projects that are owned by friends and family of Mr. Suharto didn't address some fundamental economic problems. For months, for instance, the fund did little to help restructure Indonesian companies' huge foreign debt, which prevents them from getting the added financing needed to run their businesses and from taking advantage of a weak currency to increase exports.

The IMF has until early June to decide whether to disburse another $1 billion to Indonesia, as part of a $43 billion bailout package it cobbled together for the nation. Indonesian authorities have said they plan to roll back some of the price increases that sparked riots. But that by itself isn't expected to put the IMF's added lending in jeopardy.

TRIBUTE TO THE HONORABLE JENNINGS RANDOLPH

The SPEAKER pro tempore (Mr. PETRI). Under the Speaker's announced policy of January 21, 1997, the gentleman from West Virginia (Mr. RAHALL) is recognized during morning hour debates for 4 minutes.

Mr. RAHALL. Mr. Speaker, on May 8 this year, the Nation lost a great man, a former U.S. Senator, a beloved West Virginian, a great orator, a man of civility and courtesy, a master of the legislative compromise, a builder of concrete, asphalt and stone, and a builder of character named Jennings Randolph, who died at the grand old age of 96.

When Senator Randolph passed on, it was truly the end of an era. He was the last living Member of Congress from the New Deal era, making him the last of the New Deal legislators who voted to enact the Social Security System and a minimum wage.

On May 11 of this year, had he lived, Senator Randolph would have marked the 65th anniversary of his freshman speech on the floor of the House. He spoke on the subject of Mother's Day, an event founded by fellow West Virginian Anna Jarvis, and his speech, an eloquent one, was entitled, ''The Unapplauded Molders of Men''. This speech was given on the 69th day of Roosevelt's famous first 100 days, and on that day Jennings Randolph the great orator was born.

As many of my colleagues will know, it was Senator Randolph who began, during his House tenure, to amend the Constitution to allow 18-year-olds to vote. He succeeded in this endeavor in 1972, as a U.S. Senator, with the 21st Amendment to the Constitution, the first and only constitutional amendment that took a mere 90 days to achieve ratification by the requisite number of States and to become the law of the land.

At one time, I am told, he forced then-President Nixon to spend the funds appropriated for the interstate system by filing an injunction against Nixon's practice of impounding the funds, keeping them from being spent. It was in the 1974 budget act that impounding funds by a President was first restricted.

Jennings Randolph would be proud of our every effort, Mr. Speaker, and success this very day in freeing some of the collected motorists' gas taxes and spending them on transportation needs. Yes, J.R., we will one day restore trust to our Highway Trust Funds.

I would like to tell my colleagues a little something about the Senator's lifelong public service, that we have seen little written about of recent date. Having traveled so often with the Senator, many times late at night in a very small plane, two or four-passenger plane, sometimes through very stormy weather, the first comment the Senator would make upon landing was ''Where is the telephone?''. I would be thinking of other places to visit but the Senator was always wanting to keep in touch with the people.

Senator Randolph was known for his devotion to people and his compassion for all people in need. He coauthored the Randolph-Shepherd Act for the Blind, giving blind persons the opportunity and the right to be employed and have the dignity of a paycheck. The blind are still benefiting from that effort today.

He fought for and maintained the Black Lung Benefits Act throughout his public life in the Senate. Once, when he was being chastised by some of his Coal Mining constituents because the Black Lung benefits bill was then languishing in the Senate with no action being taken, Senator Randolph quietly but firmly said: There are only 18 coal mining states in the Union. Those 36 Senators are going to vote for this legislation. Persuading 64 other Senators representing non-coal mining states that their constituents should or must allow their tax dollars to be used to pay for the benefits for workers in other States is not an easy matter to accomplish. It takes time. And I pay those 64 Senators the courtesy of approaching them one on one, personally, to discuss the plight of coal miners with black lung disease, and their need for disability compensation for themselves and, for those who have died, their widows and orphans. He told them ''it will get done * * *'' And it did.

Senator Randolph, concerned for the plight of mentally and physically disabled children and concerned over their lack of an appropriate education, established the first Subcommittee on the Handicapped in the Senate, and he chaired that Subcommittee with passion and the courage of his beliefs as he authored and guided to enactment the Education for all Handicapped Children Act. Today, the Special Education law is working to mainstream disabled children into regular classrooms with their peers across this Nation in every school building getting a free and equal education to which all children are entitled.

It was Senator Randolph, with his great love for airplanes and aviation, who first proposed the establishment of the National Air and Space Museum. When he first proposed it, of course, the space age hadn't been ushered in yet—and so when asked to give the Dedication speech for the new Museum, Randolph remarked that it took so long to get Congress to act on his proposed aviation museum, they had to add the word ''space'' to its name.

And it was Senator Jennings Randolph who, with another licensed pilot aboard, flew the

first coal-fueled aircraft from Morgantown, West Virginia to National airport. Senator Randolph was always looking for ways in which coal mined by his coal-mining constituents could be used to help strengthen and stabilize the economic base of his beloved State of West Virginia.

And finally, but never lastly, the Senator realized his long held dream of establishing a peace-arm of the U.S. Government. Serving under Roosevelt when the Nation was drawn into World War II, Randolph believed that the U.S. Government ought to have a Peace Department since it had a War Department (the War Department was changed to the Defense Department in 1948, the year after Randolph left the House). It took him from 1943 to 1984—41 years—but the last legislative initiative he authored and guided to enactment was the creation of the U.S. Institute for Peace, a still vital, thriving institution devoted to the waging of peace, not war.

Speaking of the U.S. Institute of Peace, the Senate's consideration of the legislation in 1984 was not an easy road. Some of the more conservative Members accused him of creating an institution that would attract communists and become a possible security risk. And one Member went so far as to call Senator Randolph the ''Jane Fonda'' of the Senate. Randolph did not respond to the charges, of course, for that was not his way. But he did try to get President Reagan to support his Peace Institute bill.

One day, when the Labor and Public Welfare Committee in the Senate was about to vote on whether to waive the budget act so that the Randolph Peace Institute bill could come to the floor for a vote, President Reagan called Senator Randolph. The Senator gently but firmly said to the Committee Clerk: Please tell the President I am busy here. I will have to call him back.'' In about 15 minutes the Committee had voted favorably on the budget waiver Senator Randolph needed, and he then turned to the Clerk and said: Please get the President for me, I can talk with him now. To which the Clerk replied: The White House is still on the line, Senator, waiting for you to finish.

Randolph still did not get the President to endorse his bill, but he spoke with him about why he should do so.

As I conclude, Mr. Speaker, I quote from Senator Randolph's maiden speech on the House floor in 1933, when he said,

> Volumes have been written about kings and emperors; historians have told of the exploits of a thousand heroes of battle; biographers have packed into colorful words the life and death of our statesmen; while painters have filled galleries with the likenesses of our living great.

Some day, some enterprising young scholar will write volumes about Jennings Randolph, and historians will tell of his exploits, and biographers will pack many colorful words about the life of this mighty statesman from West Virginia, Jennings Randolph.

INTRODUCTION OF AUTO CHOICE REFORM ACT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from Texas (Mr. ARMEY) is recognized during morning hour debates for 2 minutes.

Mr. ARMEY. Mr. Speaker, tomorrow the Subcommittee on Finance and Hazardous Materials of the Committee on Commerce will hold a hearing on my bill, the Auto Choice Reform Act, which will cut auto insurance premiums by 24 percent and save American drivers $193 billion over 5 years.

Today we are forced to pay more than is necessary for auto liability insurance in order to be eligible to play the tort lottery, whether we want to or not. Some people see this lottery as a way to hit the jackpot. They exaggerate their real damages in order to sue for huge noneconomic damage awards. This fraud and abuse, as well as the excessive lawsuits, have helped drive up the cost of auto insurance and have led to the undercompensation of seriously injured victims.

Auto Choice addresses these problems by giving American drivers a choice in the kind of insurance they can buy. Under Auto Choice they can stay in the tort system or they can opt to collect their actual losses from their own insurance company and forego suits for economic damages. In exchange, they will see lower premiums and better compensation.

Americans should be free to buy the auto insurance policy that best fits their needs. Auto Choice gives them this freedom.

THE ARMENIAN JOURNEY TO WORCESTER

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from Massachusetts (Mr. MCGOVERN) is recognized during morning hour debates for 1 minute.

Mr. MCGOVERN. Mr. Speaker, on Sunday I had the privilege to welcome to Worcester, Massachusetts, His Holiness Karekin I, Supreme Patriarch and Catholicos of all Armenians.

Also present were Worcester Mayor Raymond Mariano; Massachusetts Governor Paul Celluci; Archbishop Khajag Barsamian, Primate of the Diocese of the Armenian Church of America; Reverent Father Aved Terzian, Pastor of the Armenian Church of our Savior; and many other ecumenical and governmental officials.

Worcester is a fitting site to welcome his Holiness on his Pontifical visit to celebrate the centennial of the Armenian church in the United States. In 1891, the Armenian Church of our Savior on Salisbury Street in Worcester was the first Armenian church founded in the United States.

Today, over 1,400 Armenian Americans reside in the Third Congressional District of Massachusetts. The history of their journeys to America is a proud and important part of our community heritage.

These stories were recently highlighted in a published story in the Worcester Magazine entitled, ''The Armenian Journey to Worcester''. In honor of the visit of his Holiness to Worcester, I include the story in the RECORD:

[From Worcester Magazine, Apr. 29, 1998]

THE ARMENIAN JOURNEY TO WORCESTER

(By Clare Karis)

''Who today remembers the extermination of the Armenians?'' Adolf Hitler's ominous words, spoken on the eve of his invasion of Poland on Aug. 22, 1939, launched his six-year extermination of 6 million Jews and 7 million others. His reasoning, unconscionable as it was, was chillingly clear: Not much attention was paid to that genocide, surely we can up the count this time.

Nearly 60 years later, the average American knows little of the Armenian Genocide. But that blood-soaked page of history is seared indelibly into the memories of those who survived. Those who saw their own mothers doused with kerosene and set on fire. Those who saw their brothers beheaded. Those who saw their families, one by one, drop starved and exhausted to the burning desert sands. Those who saw a river run red with blood. Those who, by whatever twist of fate or fortune, escaped with their lives.

But those survivors' numbers are fast dwindling. Children who witnessed the Armenian Genocide of 1915 are now 90 or so. And as the corps of survivors is reduced, so too is the chance that the story will be documented, recorded and passed on—and heeded.

''Those who cannot remember the past are condemned to repeat it.'' George Santayana's prophecy, inscribed in the atrium of the Simon Wiesenthal Center in Los Angeles, is darkly telling on the 83rd anniversary of the genocide, which began April 24, 1915, and before its end claimed the lives of up to 2 million Armenians.

A goodly number of the diaspora settled in Worcester. The Armenians equated the city with America; they would say, ''Worcester is America.'' A strong and insular Armenian community sprang up in the Laurel Hill neighborhood, which reminded the emigres of the sun-splashed hills and valleys of their beloved homeland. That neighborhood was known as ''Little Armenia''; after housing became scarce there the population spilled out onto nearby streets—Chandler, Bancroft, Pleasant, May, Irving—to become the colony ''Big Armenia.'' It was a joyful day for the God-fearing tempest-tossed when the Laurel Street Church opened its doors for worship and community gatherings.

The survivors live each day with their memories. Their ears echo even now with the sound of an ax splitting a door, bullets whistling through the air, a baby crying over its mother's body. Their unrelenting mind's eye flashes back and then fast-forwards—like jump cuts in a macabre film noir—to and from images that can never be forgotten.

For some eyewitnesses, the memories run clear and pure as a mountain stream. For others, the waters have muddied; images have begun to dim and blur and overlap until it's hard to separate what happened eight decades ago from yesterday's daydream or last week's nightmare. One of our chroniclers, Dr. George Ogden, is very careful to say that he can't be quite sure that all he remembers today happened exactly the way he thinks it did. It was a lifetime ago, after all, and he was just a little boy. But how can he forget being dragged to a police station and having his hands flayed until they bled because he hummed a patriotic song?

In the book Black Dog of Fate, a cousin of author Peter Balakian gives this acount of what she saw along the Euphrates. ''We were delirious from hunger and thirst. We picked seed out of the camel dung and cleaned them

off the best we could and put them on the rocks to dry them out in the sun before we ate them. . . . Whenever we passed a eucalyptus tree I gathered some leaves so that at night I could suck on them to get water in my mouth. . . . For miles and miles you saw nothing but corpses, and the brown water sloshing up on the banks. I found corpses washed up, half deteriorated, headless, limbless, body parts floating. Hundreds of rotting bodies were piled in heaps and the black terns were feeding on them. Many women and girls threw themselves in the river rather than be abducted or raped. At several spots there were girls who had tied their hands together and drowned themselves . . . their blue bodies were still tied to each other's. Their tongues were black, half-eaten, and their hair was muddy and dry like old grass. There were dead babies too . . . when Dikran, who was delirious now, began to pick the bodies out of the water, the gendarmes whipped him and told him to put them back. Later the geese and the wildcats came down from the valley to eat them.''

Turkish officials denied then—and continue to deny—that such gory tableaux were any more than the usual unfortunate sidelights of war, certainly not evidence of any premeditated plot to kill off the Armenians. At a genocide commemoration at which Balakian, a poet, spoke, Turkish people passed around pamphlets. One, published by the Assembly of Turkish American Associations, attempted to debunk Armenians' claims that they had suffered atrocities in the Ottoman Empire.

''Carefully coached by their Armenian nationalist interviewers,'' it said, ''these aged Armenians relate tales of horror which supposedly took place some 66 years ago in such detail as to astonish the imagination. Far more Turks then Armenians died in the same war . . . consequently one cannot conclude that the Armenians suffered any more terribly or that the Ottoman government attempted to exterminate them. There was no genocide committed against the Armenians in the Ottoman Empire before or during World War I. No genocide was planned or ordered by the Ottoman government and none was carried out.''

But Judith Herman, in Trauma and Recovery, points out, ''After every atrocity one can expect to hear the same predictable apologies: It never happened; the victim lies; the victim exaggerates; the victim brought it about herself; and in very case it is time to forget the past and move on. The more powerful the perpetrator, the greater is his prerogative to name and define reality, and the more completely his arguments prevail.''

The people whose stories are told here have done their best to move on. But they will never forget.

MARION DER KAZARIAN

Marion Der Kazarian was born in 1909, and is 89. She witnessed the death of her father, the Rev. Father Haroutune Der Harootunian, at the hands of Ottoman Empire soldiers in Armenia when she was 6 years old. She immigrated to America in 1921. Graduating from North High School in 1930, she opened Marion's Beauty Shop, where she worked until she married Garabed Der Kazarian and they had children. She has written a book about her experience, ''Sacrifice and Redemption.''

I was 6 years old when the massacres started. My father was reading the Bible to us. It was night. All of a sudden, the door broke and six gendarmes came in and dragged my father out—like a criminal. My father, who was the priest of the village. My youngest sister Rose ran after them, begging, ''Daddy, Daddy, don't go! Please don't take my daddy away.'' Father stopped and removed a cigarette case from his coat pocket and handed it to her. ''Keep this for me until my return,'' he said in a soft voice. His cheeks were wet with tears. We were left alone.

My mother had gone to Chimishgazak [a city in Armenia, now part of Turkey]. In 1914, my father had befriended a gendarme who told him, ''This time it's going to be terrible, not like before. You come over my house. I'll save all your children.'' My father didn't want to leave so the gendarme said, ''Then separate the children.'' My mother took my brothers to Chimishgazak and they went to school there. When the war broke out, my father said, ''We must bring the children together. If anything happens, we'll all die together.'' So my mother went to bring the boys back to Ashodavan.

After my father was taken, we were all alone and scared but we thought we should go outside. We knew they would find us anyway. People were gathered in front of our house. They were all crying and the gendarmes were hitting them. They used cloths [in people's mouths] to keep them from yelling. The weather was cool and damp. Everyone was crying for their father and mother. The Turkish soldiers were very mean. They wanted to keep the people quiet so they were hitting . . . hitting them hard.

The men had been tied up and taken to the Euphrates River. They lined the men up by the river, with my father in front. They were on their knees with their hands bound behind them. They told my father, ''If you renounce your Christian faith, we will spare your life.'' But my father said, ''I will die for my faith.'' So they killed him. Then they went down the row asking all the men the same thing. When they said ''No,'' they killed them.

Suddenly, people started to yell and scream. They saw clothes coming down the river—the river was all bloody. My sister-in-law Anna had three young children. When she saw the priestly robes of my father in the river, she knew he had been killed. She was crazed with grief. She jumped into the current with her sons. All four drowned. The men's bodies were left on the bank, purposely, to rot and be picked over by birds and animals.

Now we waited for our destiny. What would happen to us? Toward morning, the Turkish soldiers came and took us. They wanted us to cross the river. The man who had befriended my father, the same soldier who warned us about the massacres, came over and said, ''I want to take the whole family to my house. I'll keep you. Or you probably won't come out alive.'' So we went with him.

In the meantime, my mother was out looking for us in the Dersim mountains. She had gone to Chimishgazak to get the other children but they weren't there, so she set out to find the rest of us. She met a lady who told her, ''I saw your children. I know where they are. I'll get them to you.'' The lady told my sister, who had gone to fetch water, ''Come here next day, and I'll bring your mother.'' The next morning my sister told me, early, ''We're going out to fetch water.'' So we went. These two ladies came. We could not recognize the ladies. They were all bundled up so they wouldn't be recognized.

We started walking. Halfway, we met my brother. He was looking for my mother too. We walked all day and came to a cottage in Haghtouk where everyone was staying. I found my sister there, my youngest brother. They were all there. When the lady from the well took off her disguise, Rose and I said, ''Mother, mother!'' We all cried.

We stayed there that winter. It was a very bad winter. In the summer we heard that the Russian Armenians were coming to save us. There were about 10,000 Armenians in the Kurdish mountains. We had to wait for our turn. We came to Erzeroum. We stayed in the barracks. There was no food, nothing. The Red Cross came the next day and opened a cafeteria. They would give us just a cup of tea and one piece of sommi, bread.

In 1987, the Turkish government claimed that the bones and skeletons of more than 10,000 bodies found in Erzeroum belonged to Turkish citizens killed by Armenians. They built a monument over the bones and said we killed them, that the Armenians killed the Turkish people. But they lied. If the genocide didn't happen, where are all our relatives? What happened to 2 million Armenians? they didn't just disappear.

One day all the men and women were called together and told they would be separated because the Turkish soldiers were coming. So the older people were separated on one side and the younger ones on the other. There were two different roads we were supposed to take. There was fighting in back of us. We reached Baku. We stayed there three days. Again the Turkish soldiers came. Then we went on to Stavropol. We met my mother, who was already there.

We stayed there in Russia for three years. We were comfortable. Then the revolution started. It was terrible, worse than the first one. When we tried to leave, a crowd of men and women were at the railroad station. It was full of people. Everyone was pushing, pushing. I couldn't find my mother. I was crying for her. Everyone was gone, and I was screaming for my mother. This old man came and said, ''Why are you crying?'' He said, ''Don't cry, they'll wait for you at the second station.'' Then he put me on the wagon, the train, and then my mother was there. From there we went to Constantinople and from Constantinople to America.

DR. GEORGE OGDEN

Dr. George Ogden was born June 5, 1911, in Armenia and is 87. He immigrated to the United States in 1920, settling in Kenosha, Wis., and earned a Ph.D. in surgical chiropody from Northwestern Institute of Foot Surgery. He relocated to Worcester, where he practiced for many years. He and his wife Mary, who was a WAC during World War II, have been married since 1941.

It was a terrible massacre. In order to hide it, the Turkish soldiers sent the Armenians to the desert. They threw them in the river. But they couldn't hide it. They would pick you at random from every family in the country where there were mostly Armenians. They would take the Armenians out and wouldn't tell them what it was all about. They colored it as if nothing serious was going to happen until they collected them all together. And then! Some of them they threw out to the desert, some they threw in the river. Any way it was convenient for them to kill the Armenians.

After the genocide, people sang the song of the misery they went through. It describes the Euphrates river flowing with blood, how awful the Euphrates river looked, flowing with blood instead of water.

I remember I was given a licking in one of the police stations because I hummed the song I was singing as I was selling pencils. The commissar had a whip and a sword on the wall and he said, ''Tell your story.'' I told him where I heard the song and he took the whip from the wall and hit me in the hand. Oh, I was in such pain. It took weeks to heal the wounds. I was only 5 or 6 years old. He said, ''Next time you say anything against the government, we're going to cut your hand off.'' And that's all I remember as a child. There are other things . . . but it was so long ago and I was very young. It's like a dream.

My mother used to lose her babies and she blamed it on the condition of the country,

what was happening, how terrible it was how the Turks persecuted the Armenians. She had so much milk after losing the babies that she used to feed other children.

Because of my experiences as a 5-year-old in Turkey it has been my ambition to take children at kindergarten age and teach them that human beings ought to be cherished and raised in the right way: to be proud of their heritage, believe in the sanctity of children and teach them peace—instead of when they get to high school creating their own heritage because they think they're ''it,'' you know! And when they get to be 20, 21, they want to make all the money in the world. Proudness doesn't come from money. It comes in taking care of the young. The kindergarten program should be revamped so by the time children graduate kindergarten they are already good citizens of America—citizens of peace.

JOHN KASPARIAN

John Kasparian was born in Van, Turkish Armenia, in 1907, and is 91. He immigrated to the United States in 1927. He married in 1932; his wife Virginia died recently. For 55 years, Kasparian owned and operated a shoe-repair shop in Worcester. He saw his 5-year-old brother die of starvation in Armenia.

I lived in Van. I was 7 to 8 years old when I noticed the fighting—24 hours steady, for three months. The Armenians didn't have any army but everyone got together to fight because the Turks were trying to get our country at any cost. They were killing us right and left. But being killed was happier than having your arm or leg cut off and suffering for God knows how long. If you say anything against them, they cut your neck. It was nothing to them to kill humans left and right. It's the God's truth.

My father was trying to protect our house and got shot in his leg. They bandaged it up and he was still fighting, fighting. Finally one of our close friends came and said, ''Dick, you better get out of the house and run for your life. They're going to kill your family, without any question.''

So we got out, ran out with just what we had on us. No food, nothing. For four or five days, believe me, eating grass. We lived on grass. And thirsty! You couldn't get any water until the rain came. We had to drink the dirty water that animals were going through. We traveled 11 days to reach Yerevan. Left and right, oh my God, people were dying.

Of course, in Armenia they were just as poor as we were in those days. We had to go in back of restaurants and houses and go through garbage, we were so hungry. Who would think to take a bone and bite to try to get something from it? We were six of us, two sisters, my brother, my mother and my father and myself. On the way we lost my brother. In Armenia—we got there at night, it was cold weather—we stay outside, nothing on us, until the sun comes up. Someone told us all the people from Van were in a central park so we go over there and I see my brother who was lost, 5 years old. He was delirious. He didn't know what was going on. He was hungry, thirsty. After three of four days of suffering, he died of starvation.

I have to try to make some money for the family. My mother and father had no job yet so I go around selling water for money. So help me, 2 cents, anything, just to get us by. Then my mother started to make cigarettes, wrapping cigarettes. She hung a box on my neck and I said, ''What the heck is this?'' She said, ''People smoke—you go out, you sell cigarettes.'' That's how I lived until my father got a job for the American consulate as an Armenian interpreter. From then on, I was relieved! (laughs). Hey, at that time I was 9 years old.

I came here in 1927. We landed in Providence. A friend of my father who was like a brother to him, they had an apartment already, a four-room apartment. We had been living six of us in one room in Armenia, in Van. I couldn't believe it. Four rooms?!—I never saw that in my life.

I have to ask: All the world knows this [genocide] happened. Why is the American government not taking it seriously? Why?

But the only enjoyment and pleasure I get out of my life is in living in the United States. There is no other country in the world would ever be happier than here. A lot of Americans don't appreciate this life. It's a heavenly country. It's heaven on earth.

CHINA CONNECTIONS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from Florida (Mr. STEARNS) is recognized during morning hour debates for 5 minutes.

Mr. STEARNS. Mr. Speaker, over the weekend a lot of people have been calling for hearings on the emerging China scandal. I come to the well this afternoon to rise in support of the New York Times editorial on Sunday entitled, ''The New China Connection'', that calls for the appointment of a special prosecutor. I thought my colleagues should hear what the Times wrote:

All the disclosures about Johnny Chung, other contributors and their links to China make it clearer than ever that the Attorney General Reno needs to transfer the Justice Department's investigation to an independent counsel. The White House was intensely involved in fund-raising at the highest levels, and only an inquiry led by someone other than a political appointee of the President will satisfy the public.

Mr. Speaker, this is a major concession by The New York Times, and I thought I would call it to my colleagues' attention. These calls for an independent prosecutor come on the heels of groundbreaking and explosive reporting by the Times' investigative journalist, Jeff Gerth.

□ 1045

Mr. Gerth reported on Friday, May 15, that Johnny Chung has admitted that a large portion of the money he raised for the Democrats originated with the People's Liberation Army, the PLA, of China. Mr. Speaker, this is a communist military party. Mr. Chung has identified the conduit of the illegal campaign funds as a Chinese aerospace executive and Chinese Lieutenant Colonel Liu Chaoing, who just happens to be the daughter of General Liu Huaquing, who just happened to be at that time China's most senior and top-ranked military commander in the PLA.

Mr. Speaker, General Liu was also a member of the top leadership of China's Communist Party as he served as a member of the Standing Committee, the very top circle of political leadership in China. General Liu was also vice-chairman of the powerful Central Military Commission and was in charge of China's drive to modernize the People's Liberation Army by selling weapons to other countries and using the hard currency to acquire Western technology.

Newsweek goes on to point out that the latest scandal, in their May 25 issue entitled ''A Strange Brew,'' is also very revealing. It appears on July 19, 1996, Colonel Liu, the daughter of General Liu, arrived at the Los Angeles home of financier Eli Broad, shook the President's hand, had her picture taken with him. Ms. Liu, accompanied by fund-raiser Johnny Chung, is known to have attended a military institute in China used for counterintelligence training.

What Liu did a week after meeting the President is even more interesting. She signed papers incorporating a company in California called Marswell Institute. She and Chung were the only listed directors. U.S. intelligence sources say Marswell is an affiliate of a similarly named firm in Hong Kong, which shares ownership with yet another company they describe as a ''front'' for the ''general political department'' of the PLA.

Mr. Speaker, what were China and the Chinese military leaders after? There is some evidence that what they were after was a change in U.S. satellite export policy that made it easier for China to use their missiles to launch American satellites, which also allowed China to further improve their missile capabilities. This same missile technology can be used for intercontinental ballistic missiles, which China now has fixed nuclear targets on.

So, Mr. Speaker, I come to the floor this afternoon to echo the comments from the Sunday editorial from The New York Times. It is time for Attorney General Reno to transfer the department's investigation out of their department into an independent counsel, and I ask her to do it promptly.

TRIBUTE TO SENATOR JENNINGS RANDOLPH

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from West Virginia (Mr. WISE) is recognized during morning hour debates for 5 minutes.

Mr. WISE. Mr. Speaker, today in Salem, West Virginia, in a quiet funeral service, former United States Senator Jennings Randolph comes home to his final rest, to where he grew up and lived. And indeed perhaps it is a fitting memorial to Senator Randolph that this week the Congress of the United States is working on another highway bill for another six years, because Senator Randolph, of course, was Chair of the Senate Public Works Committee. In 1937, as a Member of this body, the House of Representatives, he held hearings on creating a national highway system 20 years ahead of the interstate highway system.

With Senator Randolph's death, an era has truly passed. He was the last

surviving Member of Congress of the original New Deal Congress that came in in 1933. And every West Virginian who heard him speak treasures the memory of hearing him recount being called to the White House in the first 100 days with the banks closing, businesses closing, pensions being dissolved.

I can still hear Senator Randolph's tones as he talked about how Franklin Roosevelt rallied the country. And of course, Senator Randolph was there for the creation of Social Security, for the WPA, for economic recovery, and to create many of the institutions that we take for granted today. Yes, he was a builder, a builder of highways and infrastructure, a creator and preserver of the Appalachian Regional Commission, as well as creating educational opportunities, too.

No matter how many years Jennings Randolph had in his life, he always fought for young people. That is why he was a tireless battler for the 26th Amendment to the Constitution, which in the early 1970s gave the right to vote to those between the ages of 18 and 21. The last speech I ever heard Senator Randolph give was lamenting low voter turnout in our country and challenging all of us, all of us as citizens, to be able to go to the polls and exercise our most precious franchise.

Mr. Speaker, we West Virginians have much to remember in this gentle man. When we drive along on a modern four-lane road or we go to a job training class, when we make use of an Appalachian Regional Commission facility, perhaps a health clinic, when we turn on our spigot and we get fresh water, or perhaps when we retire and we know that Social Security will be there, and of course for the youth, the youth that Jennings Randolph believed in so much that he fought and won for them the right to vote.

Mr. Speaker, a gentle man with a great heart comes home to rest today, and all West Virginia gives thanks for this rich and meaningful life.

AMERICAN TECHNOLOGY TRANSFERS TO CHINA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from California (Mr. ROHRABACHER) is recognized during morning hour debates for 5 minutes.

Mr. ROHRABACHER. Mr. Speaker, outrage is sweeping the United States of America, and a justifiable outrage. The American people are finding out now that the technology that they paid for with their tax dollars to be developed during the Cold War, that some of that technology has been transferred to the communist Chinese in order to upgrade the capabilities of their nuclear weapons delivery system.

When President Clinton became President of the United States, we had a chance to confront any wrongdoing or aggression or belligerency committed by the communist Chinese, knowing that the people of the United States were not at risk. Now, after 5 years, we find almost miraculously that the Chinese have developed the capability of hitting the United States with nuclear weapons.

The outrage that I talked about, as I suggested, comes from the fact that we are now learning that it was American corporations, some moguls from the aerospace industry, who decided to take American technology and improve those Chinese rockets. Then we find out that this administration, inside the administration, the watchdogs that noticed that this illegal act and immoral act was taking place, that when the watchdogs tried to create and tried to establish an investigation and to prosecute those people who had transferred that missile technology, that their effort was undercut by no one else but the President of the United States.

President Bill Clinton took the steps that were necessary to transfer the authority of blocking some certain transfers of technology from the State Department, which opposed that transfer, to the Commerce Department that was headed by Ron Brown which was interested in facilitating transfers of technology. The President also issued waivers and licenses that undercut those people who were preparing the prosecution of those people in the aerospace industry that transferred that technology to the communist Chinese.

And yes, there is one other step in this story of betrayal, and that is the information that now is emerging that the President of the United States, during his reelection effort, received millions of dollars in contributions from those who were transferring this technology, in the same time period that the waivers and licenses were being issued by the Oval Office in order to facilitate those transfers.

Bernard Swartz, the CEO of Lorel Corporation, the corporation that transferred much of this technology, is the biggest contributor to the President's reelection campaign, over a million dollars to the President's reelection or to the Democratic party. And then, of course, we hear about money coming from the communist Chinese themselves, filtering it into the President's reelection campaign, Johnny Chung just a few days ago admitting that the $100,000 he tried to funnel into the Democratic campaign came from the People's Liberation Army.

I would ask my colleagues to pay attention to this story, because the People's Liberation Army, the source of those funds was not just the army itself, it was that part of the communist Chinese army that deals with missile and rocket development. A lieutenant colonel in the Chinese Army gave that money to Johnny Chung to funnel into the President's campaign.

Yes, there is justifiable outrage. The President has a lot of questions to answer, as do these corporations, both on moral grounds and on legal grounds. The President should cancel his trip to China until those questions have been answered, and there should be a moratorium on all presidential actions concerning waivers and licenses and the shipping of technology to communist China until we get to the bottom of this.

Every man, woman, and child in the United States now is in jeopardy of nuclear incineration by the communist Chinese if we ever do confront them in their wrongdoing, because of technology that has been transferred to them with the help of this President and with the profit of American companies making profit off technology developed by the taxpayers for the protection of our country.

This is the most serious scandal that I have heard. Maybe the American people cannot understand what sex scandal and character has to do with making decisions, but this is very understandable. Our country has been betrayed. We need to get to the bottom of it.

TRIBUTE TO SENATOR JENNINGS RANDOLPH

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from West Virginia (Mr. MOLLOHAN) is recognized during morning hour debates for 4 minutes.

Mr. MOLLOHAN. Mr. Speaker, it is an honor for me to rise today with my good friends and colleagues, the gentleman from West Virginia (Mr. RAHALL) and the gentleman from West Virginia (Mr. WISE) in tribute to a fine gentleman and faithful advocate of the people of West Virginia.

I am speaking, of course, of Senator Jennings Randolph, whose lifetime of distinguished service came to an end just 11 days ago. We all mourn his passing, and certainly we send our deepest sympathies to his family. Our thoughts are with them in these difficult days. While recovering from such a loss is a painful process, we hope they find comfort in the legacy he leaves behind, for it truly is a remarkable one.

On the day after Senator Randolph's death, newspapers across the State recounted his inspiring story, the story of a young journalist who was elected to Congress as a New Deal Democrat and would become the last member of the storied class that served in the first 100 days of FDR's presidency. He was thrust into the House during an extraordinary time in our Nation's history, a time of despair, sorrow, and suffering, and he was a part of the extraordinary solution, the package of reforms that revised our Nation, bringing sustenance, opportunity, and hope to millions.

Jennings Randolph never lost that passion for helping those who needed help the most, especially the poor and disabled. The young New Deal Democrat would become a mature hand in the great society, never wavering in his

belief that government can and should play an active role in solving people's problems, and he worked mightily to better his home State of West Virginia.

Senator Randolph was a champion of the interstate highway system, the Appalachian Regional Commission, local airports, and countless infrastructure projects that brought the basics to our people. That is how he thought of himself, once saying, ''I essentially am a West Virginia senator. I'm not what you'd call a national Senator or international Senator.''

It is true that Jennings Randolph was an effective, tireless advocate of West Virginia. But if my colleagues think that he did not have an influence on this Nation, they would be badly mistaken. After all, it was Jennings Randolph who authored the constitutional amendment that gave 18-year-olds the right to vote. And in so many other areas, his work and support was crucial to policies that advantaged citizens from coast to coast. Throughout his service in the House and then in the Senate, he was a model of courtesy, of grace and professionalism.

As the Senate historian said so well, ''Very few senatorial careers were as full as his. He always struck me,'' the historian, ''as the image of a Senator's Senator, a teacher within the institution who would take young Senators beneath his wing and lecture them, sometimes gently and sometimes not so gently, about the importance of etiquette.''

□ 1100

Mr. Speaker, with Jennings Randolph passing, the people of West Virginia have lost a great friend and representative. We salute his lasting record of achievement and honor his memory as a passionate, dedicated public servant.

WELLER-McINTOSH II MARRIAGE TAX COMPROMISE

The SPEAKER pro tempore (Mr. PETRI). Under the Speaker's announced policy of January 21, 1997, the gentleman from Illinois (Mr. WELLER) is recognized during morning hour debates for 5 minutes.

Mr. WELLER. Mr. Speaker, questions are often asked in this body, and I think one of the most important questions asked is: Why is enactment of the Marriage Tax Elimination Act so important for working families in America? I think this series of questions best illustrates why.

Do Americans feel that it is fair that our tax code imposes a higher tax penalty on marriage? Do Americans feel that it is fair that 21 million married working couples on average pay $1,400 more a year just because they are married, $1,400 more than an identical coupleS that lives together outside of marriage?

Do Americans feel that it is right that our Tax Code actually provides an incentive to get divorced because the only way today to avoid the marriage tax penalty is to get divorced and to live together outside of marriage?

Clearly, Americans feel that the marriage tax penalty is not only unfair, it is wrong. It is immoral that our Tax Code punishes society's most basic institution. The Congressional Budget Office tells us that 21 million married working couples pay an average of $1,400 more just because they are married.

Let me give you an example of a couple in the south suburbs. I represent the south side of Chicago and the south suburbs of Chicago and Illinois. I have an example here of a south suburban couple, working man and working woman, who pay the marriage tax penalty.

The gentleman is a machinist at Caterpillar where they make the big equipment, the heavy earth-moving equipment. This machinist makes $30,500 a year. Under the current Tax Code, if you add in the standard deduction and exemption, he is taxed at the 15 percent rate.

Say this machinist meets a schoolteacher a tenured schoolteacher in the Joliet public schools. The schoolteacher has an identical income. She would be in the 15 percent tax rate if she stays single. But if they choose to get married, if they choose to live in holy matrimony, under our Tax Code, this married working couple, a machinist at Caterpillar and a schoolteacher in the Joliet public schools who choose to get married, will pay the average marriage tax penalty of almost $1,400.

In Washington, D.C., $1,400 is just a drop in the bucket. But in Joliet, Illinois, in the south suburb of Chicago, $1,400 for this machinist and schoolteacher is real money, real money for real people: one year's tuition at Joliet Junior College, 3 months of day care at the local day care center in Joliet; and it is also several months' worth of car payments. That is real money that Uncle Sam is taking away from this machinist and this schoolteacher just because they are married.

We have a solution. We believe that elimination of the marriage tax penalty should be our number one priority as we address the tax provisions in this year's balanced budget which will be, hopefully, the second balanced budget in over a generation.

The Marriage Tax Elimination Act, which is now called the compromise as well as Weller-McIntosh II, it is pretty simple. What it does is it doubles the standard deduction for those who do not itemize from $4,150 for a single person, $8,300 for a married couple, simply doubling it, helping eliminate the marriage penalty.

Also, for the five tax brackets, we double the income threshold for couples. Currently, you are in the 15 percent tax bracket if you make $24,650. We double that to $49,300, eliminating the marriage penalty. Because, currently, even if you are making $24,650, our current Tax Code, you can only make $42,000. So there is about an $8,000 marriage tax penalty in the 15 percent tax bracket.

We want to eliminate the marriage tax penalty. The Marriage Tax Elimination Act of 1998 accomplishes that goal. We believe it should be the centerpiece of this year's balanced budget plan.

There are always competing ideas, and President Clinton has a good idea. He says our priority should be expanding the current child care tax credit. Under the President's child care tax credit, the average family that will qualify would see about an extra $368 in total take-home pay a year.

If we eliminate the marriage tax penalty for that machinist and schoolteacher, they would see an extra $1,400 in take-home pay. So let us think about that which is better. If we eliminate the marriage tax penalty, $1,400 will pay for almost 3 months of child care at a local day care center in Joliet. If we forget about eliminating the marriage tax penalty and just do the expanding the current child tax credit, the President's $358 will pay for 3 weeks worth of day care in Joliet, Illinois. So which is better, 3 weeks or 3 months?

Clearly, elimination of the marriage tax penalty is a better deal for working couples and working married couples throughout America.

What is the bottom line? We want to eliminate the marriage tax penalty. It is wrong that our Tax Code punishes society's most basic institution. It is time that we stop punishing marriage.

We think about it. This Congress in the last 3 years has made helping families by raising take-home pay a real priority. We strengthened families by providing the adoption tax credit in 1996 so that families who hope to provide a loving home for a child in need of adoption can better afford it.

In 1997, we provided the $500 per child tax credit which will benefit 3 million children in Illinois, an extra $1½ billion in higher take-home pay that will stay in Illinois rather than coming to Washington.

Let us eliminate the marriage tax penalty. $1,400 is real money for real people. Let us make elimination of the marriage tax penalty the centerpiece of this year's budget agreement.

OLDER AMERICANS ACT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentlewoman from California (Ms. SANCHEZ) is recognized during morning hour debates for 2 minutes.

Ms. SANCHEZ. Mr. Speaker, May is Older Americans Month, which gives us the special opportunity to honor our Nation's seniors. The theme of this month is living longer and growing stronger in America; and we are saluting the growing numbers of Americans who enjoy increased longevity and continue to contribute to their families, their communities and to this country.

However, we cannot adequately honor them unless we have first ensured them a safe and a healthy life-style.

Americans age 65 and older are the fastest-growing segment of our population. In just 2 years, there will be over 35 million of them in this country. Unfortunately, some of the most critical programs that provide seniors with food, health care, and living assistance are now being threatened.

The Older Americans Act has not been reauthorized since 1995. The programs are running out of funding. As a result, seniors throughout this country are suffering.

I have heard from many back home about how these cuts are affecting their lives. I have received many letters from seniors telling me their stories of having to be on a waiting list for 3 years just to get something like Meals on Wheels.

The majority party in this House must promise, and there is no better time than this month of May to get working on the reauthorization of the Older Americans Act. We must complete this work before the 105th Congress adjourns. If not, then essential programs like Meals on Wheels, nutritional services, and elder abuse prevention programs are not going to reach some of our neediest seniors.

Throughout the decades of its existence, the Older Americans Act has served our Nation's aging population well. These programs are important not only because they help seniors maintain a healthy life-style, but they also bolster seniors' independence and their sense of dignity. If we are to truly honor our Nation's seniors this month, then we must reauthorize the Older Americans Act.

COSPONSOR HOUSE RESOLUTION 37, MASS TRANSIT PASSES FOR HOUSE EMPLOYEES

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from Oregon (Mr. BLUMENAUER) is recognized during morning hour debates for 5 minutes.

Mr. BLUMENAUER. Mr. Speaker, today, tens of thousands of Americans are celebrating Bike to Work Day by using bicycles to get to their place of employment. They are reinforcing the notion that using a bicycle can be fun; it can provide a healthy and convenient alternative to the private automobile. It will illustrate the impact that small steps can take to improve our quality of life.

At a time when we in Congress are worried about the health of the District of Columbia, when we are concerned about the funding of the Washington Area Mass Transit Authority, when we are looking at almost a billion dollars just to replace the Wilson Bridge here in the metropolitan area, and when, in Washington, D.C., consistently, the congestion is ranked in the top five in the country, bicycles make sense.

There is another simple step that we can take to improve the quality of life, and that is using more effectively the $10 billion investment that we have made in the Washington Area Metro System. It, too, is a way to save money, protect the environment, and improve the quality of life. It has been part of the Federal policy for years to promote the use of transit as an alternative to the single occupant vehicle.

In my community of Portland, Oregon, we promote that alternative by using transit passes as a way to make it easier for employees while we save money. There are over 60 individual companies that provide transit passes to over 45,000 people in the community.

Just this last month, the largest private sector employer in Oregon, Intel, developed a program that is providing free passes for all 11,000 of its employees because it makes sense for the company and for the community.

Here in Washington, D.C., we have over 1,000 employers in the private sector, over 100 Federal agencies that together provide transit checks for over 50,000 commuters in the metropolitan area. Even the United States Senate for the last 6 years has provided transit passes for its employees who do not get free parking.

I would suggest that it is time for us in the House of Representatives to take a step back and look at our policies to get in step with what we suggest the rest of America could do. If only 5 percent of our employees used the transit program, one-half the percentage in the United States Senate, we could eliminate this parking on the parking lot immediately adjacent to the Washington Capitol South Metro Station. We could obviously save the upkeep, the 24-hour-a-day staffing that is there to protect the cars, and we could convert that block into a higher and better use. Certainly there are a number of opportunities for one of the most valuable pieces of real estate in Washington, D.C.

I have introduced House Resolution 37; and, currently, there are over 180 of my colleagues that have cosponsored it. I would suggest that it is time for the remaining people in the House to take a step back, think about what is good for the environment, think about what is fair for our employees, to not simply provide up to $2,000 a year of free parking but provide an alternative for our employees who decide to do the right thing, protecting the environment by using mass transit.

It is good for the environment. It is good for our employees. It is a simple step to use our land more thoughtfully. Most important, it gets the House of Representatives in step with the Senate, with the rest of the Federal bureaucracy, and with what we are telling the private sector to do.

I strongly urge my colleagues to join me in sponsoring House Resolution 37.

OPPOSE ANY EFFORT TO REPEAL THE PRESSLER AMENDMENT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from New Jersey (Mr. PALLONE) is recognized during morning hour debates for 5 minutes.

Mr. PALLONE. Mr. Speaker, as you know, last week, the Republic of India conducted five underground nuclear tests. The Clinton administration imposed sanctions after the second set of tests and I believe was correct in doing so. These sanctions are extremely severe and may affect as much as $20 billion in funds to India.

Mr. Speaker, I am also concerned now that U.S. policy proceed toward an increased dialogue with India. We have made tremendous strides in improving relations between our two countries in recent years, and we must not go back to a Cold War strategy.

Unfortunately, there are Members of this body who feel that there is a need to impose further trade and economic sanctions. There may be an attempt to attach an amendment to the House defense authorization bill that would remove Most Favored Nation's status to India on textile and apparel products.

□ 1115

Mr. Speaker, imposing further economic sanctions on India is meritless and counterproductive to current relations. It would only hurt the workers in India who make the textiles. This amendment to the defense authorization bill would derail U.S.-India relations at times when dialogue between the two democracies is paramount.

I was pleased to read that, at the G–8 summit in England, President Clinton stated that, although sanctions were necessary, he did not want to isolate India.

Mr. Speaker, India cited the threat from China and Pakistan as major reasons for conducting the nuclear tests. For years, Pakistan and China have cooperated in nuclear and missile development. A recent Congressional Research Service Center study showed that the Chinese government had transferred missile technology and nuclear equipment and materials to Iran and Pakistan numerous times. All of these transfers were clearly in violation of international and U.S. law, but they were not met with economic sanctions by the administration.

Mr. Speaker, China is a nuclear-armed dictatorship that had a border war in 1964 against India. Much to India's concern, China continues to maintain a nuclear presence in occupied Tibet and a large military force in Burma. It is unfortunate that the administration and Members of this body continue to overlook these facts.

India's nuclear tests must be understood in the context of the huge threat posed by China. The United States should be taking the military and nuclear threat from China's dictatorship more seriously.

Mr. Speaker, It is important that the United States continue dialogue with the Indian government at this time. We must urge the Indian government to sign the Comprehensive Test Ban Treaty immediately, without conditions. By signing the treaty, India could assume leadership on international negotiations on capping the accumulation of weapons-grade fissile terms.

It is also important that we not encourage an arms buildup in south Asia. I would urge Members of this body to oppose any effort to repeal the Pressler amendment. Repeal of the Pressler amendment would allow for the delivery of 26 F–16 jet fighters to Pakistan.

U.S. national security adviser Sandy Berger confirmed that the delivery of fighter jets was one of the proposals made to the Pakistan government recently to prevent them from conducting their own nuclear tests, and this is very bad policy. The repeal of the Pressler amendment and the delivery of the F–16 fighters would only increase tension within the region. The U.S. cannot help bring peace to south Asia if it continues to fuel an arms race in that region.

Lastly, Mr. Speaker, I strongly urge President Clinton to continue with his plans to visit India later this year. It has been over 20 years since an American President has visited India. The President has not said he would cancel the trip, but I suppose there is some doubt about that. The President's trip would accelerate negotiations and dialogue on nuclear nonproliferation. Furthermore, it would show to the Indian people that the United States wishes to maintain a long-term relationship with India.

Mr. Speaker, now is the time to continue our dialogue with India and try to get India involved in signing the test ban treaty and trying to promote peace in south Asia. Let us move forward. Let us proceed with a dialogue. Let us not move backwards with our relations with India. We have come a long way, and this is the time now to show there can be restraint on both sides.

NUCLEAR DISARMAMENT TO STOP NUCLEAR PROLIFERATION

The SPEAKER pro tempore (Mr. PETRI). Under the Speaker's announced policy of January 21, 1997, the gentleman from American Samoa (Mr. FALEOMAVAEGA) is recognized during morning hour debates for 2 minutes.

Mr. FALEOMAVAEGA. Mr. Speaker, India, the world's largest democracy, detonated five nuclear weapons tests last week in the name of national security. This shocked the world and demonstrated in graphic fashion the perceived unfairness and inherent weakness of the international nuclear nonproliferation system now in place.

We can expect Pakistan to reciprocate and go nuclear, and I would not be surprised to see other countries like North Korea, Iran and Libya to resume their nuclear programs.

Mr. Speaker, this madness and insane rush towards nuclear proliferation is inevitable as long as we continue to perpetuate a 24-year make-believe situation that India could not explode a nuclear bomb, and 28 years of a highly discriminatory and one-sided world of nuclear haves and have-nots. If we are serious about stopping nuclear proliferation, the United States and the nuclear powers must take the first step and commit to a concrete timetable for nuclear disarmament and a verification process.

One of America's finest military officers, former Commander of the U.S. Strategic Command General Lee Butler, said,

> Proliferation cannot be contained in a world where a handful of self-appointed nations both arrogate to themselves the privilege of owning nuclear weapons and extol the ultimate security assurance they assert such weapons convey. A world free of the threat of nuclear weapons is necessarily a world devoid of nuclear weapons. The United States should make unequivocal its commitment to the elimination of nuclear arsenals and take the lead in setting an agenda for moving forthrightly toward that objective.

Mr. Speaker, at this important time of peace, we should pay close attention to General Butler's concerns and foresight.

Mr. Speaker, whether we like it or not, India is now an official member of the so-called ''Nuclear Club.'' But do not blame India for this. Blame our one-sided and faulty policy towards nuclear nonproliferation.

REAUTHORIZE THE OLDER AMERICANS ACT NOW

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentlewoman from North Carolina (Mrs. CLAYTON) is recognized during morning hour debates for 1 minute.

Mrs. CLAYTON. Mr. Speaker, I have in my hand a sampling of hundreds of plates that I have received from senior citizens in my district when I visited them at centers or they have mailed them to me. The plates make a point. They are really about the reauthorization of the Older Americans Act. This act has not been reauthorized now for more than 2 years.

For 30 years, this act has provided the provisions for food, for health care and for a number of services that are very, very important to senior citizens. It allows them to have a quality of life in their homes, without which they would not have.

So I urge our colleagues, during the month of May, which is Senior Citizens Month, to make sure that they consider the reauthorization of the Older Americans Act.

We should not be feeding our senior citizens on paper plates. We really should be feeding them on fine China, because they have given their life for the betterment of their communities.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until 12 noon.

Accordingly (at 11 o'clock and 21 minutes a.m.), the House stood in recess until 12 noon.

□ 1200

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mrs. EMERSON) at 12 noon.

PRAYER

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

O gracious God, from whom we have come and to whom we belong, we are grateful for all Your blessings, for family and friends and colleagues, for freedom and opportunity, for the responsibilities we have as citizens.

We pray, O God, that we will be steadfast custodians of the resources of the land and use our time, talents and treasure in ways that promote the noble ideals that we hold dear. We especially pray for those who work for understanding and reconciliation among all peoples. May we see Your vision, gracious God, of a time when our communities and the world will enjoy a bounty of peace.

And now may Your blessing, O God, that is new every morning, be with us this day and evermore. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

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

Mr. GIBBONS 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.

DISPENSING WITH CALL OF PRIVATE CALENDAR

Mr. HYDE. Madam Speaker, I ask unanimous consent that the call of the Private Calendar be dispensed with.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
Washington, DC, May 19, 1998.

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

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5 of Rule III of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on May 18, 1998 at 3:35 p.m. and said to contain a message from the President whereby he notifies the Congress that he has issued a notice continuing the national emergency with respect to Burma.

With warm regards,

ROBIN H. CARLE,
Clerk.

CONTINUATION OF EMERGENCY WITH RESPECT TO BURMA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 105–253)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the Federal Register and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice to the Federal Register for publication, stating that the emergency declared with respect to Burma is to continue in effect beyond May 20, 1998.

As long as the Government of Burma continues its policies of committing large-scale repression of the democratic opposition in Burma, this situation continues to pose an unusual and extraordinary threat to the national security and foreign policy of the United States. For this reason, I have determined that it is necessary to maintain in force these emergency authorities beyond May 20, 1998.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *May 18, 1998.*

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain 1-minute requests.

DAMAGE IS DONE

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

Mr. GOSS. Madam Speaker, as Chairman of the House Committee on Intelligence, I sadly report to my colleagues today that today we are faced with a more dangerous world. The nuclear arms race is on again, and it has intensified. That is a tragedy.

How did it happen? We have reports now that the Indian government has acknowledged that India's concern about Chinese capabilities and Chinese support for Pakistan nuclear development were critical factors in India's decision to proceed with testing. So our national security has been weakened, our children go to sleep less safe tonight.

The administration has much explaining to do about its failed policy, but two steps seem very obvious: first, an appointment of an independent counsel now that there is clear and credible evidence of illegal foreign intelligence participation; and, second, cancellation of President Clinton's scheduled June visit to China, which would only further destabilize the region and intensify the problem.

SPEAKER'S REMARKS WERE RECKLESS

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

Mr. MORAN of Virginia. Madam Speaker, last week the Speaker of the House publicly characterized Secretary of State Madeleine Albright as ''an agent for the Palestinians.''

I realize that there are those in this Chamber who do not feel that the United States should live up to its treaty obligations by acting as an unbiased mediator in the Middle East peace process. But to characterize the Secretary of State in this manner was unfair and irrational.

I understand that it would be best explained as political posturing in an election year, but while we may have grown accustomed to reckless rhetoric when it comes to domestic politics, it is inexcusable to exploit the peace process for domestic political gain.

No lasting peace in the Middle East can be secured by riding political winds in the United States. The people that must determine the acceptability of any peace settlement are those living in the region. It is critical that the administration remain focused on what might be acceptable over the long term to Israelis—to Palestinians and in fact, to all who long for a secure, lasting and just peace throughout the middle east.

I urge the Speaker to retract and apologize for his remarks and to honor America's commitment to the peace process.

CONGRESS MUST INVESTIGATE CHINESE POLITICAL DONATIONS

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

Mr. TRAFICANT. Madam Speaker, California businessman Johnny Chung gave $300,000 to the Democrat National Committee. Chung said he got the money from a member of the Chinese army.

Surprise. This is the same guy Chung who said, my donations are subway tokens for a train ride to the White House. Train ride, folks. How about a free ride? Maybe a joy ride.

Let us tell it like it is. This is not about tokens, coffees, the Lincoln bedroom, Bill Clinton, Democrats or Republicans. This is about national security, folks. And Americans did not give their lives in foreign wars to have the Chinese Communists buy our freedom. Beam me up. Congress must investigate this Chinese connection.

I yield back what national security I have left.

TRIBUTE TO FRANK SINATRA

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

Mr. GIBBONS. Madam Speaker, last Thursday, Americans lost a great entertainer. In fact, many would say that Frank Sinatra was one of the greatest entertainers of our time. Indeed, Frank Sinatra loved Nevada, and Nevada loved Frank Sinatra. He was indeed perhaps the greatest entertainer to appear in any Nevada showroom; and, since his passing, many Americans have learned what Nevadans have known all along: Mr. Sinatra's heart was bigger than all outdoors.

Next week in Las Vegas, celebrities from around the world will participate in a Frank Sinatra Las Vegas Celebrity Classic golf tournament. This event will benefit Opportunity Village in Las Vegas, a charitable organization which provides vocational training and continuing education to the mentally disabled.

Frank Sinatra has always opened his heart and wallet to those in need. He did it his way; and, for that, Americans are extremely grateful to this international icon.

OPERATION CASABLANCA

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

Mr. GILMAN. Madam Speaker, today I rise to compliment our Customs Service, our DEA and our other law enforcement officers for the successful money laundering undercover operation, code named ''Casablanca.''

An extensive money laundering ring of Colombian and Mexican drug dealers, who have been using dozens of Mexican and American banks to launder and disguise their billions of dollars of ill-gotten gains, have now been broken up. Many individuals have been arrested, millions of assets have been seized, along with tons of illicit drugs.

The substantial funds that this operation uncovered flowing from the illicit drug trade underscores just how serious the challenge is from these illicit drug dealers and the corruption they foster in the banking system and in democratic institutions throughout the world.

The magnitude of the disclosure and expanse of the monies and influence from illicit drugs shows our need for a serious and meaningful war on drugs. Our drug czar, Barry McCaffrey, believes that the term ''war on drugs'' is not appropriate to apply to the problems of drugs in our Nation. Many of us disagree. Our Speaker's task force efforts will hopefully turn this around.

Operation ''Casablanca'' makes it clear that what is at stake here deserves a war footing by our Nation and the international community. We need to fight drugs on all fronts, including both the demand and supply side simultaneously, as well as hitting them in the pocketbooks, just as ''Casablanca'' has done.

UNLAWFUL TRANSFER OF MISSILE TECHNOLOGIES WARRANTS IMMEDIATE INVESTIGATION

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

Mr. HAYWORTH. Madam Speaker, I, along with many of my colleagues, had an opportunity to hear the Vice President of the United States speak on foreign policy matters last night; and, Madam Speaker, the Vice President went into great detail of his concern and disdain for the transfer of missile technology from the Russians to the Iranians. But, Madam Speaker, not one word was uttered by our Vice President about concerns of the transfer of our own missile technology to the Chinese government.

There are serious questions that exist, Madam Speaker. Indeed, The Washington Post reports this morning that $632,000 in donations to the Democrat party were given by Loral Missile Defense System CEO Bernard Schwartz, the party's largest single donor in the 1996 election.

Madam Speaker, this transcends the issue of Democrats versus Republicans. As Americans, this Congress needs to investigate the unlawful transfer of missile technologies from this government and from our defense capabilities to the People's Republic of China.

Madam Speaker, this House must investigate. There is no other choice.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5 of rule 1, the Chair announces that she will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken after debate has concluded on all motions to suspend the rules, but not before 5 p.m. today.

RICKY RAY HEMOPHILIA RELIEF FUND ACT OF 1998

Mr. HYDE. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 1023) 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, as amended.

The Clerk read as follows:

H.R. 1023

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Ricky Ray Hemophilia Relief Fund Act of 1998''.

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

Sec. 1. Short title; table of contents.

TITLE I—HEMOPHILIA RELIEF FUND

Sec. 101. Ricky Ray Hemophilia Relief Fund.
Sec. 102. Compassionate payment relating to individuals with blood-clotting disorders and HIV.
Sec. 103. Determination and payment.
Sec. 104. Limitation on transfer of rights and number of petitions.
Sec. 105. Time limitation.
Sec. 106. Certain claims not affected by payment.
Sec. 107. Limitation on agent and attorney fees.
Sec. 108. Definitions.

TITLE II—TREATMENT OF CERTAIN PRIVATE SETTLEMENT PAYMENTS IN HEMOPHILIA-CLOTTING-FACTOR SUIT UNDER THE MEDICAID AND SSI PROGRAMS

Sec. 201. Treatment of certain private settlement payments in hemophilia-clotting-factor suit under the Medicaid and SSI programs.

TITLE I—HEMOPHILIA RELIEF FUND

SEC. 101. RICKY RAY HEMOPHILIA RELIEF FUND.

(a) ESTABLISHMENT.—There is established in the Treasury of the United States a trust fund to be known as the ''Ricky Ray Hemophilia Relief Fund'', which shall be administered by the Secretary of the Treasury.

(b) INVESTMENT OF AMOUNTS IN FUND.—Amounts in the Fund shall be invested in accordance with section 9702 of title 31, United States Code, and any interest on and proceeds from any such investment shall be credited to and become part of the Fund.

(c) AVAILABILITY OF FUND.—Amounts in the Fund shall be available only for disbursement by the Secretary of Health and Human Services under section 103.

(d) TERMINATION.—The Fund shall terminate upon the expiration of the 5-year period beginning on the date of the enactment of this Act. If all of the amounts in the Fund have not been expended by the end of the 5-year period, investments of amounts in the Fund shall be liquidated, the receipts of such liquidation shall be deposited in the Fund, and all funds remaining in the Fund shall be deposited in the miscellaneous receipts account in the Treasury of the United States.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Fund to carry out this title $750,000,000.

SEC. 102. COMPASSIONATE PAYMENT RELATING TO INDIVIDUALS WITH BLOOD-CLOTTING DISORDERS AND HIV.

(a) IN GENERAL.—If the conditions described in subsection (b) are met and if there are sufficient amounts in the Fund to make each payment, the Secretary shall make a single payment of $100,000 from the Fund to any individual who has an HIV infection and who is described in one of the following paragraphs:

(1) The individual has any form of blood-clotting disorder, such as hemophilia, and was treated with antihemophilic factor at any time during the period beginning on July 1, 1982, and ending on December 31, 1987.

(2) The individual —

(A) is the lawful spouse of an individual described in paragraph (1); or

(B) is the former lawful spouse of an individual described in paragraph (1) and was the lawful spouse of the individual at any time after a date, within the period described in such subparagraph, on which the individual was treated as described in such paragraph and through medical documentation can assert reasonable certainty of transmission of HIV from individual described in paragraph (1).

(3) The individual acquired the HIV infection through perinatal transmission from a parent who is an individual described in paragraph (1) or (2).

(b) CONDITIONS.—The conditions described in this subsection are, with respect to an individual, as follows:

(1) SUBMISSION OF MEDICAL DOCUMENTATION OF HIV INFECTION.—The individual submits to the Secretary written medical documentation that the individual has an HIV infection.

(2) PETITION.—A petition for the payment is filed with the Secretary by or on behalf of the individual.

(3) DETERMINATION.—The Secretary determines, in accordance with section 103(b), that the petition meets the requirements of this title.

SEC. 103. DETERMINATION AND PAYMENT.

(a) ESTABLISHMENT OF FILING PROCEDURES.—The Secretary of Health and Human Services shall establish procedures under which individuals may submit petitions for payment under this title. The procedures shall include a requirement that each petition filed under this Act include written medical documentation that the relevant individual described in section 102(a)(1) has (or had) a blood-clotting disorder, such as hemophilia, and was treated as described in such section.

(b) DETERMINATION.—For each petition filed under this title, the Secretary shall determine whether the petition meets the requirements of this title.

(c) PAYMENT.—

(1) IN GENERAL.—To the extent there are sufficient amounts in the Fund to cover each payment, the Secretary shall pay, from the Fund, each petition that the Secretary determines meets the requirements of this title in the order received.

(2) PAYMENTS IN CASE OF DECEASED INDIVIDUALS.—

(A) IN GENERAL.—In the case of an individual referred to in section 102(a) who is deceased at the time that payment is made under this section on a petition filed by or on behalf of the individual, the payment shall be made as follows:

(i) If the individual is survived by a spouse who is living at the time of payment, the payment shall be made to such surviving spouse.

(ii) If the individual is not survived by a spouse described in clause (i), the payment shall be made in equal shares to all children of the individual who are living at the time of the payment.

(iii) If the individual is not survived by a person described in clause (i) or (ii), the payment shall be made in equal shares to the parents of the individual who are living at the time of payment.

(iv) If the individual is not survived by a person described in clause (i), (ii), or (iii), the payment shall revert back to the Fund.

(B) FILING OF PETITION BY SURVIVOR.—If an individual eligible for payment under section 102(a) dies before filing a petition under this title, a survivor of the individual may file a petition for payment under this title on behalf of the individual if the survivor may receive payment under subparagraph (A).

(C) DEFINITIONS.—For purposes of this paragraph:

(i) The term ''spouse'' means an individual who was lawfully married to the relevant individual at the time of death.

(ii) The term ''child'' includes a recognized natural child, a stepchild who lived with the relevant individual in a regular parent-child relationship, and an adopted child.

(iii) The term ''parent'' includes fathers and mothers through adoption.

(3) TIMING OF PAYMENT.—The Secretary may not make a payment on a petition under this title before the expiration of the 120-day period beginning on the date of the enactment of this Act or after the expiration of the 5-year period beginning on the date of the enactment of this Act.

(d) ACTION ON PETITIONS.—The Secretary shall complete the determination required by subsection (b) regarding a petition not later than 120 days after the date the petition is filed under this title.

(e) HUMANITARIAN NATURE OF PAYMENT.—This Act does not create or admit any claim of or on behalf of the individual against the United States or against any officer, employee, or agent thereof acting within the scope of employment or agency that relate to an HIV infection arising from treatment with antihemophilic factor, at any time during the period beginning on July 1, 1982, and ending on December 31, 1987. A payment under this Act shall, however, when accepted by or on behalf of the individual, be in full satisfaction of all such claims by or on behalf of that individual.

(f) ADMINISTRATIVE COSTS NOT PAID FROM FUND.—No costs incurred by the Secretary in carrying out this title may be paid from the Fund or set off against, or otherwise deducted from, any payment made under subsection (c)(1).

(g) TERMINATION OF DUTIES OF SECRETARY.—The duties of the Secretary under this section shall cease when the Fund terminates.

(h) TREATMENT OF PAYMENTS UNDER OTHER LAWS.—A payment under subsection (c)(1) to an individual—

(1) shall be treated for purposes of the Internal Revenue Code of 1986 as damages described in section 104(a)(2) of such Code;

(2) shall not be included as income or resources for purposes of determining the eligibility of the individual to receive benefits described in section 3803(c)(2)(C) of title 31, United States Code, or the amount of such benefits, and such benefits shall not be secondary to, conditioned upon reimbursement from, or subject to any reduction because of receipt of, any such payment; and

(3) shall not be treated as a third party payment or payment in relation to a legal liability with respect to such benefits and shall not be subject (whether by subrogation or otherwise) to recovery, recoupment, reimbursement, or collection with respect to such benefits (including the Federal or State governments or any entity that provides such benefits under a contract).

(i) REGULATORY AUTHORITY.—The Secretary may issue regulations necessary to carry out this title.

(j) TIME OF ISSUANCE OF PROCEDURES.—The Secretary shall, through the promulgation of appropriate regulations, guidelines, or otherwise, first establish the procedures to carry out this title not later than 120 days after the date of the enactment of this Act.

SEC. 104. LIMITATION ON TRANSFER OF RIGHTS AND NUMBER OF PETITIONS.

(a) RIGHTS NOT ASSIGNABLE OR TRANSFERABLE.—Any right under this title shall not be assignable or transferable.

(b) 1 PETITION WITH RESPECT TO EACH VICTIM.—With respect to each individual described in paragraph (1), (2), or (3) of section 102(a), the Secretary may not make payment with respect to more than 1 petition filed in respect to an individual.

SEC. 105. TIME LIMITATION.

The Secretary may not make any payment with respect to any petition filed under this title unless the petition is filed within 3 years after the date of the enactment of this Act.

SEC. 106. CERTAIN CLAIMS NOT AFFECTED BY PAYMENT.

A payment made under section 103(c)(1) shall not be considered as any form of compensation, or reimbursement for a loss, for purposes of imposing liability on the individual receiving the payment, on the basis of such receipt, to repay any insurance carrier for insurance payments or to repay any person on account of worker's compensation payments. A payment under this title shall not affect any claim against an insurance carrier with respect to insurance or against any person with respect to worker's compensation.

SEC. 107. LIMITATION ON AGENT AND ATTORNEY FEES.

Notwithstanding any contract, the representative of an individual may not receive, for services rendered in connection with the petition of an individual under this title, more than 5 percent of a payment made under this title on the petition. Any such representative who violates this section shall be fined not more than $50,000.

SEC. 108. DEFINITIONS.

For purposes of this title:

(1) The term ''AIDS'' means acquired immune deficiency syndrome.

(2) The term ''Fund'' means the Ricky Ray Hemophilia Relief Fund.

(3) The term ''HIV'' means human immunodeficiency virus.

(4) Unless otherwise provided, the term ''Secretary'' means Secretary of Health and Human Services.

TITLE II—TREATMENT OF CERTAIN PAYMENTS IN HEMOPHILIA-CLOTTING-FACTOR SUIT UNDER THE SSI PROGRAM

SEC. 201. TREATMENT OF CERTAIN PAYMENTS IN HEMOPHILIA-CLOTTING-FACTOR SUIT UNDER THE MEDICAID AND SSI PROGRAMS.

(a) PRIVATE PAYMENTS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the payments described in paragraph (2) shall not be considered income or resources in determining eligibility for, or the amount of—

(A) medical assistance under title XIX of the Social Security Act, or

(B) supplemental security income benefits under title XVI of the Social Security Act .

(2) PRIVATE PAYMENTS DESCRIBED.—The payments described in this subsection are—

(A) payments made from any fund established pursuant to a class settlement in the case of Susan Walker v. Bayer Corporation, et al., 96–C–5024 (N.D. Ill.); and

(B) payments made pursuant to a release of all claims in a case—

(i) that is entered into in lieu of the class settlement referred to in subparagraph (A); and

(ii) that is signed by all affected parties in such case on or before the later of—

(I) December 31, 1997, or

(II) the date that is 270 days after the date on which such release is first sent to the persons (or the legal representative of such persons) to whom the payment is to be made.

(b) GOVERNMENT PAYMENTS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the payments described in paragraph (2) shall not be considered income or resources in determining eligibility for, or the amount of supplemental security income benefits under title XVI of the Social Security Act.

(2) GOVERNMENT PAYMENTS DESCRIBED.—The payments described in this subsection are payments made from the fund established pursuant to section 101 of this Act.

Amend the title so as to read: ''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 antihemophilic factor, and for other purposes.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. HYDE) and the gentleman from Virginia (Mr. SCOTT) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois (Mr. HYDE).

GENERAL LEAVE

Mr. HYDE. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill presently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

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

Madam Speaker, I rise in support of H.R. 1023, the Ricky Ray Hemophilia Relief Fund Act of 1998. This legislation has 270 cosponsors in the House, including our distinguished Speaker; and I am informed the Minority Leader also supports this legislation.

When communities in our great Nation are devastated by a natural disaster such as floods or tornadoes, we rush to their aid, as well we should. The hemophilia community has been devastated by another type of natural disaster, the HIV contamination of the blood-clotting products which they need to treat their hemophilia. This legislation provides the disaster relief necessary to assist this community through a very difficult time.

In the late 1970s and early 1980s, half of all people with blood-clotting disorders in the United States were infected with HIV due to their use of blood-clotting products which were on the market at that time. During this period, people with blood-clotting disorders needed to use these products to live a relatively normal life; and because each dose came from a pool of

thousands of blood donors, it was almost certain that they would become HIV infected.

□ 1215

However, at that time HIV had not been identified and no tests were available to detect its presence. Most people with blood clotting disorders are already financially strapped by the medical costs they incur to treat their disorder. With earlier medical costs of over $150,000 and the added tragedies of an HIV infection, these families have been emotionally and financially devastated.

In cases involving other types of blood and blood products, such as transfusion cases, where a primary provider or a small child was infected, settlements usually were for hundreds of thousands of dollars. Many of the HIV infected people with hemophilia were young fathers and children.

After many years of litigation, the manufacturers of these blood clotting products containing HIV have set up a fund which provides $100,000 to individuals and their families. However, when considering the incredible financial burden placed on these families due to medical costs and, in many cases, loss of the primary provider of the family, this amount will not sufficiently lift this community out of the financial crisis that has developed.

While no amount will completely alleviate the losses felt, H.R. 1023 provides a payment equal to that of the industry. The amount available to these families would then be comparable to that potentially realized by other HIV-infected blood victims through settlement.

There is a manager's amendment to this legislation. The bill as reported by the committee included a provision of no more than 2 percent of these payments that may be used for attorneys' fees. Concern was raised during committee consideration that should there be a complication in the processing of an individual's application, 2 percent would be insufficient to address that concern, and the 2 percent limitation on attorneys' fees has been increased to 5 percent.

I know my budget-conscious colleagues may balk at this expenditure, but when an extreme crisis hits an American community, we should as a Nation respond to that community's need. That is what this bill does. To aid this community in crisis, I urge a favorable vote on H.R. 1023.

Madam Speaker, I reserve the balance of my time.

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

Madam Speaker, I rise in support of H.R. 1023, the Ricky Ray Hemophilia Relief Fund Act of 1998. The purpose of the bill is to establish a fund to provide compassionate payments of $100,000 to individuals with hemophilia who contracted HIV, the AIDS virus, from contaminated blood-clotting products.

Hemophilia is a blood-clotting disorder genetically passed to sons by their mothers. In the late 1970s and early 1980s approximately 7,200 boys and men were infected with HIV through the use of blood-clotting products. That is nearly half of all people with hemophilia in the United States.

Because these blood-clotting products were derived from pools made up of literally thousands of donors, including prisoners, it has been nearly impossible to conclude causation and liability to any one manufacturer for selling contaminated blood products. Although, as the chairman mentioned, many cases have been settled, of the dozen or so cases that eventually went to trial, the manufacturers were only held liable in two cases, one of which was reversed and the other is still on appeal. To make matters worse, many of the States have passed so-called blood shield laws to protect blood banks from liability when blood-based diseases are passed on to users.

Notwithstanding the industry's courtroom success and new blood shield laws, the industry recently established a fund to provide $100,000 to individuals who contracted HIV through contaminated blood-clotting products in exchange for signing waivers releasing the industry from any future liability. Many hemophiliacs and their families have accepted this offer. Unfortunately, the $100,000 industry payment is insufficient to cover the enormous costs of blood-clotting drugs which people with hemophilia must continue to have in order to live a relatively normal life, and the enormous costs of drugs to combat the AIDS virus. Accordingly, this legislation is necessary to provide additional financial assistance.

The administration supports this proposal. We want to thank the chairman for the manager's amendment to increase the attorneys' fee provision from 2 to 5 percent, because we support this amendment, because we believe that it will allow claimants greater access to legal counsel in processing their applications under the bill.

Madam Speaker, I reserve the balance of my time.

Mr. HYDE. Madam Speaker, I am pleased to yield 8 minutes to the distinguished gentleman from Florida (Mr. GOSS), one of the driving forces behind this excellent legislation.

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

Mr. GOSS. Madam Speaker, I thank the distinguished gentleman from Illinois (Mr. HENRY HYDE), chairman of the Committee on the Judiciary, with my great respect for him, and I thank him personally from my heart for getting this legislation this far.

Madam Speaker, I rise today in support of H.R. 1023, the Ricky Ray Hemophilia Relief Fund Act, which is designed to respond to the tragedies of hemophilia-associated AIDS.

I first became involved in this issue some nine years ago when I met the Ray family. Ricky Ray, like his two brothers, contracted HIV through the use of contaminated blood products. Ricky, the eldest of the three boys, died of AIDS in 1992 at the age of 15. Before his death Ricky and his family courageously spoke out and became national symbols of the terrible situation we are facing. He inspired many of his peers to tell their stories and begin seeking answers from the Federal Government and the blood product manufacturing industry.

I am saddened that he did not live to see the day when legislation named in his honor would win the approval of this body. But we know his brothers and sisters, his parents, and the extended family of friends he established around the country recognize the enormous contribution that he made in his very short life. It is appropriate that the legislation before us bears his name, and I am pleased that Ricky's mother Louise is here with us today.

Madam Speaker, hemophilia is an inherited blood-clotting disorder causing serious internal bleeding episodes that, if left untreated, can lead to disfigurement and death. People with hemophilia rely on blood products, commonly called factor, which are manufactured and sold by pharmaceutical companies.

Because these products are made from the pooled blood of thousands of people, the potential for infection with a blood-borne disease among those who use them is obviously very high, something that has been known for decades. In fact, hemophilia sufferers have long been described as the canaries in the coal mine, because when something goes wrong with the blood supply it shows up in the hemophilia community first.

Soon after the introduction of clotting factor in the 1970s, the hepatitis virus swept through the hemophilia community. Largely as a result of the hemophilia community's experience with the hepatitis virus, the Federal Government adopted the national blood policy, which charged the Public Health Service, including the Centers for Disease Control, Food and Drug, and the National Institutes of Health with ensuring the safety and adequacy of the Nation's blood supply. It is worth noting that the Federal responsibility for blood and blood products is indeed unique. No other product has a national policy.

In the early 1980s a much more deadly disease struck as approximately one-half of the Nation's hemophiliacs, some 7,200 people at a minimum, became infected with HIV through the use of contaminated blood products. How did this happen? Why did the system that was established to safeguard the supply of blood and blood products fail to heed the early warning signs and prove so slow to respond to a dangerous threat?

In 1993 I joined with Senators GRAHAM of Florida and KENNEDY of Massachusetts in asking the Department of Health and Human Services to

conduct a review of the events surrounding this medical disaster. The results of that intensive and objective review are contained in a report prepared by the Institute of Medicine, an arm of the National Academy of Sciences.

The IOM found ''a failure of leadership and inadequate institutional decision-making processes'' in the system responsible for ensuring blood safety, concluding that ''a failure of leadership led to less than effective donor screening, weak regulatory actions, and insufficient communication to patients about the risk of AIDS.''

While the IOM report is important, it does not begin to quantify the human dimension. For me, that is the most compelling part of this tragedy. We cannot talk to these victims without being moved by what they have gone through. It is important to keep in mind that the people with hemophilia already have to manage a sometimes debilitating disease. The average person with hemophilia spends approximately $100,000 per year on clotting factor alone. Many people with hemophilia have had a difficult time obtaining both health and life insurance, understandably.

In addition to the difficulties associated with hemophilia itself, the added complication of HIV AIDS has hit the hemophilia community particularly hard. Each treatment costs somewhere in the range of $10,000 to $50,000 per year, varying on the stage of the disease and the course of the treatment.

As a result of these extraordinary costs and the disproportionate impact of this tragedy on men, who most typically suffer from hemophilia and who tended to be the head of many of these households, many of these folks have been financially devastated. In some cases entire generations have been wiped out: fathers, sons, uncles. Most tragically, some men infected their wives with HIV before they became aware that they had contracted the disease. We know of cases where unborn children in these circumstances were also infected.

The emotional toll on all of these families has been immense. Madam Speaker, the Federal Government cannot become involved in every tragic case that occurs in this country, but this case is unique. I believe the Federal Government can and should, for compassionate reasons, act to help the hemophilia community.

While we cannot right all the wrongs in the world, we should pass this legislation to acknowledge the unique responsibility of the government to protect the blood supply and provide some measure of compassionate assistance to these victims. While I am encouraged that a final class settlement between the people of hemophilia and the blood product manufacturing companies is in fact going forward, it does not change my view that government also must act.

As my colleagues know, and as the hemophilia community has learned firsthand, moving a bill through the legislative process is a slow, difficult, and sometimes frustrating experience, amen. When I first introduced the Ricky Ray bill, we had about two dozen cosponsors. Since then support for the bill has swelled to 270 cosponsors, and we have secured unanimous approval for all three committees with jurisdiction.

This incredible progress is the direct result of the courage, diligence, and hard work of the hemophilia community. Of particular notice is the work of a group of high school students from Robinson Secondary School in Fairfax, Virginia. For several years these kids, as part of a marketing education program called DECA, have lobbied to pass this bill. Their efforts have been extraordinary, and they show that democracy can and does work.

Finally, Madam Speaker, let me say thank you to the congressional staff that have worked with me through the years to research and understand this tragedy, explain it to the House, and get this bill moving.

Madam Speaker, for too long the hemophilia community has felt that government first let them down and later abandoned them. I sincerely hope that the House action today will provide some measure of reassurance that their voices do count, that the legislative process does work, and that we have not forgotten them or the tragedy that befell their community. I only wish we had a cure for AIDS.

I strongly urge my colleagues to support this important legislation.

Madam Speaker, I include for the RECORD the following CRS report.

The report referred to is as follows:

CSR REPORT FOR CONGRESS—BLOOD AND BLOOD PRODUCTS: FEDERAL REGULATION AND TORT LIABILITY

(By Diane T. Duffy and Henry Cohen, Legislative Attorneys, American Law Division)

SUMMARY

Part I of this report, by Diane Duffy, Legislative Attorney, provides an overview of the Federal government's regulation of blood products. Part II, by Henry Cohen, Legislative Attorney, examines tort liability for injuries caused by defective blood or blood products.

The Food and Drug Administration (FDA) regulates blood and blood products under two statutes which overlap to a certain degree: the Federal Food, Drug and Cosmetic Act [FFDCA] and the Public Health Services Act (PHSA). Regulations are issued in order to implement the provisions of these statutes. Current statutory and regulatory law operates to govern the licensing, production, testing, distribution, labeling, review and approval of all drugs and biologics. Specifically, under the FFDCA, drugs, which include biologics such as blood and blood components or derivatives, which are intended to cure, mitigate, or prevent disease, are regulated. The enforcement and penalties provisions of the FFDCA can be applied to biological product manufacturers. Within the agency, the Center for Biologics Evaluation and Review has jurisdiction over the regulation of these articles.

Tort liability for injuries caused by defective blood or blood products is a form of products liability, which is governed primarily by state law. Products liability is strict liability, which means that, to recover, the plaintiff does not have to prove that the defendant was negligent, but need prove only that the defendant sold a defective product and that the plaintiff's injury resulted from the defect. However, all 50 states—48 through ''blood shield'' statutes—provide that blood transfusions are not subject to strict liability. The primary rationale for this is the belief that holding suppliers of blood or blood products strictly liability would make blood transfusions too expensive.

Part I of this report, by Diane Duffy, Legislative Attorney, provides an overview of the Federal government's regulation of blood products. Part II, by Henry Cohen, Legislative Attorney, examines tort liability for injuries caused by defective blood or blood products.

PART I: FEDERAL REGULATION OF BLOOD PRODUCTS

Issues relating to the regulation of blood products have been raised in the context of individuals with hemophilia who contracted Human Immunodeficiency Virus (HIV), the virus which causes AIDS, through the use of contaminated blood products. In the 104th Congress, bills have been introduced by Rep. Goss and Sen. DeWine which would establish a trust fund to compensate hemophiliacs, their spouses or estates, who contracted HIV through tainted blood products. This part of the report summarizes Rep. Goss' bill (H.R. 1023, 104th Congress)[1]; discusses current Federal law that directs and authorizes the regulation of blood products; and discusses regulatory issues and events which are notable in this context. In particular, it focuses issues which tend to indicate that the regulation of blood products has been different than the regulation of other articles which are within the jurisdiction of the Food and Drug Administration (FDA).

Summary: The Ricky Ray Hemophilia Relief Fund Act of 1995

H.R. 1023, 104th Congress, introduced by Rep. Goss, establishes procedures for claims for compassionate payments with regard to persons with blood clotting disorders, e.g., hemophilia, who contracted HIV due to contaminated blood products. The bill, entitled the Ricky Ray Hemophilia Relief Fund Act of 1995, states that about half of all individuals in the U.S. who suffer from blood clotting diseases like hemophilia, were exposed to HIV through the use of blood clotting agents. The bill finds that the Federal government has a shared responsibility with the blood products industry for protecting the safety of the blood supply and for regulating blood clotting agents. H.R. 1023 finds that people with blood clotting disorders were at a very high risk of contracting HIV during the period beginning in 1980 and ending in 1987, when the last mass recall of contaminated anti-hemophilic factor (AHF) occurred. The bill states that it was during this period that the Federal government did not require the blood products industry to use means to ensure safety of blood products that were marketed for sale to people with blood clotting disorders. Moreover, it finds that the government did not require that all available information about the risks of contamination be dispensed and failed to properly regulate the blood products industry. Based upon these and other findings, the bill establishes a fund to compensate individuals in this circumstance. The fund is named after a child born with hemophilia who, like his two younger brothers and others, became infected with HIV through the use of contaminated blood clotting products.[2]

Footnotes at end of article.

Specifically, the fund provides for partial restitution to people who were infected with HIV after treatment, during the period of 1980–1987, with contaminated blood products. The fund is established in the Department of the Treasury, is to be administered by the Secretary, and is to remain viable for five years after the date of enactment. The bill authorizes to be appropriated to the fund $1,000,000,000, to be disbursed by the Attorney General. H.R. 1023 provides that any person who submits to the Attorney General written medical documentation that he has an HIV infection shall receive $125,000 if each of these conditions is met:

(A) 1. The person has any form of blood clotting disorder and was treated with blood clotting agency in the form of blood components or blood products at any time during the period of January 1, 1980 and ending December 31, 1987; or

2. The person is the lawful spouse of the infected person or is the former lawful spouse of the infected person at the time so described in the bill.

3. The person acquired HIV through perinatal transmission from a parent who is an individual described in the above paragraphs.

(B) A claim for payment is filed with the Attorney General.

(C) The Attorney General determines that the claim meets the requirements under this bill, if enacted.

The Attorney General is required to establish procedures for the claims and payments and must determine whether the claim meets all the requirements. Claims are to be assessed and paid, if appropriate, within 90 days of their filing. In the case of a deceased claimant, the payment is to be made to the deceased's estate or in the manner set forth in the bill. Payments made from the fund shall be in full satisfaction of all claims of or on behalf of the individual against the United States that arise out of both the HIV infection and treatment during the period of time noted. With regard to judicial review, any person whose claim is denied may seek judicial review in a district court of the U.S. The court shall review the denial on the administrative record and hold unlawful and set aside the denial if it was arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with the law.

Regulation of blood products

The Food and Drug Administration (FDA) regulates blood and blood products under two statutes which overlap to a certain degree: the Federal Food, Drug and Cosmetic Act [FFDCA][3] and the Public Health Services Act (PHSA)[4] and implementing regulations.[5] Current statutory and regulatory law operates to govern the licensing, production, testing, distribution, labeling, review and approval of all drugs and biologics. Under the FFDCA, drugs intended for the cure, mitigation, or prevention of disease, which include biologics such as blood and blood components or derivatives, are regulated.[6] Biological products are regulated by the FDA's Center for Biologics Evaluation and Review under the authority of the FFDCA, PHSA and implementing regulations.[7] The FDA is the primary agency for protecting the nation's blood supply and it is directed and authorized to regulate blood-banking, the handling of source plasma, and the manufacturer of blood products. Investigations of a new biological product is done under investigational new drug procedures found in the drug section of the FFDCA because the PHSA specifically regulates after the product is in the stream of commerce, not before. The enforcement and penalties provisions of the FFDCA can be applied to biological product manufacturers.

Under section 351 of the PHSA[8], blood products are regulated under the category of biological products. Current law provides that no person may sell, barter, exchange or offer to sell, barter, exchange or conduct interstate commerce of the same or bring from a foreign country any virus, therapeutic serum, toxin, antitoxin, vaccine, blood, blood component or derivative, allergenic products, or analogous products applicable to the prevention, treatment, or cure of diseases or injuries of man unless the same has been propagated or manufactured and prepared at an establishment holding an unsuspended or unrevoked license, issued by the Secretary, to propagate or manufacture and prepare the biological product.

Moreover, the law provides that each package of the product must be plainly marked with the proper name of the product, the name, address and license number of the manufacturer and the expiration date. The statute prohibits the false labeling or marking of any package or container containing the biological product and authorizes department officials to inspect establishments. Current law governs licensing for both the establishment and the product. For example, the statute provides that licenses for the maintenance of the establishment are issued after a showing that the establishment and the products meet standards designed to insure the continued safety, purity and potency of the products. Further authority is provided for suspending and revoking licenses. Also, when a batch, lot or other quantity of a licensed product presents an imminent or substantial hazard to the public health, the Secretary shall issue an order, under 5 U.S.C. §554, immediately ordering the recall of the quantity. The assessment of civil money penalties is authorized for violations. Any person who violates this section or aids in the violation of this section may be punished upon conviction by a fine or imprisonment or both. In sum, the agency is authorized to enforce the law through various enforcement tools including, seizure, application for recall, injunction, criminal prosecution, or administrative techniques, e.g. suspension, revocation of license.[9]

Implementing regulations governing blood and blood products provide further detail. For example, 21 C.F.R. Part 600 addresses general standards for establishments that manufacture a product subject to licensing as a blood product. It defines critical terms, e.g., biological product, sterility, purity, establishment, etc. These regulations state that with respect to an establishment, a person shall be designated as the ''responsible head who shall exercise control of the establishment in all matters relating to compliance with the provisions'' of these regulations.[10] This part governs inspections with respect to time of inspection, duties of inspectors and more. In addition, regulations require other actions, for instance, the post-market reporting of adverse experiences.[11]

Part 601 governs two types of licensing: the establishment and the product.[12] The FDA is charged with issuing licenses only after all pertinent requirements and conditions are met. The agency is authorized to enforce provisions of current law through administrative measures to revoke or suspend a license. Provisions for review of the agency's decision regarding suspension or revocation are also addressed. Section 601.25 establishes the review procedures to determine that licensed biological products are safe and effective and not misbranded under prescribed, recommended or suggested conditions of use. Notably, Subpart E provides for the accelerated approval of biological products for serious or life threatening illnesses. This section permits the agency to approve products on a fast track to provide meaningful therapeutic benefit to patients over existing treatments, that is, to treat patients unresponsive to or intolerant of, available therapy.

To assist the agency in fulfilling its duty to evaluate the safety and effectiveness and labeling of biological products, Part 601 also authorizes the FDA to appoint advisory review panels to (1) evaluate the safety and effectiveness of biological products for which a license has been issued under §351 of the PHSA; (2) review the labeling of such biological products; and (3) advise the Commissioner on which of the biological products under review are safe, effective and not misbranded. The members of the panel shall be qualified experts, appointed by the Commissioner, and shall include persons from lists submitted by organizations representing professional, consumer, and industry interests. Such persons shall represent a wide divergence of responsible medical and scientific opinion. The Commissioner designates the chair of each panel (for each type of biological product) and minutes of all meetings must be made. Additionally, regulations provide that interested persons can participate in the advisory panels sessions to the extent that the FDA must publish a notice in the Federal Register requesting interested persons to submit, for review and evaluation by the advisory panel, published and unpublished data and information pertinent to the biological products.

To a certain extent, the industry regulates itself through the adherence to good manufacturing practices (GMPs). Part 606 sets forth these GMPs for blood[13] and blood components and provides uniform and industry-specific guidelines and requirements to insure safety, effectiveness, purity and other important features of blood products.[14] These regulations pertain to personnel of the establishment, e.g., requirement to designate person in control of establishment; facilities maintenance, e.g., adequate space, quarantine storage, orderly collection of blood, etc.; equipment, e.g., calibrated, properly maintained, etc.; and, supplies and reagents, e.g., storage in a safe, sanitary and orderly manner. The GMPs detail finished product controls, container labels, records and reporting procedures and importantly, the adverse reaction process.

Part 607 requires the registration of establishments which include human blood and plasma donor centers, blood banks, transfusion services, other blood product manufacturers and independent laboratories that engage in quality control and testing for registered blood product establishments. The regulations also provide special standards for human blood and blood products, some of which apply directly to those being treated for hemophilia. For example, Part 640 addresses the product known as Cryoprecipitated AHF, a preparation of antihemophilic factor which is obtained from a single unit of plasma collected and processed in a closed system. The source material for this product is plasma which may be obtained by whole blood collection or plasmapheresis.[16] The regulations establish procedures pertaining to the suitability of donors; the collection of source material; the testing of blood; processing; quality control; and further requirements. With specific regard to donor testing, the regulations provide that the blood from which the plasma is separated must be tested as prescribed in §§610.40 [Test for hepatitis B], 610.45 [Test for HIV] and 640.5 [Test for syphilis, blood group, and Rh factors]. The test must be conducted on a sample of the blood collected at the time of donation and the container must be properly labeled. Manufacturers of this product are responsible for testing and record-keeping. Moreover, quality control tests for potency of the antihemophilic factor must

be conducted each month on at least four representative containers of Cryoprecipitated AHF. The results must be maintained at the establishment for inspection and review by the FDA.

As soon from the above examination of statutory and regulatory law, the legal requirements and procedures, as well as industry GMPs, create a complex and far-reaching regulatory structure for biological products and blood products in particular. To a certain extent, under the FFDCA and the PHSA, the licensing of biologics is more restrictive than that for other regulated articles, e.g., new drug. For example, a new drug under the FFDCA needs an approved new drug application (NDA), however, a new biologic needs to fulfill higher requirements. A generic biological product such as a serum must be approved by the FDA under the PHSA for its purity, potency and effectiveness based upon data submissions.[16] The PHSA states that licenses for new products may be issued only upon a showing that meets these express standards.[17] Additionally, related regulations and GMPs must be fully satisfied to ensure compliance.

Second, manufacturers of the product are individually licensed as capable of making the product on the particular manufacturing site.[18] Regulations at Part 607, discussed above, must be fully met for each establishment and for each product. Enforcement and inspection authority under the Act may be triggered to address alleged violations of the law or regulations or to insure ongoing compliance. Inspectors are authorized to examine records of the licensed establishments while GMPs guide recordkeeping, facility and equipment management, personnel regulations and similar procedures. Moreover, the FDA inspectors are granted special inspection authority for biological products and special procedures apply. For instance, as noted above, a specific person must be designated as being in control of the facility for regulatory and compliance purposes.[19] Moreover, and particularly with regard to blood clotting agents for hemophilia, extensive and frequent testing of lots and batches is required after initial production. The FDA may exercise its enforcement authority under the FFDCA and PHSA to suspend or revoke the license for either the product or the establishment, to seize, to seek recalls, injunctions, assess penalties, and to exercise a range of impressive enforcement tools.[20]

The entire licensure process is complex and intended to insure purity, potency and prevent misbranding. Some view it as the functional equivalent to a NDA for a new drug. Regulation of biological products is more restrictive in scope and has appeared to evolve to meet the unique needs and characteristics of biological products. While there are many similarities in the regulation of the drugs, devices, and biological products during premarket and post-market phases, there appears to be a greater emphasis on regulatory standards and requirements for biologics at the manufacturing level. Commentators have noted that the unique and separate histories of the regulation of drugs and biologics may account for the difference in regulatory approach.[21] One reason may be attributed to the fact that the Biologics Act[22] predates the FFDCA and that it was not enforced by the FDA until 1972, when jurisdiction for these matters was transferred to the FDA from the National Institutes of Health. Extensive government involvement and regulation of the manufacturing process grew out of early tragic incidents when it was determined that microbes contaminated vaccines.[23] Thus, where the primary focus is on the final product for drugs and devices, for biologics, it was determined that government regulation was needed much earlier and more strictly than for other articles under the various pertinent statutes.

Additionally, blood and blood products are the subject of an articulated national policy. Other articles under the FFDCA and PHSA have not been focused upon nationally in such a way. In 1973, the National Blood Policy was announced and the Public Health Service, including the CDC, the FDA and NIH, was charged with responsibility for protecting the nation's blood supply. The Policy recognized that reliance on ''commercial sources of blood and blood components for transfusion, therapy . . . contributed to significantly disproportionate incidence of hepatitis, since such blood is often collected from sectors of society in which transmissible hepatitis is more prevalent.''[24] The Policy encouraged efforts to establish an all-volunteer blood donation system and to eliminate commercialized acquisition of blood and blood components.

The Policy listed four goals: to provide an adequate supply of blood; to ensure a higher quality of blood; to facilitate maximum accessibility to services; and to achieve total efficiency.[25] According to the Institute of Medicine's [IOM] 1995 study, the first actions under the policy included adoption of an all-volunteer blood collection system; coordination of costs; regionalization of blood collection and distribution; and, an examination of standards of care for hemophiliacs and other special groups. The Policy did not address the commercialization of plasma, the preparation and marketing of plasma derivatives, and the commercial acquisition of blood for diagnostic reagents.[26]

Contaminated blood products and brief overview of Government actions during the 1980's

In the context of blood products regulation and the government's focus on the nation's blood supply, events occurred in the 1980s which led hemophiliacs and others to contract HIV from contaminated blood and blood products. The IOM study indicates that in September of 1982, of the 593 cases of AIDs reported to the CDC, 3 were hemophiliacs. Later, the CDC noted that the hemophilia patients who had AIDS had all received large amounts of a commercially manufactured anticoagulant known as AHF (antihemophilic factor)[27] Evidence seemed to indicate that children with hemophilia were at risk for the disease.[28] As more cases were reported, the IOM report states that a national survey indicated that 30% or more of all hemophiliacs had abnormal immunological tests. By January 1983, evidence from CDC investigations strongly indicated that blood and blood products transmitted AIDS and that it could be transmitted through sexual contact. It appeared that AIDS was occurring in individuals with hemophilia who had received AHF concentrate.[29] In March, 1983, the PHS issued its first formal recommendations on the prevention of AIDS and with regard to hemophiliacs, the recommendation stated that work should continue toward development of safer blood products for use by hemophiliac patients.[30] H.R. 1023 states that thousands became infected with HIV through the use of contaminated blood clotting products.[31]

The IOM report indicates that numerous measures were publicized and taken with regard to blood and plasma donations, collection and use, e.g. quarantine and disposal. The FDA announced that it approved a heat treatment to inactivate viruses in AHF concentrate, which purported to help protect individuals with hemophilia from Hepatitis B, and perhaps, AIDs.[32] The IOM report states that: ''Government and private agencies identified, considered, and in some cases adopted strategies for dealing with the risk of transmitting AIDs through blood and blood products. The recommended safety measures were limited in scope. . . .''[33]

In 1983, the FDA's Blood Product Advisory Committee (BPAC) met to reconsider blood and blood products policies. One company recalled AHF concentrate when it determined that the concentrate was made from pools containing plasma from a person diagnosed with AIDs. However the IOM report notes that this recall was expressly not viewed as a recall of all such products and that the agency did not initially initiate a nationwide call of the concentrate.[34] The BPAC stated in mid-1983 that the criteria for deciding to withdraw lots of AHF concentrate should be based on evidence that plasma from a donor with AIDs had been present in the pooled plasma from which the lot was manufactured and recommended to the FDA a case-by-case decision regarding withdrawal for each lot that included plasma from a person who had AIDS or was suspected of having AIDS.[35] Some physicians switched from AHF concentrate to cryoprecipitate in those with less severe hemophilia. The IOM concluded ''[b]lood safety policies changed very little during 1983 [and that there] were missed opportunities to learn from pilot tests to screen potentially infected donors or implement other control strategies that had been rejected as national policy.''[36] Inaction relating to donor screening and surrogate marker testing was emphasized in the report.[37]

BPAC served as an advisory committee for the FDA and was the forum for industry and interested entities to participate in and influence the FDA's policy regarding blood products regulation.[38] According to the IOM report, BPAC's membership included blood and plasma organization representatives, scientists, and physicians.[39] The report concluded that valuable screening measures were not recommended by the BPAC due to uncertainties regarding scientific data, i.e., data from CDC, and ''pressures from the blood industry and special interest groups.''[40] Thus, options that could have reduced infection were not pursued. HIV testing and additional donor screening procedures were implemented in 1985. The IOM concluded that the FDA relied too heavily on BPAC and did not independently assess its recommendations and statements, and did not observe principles for proper management of advisory committees.[41] Moreover, IOM concluded that the membership of BPAC limited the information and points of view expressed to the agency and found possible issues relating to conflicts of interest. The report focused on the agency's role as being responsible for protecting the nation's blood supply, providing leadership and communication of information to those at risk.[42]

Conclusion to Part I

In sum, the blood and blood products regulation under the FFDCA and PHSA are restrictive and complex, governing primarily licensing of products and sites, as well as the final product, and authorize extensive enforcement actions. The FDA is the lead agency responsible for regulation of these articles and was charged with this responsibility in 1972. The products themselves seem to have been accorded special status, to a certain degree, under the statutes for regulation. Moreover, blood and blood products have been part of an articulated National Blood Policy. Events of the 1980s resulted in individuals with hemophilia, and many others, to contract HIV through the use of contaminated blood and blood products. This spurred intense examination of the FDA, its regulatory actions, and the use of its advisory committee BPAC, during this period. H.R. 1023, and S. 1189, were introduced to provide for payments from a trust fund to those with

blood clotting disorders who contracted HIV at this time.

PART II: TORT LIABILITY FOR INJURIES CAUSED BY DEFECTIVE BLOOD OR BLOOD PRODUCTS

''Products liability'' refers to the liability of a product manufacturer or subsequent seller for damages resulting from an injury caused by a product defect. Products liability is governed primarily by state common (i.e., court-made) law, as modified by state statute, although federal statutes occasionally preempt aspects of state products liability law. For example, prior to filing suit under state law for injuries caused by defective vaccines, one must file a claim under the National Children Vaccine Injury Act of 1986, as amended.[43]

Products liability differs from most other liability for non-intentional torts because products liability is strict liability, which means that, to recover, the plaintiff does not have to prove that the defendant was negligent (i.e., failed to exercise due care). All the plaintiff generally must prove in a products liability action is that the defendant sold a defective product and that the plaintiff's injury resulted from the defect.[44]

Products liability suits sometimes also allege a breach of warranty, on the theory that the fact that the product was defective constitutes a breach of the implied warranties that goods shall be merchantable (fit for ordinary purposes) and fit for any particular purpose for which they are required. These implied warranties arise under Uniform Commercial Code §§2–314 and 2–315, which has been enacted into law in every state but Louisiana. A suit for breach of warranty is similar to one for strict liability in tort in that in neither type of case need the plaintiff prove negligence. Breach of warranty suits predate strict tort liability suits, which came into being only in the 1960s.

One situation in which strict liability is generally not applied is in suits involving unavoidably unsafe products, among which, as noted below, some courts include blood. Restatement (Second) of Torts §402A comment k, which courts generally follow, provides: ''There are some products which, in the present state of human knowledge, are quite incapable of being made safe for their intended and ordinary use. This is especially common in the field of drugs. An outstanding example is the vaccine for the Pasteur treatment of rabies, which not uncommonly leads to very serious and damaging side effects when it is injected. Since the disease itself inevitably leads to a dreadful death, both the marketing and the use of the vaccine are fully justified, notwithstanding the unavoidable high degree of risk which they involve. Such a product, properly prepared, and accompanied by proper directions and warnings, is not defective, nor is it *unreasonably* dangerous'' [emphasis in original].

Case law

The seminal products liability blood transfusion case was *Perlmutter* v. *Beth David Hospital,* decided by the New York Court of Appeals in 1954.[45] It was a breach of warranty case (as it predated strict tort liability), and the issue was whether a transfusion constituted the sale of a product, in which case a transfusion of contaminated blood would constitute a breach of warranty, or whether it constituted the provision of a medical service, in which case the plaintiff would have to prove negligence to recover. This distinction was critical because there was no means to detect the presence of the hepatitis virus in blood, nor a practical method to treat the blood to eliminate the danger of hepatitis. Therefore, if the court deemed the transfusion a sale, it would turn hospitals into insurers of the risk of contaminated blood, but if it deemed it a service, then plaintiffs in most cases would go uncompensated because of the difficulty in proving negligence.

The court held that the transfusion should be treated as a service, because, ''when service predominates, and the transfer of personal property is but an incidental feature of the transaction, the transaction is not deemed a sale. . . .''[46] The *Perimutter* decision was widely followed by the courts, and extended to blood banks as well as hospitals. In *Community Blood Bank, Inc.* v. *Russell,* however, a Florida court found it ''a distortion to take what is, at least arguably, a sale, twist it into the shape of a service, and then employ this transformed material in erecting the framework of a major policy decision.''[47] This policy decision, of course, is whether ''the social utility of an abundant blood supply outweighs the risks to individuals''[48] The Florida court, needless to say, found the transfusion to be a sale, and a transfer of contaminated blood to be a breach of warranty.

''*Community Blood Bank* thus paved the way for the greatest assault on the *Perlmutter* citadel, which came in *Cunningham* v. *MacNeal Memorial Hospital,*[49] where the defendant once again was a hospital, not a blood bank.''[50] The plaintiff, who had contracted serum hepatitis from defective blood supplied by the hospital during a transfusion, asserted a claim in strict liability and won, with the court refusing to allow the hospital the defense that there was no means to detect the existence of serum hepatitis in whole blood. The court wrote: ''To allow a defense to strict liability on the ground that there is no way, either practical or theoretical, for a defendant to ascertain the existence of impurities in his product would be to emasculate the doctrine and in a very real sense return to a negligence theory.''[51]

Some courts, even if they treated a transfusion as the sale of a product and not as a service, found for the defendant under Restatement (Second) of Torts §402A comment k, mentioned above. They ''considered whether liability without fault was applicable in view of a claim that blood containing hepatitis is a product which is unavoidably unsafe and thus is not an unreasonably dangerous product for which the blood bank could be held liable without fault. With some authority to the contrary, the courts have reasoned that blood infected with hepatitis virus is such an unavoidably unsafe product, since there is a great need for blood for operations and surgical procedures, but the possibility of blood being infected with hepatitis cannot be totally eliminated despite due care being taken, and therefore they have held that a blood bank cannot be held liable without fault for injuries to a patient who contracted hepatitis from the blood it supplied.''[52]

Blood shield statutes; negligence suits

The Illinois legislature responded to the *Cunningham* decision by enacting a statute that provides, in part: ''The procuring, furnishing, donating, processing, distributing or using human whole blood, plasma, blood products, blood derivatives and products, corneas, bones, or organs or other human tissue for the purpose of injecting, transfusing or transplanting any of them in the human body is declared for purposes of liability in tort or contract [i.e., breach of warranty] to be the rendition of a service . . . and is declared not to be a sale of any such items and no warranties of any kind or description nor strict tort liability shall be applicable thereto, except as provided in Section 3 [which imposes liability for negligence].''[53]

A subsequent Illinois case upheld the constitutionality of this statute, writing: ''[I]t was predicted at the time *Cunningham* was handed down that the imposition of liability without fault on the distributors of blood would cause the cost of transfusions to skyrocket. . . . Moreover, implicit in the legislature's declaration of public policy is the fear that the imposition of strict tort liability would cause the financial considerations arising out of increased exposure to tort litigation to impinge on the exercise of sound medial judgment in a field where an individual's life might be at stake.''[54]

Illinois' approach is now the approach of all 50 states, with 48 states having enacted blood shield statutes, and Minnesota, New Jersey, and District of Columbia courts having reached the same result on their own.[55] Blood shield statues ''expressly characterize blood transfusions as services or explicitly state that blood transfusions will not be subject to strict liability.''[56] A 1990 Washington case articulated the policy justifications for blood shield statutes: ''First, the societal need to ensure an affordable, adequate bloody supply furnishes a persuasive reason for distinguishing between victims of defective blood and victims of other defective products. Second, strict liability cannot provide an incentive to promote all possible means of screening the blood for HIV. Third, although the producers may be in a better position to spread the costs, it is not in society's best interest to have the price of a transfusion reflect its true costs.''[57]

Blood shield statutes do not preclude all lawsuits alleging injuries caused by contaminated blood. Even in a state with a blood shield statute, one commentator notes, ''It seems likely that an action in express warranty or innocent tortious misrepresentation would lie if a supplier of a blood product misrepresented the product's safety, and a plaintiff relied on the misrepresentation to his detriment in the purchase of use of the product.''[58]

Another commentator addresses a different situation in which strict liability may remain: ''So blood shield statutes were expressly enacted to address only the threat of serum hepatitis, and it was not until after it was discovered that the HIV virus was transmittable through blood that legislatures amended these statutes to deal with potential AIDS liability. Courts have held that these amendments are not to be applied retroactively. Consequently, plaintiffs who received contaminated transfusions before the amendment are not barred by the blood shield statutes from bring strict liability actions.''[59]

A blood shield statute was also held inapplicable in a suit against a pharmaceutical company where the relevant statute (Indiana Code 16–41–12–11) applied to the distribution of blood by a ''bank, storage facility, or hospital.'' The Indian Court of Appeals wrote: ''[W]e simply cannot conclude that our legislature intended to include a pharmaceutical company, which commercially produces blood products for mass distribution, as an entity within the same class described as an organ or a blood ''bank or storage facility.'' The manufacture and distribution of blood products by pharmaceutical companies is better characterized as the sale of a product rather than the provision of a service. . . . It is quite unlikely that our legislature intended to include pharmaceutical companies in its definition of ''bank or storage facility'' simply because the manufacture or production of blood products incidentally involves their storage.''[60]

Finally, blood shield statutes do not, of course, preclude suits for damages caused by negligence, and, ''[w]ith strict liability effectively eliminated as a possible remedy [in transfusion cases], negligence remains the only viable alternative.''[61] ''To recover under a negligence cause of action a transfusion-related AIDS victim must prove that

a standard of care existed, that the defendant's conduct fell below that standards, and that this conduct was the proximate cause of the plaintiff's injury. Plaintiffs who have contracted AIDS through transfusions of blood and blood products have alleged negligence in both blood testing and donor screening.''[62]

It is relevant to note here that, in 1985, the Food and Drug Administration (FDA) licensed the enzyme-linked immunsorbent assay (ELISA) test, which ''has proven 98.6% effective in detecting exposure to AIDS [in blood], and when coupled with a second test, the Western Blot Analysis, the rate of detection rises to 100%.''[63] The existence of this test enables plaintiffs to argue that a failure to use this test constitutes negligence. A federal court of appeals wrote: ''We believe that the FDA's recommendation of February 19, 1985, that blood facilities begin testing all donated blood as soon as testing supplies become commercially available imposed a duty on [the blood bank] to test all its blood supplies for antibodies to the AIDS virus.''[64]

One commentator reports: ''As the rampant spread of AIDS continues and its devastating effects, both socially as well as personally, are being publicized, courts are weighing the consequences of the AIDS epidemic against the necessity of assuring an adequate supply of blood. . . . In the past several years, courts have started to rethink their position on denying recovery to victims of AIDS-tainted transfusions. Several approaches [to proving negligence] have been utilized with some success. These approaches include: (1) failure of the blood supplier or doctor to adequately warn the blood recipient of the inherent dangers associated with a blood transfusion [thus denying] the patient the opportunity to make an informed choice; (2) inadequate screening of blood donors [thus] allowing high-risk individuals to continue donating blood; and (3) using a blood transfusion when an alternate, safer method of sustaining life was available.''[65]

Selected recommendations in the legal literature; The National Childhood Vaccine Injury Act of 1986

One commentator writes: ''Although absolute protection for these entities [blood banks and blood product manufacturers] may have been logical or desirable when the HIV virus was undetectable in blood, the better view based on current medical and scientific knowledge would be to allow post-1985 recipients of contaminated transfusions to recover under the theories of strict liability and breach of warranty. This would place the burden on the blood banks and blood products manufacturers to ensure the safety of the products they distribute.''[66]

The same writer adds: ''Moreover, court and legislatures should distinguish between hospitals, blood banks, and blood products manufacturers. Blood banks, and especially blood products manufacturers, are active players in the economic marketplace, selling goods rather than providing services.''[67]

These views are echoed by another commentator: ''While hospitals may be characterized as service-providers, it is merely a legal fiction to so characterize blood and blood products providers. To hold them liable only in negligence—and then to allow the blood industry itself to set the standard of care accepted in the community, thus requiring innocent plaintiffs to shoulder an extraordinary burden of proof—violates all notions of fair play. It is time that blood products purchased for a price, and particularly manufactured blood derivative products, be recognized for the products they are. Even under the 402A comment k exception for ''unavoidably unsafe'' products, it would be unthinkable to term blood contaminated by the HIV virus as not ''unreasonably dangerous.'' It would be hard to think of anything more unreasonably dangerous.''[68]

An advocate of the blood shield statutes could respond to these arguments by quoting the justifications various courts have proffered for the statutes.[69]

Finally, one commentator proposes: ''The National Childhood Vaccine Injury Act (NCVIA) should serve as the structural model for ''alternative legislation.'' . . . [P]otential claimants should seek capped [no-fault] compensation in a court of claims on waiver of potential tort claims against blood products manufacturers. Petitions should receive compensation from a fund financed by both congressional appropriations and revenue raised through an industry tax based on the sale of blood products.''[70]

The National Childhood Vaccine Injury Act of 1986,[71] was enacted because Congress feared that some vaccine manufacturers might leave the market, which could create a genuine health hazard in the United States. The Act provides federal no-fault compensation to persons who suffer injury or death from specified vaccines. It allows more limited recovery than is generally allowed against manufacturers under state tort law, but it was hoped that ''the relative certainty and generosity of the system's awards will divert a significant number of potential plaintiffs from litigation.''[72]

The Act established a National Vaccine Injury Compensation Program funded by a manufacturers' excise tax on certain vaccines. Persons injured by a vaccine administered after October 1, 1988, with claims of more than $1,000, may not sue the vaccine administrator or manufacturer unless they first file a petition in the United States Court of Federal Claims for compensation under the Program. Upon the filing of a petition, the court must issue a decision within a specified period. Under the Program, compensation is limited to actual reimbursable expenses, up to $250,000 for pain and suffering and emotional distress, $250,000 in the event of a vaccine-related death, actual and anticipated loss of earnings, and attorney's fees and other costs, but no punitive damages.

A petitioner dissatisfied with his recovery under the Program may reject it and file a tort suit (state statutes of limitations are stayed during the pendency of the federal petition), which is governed by state law, with some limitations, such as that there are rebuttable presumptions that manufacturers who comply with federal regulations are not subject to failure to warn suits or to punitive damages.

Treatment of blood and blood products in 104th Congress products liability legislation

On May 2, 1996, President Clinton vetoed H.R. 956, 104th Congress, the Common Sense Product Liability Legal Reform Act of 1996. On May 9, the House failed to override the veto.[73] The vetoed bill had been agreed upon in a House-Senate conference, which adopted the Senate version of the provision that dealt with blood and blood products.

Both the House and Senate versions addressed blood and blood products in their respective definitions of ''product.'' Section 108(8)(B) of the House-passed bill provided: ''The term [''product''] does not include . . . ''human tissue, human organs, human blood, and human blood products.''

Section 101(13)(B) of the Senate-passed bill, by contrast, provided: ''The term 'products' does not include . . . tissue, organs, blood, and blood products used for therapeutic or medical purposes, except to the extent that such tissue, organs, blood, and blood products (or the provision thereof), are subject, under applicable State law, to a standard of liability other than negligence. . . .''

The Senate bill, in others words, did apply to blood and blood products in strict liability and breach of warranty actions, although these actions are precluded by all state laws, except apparently in the limited instances noted on page 15 of this report.[74] The Senate-passed bill did not apply in blood and blood products that are the subject of negligence actions. The House-passed bill did not apply in any suits involving blood or blood products.

The committee report that accompanied the House bill states merely, with respect to the exclusion: ''Tissue, organs, blood, and blood products—that are human in origin— . . . are explicitly excluded from the product definition.''[75] The committee report that accompanied the Senate bill goes into more detail:[76] ''Claims for harm caused by tissue, organs, blood and blood products used for therapeutic or medical purposes are, in the view of most courts, claims for negligently performed services and are not subject to strict product liability.[77] The Act thus respects state law by providing that, in those states, the law with respect to harms caused by these substances will not be changed.[78] In the past, however, a few states have held that claims for these substances are subject to a standard of liability other than negligence, and this Act does not prevent them from doing so.[79] See, e.g., *Cunningham* v. *MacNeal Memorial Hosp.*, 266 N.E.2d 897 (Ill. 1970) (overturned by Ill. Ann. Stat. Ch. 111½, sections 2 and 3).[80] Such actions would be governed by the Act. . . .''[81]

The conference committee version of H.R. 956, as noted, adopted the Senate provision that dealt with blood and blood products (renumbered as § 101(14)(B)). The joint explanatory statement of the conference committee, did not, however, discuss the provision.[82]

Recent settlement[83]

On August 14, 1996, a federal judge gave preliminary approval to a settlement between hemophiliacs infected with AIDS and four pharmaceutical companies that allegedly had manufactured blood clotting products contaminated with HIV.[84] Judge John F. Grady of the U.S. District Court for the Northern District of Illinois tentatively certified a settlement class, preliminarily approved the settlement agreement, and authorized the parties to begin notifying class members.

The plaintiffs contended that the companies sold tainted blood clotting products from 1978 until 1985, when new heat sterilization procedures came into practice. Under the settlement, each class member would receive $100,000, regardless of the number of class members; the total number of class members reportedly could range as high as 10,000. A fairness hearing is scheduled before Judge Grady on November 25, 1996.

FOOTNOTES

[1] Sen. DeWine's bill is substantially similar to H.R. 1023.

[2] The bill indicates that Ricky Ray died at age 15 of hemophilia-associated AIDS.

[3] 21 U.S.C. §§301 et seq.

[4] 42 U.S.C. § 262.

[5] FDA regulations pertaining to blood products are set forth at 21 C.F.R. Parts 600 [Biological products; general]; 601 [Licensing]; 606 [Good manufacturing practices for blood and blood products]; 607 [Establishment registration and product listing for manufacturers of human blood and blood products]; 610 [General biological products standards]; and, 640 [Additional standards for human blood and blood products].

[6] 21 U.S.C. § 321(g)(1) [Definitions; drug].

[7] According to an intra-agency agreement that differentiates drugs and biologics, biologics include: vaccines, allergens and in vivo diagnostic allergenic products; human blood and blood derived products; immunoglobulin products; products composed of or intended to contact intact cells or intact microorganisms including viruses, bacteria, fungi, etc.; non-

antibiotic products that are proteins, peptides, or carbohydrate products produced by cell culture; protein products produced in animal body fluids by genetic alteration of the animal; venoms and their constituents; synthetically produced allergenic products intended to specifically alter the immune response to a specific antigen or allergen; and certain drugs used in conjunction with blood banking or transfusion. ''FDA's Intercenter Agreement,'' Treatise on Food and Drug Administration, James O'Reilly, §13.21 [Biological Products].

[8] 42 U.S.C. §262.

[9] The FDA is not authorized to mandate recalls.

[10] 21 C.F.R. §600.10.

[11] 21 C.F.R. §600.80.

[12] This also includes the licensing of foreign establishments and products.

[13] Blood means whole blood collected from a single donor and processed either for transfusion or further manufacturing.

[14] Component means that part of a single donor unit of blood separated by physical or mechanical means.

[15] Subpart F; 21 C.F.R. §640.50.

[16] 42 U.S.C. §262(d).

[17] Id.

[18] Id.; Food and Drug Regulation, James O'Reilly, §13.22.

[19] 21 C.F.R. Part 606.

[20] The FDA is authorized to act via the misbranding and adulteration sections of the FFDCA and can take various actions for enforcement under 21 U.S.C. §357.

[21] See, for example, Regulation of Biologics Manufacturing: Questioning the Premise, Food and Drug Law Journal, Vol. 49, No. 1, 1994, pp. 213, 216.

[22] The Act was originally enacted in 1902 and reenacted in 1944 when the PHSA was enacted; codified at 42 U.S.C. §262.

[23] FDLJ, infra, at 216.

[24] Reprinted in the Institute of Medicine's [IOM] ''HIV and the Blood Supply,'' National Academy of Sciences, 1995, p. 41.

[25] Id.

[26] Id.

[27] IOM, at p. 68.

[28] Id.

[29] Id., at p. 70. AHF concentrate is manufactured from pools containing plasma from donors.

[30] Id., at p. 73.

[31] H.R. 1023, §2 (10).

[32] Id., at p. 73.

[33] Id., at pp. 73–4.

[34] Id., at p. 74.

[35] Id., at p. 75.

[36] Id., at p. 75–6.

[37] IOM, at pp. 101–133.

[38] The FDA is authorized, or at times directed, to use advisory committees. The Federal Advisory Committee Act, FACA, is applicable to the FDA and defines ''advisory committee'' as any committee, board, commission, counsel, conference, panel task force or, other similar group . . . which is established by a statute, established or used by the President, or established or utilized by the one or more agencies in the interest of obtaining advice or recommendations.'' 5 U.S.C. App. §3. As discussed above, FDA regulations provide additional and specific requirements for advisory committees, how they are constituted, meetings, participation by interested persons, and similar issues.

[39] IOM, at p. 121.

[40] Id., at p. 127.

[41] IOM, at p. 213.

[42] Id., at p. 215.

[43] 42 U.S.C. §§300aa et seq., discussed infra, at pp. 18–19.

[44] To recover in a products liability suit, the plaintiff must prove that the defect was present at the time it left the hands of the defendant. If a defect was present at the time of manufacture, but a plaintiff sues a seller instead of the manufacturer, then the seller may recover from the manufacturer any damages it pays to the plaintiff. In the past decade, almost half the states have enacted statutes making product sellers other than manufacturers strictly liable only when the manufacturer cannot be sued or would be unable to satisfy a judgment. See Fifty-State Surveys of Selected Products Liability Issues (CRS Report No. 95–300 A).

[45] 123 N.E.2d 792 (N.Y. 1954).

[46] Id. at 794.

[47] 185 So.2d 749 (Fla. Dist. Ct. App. 1966), aff'd as modified, 196 So.2d 115 (Fla. 1967).

[48] Terri S. Hall, Bad Blood: Blood Industry's Immunity From Liability For Transfusion-Borne Disease, 12 Journal of Products Liability 25, 33 (1989).

[49] 266 N.E.2d 897 (Ill. 1970).

[50] Hall, supra note 48.

[51] Cunningham, supra note 49, at 902.

[52] Annotation, Liability of Blood Supplier or Donor for Injury or Death Resulting from Blood Transfusion, 34 ALR4th 508, 513.

[53] 745 Ill. Compiled Stat. Ann. 40/2 (Smith-Hurd).

[54] Glass v. Ingalls Memorial Hospital, 336 N.E.2d 495, 499 (Ill. 1975).

[55] Andrew R. Klein, Beyond DES: Rejecting the Application of Market Share Liability in Blood Products Litigation, 68 Tulane Law Review 883, 915 (1994). The citations to 44 of the 48 state blood shield statutes appear in M. Stuart Madden, PRODUCTS LIABILITY (2d ed. 1988 & Supp. 1993) §6.19 n.1. Minnesota repealed its statute, Minn. Stat. §525.928, in 1991.

[56] Dana J. Finberg, Blood Bank and Blood Products Manufacturer Liability in Transfusion-Related AIDS Cases, 26 University of Richmond Law Review 519, 524 (1992).

[57] Howell v. Spokane & Inland Empire Blood Bank, 785 P.2d 815, 817 (Wash. 1990).

[58] Robert E. Cartwright and Jerry J. Phillips, PRODUCTS LIABILITY (1986 & Supp. 1992) at §4.03 (Supp. p. 127). Of course, a blood supplier may avoid this liability simply by not making warranties or representations as to a product's safety.

[59] Finberg, supra note 56, at 525–526.

[60] JKB, SR., and VB v. Armour Pharmaceutical Company, 660 N.E.2d 602 (Ind. App. 1996).

[61] Kathryn Glasgow Lofti, Suppliers of AIDS-Contaminated Blood Now Face Liability, 34 Howard Law Review 183, 196 (1991).

[62] Finberg, supra note 56, at 533.

[63] Id. at 521.

[64] Kirkendall v. Harbor Insurance Co., 887 F.2d 857, 861 (8th Cir. 1989).

[65] Lofti, supra note 61, at 200, 197.

[66] Finberg, supra note 56, at 537.

[67] Id.

[68] Hall supra note 48, at 43.

[69] See, text accompanying notes 54 and 57, supra.

[70] Klein, supra note 55, at 931, 932–933. The author of this proposal, however, would not allow a petitioner to use the no-fault compensation scheme unless he first ''demonstrate[d] a diligent, but unsuccessful, effort to prove which manufacturer produced the product that caused his infection. Thus, only plaintiffs unable to prove traditional cause in fact would use alternative legislation.'' Id. at 933.

[71] 42 U.S.C. §§300aa et seq. The summary of the Act that follows draws heavily from Lester S. Jayson, Handling Federal Tort Claims: Administrative and Judicial Remedies §1.25 (1996).

[72] H.R. Rep. No. 99–908, Part 1, 99th Cong., 2d Sess. 13 (1986).

[73] For additional information see The Products Liability Conference Committee Bill (CRS Rep. No. 96–276 A).

[74] See, text accompanying note 48, supra.

[75] H.R. Rep. No. 104–64, Part 1, 104th Cong., 1st Sess. 30 (1995).

[76] The footnotes that accompany the following quotation are all by the author of this memorandum; they do not appear in the Senate report.

[77] This, of course, is because the blood shield statutes generally preclude suits except in negligence.

[78] This statement does not explain the reluctance to change negligence actions involving tissue, organs, blood, and blood products, when there is no reluctance to change negligence actions involving other products. Section 102(a)(1) of the bill provides that the bill would apply to any product liability action (with exceptions not relevant here), and section 101(14) defines ''product liability action'' as ''a civil action brought under any theory [i.e., including negligence] for harm caused by a product.''

[79] This is true, but does not explain why the bill would apply to strict liability actions involving tissue, organs, blood, and blood products, but not to negligence actions involving those products. Whether the bill would apply to a particular type of suit is unrelated to the question of whether that type of suit may be brought. This is because the bill would affect only particular aspects of products liability suit; it would not alter their nature as negligence, breach of warranty, or strict liability suits.

[80] This statute was renumbered as indicated in note 53, supra.

[81] S. Rep. No. 104–69, 104th Cong., 1st Sess. 24 n.86 (1995).

[82] H.R. Rep. No. 104–481, 104th Cong., 2d Sess. (1996).

[83] The following is based on an article in 24 Products Safety & Liability Reporter 761 (Aug. 16, 1996).

[84] Walker v. Bayer AG (N.D. Ill., MDL No. 93–C–7452).

[From the Committee to Study HIV Transmission Through Blood and Blood Products, Division of Health Promotion and Disease Prevention, Institute of Medicine, National Academy Press, Washington, D.C., 1995]

HIV AND THE BLOOD SUPPLY: AN ANALYSIS OF CRISIS DECISIONMAKING

(By Lauren B. Leveton, Harold C. Sox, Jr., and Michael A. Stoto)

EXECUTIVE SUMMARY

A nation's blood supply is a unique, life-giving resource and an expression of its sense of community. In 1993, voluntary donors gave over 14 million units of blood in the United States (Wallace, et al. 1993). However, the characteristic that makes donated blood an expression of the highest motives also makes it a threat to health. Derived from human tissue, blood and blood products can effectively transmit infections such as hepatitis, cytomegalovirus, syphilis, and malaria from person to person (IOM 1992). In the early 1980s blood became a vector for HIV infection and transmitted a fatal illness to more than half of the 16,000 hemophiliacs in the United States and over 12,000 blood transfusion recipients (CDC, MMWR; July 1993).

Each year, approximately four million patients in the United States receive transfusions of approximately 20 million units of whole blood and blood components. The blood for these products is collected from voluntary donors through a network of nonprofit community and hospital blood banks. Individuals with hemophilia depend upon blood coagulation products, called antihemophilic factor (AHF) concentrate, to alleviate the effect of an inherited deficiency in a protein that is necessary for normal blood clotting. The AHF concentrate is manufactured from blood plasma derived from 1,000 to 20,000 or more donors, exposing individuals with hemophilia to a high risk of infection by blood-borne viruses.

The safety of the blood supply is a shared responsibility of many organizations including the plasma fractionation industry, community blood banks, the federal government, and others. The Food and Drug Administration (FDA) has regulatory authority over plasma collection establishments, blood banks, and all blood products. Since 1973, the FDA has established standards for plasma collection and plasma product manufacture and a system for licensing those who met standards. The Centers for Disease Control and Prevention (CDC) has responsibility for surveillance, detection, and warning of potential public health risks within the blood supply. The National Institutes of Health (NIH) supports these efforts through fundamental research. During the 1950s and 1960s, blood shield laws were adopted by 47 states. These laws exempt blood and blood products from strict liability or implied warranty claims on the grounds that they are a service rather than a product. The laws were developed on the premise that given the inherently risky nature of blood and blood products, those providing them required protection if the blood system was to be a reliable resource.

As a whole, this system works effectively to supply the nation with necessary blood and blood products, and its quality control mechanisms check most human safety threats. The events of the early 1980s, however, revealed an important weakness in the system—in its ability to deal with a new threat that was characterized by substantial uncertainty. With intent to prepare the guardians of the blood supply for future threats concerning blood safety, the Department of Health and Human Services commissioned the Institute of Medicine to study the

transmission of HIV through the blood supply. The Committee to Study HIV Transmission Through Blood and Blood Products undertook this assignment fully aware of the advantages and dangers of hindsight. Hindsight offers an opportunity to gain the understanding needed to confront the next threat to the blood supply. The danger of hindsight is unfairly finding fault with decisions that were made in the context of great uncertainty.

HISTORY

The Risk of AIDS

Starting with the identification of 26 homosexual men with opportunistic diseases in June 1981, the CDC's *Morbidity and Mortality Weekly Report* became the source for reports of the epidemic. By July 1982, enough cases had occurred with common symptomatology to name the new disease ''acquired immune deficiency syndrome'' (AIDS). By January 1983, epidemiological evidence from CDC's investigations strongly suggested that blood and blood products transmitted the agent causing AIDS and that the disease could also be transmitted through intimate heterosexual contact. The conclusion that the AIDS agent was blood-borne was based on two findings. First, AIDS was occurring in transfusion recipients and individuals with hemophilia who had received AHF concentrate; these patients did not belong to any previously defined group at risk for contracting AIDS. Second, the epidemiologic pattern of AIDS was similar to hepatitis B, another blood-borne disease.

Immediate Responses to Evidence of Blood-Borne AIDS Transmission

In the first months of 1983, the epidemiological evidence that the AIDS agent was blood-borne led to meetings and public and private decisions that set the pattern of the blood industry's response to AIDS, starting with a public meeting convened by the CDC in Atlanta on January 4, 1983. Later that month, the leading blood bank organizations, and, separately, the National Hemophilia Foundation (NHF) and the blood products industry, issued statements about preventing exposure to AIDS. In March 1983, the Assistant Secretary for Health promulgated the first official Public Health Services (PHS) recommendations for preventing AIDS, and the FDA codified safe practices for blood and plasma collection.

The government and private agencies quickly identified, considered, and in some cases adopted strategies for dealing with the risk of transmitting AIDS through blood and blood products. The recommended safety measures, however, were limited in scope. Examples include: questions to eliminate high-risk groups such as intravenous drug users, recent immigrants from Haiti, and those with early symptoms of AIDS or exposure to patients with AIDS; direct questions about high-risk sexual practices were generally not used. These questions reflected a lack of consensus about the magnitude of the threat, especially among physicians and public health officials who had trouble interpreting the unique epidemiological pattern of AIDS. The recommendations also reflected uncertainty about the benefits of identifying and deferring potentially infected blood and plasma donors, treatment of blood products to inactivate viruses, recall of products derived from donors known to have or suspected of having AIDS, and changes in transfusion practice and blood product usage. The costs, risks, and benefits of these and other potential control strategies were uncertain.

Opportunities to Reformulate Policy

In the interval between the decisions of early 1983 and the availability of a blood test for HIV in 1985, public health and blood industry officials became more certain that AIDS was a blood-borne disease as the number of reported cases of AIDS among hemophiliacs and transfused patients grew. As their knowledge grew, these officials had to decide about recall of contaminated blood products and possible implementation of a surrogate test for HIV. Meetings of the FDA's Blood Products Advisory Committee in January, February, July and December 1983 offered major opportunities to discuss, consider, and reconsider the limited tenor of the policies.

Despite these and other opportunities to review new evidence and to reconsider earlier decisions, blood safety policies changed very little during 1983. Many officials of the blood banks, the plasma fractionation industry, and the FDA accepted with little question estimates that the risk of AIDS was low (''one in a million transfusions''), and they accepted advice that control strategies (such as automatic withdrawal of AHF concentrate lots containing blood from donors suspected of having AIDS, or a switch from AHF concentrate to cryoprecipitate in mild or moderate hemophiliacs) would be ineffective, too costly, or too risky. During this period, there were missed opportunities to learn from local attempts to screen potentially infected donors or implement other control strategies that had been rejected as national policy.

Research Activities

From 1983 through 1985, research on AIDS included epidemiological analysis to understand patterns of spread and etiology, the search for methods to control or eliminate the disease, and evaluation of the efficacy of potential safety measures such as surrogate tests for the infection. Related research on methods to inactivate hepatitis B virus in AHF concentrate had begun in the 1970s and came to fruition in the early 1980s.

Scientists at the Pasteur Institute in Paris first isolated the retrovirus now known as HIV–1 in 1983. Investigators at the National Institutes of Health (NIH) provided convincing evidence that HIV–1 was the causative infectious agent of AIDS in 1984, and were also able to propagate HIV–1 in the laboratory, thus providing the basis for a blood test to identify individuals infected by the virus. Scientists at NIH isolated and characterized HIV in 1984. Viral inactivation methods for AHF concentrate were developed in laboratories of the plasma fractionators, and the FDA licensed the new processes quickly. Although the pace of viral inactivation research had been slow, it accelerated in the 1980s, largely in response to hepatitis, and had identified effective strategies by 1984. However, research into other potential ways to safeguard the blood supply such as the use of surrogate tests was not pursued vigorously, and there was relatively little research on blood safety issues per se.

FINDINGS

The Committee framed its approach by examining four topics that are essential components of a focused strategy for ensuring the safety of the blood supply: blood product treatment, donor screening and deferral, regulation of removal of contaminated products from the market, and communication to physicians and patients.

Product Treatment

Plasma products can be treated by a variety of physical and chemical processes to inactivate viruses and thus to produce a product free from contamination and relatively safe for transfusion. Shortly after the development of the technology to manufacture AHF concentrate, it was recognized that these products carried a substantial risk of transmitting hepatitis B. Although some blood derivative products had been treated with heat to destroy live viruses since the late 1940s, Factor VIII and IX concentrates in the United States were not subject to viral inactivation procedures until 1983 and 1984. If this technology had been developed and introduced before 1980 to inactivate hepatitis B virus and non-A, non-B hepatitis virus, fewer individuals with hemophilia might have been infected with HIV.

Overall, the record of the plasma fractionators and the FDA with respect to the development and implementation of heat treatment is mixed. The Committee's analysis focused on whether the basic knowledge and technology for inactivating viruses in AHF concentrate had been available before 1980 and whether industry had appropriate incentives (from FDA, NIH, NHF, or others) to develop viral inactivation procedures. In the Committee's judgment, heat treatment processes to prevent the transmission of hepatitis, an advance that would have prevented many cases of AIDS in individuals with hemophilia, might have been developed before 1980. For a variety of reasons (e.g., concern about possible development of inhibitors and higher costs), however, neither physicians caring for individuals with hemophilia nor the Public Health Service agencies actively encouraged the plasma fractionation companies to develop heat treatment measures earlier. The absence of incentives, as well as the lack of a countervailing force to advocate blood product safety, contributed to the plasma fractionation industry's slow rate of progress toward the development of heat-treated products. Once plasma fractionators developed inactivation methods, however, the FDA moved expeditiously to license them.

Donor Screening and Deferral Policies

The purpose of donor screening and deferral procedures is to minimize the possibility of transmitting an infectious agent from a unit of donated blood to the recipient of that unit, as well as to ensure the welfare of the donor. Donor screening includes the identification of suitable donors; the recruitment of donors; and the exclusion of high-risk individuals through methods and procedures used at the time of donation, such as questionnaires, interviews, medical exams, blood tests, and providing donors with the opportunity to self-defer. Donor deferral is the temporary or permanent rejection of a donor based on the results of the screening measures.

By January 1983, in addition to suggesting that the agent causing AIDS was transmitted through blood and blood products and could be sexually transmitted, the epidemiological evidence also demonstrated that there were several groups who had an increased risk of developing AIDS. The highest incidence of the disease was in male homosexuals, who donated blood frequently in some geographic regions. The Committee found that organizations implemented donor screening measures in different ways at different times. Plasma collection agencies had begun screening potential donors and excluding those in any of the known risk groups as early as December 1982, and CDC scientists suggested in January 1983 that blood banks do likewise. Also in January, the blood-banking organizations (the American Association of Blood Banks, the American Red Cross, and the Council of Community Blood Center) issued a joint statement that recommended the use of donor screening questions to detect early symptoms of AIDS or exposure to AIDS patients. The statement, however, did not advocate directly questioning donors about their sexual preferences. Blood banks did institute some screening

measures in early 1983, but only a few asked potential donors questions about homosexual activities. At the same time, CDC scientists also suggested that all blood and plasma collection agencies employ an available surrogate test for hepatitis B core antigen (anti-HBc). Most blood and plasma collection agencies rejected this recommendation. Although the precise impact of these two actions is not known, earlier implementation of either probably would have reduced the number of individuals infected with HIV through blood and blood products. In March 1983 the PHS issued recommendations that identified high-risk individuals for AIDS and stated that these individuals should not donate plasma or blood.

Based on its review of the evidence, the Committee found that decisionmakers involved with donor screening and deferral acted with good intent in some instances. In other instances, however, preference for the status quo under the prevailing conditions of uncertainty and danger led decisionmakers to underestimate the threat of AIDS for blood recipients. The Committee concluded that when confronted with a range of options for using donor screening and deferral to reduce the probability of spreading HIV through the blood supply, blood bank officials and federal authorities consistently chose the least aggressive option that was justifiable. In adopting this limited approach, policymakers often passed over options that might have initially slowed the spread of HIV to individuals with hemophilia and other recipients of blood and blood products, for example, by screening male donors for a history of sexual activity with other males and screening donated blood for the anti-HBc antibody. The Committee believes that it was reasonable to require blood banks to implement these two screening procedures in January 1983. The FDA's failure to require this is evidence that the agency did not adequately use its regulatory authority and therefore missed opportunities to protect the public health.

Regulations and Recall

The FDA is the principal regulatory agency with authority for blood and blood products, but it exercises its authority largely through informal action. Recall—the removal of a product from the market—exemplifies the relationship between the FDA's potent formal powers and its informal modus operandi. Recall is a voluntary act undertaken by the manufacturer but overseen by the FDA, which has the authority to seize or revoke the license of a product. Regulation of blood and blood products has been generally based on establishing a scientific consensus. Because the FDA's resources are limited, it relies upon the blood industry and others for cooperation. The FDA's Blood Products Advisory Committee is a venue for consensus-building about blood regulatory policy. In an industry in which firm and product reputation is critical to market success, the FDA's collegial approach is usually effective.

The Committee analyzed the FDA's exercise of its regulatory powers by examining how it acted during four critical events: (1) letters issued by the FDA in March 1983 requiring particular practices related to donor screening and the segregation of high-risk plasma supplies; (2) a July 1983 decision not to recall plasma products ''automatically'' whenever they could be linked to individual donors who had been identified as having or as suspected of having AIDS; (3) a decision not to recall nontreated AHF concentrate when heat-treated AHF concentrate became available in 1983; and (4) a delay of years in the FDA's formal decision to recommend tracing recipients of transfusions from a donor who was later found to have HIV. For each of these, the Committee posed a series of hypotheses to explain the FDA's actions. These focused on the reach of the agency's legal powers, the information available at the time in relation to relevant public health considerations, the agency's resources, the FDA's institutional culture, the economic costs of particular actions, and the prevailing political climate.

The analysis of these four events led the Committee to identify several weaknesses in the FDA's regulatory approach to blood safety issues. The agency's March 1983 letters may have been unclear concerning whether all of their recommendations were required to be implemented by the addressed. Handling of the case-by-case recall decision suggested that the agency lacked both the capacity to structure its advisory process adequately and to analyze independently the recommendations that were made to it. In the Committee's judgment, these and other events indicate the need for a more systematic approach to blood safety regulation when there is uncertainty and danger to the public.

Communication to Physicians and Patients

As evidence accrued on the possibility that the blood supply was a vector for AIDS consumers of blood and blood products and their physicians found themselves in a complex dilemma about how to reduce the risk of infection. Restricting or abandoning the use of blood and blood products could lead to increased mortality and morbidity. On the other hand, continued use of these products apparently increased the risk of AIDS. The Committee investigated the processes by which physicians and patients obtained information about the epidemic and the costs, risks, and benefits of their clinical options.

A wide range of clinical options were available by late 1982 and might, in some instances, have reduced or eliminated dependence on AHF concentrate and there by reduce the risk of HIV transmission. As often happens in times of intense scientific and medical uncertainty such as in the early 1980s, individuals with hemophilia and transfusion recipients had little information about risks, benefits, and clinical options for their use of blood and blood products.

The dramatic successes of treatment with AHF concentrate in the 1970s provided a context in which thresholds for abandoning or radically restricting the use of these products for individuals with severe hemophilia were high. both physicians and individuals with hemophilia express reluctance about returning to the era of clinical treatment before the introduction of AHF concentrate. The National Hemophilia Foundation (NHF) and physicians, in their effort to find the right balance between the risks and benefits of continued use of AHF concentrate, tended to overweight the well-established benefits of AHF concentrate and underestimate the risks of AIDS, which were still uncertain.

In addition, the Committee found that prevailing assumptions about medically acceptable risks, especially regarding hepatitis, led to complacency and a failure to act with sufficient concern upon reports of a new infectious risk. Ultimately, assumptions about medical decisionmaking practices in which patient played a relatively passive role led to failures to disclose completely the risk of using AHF concentrate and thereby did not enable individuals to make informed decisions of themselves. As the potential dimensions of the epidemic among individuals with hemophilia became clear, communication between physicians and patients was further compromised by physicians' reticence to discuss the dire implications of widespread infection with their patients and families.

Institutional barriers to patient-physician communications and relationships between relevant organizations also impeded the flow of information. If the NHF had received input from a wider group of scientific and medical experts, more explicit and systematic dissemination of a range of clinical options might well have been possible. In addition, the financial and other relationships between the NHF and the plasma fractionation industry created a conflict of interest that seriously compromised the perceived independence of NHF's recommendations.

No organization stepped forward to communicate widely the risks of blood transfusions to potential recipients. Many blood bank officials during this period publicly denied that AIDS posed any significant risk to blood recipients. In this context, and because many transfusions occurred on an emergency basis, patients were typically not apprised of the growing concerns about the contamination of the blood supply. For both individuals with hemophilia and recipients of blood transfusion, physicians concern that their patients might refuse care deemed a ''medical necessity'' further contributed to failure to inform them of the risks.

CONCLUSIONS

Decisionmaking Under Uncertainty

The events and decisions that the Committee has analyzed underscore the difficulty of personal and institutional decisionmaking when the stakes are high, when knowledge is imprecise and incomplete, and when decisionmakers may have personal or institutional biases. The Committee attempted to understand the complexities of the decisionmaking process during this uncertain period and to develop lessons to protect the blood supply in the future. In retrospect, the system did not deal well with contemporaneous blood safety issues such as hepatitis, and was not prepared to deal with the far greater challenge of AIDS.

Although enough epidemiological evidence has emerged by January 1983 to strongly suggest that the agent causing AIDS was transmitted through blood and blood products and could be sexually transmitted to sexual partners, the magnitude of the risk for transfusion and blood product recipients was not know at this time. Policymakers quickly developed several clinical and public health options to reduce the risk of AIDS transmission. There was, however, substantial scientific uncertainty about the costs and benefits of the available options. The result was a pattern of responses which, while not in conflict with the available scientific information, were very cautious and exposed the decisionmakers and their organizations to a minimum of criticism.

Blood safety is a shared responsibility of many diverse organizations. They include U.S. Public Health Service agencies such as the CDC, the FDA, and the NIH, and private-sector organizations such as community blood banks and the American Red Cross, blood and plasma collection agencies, blood product manufacturers, groups like the National Hemophilia Foundation, and others. The problems the Committee found indicated a failure of leadership and inadequate institutional decision making process in 1983 and 1984. No person or agency was able to coordinate all of the organizations sharing the public health responsibility for achieving a safe blood supply.

Bureaucratic Management of Potential Crises

Federal agencies had the primary responsibility for dealing with the national emergency posed by the AIDS epidemic. The Committee scrutinized bureaucratic function closely and came to the following conclusions about the management of potential crises.

First, unless someone from the top exerts strong leadership, legal and competitive concerns may inhibit effective action by agencies of the federal government. Similarly, when policymaking occurs against a backdrop of a great deal of scientific uncertainty, bureaucratic standard operating procedures designed for routine circumstances seem to take over unless there is a clear-cut decision-making hierarchy. An effective leader will insist upon coordinated planning and execution. Focusing efforts and responsibilities, setting timetables and agendas, and assuming accountability for expeditious action cannot be left to ordinary standard operating procedures. These actions are the responsibilities of the highest levels of the public health establishment.

Second, the FDA and other agencies in the early 1980s lacked a systematic approach to conducting advisory committee processes. These agencies should tell their advisory committees what it expects from them, keep attention focused on high-priority topics, and independently evaluate their advice. Because mistakes will always be made and opportunities missed, regulatory structures must organize and manage their advisory boards to assure both the reality and the continuous appearance of propriety.

Third, agencies should not rely upon the entities they regulate for analysis of data and modeling of decision problems.

Fourth, agencies need to think far ahead. They must monitor more systematically the long-term outcomes of blood transfusion and blood product infusion to anticipate both new technologies and new threats to the safety of the blood supply. The Committee believes that the Public Health Service should plan what it will do if there is a threat to the blood supply. It should specify actions that will occur once the level of concern passes a specified threshold. The Committee favors a series of criteria or triggers for taking regulatory or other public health actions in which the response is proportional to the magnitude of the risk and the quality of the information on which the risk estimate is based. Taking on small steps allows for careful reconsideration of options, particularly as information about uncertain risks unfolds. Not all triggering events need lead to drastic action; some may merely require careful reconsideration of the options or obtaining new information.

RECOMMENDATIONS

The Committee's charge was to learn from the events of the early 1980s to help the nation prepare for future threats to the blood supply. From the record assembled for this study, the Committee identified potential problems with the system in place at that time and has identified some changes that might have moderated some of the effects of the AIDS epidemic on recipients of blood and blood products. The federal and private organizations responsible for blood safety and the public health more generally will have to evaluate their current polices and procedures to see if they fully address the issues raised by these recommendations.

The Public Health Service

Several agencies necessarily play important, often differentiated, roles in managing a public health crisis such as the contamination of blood and blood products by the AIDS virus. The National Blood Policy of 1973 charged the PHS (including the CDC, the FDA, and the NIH) with responsibility for protecting the nation's blood supply.

The Committee has come to believe that a failure of leadership may have delayed effective action during the period from 1982 to 1984. This failure led to less than effective donor screening, weak regulatory actions, and insufficient communication to patients about the risks of AIDS. In the event of a threat to the blood supply, the Public Health Service must, as in any public health crisis, insist upon coordinated action. The Secretary of Health and Human Service is responsible for all the agencies of the Public Health Service,[1] and therefore the Committee makes—Recommendation 1: The Secretary of Health and Human Services should designate a Blood Safety Director, at the level of a deputy assistant secretary or higher, to be responsible for the federal government's efforts to maintain the safety of the nation's blood supply.

To be effective in coordinating the various agencies of the PHS, the Blood Safety Director should be at the level of a deputy assistant secretary or higher, and should not be a representative of any single PHS agency.

In considering the history of the contamination of the blood supply with HIV and the current surveillance, regulatory, and administrative structures for ensuring the safety of our nation's blood resources, the Committee became convinced that the nation needs a far more responsive and integrated process to ensure blood safety. To this end, the Committee makes—Recommendation 2: The PHS should establish a Blood Safety Council to assess current and potential future threats to the blood supply, to propose strategies for overcoming these threats, to evaluate the response of the PHS to these proposals, and to monitor the implementation of these strategies. The Council should report to the Blood Safety Director (see Recommendation 1). The Council should also serve to alert scientists about the needs and opportunities for research to maximize the safety of blood and blood products. The Blood Safety Council should take the lead to ensure the education of public health officials, clinicians, and the public about the nature of threats to our nation's blood supply and the public health strategies for dealing with these threats.

The proposed Blood Safety Council would facilitate the timely transmission of information, assessment of risk, and initiation of appropriate action both during times of stability and during a crisis. The Council should report to the Blood Safety Director (see Recommendation 1). The Council would not replace the PHS agencies responsible for blood safety but would complement them by providing a forum for them to work together and with private organizations. The PHS agencies would be represented on the Council.

The Blood Safety Council should consider the following activities and issues: to deliberate the need for a system of active surveillance for adverse reactions in blood recipients; to establish a panel of experts to provide information about risks and benefits, alternative options for treatment, and recommended best practices (see Recommendation 13); and to investigate methods to make blood products safer, such as double inactivation processes and reduction of plasma pool size.

When a product or service provided for the public good has inherent risks, the common law tort system fails to protect the rightful interests of patients who suffer harms resulting from the use of those products and services. To address this deficiency, the Committee makes—Recommendation 3: The federal government should consider establishing a no-fault compensation system for individuals who suffer adverse consequences from the use of blood or blood products.[2]

For such a no-fault system to be effective, standards and procedures would have to be determined prospectively to guide its operations. There needs to be an objective, science-based process to decide which kinds of adverse outcomes are caused by blood-borne pathogens and which individual cases of these adverse outcomes deserve compensation. As with vaccines, such a system could be financed by a tax or fee paid by all manufacturers or by the ultimate recipients of blood products. However, had there been a no-fault compensation system in the early 1980s, it could have relieved much financial hardship suffered by many who became infected with HIV through blood and blood products in the United States. The no-fault principles outlined in this recommendation might serve to guide policymakers as they consider whether to implement a compensation system for those infected in the 1980s.

The Centers for Disease Control and Prevention

The CDC has an indispensable role in protecting our nation's health: to detect potential public health risks and sound the alert. In order to improve CDC's efficacy in this critical role, the Committee makes—Recommendation 4: Other federal agencies must understand, support, and respond to the CDC's responsibility to serve as the nation's early warning system for threats to the health of the public.

One way to begin to implement this recommendation is for the Secretary of Health and Human Services to insist that an agency that wishes to disregard a CDC alert should support its position with evidence that meets the same standard as that used by the CDC in raising the alert.

In order to carry out its early warning responsibility effectively, the CDC needs good surveillance systems. The Committee, believing that the degree of surveillance should be proportional to the level of risk inherent in blood and blood products and should include both immediate and delayed effects, makes Recommendation 5: The PHS should establish a surveillance system, lodged in the CDC, that will detect, monitor, and warn of adverse effects in the recipients of blood and blood products.

The Food and Drug Administration

The FDA has legal authority to protect the safety of the nation's blood supply, and it is the lead federal agency in regulating blood banking practice, the handling of source plasma, and the manufacture of blood products from plasma. The Committee's recommendations focus on decisionmaking and the role of advisory committees in formulating the FDA's response to crises.

In the Committee's judgment, a more systematic approach to blood safety regulation, one that is better suited to conditions of uncertainty, is needed. In particular, the Committee recommends (see Chapter 8) that the PHS develop a series of criteria or triggers for taking regulatory or other public health actions for which the response is proportional to the magnitude of the risk and the quality of the information on which the risk estimate is based. In order that the perfect not be the enemy of the good, the Committee makes—Recommendation 6: Where uncertainties or countervailing public health concerns preclude completely eliminating potential risks, the FDA should encourage, and where necessary require, the blood industry to implement partial solutions that have little risk of causing harm.

In all fields, decisionmaking under uncertainty requires an iterative process. As the knowledge base for a decision changes, the responsible agency should reexamine the facts and be prepared to change its decision. The agency should also assign specific responsibility for monitoring conditions and identifying opportunities for change. In order to implement these principles at the FDA, the Committee makes—Recommendation 7: The FDA should periodically review

Footnotes appear at the end of article.

important decisions that it made when it was uncertain about the value of key decision variables.

Although the FDA has a great deal of regulatory power over the blood products industry, the agency appears to regulate by expressing its will in subtle, understated directives. Taking this into account, the Committee makes—Recommendation 8: Because regulators must rely heavily on the performance of the industry to accomplish blood safety goals, the FDA must articulate its requests or requirements in forms that are understandable and implementable by regulated entities. In particular, when issuing instructions to regulated entities, the FDA should specify clearly whether it is demanding specific compliance with legal requirements or is merely providing advice for careful consideration.

In the early 1980s, the FDA appeared too reliant upon analyses provided by industry-based members of the Blood Products Advisory Committee (BPAC). Thus the Committee arrived at—Recommendation 9: The FDA should ensure that the composition of the Blood Products Advisory Committee reflects a proper balance between members who are connected with the blood and blood products industry and members who are independent of industry.

An agency that is well-practiced in orderly decisionmaking procedures will be able to respond to the much greater requirements of a crisis. This consideration leads to—Recommendation 10: The FDA should tell its advisory committees what it expects from them and should independently evaluate their agendas and their performance.

Advisory committees provide scientific advice to the FDA, but they do not make regulatory decisions for the agency. The FDA's lack of independent information and an analytic capability of its own meant that it had little choice but to incorporate the advice of BPAC into its policy recommendations. To ensure the proper degree of independence between the FDA and the BPAC, the Committee makes—Recommendation 11: The FDA should develop reliable sources of the information that it needs to make decisions about the blood supply. The FDA should have its own capacity to analyze this information and to predict the effects of regulatory decisions.

Communication to Physicians and Patients

One of the crucial elements of the system for collecting blood and distributing blood products to patients is the means to convey concern about the risks inherent in blood products. In today's practice of medicine, in contrast to that of the early 1980s, patients and physicians each accept a share of responsibility for making decisions.

In instances of great uncertainty, it is crucial for patients to be fully apprised of the full range of options available and to become active participants in the consideration and evaluation of the relative risks and benefits of alternative treatments. To encourage better communication, the Committee makes—Recommendation 12: When faced with a decision in which the options all carry risk, especially if the amount of risk is uncertain, physicians and patients should take extra care to discuss a wide range of options.

Given the inherent risks and uncertainties in all blood products, the public and providers of care need expert, unbiased information about the blood supply. This information includes risks and benefits, alternatives to using blood products, and recommended best practices. In order to provide the public and providers of care with information they need, the Committee makes—Recommendation 13: The Department of Health and Human Services should convene a standing expert panel to inform the providers of care and the public about the risks associated with blood and blood products, about alternatives to using them, and about treatments that have the support of the scientific record.

One lesson of the AIDS crisis is that a well-established, orderly decisionmaking process is important for successfully managing a crisis. This applies as much to clinical decisionmaking as to the public health decision process addressed by earlier recommendations. As the narrative indicates, there are both public health and clinical approaches to reducing the risk of blood-borne diseases. The Blood Safety Council called for in Recommendation 2 would deal primarily with risk assessment and actions in the public health domain that would reduce the chance that blood products could be vectors of infectious agents. The primary responsibility of the expert panel on best practices called for in Recommendation 13 would be to provide the clinical information that physicians and their patients need to guide their individual health care choices. To be most effective, this panel should be lodged in the Blood Safety Council (see Recommendation 2) so that both bodies can interact and coordinate their activities in order to share information about emerging risks and clinical options.

Recommendation 14: Voluntary organizations that make recommendations about using commercial products must avoid conflicts of interest, maintain independent judgment, and otherwise act so as to earn the confidence of the public and patients.

One of the difficulties with using experts to give advice is the interconnections that experts accumulate during their careers. As a result, an expert may have a history of relationships that raise concerns about whether he or she can be truly impartial when advising a course of action in a complex situation. One way to avoid these risks is to choose some panelists who are not expert in the subject of the panel's assignment but have a reputation for expertise in evaluating evidence, sound clinical judgment, and impartiality.

Financial conflicts of interest influence organizations as well as individuals. The standards for acknowledging, and in some cases avoiding, conflicts of interest are higher than they were 12 years ago. Public health officials, the medical professions, and private organizations must uphold this new, difficult standard. Failure to do so will threaten the fabric of trust that holds our society together.

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FOOTNOTES

[1] In the 1980s and now, the PHS agencies report to the Assistant Secretary of Health. As this report was being written, the Department of Health and Human Services has proposed to eliminate the office of the Assistant Secretary, so that the PHS agencies would report directly to the Secretary.

[2] One Committee member (Martha Derthick) abstains from this recommendation because she believes that it falls outside of the Committee's charge.

Mr. SCOTT. Madam Speaker, I yield such time as he may consume to the distinguished gentleman from Massachusetts (Mr. DELAHUNT).

Mr. DELAHUNT. Madam Speaker, I thank the gentleman for yielding me the time.

Madam Speaker, I, too, rise in strong support of H.R. 1023, the Ricky Ray Hemophilia Relief Fund Act. Before I begin my statement, I want to acknowledge and commend the fine work of my colleague, the gentleman from Florida (Mr. PORTER GOSS). He has truly provided outstanding leadership in this particular issue.

Let me ask Members to imagine that they are the parent of three fine sons, each of whom has inherited the gene for hemophilia. Now imagine, if you can, that each of your sons acquires the AIDS virus through a contaminated blood transfusion. Two brothers die before age 40, and the third is very sick. Among them, they have 9 children, your grandchildren, all of whom will be left fatherless.

At least one family in my district does not have to imagine what that would be like, Madam Speaker. They know, because this is precisely what is happening to them. Nor is their heartbreaking story, unfortunately, unique. I have received letters from people in Abingdon, Weymouth, Ducksbury, and other towns throughout Massachusetts who have lost family members and friends to hemophilia-associated AIDS.

Every death from AIDS is a tragedy that touches many lives. Yet, who can fathom the sheer devastation that is visited on families such as these? The enormity of their experience becomes still more compelling when one learns that the government, our government, could have acted to prevent it.

In 1980 when the first Americans began to fall ill from the mysterious ailment that would ultimately be called AIDS, the technology became available to pasteurize blood-clotting agents. Yet, for 7 years the government failed to require the blood products industry to make use of this technology, nor did the government require the industry to inform the public about the risks of contamination with HIV and other blood-borne pathogens.

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As a result, at least 8,000 people with hemophilia and other blood-clotting disorders contracted HIV/AIDS from transfusions of contaminated antihemophilic factor or AHF between 1980 and 1987. This means that as many as 50 percent of all individuals who suffer from blood-clotting disorders were exposed to HIV through their use of AHF.

In 1995, an independent scientific review conducted by the Institute of Medicine concluded that this tragedy occurred because the government failed to take the steps that could have prevented it. Some might argue that we cannot afford to do anything about that, but I believe we have an obligation to acknowledge what happened and make restitution to the victims of this disaster and their families.

This bill will not compensate them for the terrible harm that was done to them, nor will it begin to cover their medical costs. But it will mean a great

deal to them to know that their country has not abandoned them. I am proud to be an original cosponsor of this bill and urge all of my colleagues to join in supporting it today.

Mr. HYDE. Madam Speaker, I yield 1 minute and 30 seconds to the gentleman Arizona (Mr. HAYWORTH).

Mr. HAYWORTH. Madam Speaker, I thank my colleague, the gentleman from Florida (Mr. GOSS), for his hard work on this legislation.

I am pleased to come to the well today to speak in behalf of passage of this legislation because, Madam Speaker, I had a chance to listen to a young man from my State recount the very real difficulties that he confronted from receiving a transfusion of HIV-tainted blood. His name, Jeremy Storms.

Jeremy lived the Scriptures in which he so fervently believed. He let his light shine among men and, despite all the medical difficulties he encountered, many times he traveled here to Washington to tell us of the challenges he faced. He had a wisdom beyond his years. He would joke, you know, I used to be upset that I was a hemophiliac. Now I wish it was the only problem I had.

Jeremy passed away a few short months ago, but he did not live in vain. For his mother and father and family and for countless other families, this House on this day at this hour acknowledges the role of the Federal Government in public health and, yes, in personal responsibility.

I would urge this body, adopt this legislation in memory of Ricky Ray, Jeremy Storms and so many others.

Mr. SCOTT. Madam Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON).

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I rise in support of this bill. Having functioned as a registered professional nurse, I have observed over the years persons who are afflicted and need frequent transfusions are more subjected to the risk of HIV than others on a normal basis. This has been one of the viruses that has come along in our history that we have not found any way to conquer it. That we must always be mindful of.

Nothing is more important than assuring a family that when they have a loved one that needs a transfusion it is free of viruses and any other bacteria. We have gone a long way in that. We have had to deal with the virus of the 1930s for pneumonia and the virus of polio for the 1950s. Now we are having to deal with another major virus, the HIV virus.

So many people are so unaware of their risk for this disease, for the disease which the virus will cause. We must do all that we can to protect the general public, and this bill goes a long way in protecting the hemophiliacs because they can not get around having the transfusions.

I have observed too many families, heterosexual, intact families be destroyed by contamination from the young children and some young adults getting transfusions, blood transfusions. I do think, and I agree with the gentleman that there is a public health responsibility of our Federal Government, and this is one of those major issues that, until we find medical breakthroughs, we as a government need to take the responsibility of ensuring the availability of safe, virus-free blood.

Mr. HYDE. Madam Speaker, I yield 3 minutes to the gentleman from Florida (Mr. BILIRAKIS).

Mr. BILIRAKIS. Madam Speaker, I, too, rise in strong support of H.R. 1023.

First and foremost, I want to commend my colleague, the gentleman from Florida (Mr. GOSS), for his tireless efforts to secure passage of this important measure.

As chairman of the Subcommittee on Health and Environment of the Committee on Commerce, I am pleased to be an original cosponsor of the bill.

As my colleagues have already noted, H.R. 1023 provides compassionate payments to individuals with blood-clotting disorders who contracted HIV due to contaminated blood products. The National Hemophilia Foundation estimates that nearly 8,000 individuals with hemophilia contracted HIV from the Nation's blood supply which became contaminated before the identification of and development of tests to detect its presence.

These individuals and their families were already burdened by the medical costs of treating their blood-clotting disorders, and many have been financially devastated by the costs associated with HIV infection. This is a tragedy, and I share the Foundation's view that passage of this bill will serve to rebuild trust in the Federal Government in its essential role of protecting the U.S. blood supply and blood products.

A number of my constituents, including Margie and Johnny Kellar of Palm Harbor, have contacted me to urge enactment of this critical legislation. I share the desire to secure prompt passage of the bill, and I am pleased that the House is considering it today under a suspension of the rules.

As Members know, provisions of H.R. 1023 which fall within the jurisdiction of the House Committee on Commerce were enacted last year as part of the balanced budget law. Those provisions exempted the private settlement funds from the calculation of income for the purposes of determining Medicaid eligibility. This language was designed to ensure that those who accepted the private settlement would not lose their eligibility under the Medicaid program.

My Subcommittee on Health and Environment has jurisdiction over the Medicaid provisions, and I was pleased to secure their enactment as part of the 1997 balanced budget law.

The measure before us today extends similar protections to recipients of Supplemental Security Income benefits.

Again, I want to commend the gentleman from Florida (Mr. GOSS) for his leadership on this issue and his diligent efforts in bringing H.R. 1023 to the floor. I urge all of my colleagues to lend their wholehearted support to passage of this important bill.

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

Mr. HYDE. Madam Speaker, may I inquire how much time remains?

The SPEAKER pro tempore (Mrs. EMERSON). The gentleman from Illinois (Mr. HYDE) has 5 minutes remaining.

Mr. HYDE. Madam Speaker, I yield 2 minutes to the gentleman from Florida (Mr. STEARNS).

Mr. STEARNS. Madam Speaker, I thank the gentleman for yielding me this time.

I commend my colleague the gentleman from Florida (Mr. GOSS) for his vigilance in getting this legislation to the floor. I also am an original cosponsor of the Ricky Ray Relief Act. I am deeply committed to seeing this bill become public law.

Madam Speaker, my involvement in this issue began back in 1994 when I, too, was contacted by Gale and Randy Ellman. The Ellmans lost their son Eric Brandon when he was 14 years old. Eric died as a result of infusing a clotting factor that was tainted with HIV. His death is a double tragedy because it could have been avoided.

While we cannot bring back Ricky or Eric, we can try today to rectify this wrong. According to best estimates, about 8,000 hemophiliacs have been infected with HIV. This represents half the hemophiliacs in the country. By passing this bill we are simply saying that we acknowledge the government's failure, through the FDA, to protect our Nation's blood supply and regulate the sale of blood products.

Will $100,000 make up for the pain and suffering these families had to endure? The answer is no. But what it will do is say to thousands of people so deeply affected by this tragedy that your government wants to right the wrong.

The Ellmans called my office this morning to express their heartfelt gratitude for my support for this legislation and for my other colleagues' support. I say to the Ellmans and the many other families so devastated by what has happened to them, it is the very least we can do.

The SPEAKER pro tempore. The gentleman from Virginia (Mr. SCOTT) has 11½ minutes remaining.

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

Mr. HYDE. Madam Speaker, I yield 2 minutes to the distinguished gentleman from Virginia (Mr. DAVIS).

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

Mr. DAVIS of Virginia. Madam Speaker, I rise today to voice my strong support for H.R. 1023, the Ricky Ray Hemophilia Relief Fund Act.

As an original cosponsor in both this Congress and the 104th Congress, I am

enormously proud that we have been able to bring this bill to the floor in a bipartisan manner with the support and cosponsorship of over 270 Members.

The gentleman from Florida (Mr. GOSS) has done a tremendous job in garnering support for the Ricky Ray Act and ensuring that it come before the full House today.

I also express my appreciation to the chairman of the Committee on the Judiciary, the gentleman from Illinois (Mr. HYDE), as well.

I also want to recognize the hard work of the students at the Robinson Secondary School in Fairfax, Virginia, on behalf of the thousands of hemophiliacs suffering from AIDS. They have dedicated themselves over the past couple of years to winning passage of this legislation and are now witnessing that democracy does work.

As my colleagues know, this legislation is named for Ricky Ray, a young boy from Florida who died in 1992 of hemophilia-related AIDS that he contracted through the use of blood-clotting products. Approximately one-half of all hemophilia sufferers were infected with HIV through the use of blood-clotting products between 1980 and 1987. The Federal Government has a shared responsibility for this tragedy because it failed to fulfill its responsibility to protect the Nation's blood supply and to regulate the safety of blood products.

The Ricky Ray bill gives a one-time payment of $100,000 each to about 7,200 hemophiliacs, about half of whom are still surviving, who were infected with the AIDS virus from blood-clotting agents between July 1, 1982, and December 31, 1987. It also implements a sunset provision after 5 years from the date of the bill's enactment.

Passage of this legislation will mark a defining and critical moment in the lives of many innocent AIDS sufferers, not because of the relatively small amount of money they receive but because of the peace they and their families will have in knowing that their government has taken responsibility for what happened to them and is attempting to compensate them for their suffering to the extent that we are able to do so.

I strongly urge all of my colleagues to vote in favor of the Ricky Ray bill.

Mr. SCOTT. Madam Speaker, I yield 4 minutes to the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Madam Speaker, I thank my colleague from Virginia for yielding me this time.

I rise in strong support of the Ricky Ray Hemophilia Relief Fund Act. I want to commend our colleague, the gentleman from Florida (Mr. GOSS), for his leadership and compassion in bringing this legislation to the floor as a sponsor of this bill.

The life of the boy who gave his name to this legislation should remind all of us of the many different tragedies and demonstrations of courage and compassion the AIDS epidemic has brought us.

In his short life, Ricky witnessed the prejudice and fear which surrounded hemophilia, AIDS particularly, in its first decade but which is still all too common today. He had hemophilia, but he contracted AIDS and was the victim of much discrimination. He and his family watched their home burn down because neighbors were afraid of his illness.

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His family struggled with the tremendous financial burden of providing for a child with hemophilia and AIDS. Ricky's parents saw their son pass away as they confronted the limits of treatment to fight the HIV disease.

Each of these aspects of Ricky's life is important to remember today: The prejudice, the crushing financial burden, the hope for cures which have yet to come, and the inspiring courage and compassion of this young man, his family and friends. This was Ricky's story, and it is the story of thousands of other people, many of whom have died, many are living today with hemophilia, HIV and AIDS.

The resources that Congress can provide will not solve the tragedy of hemophilia and AIDS for Ricky Ray and others like him, but they will help individuals, families and communities begin to recover from the calamity that has befallen them. Whether the Federal Government acted appropriately to protect blood clotting products in the 1980s is not the issue today. At issue now is providing assistance to individuals and families who have been forced to confront a personal and financial crisis brought by two debilitating diseases.

The Federal Government must do many things to respond to the AIDS epidemic and to hemophilia. It must protect the Nation's blood supply; provide prevention interventions; in the case of HIV-AIDS, fund research to find a cure and a vaccine; and support health care and needed services for those who are ill.

But as with other major catastrophes, the Federal Government also must provide the resources which help families and communities take the first steps toward recovery. For that I am grateful to the gentleman from Florida (Mr. GOSS) for his leadership, to the gentleman from Virginia (Mr. SCOTT) for his participation in this, as well as the gentleman from Illinois (Mr. HYDE) and others, and I urge my colleagues to support H.R. 1023.

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

Mr. SCOTT. Madam Speaker, I yield myself such time as I may consume just to thank the gentleman from Florida (Mr. GOSS) for his hard work on this, the gentleman from Illinois (Mr. HYDE) for his leadership, and the gentleman from North Carolina (Mr. WATT), whose subcommittee considered this.

Ms. CHRISTIAN-GREEN. Madam Speaker, I rise today in strong support of H.R. 1023, a bill to provide compassionate payments to individuals with blood-clotting disorders such as, Hemophilia, who contracted the HIV virus due to contaminated blood.

My colleagues, children, especially minority children, are one of the most rapidly increasing segments of our population being infected with HIV. And, in all cases they are the innocent victims. Any legislation which helps to improve the quality of life of these children is worthy of all of our support.

Prevention programs, while available to all, often do not reach out to the most needy populations. Where we most need to improve our effort in this regard, is in making sure that the treatments which have been developed and proven to improve lives and health, are made accessible to all who need it. This bill does it.

As a family physician who has treated several patients with hemophilia, I am pleased to support H.R. 1023 and urge all my colleagues to do so as well.

Ms. JACKSON-LEE of Texas. Madam Speaker, as Chair of the Children's Congressional Caucus, and a co-sponsor of this bill, I want to take a few minutes to speak about the importance of this issue and this bill.

H.R. 1023 is named after Ricky Ray, a child victim of hemophiliac associated AIDS. Like thousands of others, Ricky Ray became infected with HIV through the use of contaminated blood products. Ricky brought national attention to this tragedy before he died from AIDS at age 15, 1992.

The Ricky Ray Hemophilia Relief Fund Act will not only acknowledge the federal government's unique responsibility to protect the nation's blood supply, it will also provide recognition to and some small solace to those living with hemophilia related HIV and their families. Almost 50% of the U.S. hemophilia population has been infected with HIV through tainted blood products. This bill will also authorize a $750 million dollar fund to provide compassionate assistance to individuals struggling with the emotional and financial costs of this disease.

In my home state of Texas, AIDS was the sixth leading cause of death among young people aged 13–24, and currently worldwide approximately 775,000 Americans are infected with the HIV virus.

Although we can never fully compensate the victims and families of those who are living with hemophilia related AIDS and HIV, we must show our compassion and our recognition of their plight, through the legislation here today.

Ms. FURSE. Madam Speaker, I rise today in support of H.R. 1023, the Ricky Ray Hemophilia Relief Fund Act. I want to congratulate my colleague, Mr. GOSS, for his hard work and relentless efforts to pass this bill through the House.

In 1994, shortly after I was first elected to the House, a constituent of mine named Katherine Royer brought to my attention the plight of people with hemophilia who became infected with HIV through tainted blood products. Many of these people were children. Until I met Katherine, I had no idea that over 7000 people with hemophilia had become infected with HIV, and their already complicated lives were getting even more difficult. Her family's story was powerful, and Katherine has relentlessly pursued this issue in her community and with her elected officials.

I strongly support H.R. 1023 because it acknowledges that the government must protect

the nation's blood supply, and provides assistance to the victims of this tragedy. With yearly medical costs of over $150,000, and a lack of legal options, many of the affected families have been devastated financially. While this bill can not bring back loved ones, it can provide those who are still living with some degree of financial relief. In addition, it recognizes, finally, the tragedy that occurred and the impact it had on the entire hemophilia community.

I thank Katherine for bringing this issue to my attention, and am pleased that H.R. 1023 is finally on the floor of the House. I strongly urge all my colleagues to support it.

Mr. SHAW. Madam Speaker, I strongly support H.R. 1023, the ''Ricky Ray Hemophilia Relief Fund Act of 1998.''

H.R. 1023, sponsored by my friend PORTER GOSS, is named for Ricky Ray, a 15 year old Florida hemophiliac who died in 1992. This bill represents the best of what government can do to help needy families struggling to overcome personal tragedy. From some, including for the bill's namesake, H.R. 1023 comes too late to provide help. But for many others it will provide welcome relief, and I am proud not only to be an original cosponsor, but also to have helped H.R. 1023 progress through the Ways and Means Committee to the House floor today.

Even though the bill was first marked up by the Judiciary Committee, an important component is the promise H.R. 1023 would keep by continuing Supplemental Security Income (SSI) benefits to needy individuals, which falls under the jurisdiction of the Committee on Ways and Means and the Subcommittee on Human Resources that I chair. These critical benefits will remain available despite a recent settlement and also new federal funds that otherwise would disqualify hemophiliacs who contracted the AIDS virus through tainted blood products in the 1980s from continued SSI eligibility. There is ample precedent for SSI to ignore such payments, and I can scarcely think of a more worthy class than this limited number of hemophiliacs, many of them children at the time, who have been afflicted with the AIDS virus. The Congressional Budget Office has told us the cost is minimal, especially when compared with the tragedy these individuals and their families have already experienced.

Another important feature of the bill is that it would exempt the payments from federal income taxes. Chairman BILL ARCHER summarized the issue well when the Committee on Ways and Means unanimously approved H.R. 1023 last month: ''No amount of money in the world can fix this tragedy, but we want to make sure that the federal payments are treated as tax-free, as they should be, and that SSI benefits stay unchanged for these innocent victims. They've been through enough as it is.''

Madam Speaker, I commend Congressman GOSS for his diligence in pressing for passage of this important bill, and urge all of our colleagues to support it.

Mr. ARCHER. Madam Speaker, I rise today in support of H.R. 1023, the Ricky Ray Hemophilia Relief Act. As an original cosponsor to the legislation introduced by my friend and colleague, PORTER GOSS, I believe that H.R. 1023 takes a positive step in addressing a great wrong that was committed affecting seven thousand Americans; over half of the hemophilia community.

In 1995, the Institute of Medicine conducted an independent review which concluded that the system designed to ensure the safety of blood and blood products had been ill-prepared to deal with the dangers of blood-borne viruses and had failed to protect the public health. As a result, thousands of Americans with hemophilia became infected with HIV through the use of these contaminated blood products.

The portion of the legislation that came before the Ways and Means Committee ensures that payments to people with hemophilia who contracted HIV from tainted blood products will be tax-free and not threaten benefits under the Supplemental Security Income (SSI) system. While no amount of money in the world can fix this tragedy, Congress must do all it can to make certain that the SSI benefits of these individuals living with two chronic and expensive diseases remain unchanged.

Finally, I want to commend: Congressman GOSS; Chairmen HYDE and BLILEY; the National Hemophilia Foundation (NHF); Ray Stenhope, a Houstonian who is Past-President of NHF; Dr. Keith Hoots and the folks at the Gulf States Hemophilia Treatment Center at Hermann Hospital in Houston; and everyone else who worked long and hard to bring this legislation before the House of Representatives. While I realize that these courageous individuals and their families will have to continue to live with the horrors of this tragedy, I hope that this bill will at least bring them some comfort.

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

The SPEAKER pro tempore (Mrs. EMERSON). The question is on the motion offered by the gentleman from Illinois (Mr. HYDE) that the House suspend the rules and pass the bill, H.R. 1023, as amended.

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

The title was amended so as to read: ''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 antihemophilic factor, and for other purposes.''.

A motion to reconsider was laid on the table.

VETERANS TRANSITIONAL HOUSING OPPORTUNITIES ACT OF 1998

Mr. STUMP. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 3039) to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to guarantee loans to provide multifamily transitional housing for homeless veterans, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3039

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 ''Veterans Transitional Housing Opportunities Act of 1998''.

SEC. 2. LOAN GUARANTEE FOR MULTIFAMILY TRANSITIONAL HOUSING FOR HOMELESS VETERANS.

(a) IN GENERAL.—Chapter 37 of title 38, United States Code, is amended by adding at the end the following new subchapter:

''SUBCHAPTER VI—LOAN GUARANTEE FOR MULTIFAMILY TRANSITIONAL HOUSING FOR HOMELESS VETERANS

''§ 3771. Definitions

''For purposes of this subchapter—

''(1) the term 'veteran' has the meaning given such term by paragraph (2) of section 101;

''(2) the term 'homeless veteran' means a veteran who is a homeless individual; and

''(3) the term 'homeless individual' has the same meaning as such term has within the meaning of section 103 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11302).

''§ 3772. General authority

''(a) The Secretary may guarantee the full or partial repayment of a loan that meets the requirements of this subchapter.

''(b)(1) Not more than 15 loans may be guaranteed under subsection (a), of which not more than 5 such loans may be guaranteed during the 3-year period beginning on the date of enactment of the Veterans Transitional Housing Opportunities Act of 1998.

''(2) A guarantee of a loan under subsection (a) shall be in an amount that is not less than the amount necessary to sell the loan in a commercial market.

''(3) Not more than an aggregate amount of $100,000,000 in loans may be guaranteed under subsection (a).

''(c) A loan may not be guaranteed under this subchapter unless, prior to closing such loan, the Secretary has approved such loan.

''(d)(1) The Secretary shall enter into contracts with a qualified nonprofit organization to obtain advice in carrying out this subchapter, including advice on the terms and conditions necessary for a loan that meets the requirements of section 3773.

''(2) For purposes of paragraph (1), a qualified nonprofit organization is a nonprofit organization—

''(A) described in paragraph (3) or (4) of subsection (c) of section 501 of the Internal Revenue Code of 1986 and exempt from tax under subsection (a) of such section, and

''(B) that has experience in underwriting transitional housing projects.

''(e) The Secretary may carry out this subchapter in advance of the issuance of regulations for such purpose.

''(f) The Secretary may guarantee loans under this subchapter notwithstanding any requirement for prior appropriations for such purpose under any provision of law.

''§ 3773. Requirements

''(a) A loan referred to in section 3772 meets the requirements of this subchapter if—

''(1) the loan is for—

''(A) construction of, rehabilitation of, or acquisition of land for a multifamily transitional housing project described in subsection (b), or more than one of such purposes;

''(B) refinancing of an existing loan for such a project;

''(C) financing acquisition of furniture, equipment, supplies, or materials for such a project; or

''(D) in the case of a loan made for purposes of subparagraph (A), supplying such organization with working capital relative to such a project;

''(2) the loan is made in connection with funding or the provision of substantial property or services for such project by either a State or local government or a nongovernmental entity, or both;

''(3) the maximum loan amount does not exceed the lesser of—

''(A) that amount generally approved (utilizing prudent underwriting principles) in the consideration and approval of projects of similar nature and risk so as to assure repayment of the loan obligation; and

''(B) 90 percent of the total cost of the project;

''(4) the loan is of sound value, taking into account the creditworthiness of the entity (and the individual members of the entity) applying for such loan;

''(5) the loan is secured; and

''(6) the loan is subject to such terms and conditions as the Secretary determines are reasonable, taking into account other housing projects with similarities in size, location, population, and services provided.

''(b) For purposes of this subchapter, a multifamily transitional housing project referred to in subsection (a)(1) is a project that—

''(1)(A) provides transitional housing to homeless veterans, which housing may be single room occupancy (as defined in section 8(n) of the United States Housing Act of 1937 (42 U.S.C. 1437f(n)));

''(B) provides supportive services and counselling services (including job counselling) at the project site with the goal of making such veterans self-sufficient;

''(C) requires that the veteran seek to obtain and keep employment;

''(D) charges a reasonable fee for occupying a unit in such housing;

''(E) maintains strict guidelines regarding sobriety as a condition of occupying such unit; and

''(F) may include space for neighborhood retail services or job training programs; and

''(2) may provide transitional housing to veterans who are not homeless and to homeless individuals who are not veterans if—

''(A) at the time of taking occupancy by any such veteran or homeless individual, the transitional housing needs of homeless veterans in the project area have been met;

''(B) the housing needs of any such veteran or homeless individual can be met in a manner that is compatible with the manner in which the needs of homeless veterans are met under paragraph (1); and

''(C) the provisions of subparagraphs (D) and (E) of paragraph (1) are met.

''(c) In determining whether to guarantee a loan under this subchapter, the Secretary shall consider—

''(1) the availability of Department of Veterans Affairs medical services to residents of the multifamily transitional housing project; and

''(2) the extent to which needs of homeless veterans are met in a community, as assessed under section 107 of Public Law 102–405.

''§ 3774. Default

''(a) The Secretary shall take such steps as may be necessary to obtain repayment on any loan that is in default and that is guaranteed under this subchapter.

''(b) Upon default of a loan guaranteed under this subchapter and terminated pursuant to State law, a lender may file a claim under the guarantee for an amount not to exceed the lesser of—

''(1) the maximum guarantee; or

''(2) the difference between—

''(A) the total outstanding obligation on the loan, including principal, interest, and expenses authorized by the loan documents, through the date of the public sale (as authorized under such documents and State law); and

''(B) the amount realized at such sale.

''§ 3775. Audit

''During each of the first 3 years of operation of a multifamily transitional housing project with respect to which a loan is guaranteed under this subchapter, there shall be an annual, independent audit of such operation. Such audit shall include a detailed statement of the operations, activities, and accomplishments of such project during the year covered by such audit. The party responsible for obtaining such audit (and paying the costs therefor) shall be determined before the Secretary issues a guarantee under this subchapter.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 37 of title 38, United States Code, is amended by adding at the end the following new items:

''SUBCHAPTER VI—LOAN GUARANTEE FOR MULTIFAMILY TRANSITIONAL HOUSING FOR HOMELESS VETERANS

''3771. Definitions.
''3772. General authority.
''3773. Requirements.
''3774. Default.
''3775. Audit.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. STUMP) and the gentleman from Illinois (Mr. EVANS) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona (Mr. STUMP).

GENERAL LEAVE

Mr. STUMP. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and include extraneous material on H.R. 3039, as amended.

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

There was no objection.

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

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

Mr. STUMP. Madam Speaker, H.R. 3039 is the Veterans Transitional Housing Opportunity Act of 1998. It authorizes the VA to guarantee home loans for multi-unit transitional housing for homeless veterans. The bill also requires homeless projects using these loans to work with VA health care facilities as well as State and local authorities. Additionally, it requires residents to seek and obtain employment and maintain sobriety.

The bill is based on a model that stresses personal responsibility, addiction recovery and work. The project must provide supportive services, sobriety, personal and job counseling. Residents are required to pay a reasonable fee for their residence.

Many committee members have contributed to this bill from both sides of the aisle and we appreciate that very much.

Madam Speaker, I reserve the balance of my time.

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

I am pleased to be an original cosponsor of H.R. 3039, the Veterans Housing Opportunities Act of 1998. This bill will furnish yet another tool to meet the housing and supportive service needs of homeless veterans.

Many of these men and women, who once served their country with honor, can return to society as productive citizens if they are provided with an appropriate continuum of care. The program established under H.R. 3039 will provide the sanctuary, support and services necessary to achieve this goal.

I want to thank the chairman of the full committee, the gentleman from Ohio (Mr. STOKES) for his help in the development of this legislation. I also want to commend the chairman of the Subcommittee on Benefits of the Committee on Veterans' Affairs, the gentleman from New York (Mr. JACK QUINN), and the ranking Democrat on the committee, the gentleman from California (Mr. BOB FILNER), for their hard work on these issues. Their cooperative bipartisan efforts have resulted in a bill that is good for the veterans of this country. I urge my colleagues to support H.R. 3039.

Madam Speaker, I reserve the balance of my time.

Mr. STUMP. Madam Speaker, I yield such time as he may consume to the gentleman from New York (Mr. QUINN), the chairman of the Subcommittee on Benefits of the Committee on Veterans' Affairs.

Mr. QUINN. Madam Speaker, I thank the gentleman for yielding me this time.

H.R. 3039 is a bill to provide a VA loan guarantee for transitional housing for homeless veterans. In testimony before our Subcommittee on Benefits here in Washington, D.C., as well as testimony at a hearing held in Buffalo, New York, in my district, witness after witness said that the major stumbling block to providing services to homeless veterans is the inability to obtain stable funding. H.R. 3039 is intended to address this obstacle, thereby increasing the supply of transitional housing for homeless veterans.

It is fairly common knowledge that veterans comprise about one-third of homeless adults in this country, and that a high percentage of the homeless suffer from substance abuse and mental illness. Four years ago the Congress called for programs serving homeless veterans to receive a proportional share of funding for the homeless. Unfortunately, that has not happened.

Moreover, there appears to be a niche that is not being filled in the continuum of service necessary to move chronically affected veterans from being a drain on society to being productive citizens. That niche is transitional housing.

H.R. 3039 authorizes loans for transitional housing programs that will provide a supportive and structured environment for our homeless veterans. The bill has the following features:

The VA would be authorized to guarantee up to 15 loans for multi-unit transitional housing for homeless veterans, but the VA could not guarantee more than 5 loans in the first 3 years of the program. The aggregate value of the loans is capped at $100 million.

The bill requires VA to obtain advice in administering the program from a

not-for-profit corporation experienced in developing these kinds of programs. This approach obviates the need for the VA to develop additional staff or expertise, and should enable the VA to manage the program within its existing resources.

The borrowers must work with VA health care facilities and State and local authorities to provide a full range of supportive services to maintain sobriety as well as personal counseling and employment services. Projects must work closely with the VA and non-VA sources as a means to reduce the project costs and enhance the effectiveness of the project and other related programs.

This bill requires residents to seek and obtain employment and to maintain sobriety. It is a tough love approach. While the bill does not require a zero tolerance approach to substance abuse for those enrolled in the program, the committee believes that the potential negative impact of those who continue to abuse drugs or alcohol on those wishing to remain clean and sober justifies the zero tolerance.

Finally, residents are required to pay a reasonable fee for their residence because it promotes personal responsibility. Along with staying clean and sober, part of taking personal responsibility is paying one's way in the world and is yet another step towards becoming a fully productive citizen.

I would like to thank all the members of the committee for the bipartisan manner in which we worked through this to bring the bill to the floor. The subcommittee and the gentleman from California (Mr. FILNER) and his staff worked very hard; the gentleman from Illinois (Mr. LANE EVANS), who traveled to Buffalo for the hearing we had, I am also appreciative to him, and especially thank the chairman of the committee, the gentleman from Arizona (Mr. STUMP) for his leadership on the issue.

Madam Speaker, it is a good bill. We believe it fills a void that now exists in the homeless programs, particularly for our veterans in this country, and I urge my colleagues to support H.R. 3039.

Mr. EVANS. Madam Speaker, I yield 3 minutes to the gentleman from California (Mr. FILNER).

Mr. FILNER. Madam Speaker, I thank the gentleman for yielding me this time.

Madam Speaker, as the ranking Democrat member of the Subcommittee on Benefits of the Committee on Veterans' Affairs, I want to also commend the chairman of the subcommittee, the gentleman from New York (Mr. QUINN), for his leadership on H.R. 3039, the Veterans Transitional Housing Opportunities Act for 1998.

This bill, as the gentleman has explained, will provide the transitional housing so desperately needed by the hundreds of thousands of veterans who sleep on America's streets each night. There is virtually no disagreement that one-third of the homeless men in this country are veterans. In my hometown of San Diego, it is estimated that 40 to 50 percent of the homeless are veterans.

I am very troubled that this very difficult problem never seems to get better. The number of homeless veterans never seems to decrease. I conclude from this that our approach must change. And although H.R. 3039 is not a panacea, I am convinced this program can provide the assistance and support necessary for homeless veterans to reestablish themselves as solid contributing citizens.

This program emphasizes self-sufficiency by requiring housing providers to make available job counseling to veteran residents and by requiring veterans to find and keep a job and to pay a reasonable fee for their housing. H.R. 3039 will provide a hand up, not a handout.

I want to thank the gentleman from New York (Mr. QUINN) for his willingness to reexamine the funding mechanism that was included in H.R. 3039 as introduced. Although the officials of the Veterans Administration did not fully articulate their concerns regarding this section of the bill until rather late in the process, the issues they raised were indeed important, and I am pleased we were able to come to an agreement on the funding issue.

H.R. 3039 is an excellent bill, and I urge my colleagues to vote in favor of this measure.

Mr. STUMP. Madam Speaker, I yield 2 minutes to the gentleman from New York (Mr. GILMAN), chairman of the Committee on International Relations.

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

Mr. GILMAN. Madam Speaker, I thank the gentleman for yielding me this time, and I am pleased to rise in strong support of H.R. 3039, the Veterans Transitional Housing Opportunities Act, creating a pilot program to allow the Department of Veterans Affairs to guarantee loans to community-based organizations providing services for homeless veterans.

I commend the distinguished chairman of our Committee on Veterans' Affairs, the gentleman from Arizona (Mr. STUMP), for his work on this bill, and the gentleman from New York (Mr. QUINN), and the gentleman from California (Mr. FILNER) for their work on this important legislation.

Homelessness, regrettably, is a widespread problem among our veterans. It is also unfortunate that many of those veterans who are homeless also require psychiatric care and rehabilitation treatment to recover from alcohol or substance abuse. Moreover, such veterans also often require training in marketable job skills to assist them in earning a living after they have recovered.

The duty of providing housing rehabilitation and job training for homeless veterans is expensive. Increasingly, the Department of Veterans Affairs, with its new drive towards efficiency and outpatient care, has been unable to meet those needs. This bill directs the VA to guarantee the full or partial repayment of 15 loans to community-based organizations, with a maximum guarantee amount of $100 million, to fulfill these needs.

Accordingly, Madam Speaker, I urge my colleagues to support this worthy legislation.

Mr. STUMP. Madam Speaker, I yield myself the balance of my time to thank the chairman of the subcommittee, the gentleman from New York (Mr. QUINN), and the gentleman from California (Mr. FILNER), the ranking member of the subcommittee, as well as the gentleman from Illinois (Mr. LANE EVANS), the ranking member of the full committee, for all their hard work in putting this bill together.

This is a bipartisan bill, and I would urge the Members to support it.

Mr. REYES. Madam Speaker, I rise today in strong support of H.R. 3039, the Veterans Transitional Housing Opportunities Act of 1998, and ask unanimous consent to revise and extend my remarks.

This bill will provide a much needed boost to improving the availability of safe and secure homes for our Veterans. I am proud to join the Chairman and Ranking member of the Veterans' Affairs Committee as a co-sponsor of this important bill, which will provide a much needed boost to the pool of housing for our homeless veterans.

In America, where there is so much prosperity, it is a tragedy that so many of our citizens are homeless, day after day, night after night, looking for shelter. Moreover, it is disturbing that one third of our nation's homeless are men and women who admirably served our country as veterans. This legislation reaffirms our commitment to our veterans wherever they are, to provide them safe and secure shelter. By authorizing $100 million in loan guarantees for the development of transitional housing, and by providing for support and counseling. I am proud to state that the Veterans' Affairs Committee has sought to bring these homeless veterans hope and independence. A home is the foundation of our country, and this legislation will bring our homeless veterans out from the cold.

Moreover, this legislation is good policy as it provides for partnerships with local communities to provide this housing. By requiring local and community involvement, we can ensure that the specialized needs of our nation's veterans are secured across the country.

As we take up this important legislation, we recommit ourselves to improving the lives of our nation's veterans. Today I stand with my colleagues on the Veterans Committee and the entire House in strongly supporting this bill. This legislation will truly begin to bring our dedicated and courageous veterans home. I encourage its unanimous passage.

Thank you, Mr. Speaker.

Ms. JACKSON-LEE of Texas. Madam Speaker, I rise before you today to express my support of the Veterans Transitional Housing Opportunities Act of 1998 (H.R. 3039). The Statistic noting that one in three homeless Americans are military veterans is staggering. The shortage of transitional housing is a result

of the difficulty of veterans in obtaining financing. This bill helps to address that problem. Our military is one of this country's strongest resources and I believe wholeheartedly, that we owe it to our servicemen and servicewomen to assist these protectors of our country and Constitution in their time of need.

This bill does not provide assistance without conditions. Those who are eligible to participate in the program must seek and subsequently maintain a job, pay a reasonable rent and remain drug and alcohol free. These safeguards in determining eligibility will protect the program from potential abuses.

In conclusion, I want to applaud Representative STUMP for introducing this bill and urge my colleagues to join me in supporting the Veterans Transitional Housing Opportunities Act of 1998. These quarter of a million veterans served this country when we needed them, it is now our turn to serve them.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. STUMP) that the House suspend the rules and pass the bill, H.R. 3039, as amended.

The question was taken.

Mr. STUMP. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

□ 1300

AUTHORIZING MAJOR MEDICAL FACILITY PROJECTS AND MAJOR MEDICAL FACILITY LEASES FOR DEPARTMENT OF VETERANS AFFAIRS FOR FISCAL YEAR 1999

Mr. STUMP. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 3603) to authorize major medical facility projects and major medical facility leases for the Department of Veterans Affairs for fiscal year 1999, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3603

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

SECTION 1. AUTHORIZATION OF MAJOR MEDICAL FACILITY PROJECTS.

(a) IN GENERAL.—The Secretary of Veterans Affairs may carry out the following major medical facility projects, with each project to be carried out in the amount specified for that project:

(1) Alterations to facilitate consolidation of services in buildings 126 and 150, and demolition of seismically unsafe building 122 at the Department of Veterans Affairs Medical Center, Long Beach, California, in an amount not to exceed $23,200,000.

(2) Construction and seismic work at the Department of Veterans Affairs Medical Center, San Juan, Puerto Rico, in an amount not to exceed $50,000,000.

(3) Outpatient clinic expansion at the Department of Veterans Affairs Medical Center, Washington, D.C., in an amount not to exceed $29,700,000.

(4) Construction of a psychogeriatric care building and demolition of seismically unsafe building 324 at the Department of Veterans Affairs Medical Center, Palo Alto, California, in an amount not to exceed $22,400,000.

(5) Construction of an ambulatory care addition and renovations for ambulatory care at the Department of Veterans Affairs Medical Center, Cleveland (Wade Park), Ohio, in an amount not to exceed $28,300,000, of which $7,500,000 shall be derived from funds appropriated for a fiscal year before fiscal year 1999 that remain available for obligation.

(6) Construction of an ambulatory care addition at the Department of Veterans Affairs Medical Center, Tucson, Arizona, in an amount not to exceed $35,000,000.

(7) Construction of an addition for psychiatric care at the Department of Veterans Affairs Medical Center, Dallas, Texas, in an amount not to exceed $24,200,000.

(8) Outpatient clinic projects at Auburn and Merced, California, as part of the Northern California Healthcare Systems Project, in an amount not to exceed $3,000,000, to be derived only from funds appropriated for Construction, Major Projects, for a fiscal year before fiscal year 1999 that remain available for obligation.

(b) CONSTRUCTION OF PARKING FACILITY.—The Secretary may construct a parking structure at the Department of Veterans Affairs Medical Center, Denver, Colorado, in an amount not to exceed $13,000,000, of which $11,900,000 shall be derived from funds in the Parking Revolving Fund.

SEC. 2. AUTHORIZATION OF MAJOR MEDICAL FACILITY LEASES.

The Secretary of Veterans Affairs may enter into leases for satellite outpatient clinics as follows:

(1) Baton Rouge, Louisiana, in an amount not to exceed $1,800,000.

(2) Daytona Beach, Florida, in an amount not to exceed $2,600,000.

(3) Oakland Park, Florida, in an amount not to exceed $4,100,000.

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to the Secretary of Veterans Affairs for fiscal year 1999—

(1) for the Construction, Major Projects, account $205,300,000 for the projects authorized in section 1(a); and

(2) for the Medical Care account, $8,500,000 for the leases authorized in section 2.

(b) LIMITATION.—(1) The projects authorized in section 1(a) may only be carried out using—

(A) funds appropriated for fiscal year 1999 pursuant to the authorization of appropriations in subsection (a);

(B) funds appropriated for Construction, Major Projects, for a fiscal year before fiscal year 1999 that remain available for obligation; and

(C) funds appropriated for Construction, Major Projects, for a fiscal year before fiscal year 1999 for a category of activity not specific to a project.

(2) The project authorized in section 1(b) may only be carried out using funds appropriated for a fiscal year before fiscal year 1999—

(A) for the Parking Revolving Fund; or

(B) for Construction, Major Projects, for a category of activity not specific to a project.

SEC. 4. THRESHOLD FOR TREATMENT OF PARKING FACILITY PROJECT AS A MAJOR MEDICAL FACILITY PROJECT.

Section 8109(i)(2) of title 38, United States Code, is amended by striking out ''$3,000,000'' and inserting ''$4,000,000''.

SEC. 5. PROCEDURES FOR NAMING OF PROPERTY BY SECRETARY OF VETERANS AFFAIRS.

(a) IN GENERAL.—Subchapter II of chapter 5 of title 38, United States Code, is amended by adding at the end the following new section:

''§ 530. Procedures for naming property

''(a) If the Secretary proposes to designate the name of any property of the Department other than for the geographic area in which that property is located, the Secretary shall conduct a public hearing before making the designation. The hearing shall be conducted in the community in which the property is located. At the hearing, the Secretary shall receive the views of veterans service organizations and other interested parties regarding the proposed name of the property.

''(b) Before conducting such a hearing, the Secretary shall provide reasonable notice of the proposed designation and of the hearing. The notice shall include—

''(1) the time and place of the hearing;

''(2) identification of the property proposed to be named;

''(3) identification of the proposed name for the property;

''(c)(1) If after a hearing under subsection (a) the Secretary intends to name the property involved other than for the geographic area in which that property is located, the Secretary shall notify the congressional veterans' affairs committees of the Secretary's intention to so name the property and shall publish a notice of such intention in the Federal Register.

''(2) The Secretary may not designate the property with a name for which a notice was published in the Federal Register pursuant to paragraph (1) until the end of a 60-day period of continuous session of Congress following the date of the submission of notice under paragraph (1). For purposes of the preceding sentence, continuity of a session of Congress is broken only by an adjournment sine die, and there shall be excluded from the computation of such 60-day period any day during which either House of Congress is not in session during an adjournment of more than three days to a day certain.

''(3) Each notice under paragraph (1) shall include the following:

''(A) An identification of the property involved.

''(B) An explanation of the background of, and rationale for, the proposed name.

''(C) A summary of the views expressed by interested parties at the public hearing conducted in connection with the proposed name, together with a summary of the Secretary's evaluation of those views.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 529 the following new item:

''530. Procedures for naming property.''.

(c) EFFECTIVE DATE.—Section 530 of title 38, United States Code, as added by subsection (a), shall take effect as of January 1, 1998.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. STUMP) and the gentleman from Illinois (Mr. EVANS) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona (Mr. Stump).

GENERAL LEAVE

Mr. STUMP. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 3603, as amended.

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

There was no objection.

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

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

Mr. STUMP. Madam Speaker, H.R. 3603 authorizes a total of $205 million in major medical construction projects throughout the United States. It also authorizes $8.5 million in VA's medical care account for leasing facilities. All of these projects will be funded from this increase at the top of the VA's priority list of construction projects.

Madam Speaker, let me mention one of the provisions contained in this bill. After the bill reported out of the Committee, we became aware of a controversy regarding the VA Secretary's authority to name VA facilities. In order to avoid circumstances like this in the future, we have added this provision establishing a public hearing procedure to be followed by the Secretary if he decides to name a facility other than for the geographic area in which it is located. This provision would be retroactive until January 1 of this year.

Madam Speaker, I reserve the balance of my time.

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

I am pleased to rise in support of H.R. 3603, a bill to authorize VA's major medical construction and lease projects for fiscal year 1999.

I want to commend my colleague, the gentleman from Arizona (Mr. STUMP), the Chairman of the Committee, for supporting a completely bipartisan process. The projects VA identified as the highest priorities comprise those we recommended for funding for fiscal year 1999.

I believe the bill will allow VA to fund projects that are consistent with VA's efforts to ensure patient safety and accommodate more care on an outpatient basis.

We have been cautious stewards, and the projects authorized in this bill are of vital importance to VA and the veterans that rely on them for their care. I recommend support for adoption of the major medical construction projects contained in H.R. 3603, as amended; and I urge my colleagues to support the resolution.

While VA has significantly reduced its reliance on outpatient bed care, VA providers will continue in the foreseeable future to need beds in a variety of settings. Remaining beds must be housed in modern, safe and accessible facilities.Two projects redress systemic, seismic problems in the San Juan, Puerto Rico and Long Beach, California facilities and both were requested by the Administration.

Other selected projects allow VA to continue moving more expensive hospital bed care to outpatient care settings. Some projects consolidate VA's activities and allow it to become more cost effective. In addition, the Committee is authorizing funds for three major leases for outpatient facilities. These leases will allow VA to take advantage of the community's excess capacity and become more accessible to its users. These projects are not only consistent with recent trends in VA health care, they are consistent with the direction of modern medicine.

Mr. STUMP. Madam Speaker, I yield 2 minutes to the gentleman from New York (Mr. GILMAN).

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

Mr. GILMAN. Madam Speaker, I thank the gentleman from Arizona Mr. STUMP) for yielding me the time.

Madam Speaker, I am pleased to rise in strong support of this measure, legislation authorizing major medical construction projects and facility leases for the VA in fiscal year 1999 throughout our country.

I commend the distinguished chairman, the gentleman from Arizona Mr. STUMP), for his work in bringing this measure to the floor at this time and for his committee's work.

One of the most important responsibilities that we have as a Nation is to provide proper medical care for our veterans. As our veterans population ages, the need for medical care becomes even more acute. This legislation will allow the Department of Veterans Affairs to fund nine high-priority medical projects throughout our Nation and to lease three medical facilities.

Accordingly, I urge my colleagues to join in supporting this worthy legislation, which will provide improved health care for our veterans.

Mr. EVANS. Madam Speaker, I yield 2 minutes to the gentlewoman from Colorado (Ms. DEGETTE).

Ms. DEGETTE. Madam Speaker, I thank the gentleman from Illinois (Mr. EVANS) for yielding me the time.

I rise today in support of this legislation because it addresses the critical needs of medical centers throughout the country. In Denver, for example, the need for a new parking structure has increased with the expansion of programs provided by the VA Medical Center, especially outpatient programs and the increasing employment necessitated by the programs.

Currently, the lack of available parking impedes access to care. Less than 400 parking spaces are available on the grounds; and many patients, some of whom it is difficult to walk far, have to park up to five blocks away from the medical center.

H.R. 3603 addresses this problem. It provides for construction of a multilevel structure to house 700 parking spaces, and it includes a horizontal connection to the existing medical center. Consequently, it will enhance our ability to provide timely, efficient health care to the veterans, the many veterans, in the Denver metropolitan area.

I thank the Ranking Member, the gentleman from Illinois (Mr. EVANS), and the Chairman of the Committee, the gentleman from Arizona Mr. STUMP), for their leadership and assistance in providing this important funding.

Mr. STUMP. Madam Speaker, I yield such time as he may consume to the gentleman from Florida (Mr. STEARNS), chairman of the Subcommittee on Health.

Mr. STEARNS. Madam Speaker, I thank the distinguished gentleman from Arizona (Mr. STUMP), chairman of our full committee, for yielding me the time.

I rise in support of H.R. 3603, which, of course, is the construction authorization bill.

Madam Speaker, the VA health care system is going through a period of needed change toward providing care more efficiently and improving veterans' access to care. With our encouragement, VA has opened many community-based clinics to bring medical care closer to all of our veterans.

Nevertheless, Congress expects VA to continue to provide hospital and nursing home care for veterans in VA medical centers across this country. Like the veterans themselves, many of these facilities are aging, are having problems in construction. We cannot turn our backs on our veterans, and we should not turn our backs on the hospitals on which they depend. We must face the fact that some of these facilities require major renovations to meet patient care, safety and, of course, privacy requirements.

The VA's major construction budget is the vehicle to address those needs. Yet, despite the fact that many VA hospitals need significant construction work, the administration's fiscal year 1999 budget proposes to fund construction work at only two VA medical centers. This is unclear to me why. The administration even failed to request any funding for three projects that VA itself has indicated is their top priority.

Madam Speaker, this bill will remedy this failure. In proposing $205 million for major medical construction, H.R. 3603 would authorize what the committee believes is both a more appropriate level of construction funding than the $84 million proposed by the President and a more appropriate mix of needed construction projects.

With this legislation, Congress would set a course towards remedying some of the most pressing construction needs in the entire VA system. These include projects to provide badly needed outpatient clinic capacity at some of VA busiest medical centers, improve psychiatric care and renovation of seismically unsafe facilities.

As Memorial Day approaches, we must not only remember our veterans but take steps, like the passage of this legislation this afternoon, to honor the commitments to our veterans. I urge my colleagues to support H.R. 3603.

Mr. EVANS. Madam Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON).

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I rise in support of this bill.

Much of my career was spent working with veterans at the Veterans Administration Medical Center in Dallas,

and I know full well the strides that they have attempted to make to improve services.

The Veterans Integrated Service Network 17 serving North, Central and South Texas, has sought major construction assistance for over 10 years to replace its 58-year-old mental health facility at the Dallas VA Medical Center.

The North Texas VA Mental Health Enhancement Project was originally authorized in 1996, and I am very pleased that the Committee on Veterans' Affairs saw fit to include this vital project in the major construction authorization bill for 1999.

The Veterans Integrated Service Network 17 has the highest concentration of combat veterans in the U.S., as well as the highest proportion of POWs and Posttraumatic Stress Disorder treatment programs.

The Dallas Medical Center is the primary veterans' mental health provider in the network, serving approximately 7,000 veterans with mental health needs each year. The Dallas VA has done an extraordinary job streamlining its mental health programs to better serve Texas veterans with mental health needs. But the age, limited space, and poor physical condition of the 1930s-era mental health facilities have severely limited its ability to treat many veterans seeking mental health services. Some of these buildings are literally crumbling around our veterans. All are functionally obsolete.

Our veterans really do deserve better. The mental health enhancement project will consolidate all mental health inpatient and outpatient programs currently scattered around VA campus in makeshift sites into one new building located adjacent to the clinical building. This will allow the Dallas VA to expand its outpatient programs and reduce its inpatient nursing beds.

As important, veterans will be able to go to one location for mental health and medical services rather than being run all over the campus.

I urge my colleagues to vote for this bill.

I know that this project, as essential as it is and just beginning to get some attention, I know how important the rest of them are, and I hope we can support all of them.

Mr. EVANS. Madam Speaker, I yield 2 minutes to the gentleman from Puerto Rico (Mr. ROMERO-BARCELÓ).

Mr. ROMERO-BARCELÓ. Madam Speaker, I thank the distinguished ranking member, the gentleman from Illinois (Mr. EVANS), for yielding me the time.

I rise in support of H.R. 3603.

On February 9, 1971, the aftershocks of an earthquake in California were felt all the way to Washington. A shift in the San Andreas Fault caused the destruction of the San Fernando Veterans Administration Hospital in Sylmar, California, resulting in the death of 46 patients. With a great sense of urgency, the U.S. Congress convened hearings and eventually established the Chartered Committee on Safety.

The Veterans Administration initiated a comprehensive assessment of every VA medical center in the system. The studies revealed that 68 medical centers were located in at-risk geographic areas where major or moderate earthquakes may occur. Of these, 39 facilities were found to be in need of seismic strengthening and compliance with seismic codes.

Despite the fact that Puerto Rico is located in one of the most seismically active zones in the United States and that the potential for loss of life ranks very high in the event of an earthquake, seismic corrections and strengthening at the Puerto Rico VA Medical Center initially were not prioritized in the highest-risk group.

VA studies in 1990 confirmed the high seismicity of the site and urged that the San Juan Medical Center warranted inclusion in this group. San Juan was then added to the inventory of high-risk facilities and scheduled last.

VA studies anticipate that in an earthquake, without seismic corrections, Building 1, the main hospital, would sustain serious structural damage, possibly collapsing and resulting in a loss of life.

After a decade of delays, this center, which happens to be one of the busiest, if not the busiest, VA hospital centers in the United States, will finally receive the necessary funds in fiscal year 1999 to guarantee the safety of the American veterans in Puerto Rico.

San Juan's VA Medical Center is currently the only remaining hospital identified as the highest priority need that still remains in the at-risk inventory group. The President's budget for fiscal year 1999 requests $50 million for this project as part of the VA's major medical construction project. A two-story, 155-bed medical and surgical building that includes a 15-bed spinal cord injury center will be constructed to correct seismic deficiencies at the Medical Center.

I want to thank the Chairman, the gentleman from Arizona (Mr. STUMP), and the Ranking Member, the gentleman from Illinois (Mr. LANE), and all of the members of the Committee on Veterans' Affairs who have recommended that this project be authorized.

I urge the Members of the U.S. Congress to approve this much-needed VA construction bill without further delays. The American veterans and their families in Puerto Rico deserve to receive treatment in a healthy, safe environment that poses no unnecessary health, safety or life-threatening risks, just like any other veteran in any other State of the Union. I urge approval of this bill.

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

Mr. EVANS. Madam Speaker, I yield back the balance of my time.

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

In closing, let me thank the gentleman from Illinois (Mr. EVANS), the Ranking Member of the full committee, the gentleman from Florida (Mr. STEARNS) and the gentleman from Illinois (Mr. GUTIERREZ), the Chairman and Ranking Member the of subcommittee, for all their hard work in putting this bill together.

This is a bipartisan bill, and I urge all Members to support it.

Mr. HORN. Madam Speaker, I rise to day in strong support of H.R. 3603, the VA Major Medical Facility Projects Authorization bill. This bill authorizes $205 million for major medical facility projects across the country, $140 million more than the President requested in his budget.

Along with the other worthy projects in this bill, $23 million is dedicated to the consolidation of clinical and administrative services into a seismically upgraded building at the Long Beach VA Medical Center. Providing a broad range of inpatient, outpatient, and home care services for veterans throughout Southern California, the Long Beach VA has been recognized for the integral role it plays in Southern California's health care system. The Long Beach Center has also achieved national prominence in the field of spinal cord injury and the rehabilitation of paraplegic and quadriplegic patients.

Given the seismically unstable location of the Medical Center, it is critical that all acute patient care facilities are located in seismically safe buildings. This legislation ensures that. Not only does this project project the health and safety of the Long Beach VA employees and its patients, it also makes efficient use of scarce government funds. This project will avoid a cost of $34 million for additional seismic corrections and save $5.6 million in annual recurring operating expenses. Now that is a project worth investing in.

As we honor those who have served and sacrificed their lives for our country over the Memorial Day weekend, it is fitting that today the House is considering legislation to fulfill our continuing obligation to our nation's veterans. Their service on our nation's behalf stands as a model of courage and commitment. We cannot afford to forget them.

Mr. WELLER. Madam Speaker, I rise today to express my dismay at a provision that was slipped into H.R. 3603, the bill to authorize major medical facility projects for the Department of Veteran's Affairs. This provision was included specifically to undo the naming of the Abraham Lincoln National Cemetery near Joliet, Illinois in my congressional district. It came to my attention today, that a section was added to the bill which would set up new procedures for the naming of national veterans cemeteries and other properties of the VA. I was appalled to learn that this provision is retroactive to January 1, 1998! This is obviously intended to invalidate the decision of Secretary Togo West to name the cemetery after Abraham Lincoln. This provision is an outrage! It is a direct assault on the wishes of the veterans in Illinois. I would like to note that the naming of the cemetery as the Abraham Lincoln National Cemetery was endorsed by the Illinois State American Legion, VFW, Amvets, Disabled American Legion and American Ex-POWs. Clearly the veterans—those who will be buried there—want this name. Clearly, this provision was inserted into the bill to go

against the wishes of the veterans. Abraham Lincoln created the national cemetery system. Illinois is the ''Land of Lincoln.'' This name is not only appropriate for the cemetery in Joliet, it is the only name endorsed by the veterans—those who sacrificed for their country. I will fight to have this retroactive provision changed. I submit a copy of my statement to appear in the CONGRESSIONAL RECORD.

VETERANS OF FOREIGN WARS,
DEPARTMENT OF ILLINOIS,
Springfield, IL, May 21, 1997.

Hon. JERRY WELLER,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN WELLER: The Department of Illinois, Veterans of Foreign Wars, takes great pride in supporting the introduction of legislation naming the new Veterans Cemetery at the former Joliet Arsenal the ''Abraham Lincoln National Cemetery''.

In naming the 982 acre site after President Abraham Lincoln, we not only acknowledge the role he played in creating the National Cemetery System, but also honor the memory of the courageous men and women who answered our nation's call to defend democracy and freedom.

The Department of Illinois, Veterans of Foreign Wars certainly commend the Department of Veterans Affairs, Department of Defense, Congress and the local communities for their vision and initiatives in acquiring a portion of the former Joliet Army Ammunition Plant, and the beautiful Hoff Woods site for use as the new National Cemetery to serve the veterans and families of this midwest region.

We certainly appreciate your introducing this most important legislation in the House of Representatives and look forward to the passage of same.

With warmest personal regards and best wishes, I remain

Sincerely,

DONALD HARTENBERGER,
Department Commander.

THE AMERICAN LEGION,
DEPARTMENT OF ILLINOIS,
Bloomington, IL, April 10, 1997.

Hon. JERRY WELLER,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE WELLER: The American Legion, Department of Illinois, takes great pride in supporting the introduction of legislation naming the new veterans cemetery at the former Joliet Arsenal the ''Abraham Lincoln National Cemetery.''

On Saturday, April 5, 1997 at Normal, Illinois, our state Executive Committee approved a resolution commending the Department of Veterans Affairs, Department of Defense, Congress and the local communities for their vision and initiatives in acquiring a portion of the former Joliet Army Ammunition Plant, and the beautiful Hoff Woods site, for use as the new National Cemetery to serve the veterans and families of this midwest region.

A copy of the approved resolution is attached and we respectfully urge the Secretary of Veterans Affairs and the United States Congress to confirm the designation of the former Joliet Arsenal as the ''Abraham Lincoln National Cemetery'' to honor all veterans and President Abraham Lincoln, who first established the National Cemetery system.

Sincerely,

VINCENT A. SANZOTTA,
Department Adjutant.

AMVETS,
ILLINOIS STATE HEADQUARTERS,
Springfield, IL, September 26, 1997.

Hon. JERRY WELLER,
Cannon House Office Bldg.,
Washington, DC.

DEAR CONGRESSMAN WELLER: Our last State Executive Committee Meeting, held at the Hilton Hotel, Springfield, Illinois, on September 12–14, 1997. At this meeting it was voted unanimously to endorse your legislation to name the Joliet National Cemetery as the Abraham Lincoln National Cemetery.

Since Mr. Lincoln was instrumental in establishing the first National Cemetery, it is only befitting that he finally receives the honor of having a National Cemetery named after him.

Sincerely,

JERRY F. FOSTER,
Department Commander.

AMERICAN EX-PRISONERS OF WAR,
DEPARTMENT OF ILLINOIS,
Park Ridge, IL, October 21, 1997.

Hon. JERRY WELLER,
130 Cannon Building,
Washington, DC.

DEAR HONORABLE WELLER: We the American Ex-Prisoners of War of the State of Illinois all agree to the naming of the veterans cemetery in Joliet, Illinois to be called Abraham Lincoln Veterans Cemetery.

Thank you for the American Ex–P.O.W.'s for their opinion on this matter.

Sincerely,

DONALD MCCORMICK, *Commander.*

DISABLED AMERICAN VETERANS,
DEPARTMENT OF ILLINOIS,
Oak Park, IL, October 28, 1997.

Hon. JERRY WELLER,
House of Representatives
Washington, DC.

DEAR CONGRESSMAN WELLER: The Department of Illinois, Disabled American Veterans, strongly supports the introduction of legislation naming the new Veterans Cemetery at the former Joliet Arsenal the ''Abraham Lincoln National Cemetery.''

Mr. Lincoln, as we all know, was instrumental in establishing the first National Cemetery and it is only befitting that he receives the honor of having a National Cemetery named after him.

We certainly appreciate your introducing this most important legislation in the House of Representatives because now the veterans and their families in this Midwest region will have a place to rest which they truly deserve and are entitled to.

Sincerely,

GEORGE M. ISDALE, JR.,
Department Adjutant.

TED BUCK,
Department Commander.

Ms. JACKSON-LEE of Texas. Madam Speaker, I rise today to express my support for H.R. 3603, a bill to authorize major medical facility projects for the Veterans' Department.

The bill authorizes the Secretary of Veterans Affairs to carry out major medical facility projects at Department of Veterans Affairs medical centers or outpatient clinics in 8 locations, including one in my home state of Texas. This bill is a result of members from both parties working together to ensure that facilities with the greatest need for construction work will receive the resources necessary to provide high quality care to our veterans.

I'm particularly pleased with the emphasis this bill gives to projects that will increase the VA's ability to provide outpatient care to veterans.

This bill effectively balances our fiscal responsibilities with the needs of these facilities and the veterans who depend on them.

This legislation also stays focused on health care's shifting emphasis from inpatient to ambulatory care by including a number of outpatient projects.

I join my colleagues on both sides of the aisle in supporting this legislation so the men and women who fought for our freedom will be provided with the best possible medical care.

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

The SPEAKER pro tempore (Mrs. EMERSON). The question is on the motion offered by the gentleman from Arizona (Mr. STUMP) that the House suspend the rules and pass the bill, H.R. 3603, as amended.

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

A motion to reconsider was laid on the table.

□ 1315

COLLECTIONS OF INFORMATION ANTIPIRACY ACT

Mr. COBLE. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 2652) to amend title 17, United States Code, to prevent the misappropriation of collections of information, as amended.

The Clerk read as follows:

H.R. 2652

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 ''Collections of Information Antipiracy Act''.

SEC. 2. MISAPPROPRIATION OF COLLECTIONS OF INFORMATION.

Title 17, United States Code, is amended by adding at the end the following new chapter:

''CHAPTER 12—MISAPPROPRIATION OF COLLECTIONS OF INFORMATION

''Sec.
''1201. Definitions.
''1202. Prohibition against misappropriation.
''1203. Permitted acts.
''1204. Exclusions.
''1205. Relationship to other laws.
''1206. Civil remedies.
''1207. Criminal offenses and penalties.
''1208. Limitations on actions.

''§ 1201. Definitions

''As used in this chapter:

''(1) COLLECTION OF INFORMATION.—The term 'collection of information' means information that has been collected and has been organized for the purpose of bringing discrete items of information together in one place or through one source so that users may access them.

''(2) INFORMATION.—The term 'information' means facts, data, works of authorship, or any other intangible material capable of being collected and organized in a systematic way.

''(3) POTENTIAL MARKET.—The term 'potential market' means any market that a person claiming protection under section 1202 has current and demonstrable plans to exploit or that is commonly exploited by persons offering similar products or services incorporating collections of information.

''(4) COMMERCE.—The term 'commerce' means all commerce which may be lawfully regulated by the Congress.

''(5) PRODUCT OR SERVICE.—A product or service incorporating a collection of information does not include a product or service incorporating a collection of information gathered, organized, or maintained to address, route, forward, transmit, or store digital online communications or provide or receive access to connections for digital online communications.

''§ 1202. Prohibition against misappropriation

''Any person who extracts, or uses in commerce, all or a substantial part, measured either quantitatively or qualitatively, of a collection of information gathered, organized, or maintained by another person through the investment of substantial monetary or other resources, so as to cause harm to the actual or potential market of that other person, or a successor in interest of that other person, for a product or service that incorporates that collection of information and is offered or intended to be offered for sale or otherwise in commerce by that other person, or a successor in interest of that person, shall be liable to that person or successor in interest for the remedies set forth in section 1206.

''§ 1203. Permitted acts

''(a) INDIVIDUAL ITEMS OF INFORMATION AND OTHER INSUBSTANTIAL PARTS.—Nothing in this chapter shall prevent the extraction or use of an individual item of information, or other insubstantial part of a collection of information, in itself. An individual item of information, including a work of authorship, shall not itself be considered a substantial part of a collection of information under section 1202. Nothing in this subsection shall permit the repeated or systematic extraction or use of individual items or insubstantial parts of a collection of information so as to circumvent the prohibition contained in section 1202.

''(b) GATHERING OR USE OF INFORMATION OBTAINED THROUGH OTHER MEANS.—Nothing in this chapter shall restrict any person from independently gathering information or using information obtained by means other than extracting it from a collection of information gathered, organized, or maintained by another person through the investment of substantial monetary or other resources.

''(c) USE OF INFORMATION FOR VERIFICATION.—Nothing in this chapter shall restrict any person from extracting information, or from using information within any entity or organization, for the sole purpose of verifying the accuracy of information independently gathered, organized, or maintained by that person. Under no circumstances shall the information so extracted or used be made available to others in a manner that harms the actual or potential market for the collection of information from which it is extracted or used.

''(d) NONPROFIT EDUCATIONAL, SCIENTIFIC, OR RESEARCH USES.—Nothing in this chapter shall restrict any person from extracting or using information for nonprofit educational, scientific, or research purposes in a manner that does not harm the actual or potential market for the product or service referred to in section 1202.

''(e) NEWS REPORTING.—Nothing in this chapter shall restrict any person from extracting or using information for the sole purpose of news reporting, including news gathering, dissemination, and comment, unless the information so extracted or used is time sensitive, has been gathered by a news reporting entity for distribution to a particular market, and has not yet been distributed to that market, and the extraction or use is part of a consistent pattern engaged in for the purpose of direct competition in that market.

''(f) TRANSFER OF COPY.—Nothing in this chapter shall restrict the owner of a particular lawfully made copy of all or part of a collection of information from selling or otherwise disposing of the possession of that copy.

''§ 1204. Exclusions

''(a) GOVERNMENT COLLECTIONS OF INFORMATION.—

''(1) EXCLUSION.—Protection under this chapter shall not extend to collections of information gathered, organized, or maintained by or for a government entity, whether Federal, State, or local, including any employee or agent of such entity, or any person exclusively licensed by such entity, within the scope of the employment, agency, or license. Nothing in this subsection shall preclude protection under this chapter for information gathered, organized, or maintained by such an agent or licensee that is not within the scope of such agency or license, or by a Federal or State educational institution in the course of engaging in education or scholarship.

''(2) EXCEPTION.—The exclusion under paragraph (1) does not apply to any information required to be collected and disseminated—

''(A) under the Securities Exchange Act of 1934 by a national securities exchange, a registered securities association, or a registered securities information processor, subject to section 1205(g) of this title; or

''(B) under the Commodity Exchange Act by a contract market, subject to section 1205(g) of this title.

''(b) COMPUTER PROGRAMS.—

''(1) PROTECTION NOT EXTENDED.—Subject to paragraph (2), protection under this chapter shall not extend to computer programs, including, but not limited to, any computer program used in the manufacture, production, operation, or maintenance of a collection of information, or any element of a computer program necessary to its operation.

''(2) INCORPORATED COLLECTIONS OF INFORMATION.—A collection of information that is otherwise subject to protection under this chapter is not disqualified from such protection solely because it is incorporated into a computer program.

''§ 1205. Relationship to other laws

''(a) OTHER RIGHTS NOT AFFECTED.—Subject to subsection (b), nothing in this chapter shall affect rights, limitations, or remedies concerning copyright, or any other rights or obligations relating to information, including laws with respect to patent, trademark, design rights, antitrust, trade secrets, privacy, access to public documents, and the law of contract.

''(b) PREEMPTION OF STATE LAW.—On or after the effective date of this chapter, all rights that are equivalent to the rights specified in section 1202 with respect to the subject matter of this chapter shall be governed exclusively by Federal law, and no person is entitled to any equivalent right in such subject matter under the common law or statutes of any State. State laws with respect to trademark, design rights, antitrust, trade secrets, privacy, access to public documents, and the law of contract shall not be deemed to provide equivalent rights for purposes of this subsection.

''(c) RELATIONSHIP TO COPYRIGHT.—Protection under this chapter is independent of, and does not affect or enlarge the scope, duration, ownership, or subsistence of, any copyright protection or limitation, including, but not limited to, fair use, in any work of authorship that is contained in or consists in whole or part of a collection of information. This chapter does not provide any greater protection to a work of authorship contained in a collection of information, other than a work that is itself a collection of information, than is available to that work under any other chapter of this title.

''(d) ANTITRUST.—Nothing in this chapter shall limit in any way the constraints on the manner in which products and services may be provided to the public that are imposed by Federal and State antitrust laws, including those regarding single suppliers of products and services.

''(e) LICENSING.—Nothing in this chapter shall restrict the rights of parties freely to enter into licenses or any other contracts with respect to the use of collections of information.

''(f) COMMUNICATIONS ACT OF 1934.—Nothing in this chapter shall affect the operation of the provisions of the Communications Act of 1934 (47 U.S.C. 151 et seq.), or shall restrict any person from extracting or using subscriber list information, as such term is defined in section 222(f)(3) of the Communications Act of 1934 (47 U.S.C. 222(f)(3)), for the purpose of publishing telephone directories in any format.

''(g) SECURITIES EXCHANGE ACT OF 1934 AND COMMODITY EXCHANGE ACT.—Nothing in this chapter shall affect—

''(1) the operation of the provisions of the Securities Exchange Act of 1934 (15 U.S.C. 58a et seq.) or the Commodity Exchange Act (7 U.S.C. 1 et seq.);

''(2) the public nature of information with respect to quotations for and transactions in securities that is collected, processed, distributed, or published pursuant to the requirements of the Securities Exchange Act of 1934;

''(3) the obligations of national securities exchanges, registered securities associations, or registered information processors under the Securities Exchange Act of 1934; or

''(4) the jurisdiction or authority of the Securities and Exchange Commission or the Commodity Futures Trading Commission.

''§ 1206. Civil remedies

''(a) CIVIL ACTIONS.—Any person who is injured by a violation of section 1202 may bring a civil action for such a violation in an appropriate United States district court without regard to the amount in controversy, except that any action against a State governmental entity may be brought in any court that has jurisdiction over claims against such entity.

''(b) TEMPORARY AND PERMANENT INJUNCTIONS.—Any court having jurisdiction of a civil action under this section shall have the power to grant temporary and permanent injunctions, according to the principles of equity and upon such terms as the court may deem reasonable, to prevent a violation of section 1202. Any such injunction may be served anywhere in the United States on the person enjoined, and may be enforced by proceedings in contempt or otherwise by any United States district court having jurisdiction over that person.

''(c) IMPOUNDMENT.—At any time while an action under this section is pending, the court may order the impounding, on such terms as it deems reasonable, of all copies of contents of a collection of information extracted or used in violation of section 1202, and of all masters, tapes, disks, diskettes, or other articles by means of which such copies may be reproduced. The court may, as part of a final judgment or decree finding a violation of section 1202, order the remedial modification or destruction of all copies of contents of a collection of information extracted or used in violation of section 1202, and of all masters, tapes, disks, diskettes, or other articles by means of which such copies may be reproduced.

''(d) MONETARY RELIEF.—When a violation of section 1202 has been established in any civil action arising under this section, the

plaintiff shall be entitled to recover any damages sustained by the plaintiff and defendant's profits not taken into account in computing the damages sustained by the plaintiff. The court shall assess such profits or damages or cause the same to be assessed under its direction. In assessing profits the plaintiff shall be required to prove defendant's gross revenue only; defendant must prove all elements of cost or deduction claims. In assessing damages the court may enter judgment, according to the circumstances of the case, for any sum above the amount found as actual damages, not exceeding three times such amount. The court in its discretion may award reasonable costs and attorney's fees to the prevailing party and shall award such costs and fees where it determines that an action was brought under this chapter in bad faith against a nonprofit educational, scientific, or research institution, library, or archives, or an employee or agent of such an entity, acting within the scope of his or her employment.

''(e) REDUCTION OR REMISSION OF MONETARY RELIEF FOR NONPROFIT EDUCATIONAL, SCIENTIFIC, OR RESEARCH INSTITUTIONS.—The court shall reduce or remit entirely monetary relief under subsection (d) in any case in which a defendant believed and had reasonable grounds for believing that his or her conduct was permissible under this chapter, if the defendant was an employee or agent of a nonprofit educational, scientific, or research institution, library, or archives acting within the scope of his or her employment.

''(f) ACTIONS AGAINST UNITED STATES GOVERNMENT.—Subsections (b) and (c) shall not apply to any action against the United States Government.

''(g) RELIEF AGAINST STATE ENTITIES.—The relief provided under this section shall be available against a State governmental entity to the extent permitted by applicable law.

''§ 1207. Criminal offenses and penalties

''(a) VIOLATION.—

''(1) IN GENERAL.—Any person who violates section 1202 willfully, and—

''(A) does so for direct or indirect commercial advantage or financial gain, or

''(B) causes loss or damage aggregating $10,000 or more in any 1-year period to the person who gathered, organized, or maintained the information concerned,

shall be punished as provided in subsection (b).

''(2) INAPPLICABILITY.—This section shall not apply to an employee or agent of a nonprofit educational, scientific, or research institution, library, or archives acting within the scope of his or her employment.

''(b) PENALTIES.—An offense under subsection (a) shall be punishable by a fine of not more than $250,000 or imprisonment for not more than 5 years, or both. A second or subsequent offense under subsection (a) shall be punishable by a fine of not more than $500,000 or imprisonment for not more than 10 years, or both.

''§ 1208. Limitations on actions

''(a) CRIMINAL PROCEEDINGS.—No criminal proceeding shall be maintained under this chapter unless it is commenced within three years after the cause of action arises.

''(b) CIVIL ACTIONS.—No civil action shall be maintained under this chapter unless it is commenced within three years after the cause of action arises or claim accrues.

''(c) ADDITIONAL LIMITATION.—No criminal or civil action shall be maintained under this chapter for the extraction or use of all or a substantial part of a collection of information that occurs more than 15 years after the investment of resources that qualified the portion of the collection of information for protection under this chapter that is extracted or used.''.

SEC. 3. CONFORMING AMENDMENT.

The table of chapters for title 17, United States Code, is amended by adding at the end the following:

''12. Misappropriation of Collections of Information ..... **1201**''.

SEC. 4. CONFORMING AMENDMENTS TO TITLE 28, UNITED STATES CODE.

(a) DISTRICT COURT JURISDICTION.—Section 1338 of title 28, United States Code, is amended—

(1) in the section heading by inserting ''**misappropriations of collections of information,**'' after ''**trade-marks,**''; and

(2) by adding at the end the following:

''(d) The district courts shall have original jurisdiction of any civil action arising under chapter 12 of title 17, relating to misappropriation of collections of information. Such jurisdiction shall be exclusive of the courts of the States, except that any action against a State governmental entity may be brought in any court that has jurisdiction over claims against such entity.''.

(b) CONFORMING AMENDMENT.—The item relating to section 1338 in the table of sections for chapter 85 of title 28, United States Code, is amended by inserting ''misappropriations of collections of information,'' after ''trademarks,''.

(c) COURT OF FEDERAL CLAIMS JURISDICTION.—Section 1498(e) of title 28, United States Code, is amended by inserting ''and to protections afforded collections of information under chapter 12 of title 17'' after ''chapter 9 of title 17''.

SEC. 5. EFFECTIVE DATE.

(a) IN GENERAL.—This Act and the amendments made by this Act shall take effect on the date of the enactment of this Act, and shall apply to acts committed on or after that date.

(b) PRIOR ACTS NOT AFFECTED.—No person shall be liable under chapter 12 of title 17, United States Code, as added by section 2 of this Act, for the use of information lawfully extracted from a collection of information prior to the effective date of this Act, by that person or by that person's predecessor in interest.

The SPEAKER pro tempore (Mrs. EMERSON). Pursuant to the rule, the gentleman from North Carolina (Mr. COBLE) and the gentleman from Massachusetts (Mr. FRANK) each will control 20 minutes.

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

GENERAL LEAVE

Mr. COBLE. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

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

Madam Speaker, I rise in support of H.R. 2652, the Collections of Information Antipiracy Act, and urge my colleagues to support this important bill. Developing, compiling, distributing, and maintaining commercially significant collections of information requires substantial investments of time, personnel, and money. Information companies, especially small businesses, must dedicate massive resources when gathering and verifying factual material, presenting it in a user-friendly way, and keeping it current for and useful to customers.

H.R. 2652, Madam Speaker, prohibits the misappropriation of valuable commercial collections by unscrupulous competitors who grab data collected by others, repackage it, and market a product that threatens competitive injury to the original collection.

This protection is modeled in part on the Lanham Act, which already makes similar kinds of unfair competition a civil wrong under Federal law. Importantly, this bill maintains existing protection for collections of information afforded by copyright and contract rights. It is intended to supplement these legal rights, not to replace them.

The Collections of Information Antipiracy Act is a balanced proposal. It is aimed at actual or threatened competitive injury for misappropriation of collections of information, not at noncompetitive uses. The goal is to stimulate the creation of even more collections and to encourage even more competition among them. The bill avoids conferring any monopoly on facts or taking any other steps that might be inconsistent with these goals.

The version under consideration today contains several noncontroversial technical amendments. The legislation is necessary, in my opinion, and well-balanced, and I urge my colleagues to support it.

Madam Speaker, I would be remiss if I did not mention this. Much information has been disseminated about this bill, and I want to advise the Members of a couple facts that I think are pertinent.

Last February, in fact, the afternoon of the hearing that was conducted, we met with representatives of the university community and asked them for specific instances where they would be concerned about this bill, that we might be able to correct some problems or concerns. None was forthcoming.

As recently as yesterday, a representative from the university community made it clear that he could not give one specific instance where detriment would result, but that he felt that maybe some future unforeseen circumstance might crop up. Madam Speaker, that could happen with any legislation.

I will be doggone if I am going to stand in the path of small businesses and perhaps encourage their bankruptcy ultimately in the fear of a prospective unforeseen circumstance. If that circumstance does arise, then we will repair it and correct it at the time.

The libraries, we met with our friends from the American Library Association, again, last February, asking them, tell us what is wrong and we will fix it. A total of 10 amendments have been made a part of this bill, 10 amendments that were forthcoming from earlier opponents of the bill.

I think we have done all we can do. I think we have a good piece of legislation here. I urge my colleagues to support it.

Madam Speaker, I reserve the balance of my time.

Mr. FRANK of Massachusetts. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in support of this bill. The principle is very straightforward. The Supreme Court decided a while ago that people who put together the phone book could not have a property interest in the phone numbers. We do not actually deal with that decision here. That particular decision is not overturned.

But it did leave at risk work that people do to collect information. Essentially the state of the law now, opponents to this bill want the state of the law to remain such that you can go through considerable work to compile data. People who have been in the data compilation business know that it is often not fun. It can be very hard work. It can be unexciting work. But it could give you a very useful work product.

What we are being asked to do by those who simply want to defeat this bill is to leave that work totally unprotected legally as far as the Federal government is concerned. You do the work, you do all the research, and you come up with a significantly useful collection of information. This law says anybody else who wants to can go and take that and do whatever they want with it.

We do in this bill, to the extent that we were capable of doing it, make a distinction. Nothing in this bill in any way retards the intellectual use of that data. A scoundrel who wants to do research and publish some of it as part of his or her study, if you want to go to the data collection and usurp from it so you can prove your point, you can do it. If you want to go to the data collection and reproduce it and get paid for reproducing somebody else's work, this bill says you cannot.

So that is the distinction we have tried to draw between making the intellectual product here fully accessible but protecting it commercially. If in fact you leave it unprotected commercially, you will almost certainly have less work done.

The notion that people should go and do this, do all this data collection, with their work product totally unprotected from anybody else who wants to use it for any purpose, including passing it on, selling it to somebody else, seems to me to be in error.

One of the things we have done, we have had hearings, and we are told, Madam Speaker, that this is too quickly being done and we should pull this bill. Yes, the people who do not want to deal with it now argue to pull the bill.

Why do people say, let us pull the bill? There are two circumstances in which those of us in the legislative body argue that a bill should be pulled. One, it really did come up too quickly, and we really have not had a chance to look at it.

This bill had its first public hearing in October of last year and then a second public hearing in February of this year. It was voted on in subcommittee two months ago. The number of people who have been prevented from studying this bill by time is zero. People have had months to look at it.

Since we have had two public hearings on the bill, a markup two months ago in subcommittee and then a markup in full committee, and then we were going to be on the calendar last week. One of those terrible legislative diseases known as turfitis, which is particularly virulent at the Subcommittee on Energy and Power; you have got to be careful when you are walking on the first floor past the Subcommittee on Energy and Power. You have got a vicious case of ''It is mine, and nobody else can look at it.'' That will break out. That held us off a week.

At any rate, we have had a lot of time that people are aware of this bill. Still, what is their complaint? We have got to study this some more. They are lucky that this bill is not covered by the data collection, I suppose. They would have a long time to study it.

The point is, Madam Speaker, that you say pull the bill when you do not have any substantive arguments. We all say let us delay it. We all say we are not sure what it does. That is when you do not have substantive arguments. I say that because we have asked for substantive arguments.

I very much agree that full use should be there intellectually. I do not want to interfere with researchers who use those data collections.

I have yet to hear a specific instance of how the legislation we are bringing forward prevents people from doing research, from reading the data and using it in that reasonable way.

We have tried in various ways. People said, well, what about the concept of fair use? It does not technically apply, but it could interfere with figures. We said it does not. We have said this bill specifically allows you to do research, allows you to reproduce some parts of it to make your argument. It does not allow you to simply take other people's work product and sell it and get paid for it.

We have had a series of cases, of meetings and hearings, and no one has come forward with specifics. Look at the literature that has been put out. Various organizations have said this is not a good bill, stop it. But I have not been able to find in any of this literature a specific example of how this legislation will interfere with legitimate intellectual activity.

We make a distinction here in this bill between commercial use of someone else's property and the intellectual use. If people think we have not done the balance perfectly, I would be willing to listen, but they do not want to come forward with specifics.

I want to talk also about my friends, the libraries. Some of my friends are librarians. My chief of staff in Massachusetts was the head of a library board and built a beautiful library building. I think libraries are very important.

To the extent that librarians come and say to us, you are going to prevent our readers from being able to read this, do research with this, write a paper based on it, I would be opposed to the bill if it did that. That is not what they are saying. Essentially what they are saying is, some of the people who have done all this work might charge us more than we want to pay.

We underfund libraries. I think we do. If I were in charge, we would give libraries more money than other places. The answer, however, to a public sector inadequately funding libraries is not to empower libraries to take other people's work product for nothing. The answer is further and better to fund libraries.

So I will await the end of this debate, and thereafter I will still be waiting for specifics. I am available. If people will show myself, the chairman, our very able staffs how this interferes with free and open exchange of information, with intellectual use for this, we will try to change that.

I do not think that is the problem. I think people have been able to get some of this information for free. I suppose, as between paying for it and getting it for free, most of us would rather get it for free, if you assume that there is an endless supply of it coming, and if you assume that people who have to give it to you for free and allow you to reuse it will not stop this kind of work.

I think if we do not pass this, you will begin to see a diminution in the kind of data that is available. Nothing in this bill will interfere with the intellectual use of it, so I hope the bill is passed.

Mr. COBLE. Madam Speaker, I have no speaker, but I reserve the balance of my time.

Mr. FRANK of Massachusetts. Madam Speaker, I yield 5 minutes to the very distinguished but not infallible gentleman from California (Mr. BROWN), the ranking member of the Committee on Science.

(Mr. BROWN of California asked and was given permission to revise and extend his remarks.)

Mr. BROWN of California. Madam Speaker, I thank the distinguished gentleman for allowing me to express myself on this bill. I acknowledge that I am distinguished but not infallible. Sometimes I even wonder if I am distinguished.

But let me tell you that without pretending to understand all of the implications of this bill, I found out very quickly, when it was placed on the schedule, that there are a lot of extremely worried people out there who should know what they are talking about or who, on the other hand, may be totally paranoid. It may well be that there are a lot of paranoid people out there.

I suspect that what has happened here is that those organizations, and I

have circulated a ''Dear Colleague'' letter which lists these, and they include some of the most distinguished organizations in this country, beginning with the library associations and the AAAS, American Association for the Advancement of Science, and many others are worried about this bill.

They may be worried because they do not understand it, and I will confess that. Their tactics seem to be not necessarily to kill the bill, but to allow more time for these scholars and academics and so forth to see if they can find flaws in it and to present those flaws for protection.

These individuals and organizations are notoriously slow in their ability to act promptly on legislation and sometimes other things, but that does not mean that they are wrong. When I see a compilation of organizations as broad as have taken a stand in opposition to this bill, I would like to alert a broader audience to the fact that there could be some flaws.

Knowing the distinguished chairman of the subcommittee and the ranking member and having heard their statements, as the gentleman from North Carolina (Mr. COBLE) says, tell us what is wrong and we will fix it, the gentleman from Massachusetts (Mr. FRANK) said the same thing, and similar language, and I have faith that we would do that.

I would like to have my own little laundry list of the things that need to be done here; but, frankly, I do not have the competence to come up with that kind of a list. What I am trying to accomplish here, and I hope that my motives are understood, is to put on the record the concern of some of these groups which I have known and worked with for many, many years. They are all respectable. They all think they know what they are talking about. And put their concerns on the record so that we may get a broader analysis of this.

I would have hoped that this could have been done in the normal legislative process, and that we could have considered this bill, not on suspension, but with an opportunity to debate it and amend it on the floor. Unfortunately, that is not a possibility at this point.

□ 1330

But it may be. If we defeat it on suspension, we may be able to bring it back, or we may be able to take corrective action in the Senate. This is my whole purpose, and I confess it quite willingly.

It is my understanding that H.R. 2652 addresses only one aspect of the complex subject of adjusting intellectual property protection laws to meet the demands of the new digital age. Unfortunately, as I have indicated, it may be a flawed and controversial attempt, which should have not come up on the suspension calendar.

The problem is that the bill has not found yet a proper balance between protecting original investments in data bases and the economic and social cost of unduly restricting and discouraging downstream application of these data bases, particularly in regard to uses for basic research or education.

Some of these scientific data bases are extremely large and complex. For example, we are spending billions on an effort to characterize the human genome, and we have thousands of scientists working on it. A portion of that work only, and it may be a small portion, is either patentable or protected under copyright laws. The rest of it is going to be freely available. It may be that this legislation is going to cause considerable problem with that massive collection of research data. I hope that that is not the case, but I do not think anyone can tell you at this point whether it or is not.

Progress in science requires full and open availability of scientific data. New knowledge is built on previous findings and unfettered access and use of factual information. This bill will impede research by restricting the ability of scientists to draw on data, facts and even mathematical formulas from previous scientific work for the production of new and innovative work.

It is for this reason, Madam Speaker, that I ask that the bill be defeated on suspension, and, hopefully, brought back after further study.

H.R. 2652 addresses one aspect of the complex subject of adjusting intellectual property protection laws to meet the demands of the digital age. Unfortunately it is a flawed and controversial attempt, which should not have come to the Floor on the Suspension Calendar.

The problem is that the bill has not found a proper balance between protecting original investments in databases AND the economic and social costs of unduly restricting and discouraging downstream applications of these databases—particularly in regard to uses for basic research and education.

Progress in science requires full and open availability of scientific data. New knowledge is built on previous findings and unfettered access and use of factual information.

The bill will impede research by restricting the ability of scientists to draw on data, facts, and even mathematical formulas from previous scientific work for the production of new, innovative works. To date, these types of activities have not only been permissible, but expressly protected under copyright law and the fair use concept.

By granting unprecedented rights to ownership of facts—not just rights to the expression of facts and information, as is the case for copyright—the bill will certainly increase the costs of research, but more importantly, reduce the openness of exchange of scientific data and information and also reduce collaboration among scientists.

The provisions in the bill that purport to give exceptions for research and education uses are illusory—triggered only if users can show that the use will not harm actual or potential markets. This is far less ''fair use'' than under copyright law.

Also, there is no language for mandatory legal licenses, or other limitations, that would require providers of sole source databases to make data available for research, education, and other public interest uses on fair and equitable terms.

Many fields of inquiry that involve statistical compilations and analysis of raw data would be restricted by this bill, such as climate modeling and economic forecasting. Also, research activities involving collaborative sharing of large data bases, such as the sequencing of the human genome, would be adversely affected.

The stated objective of the bill is to protect against individuals stealing non-copyrightable commercial databases, and then taking away the market of the original compiler of the data. The reach of the bill goes far beyond this goal.

Alternative draft legislation that is narrowly based on misappropriation case law is being worked out by the communities with reservations about H.R. 2652. Such an approach would leave existing research and education uses of databases unchanged, while providing added protections for commercial, noncopyrightable databases.

Any legislative action to protect the contents of databases should proceed using a cautious, minimalist approach that balances the interests of creators, publishers, and users, and of society as a whole.

This is not the approach that was taken in developing H.R. 2652.

Despite concerns raised by libraries, research and educational institutions, commercial database companies, and computer and telecommunications companies, the bill has been brought to the floor as a non-controversial measure under suspension of the rules.

This procedure is inappropriate since it affords no opportunity for Members to offer amendments or present alternative approaches to address the many concerns that have been raised about the bill.

The House should reject H.R. 2652 in its current form, and work toward a compromise, such as the alternative I referred to, that will balance the concerns of the various communities of interest.

Mr. FRANK of Massachusetts. Madam Speaker, I yield myself such time as I may consume to make two points.

First, with regard to the human genome, I am glad the gentleman brought that point up. Let me say, I fully respect the gentleman's motives. He performs a very useful service as the leading Democratic member on the Committee on Science, and it is entirely valid for him to be bringing these concerns forward.

The point I would make, not to him, but to those on whose behalf he is quite legitimately speaking here, is that this has been pending business since hearings last October. We have had it before us. At various stages people say we have a problem; we say, fine, let us hear it. Two months ago we had a subcommittee markup. We had a subsequent committee markup. A week ago this bill was pulled off the floor, and tomorrow never comes.

I think it will come, if we in fact vote this bill out of here. By the way, it will not go from here to the President's desk. It will go from here to that august wonderful chamber on the other

side of this building, which, under the House rules, is the beneficiary of all of our good comments, and they will have some time to work on it, and I do not think they are likely to speed it through.

I do believe that if we do not get a bill over there, it is kind of late in the session, measured by the amount of time that has passed, not the amount of bills that have passed, but it is late in the session, and if we do not get it over there, they will never get to the point. And we look forward to the discussion.

Just to give one example, by the way, on the human genome project, that is Federally funded, page 6 of the bill:

> Protection shall not extend to collections of information gathered, organized or maintained by or for a government entity, Federal, State or local, including any employee or agent of such entity or any person exclusively licensed by such entity within the scope of the employment agency licensed.

Indeed, one difference between our version and the European version is they do not exempt, as we do, government information.

Mr. BROWN of California. Madam Speaker, will the gentleman yield?

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

Mr. BROWN of California. Madam Speaker, I am glad the gentleman made this point. As the gentleman probably knows, there has been considerable publicity within the last few weeks about a private research organization which has stated it can do the remainder of the human genome project faster and quicker than the government-funded projects. I have no idea what the impact of this legislation will be.

Mr. FRANK of Massachusetts. Madam Speaker, reclaiming my time, I will tell the gentleman what the impact is. If we go forward with the government funded proposal, and he has more to say about that than I do, and I have a suggestion, which is cancel that wasteful space station and do that instead with this money and do it quicker, with the shortfall from the Russians that you are going to have to make up, but if we go ahead and do this governmentally funded, that work will not be protectable and it will remain fully open. The fact that some other privately funded entity has chosen to do the work will have no negative effect on people's access to the work that is government funded.

Mr. BROWN of California. Madam Speaker, I am glad for that assurance.

Mr. FRANK of Massachusetts. Madam Speaker, I yield 3 minutes to the distinguished gentlewoman from the District of Columbia (Ms. NORTON)

Ms. NORTON. Madam Speaker, I thank my good friend, the distinguished ranking member, for yielding time to me, and I thank both the distinguished chair and the distinguished ranking member for pressing forward with such persistence in the wake of some considerable resistance, and not ''Waiting for Godot'' in the absence of anything concrete.

Madam Speaker, I am very afraid that Federal copyright law is in danger of becoming a dinosaur if we do not learn to keep up with the technology. I would be the first, as a First Amendment lawyer in my early days, to stand on the other side if I thought there were a real danger here.

But in fact there is another kind of danger, Madam Speaker; there is a new kind of plagiarism, much of it coming out of the new technology. The new plagiarism robs companies who, by the sweat of their proverbial brows, develop collections that we all need and use every day.

These data base providers have no rights that pirates are bound to respect. Some of the victims, are familiar names, such as NASDAQ, based here in the district. Many more of them are small businesses like Warren Publishing, a company also located in this city. Georgia pirates copied Warren Publishing's unique and original cable system Factbook and sold it under their own name for very little because the pirates did not have to invest the hundreds of thousands of dollars in human, technical and financial resources that Warren Publishing put in to research, to update and to verify the product. Nevertheless, the 11th Circuit discarded Warren Publishing's original contributions altogether simply because the company had worked from a larger and less well-defined listing.

As one known for paying close attention to First Amendment issues, I have felt an obligation to inspect the bill carefully to make sure that educational institutions and researchers are not deterred in the marketplace of free exchange of information and ideas.

I am still an academic, a tenured professor of law at Georgetown University law school who teaches a course there every year and who is working on a book. I would not want to be part and parcel of deterring other researchers. But in an age of instant communication, Federal copyright law must keep up with technology, or risk stifling the development of usable information and the creative entrepreneurship that the new technology allows, not to mention the increase in jobs that businesses like Warren Publishing and NASDAQ are creating every day.

Mr. FRANK of Massachusetts. Madam Speaker, I yield back the balance of my time.

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

Madam Speaker, I will sum up very briefly. My friend the gentleman from Massachusetts (Mr. FRANK) and the gentlewoman from the District of Columbia (Ms. NORTON) have pretty well touched it.

I say to my friend the gentleman from California (Mr. BROWN), I am not talking about you, but some people in this fray have inserted paranoia, deception and fear into this message, and then they are very cleverly targeting that message to a select group. Well, if you do that, chances are you are going to get some attention.

But as the gentleman from Massachusetts said and as I said, this has been before us since last October. It has been on the table. We have begged people to come forward, and some did come forward, and we took their amendments and worked them into the bill.

This is a good bill, Madam Speaker, and I urge my colleagues to support it.

Mr. DELAHUNT. Madam Speaker, I rise in strong support of H.R. 2652, the Collections of Information Antipiracy Act.

Collections of information—''databases''—have become an indispensable feature of today's information society. By organizing billions of bits of raw data into retrievable form, databases enable medical researchers, travel writers, legal professionals, historians, business managers and consumers to navigate the expanding universe of human knowledge to find the information they need.

The creation and maintenance of an electronic database is a labor-intensive process that requires an enormous investment of time and resources. Yet thanks to digital technology, the end product can be copied and distributed by unscrupulous competitors with only a few clicks of a mouse.

Under current law, there is little the creator of the database can do to prevent this. For many years, federal courts afforded copyright protection to compilations developed through significant investments of time and hard work—the ''sweat of the brow.'' But in a 1991 decision, Feist Publications v. Rural Telephone Service Co., the Supreme Court discarded the ''sweat of the brow'' doctrine, and announced that compilations would henceforth merit copyright protection only if the arrangement of the information displays a sufficient degree of originality—a standard which, by their nature, few databases are likely to meet.

Without effective legal protection against piracy, companies will have little incentive to continue to invest their time and money in database development. Should they fail to do so, it is the public that will be the poorer for it.

The Collections of Information Antipiracy Act will address this problem by prohibiting the misappropriation for commercial purposes of collections of information whose compilation has required the investment of substantial time and resources.

At the same time, the bill is drafted so as not to inhibit free access to information for non-profit, educational, scientific or research purposes.

Mr. Speaker, this is a balanced and sensible response to the problem of database piracy, and I urge my colleagues to give it their support.

Mr. COBLE. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. EMERSON). The question is on the motion offered by the gentleman from North Carolina (Mr. COBLE) that the House suspend the rules and pass the bill, H.R. 2652, as amended.

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

A motion to reconsider was laid on the table.

LIMITING JURISDICTION OF FEDERAL COURTS WITH RESPECT TO PRISON RELEASE ORDERS

Mr. COBLE. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 3718) to limit the jurisdiction of the Federal courts with respect to prison release orders.

The Clerk read as follows:

H.R. 3718

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

SECTION 1. LIMITATION ON PRISONER RELEASE ORDERS.

(a) IN GENERAL.—Chapter 99 of title 28, United States Code, is amended by adding at the end the following new section:

"§ 1632. Limitation on prisoner release orders

''(a) LIMITATION.—Notwithstanding section 3626(a)(3) of title 18 or any other provision of law, in a civil action with respect to prison conditions, no court of the United States or other court listed in section 610 shall have jurisdiction to enter or carry out any prisoner release order that would result in the release from or nonadmission to a prison, on the basis of prison conditions, of any person subject to incarceration, detention, or admission to a facility because of a conviction of a felony under the laws of the relevant jurisdiction, or a violation of the terms or conditions of parole, probation, pretrial release, or a diversionary program, relating to the commission of a felony under the laws of the relevant jurisdiction.

''(b) DEFINITIONS.—As used in this section—

''(1) the terms 'civil action with respect to prison conditions', 'prisoner', 'prisoner release order', and 'prison' have the meanings given those terms in section 3626(g) of title 18; and

''(2) the term 'prison conditions' means conditions of confinement or the effects of actions by government officials on the lives of persons confined in prison.

(b) CONFORMING AMENDMENT.—The table of sections for chapter 99 of title 28, United States Code, is amended by adding at the end the following new item:

''1632. Limitation on prisoner release orders.''.

(c) CONSENT DECREES.—

(1) TERMINATION OF EXISTING CONSENT DECREES.—Any consent decree that was entered into before the date of the enactment of the Prison Litigation Reform Act of 1995, that is in effect on the day before the date of the enactment of this Act, and that provides for remedies relating to prison conditions shall cease to be effective on the date of the enactment of this Act.

(2) DEFINITIONS.—As used in this subsection—

(A) the term ''consent decree'' has the meaning given that term in section 3626(g) of title 18, United States Code; and

(B) the term ''prison conditions'' has the meaning given that term in section 1632(c) of title 28, United States Code, as added by subsection (a) of this section.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Carolina (Mr. COBLE) and the gentleman from Virginia (Mr. SCOTT) each will control 20 minutes.

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

GENERAL LEAVE

Mr. COBLE. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 3718.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. COBLE. Madam Speaker, I yield such time as he may consume to the author of the bill, the gentleman from Texas (Mr. DELAY), the distinguished majority whip.

Mr. DELAY. Madam Speaker, I thank the gentleman from North Carolina for yielding me this time.

Madam Speaker, I rise today in support of my bill, H.R. 3718. This bill is simple. It ends forever the early release of violent felons and convicted drug dealers by judges who care more about the ACLU's prisoners rights wish-list than about the Constitution and the safety of our towns and communities and fellow citizens.

Under the threat of Federal courts, states are being forced to prematurely release convicts because of what activist judges call ''prison overcrowding.'' In Philadelphia, for instance, Federal Judge Norma Shapiro has used complaints filed by individual inmates to gain control over the prison system and established a cap on the number of prisoners. To meet that cap, she ordered the release of 500 prisoners per week.

In an 18 month period alone, 9,732 arrestees out on the streets of Philadelphia on pretrial release because of her prison caps were arrested on second charges, including 79 murders, 90 rapes, 701 burglaries, 959 robberies, 1,113 assaults, 2,215 drug offenses and 2,748 thefts.

How does she sleep at night? Each one of these crimes was committed against a person with a family dreaming of a safe and peaceful future, a future that was snuffed out by a judge who has a perverted view of the Constitution.

Of course, Judge Shapiro is not alone. There are many other examples. In a Texas case that dates back to 1972, Federal Judge William Wayne Justice took control of the Texas prison system and dictated changes in basic inmate disciplinary practices that wrested administrative authority from staff and resulted in rampant violence behind bars.

Under the threats of Judge Justice, Texas was forced to adopt what is known as the ''nutty release'' law that mandates good time credit for prisoners. Murderers and drug dealers who should be behind bars are now walking the streets of our Texas neighborhoods, thanks to Judge Justice.

Wesley Wayne Miller was convicted in 1982 of a brutal murder. He served only 9 years of a 25 year sentence for butchering a 18-year-old Fort Worth girl. Now, after another crime spree, he was rearrested.

Huey Meaux was sentenced to 15 years for molesting a teenage girl. He was eligible for parole this September, after serving only 2 years in prison.

Kenneth McDuff was on death row for murder when his sentence was commuted. He ended up murdering someone else.

In addition to the cost to society of Judge Justice's activism, Texas is reeling from the financial impact of Judge Justice's sweeping order.

I remember back when I was in the State legislature, the State of Texas spent about $8 per prisoner per day keeping prisoners. By 1994, when the full force of Judge Justice's edict was finally being felt, the State was spending more than $40 every day for each prisoner. Now, that is a five-fold increase over a period when the State's prison population barely doubled.

The truth is, no matter how Congress and State legislatures try to get tough on crime, we will not be effective until we deal with the judicial activism. The courts have undone almost every major anti-crime initiative passed by the Legislative Branch. In the 1980's, as many states passed mandatory minimum sentencing laws, the judges checkmated the public by imposing prison caps.

□ 1345

When this Congress mandated the end of consent decrees regarding prison overcrowding in 1995, some courts just ignored our mandate.

There is an activist judge behind each of the most perverse failures of today's justice system: violent offenders serving barely 40 percent of their sentences; 3½ million criminals, most of them repeat offenders, on the streets, on probation or parole; 35 percent of all persons arrested for violent crime on probation, parole, or pretrial release at the time of their arrest.

The Constitution of the United States gives us the power to take back our streets. Article III allows the Congress of the United States to set jurisdictional restraints on the courts, and my bill will set such restraints.

I presume we will hear cries of court-stripping by opponents of my bill. These cries, however, will come from the same people who voted to limit the jurisdiction of Federal courts in the 1990 civil rights bill.

Let us not forget the pleas of our current Chief Justice of the United States, William Rehnquist. In his 1997 year-end report on the Federal judiciary, he said, ''I therefore call on Congress to consider legislative proposals that would reduce the jurisdiction of Federal courts.'' We should heed Justice Rehnquist's call right here, right now, today.

Madam Speaker, this bill is identical to the amendment that I offered several weeks ago to H.R. 1252, the Judicial Reform Act. My amendment passed at that time 367 to 52. That is right, 367 yeas and 52 nays.

While that is an overwhelming victory, it is not enough. I am saddened, I am saddened that 52 Members of this body could so callously vote against protecting the families they represent.

Despite the fact that the liberal legal establishment will fight against my bill and the families it will help protect, many of my liberal Democrat colleagues voted for my amendment, and I greatly appreciate their vote. They could not afford not to. How can any Member of this body go home to their district and face a mother whose son or daughter has been savagely beaten and killed by some violent felon, a felon let out of prison early to satisfy the legal community's liberal agenda, to satisfy prison overcrowding or prison conditions? Nothing in my bill takes away the ability to change prison overcrowding and prison conditions. We are just saying, one cannot use early release to satisfy that condition.

Judicial activism threatens our safety and the safety of our children if, in the name of justice, murderers and rapists are allowed to prowl our streets before they serve their time. I say it is time to return some sanity to our justice system and keep violent offenders in jail.

I strongly urge my colleagues, for the sake of the families they represent, to support my bill.

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

Madam Speaker, I rise in opposition to H.R. 3718, which would unconstitutionally limit the authority of Federal judges to remedy inhumane prison conditions. This bill also improperly interferes with the work of the judicial branch of our constitutional system of government.

H.R. 3718 is a radical and dangerous proposal with two impermissible goals. First, it would terminate ongoing consent decrees in prison condition cases. Second, it would prohibit judges from issuing prisoner release orders to remedy unconstitutional overcrowding.

The effort to terminate consent decrees is totally unwarranted. This amendment only affects those consent decrees that State and local governments want to remain in effect or that are necessary because of current and ongoing violations of Federal rights. The Prison Litigation Reform Act of 1995 eliminated all other consent decrees, so the only ones left are those that State and local governments want to remain in effect or are necessary because of current and ongoing violations of the Constitution.

A consent decree is a voluntary contract between two parties to end the active phase of litigation. This legislation does not close the case; it simply prohibits States from negotiating a resolution of the case. Therefore, it requires States to expend substantial sums of money to litigate issues for which there is no dispute and for which there is an agreement for the proper resolution of the case.

Congress has no business dictating to States how they should resolve litigation involving State institutions. If a State has decided that a consent decree meets the State's needs and is preferable to costly litigation, Congress should stay out of it.

Furthermore, Madam Speaker, the Federal termination of prisoner release orders is unnecessary. Most court orders in jail and prison cases do not include prison population caps, and the 1995 Prison Litigation Reform Act already requires a three-judge court before any population cap is imposed. And even if there is a cap, prisoners are released only if State officials elect to meet the cap through releases rather than building new facilities or adopting sentencing alternatives.

This bill will effectively prohibit courts from enforcing constitutional rights of prisoners by agreement and will only be able to enforce those rights with a full-blown court trial that may result in even more draconian resolutions than a consent decree would have resulted in.

Madam Speaker, this legislation is a recipe for chaos. We passed a Prison Litigation Reform Act less than 2 years ago. It eliminated all consent decrees without ongoing violations. The courts are only beginning to address the complicated, practical and constitutional issues raised by this act. Hundreds of cases are pending in trial and appellate courts. The Supreme Court is likely to have a review in the near future. The passage of this bill will only add confusion, delay resolution of pending cases, raise difficult issues of retroactivity, and actually create new litigation.

This amendment is counterproductive for all of those who want to streamline prison lawsuits. The 1995 act already strips courts of authority to enforce the Constitution in certain cases. H.R. 3718 takes us further down that dangerous path.

Court-stripping threatens the role of the judiciary and our system of checks and balances and should not be expanded. Today, court-stripping hurts prisoners, but tomorrow, it may affect others in our society who rely on courts to administer justice and enforce their rights.

I strongly oppose this legislation and urge my colleagues to do the same.

Madam Speaker, there are a few cases that I just want to cite that may be affected by this legislation. It has already been pointed out that we passed legislation creating more prisoners, and if we are going to pass that legislation, it is incumbent upon us to build the prisons to accommodate those prisoners. Let me just list a few consent decrees that this bill will terminate.

A consent decree was entered in the Virgin Islands in 1994 because prisoners were locked up for 23 hours a day in overcrowded, filthy, rat- and roach-infested cells. One-man cells were used to house four or five prisoners with mattresses on the floor, frequently soaked by overflowing toilets; drinking water was contaminated with sewage.

The consent decree remains in effect today, because an evidentiary hearing found many of the problems still persisted. There is no screening for new prisoners for tuberculosis, and mentally ill prisoners are still being housed with the general population and suffering abuse. Several of the mentally ill were badly beaten, and one died. That consent decree would be set aside by this legislation.

Another in Hawaii, 1987, to remedy dangerously inadequate medical and mental health care and environmental conditions. The consent decree remains in effect today because the problem still exists. Today, the facility is very overcrowded, with men sleeping on the floor in cells where there are backed-up toilets spilling sewage. Because of the overcrowding, mentally ill and dangerous populations are mixed together with potential risk to both groups.

Madam Speaker, there are other cases that would be affected by this. The consent decrees would be eliminated if this bill were to be passed.

Prison staff in Louisiana, a Louisiana case, 1995, prison staff were found to be engaging in sexual abuse of women prisoners ranging from vulgar and obscene sexual comments to forcible sexual rape. Prison staff were not only accused of participating in the sexual misconduct but allowing male prisoners to enter female prisons to engage in forcible intercourse with women prisoners. That consent decree would be set aside by this legislation.

Juveniles held in New Orleans. Juveniles held in Conchetta facility in New Orleans Parish Prison lack such supplies as sheets, underwear and shoes. They are at risk because of inadequate mental, dental and mental health care facilities and unsafe environmental conditions. Children are regularly beaten by staff. That consent decree would be set aside by this legislation.

In the State of Georgia, more than 200 women, some as young as 16 years old, were coerced into having sex with prison guards, maintenance workers, teachers and even a prison chaplain. The sexual abuse comes to light when women became pregnant and were required to undergo abortions. That consent decree would be set aside.

So, Madam Speaker, I would hope that we would not expand the prison litigation court-stripping that we passed in 1995, and that we would defeat this bill.

Mr. COBLE. Mr. Speaker, I yield 6 minutes to the gentleman from Florida (Mr. FOLEY).

Mr. FOLEY. Mr. Speaker, let me strongly support the efforts of the Majority Whip, the gentleman from Texas (Mr. DELAY), to pass this legislation. We supported it as an amendment to the Judicial Reform Act, and I would hope my colleagues will overwhelmingly support it as a free-standing measure.

This bill goes right to the heart of a horrible situation we in Florida have faced. In 1993, the Florida Department of Corrections reported that between January 1, 1987, and October 10, 1991, some 127,486 prisoners were released early from Florida prisons. Within a

few years of their early release, they committed over 15,000 violent and property crimes, including 346 murders and 185 sex offenses.

Now, Florida tried to stop the early release program last year, the ''gain time'' provision, which was a tool used by the legislature back in the 1980s to avert overcrowding, but the judge said, no, cannot do it. It is part of their sentence now. Even though it was not applied at the beginning of their sentence, the ''gain time'' provision now acts as a part of their sentence and reduces the amount of time that the prisoner is held in custody.

Now, let me ask all in America who are listening to think about this for a minute. Who is paying for the kind of policy that we are trying to prevent? One involves a 21-year-old convicted burglar who got out of prison last October on early release. A month later, he was charged with kidnapping and murdering a 78-year-old woman in Avon Park near my district. He abducted her from her home, forced her into the trunk of her car, and killed her in an orange grove about 20 miles away.

Then there is the 30-year-old man jailed in 1989 on grand theft and armed burglary charges who was released early in 1992 because of prison overcrowding. Four years later, he was charged with murdering the owner of a convenience store in West Palm Beach, Florida.

Now, Mr. Speaker, last month a 30-year-old drifter jailed in 1986 for kidnapping and brutally beating a British tourist in Hollywood, Florida, was released early in 1986, was charged with first degree murder of a teenager after her partially mutilated corpse was found in a bathtub in Miami Beach.

In 1991, and it is sad that I have to continue to report these statistics, but it goes to the heart of the argument that I just heard a moment ago. In St. Lucie County, which I represent, a Fort Pierce police officer, Danny Parrish, was murdered by an ex-convict who had been released after serving less than a third of a prison term for auto burglary. Officer Parrish stopped him for driving the wrong way on a one-way street. The ex-convict, who admitted later he did not want to go back to prison for violating probation, disarmed Officer Parrish and killed him with his own gun.

□ 1400

When are we going to wake up in America to the problems that are occurring in our community because of this type of behavior?

The gentleman who argues against the bill suggests the problems that are in prison today, and suggests rape in prison, dirty conditions; they suggest a lot of things. But what happens when they are out on the streets? Who speaks for the victims? Who speaks for the families?

I often think at times maybe we should encourage a judge who has provided an early release waiver for a prisoner who ultimately causes a family member to be killed, maybe the judge should come to the funeral and give condolences to the family, to recognize what is going on.

Time and time again I hear in our prison systems that a judge has intervened and allows cigarette smoking, video machines, weight lifting, because we have to coddle and provide for the criminal. What about the victim? Is it not a prison, after all? Is it not a prison sentence? Is it not serving time for bad behavior?

But somehow, through this debate, it is all about the prisoner. It is all about somebody who has devastated another family, another life, who has raped another individual. So we tell our society and we tell our children, do not worry about it, because if you are sentenced to 10 years, with early release and gained time, you will be out in 2. There is no crime you will ever pay for. There is no serious consequence for your behavior. There is no serious consequences for your action. Some person's loved one has to die, and the person who commits the crime is out shortly thereafter.

A friend of mine in Lakewood, Florida, their daughter was killed by an illegal immigrant who was sentenced to 7 years for murder, which is regrettable that we only have 7 years prison time for a murder of another human being, and was released in 2½ years. Immigration says we cannot deport him.

Mr. Speaker, this bill is about doing what is right for society. It is about doing what is right for the American public. It is about maintaining order in our streets, and about making certain that prisoners who are in fact sentenced, who are the criminals, who are the bad guys, people who actually commit the crimes are treated like the prisoners they are; no happy time, no gained time, no judge intervening.

When the court rules and issues a sentence, the sentence should be fulfilled. It should be carried out. If it takes political courage to build the additional jail cells, then I say, talk to the politicians and get them to do that, but do not let one life be in jeopardy. Do not let one life be in jeopardy because of the continued persistence of judicial activists who insist that somehow these people have extraordinary rights, and those of the victims are often neglected.

So I again urge my colleagues, as they have in the past, by an overwhelming vote, to support H.R. 3718, the bill offered by the gentleman from Texas (Mr. DELAY) limiting Federal court jurisdictions over Federal prison release orders, and urge its passage today. It is the most important piece of legislation we will see in the House this week, and possibly this year.

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

Mr. Speaker, violating the Constitution and constitutional violations are not the solution to prison overcrowding. The Constitution is not violated when we deny someone weight training or access to a color television. If we are going to pass legislation like three-strikes-and-you-are-out, or mandatory minimums, if we are going to try to pass those slogans, three-strikes-and-you-are-out has been studied and has been determined to be just a waste of money. Mandatory minimums result in high-risk prisoners getting not enough time and the low-risk prisoners getting too much time.

Mr. Speaker, if we are going to pass that legislation, we have to fund the prisons. These violations are not just weight training and color TV. They include rapes, assaults, living in sewer- and rat-infested conditions. We need to fund those prisons and keep these within the constitutional constraints if we are going to pass that legislation.

I think there are a lot of easier ways to deal with the prison problem. That is to prevent more crimes before they occur. But if we are going to pass legislation like this, Mr. Speaker, we have to pay the bill. We have very serious, ongoing constitutional violations.

We have situations where the consent decrees are the easiest ways for the States to deal with this, if they want. They do not have to agree to a consent decree. We should not tie their hands and force them into litigation, where they may end up in more draconian sanctions than the consent decrees they have agreed to.

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

Mr. COBLE. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. DELAY).

Mr. DELAY. I appreciate the remarks of the gentleman from Virginia, Mr. Speaker. The problem is nothing in my bill changes the concerns that he has. It does not eliminate the ability for courts to enter into consent decrees, it does not have anything to do with prisoners filing claims that prison conditions are cruel and unusual. I just feel that it is cruel and unusual to turn violent criminals out on the streets for prison conditions.

It is very simple. We are just saying that they cannot turn violent criminals out on the streets because of prison conditions. They can do anything else to correct bad prison conditions, and the cases that the gentleman cites are horrible. They should be corrected.

What we are saying is that we cannot turn them back out on the street to prey on our constituents because of prison conditions. Correct them in a different way. We can also renegotiate consent decrees, those consent decrees that this legislation may affect. Article 3 of the Constitution allows us to do it and precedent allows us to do it.

We are just saying, do not turn violent criminals out on the street because of prison overcrowding and prison conditions.

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

Mr. Speaker, I would just like to read the bottom of page 2 of the bill. It says

Termination of existing consent decrees. Any consent decree that was entered into before the date of the enactment of the Prison Litigation Reform Act of 1995, that is in effect on the day before the date of the enactment of this Act, and that provides for remedies relating to prison conditions shall cease to be effective on the date of the enactment of this Act.

That eliminates all consent decrees, not just those that have as a remedy the release of prisoners. So all of those cases where there are rapes, assaults, and everything else are included.

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

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

Mr. DELAY. Mr. Speaker, the gentleman is right, reading from the bill, that eliminates all consent decrees, but it does not preclude anybody from renegotiating consent decrees, and leaving out the fact that they are turning violent criminals out on the streets.

Mr. SCOTT. Mr. Speaker, I would point out that in the beginning of the bill, as is indicated, it would eliminate any consent decree that provides for remedies relating to prison conditions.

The beginning of the bill says that notwithstanding that section, no court ''* * * shall have jurisdiction to enter or carry out any prisoner release order that would result in the release from or nonadmission to a prison on the basis of prison conditions of the person subject to incarceration, detention, or admission.''

That has essentially eliminated a lot of the jurisdiction the court had in the beginning. If someone were only to provide for unconstitutional violations, at the prison, I am not sure what the court could do. They have been essentially eliminated from anything other than consent decrees. If the locality does not agree to it, the court would essentially be, because of this bill, without remedy to remedy constitutional violations.

The law that passed 2 years ago is now being litigated. This bill just takes away the authority from the courts to enforce the constitutional rights of the citizens. I think it should not be passed.

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

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

Mr. Speaker, H.R. 3718, as we know, is a freestanding version of an amendment which the gentleman from Texas (Mr. DELAY) offered to H.R. 1252, the Judicial Reform Act of 1998, last month; April 23rd, to be exact. The House at that time overwhelmingly adopted the DeLay amendment by a vote of 367 to 52.

I think it is a good bill. I think it will help keep convicted felons off the streets, which of course is the intent, in a constitutionally permissible manner.

Mr. SCOTT. Mr. Speaker, I yield back the balance of my time.

Mr. COBLE. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SHIMKUS). The question is on the motion offered by the gentleman from North Carolina (Mr. COBLE) that the House suspend the rules and pass the bill, H.R. 3718.

The question was taken.

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

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

DRUG FREE BORDERS ACT OF 1998

Mr. ARCHER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3809) to authorize appropriations for the United States Customs Service for fiscal years 1999 and 2000, and for other purposees, as amended.

The Clerk read as follows:

H.R. 3809

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 ''Drug Free Borders Act of 1998''.

TITLE I—AUTHORIZATION OF APPROPRIATIONS FOR UNITED STATES CUSTOMS SERVICE FOR DRUG INTERDICTION AND OTHER PURPOSES

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

(a) DRUG ENFORCEMENT AND OTHER NONCOMMERCIAL OPERATIONS.—Subparagraphs (A) and (B) of section 301(b)(1) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(b)(1)(A) and (B)) are amended to read as follows:

''(A) $964,587,584 for fiscal year 1999.

''(B) $1,072,928,328 for fiscal year 2000.''.

(b) COMMERCIAL OPERATIONS.—Clauses (i) and (ii) of section 301(b)(2)(A) of such Act (19 U.S.C. 2075(b)(2)(A)(i) and (ii)) are amended to read as follows:

''(i) $970,838,000 for fiscal year 1999.

''(ii) $999,963,000 for fiscal year 2000.''.

(c) AIR INTERDICTION.—Subparagraphs (A) and (B) of section 301(b)(3) of such Act (19 U.S.C. 2075(b)(3)(A) and (B)) are amended to read as follows:

''(A) $98,488,000 for fiscal year 1999.

''(B) $101,443,000 for fiscal year 2000.''.

(d) SUBMISSION OF OUT-YEAR BUDGET PROJECTIONS.—Section 301(a) of such Act (19 U.S.C. 2075(a)) is amended by adding at the end the following:

''(3) By no later than the date on which the President submits to the Congress the budget of the United States Government for a fiscal year, the Commissioner of Customs shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate the projected amount of funds for the succeeding fiscal year that will be necessary for the operations of the Customs Service as provided for in subsection (b).''.

SEC. 102. NARCOTICS DETECTION EQUIPMENT FOR THE UNITED STATES-MEXICO BORDER, UNITED STATES-CANADA BORDER, AND FLORIDA AND THE GULF COAST SEAPORTS.

(a) FISCAL YEAR 1999.—Of the amounts made available for fiscal year 1999 under section 301(b)(1)(A) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(b)(1)(A)), as amended by section 101(a) of this Act, $90,244,000 shall be available until expended for acquisition and other expenses associated with implementation and deployment of narcotics detection equipment along the United States-Mexico border, the United States-Canada border, and Florida and the Gulf Coast seaports, as follows:

(1) UNITED STATES-MEXICO BORDER.—For the United States-Mexico border, the following:

(A) $6,000,000 for 8 Vehicle and Container Inspection Systems (VACIS).

(B) $11,000,000 for 5 mobile truck x-rays with transmission and backscatter imaging.

(C) $12,000,000 for the upgrade of 8 fixed-site truck x-rays from the present energy level of 450,000 electron volts to 1,000,000 electron volts (1–MeV).

(D) $7,200,000 for 8 1–MeV pallet x-rays.

(E) $1,000,000 for 200 portable contraband detectors (busters) to be distributed among ports where the current allocations are inadequate.

(F) $600,000 for 50 contraband detection kits to be distributed among all southwest border ports based on traffic volume.

(G) $500,000 for 25 ultrasonic container inspection units to be distributed among all ports receiving liquid-filled cargo and to ports with a hazardous material inspection facility.

(H) $2,450,000 for 7 automated targeting systems.

(I) $360,000 for 30 rapid tire deflator systems to be distributed to those ports where port runners are a threat.

(J) $480,000 for 20 portable Treasury Enforcement Communications Systems (TECS) terminals to be moved among ports as needed.

(K) $1,000,000 for 20 remote watch surveillance camera systems at ports where there are suspicious activities at loading docks, vehicle queues, secondary inspection lanes, or areas where visual surveillance or observation is obscured.

(L) $1,254,000 for 57 weigh-in-motion sensors to be distributed among the ports with the greatest volume of outbound traffic.

(M) $180,000 for 36 AM traffic information radio stations, with 1 station to be located at each border crossing.

(N) $1,040,000 for 260 inbound vehicle counters to be installed at every inbound vehicle lane.

(O) $950,000 for 38 spotter camera systems to counter the surveillance of customs inspection activities by persons outside the boundaries of ports where such surveillance activities are occurring.

(P) $390,000 for 60 inbound commercial truck transponders to be distributed to all ports of entry.

(Q) $1,600,000 for 40 narcotics vapor and particle detectors to be distributed to each border crossing.

(R) $400,000 for license plate reader automatic targeting software to be installed at each port to target inbound vehicles.

(S) $1,000,000 for a demonstration site for a high-energy relocatable rail car inspection system with an x-ray source switchable from 2,000,000 electron volts (2–MeV) to 6,000,000 electron volts (6–MeV) at a shared Department of Defense testing facility for a two-month testing period.

(2) UNITED STATES-CANADA BORDER.—For the United States-Canada border, the following:

(A) $3,000,000 for 4 Vehicle and Container Inspection Systems (VACIS).

(B) $8,800,000 for 4 mobile truck x-rays with transmission and backscatter imaging.

(C) $3,600,000 for 4 1–MeV pallet x-rays.

(D) $250,000 for 50 portable contraband detectors (busters) to be distributed among ports where the current allocations are inadequate.

(E) $300,000 for 25 contraband detection kits to be distributed among ports based on traffic volume.

(F) $240,000 for 10 portable Treasury Enforcement Communications Systems (TECS) terminals to be moved among ports as needed.

(G) $400,000 for 10 narcotics vapor and particle detectors to be distributed to each border crossing based on traffic volume.

(3) FLORIDA AND GULF COAST SEAPORTS.—For Florida and the Gulf Coast seaports, the following:

(A) $4,500,000 for 6 Vehicle and Container Inspection Systems (VACIS).

(B) $11,800,000 for 5 mobile truck x-rays with transmission and backscatter imaging.

(C) $7,200,000 for 8 1–MeV pallet x-rays.

(D) $250,000 for 50 portable contraband detectors (busters) to be distributed among ports where the current allocations are inadequate.

(E) $300,000 for 25 contraband detection kits to be distributed among ports based on traffic volume.

(b) FISCAL YEAR 2000.—Of the amounts made available for fiscal year 2000 under section 301(b)(1)(B) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(b)(1)(B)), as amended by section 101(a) of this Act, $8,924,500 shall be for the maintenance and support of the equipment and training of personnel to maintain and support the equipment described in subsection (a).

(c) ACQUISITION OF TECHNOLOGICALLY SUPERIOR EQUIPMENT; TRANSFER OF FUNDS.—

(1) IN GENERAL.—The Commissioner of Customs may use amounts made available for fiscal year 1999 under section 301(b)(1)(A) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(b)(1)(A)), as amended by section 101(a) of this Act, for the acquisition of equipment other than the equipment described in subsection (a) if such other equipment—

(A)(i) is technologically superior to the equipment described in subsection (a); and

(ii) will achieve at least the same results at a cost that is the same or less than the equipment described in subsection (a); or

(B) can be obtained at a lower cost than the equipment described in subsection (a).

(2) TRANSFER OF FUNDS.—Notwithstanding any other provision of this section, the Commissioner of Customs may reallocate an amount not to exceed 10 percent of—

(A) the amount specified in any of subparagraphs (A) through (R) of subsection (a)(1) for equipment specified in any other of such subparagraphs (A) through (R);

(B) the amount specified in any of subparagraphs (A) through (G) of subsection (a)(2) for equipment specified in any other of such subparagraphs (A) through (G); and

(C) the amount specified in any of subparagraphs (A) through (E) of subsection (a)(3) for equipment specified in any other of such subparagraphs (A) through (E).

SEC. 103. PEAK HOURS AND INVESTIGATIVE RESOURCE ENHANCEMENT FOR THE UNITED STATES-MEXICO AND UNITED STATES-CANADA BORDERS.

Of the amounts made available for fiscal years 1999 and 2000 under subparagraphs (A) and (B) of section 301(b)(1) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(b)(1)(A) and (B)), as amended by section 101(a) of this Act, $117,644,584 for fiscal year 1999 and $184,110,928 for fiscal year 2000 shall be available for the following:

(1) A net increase of 535 inspectors, 120 special agents, and 10 intelligence analysts for the United States-Mexico border and 375 inspectors for the United States-Canada border, in order to open all primary lanes on such borders during peak hours and enhance investigative resources.

(2) A net increase of 285 inspectors and canine enforcement officers to be distributed at large cargo facilities as needed to process and screen cargo (including rail cargo) and reduce commercial waiting times on the United States-Mexico border.

(3) A net increase of 40 inspectors at sea ports in southeast Florida to process and screen cargo.

(4) A net increase of 300 special agents, 30 intelligence analysts, and additional resources to be distributed among offices that have jurisdiction over major metropolitan drug or narcotics distribution and transportation centers for intensification of efforts against drug smuggling and money-laundering organizations.

(5) A net increase of 50 positions and additional resources to the Office of Internal Affairs to enhance investigative resources for anticorruption efforts.

(6) The costs incurred as a result of the increase in personnel hired pursuant to this section.

SEC. 104. COMPLIANCE WITH PERFORMANCE PLAN REQUIREMENTS.

As part of the annual performance plan for each of the fiscal years 1999 and 2000 covering each program activity set forth in the budget of the United States Customs Service, as required under section 1115 of title 31, United States Code, the Commissioner of the Customs Service shall establish performance goals, performance indicators, and comply with all other requirements contained in paragraphs (1) through (6) of subsection (a) of such section with respect to each of the activities to be carried out pursuant to sections 102 and 103 of this Act.

TITLE II—OVERTIME AND PREMIUM PAY OF OFFICERS OF THE UNITED STATES CUSTOMS SERVICE; MISCELLANEOUS PROVISIONS

Subtitle A—Overtime Pay and Premium Pay of Officers of the United States Customs Service

SEC. 201. CORRECTION RELATING TO FISCAL YEAR CAP.

Section 5(c)(1) of the Act of February 13, 1911 (19 U.S.C. 267(c)(1)) is amended to read as follows:

''(1) FISCAL YEAR CAP.—The aggregate of overtime pay under subsection (a) (including commuting compensation under subsection (a)(2)(B)) that a customs officer may be paid in any fiscal year may not exceed $30,000, except that—

''(A) the Commissioner of Customs or his or her designee may waive this limitation in individual cases in order to prevent excessive costs or to meet emergency requirements of the Customs Service; and

''(B) upon certification by the Commissioner of Customs to the Chairmen of the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate that the Customs Service has in operation a system that provides accurate and reliable data on a daily basis on overtime and premium pay that is being paid to customs officers, the Commissioner is authorized to pay any customs officer for one work assignment that would result in the overtime pay of that officer exceeding the $30,000 limitation imposed by this paragraph, in addition to any overtime pay that may be received pursuant to a waiver under subparagraph (A).''.

SEC. 202. CORRECTION RELATING TO OVERTIME PAY.

Section 5(a)(1) of the Act of February 13, 1911 (19 U.S.C. 267(a)(1)), is amended by inserting after the first sentence the following new sentence: ''Overtime pay provided under this subsection shall not be paid to any customs officer unless such officer actually performed work during the time corresponding to such overtime pay.''.

SEC. 203. CORRECTION RELATING TO PREMIUM PAY.

(a) IN GENERAL.—Section 5(b)(4) of the Act of February 13, 1911 (19 U.S.C. 267(b)(4)), is amended by adding after the first sentence the following new sentence: ''Premium pay provided under this subsection shall not be paid to any customs officer unless such officer actually performed work during the time corresponding to such premium pay.''.

(b) CORRECTIONS TO NIGHT WORK DIFFERENTIAL PROVISIONS.—Section 5(b)(1) of such Act (19 U.S.C. 267(b)(1)) is amended to read as follows:

''(1) NIGHT WORK DIFFERENTIAL.—

''(A) 6 P.M. TO MIDNIGHT.—If any hours of regularly scheduled work of a customs officer occur during the hours of 6 p.m. and 12 a.m., the officer is entitled to pay for such hours of work (except for work to which paragraph (2) or (3) applies) at the officer's hourly rate of basic pay plus premium pay amounting to 15 percent of that basic rate.

''(B) MIDNIGHT TO 6 A.M.—If any hours of regularly scheduled work of a customs officer occur during the hours of 12 a.m. and 6 a.m., the officer is entitled to pay for such hours of work (except for work to which paragraph (2) or (3) applies) at the officer's hourly rate of basic pay plus premium pay amounting to 20 percent of that basic rate.

''(C) MIDNIGHT TO 8 A.M.—If the regularly scheduled work assignment of a customs officer is 12 a.m. to 8:00 a.m., the officer is entitled to pay for work during such period (except for work to which paragraph (2) or (3) applies) at the officer's hourly rate of basic pay plus premium pay amounting to 20 percent of that basic rate.''.

SEC. 204. USE OF SAVINGS FROM PAYMENT OF OVERTIME AND PREMIUM PAY FOR ADDITIONAL OVERTIME ENFORCEMENT ACTIVITIES OF THE CUSTOMS SERVICE.

Section 5 of the Act of February 13, 1911 (19 U.S.C. 267), is amended—

(1) by redesignating subsection (e) as subsection (f); and

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

''(e) USE OF SAVINGS FROM PAYMENT OF OVERTIME AND PREMIUM PAY FOR ADDITIONAL OVERTIME ENFORCEMENT ACTIVITIES.—

''(1) USE OF AMOUNTS.—For fiscal year 1999 and each subsequent fiscal year, the Secretary of the Treasury—

''(A) shall determine under paragraph (2) the amount of savings from the payment of overtime and premium pay to customs officers; and

''(B) shall use an amount from the Customs User Fee Account equal to such amount determined under paragraph (2) for additional overtime enforcement activities of the Customs Service.

''(2) DETERMINATION OF SAVINGS AMOUNT.—For each fiscal year, the Secretary shall calculate an amount equal to the difference between—

''(A) the estimated cost for overtime and premium pay that would have been incurred during that fiscal year if this section, as in effect on the day before the date of the enactment of sections 202 and 203 of the Drug Free Borders Act of 1998, had governed such costs; and

''(B) the actual cost for overtime and premium pay that is incurred during that fiscal year under this section, as amended by sections 202 and 203 of the Drug Free Borders Act of 1998.''.

SEC. 205. EFFECTIVE DATE.

This subtitle, and the amendments made by this subtitle, shall apply with respect to pay periods beginning on or after 15 days after the date of the enactment of this Act.

Subtitle B—MISCELLANEOUS PROVISIONS

SEC. 211. ROTATION OF DUTY STATIONS AND TEMPORARY DUTY ASSIGNMENTS OF OFFICERS OF THE UNITED STATES CUSTOMS SERVICE TO PROMOTE INTEGRITY.

(a) IN GENERAL.—Section 5 of the Act of February 13, 1911 (19 U.S.C. 267), as amended by this Act, is further amended—

(1) by redesignating subsection (f) as subsection (g); and

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

''(f) ROTATION OF DUTY STATIONS AND TEMPORARY DUTY ASSIGNMENTS OF CUSTOMS OFFICERS.—

''(1) IN GENERAL.—Notwithstanding any other provision of law, bargaining agreement, or Executive order, in order to ensure the integrity of the United States Customs Service, the Secretary of the Treasury—

''(A) may transfer up to 5 percent of the customs officers employed as of the beginning of each fiscal year to new duty stations in that fiscal year on a permanent basis; and

''(B) may transfer customs officers to temporary duty assignments for not more than 90 days.

''(2) VOLUNTARY AND OTHER TRANSFERS.—A transfer of a customs officer to a new duty station or a temporary duty assignment under paragraph (1) is in addition to any voluntary transfer or transfer for other reasons.

''(3) ADDITIONAL REQUIREMENT.—The requirements of this subsection, including any regulations established by the Secretary to carry out this subsection, are not subject to collective bargaining.

''(4) AUTHORIZATION OF APPROPRIATIONS.—

''(A) IN GENERAL.—There are authorized to be appropriated for fiscal year 2000 $25,000,000 to carry out this subsection.

''(B) AVAILABILITY OF AMOUNTS.—Amounts authorized to be appropriated under subparagraph (A) are authorized to remain available until expended.

''(5) RULE OF CONSTRUCTION.—The authority provided by this subsection may be exercised only to the extent that in the applicable appropriations Act (or in the committee report or joint statement of managers to such Act) an account is specifically established for the authority provided by this subsection.''.

(b) EFFECTIVE DATE.—Section 5(f) of the Act of February 13, 1911, as added by subsection (a), shall take effect on October 1, 1999.

SEC. 212. EFFECT OF COLLECTIVE BARGAINING AGREEMENTS ON ABILITY OF UNITED STATES CUSTOMS SERVICE TO INTERDICT CONTRABAND.

Section 5 of the Act of February 13, 1911 (19 U.S.C. 267), as amended by this Act, is further amended—

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

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

''(g) EFFECT OF COLLECTIVE BARGAINING AGREEMENTS ON ABILITY OF CUSTOMS SERVICE TO INTERDICT CONTRABAND.—

''(1) SENSE OF THE CONGRESS.—It is the sense of the Congress that collective bargaining agreements should not have any adverse impact on the ability of the United States Customs Service to interdict contraband, including controlled substances.

''(2) PROVISIONS CAUSING ADVERSE IMPACT TO INTERDICT CONTRABAND.—

''(A) REQUIREMENT TO MEET.—If the Commissioner of the Customs Service determines that any collective bargaining agreement with the recognized bargaining representative of its employees has an adverse impact upon the interdiction of contraband, including controlled substances, the parties shall meet to eliminate the provision causing the adverse impact from the agreement.

''(B) FAILURE TO REACH AGREEMENT.—If the parties do not reach agreement within 90 days of the date that the Commissioner of Customs made the determination of adverse impact, the negotiations shall be considered at impasse and the Commissioner of Customs may immediately implement the last offer of the Customs Service. Such implementation shall not result in an unfair labor practice or, except as may be provided under the following sentence, the imposition of any status quo ante remedy against the Customs Service. Either party may then pursue the impasse to the Federal Service Impasses Panel pursuant to section 7119(c) of title 5, United States Code, for ultimate resolution.

''(C) RULE OF CONSTRUCTION.—Nothing in this paragraph shall be construed to limit the authority of the Commissioner of Customs to implement immediately any proposed changes without waiting 90 days, if exigent circumstances warrant such immediate implementation, or if an impasse is reached in less than 90 days.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. ARCHER) and the gentleman from California (Mr. MATSUI) each will control 20 minutes.

The Chair recognizes the gentleman from Texas (Mr. ARCHER).

GENERAL LEAVE

Mr. ARCHER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 3809.

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

There was no objection.

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

Mr. Speaker, as my colleagues know, drug use among teenagers is now skyrocketing. This Congress is dedicated to winning the war on drugs because our very children's lives are at stake.

Last week Anthony Butler, a 17-year-old from Annapolis, Maryland, told the Congress that he started smoking marijuana when he was 12 years old, age 12. At age 13 he was sentenced to juvenile life after being found guilty of several crimes. He said drugs were, and I quote, ''* * * easy to get. They were everywhere.'' During those years they were available even in his juvenile detention center, Boys Village in Prince Georges County.

This young man could be anyone's son, grandson, nephew, or little brother. The point is, we are losing the war on drugs, and the statistics are grim. More kids are using marijuana, more kids are using cocaine, more kids are using heroin, more kids are risking their lives, and more kids are dying.

Mr. Speaker, this bill will help keep drugs out of our children's hands and out of their lives. We must stop drugs from coming across our borders. Last year the Customs Service seized 1 million pounds of narcotics, and impressive as that is, Anthony Butler still was able to get drugs at the drop of a hat, and that, Mr. Speaker, is frightening.

Mr. Speaker, the reasons to step up the war on drugs are clear, yet the U.S. Customs service and the Clinton administration support for this bill has been anything but unwavering. Last Tuesday at the subcommittee markup of this legislation, the U.S. Customs Service said they supported each and every provision of this bill, including provisions that I expect will be heatedly debated today.

But sadly, it appears as though Washington's labor bosses have tightened their grips on the Clinton administration, and even on its drug czar. Politics, unfortunately, has entered into the decision-making process of the administration, because by last Thursday, U.S. Customs had reversed its position and no longer supports this bill to beef up our borders against drugs.

Today the administration is backtracking. It now supports the bill, but opposes one of its most significant elements because of labor opposition, and an element, I must say, that was encouraged to be put in the bill by the Customs Department itself to enable it to do a better job.

I am deeply disappointed in the administration's change of heart, driven by politics, to put the interests of Washington's labor bosses above the well-being of children like Anthony Butler from Annapolis, Maryland.

Let me make clear the provisions do one thing and one thing only: They help win the war on drugs. One provision gives Customs the flexibility to deploy personnel where they are needed most. Drug smugglers do not work 9 to 5, and our Nation's front line of defense in the war on drugs cannot work 9 to 5, either.

Another says if a group of employees under the collective bargaining agreement refuses to work with Customs on drug interdiction, thus undermanning the war on drugs, Customs must bring the matter to negotiations for 90 days. If there is no resolution, Customs may implement its last offer, so that Customs can stop drugs from crossing our border while the union pursues its remedies.

□ 1415

One procedure that is being blocked today by a local union is used everywhere else along the U.S.-Mexico border, resulting in 50 percent seizure of all drugs in one site, San Ysidro, California. We need to join together to protect our children from the scourge of drugs. This is not a time for partisan politics or for special interest influence in either party. We must put our children first.

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

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

H.R. 3809 poses an unfortunate dilemma for many Members. On the one hand, it authorizes additional resources needed by the United States Customs Service for antidrug enforcement. On the other hand, it contains provisions affecting Customs employees and their collective bargaining

rights in particular, which are controversial and do not have bipartisan support.

Title I of the bill authorizes appropriations for the Customs Service for fiscal years 1999 and 2000, as requested by the President, plus additional funds authorized specifically for additional equipment and personnel to strengthen enforcement along our borders against illegal drugs and other contraband.

The $90 million earmarked for the latest equipment and technology and the $301 million earmarked over 2 prior years for an additional 1,745 Customs inspectors, special agents and other personnel are necessary for additional resources to detect and interdict illegal drugs.

Mr. Speaker, the problem with this bill, however, is two provisions in the bill which Democrats opposed in the Committee on Ways and Means, sections 211 and 212. These two sections would allow Customs managers to abrogate unilaterally collective bargaining agreements between Customs management and Customs employees and to regulate the collective bargaining process as it applies to the temporary reassignment of Customs inspectors and the interdiction of contraband.

Specifically, section 211 authorized Customs management to reassign its employees without regard to any existing executive order, Federal law or collective bargaining agreement. Section 212 authorizes Customs to determine whether a collective bargaining agreement has an adverse impact on the interdiction of contraband and to implement a management action if agreement is not reached within 90 days with the union. Under exigent circumstances, whatever Customs basically determines them to be, management action may be implemented immediately.

In short, Mr. Speaker, Customs is being authorized to ignore and abrogate collective bargaining agreements negotiated in good faith. That is the major problem with this legislation.

I might just point out to the chairman of the Committee on Ways and Means that the administration is not opposing this provision because of special interests or because of labor. It is because the administration believes that contracts should not be abrogated.

I think it is about time that the majority begin to stop considering it a conspiracy every time something that they disagree with happens. They should stop looking under the bed or opening up closets. Maybe they might then come to the realization that sometimes these decisions are made based upon good faith and certainly upon good policy and good judgment.

Most of the Members on our committee did support this legislation. It is my hope that when this matter goes to the House-Senate conference that we can correct section 211 and section 212, which certainly need major revisions, if, in fact, this bill is eventually to get to the President and certainly before the President will sign this legislation.

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

Mr. MATSUI. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Speaker, I thank the gentleman for yielding to me and certainly want to associate my comments with his.

Section 203 also is of some concern in that it impacts on the premium pay that is earned by Customs employees. I would say to my friend from Florida, who is managing the bill, and my friend from California, I intend to vote for this bill when it comes up for a vote, voice vote or however it will be. But I will be watching very closely, as the gentleman from California indicates, what happens in conference.

Very frankly, what was done as it relates to the employees and to the integrity of the contracts that they have negotiated and entered into gives me great concern. That is not the thrust of this bill, but it is one of the tangential impacts that I think should give everybody in this House concern. I hope that in conference these concerns will be addressed, this facet of it will be fixed, so that the very positive aspects of this bill can go forward.

I thank the gentleman for yielding to me.

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

The SPEAKER pro tempore (Mr. SHIMKUS). Without objection, the gentleman from Florida (Mr. SHAW) is recognized to control the time.

There was no objection.

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

I would point out to my friend from California that the vote in the Committee on Ways and Means was unanimous; all that were there voted for it with, I believe, one Member voting present. There were no negative votes. It is a very well-thought-out bill.

I would also tell my friend from Maryland that we believe that we took care of the problem with regard to the existing contract in that the provision that was talked about as abrogating the rights of a contract does not take place until the existing contract expires in 1999. Also, there is a provision within that contract that very specifically states that if the law should change during the period of the labor contract, that the law would certainly prevail.

Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. HASTERT).

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

This bill has been a long time coming. I have taken about four or five trips to the border myself to try to look at the problems, understand what is going on.

If we go to Tijuana, the crossing there, if we go to Laramie, if we go to El Paso, if we go to Nogales, what they tell us time after time is, Congressman, we have a problem. Because if this lane of traffic has an INS inspector and this lane of traffic has a Customs inspector and, in fact, in El Paso they sit up on the bridge over in Mexico and they look with their binoculars and they say, with their telephones, go into lane 3 because an INS inspector is there and they cannot lift the trunk because that is in the contract. And we know that the drug smugglers know who these people are. They know what lane they are in. They said, we cannot get everything we should get because these union contracts stand in our way.

When I talk about that to my folks back home, they say, well, that is a common-sense thing. Why do we not change things that should be changed?

The other problem, part of this problem, if we have a Customs agent who has been on a job and, according to their contract, they can bid on a job and they can live on the border for 20 years, the same place, their brother-in-law can live across the border. It is common sense that maybe the potential for corruption happens when somebody is too long in one place and too close to situations. Maybe we ought to change that; and when the contract comes up to be renewed, maybe those are the things that ought to be renegotiated.

So I take my hat off to the gentleman from Illinois (Mr. CRANE), the gentleman from Texas (Mr. ARCHER), and the gentleman from Florida (Mr. SHAW) for coming forward with a good, common-sense bill.

That is not all this bill does. It also brings in 1700 new officers so that we can attack smuggling from Florida, the Gulf Coast and our southwest and Canadian borders. This bill puts some teeth into what we need to do.

I support it and ask for Members' positive vote.

Mr. MATSUI. Mr. Speaker, I yield 3 minutes and 30 seconds to the gentleman from Michigan (Mr. LEVIN).

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

Mr. LEVIN. Mr. Speaker, if there is any domestic issue that deserves action across party lines, this is it, drugs. My staff and I have worked actively in this fight against drugs as a number one priority in Washington and at home.

At home, we have worked building antidrug coalitions, always nonpartisan, always across all kinds of lines involving parents and students and teachers, leaders in the business community, law enforcement and religious communities.

The administration announced a 10-year national drug strategy, and it addresses supply and demand factors, both of them. The strategy calls for an enhanced border effort.

When some of us were in Chile with the President at the summit of the Presidents of the Americas, we met with the President and discussed especially this border problem. And he said to us, a bipartisan group, will you work with me to enhance border efforts on a

bipartisan basis? And the answer from all of us on a bipartisan basis was yes.

The main part of this bill embodies that spirit, an enhanced effort at the border. It was worked out on a bipartisan basis.

That is not true of subtitle B of title II, so-called miscellaneous provisions. The gentleman from Illinois says this bill has been a long time in coming, but these provisions, abrogation of contract provisions, were sprung without a hearing at the last minute last Tuesday without any bipartisan discussion whatsoever. Those are the facts.

The chairman of the committee has talked that we should not politicize drugs, and how true it is; but that is exactly what the majority does when they raise provisions without talking to us for one second, at the last minute, without any hearings on a bill that is a long time in coming.

These provisions may not go into effect this year, but when they go into effect, they give a government agency the power to abrogate a collective bargaining agreement, a contract, without any standards; and it seems to me that those of us who believe in the contract provisions, who believe in the contract process in this country, that they would hesitate before setting this kind of a precedent.

I am going to vote for this bill. I am hoping that the Senate will look at these provisions. They already have a bill that authorizes the Customs Department. It does not contain these contract abrogation provisions.

Let us pass this along to the Senate, hoping that they will keep what is necessary here, the fight against drugs, and remove the political parts of this bill.

Mr. SHAW. Mr. Speaker, I yield myself 15 seconds to reply to the gentleman from Michigan.

The provision that he is claiming that is politicized came from the administration. We did not jump this or spring this on the Democrats. This was requested by the Customs Department themselves.

Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. PORTMAN).

Mr. PORTMAN. Mr. Speaker, as we debate this bill today to tighten up the border and clamp down on drugs coming into this country, I think it is probably appropriate to pause and remember why we are here.

We do have an increasing drug problem in this country. We have had a doubling of teenage drug use in the last 5 years in this country. Prices are down; volumes are up. We have a crisis.

I have focused more on the demand side, on the prevention/education side, because I think that is ultimately how we are going to solve this problem. We also have to acknowledge that to the degree to which we have high volumes and low prices on the street, we are going to have an increasing problem on the demand side. So they are linked. That point has been made to me a lot by my colleagues, and I am a believer.

Today, 70 percent of high school seniors tell us they can get drugs within 24 hours. Given where we are, given the situation, I think that this legislation is a good balance. I think it is a good way to be sure that we are doing a much better job on the border, which we have to do.

There are a series of changes in here. It increases the number of inspectors and special agents. It increases resources at the border, something the gentleman from Michigan (Mr. LEVIN) said the President is in favor of.

We are doing this on a bipartisan basis. It enhances the technology available to them. Others are going to talk more about this, but it is amazing the degree to which these Customs officers are now asked to work with poor technology, dealing with thousands and thousands of drugs coming across busy border crossings made busier by NAFTA, which I supported and many other Members on both sides did. We need to give them the technology to check these trucks.

□ 1430

Finally, the flexibility to be able to deploy these resources where they are needed. If we are to have a real war on drugs, we have to fight it like a war. We have to give the Customs Service the flexibility to put personnel where they are needed, and that includes rotations, and that includes nighttime service, and that includes the ability to be flexible to respond to ever-changing border situations, because the smugglers will find a new way to come in every chance they get.

So to me this is kind of a basic commonsense response. If we are serious about drugs, we have to do it. It is a reasonable response to a crisis situation.

Mr. MATSUI. Mr. Speaker, I yield ½ minute to the gentleman from Michigan (Mr. LEVIN).

Mr. LEVIN. Mr. Speaker, I just wanted to say to my friend from Florida that we discussed this in the Committee on Ways and Means and it was clear that the staff of the majority discussed this and helped initiate this. Maybe discussed it with the administration. We are waiting for the evidence. But there was not the full discussion with the minority. There was no discussion with us.

And maybe this is part of what was described in the Washington Post, an effort by the Republicans to politicize this issue instead of coming together. So I urge we move ahead with this bill but look at the bad provisions in conference.

Mr. MATSUI. Mr. Speaker, I yield 3½ minutes to the gentleman from Texas (Mr. REYES).

Mr. REYES. Mr. Speaker, I thank the gentleman for yielding me this time. I appreciate he does not have a lot of time, and in 3½ minutes I cannot tell my colleagues the frustration of working in this body.

The reason I rise in strong opposition to this bill, among many, is the information that we hear here about one agency being able to open trunks and the other agency not being able to open trunks. To suggest that a collective bargaining contract leads to corruption is ridiculous.

I patrolled our border for more than 26 years with the Border Patrol and also served as an inspector at our ports of entry for 4 years. I know what the men and women of our borders are asked to do on a daily basis. I know the dedication they pour into their work each and every day to keep our communities safe.

I do not understand how this body can vote on a bill which will send many of our customs inspectors home to their families with less pay and will take away their current negotiating rights. I do not understand how we can be so hypocritical as to ask our inspectors to do more but give up their rights while serving as a first line of defense on our borders.

I think I do understand how we work in this House but I do not agree with it. The reason that our borders and our fight against drugs does not work is because too often in this House we make it a political issue. I make it a practice to act in the best interest of our border and do not politicize the needs of our border.

I am a cosponsor of the bill offered by the gentleman from California (Mr. HUNTER), which increases our Border Patrol presence and gives our agents more flexibility while doing their jobs because it is the right thing to do. He is a cosponsor of my bill to separate the enforcement functions of the INS and create a new agency, again because it is the right thing to do. It serves the needs of our communities, not the needs of our political agendas.

I stand here today deeply disturbed with this body, because the legislation that is pending before us has nothing to do with the border, it has nothing to do with fighting drugs; it has everything to do with politics. When are we going to act in the best interest of our border communities and pass legislation which addresses the needs of our drug enforcement agencies?

We should not use the issue to push political agendas. If this bill is designed to make some Members look bad and choose between much-needed personnel and technology and the rights of our agents and inspectors who enforce our narcotics and immigration laws, then shame on us for politicizing the security and the integrity of our borders and misusing the trust and faith placed in us by our communities.

No one in this body today should fall into this trap. I refuse to compromise the security of our Nation and the rights of our hard working and dedicated agents and inspectors. We all owe it to our men and women who stand on the border of this great country, keeping our families and our communities safe, and ask nothing in return except the fundamental right of fair treatment.

I ask all my colleagues, based on 26½ years of experience in fighting drugs, in fighting illegal immigration on our borders, to oppose this bill. There were no hearings held. This is a mishmash and a missed opportunity to do what is right.

Mr. SHAW. Mr. Speaker, may I inquire as to the time remaining on either side?

The SPEAKER pro tempore (Mr. SHIMKUS). The gentleman from Florida (Mr. SHAW) has 9¾ minutes remaining, and the gentleman from California (Mr. MATSUI) has 8¼ minutes remaining.

Mr. SHAW. Mr. Speaker, I yield 2 minutes to the gentleman from Arizona (Mr. HAYWORTH), a distinguished member of the Committee on Ways and Means.

Mr. HAYWORTH. Mr. Speaker, I thank my colleague from Florida for yielding me this time.

I listened with great interest to my friend from Texas and his very unique perspective, and he raises an interesting question that I think we should all take into account: workers' rights versus workers' responsibilities. I was intrigued to hear many Members of the minority even offering that predictable cacophony of complaints prompted by the Washington union bosses, and I have a couple of letters here urging opposition to this legislation.

But I think it is a fair question to ask: Do workers' responsibilities ever rank preeminently as opposed to coexisting with workers' rights? Because what we have, my colleagues, is a full-fledged crisis. And even though our drug czar, General McCaffery, today would criticize us for using the term ''war on drugs,'' Mr. Speaker, that is exactly what we should be committed to do.

If we are serious about stopping this flow of drugs, that means that all available personnel should be called into action to do their jobs. And when it comes to collective bargaining, though I am pleased to admit the JD in my name does not stand for Juris Doctor, I am not a lawyer and never played one on TV, and I consider that an asset, but it is a well-held legal fact that this body can change the terms of any agreement involving Federal workers and workers' agreements.

What we have, Mr. Speaker, is a chance to go on record. What do we hold in higher esteem: A collective bargaining agreement or the future of our children and interdicting drugs? This should be all about drug interdiction and it has very little to do with workers' rights.

Mr. Speaker, I urge passage of the legislation.

Mr. MATSUI. Mr. Speaker, I yield 2½ minutes to the gentleman from California (Mr. FILNER).

Mr. FILNER. Mr. Speaker, I thank the gentleman for yielding me this time.

Yes, we must be relentless, Mr. Speaker, in our war on drugs, but not at the expense of the soldiers whom we must rely on to fight that battle. H.R. 3809 gives us tools in this tough battle but puts those who will use the tools into straightjackets.

Provisions of this bill will rob Customs employees, who are the frontline drug enforcement personnel, of both their hazard pay to work essential nighttime shifts and their negotiating rights. This makes no sense at a time when we are asking these soldiers to work harder and smarter with new high-tech equipment.

I say to the distinguished chairman of this committee and to the distinguished gentleman from Arizona (Mr. HAYWORTH) that we are not talking here about union bosses, we are not talking about special interests, we are talking about the men and women who are fighting the war on drugs.

This bill would allow Customs Service management to back out of agreements made with rank-and-file employees. And because armies are dependent on the loyalty and respect between soldiers and officers, we cannot win the war on drugs if management makes agreements with employees but then has the congressional approval to break them at will.

Congress will waste taxpayers' money if it authorizes expensive cutting-edge equipment while at the same time undermining employee morale and labor standards. A drug interdiction program for the century depends on 21st century equipment and a 21st century work force. The Customs Service will not be able to retain or attract the high quality employees needed to operate upgraded equipment if it downgrades the labor standards.

This bill should not be passed in its present form, Mr. Speaker. The aim of this bill is good, but it has not gone through the normal legislative process to fix the problems. Let us defeat this bill today, fix the problems, bring it back under regular order for a unanimous vote of support.

Let us make this war on drugs, I say to my friends on the other side of the aisle, unanimous. Let us not politicize it with this kind of bill that was brought with only a few days' notice, that undermines the men and women who are going to fight this war.

Mr. SHAW. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Florida (Mr. MCCOLLUM), the chairman of the Subcommittee on Crime of the Committee on the Judiciary.

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

Mr. MCCOLLUM. Mr. Speaker, I thank the gentleman for yielding me this time, and I want to commend the gentleman from Florida (Mr. SHAW) and the others who sponsored this bill. It is a terrific piece in the puzzle to get us back to the point where we are actually fighting a war against drugs; where we are putting the full energy of this country where it needs to be.

With double the teenage drug use in the last six years in this country, it is very apparent we have a big time problem. We need education, we need training, we need drug treatment, but we also have to stop the flow of drugs coming into this country. This is one piece in that puzzle that deals with the Customs Service, and it is a very good piece in that puzzle.

In order to stop the flow of drugs from coming in here, or at least to cut back about 80 percent, which is what is necessary for us to increase the price of drugs on the streets and reduce the amount that is available, that is flooding our streets, and make the job of demand easier, then we have to do things in the source countries to reduce the flow of drugs out of Colombia, Peru, Bolivia, places like that, Mexico, and we have to stop the drugs when they are coming across our coastal waters, but we also have to stop them at our borders.

That is where the Border Patrol comes in, the Coast Guard comes in, DOD, DEA, everybody, but Customs is a very important part of that. This bill would put $960 million of new money at this effort through Customs. It is a 31 percent increase over the President's request for Customs. It would mean 1,705 new personnel and all kinds of new equipment, including x-ray equipment at our borders, not only the borders with Mexico and the United States but Canada and the United States and along the coast of Florida, which is very important to our State in the region where I come from.

This is a very, very important bill to beef up the Customs portion and to put us on track where we can actually have the right personnel, the right equipment at every level, in source countries, transit and at the border, to really fight a true war against drugs. And I urge the adoption of this drug border enforcement, Drug-Free Border Act that the gentleman from Florida (Mr. SHAW), the gentleman from Illinois (Mr. CRANE) and others are sponsoring today.

Mr. MATSUI. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Speaker, I rise in support of this bill to support U.S. Customs' interdiction efforts with the latest high-tech equipment for detecting narcotics coming through commercial trade, although I am going to work to remove the anti-worker provisions the Republican leadership has stuck in this bill.

The eradication of illegal drugs in our society is a number one priority of the Congressional Black Caucus. We put it in our priority statement over two years ago and we have been working very hard. I am pleased that the Republican leadership has finally gotten around to calling for funding the sophisticated antidrug technology that we possess. I was calling for this during the debate over fast track, when I put out a major report on the effect of NAFTA and other trade treaties on the increase of drug trade through commercial trucks and ships.

Unfortunately, neither the Republican leadership nor the drug czar wanted to address the drugs and trade then. I could not even get the Republican Members of this House to accept a copy of the report that I put together talking about what was going on.

I also introduced my legislation January 27, 1998, that calls for funding sophisticated high energy container x-ray systems and automated targeting systems for inspection of cargo at major border checkpoints. I am pleased that this bill will authorize these inspection systems. Some would say the Republicans stole my legislation, but whether they did or not, I am glad that they finally caught up.

I must say I do have reservations about some of the provisions that have been stuck in the bill. I think it was in there because it was supposed to scare away people who are friends to organized labor, but we are not running from this. We will straighten it out in conference. The Senate put it in. They did it right. This provision that my colleagues on the other side have put in is just a poison pill, but I will support the bill and work to take that out.

I want my colleagues to know we must commend this administration for the big money-laundering bust that just took place. I am going to know my colleagues are serious when they join me on the money laundering bill that takes some of the American banks into the 21st century.

Mr. SHAW. Mr. Speaker, I yield 2½ minutes to the gentleman from Iowa (Mr. NUSSLE), a distinguished member of the Committee on Ways and Means.

Mr. NUSSLE. Mr. Speaker, I thank the gentleman for yielding me this time. By the way, that was bipartisanship. I am glad that there are at least some folks that are coming down here in a very bipartisan way talking about drugs but, unfortunately, that is not happening all the way across the board.

Just to clear up a couple of things that have been discussed here today. I was at a meeting. It was not staff that had the meeting with Customs about whether or not to put these changes in in section B. I was at the meeting. They asked for it. They are part of the administration. It has been a bipartisan effort to make these changes from the beginning. If somebody did not happen to be at the meeting, that is not my fault.

□ 1445

That is not Customs' fault. But this has been going on for a long time. And I realize that there are a few people that have got their noses out of joint. But it is not because, I do not believe, they believe we should not be doing things about drugs. It is for other reasons.

Let me just tell my colleagues a little bit about this bill that I think we need to consider. One is that there is no abrogation of contract. All right? There is no such thing as that in this bill. What there is is that there is a time limit, and it says, ''If you cannot get your ducks in order within 90 days,'' and we have had examples that have been pointed out that have been as long as 4 years and running where opportunities to make agreements between the union members and management have not been worked out, ''exigent circumstances can be grounds for making these changes.''

Let me just give my colleagues an example of what exigent circumstance might be. Back this last year, in March of 1997, the FBI intelligence discovered that there was a drug smuggling ring on the border of California that was going to use extreme measures in retaliation for lost shipments of drugs; and, so, what the Customs Service did was they said to their workers, ''You are ordered to wear bullet-proof vests and body armor.'' And so what happened? Union representatives said, ''That is not in our contract. We don't have to.''

Well, body armor and bullet-proof vests are not just there for the protection of the one person who wears it or a union member. It is there to protect the border. And it in that kind of exigent circumstance that the Customs Department needs to be able to suggest that current union contracts do not stand in the way of bullets flying at the border. Body armor stands in the way, possibly.

So not contracts, not union organizations, but exigent circumstances in this instance needed to be the grounds for this extreme measure. It needs to be part of this bill. The Customs Service has asked for it. It has been bipartisan. Let us vote for this bill.

Mr. MATSUI. Mr. Speaker, I yield 2½ minutes to the gentleman from Ohio (Mr. KUCINICH).

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

Mr. Speaker, like all working families in this country and Members of this body, I am committed to the fight against illegal drugs flowing into our country across our borders. We need to strengthen our efforts to halt the flood of drugs to our cities and suburbs and States. This is the context, Mr. Speaker, in which I rise to oppose H.R. 3809.

I believe that the drug issue is too important to clot it with anti-Customs Service worker provisions, wherever those provisions came from. This measure is far too controversial to be considered under the suspension calendar. It needs to be sent back to the Committee on Rules for full consideration.

This bill has a number of laudable aspects. It increases funds authorized for Customs Service to use for drug interdiction activities, earmarks money for the hiring of more than 1,700 new Customs inspectors, special agents, K–9 enforcement officers, provides for a variety of new high-tech equipment.

But illegal drugs will not be stopped by technology or money alone. Drugs will be halted by the motivated and dedicated people who work for the Customs Service. These civil servants are the first line of defense against the drugs flowing into our country. Why attack them? They did not create the drug problem. This is where H.R. 3809 becomes an extreme and radical measure.

Customs agents have freely chosen to belong to a union, and they worked with Customs management to establish one of our Nation's most innovative labor-management partnerships. This bill would punish them for their efforts. This bill would allow the Commissioner of the Customs Service to unilaterally cancel any aspects of the collective bargaining agreement. The bill would destroy the collective bargaining process in the Customs Service.

This is wrong. Government workers have rights. Why, in the name of the fight against drugs, do we have legislation in front of us which attacks the rights of working people? Mr. Speaker, I submit that there ought to be rehabilitation for those who want to knock down wages and benefits of workers in the name of fighting drugs.

Mr. MATSUI. Mr. Speaker, may I inquire of the amount of time we have on our side?

The SPEAKER pro tempore (Mr. SHIMKUS). The gentleman from California (Mr. MATSUI) has 1¾ minutes remaining.

Mr. MATSUI. Mr. Speaker, I yield the balance of my time to the gentleman from California (Mr. BECERRA).

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

Let me begin by saying that I fully support the funding increases in this bill for drug interdiction. That should have and could have been the focus of this debate. Unfortunately, at the last moment, provisions were added to this bill which changes character and also made it an anti-worker bill. Why this bill takes a swipe at workers I do not understand, but it does.

Sections 221 and 222 of title II of this bill would remove the negotiating rights for front-line drug enforcement personnel, the very people that we are asking to take on this risky task of stopping drugs from coming through.

On one day in April of last year, two U.S. Customs Inspectors were shot. At the same time that same day, there was a bomb threat in a cross-border pedestrian tunnel, and there was a 100-mile pursuit of a truck filled with immigrants who had no right to be in this country, this truck barreling through a border checkpoint and almost running down a Border Patrol agent. Those are the kinds of things that happen.

Those employees put their life on the line. They should have every right to decide under what conditions they would work.

Now, management does not have to agree to everything; and that is what the collective bargaining process is for. If we allow the process to work, it would work very well. Unfortunately, even in this own House, we do not follow process.

This bill was introduced on May 7. We had a hearing on April 20 on Customs' issues. So at the hearing itself on these issues, we never took up this bill nor those anti-worker provisions. May 12, this went before the subcommittee; May 14, it went before the subcommittee; and today it is on the floor.

Never once have we had a chance to discuss these anti-worker provisions. We would all probably be standing supporting this bill if it were not for the fact that, at the last moment, anti-worker provisions were added. It is a way to cloak those ugly provisions and get this bill passed. We should really be voting no on this bill until those provisions are removed.

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

Mr. Speaker, I would say to those that said that there have not been hearings on this bill, there have been over the years. Last year, we had a hearing on it. We had a couple hearings this year.

And I would like to also say to those and particularly the gentleman from Ohio, who spoke before the gentleman from California, in talking about a poison pill and the gentlewoman from California talking about a poison pill, the provisions that they are complaining about were written by the administration and given to us for insertion in the bill.

I am pleased to speak today on the merits of H.R. 3809, the Drug Free Borders Act of 1998. H.R. 3809 was reported by the Committee on Ways and Means last Thursday, May 14, by a bipartisan vote of 29–0. We have heard so much about fighting the war on drugs, and I am here to tell my colleagues that H.R. 3809 is absolutely essential to this cause.

This bill proposes an additional $232 million in Customs authorizations over the President's request for fiscal 1999. I can think of no better reason to support this bill than its ability to provide for 1,745 additional Customs officers and special agents to protect our borders. Yes, that is 1,745 additional Customs people. This authorization will specifically target those areas that have been identified as major drug smuggling and transportation and distribution networks in our country.

I would like to bring to the attention of my colleagues an example of what these resources would add to the outstanding performance of our Customs officers. In what Treasury Secretary Robert Rubin and Attorney General Janet Reno have referred to as the largest, most comprehensive drug money laundering case in the history of the United States law enforcement, Customs just this past weekend seized over four tons of cocaine and marijuana, conducted over 70 arrests, and made over $155 million in illegal laundered drug money in Los Angeles.

H.R. 3809 would also correct the problems with the overtime and nighttime pay of Customs officers that has proven to be disturbingly flawed. Overtime payment for work not even performed should stop. Who can argue with that? Night pay at noontime should stop. Who can argue with that? Any savings resulting from the elimination of these problems should fund additional drug enforcement efforts. Who can argue with that?

To ensure the integrity of the United States Customs Service, H.R. 3809 would allow the Secretary of the Treasury to rotate up to 5 percent of the Customs officers as of October 1, 1999. This provision would become effective after the conclusion of the current contract between Customs and its union to ensure that it does not abrogate the terms of a national contract, contrary to what has been argued here on this floor today.

Finally, H.R. 3809 seeks to eliminate many of the factors that inhibit the Customs officers from performing their drug interdiction effort.

Currently, labor negotiations have been cited as a major impediment to these vital efforts. In my state of Florida, for instance, one labor negotiation in Miami has dragged on for almost four years at one of the most critical ports in the country. This bill would allow the Commissioner of Customs to limit any additional negotiations to 90 days.

H.R. 3809 simply seeks to give Customs the tools it needs to fight the war on drugs without delay. We cannot afford delay in this war . . . for delay means more drugs getting into the hands of our children.

The U.S. Customs Service deserves our praise, my colleagues, but most importantly today, they deserve our support by voting yes to H.R. 3809, in allowing them to do even more in fighting for our nation's future and the future of our children. We must join together to protect our children from the scourge of drugs, without partisanship or special interests. Vote Yes to put our Children first.

Mr. GOSS. Mr. Speaker, our borders are the last line of defense between our Nation's cities and towns and the organized drug smugglers who market their poisons. We must make the United States border a perilous obstacle for those engaging in this destructive trade. That means stepping up border enforcement and keeping one pace ahead of the traffickers. The Drug Free Borders Act represents the first step toward that end by providing for new special agents and inspectors at the U.S. Department of Customs, as well as for the purchase of valuable new detection technologies.

Troubling trends like an 85% drop in customs drug seizures in the past year, declining prices and increasing availability, clearly show we are losing the battle to stop these poisons at our borders. There are miles upon miles of American border which we actively encourage people to cross every day for trade and tourism and the criminals we are fighting have the deftness to exploit any weak link in our defenses. Therefore, in stopping the drug supply we must create a barrier that extends from our shores out to the original source of the drugs.

Keeping ahead of the drug smugglers is a daunting task and requires reliance on the eyes and ears of a strong intelligence capability. To win this war we need to know where the traffickers are headed before they get there and the networks they use to move their contraband.

This is doable if we make the commitment. The end result will be to make involvement with drug trade a dangerous occupation from the fields where the drugs are produced to the street corners of our cities and neighborhoods, and all points between.

MR. GILMAN. Mr. Speaker, I rise today in strong support of H.R. 3809, the Drug Free Borders Act. This legislation provides a much needed increase in the authorization for the U.S. Customs Service to fight the entry of illegal drugs at our borders.

The last four years have shown a steady increase in the number of drug users, particularly in adolescents. Teenage drug use has sharply risen every year since 1993, and shows no sign of abating soon.

This rise in drug use has paralleled an emphasis on the part of the Federal Government with regard to interdiction and with regard to treatment. The end result today is a readily available supply of drugs that is both inexpensive and of the highest purity in history.

If our Nation wants to successfully reduce teenage drug use, we need to adopt a bilateral approach of simultaneously reducing both supply and demand. This bill beefs up our interdiction efforts on our borders, particularly with Mexico.

Mr. Speaker, it is time for our Nation to get serious on the issue of reducing drug use. We have given treatment a chance over the last five years, and the results have shown that treatment alone is not enough. Unless our interdiction efforts are increased and improved, no treatment program will be able to avoid being overwhelmed in the deluge of cheap, highly pure drugs that currently exists.

Accordingly, I urge my colleagues to support this worthwhile legislation.

Mr. METCALF. Mr. Speaker, I ask unanimous consent to revise and extend my remarks.

Mr. Speaker, I would like to congratulate Chairman CRANE and Chairman ARCHER on a much needed piece of legislation. However, I would like to voice my concerns over two specific sections in the legislation.

Section 211 and Section 212 of the legislation contain provisions that are of concern to me and my constituents who are employed as customs agents on the northern border, Mr. Speaker.

The first concern I have is that the legislation allows for the involuntary transfer of up to 5% of the customs service personnel. This will potentially exacerbate the situation on the northern border that has left our customs agents out manned in their fight to prevent the importation of drugs as the Administration continually emphasizes the southern border by transferring agents south and not providing replacements.

The second concern I have deals with the rights of the union. This legislation allows the customs service, when faced with provisions of a collective bargaining agreement that impede drug interdiction to eliminate the provision. While this is important, I question the method used in the bill to implement this.

The provision allows the Customs Service to eliminate the provision after 90 days and implement their last offer. This gives the Customs Service very little motivation to negotiate in good faith when they know that if they hold out for 90 days their way will be the policy. I hope that this situation can be corrected in the conference on this legislation.

Mr. Speaker, this legislation does do many important things. It provides the necessary resources to purchase materials that will dramatically improve the ability of customs agents to utilize modern technology in their interdiction efforts. It authorizes new agents at the borders to address the dramatic shortfall that is present today. All of these things are necessary, vital and long overdue.

Mr. ORTIZ. Mr. Speaker, I rise today in opposition to H.R. 3809, the Drug Free Borders Act of 1998. I do so reluctantly, because this bill contains a significant funding increase for the Customs Service and their efforts to stop drugs from entering this country. Unfortunately, it does so at the expense of the men and women who are on the front line, the Customs agents themselves. Let me be clear, I fully support increasing funding for the Customs Service's counter-drug efforts. However, this bill would completely eliminate the worker rights and protections that I have supported and worked to protect throughout my service in the Congress.

H.R. 3809 has the right idea, but unquestionably the wrong methods. The labor provisions of this bill void any and all collective bargaining agreements that have been crafted so carefully to keep Customs agents working at peak effectiveness. By allowing the unilateral suspension of these agreements, we jeopardize the morale of the very people we rely on to protect our children from drug smugglers and pushers.

Mr. Speaker, I question the philosophy of this bill, which seems to increase the effort against drugs by punishing the people doing the work. I think this is a bad idea. Instead, we need to support our Customs agents, not demoralize them. Yes, increase funding. Yes, buy more equipment. Yes, put more agents along the border. But support these people. If we create an environment that demoralizes our Customs agents, how can we expect to attract and keep good agents?

Again, I think the aim of this bill is good. But the way it treats the people on the front lines leaves me no alternative but to reluctantly oppose it. It is my hope that a new bill will come forward. A bill that contains the funding that Customs so desperately needs, but also supports the people who wear the uniform of the Customs Service.

Mr. POSHARD. Mr. Speaker, it is with great regret that I rise today to register my opposition to H.R. 3809, the ''Drug Free Borders Act.'' Once again, an important and well-intentioned piece of legislation has become a vehicle for an underhanded attack on working men and women, and I urge my colleagues to resist the majority's misguided effort and vote no on this bill.

I strongly support increased authorization levels for drug interdiction activities of the U.S. Customs Service. I am sure that no member of this body would argue that the flow of drugs into this country is an urgent crisis which requires our unflagging attention. I applaud the efforts of my colleagues to recognize and combat this problem with increased funding, additional inspectors and new drug detection equipment.

Unfortunately, I cannot ignore other provisions which seek to alter the fundamental labor rights of Customs Service employees. First, the bill would allow the Customs Service to break collective bargaining agreements already in place, stripping America's front-line drug enforcement personnel of their negotiating rights. In addition, H.R. 3809 seeks to make major changes to the rules governing overtime pay to Customs employees, creating the likelihood of pay cuts for those who work non-traditional shifts. As troubling as the provisions themselves is the fact that, despite the seriousness of the issues involved, no hearings were held on this anti-worker language, no committee report was issued, and now the measure is brought up under suspension, limiting the time for debate and eliminating any possibility of amendment.

Mr. Speaker, I would like very much to be able to cast a vote in support of increased drug interdiction efforts, and I will certainly do so if anti-worker provisions are removed from this bill during conference. However, I cannot stand by as the rights of America's Customs workers, who risk their lives to keep our borders free of drugs, are attacked. I will oppose this bill, and I urge my colleagues to do the same.

Mrs. McCARTHY of New York. Mr. Speaker, there are many good provisions in H.R. 3809 that I strongly support, especially provisions in Title I that provide the U.S. Customs Service with significant resources to combat the flow of illegal drugs over our borders. However, I have serious concerns about other provisions of the bill which will deny Customs Service personnel their hard-earned rights and benefits.

There are few activities which are more important to the health and safety of our nation, and to the future of our young people, than drug interdiction. The men and women of the Customs Service should be commended for their courage and tireless efforts to keep drugs from entering our country. In FY 1996 alone, the Customs Service seized over 1 million pounds of narcotics, including 33,000 pounds of cocaine, 545,000 pounds of marijuana and almost 460 pounds of heroin along the Southwest border. This has not been easy, and many Customs Service personnel have risked their lives and their safety to seize illegal drugs.

Of course, we cannot stop these activities until we stop the flow of drugs into our country altogether. While Title I of H.R. 3809 moves us toward that goal, I am afraid that two provisions of Title II will actually move us backward. Section 203 of the bill would reduce or deny premium pay that many Customs Service personnel receive for working long shifts at off-hours. And Sections 211 and 212 could let the Customs Service undermine the collective bargaining agreement worked out between the Service and its personnel.

If the goal of this legislation is to make the Customs Service more productive and efficient at stopping drugs, then it makes no sense to roll back the rights and benefits that attract the best people. Worse, we should not deny benefits to the very men and women who have sacrificed so much to keep our country safe. I am particularly concerned that these provisions are being voted on by the House with a minimum of debate and deliberation, and under a procedure that will not allow Members to strike these provisions. Nevertheless, we must remove these provisions from the bill.

I am committed to working with my colleagues in the other body to pass a Customs Service authorization bill that strengthens the Service and helps its dedicated personnel stop illegal drugs.

Mr. RODRIGUEZ. Mr. Speaker, I am deeply disturbed by the way the Drug Free Borders Act of 1998 came to the floor. Instead of fashioning a bipartisan bill to help the U.S. Customs Service protect our borders from contraband such as illicit drugs, child pornography, money laundering and counterfeit merchandise, a partisan group which clearly does not understand the dynamics of our nation's Southwest border has decided to attack the people on the front lines of the war on drugs.

Outside the partisan efforts to cripple federal employees, I support this bill. I have three international ports in my district on the Texas-Mexico border. My constituents want those ports to have the best equipment and personnel possible to keep illegal drugs out and to facilitate legal trade. I have traveled the border with U.S. Customs employees and seen the challenges they face. I have also seen the pride Customs employees have for their jobs. I have shared the excitement they experience when a truck filled with drugs is caught. There are few things I want more than to end this nation's drug epidemic. But we cannot end the problem by busting labor agreements and demoralizing U.S. Customs agents and inspectors.

The majority leadership is stooping to a familiar low by bringing this bill to the floor under a suspended rule. We have no opportunity for full debate; all amendments are prohibited. This bill is take it or leave it. The majority leadership wants this bill to fail and blame the Administration or pass without any input from the minority. The majority leaders should be ashamed of their partisan games at the expense of our Nation's war on drugs. If the majority leadership wanted to pass effective legislation they should have allowed Members of Congress the chance to amend the labor portions of this bill and pass effective drug fighting legislation. I am voting for this bill with strong objections and a hope that it will change before it reaches the President.

Ms. JACKSON-LEE of Texas. Mr. Speaker, even though, I rise today in support of the Drug Free Borders Act, H.R. 3809, I do believe that there are yet still unresolved difficulties in the language of the bill that must be addressed. In particular, sections 211 and 212 raise some serious labor issues and need to be explored further.

These provisions nullify the collective bargaining process by authorizing Customs managers to abrogate unilaterally collective bargaining and partnership agreements. These agreements were developed to aid the efforts of Customs managers and employees in stopping the flow of drugs into our streets. I find it troubling to ask these men and women to put their lives on the line to fight in the war on drugs, when we allow their managers to ignore their collective voice. Sections 211 and 212 have the potential to strip Customs employees of their morale.

In addition, these provisions would establish a very dangerous precedent. The Customs collective bargaining agreement is no different from those of other Federal agencies; these provisions will render this process meaningless.

In conclusion, I urge my colleagues to voice concerns about sections 211 and 212 and to reconsider the statement that these provisions make. If it is truly the primary goal of Congress to stop illegal drugs from invading our country, we must show support for these very important players in that fight.

Mr. ABERCROMBIE. Mr. Speaker, I rise to express my reluctant support of H.R. 3809.

There are many good provisions in the bill which mark an escalation in our war against drug smuggling and out fight against the use of illegal drugs in our society. I support the war against drugs. However, I am very concerned about the harmful provisions contained in this bill that can be counterproductive in that they erode the working conditions of the Customs employees who are on the front lines of this war.

It is very unfortunate that this bill contains language that would permit the Customs Commissioner to abrogate the collective bargaining agreements his agency has reached with employees and which are currently in effect. Not only is the provision blatantly unfair to the employees of the Customs Service, but it is an attempt to set a precedent for undermining labor-management relations between the federal government and its unions. This can have a serious detrimental effect on the morale, and consequently the effectiveness, of the people who fight on the front lines of this war against drugs. Congress should not, except perhaps under the most extraordinary circumstances, enact legislation to alter collective bargaining agreements. Although wanting to make our borders more secure against illegal drug importation is a highly desirable goal, it should not be used to disguise a political attack on dedicated Customs Service personnel. If the Customs Service needs additional resources to successfully accomplish its mission, I am willing to help find additional funds for that purpose.

If we are serious about curbing drug smuggling and illegal drug usage in this country, we must dedicate the necessary federal resources instead of undercutting the personnel we depend on to carry out these policies.

I will support H.R. 3809 to move it along in the legislative process, but I strongly urge that the anti-collective bargaining provisions be dropped from this bill. Congress needs to get into the business of passing legislation that will keep drugs out of this country, not assault those who are the principal soldiers in the battle.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. ARCHER) that the House suspend the rules and pass the bill, H.R. 3809, as amended.

The question was taken.

Mr. SHAW. Mr. Speaker, on that, I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule 1 and the Chair's prior announcement, further proceedings on this motion will be postponed.

NATIONAL HISTORIC PRESERVATION FUND AUTHORIZATION

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1522) to extend the authorization for the National Historic Preservation Fund, and for other purposes, as amended.

The Clerk read as follows:

H.R. 1522

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

SECTION 1. AMENDMENT OF NATIONAL HISTORIC PRESERVATION ACT.

The National Historic Preservation Act (16 U.S.C. 470 and following; Public Law 89–665) is amended as follows:

(1) In the third sentence of section 101(a)(6) (16 U.S.C. 470a(a)(6)) by striking ''shall review'' and inserting ''may review'' and by striking ''shall determine'' and inserting ''determine''.

(2) Section 101(e)(2) (16 U.S.C. 470a(e)(2)) is amended to read as follows:

''(2) The Secretary may administer grants to the National Trust for Historic Preservation in the United States, chartered by an Act of Congress approved October 26, 1949 (63 Stat. 947), consistent with the purposes of its charter and this Act.''.

(3) Section 102 (16 U.S.C. 470b) is amended by redesignating subsection (e) as subsection (f) and by redesignating subsection (d), as added by section 4009(3) of Public Law 102–575, as subsection (e).

(4) Section 101(b)(1) (16 U.S.C. 470a(b)(1)) is amended by adding the following at the end thereof:

''For purposes of subparagraph (A), the State and Indian tribe shall be solely responsible for determining which professional employees, are necessary to carry out the duties of the State or tribe, consistent with standards developed by the Secretary.''.

(5) Section 107 (16 U.S.C. 470g) is amended to read as follows:

''SEC. 107. Nothing in this Act shall be construed to be applicable to the White House and its grounds, the Supreme Court building and its grounds, or the United States Capitol and its related buildings and grounds as depicted on the map entitled 'Map Showing Properties Under the Jurisdiction of the Architect of the Capitol' and dated November 6, 1996, which shall be on file in the office of the Secretary of the Interior.''.

(6) Section 108 (16 U.S.C. 470h) is amended by striking ''1997'' and inserting ''2004''.

(7) Section 110(a)(1) (16 U.S.C. 470h–2(a)(1)) is amended by inserting the following before the period at the end of the second sentence: '', especially those located in central business areas. When locating Federal facilities, Federal agencies shall give first consideration to historic properties in historic districts. If no such property is operationally appropriate and economically prudent, then Federal agencies shall consider other developed or undeveloped sites within historic districts. Federal agencies shall then consider historic properties outside of historic districts, if no suitable site within a district exists. Any rehabilitation or construction that is undertaken pursuant to this Act must be architecturally compatible with the character of the surrounding historic district or properties''.

(8) The first sentence of section 110(l) (16 U.S.C. 470h–2(l)) is amended by striking ''with the Council'' and inserting ''pursuant to regulations issued by the Council''.

(9) The last sentence of section 212(a) (16 U.S.C. 470t(a)) is amended by striking ''2000'' and inserting ''2004''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. HANSEN) and the gentleman from American Samoa (Mr. FALEOMAVAEGA) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

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

Mr. Speaker, H.R. 1522 is a bill introduced by my colleague, the gentleman from Colorado (Mr. HEFLEY). He is to be commended for the hard work he has done to craft a bill that addresses needed changes in current law and which continues funding for a program that is appreciated by all Americans.

H.R. 1522 reauthorizes the National Historic Preservation Fund through the year 2004. This fund has been used to protect many of our most cherished historical sites around the country. This bill also makes many changes to the National Historic Preservation Act in order that it can function better in protecting our priceless national historic treasures.

I want to add, however, that the protection of our national treasures, which this bill provides, nearly did not make it to the floor today because of an eleventh hour concern by OMB, who suddenly opposed this bill, even though the agency had months and months to comment on it on any problems they may have had.

Nevertheless, everyone worked hard last night to address the concerns of OMB, and we now have a bill which we can agree with and the Administration can support.

□ 1500

Mr. Speaker, this is an important bill, and the National Historic Preservation Fund needs to be reauthorized. I urge my colleagues to support H.R. 1522.

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

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

Mr. FALEOMAVAEGA. Mr. Speaker, I want to thank and commend the gentleman from Utah (Mr. HANSEN), the chairman of the Subcommittee on National Parks and Public Lands for his leadership in the management of this legislation before the House today.

Mr. Speaker, H.R. 1522 amends the National Historic Preservation Act of 1966. Through this act, historically significant buildings, sites and districts have been preserved, keeping America's history alive.

The primary purpose of the bill before us today is to reauthorize the National Historic Preservation Fund. Monies from the fund are derived from the Land and Water Conservation Fund, and Congress set the authorization level at $150 million per year.

Authorization for the fund expired on September 30th, 1997. This bill extends authorization of the fund through the year 2004. As I have stated throughout our consideration of this bill, I would prefer the bill end there. In fact, the bill that was first introduced or the one that we brought to the floor today, I would not be able to support its passage.

However, the bill's chief sponsor, the gentleman from Colorado (Mr. HEFLEY) brought many sides together and has put together a bill that I believe is worthy of our support. I do want to commend the gentleman from Colorado for his leadership and for his ability to

bring everyone together at the table and to come out with a consensus as we have now. He worked even this morning to address concerns raised by the administration.

Mr. Speaker, even with all the changes made to the bill since its introduction, concerns over certain provisions still exist. In particular, the Office of Management and Budget is concerned with the provision which takes away the mandatory requirement for the Keeper of the Register to make a determination of whether or not his site is eligible to be listed on the Register of Historic Places when property owners oppose the designation.

The Office of Management and Budget and the National Park Service fear this language could require the Keeper to act only in the most contentious of issues, thereby politicizing the process.

Regardless of this language, Mr. Speaker, however, the current practice whereby no site is placed on the register while owners oppose such a designation remains intact. The statement of administration policy of this legislation states that the administration has no objection to the passage of H.R. 1522 but will work to have the discretionary language removed during Senate consideration of the legislation.

Another provision that remains a concern to some is one that contains language providing that States and Indian tribes will be responsible for determining which professional employees are needed to carry out the preservation duties within their jurisdiction.

Debate on professional standards continue within the preservation community, and any changes to this area I believe are best handled after that debate is concluded and agreement is reached.

Mr. Speaker, the bill will also allow States and Indian tribes to decide which professional positions are needed to address their specific needs.

Mr. Speaker, I urge my colleagues to support this legislation.

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

Mr. HANSEN. Mr. Speaker, I am pleased to yield whatever time he may consume to the distinguished gentleman from Colorado (Mr. HEFLEY), the sponsor of this bill.

Mr. HEFLEY. Mr. Speaker, to both the Chairman and the Ranking Member, I extend my appreciation for their help as we worked through this process and did try to bring all the groups together.

Mr. Speaker, it seems to me that one of the roles of government is the preservation of our historic values. To paraphrase one historian, we are unlikely to deal well with our future if we do not understand our past.

Since 1966, the Historic Preservation Fund has been part of the way this Nation seeks to accomplish that. The bill before us today reflects the success and maturity of that program. Rather than a set of sweeping reforms, H.R. 1522 attempts to fine-tune what is a mature program.

The bill reauthorizes the Historic Preservation Fund at its existing level through the year 2004. I should point out that, despite the authorization level, actual appropriations have never exceeded $50 million, and, in the last 7 years, have only twice exceeded $40 million.

The 2004 end date is intended to bring into sync budget deadlines for this program, the Advisory Council on Historic Preservation, and the budget agreement.

The bill also makes a number of changes to reflect what is happening in the States.

It reemphasizes this Congress' commitment to the rights of private property owners.

It gives State and tribal historic preservation offices greater flexibility in the hiring of their employees.

The provision recognizes Interior's ongoing work at developing standards for these employees, but gives States and tribes the right to make the call on what professionals they need.

It allows the Federal Government, through the National Trust for Historic Preservation, to respond to emergencies such as the Mississippi floods of 1994.

The bill also codifies an executive order directing government agencies to give consideration to the use of historic buildings in historic districts and central business areas.

This is not only something Federal agencies should do as a matter of course, it may help blunt the erosion of downtown areas.

The bill also contains a provision backed by strong report language which signals the Committee on Resources' intent that government agencies in Washington should honor the intent of preservation laws in their dealings with local preservation agencies.

Too often, the law has been observed only as an afterthought.

As I said, this should not be a controversial bill. There are areas where the involved parties simply agree to disagree. We do not agree on everything in it.

But it has the backing of the Nation's five major preservation groups, the Preservation Action, National Trust for Historic Preservation, American Cultural Resources Association, National Alliance of Preservation Commissions, National Conference of State Historic Preservation Offices. So it does have a broad base of support.

Mr. Speaker, I will close and encourage passage of this piece of legislation.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield 5½ minutes to my good friend, the gentleman from West Virginia (Mr. WISE).

Mr. WISE. Mr. Speaker, I thank the gentleman very much for yielding to me.

First, let me say to those of you who brought this bill to the floor, I appreciate what you are doing and the sincerity. I am going to be the skunk at the picnic because I am not a fan, based upon personal experience, and I guess that is what we bring to the floor a lot.

I am not a fan of the National Keeper's office, nor how it is conducted. Let me just say, as I unfold this tale for a second, that as this bill moves forward, I hope that some of my concerns will be incorporated in deliberations, particularly as you discuss this with the other body.

Yes, the project I am about to relate to you is a controversial highway project. Those in the environmental community have opposed it assiduously for many years. Their only problem is 75 percent of everybody in an affected county supports it. Their problem is every elected official from the town council to whatever office you want to point to supports this project.

So what we have done, then, over time, is we have gone through all the hurdles. We have gone through the executive branch. We have gone through the Federal Highway Administration. We have gone through the West Virginia Department of Transportation. We have gone through Federal court and won against environmentalists who want to oppose it. We have gone to the Congress, and the Congress has approved money. Every branch, I thought.

And then who pops up just as we are going to bid? The Keeper of the National Historic Registry to declare a community in Hardy County, West Virginia, which is appropriately named, I guess, ''Old Fields'' as a historic district. She could have identified farm buildings and designated them. She did not. She made it a historic district, which then brings this highway project to a halt within that area.

So I call and I say, to whom do we appeal to? I call the Secretary of the Interior's office. We do not know. Do I have to go back to court now?

So the history of this particular situation is replete with bureaucratic abuse, deadlines that have been passed for review, which, of course, if you pass a deadline, it means your highway department and your contractors and your engineers cannot move forward. We have probably cost the taxpayers millions of dollars in simply delays by this delay.

Oh, yes, yes, one other factor, the State involvement. The State Historic Preservation Officer, about as competent a person as I have met and a true professional, recommended against the Keeper taking this action. Then the night after the action was announced, I get a call from the Hardy County preservation officer who lives where, in Old Fields, West Virginia, who says, what is going on? We never recommended that this be declared a historic district.

That is my tale.

Mr. Speaker, to those moving this bill, I am interested in historic preservation, but I am not interested in historic preservation that denies a future.

I guess what I would ask is, as we move forward we closely monitor the discretion that this official has. Because whether it is her office or her personality, and I am not sure which, but whichever one it is, there is clear need to put some teeth in here and to put in some oversight.

I would just urge us not to move forward and to give the directive that you shall declare areas historic areas. I hope we would at least keep it at bay so we can continue to review this discretion and, when appropriate, abuses.

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

Mr. WISE. I yield to the gentleman from Colorado.

Mr. HEFLEY. Mr. Speaker, we share the gentleman's concerns, too, and we want it to work. What we are trying to do with the reauthorization to make it work, let me just share with you the report language of what we intend here.

H.R. 1522 modifies the existing Secretarial review of nominations to the National Historic Register as an option of appeal, rather than a mandatory stage in the nominating process as it currently exists, which speaks to what you just spoke to. This legislation intends that most of the decision making would take place at the State and local level, which is also what you want.

Mr. WISE. Yes, Mr. Speaker.

Mr. HEFLEY. I think we share the same kind of goals. You have had a very bad experience with it, and I think a lot of us have. We want to make it work right. We do not want to throw it out, because I think it does have merit, but I want it to work.

Mr. WISE. Mr. Speaker, if I may say to the gentleman from Colorado (Mr. HEFLEY) and the gentleman from Utah (Mr. HANSEN), I never thought of either of you friends of overarching and overreaching government, so I am quite confident and I am pleased you are moving in that direction. But I think this is a situation that I would hope that, on both sides of the aisle, you would be looking at in your deliberations.

Mr. FALEOMAVAEGA. Mr. Speaker, would the gentleman yield to me?

Mr. WISE. I yield to the gentleman from American Samoa.

Mr. FALEOMAVAEGA. Mr. Speaker, I would say to the gentleman from West Virginia that his eloquent statement has been well taken. I am sure my good friend from the other side of the aisle, the chairman of the subcommittee, and the gentleman from Colorado (Mr. HEFLEY) and myself will definitely look into the wordage of not only the report but the language itself to make sure that it does not reflect the kind of example that you have just shared with us this afternoon.

Mr. WISE. Mr. Speaker, I thank the gentleman for his time and his consideration.

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

Mr. FALEOMAVAEGA. Mr. Speaker, I yield 3 minutes to my good friend, the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Speaker, I thank the gentleman for yielding and for all his hard and skillful work on the bill. In a moment, I am going to ask the chairman of the subcommittee, the gentleman from Utah (Mr. HANSEN), if he would engage in a brief colloquy with me.

Before I do so, I want to thank the gentleman from Utah (Mr. HANSEN) and the gentleman from Colorado (Mr. HEFLEY) for really quite exemplary work on this bill. I am aware of the balance that must be achieved here and how difficult a bill like this is to get through the committee while bearing in mind the necessary balance.

I am, of course, a strong supporter of the Historic Preservation Act. I represent a historic city, a city that was born with the Nation itself, with much to preserve on the Federal side and on the local side.

I want to thank the gentlemen, also, for the faith they have kept to the Congressional Accountability Act because of the way they have brought our own agent, the Architect of the Capitol, under the Act, while giving him full latitude to accomplish his job.

As we may recall, the Congressional Accountability Act indicated that Congress would submit itself to the same laws as everyone else. We have done that and kept faith with that. We have brought ourselves into account with this promise in this Act.

I want to express my appreciation to both the gentleman from Colorado and the gentleman from Utah for the kind consideration and the sensitive way in which they have dealt with the special historic preservation issues in the District of Columbia.

We have had an unfortunate experience involving a historic property in the District of Columbia. I believe that this language will guarantee that that experience will not be repeated.

I do want to say to the gentleman from Colorado and the gentleman from Utah that we have begun to work with the Architect of the Capitol and so believe that he also understands the intent. But to make certain of that, I ask the gentleman from Utah if he would engage in a colloquy with me.

Mr. HANSEN. Mr. Speaker, if the gentlewoman would yield, I am happy to.

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Ms. NORTON. Is it the gentleman's understanding that by restricting the application of the exemption in section 107 of the Act, it is the intent of the Congress that the Architect of the Capitol at a minimum give public notice to the abutters and the surrounding neighborhood prior to undertaking a restoration or renovation project on an historic building?

Mr. HANSEN. Mr. Speaker, if the gentlewoman will yield, that is what we expect, with the exceptions that are in the bill. I think we have covered that.

Ms. NORTON. I appreciate the colloquy, and I thank the gentleman.

Mr. VENTO. Mr. Speaker, I rise in strong support of H.R. 1522, which will reauthorize the National Historic Preservation Act.

One of the many things that makes our nation great is our strong, collective sense of history. We teach our children from an early age about our past triumphs and failures and the lessons we've learned from them. This tradition enables America to grow better with each passing day: as we improve our understanding of the past, we increase our chances of mastering the future.

That is why I am such a strong supporter of the National Historic Preservation Act, passed by Congress and signed by the President in 1966. The Historic Preservation Act authorizes the Department of the Interior to manage the National Register of Historic Places, encourages State-level efforts to preserve these important locations, and provides grants and expertise to the many individuals and associations across America who have dedicated their lives to protecting and preserving these treasures.

Mr. Speaker, my home State of Minnesota has a long legacy of historic preservation. Established in 1849, the Minnesota Historical Society preserves the history of Minnesota through a variety of activities while overseeing a number of libraries, collections and historic sites. One needs only to walk down beautiful Summit Avenue a historic district in Saint Paul to appreciate how interested Minnesotans are to preserving the jewels of our past. Indeed, since 1966, when Congress passed the Historic Preservation Act, the State Historic Preservation Office of Minnesota has inventoried more than 45,000 properties in all 87 counties of the State. And at the end of 1996, the National Register of Historic Places contained more than 1,460 Minnesota listings. For that, the Minnesota Historical Society deserves the appreciation of not just Minnesotans, but all Americans.

Our State Historic Preservation Office (S.H.P.O.) is not just the mansions of Summit Ave., St. Paul but the common housing and work places that need sound historic preservation efforts and understanding the culture and people means understanding where we came from. But the S.H.P.O. does not and can't do it alone. Congress appropriated $36 million for the Historic Preservation Fund in 1997.

That money provides funding for State offices like the S.H.P.O. as I described in Minnesota. $36 million is not nearly enough and this measure continues the past authorization of $150 million per year. We could accomplish even more with that kind of money. These dollars are multiplied many times over but every day we are losing historic fabric—our connection to our past.

I have attached to my statement an article from the Minneapolis Star-Tribune that details the ten most endangered historic properties in Minnesota this year. The properties are in urban areas such as my St. Paul district and rural areas in Northern Minnesota such as Itasca County. With additional funding, the talented and hard-working folks at the Minnesota Historical Society could work to acquire, protect and preserve these important places. Hopefully we could in future years meet the promise of authorization closer to the amount dedicated to this purpose.

So I support this bill, Mr. Speaker. It continues and hopefully will build upon Congress'

important role in the protection of America's treasures, ensuring the protection of our historic legacy for future generations.

10 ENDANGERED PROPERTIES FOR '98—THE PRESERVATION ALLIANCE OF MINNESOTA LISTS STRUCTURES THREATENED BY STORMS, DEMOLITION OR NEGLECT

(By Linda Mack)

The entire city of St. Peter, ''ma and pa'' resorts up north, boarded-up buildings at Fort Snelling and a former dairy farm near Brainerd are listed among Minnesota's 10 most endangered properties of 1998.

Threatened by demolition, neglect or storm damage, the 10 buildings or groups of buildings have been selected by the Preservation Alliance of Minnesota, a statewide nonprofit membership group, to draw attention to the state's historic resources and the need for their preservation.

George Edwards, who moved to Minneapolis recently from Atlanta, GA, to head the Preservation Alliance, said Minnesota's endangered buildings ''face the same threats that we're seeing around the country—under-appreciation of our heritage, neglect and a shift in priorities.''

Apart from the tornado-ravaged buildings of St. Peter, many of which will be rebuilt, the challenge for most of the communities is finding new uses for old buildings whose original purpose has been lost, such as the old City Hall in Nashwauk or the Hotel Lac qui Parle in Madison. Or, in the case of the small resorts built in the early 20th century, the key to preservation may be building a coalition of historic resorts to do joint marketing. The list, said Edwards, is just a start.

The update on last year's 10 most endangered properties is mixed.

The Stillwater Bridge may have a better chance of surviving because of a recent ruling by a federal judge that a new bridge across the St. Croix River would adversely affect the scenic riverway. Historic buildings at the University of Minnesota's Twin Cities campus are being studied for reuse rather than slated for demolition. The Washburn Crosby ''A'' Mill on the Minneapolis riverfront has been stabilized and the Utility Building next to it will be redeveloped for housing. Red Wing's Washington School was demolished, but the city's Central High School is being studied for reuse and is still being used.

The future of other properties on last year's list—such as the Mannheimer-Goodkind House in St. Paul, the Handicraft Building in downtown Minneapolis and Albert Lea's downtown commercial buildings—remains uncertain.

DEPARTMENT OF THE DAKOTA BUILDINGS, FORT SNELLING, HENNEPIN COUNTY

Built between 1879 and 1905, the 28 buildings on 141 acres of land overlooking the Minnesota River form a familiar landmark near the Minneapolis-St Paul International Airport, but they are now mostly empty and boarded-up. Competing interests of state and federal agencies have stalled resolution of their future. The Minnesota Department of Natural Resources is now sponsoring a re-use study. The buildings were on the list of endangered buildings last year as well.

ANOKA AMPHITHEATER, ANOKA, ANOKA COUNTY

This little-known but charming open air theater overlooking the Mississippi River was designed by Prairie School architects Purcell and Elmslie in 1914. Unused for many years and in need of work, the amphitheater sits in the way of a road widening planned by the Minnesota Department of Transportation. The road wouldn't take the whole theater, but it would lop off the back of it. Other alternatives should be pursued, say preservationists, and the amphitheater kept as part of a park.

ARMSTRONG-QUINLAN HOUSE, ST. PAUL, RAMSEY COUNTY

The 1886 red brick Romanesque house sits in literal and metaphorical limbo surrounded by parking lots on the edge of downtown St. Paul. Owned by the state of Minnesota, it is a lonely reminder of an earlier grand era of residential buildings in downtown St. Paul. It's unlikely the construction of a new hockey arena nearby will help resolve its future.

EARLY 20TH CENTURY RESORTS, CASS COUNTY AND ELSEWHERE

The small rustic resorts run by owner-operators grew up in the early automobile era and make up a charming part of the northern Minnesota landscape. But bigger, fancier resorts, often with centralized operations, are the wave of the future. And the rise in property values and taxes makes it harder and harder for ''ma and pa'' operators to survive.

DISTRICT NO 5 SCHOOLHOUSE, BERGEN TOWNSHIP, MCLEOD COUNTY

Rural schoolhouses are fast disappearing, and this red brick one built about 1910 is among the most endangered of a number nominated for the list. Their original use is outmoded, but they form a significant part of the rural landscape.

HOTEL LAC QUI PARLE, MADISON, LAC QUI PARLE COUNTY

The city of Madison owns the small hotel on a downtown corner and says there's no reuse. Local citizens argue the building forms an important anchor to downtown's character and have persuaded the city to do a structural analysis. Madison has already lost one landmark, a tiny but ornate Prairie School bank designed by architects Purcell and Elmslie in 1913 and demolished in 1968.

NASHWAUK CITY HALL, NASHWAUK, ITASCA COUNTY

Built in 1915, this solid and graceful civic building is one of three intact city halls constructed in company towns during the boom period of the western Mesabi Iron Range. But the city moved out in 1977, and the building faces demolition because of neglect.

ECHO DAIRY FARM, BRAINERD, CROW WING COUNTY

This impressive complex of high-roofed dairy barns just south of Brainerd was built in the early 1920s as one of Minnesota's first corporate agricultural operations and operated until 1971. The city of Brainerd has bought the complex for expansion of an industrial park.

STONE BUILDINGS OF OTTAWA TOWNSHIP, OTTAWA TOWNSHIP, LE SUEUR COUNTY

Built during the 1850s to 1870s, seven native limestone buildings—houses, churches and a town hall—form a charming remnant of a Minnesota River village that was once a center of stone quarrying. Their future may not be so charming: They stand on land that is a prime target for an advancing silica sand mining operation.

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

Mr. HANSEN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the bill, H.R. 1522, as amended.

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

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HANSEN. 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. 1522, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

WETLANDS AND WILDLIFE ENHANCEMENT ACT OF 1998

Mr. HEFLEY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2556) to reauthorize the North American Wetlands Conservation Act and the Partnerships for Wildlife Act, as amended.

The Clerk read as follows:

H.R. 2556

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 ''Wetlands and Wildlife Enhancement Act of 1998''.

SEC. 2. REAUTHORIZATION OF NORTH AMERICAN WETLANDS CONSERVATION ACT.

Section 7(c) of the North American Wetlands Conservation Act (16 U.S.C. 4406(c)) is amended by striking ''not to exceed'' and all that follows through the end of the sentence and inserting ''not to exceed $30,000,000 for each of fiscal years 1999 through 2001.''.

SEC. 3. REAUTHORIZATION OF PARTNERSHIPS FOR WILDLIFE ACT.

Section 7105(h) of the Partnerships for Wildlife Act (16 U.S.C. 3744(h)) is amended by striking ''for each of fiscal years'' and all that follows through the end of the sentence and inserting ''not to exceed $3,000,000 for each of fiscal years 1999 through 2001.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Colorado (Mr. HEFLEY) and the gentleman from New Jersey (Mr. PALLONE) each will control 20 minutes.

The Chair recognizes the gentleman from Colorado (Mr. HEFLEY).

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

Mr. Speaker, today we are voting on H.R. 2556, which authorizes the North American Wetlands Conservation Act and the Partnerships for Wildlife Act.

The North American Wetlands Conservation Act is one of several programs devoted to improving wetlands protection in the United States, Canada and Mexico. It matches Federal dollars with contributions from State, local and private organizations for wetland conservation projects in the U.S., Canada and Mexico that support the North American Wildlife Management plan. The program has resulted in the protection of more than 3 million acres of wetlands in the U.S. and Canada over the past seven years.

The population of most species of migratory ducks and geese in North America have been increasing for the past several years. It is impossible to say whether or not any single program has caused this increase, but habitat conservation is certainly making an important contribution. There is widespread agreement that the North

American Wetlands Conservation Act is a critical part of this effort. The bill, as amended at subcommittee, is strongly supported by Ducks Unlimited and the International Association of Fish and Wildlife Agencies.

The Partnerships for Wildlife Act was enacted to ensure that nongame, non-endangered wildlife did not slip through the cracks between existing conservation programs. It also matches Federal dollars with State and local funds to support a wide variety of wildlife conservation and appreciation projects.

H.R. 2556 reauthorizes the North American Wetlands Conservation Act at its current authorization levels for three years. I urge Members to vote aye on this important environmental bill.

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

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

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

Mr. PALLONE. Mr. Speaker, I rise in strong support of H.R. 2556. This bill helps protect wildlife habitat and will enhance the management of nongame wildlife. I want to thank the subcommittee chairman, the gentleman from New Jersey (Mr. SAXTON) for bringing this legislation before the House. The bill reauthorizes the highly successful North American Wetlands Conservation Act and will improve the management of nongame species of wildlife by reauthorizing the program of Federal matching grants for such activities.

In the seven years of its existence, the North American Wetlands Conservation Act has resulted in the protection of millions of acres of wetlands in the United States, Canada and Mexico. $244 million in North American wetlands programs grants for this voluntarily, non-regulatory program have been matched by more than $510 million in funding by conservation partners, conserving valuable habitat for migratory birds and many non-migratory species as well.

The amendment also reauthorizes the Partnerships for Wildlife Act, which provides matching grants for nongame wildlife conservation and appreciation. Unfortunately, we do not have a dedicated source of funding like the Wallop-Breaux Fund for nongame conservation. Lacking a dedicated source of funding, conservation needs for these species are mounting. For example, the states currently estimate their unmet needs for management and conservation of nongame species at over $300 million annually.

Mr. Speaker, I hope we have the opportunity to give permanent funding for nongame species serious consideration in the near future. But, in the meantime, we will continue doing what we can under the Partnerships for Wildlife Program.

In summary, this is sound legislation to benefit wildlife through non-regulatory programs that leverage scarce Federal resources, and I urge the House to support H.R. 2556.

Mr. SAXTON. Mr. Speaker, the North American Wetlands Conservation Act is a program that has proven itself in many ways. The law was designed to be a catalyst for partnerships between various levels of government and the private sector to accomplish incentive-based wetlands conservation. It demanded a non-federal match in order to level federal dollars and the match that has been produced has more than doubled that required threshold. This high match level is one evidence of the success of partnership the Act intended and delivered.

Another group of very important partners are the members of the North American Wetlands Council. These unpaid volunteers contribute incredible numbers of man hours to this process. Ducks Unlimited is an excellent example of a Wetlands Council member. From the beginning of the program DU has volunteered to serve. They not only commit the equivalent of a full time staff member to assist in carrying out Council business, they play a key role in communicating support for the program on Capitol Hill. They have contributed by far and away more match funding continentally for these projects than any other partner group. It is partners like DU with a demonstrated level of commitment that the Act envisions should serve on the North American Wetlands Conservation Council. That kind of commitment is what creates this program's level of success.

Mr. PALLONE. Mr. Speaker, I yield back the balance of my time.

Mr. HEFLEY. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Colorado (Mr. HEFLEY) that the House suspend the rules and pass the bill, H.R. 2556, as amended.

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

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HEFLEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 2556, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

NEW WILDLIFE REFUGE AUTHORIZATION ACT

Mr. POMBO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 512) to prohibit the expenditure of funds from the Land and Water Conservation Fund for the creation of new National Wildlife Refuges without specific authorization from Congress pursuant to a recommendation from the United States Fish and Wildlife Service to create the refuge, as amended.

The Clerk read as follows:

H.R. 512

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 ''New Wildlife Refuge Authorization Act''.

SEC. 2. REQUIREMENTS RELATING TO DESIGNATION OF NEW REFUGES.

(a) LIMITATION ON APPROPRIATIONS FROM LAND AND WATER CONSERVATION FUND.—

(1) IN GENERAL.—No funds are authorized to be appropriated from the land and water conservation fund for designation of a unit of the National Wildlife Refuge System, unless the Secretary of the Interior has—

(A) completed all actions pertaining to environmental review that are required for that designation under the National Environmental Policy Act of 1969;

(B) provided notice to each Member of and each Delegate and Resident Commissioner to the Congress elected to represent an area included in the boundaries of the proposed unit, upon the completion of the preliminary project proposal for the designation; and

(C) provided a copy of each final environmental impact statement or each environmental assessment resulting from that environmental review, and a summary of all public comments received by the Secretary on the proposed unit, to—

(i) the Committee on Resources and the Committee on Appropriations of the House of Representatives;

(ii) the Committee on Environment and Public Works and the Committee on Appropriations of the Senate; and

(iii) each Member of or Delegate or Resident Commissioner to the Congress elected to represent an area included in the boundaries of the proposed unit.

(2) LIMITATION ON APPLICATION.—Paragraph (1) shall not apply to appropriation of amounts for a unit of the National Wildlife Refuge System that is designated, or specifically authorized to be designated, by law.

(b) NOTICE OF SCOPING.—The Secretary shall publish a notice of each scoping meeting held for the purpose of receiving input from persons affected by the designation of a proposed unit of the National Wildlife Refuge System. The notice shall be published in a newspaper distributed in each county in which the refuge will be located, by not later than 15 days before the date of the meeting. The notice shall clearly state that the purpose of the meeting is to discuss the designation of a new unit of the National Wildlife Refuge System.

(c) LIMITATION ON APPLICATION OF FEDERAL LAND USE RESTRICTIONS.—Land located within the boundaries (or proposed boundaries) of a unit of the National Wildlife Refuge System designated after the date of the enactment of this Act shall not be subject to any restriction on use of the lands under Federal law or regulation based solely on a determination of the boundaries, until an interest in the land has been acquired by the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. POMBO) and the gentleman from New Jersey (Mr. PALLONE) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. POMBO).

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

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

Mr. POMBO. Mr. Speaker, a little history on this particular legislation. I

introduced this legislation four years ago in Congress in response a problem that had arisen and come to my attention over the creation of a new wildlife refuge.

Over the past several years, Congress has authorized 70 new wildlife refuges throughout this country of the 513 current. The rest of the 443 refuges were created with little or no oversight by Congress. I feel it is very important that Congress fulfill its responsibility as a watchdog of the taxpayer money in the creation of a new wildlife refuge.

Currently, the refuge system is suffering a construction and maintenance backlog of over $600 million. At the same time, every single year we create new wildlife refuges throughout the country.

During the effort that has been made over the past year to bring this legislation to the floor, compromise legislation was reached with the gentleman from Michigan (Mr. DINGELL) and the chairman of the Committee on Resources, the gentleman from Alaska (Mr. YOUNG), that we believe everyone has agreed to at this point.

What it does is it in essence requires that upon the creation of a new wildlife refuge, that Members must be notified if a refuge is being created in their district; that all the environmental documents, the environmental assessment, the environmental impact statement and a summary of the public comments relating to the proposed new refuge must be given to the Congressional committee of authority, as well as the appropriating committee; and that notices of scope and meetings required under the NEPA process are published in local newspapers notifying the people who live in that particular area that there is the possibility of creation of the new wildlife refuge in that area.

Mr. Speaker, we also clarify, and I believe this is very important, that the determination of the boundary for a new refuge does not impose any additional Federal land use restrictions as a result of simply determining the proposed boundary until the land is acquired by the Federal Government.

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

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

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

Mr. PALLONE. Mr. Speaker, I rise in support of the substitute amendment to H.R. 512. I opposed the bill as it was reported from the Committee on Resources because it imposed unjustified restrictions on the use of the Land and Water Conservation Fund to establish national wildlife refuges. This issue was debated on several occasions within the committee and on the floor over the last two years and, in my opinion, the supporters of this proposal never made a convincing case that there was something fundamentally flawed with the process used to establish new wildlife refuges.

Increasingly, land and water fund monies are used to acquire refuge lands to protect endangered species or threatened wetlands. In fact, Federal ownership of habitat for threatened and endangered species is one of the best ways to relieve the burden on landowners of endangered species protection and to avoid costly controversial endangered species listings. Further, there is often a need to act expeditiously to acquire land to prevent harmful development. Yet, because of the Fish and Wildlife Service's policy of acquiring only from willing sellers, property rights are respected. In summary, the bill, as reported from the Committee on Resources, was unnecessary and harmful in my opinion to the National Wildlife Refuge System.

We have now, however, worked out a compromise that addresses concerns about public notice of and Congressional oversight over new refuge designations without unduly hampering the designation process. Through NEPA and at the Administrative Procedures Act, there is already a process for providing public notice and soliciting input into the establishment of a new refuge. In addition, Congress has control over refuge land acquisition through appropriations from the Land and Water Conservation Fund.

Mr. Speaker, no process is perfect and there is always room for improvement. The bill before the House today provides for even better public notice and input, as well as making sure that any Member of Congress whose district includes lands being considered for inclusion in the new refuge will be amply notified.

It also explicitly states what is already the case under current law, that the designation of a proposed refuge boundary does not give the Fish and Wildlife Service any regulatory authority over private lands within the proposed boundary unless and until that land is acquired by the government. In other words, the proposed boundary is a wish-list for acquisition, and nothing more.

By ensuring that the local community is fully vested in any new refuge and by laying to rest landowners' fears that their property rights will be compromised, it is hoped that H.R. 512 will actually facilitate the establishment of new refuges.

So, Mr. Speaker, I support the substitute. I commend the chairman of the Committee on Resources, the gentleman from Alaska (Mr. YOUNG) for working with the minority and the administration to craft such a reasonable compromise, and I urge the House to support the bill.

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

Mr. YOUNG of Alaska. Mr. Speaker, I yield 5 minutes to the gentleman from Washington (Mr. HASTINGS).

Mr. HASTINGS of Washington. Mr. Speaker, I am in full agreement with the original intent of this measure. In fact, I wish the bill even went further toward making Federal agencies accountable for their actions.

Mr. Speaker, I think it would surprise many people to know that current law allows Federal bureaucrats to create national wildlife refuges at will without the consent of Congress and without thorough public debate that should accompany any allocation of taxpayer money. The creation of wildlife refuges is particularly important in my district, where we are currently debating the future management of a stretch of the Columbia River called the Hanford Reach.

The Department of Energy, which currently owns the land on both sides of the river where the Hanford Reach is, has stated that it no longer needs to own, manage or maintain the land on the opposite side of the river from the Hanford nuclear reservation. However, back in 1971, the Department of Energy had already decided that they did not need to manage their own lands and signed a lease agreement with the U.S. Fish and Wildlife Service to manage a portion of the lands as a national wildlife refuge. No act of Congress, no public commented, no discussion whatever. Instead, the Saddle Mountain National Wildlife Refuge was created through a simple lease agreement with the Department of Energy.

Now, I am not suggesting that the national wildlife refuge system has not benefitted our wildlife, and I am not suggesting that this particular refuge has not been important to our area. In fact, far from it. However, continuing to allow the purchase of private property by the Federal Government without thorough and open discussion and the involvement of Congress really belies the national nature of these refuges.

The American people must have some level of confidence that our national wildlife refuges are created not only for scientific reasons, but with the appropriate consideration of local concerns and priorities.

Because I know that the distinguished chairman of the Committee on Resources shares my concerns on refuge designations, I would like to engage in a colloquy with the gentleman so he might indicate whether the committee plans to address this issue in the future.

□ 1530

Mr. YOUNG of Alaska. Mr. Speaker, if the gentleman will yield, I am pleased to respond to that inquiry.

I certainly understand the gentleman's concern, and I can assure the gentleman that the committee is fully committed to strengthening the congressional role on national wildlife refuge systems as well as designations and other what we call acquisition of lands by any other Federal agency.

Mr. HASTINGS of Washington. Mr. Speaker, I appreciate the Chairman's strong leadership on national resource issues generally and, in particular, on his commitment to focus further committee action on the increasing issues

of concern to the West. I look forward to helping in any way that I can.

Mr. PALLONE. Mr. Speaker, I yield back the balance of my time.

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume to say that I speak in support of H.R. 512, and I can only suggest that this is just a small step forward in the right direction.

I often suggest in this legislative work that nothing happens without a reason. The reason I introduced this bill, we did have cases where the Fish and Wildlife Department, especially in the district of the gentleman from California (Mr. POMBO), there is another one in another district, one of the Members came to me the other day where they do it by action of the agency without any input from the Congress. Under our Constitution, we are the only ones that should have the authority to make designation of lands.

This is a small step forward and requires the agencies to go forth and at least identify the representative of that area and also have consultation with public input and then having to come back to the Congress for the identification of those refuges that would take place. I think it is important that we must keep the integrity for the refuge system in place, and I hold no second place to anyone when it comes to refuge creations by act of Congress.

The gentleman from Michigan (Mr. DINGELL), a dear friend of mine, and I worked on this legislation for over 28 years. So I am confident that this is the right step. But I will, as the gentleman from Washington asked me, continue, as chairman of the committee, to watch what the agencies are doing. How does this affect the community? Is the community supportive? And, really, who is asking for this refuge? If it is scientifically backed up, people back it up, then it ought to go forward and go through the congressional action.

I rise in support of this modified version of H.R. 512, which is the product of successful negotiations between the Department of the Interior, our colleagues, JOHN DINGELL, GEORGE MILLER, RICHARD POMBO, and me.

While this compromise is not as comprehensive as a Congressional authorization, it will improve the refuge land acquisition process and establish additional safeguards for private property owners.

Under the terms of this proposal, no money can be authorized to be appropriated from the Land and Water Conservation Fund to create a new refuge unless: The environmental reviews required by the National Environmental Policy Act are completed; a copy of the final environmental impact statement or environmental assessment and a summary of all public comments on the proposed refuge are provided to the House and Senate authorizing and appropriations committees; and the Department of the Interior provides notice to each Member of Congress representing a district in which the proposed wildlife refuge will be located when a preliminary project proposal is completed.

The bill also requires that notice be provided in the local newspapers of an affected community of any public meetings to discuss the scope of a proposed new refuge. In fact, according to NEPA regulations (40 CFR 1501.7), ''There shall be an early and open process for determining the scope of issues to be addressed and for identifying the significant issues related to proposed action. This process shall be termed scoping.''

Finally, H.R. 512 clarifies that no additional land use restrictions shall be imposed on property included within the acquisition boundary of a National Wildlife Refuge until that land is purchased by the Federal Government.

This compromise does not provide the same level of oversight that is afforded to Bureau of Land Management lands, National Forests, Parks, or Scenic Rivers. It does, however, provide an increased opportunity for Congressional review when necessary, fairness to property owners who are waiting to sell their land to the government, better notice to the public when new refugees are proposed, and statutory protection to private landowners whose property is located within a refuge boundary.

With a $600 million backlog of critical resource management needs, reasonable people can ask why the U.S. Fish and Wildlife Service is obsessed with buying more private land, which by their own admission they are incapable of managing effectively. Nevertheless, I recognize that many members of this body want additional land acquisitions and because of their support, this process is likely to continue in the future. At the same time, there are thousands of Americans who want to keep and use their private property without the shadow of Federal land control. This measure strikes a balance between those groups.

It allows the creation of new wildlife refuges while ensuring that the local community and its elected representatives in Congress are informed of the Service's plans for new refuges. Finally, this institution will have a full and complete record of information in order to assess the merits of the various land acquisition requests.

I urge an ''aye'' vote on this important legislation.

Mr. DINGELL. Mr. Speaker, I rise today in support of this legislation, as amended in response to an agreement between Chairman YOUNG, the gentleman from Tennessee (Mr. TANNER), the gentleman from California (Mr. POMBO) and myself.

As agreed to, H.R. 512 will codify several existing practices of the Fish and Wildlife Service to make absolutely certain that property owners, local governments, concerned citizens, and Members of Congress are brought into the public comment and review process when a new wildlife refuge is added to our National Wildlife Refuge System using Land and Water Conservation Act funds.

The compromise before us today is substantially different than the bill as reported by Committee. Had the reported measure been presented here for debate without amendment, I would have fought vigorously against its enactment. However, I am pleased to report to my colleagues that the bill as presented today does not create needless roadblocks in creating new refuges, will not tie the hands of the Fish and Wildlife Service in proceeding with land acquisition, and does not establish a new Congressional review and approval process for the creation of new wildlife refuges.

Instead, H.R. 512 would enact a requirement that all environmental analysis required under the National Environmental Policy Act (NEPA) be completed prior to acquisitions of new LWCF refuges, and that Members of Congress in affected areas be notified early in the acquisition process.

Last year, through the sustained efforts of my dear friend, Chairman YOUNG, Ranking Member GEORGE MILLER and Interior Secretary Bruce Babbitt, Congress approved long-overdue legislation to specify the mission and management direction of the Refuge System. The original text of H.R. 512 was deliberately left out of the National Wildlife Refuge System Improvement Act because of intense and broad opposition to what was rightly viewed as tying the hands of our Nation's refuge managers.

However, the Fish and Wildlife Service has acknowledged isolated cases in which its personnel could have acted with more sensitivity and accountability to the local citizens and property owners within refuge acquisition boundaries. The Service has indicated to me that it has strong public participation policies in place when new wildlife refuges are created. I urge the Director and her subordinates to place a high priority on responsiveness in such cases, so that answers are provided, fears are allayed, and property owners can count on a positive relationship with their refuge system neighbors.

Mr. Speaker, while the legislation before us today will not prevent every future complaint or problem, it will hopefully be a gentle reminder that citizens have every right and expectation to fair, prompt and just treatment by the Federal agencies that serve them.

I hope that the passage of this bill will eliminate the need some have felt to legislate solutions to rather confined sets of problems on our National Wildlife Refuge System. As a Member of the Migratory Bird Conservation Commission, I take great pride in serving this body to assure that our wildlife refuges live up to the vision of their founder, President Theodore Roosevelt, when he created the first refuge almost a century ago. When writing legislation, we must keep the best interests of the whole system in mind.

Finally, I want to remind my colleagues that the Fish and Wildlife Service is a modest-sized agency with a large and important mission, and that we are fortunate it provides the American taxpayers with a group of highly skilled, dedicated and motivated employees who take pride in preserving our Nation's ecological heritage. To my colleagues who never have visited a wildlife refuge in your home states, I urge you to do so, to meet your refuge managers and express your interest in helping form a strong partnership between your constituents and those who manage their wildlife refuges.

Mr. UNDERWOOD. Mr. Speaker, today I rise in support of the substitute to H.R. 512, the New Wildlife Refuge Reauthorization Act. I feel that it is appropriate for the Congress to be a part of the process in the purchasing of land by the United States Fish & Wildlife Service. I fully support the requirement in the bill that the Congressional member, whose district is directly affected by the decision to establish a wildlife refuge, be notified in advance of the transaction.

I understand that we are here today to improve upon a procedure which has existed

since the establishment of the Land and Water Conservation Fund by Congress in 1965. I caution my fellow colleagues, however, that as we seek to become active participants we are still neglected in other processes that the Fish & Wildlife Service can and has exploited.

The reacquisition in Guam, by the United States, at the close of WWII resulted in large tracts of land condemned at the expense of landowners on Guam. U.S. officials reasoned with locals that the condemnations were in the interest of National Security. At that time, approximately one-half of Guam's land mass were taken. Today, one-third is still held by the Department of Defense. The people of Guam have lived with this reality for the better part of this century.

Though this situation has been one in which the people of Guam have had to endure, it was not widely questioned. After all, the security of your liberators is important to the security of yourself and at the time, threats to democracy were still clearly visible in the era of the Cold War. With the close of the Cold War era, however, the mindsets of individuals and families began to change. It was logical to think that if land takings were a result of National Security, and the threats to American democracy ceased to exist as another world power, then maybe someday the United States may give some land back to the people of Guam.

Perhaps this logic was too simple, but it was not far off. The focus of U.S. demilitarization and transition to opening up America to a global economy prompted downsizing of America's military services. Each of us here with a military base in their district are all too familiar with the Base Realignment and Closure Commission, which was created to close military installations based on need and not want.

In my district of Guam, this news was difficult for civil service employees who designed their careers around military presence on our island. After all, the military's years of presence and integration with the local community was accepted and welcomed. For landowners and their descendants, the news of base closures was a glimmer of hope that military land would be returned to anxious families.

Aside from being second-class citizens or regularly put-off in aspirations to seek a new political relationship, Guam does have something in common with other states of the Union. Not all the lands acquired by the Fish & Wildlife Service, for purposes of establishing a Wildlife Refuge, come from tapping the Land and Water Conservation Fund or the Migratory Bird Conservation Fund, nor does all the land come from private donations. My colleagues, our commonality is that the Fish & Wildlife Service can take lands from our districts without our knowledge . . . without our consultation . . . even without notice to our respective local governments.

In the case of my island of Guam, the Fish & Wildlife Service seized more than 300 acres of land to be deemed excess by the US Air Force. This figure may seem small upon first hearing but if added to the additional 28,000 acres designated as an overlay for the refuge. Proportionately, this is akin to condemning 12 states and making them off limits. Fish & Wildlife arranged for this possession to occur with no notice to myself or any other local government leader. Fish and Wildlife hid behind procedural nonsense which leaves for no consideration to any entity other than themselves.

Often, Mr. Speaker, I express to the Congress circumstances that are unique to Guam's situation. In many cases, the experiences of my island and people have not and will not be duplicated or relived in any other territory or state, or by any other American citizen. I must remind my colleagues, however, that this is not the case in this case.

In light of these concerns, I am in agreement with the substitute to H.R. 512 and am appreciative that we are working to correct problems with current land acquisition procedures. In the future, I am hopeful that the issues I raised can be addressed in discussions with my colleagues.

We want to protect our resources; we want to protect the endangered species. But we must do so in a collaborative manner and in a way which takes into account local leadership and concerns.

Mr. YOUNG of Alaska. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SHIMKUS). The question is on the motion offered by the gentleman from California (Mr. POMBO) that the House suspend the rules and pass the bill, H.R. 512, as amended.

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

The title was amended so as to read: ''A bill to establish requirements relating to the designation of new units of the National Wildlife Refuge System.''.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. YOUNG of Alaska. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill just passed and just debated.

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

There was no objection.

NATIONAL EMERGENCY MEDICAL SERVICES MEMORIAL SERVICE

Mr. BILIRAKIS. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 171) declaring the memorial service sponsored by the National Emergency Medical Services (EMS) Memorial Service Board of Directors to honor emergency medical services personnel to be the ''National Emergency Medical Services Memorial Service,'' as amended.

The Clerk read as follows:

H. CON. RES. 171

Whereas in 1928 Julian Stanley Wise founded the first volunteer rescue squad in United States, the Roanoke Life Saving and First Aid Crew, and Virginia has subsequently taken the lead in honoring the thousands of people nationwide who give their time and energy to community rescue squads through the establishment of To The Rescue, a museum located in Roanoke devoted to emergency medical services (EMS) personnel;

Whereas to further recognize the selfless contributions of EMS personnel nationwide, the Virginia Association of Volunteer Rescue Squads, Inc., and the Julian Stanley Wise Foundation, in conjunction with To The Rescue, in 1993 organized the first annual National Emergency Medical Services (EMS) Memorial Service at Greene Memorial United Methodist Church in Roanoke, Virginia, to honor EMS personnel from across the country who have died in the line of duty;

Whereas the annual National EMS Memorial Service has captured national attention by honoring 119 providers of emergency medical services from 35 States;

Whereas the singular devotion of EMS personnel to the safety and welfare of their fellow citizens is worthy of the highest praise;

Whereas the annual National EMS Memorial Service is a fitting reminder of the bravery and sacrifice of EMS personnel nationwide;

Whereas according to the Department of Health and Human Services, 170,000 Americans require emergency medical services on an average day, a number which projects to over 60,000,000 people annually; and

Whereas the life of every American will be affected, directly or indirectly, by the uniquely skilled and dedicated efforts of EMS personnel who work bravely and tirelessly to preserve America's greatest resource—people: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. OFFICIAL SITE OF NATIONAL MEMORIAL SERVICE.

The Congress declares the City of Roanoke, Virginia, to be the official site of the National Emergency Medical Services Memorial Service to honor emergency medical services personnel who have died in the line of duty.

SEC. 2. RULE OF CONSTRUCTION.

Nothing in this resolution shall be construed to place the National Emergency Medical Services Memorial Service under Federal authority or to require any expenditure of Federal funds.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. BILIRAKIS) and the gentleman from Ohio (Mr. BROWN) each will control 20 minutes.

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

GENERAL LEAVE

Mr. BILIRAKIS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. Con. Res. 171, the resolution now being considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

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

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

Mr. Speaker, I encourage my colleagues to approve H. Con. Res. 171 introduced by the gentleman from Virginia (Mr. GOODLATTE) and the gentleman from Virginia (Mr. GOODE), which designates the city of Roanoke, Virginia, to be the official site of the National Emergency Medical Services Memorial Service.

H. Con. Res. 171, Mr. Speaker, does honor to the memory of 119 emergency medical services personnel in 35 States who laid down their lives for their fellow Americans in the line of duty. I urge my colleagues to support this measure to bring greater public acclaim to the many men and women who have sacrificed their time, and even their lives, for the health and safety of others.

Mr. Speaker, I would communicate to my fellow Members that this passed through our subcommittee and full committee on a voice vote unanimously.

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

Mr. BROWN of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of the legislation we are considering today, the National Emergency Services Memorial Service. I strongly support this effort to honor the dedicated men and women in our emergency medical service and rescue squads who have laid down their lives in the line of duty.

All across the country, municipal and volunteer EMS and rescue squads saves thousands of lives each year. In this capacity, these brave women and men often place their lives in grave danger to save the lives of their fellow citizens.

In my district in northeast Ohio, rescue squads in communities like Medina and Brunswick and Sheffield Lake are on call night and day, utilizing their well-honed skills to meet the needs of citizens whom they serve.

This legislation, which pays homage to EMS personnel who have died in the line of duty by recognizing an annual national memorial service in their honor, was unanimously passed by the Committee on Commerce.

I would like to thank my Chairman, the gentleman from Florida (Mr. BILIRAKIS), for his leadership on this issue in honor of the thousands of dedicated EMS and rescue squad professionals around the country and those who have died in the line of duty saving lives. I urge my colleagues to support this legislation.

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

Mr. BILIRAKIS. Mr. Speaker, I thank the ranking member of our subcommittee, the gentleman from Ohio (Mr. BROWN), for his great cooperation and the work done by both staffs, majority and minority.

Mr. Speaker, I yield such time as he may consume to the gentleman from Virginia (Mr. GOODLATTE).

Mr. GOODLATTE. Mr. Speaker, I especially want to give my thanks to the gentleman from Florida (Mr. BILIRAKIS) for moving this legislation through his subcommittee and the gentleman from Virginia (Mr. BLILEY) for moving it through the full Committee on Commerce, and I also want to thank the gentleman from Ohio (Mr. BROWN) for his assistance as well.

Mr. Speaker, I rise today along with my good friend and colleague from Virginia (Mr. GOODE) in supporting House Concurrent Resolution 171 which I have introduced to honor emergency medical services personnel and, in particular, those who have given their lives in the line of duty and also to name Roanoke, Virginia, as the official site of the National Emergency Medical Services Memorial Service held each year to honor those fallen EMS personnel.

In 1928, an aptly-named gentleman from Roanoke, Virginia, Julian Stanley Wise, founded the first volunteer rescue squad in America, the Roanoke Life Saving and First Aid Crew. This organization was the forerunner of today's emergency medical services programs. Today, thousands of dedicated citizens give their time and energy to community rescue squads across the country as EMS personnel, and many have made the ultimate sacrifice by giving their lives for the safety and welfare of their fellow citizens.

To further recognize the contributions of both Julian Wise and countless EMS personnel nationwide, a museum was established in Roanoke to pay tribute to both volunteer and career EMS personnel. This museum called, To the Rescue, includes a memorial ''Tree of Life,'' which includes a bronze oak leaf that has inscribed on it the names of all those who have been recognized. A national EMS Memorial Book, located beside the Tree of Life, contains a picture and brief biography of each person recognized.

In 1993, to honor EMS personnel from across the country who have died in the line of duty, the Virginia Association of Volunteer Rescue Squads, Incorporated, and the Julian Stanley Wise Foundation, in conjunction with To the Rescue, organized the first annual National Emergency Medical Services Memorial Service in Roanoke. Since then, the National Emergency Medical Services Memorial Service has captured national attention by honoring 119 providers of emergency medical services from 35 States who have given their lives in the line of duty.

The life of every American will be affected directly or indirectly by the uniquely skilled and dedicated efforts of the EMS personnel who work bravely and tirelessly to preserve America's greatest resource: her people. Because the memorial service held in Roanoke is a fitting reminder of that bravery and sacrifice, it is only appropriate that Congress recognize the City of Roanoke as the official site of the National Emergency Medical Services Memorial Service.

Similar legislation has been introduced in the Senate by Senator GREGG of New Hampshire, as well as Senators WARNER and ROBB of Virginia. I join my colleague from Virginia (Mr. GOODE) today in urging my colleagues to support this resolution, and I also would urge the Senate to act swiftly to pass this important resolution and recognize the important role that EMS personnel play in the life of every American citizen.

Mr. BROWN of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. GOODE).

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

Mr. GOODE. Mr. Speaker, I want to say a special word of thanks to the gentleman from Virginia (Mr. GOODLATTE) for his leadership on this measure and to thank the committee for their prompt action and for doing it right before the Memorial Day recess.

Over the course of a number of years, I have had the opportunity to come to know many members of the Virginia Association of Volunteer Rescue Squads. I have seen their experiences in many different avenues and the work that they have done. I also know the hard work that they did in the Virginia general assembly over many years. I know of the kindnesses personally that they extended to my mother when she was ill and needed their assistance on many occasions.

So, at the outset, I want to commend the Members of the Virginia Association of Volunteer Rescue Squads on originating the National EMS Memorial Service in Roanoke, Virginia, and in continuing to be one of its major supporters. Now, the service takes in squads, emergency medical services teams and other units from all across the Nation. In the past few years, they have been as far away as the State of Washington and the State of California.

In closing, I simply want to say it is indeed fitting that Congress spend a few minutes to honor the men and women who have given their lives in this honorable pursuit and to declare the memorial service held in Roanoke, Virginia and sponsored by the National Emergency Medical Services Memorial Service board to honor emergency medical service personnel who have died in the line of duty.

Mr. RODRIGUEZ. Mr. Speaker, a little over a year ago, on the night of May 3, 1997, Jessie F. Bricker, Jr., a brave fire fighter from San Antonio, Texas, responded to a four-alarm fire. After joining in a battle that lasted over 7 hours. Soon after he returned to the station, Mr. Bricker succumbed to smoke inhalation and died. Over 100 others like Mr. Bricker have paid the ultimate price for their service to our communities. Let us stand here today and convey to the loved ones of these fallen personnel that these sacrifices do not go unnoticed. I rise in strong support of H. Con. Res. 171, which recognizes the sacrifices of the men and women who risk their lives each day to protect us in cities and towns all across the country.

We cannot bring back those brave emergency personnel like Jessie Bricker who gave their lives to protect us. But we can take action today to recognize the risks that our fire fighters face each day. This bill would honor the National Emergency Medical Service Memorial Service which each year recognizes

those who have fallen in the line of duty. Furthermore, this legislation expresses the gratitude that we show for the dedication of volunteer and career emergency personnel, who each day leave the security of their homes and families to serve those in need all across America.

Mr. OXLEY. Mr. Speaker, today the House will consider legislation, H. Con. Res. 171, to declare that the memorial service held each year in Roanoke, Virginia to honor emergency medical services personnel who have died in the line of duty be designated as the ''National Emergency Medical Services Memorial Service''. As the House debates this thoughtful legislation, I would like to take a moment to honor one of my constituents, a dedicated and heroic paramedic who was killed in the line of duty.

On June 6th of last year Mr. Robert Good, of Marion Ohio, was responding to a motor vehicle accident involving live downed power lines. Knowing of the danger, Mr. Good and several other rescue workers extracted the accident victim from the automobile. While Robert Good was able to save the lives of two people, a bystander whom he pushed out of the way of live power lines and his partner whom he directed to stay clear of the accident, he was, unfortunately, not able to save himself. Mr. Good, the motor vehicle accident victim, and two rescue volunteers were killed in the courageous rescue attempt.

Since this is National Emergency Medical Services Week, it is fitting that today the House is passing legislation honoring those emergency medical services personnel, like Mr. Good, who have died while saving the lives of those in need. We all owe a debt of gratitude to these highly skilled professionals.

This week, Mr. Good will also be honored posthumously as part of a program that pays tribute to the men and women of the emergency medical service profession. During the ceremony, Mr. Good's partner will accept the appropriately named Stars of Life award on his behalf. I believe this is a fitting award for his selfless actions to save the lives of others. At this time, allow me to personally add my praise and tribute to the memory of Mr. Good for his courageous actions. Robert Good was truly a hero to all who knew him and benefited from his valiant and noble work.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I would like to take advantage of this great opportunity to personally thank the emergency medical personnel of our nation.

This resolution specifically memorializes our fallen emergency workers through the recognition of the National Emergency Medical Devices Memorial Service held every year in Roanoke, Virginia. It is only appropriate since Roanoke is the site of the first-ever volunteer rescue squad in the United States, the ''Roanoke Life Saving and First Aid Crew''. The members of that crew, helped establish a tradition of selflessness and virtue that lives on today through our emergency health care workers.

Although we live in a nation of relative prosperity and health, over 170,000 people require some sort of emergency medical assistance every day. That amounts to 60 million Americans during the course of the year. As staggering an amount as that is, even more impressive is the fact that the great majority of those people will survive and be treated for their ailments successfully. By passing this resolution, we commend the workers who maintain that standard of excellence, at the risk of their own lives.

I also understand that to limit the extent of our praise to the quantity of injuries our emergency medical personnel treat would be a great disservice. We note that these heroes and heroines often go beyond their job descriptions and perform with expertise, technique, and compassion. Colleagues, I assure you, without them, life as we enjoy it would be substantially different.

I implore my colleagues to support this celebration of the unrecognized daily deeds done by our fellow Americans. There can be no higher praise for any of these individuals, who are oftentimes placed in harm's way, yet almost always reach beyond the realm of good samaritanship and into the province of heroism.

Mr. BILIRAKIS. Mr. Speaker, I would like to acknowledge committee staffers John Ford and Marc Wheat.

Having done that, I have no further requests for time, and I yield back the balance of my time.

Mr. BROWN of Ohio. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. BILIRAKIS) that the House suspend the rules and agree to the concurrent resolution (H. Con. Res. 171), as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution, as amended, was agreed to.

The title was amended so as to read: ''Concurrent resolution declaring the city of Roanoke, Virginia, to be the official site of the National Emergency Medical Services Memorial Service.''

A motion to reconsider was laid on the table.

NATIONAL BONE MARROW REGISTRY REAUTHORIZATION ACT OF 1998

Mr. BILIRAKIS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2202) to amend the Public Health Service Act to revise and extend the bone marrow donor program, and for other purposes, as amended.

The Clerk read as follows:

H.R. 2202

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 ''National Bone Marrow Registry Reauthorization Act of 1998''.

SEC. 2. REAUTHORIZATION.

(a) ESTABLISHMENT OF REGISTRY.—Section 379(a) of the Public Health Service Act (42 U.S.C. 274k(a)) is amended—

(1) by striking ''(referred to in this part as the 'Registry') that meets'' and inserting ''(referred to in this part as the 'Registry') that has the purpose of increasing the number of transplants for recipients suitably matched to biologically unrelated donors of bone marrow, and that meets'';

(2) by striking ''under the direction of a board of directors that shall include representatives of'' and all that follows and inserting the following: ''under the direction of a board of directors meeting the following requirements:

''(1) Each member of the board shall serve for a term of two years, and each such member may serve as many as three consecutive two-year terms, except that such limitations shall not apply to the Chair of the board (or the Chair-elect) or to the member of the board who most recently served as the Chair.

''(2) A member of the board may continue to serve after the expiration of the term of such member until a successor is appointed.

''(3) In order to ensure the continuity of the board, the board shall be appointed so that each year the terms of approximately ⅓ of the members of the board expire.

''(4) The membership of the board shall include representatives of marrow donor centers and marrow transplant centers; recipients of a bone marrow transplant; persons who require or have required such a transplant; family members of such a recipient or family members of a patient who has requested the assistance of the Registry in searching for an unrelated donor of bone marrow; persons with expertise in the social sciences; and members of the general public; and in addition nonvoting representatives from the Naval Medical Research and Development Command and from the Division of Organ Transplantation of the Health Resources and Services Administration.''.

(b) PROGRAM FOR UNRELATED MARROW TRANSPLANTS.—

(1) IN GENERAL.—Section 379(b) of the Public Health Service Act (42 U.S.C. 274k(b)) is amended by redesignating paragraph (7) as paragraph (8), and by striking paragraphs (2) through (6) and inserting the following:

''(2) carry out a program for the recruitment of bone marrow donors in accordance with subsection (c), including with respect to increasing the representation of racial and ethnic minority groups (including persons of mixed ancestry) in the enrollment of the Registry;

''(3) carry out informational and educational activities in accordance with subsection (c);

''(4) annually update information to account for changes in the status of individuals as potential donors of bone marrow;

''(5) provide for a system of patient advocacy through the office established under subsection (d);

''(6) provide case management services for any potential donor of bone marrow to whom the Registry has provided a notice that the potential donor may be suitably matched to a particular patient (which services shall be provided through a mechanism other than the system of patient advocacy under subsection (d)), and conduct surveys of donors and potential donors to determine the extent of satisfaction with such services and to identify ways in which the services can be improved;

''(7) with respect to searches for unrelated donors of bone marrow that are conducted through the system under paragraph (1), collect and analyze and publish data on the number and percentage of patients at each of the various stages of the search process, including data regarding the furthest stage reached; the number and percentage of patients who are unable to complete the search process, and the reasons underlying such circumstances; and comparisons of transplant centers regarding search and other costs that prior to transplantation are charged to patients by transplant centers; and''.

(2) REPORT OF INSPECTOR GENERAL; PLAN REGARDING RELATIONSHIP BETWEEN REGISTRY AND DONOR CENTERS.—The Secretary of Health and Human Services shall ensure that, not later than one year after the date of the enactment of this Act, the National Bone Marrow Donor Registry (under section 379 of the Public Health Service Act) develops, evaluates, and implements a plan to effectuate efficiencies in the relationship between such Registry and donor centers. The plan shall incorporate, to the extent practicable, the findings and recommendations made

in the inspection conducted by the Office of the Inspector General (Department of Health and Human Services) as of January 1997 and known as the Bone Marrow Program Inspection.

(c) PROGRAM FOR INFORMATION AND EDUCATION.—Section 379 of the Public Health Service Act (42 U.S.C. 274k) is amended by striking subsection (j), by redesignating subsections (c) through (i) as subsections (e) through (k), respectively, and by inserting after subsection (b) the following subsection:

''(c) RECRUITMENT; PRIORITIES; INFORMATION AND EDUCATION.—

''(1) RECRUITMENT; PRIORITIES.—The Registry shall carry out a program for the recruitment of bone marrow donors. Such program shall identify populations that are underrepresented among potential donors enrolled with the Registry. In the case of populations that are identified under the preceding sentence:

''(A) The Registry shall give priority to carrying out activities under this part to increase representation for such populations in order to enable a member of such a population, to the extent practicable, to have a probability of finding a suitable unrelated donor that is comparable to the probability that an individual who is not a member of an underrepresented population would have.

''(B) The Registry shall consider racial and ethnic minority groups (including persons of mixed ancestry) to be populations that have been identified for purposes of this paragraph, and shall carry out subparagraph (A) with respect to such populations.

''(2) INFORMATION AND EDUCATION REGARDING RECRUITMENT; TESTING AND ENROLLMENT.—

''(A) IN GENERAL.—In carrying out the program under paragraph (1), the Registry shall carry out informational and educational activities for purposes of recruiting individuals to serve as donors of bone marrow, and shall test and enroll with the Registry potential donors. Such information and educational activities shall include the following:

''(i) Making information available to the general public, including information describing the needs of patients with respect to donors of bone marrow.

''(ii) Educating and providing information to individuals who are willing to serve as potential donors, including providing updates.

''(iii) Training individuals in requesting individuals to serve as potential donors.

''(B) PRIORITIES.—In carrying out informational and educational activities under subparagraph (A), the Registry shall give priority to recruiting individuals to serve as donors of bone marrow for populations that are identified under paragraph (1).

''(3) TRANSPLANTATION AS TREATMENT OPTION.—In addition to activities regarding recruitment, the program under paragraph (1) shall provide information to physicians, other health care professionals, and the public regarding the availability, as a potential treatment option, of receiving a transplant of bone marrow from an unrelated donor.''.

(d) PATIENT ADVOCACY AND CASE MANAGEMENT.—Section 379 of the Public Health Service Act (42 U.S.C. 274k), as amended by subsection (c) of this section, is amended by inserting after subsection (c) the following subsection:

''(d) PATIENT ADVOCACY; CASE MANAGEMENT.—

''(1) IN GENERAL.—The Registry shall establish and maintain an office of patient advocacy (in this subsection referred to as the 'Office').

''(2) GENERAL FUNCTIONS.—The Office shall meet the following requirements:

''(A) The Office shall be headed by a director.

''(B) The Office shall operate a system for patient advocacy, which shall be separate from mechanisms for donor advocacy, and which shall serve patients for whom the Registry is conducting, or has been requested to conduct, a search for an unrelated donor of bone marrow.

''(C) In the case of such a patient, the Office shall serve as an advocate for the patient by directly providing to the patient (or family members, physicians, or other individuals acting on behalf of the patient) individualized services with respect to efficiently utilizing the system under subsection (b)(1) to conduct an ongoing search for a donor.

''(D) In carrying out subparagraph (C), the Office shall monitor the system under subsection (b)(1) to determine whether the search needs of the patient involved are being met, including with respect to the following:

''(i) Periodically providing to the patient (or an individual acting on behalf of the patient) information regarding donors who are suitability matched to the patient, and other information regarding the progress being made in the search.

''(ii) Informing the patient (or such other individual) if the search has been interrupted or discontinued.

''(iii) Identifying and resolving problems in the search, to the extent practicable.

''(E) In carrying out subparagraph (C), the Office shall monitor the system under subsection (b)(1) to determine whether the Registry, donor centers, transplant centers, and other entities participating in the Registry program are complying with standards issued under subsection (e)(4) for the system for patient advocacy under this subsection.

''(F) The Office shall ensure that the following data are made available to patients:

''(i) The resources available through the Registry.

''(ii) A comparison of transplant centers regarding search and other costs that prior to transplantation are charged to patients by transplant centers.

''(iii) A list of donor registries, transplant centers, and other entities that meet the applicable standards, criteria, and procedures under subsection (e).

''(iv) The posttransplant outcomes for individual transplant centers.

''(v) Such other information as the Registry determines to be appropriate.

''(G) The Office shall conduct surveys of patients (or family members, physicians, or other individuals acting on behalf of patients) to determine the extent of satisfaction with the system for patient advocacy under this subsection, and to identify ways in which the system can be improved.

''(3) CASE MANAGEMENT.—

''(A) IN GENERAL.—In serving as an advocate for a patient under paragraph (2), the Office shall provide individualized case management services directly to the patient (or family members, physicians, or other individuals acting on behalf of the patient), including—

''(i) individualized case assessment; and

''(ii) the functions described in paragraph (2)(D) (relating to progress in the search process).

''(B) POSTSEARCH FUNCTIONS.—In addition to the case management services described in paragraph (1) for patients, the Office may, on behalf of patients who have completed the search for an unrelated donor, provide information and education on the process of receiving a transplant of bone marrow, including the posttransplant process.''.

(e) CRITERIA, STANDARDS, AND PROCEDURES.—Section 379(e) of the Public Health Service Act (42 U.S.C. 274k), as redesignated by subsection (c) of this section, is amended by striking paragraph (4) and inserting the following:

''(4) standards for the system for patient advocacy operated under subsection (d), including standards requiring the provision of appropriate information (at the start of the search process and throughout the process) to patients and their families and physicians;''.

(f) REPORT.—Section 379 of the Public Health Service Act, as amended by subsection (c) of this section, is amended by adding at the end the following subsection:

''(l) ANNUAL REPORT REGARDING PRETRANSPLANT COSTS.—The Registry shall annually submit to the Secretary the data collected under subsection (b)(7) on comparisons of transplant centers regarding search and other costs that prior to transplantation are charged to patients by transplant centers. The data shall be submitted to the Secretary through inclusion in the annual report required in section 379A(c).''.

(g) CONFORMING AMENDMENTS.—Section 379 of the Public Health Service Act, as amended by subsection (c) of this section, is amended—

(1) in subsection (f), by striking ''subsection (c)'' and inserting ''subsection (e)''; and

(2) in subsection (k), by striking ''subsection (c)(5)(A)'' and inserting ''subsection (e)(5)(A)'' and by striking ''subsection (c)(5)(B)'' and inserting ''subsection (e)(5)(B)''.

SEC. 3. RECIPIENT REGISTRY.

Part I of title III of the Public Health Service Act (42 U.S.C. 274k et seq.) is amended by striking section 379A and inserting the following:

''SEC. 379A. BONE MARROW SCIENTIFIC REGISTRY.

''(a) ESTABLISHMENT OF RECIPIENT REGISTRY.—The Secretary, acting through the Registry under section 379 (in this section referred to as the 'Registry'), shall establish and maintain a scientific registry of information relating to patients who have been recipients of a transplant of bone marrow from a biologically unrelated donor.

''(b) INFORMATION.—The scientific registry under subsection (a) shall include information with respect to patients described in subsection (a), transplant procedures, and such other information as the Secretary determines to be appropriate to conduct an ongoing evaluation of the scientific and clinical status of transplantation involving recipients of bone marrow from biologically unrelated donors.

''(c) ANNUAL REPORT ON PATIENT OUTCOMES.—The Registry shall annually submit to the Secretary a report concerning patient outcomes with respect to each transplant center. Each such report shall use data collected and maintained by the scientific registry under subsection (a). Each such report shall in addition include the data required in section 379(l) (relating to pretransplant costs).''.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

Title III of the Public Health Service Act (42 U.S.C. 241 et seq.) is amended—

(1) by transferring section 378 from the current placement of the section and inserting the section after section 377; and

(2) in part I, by inserting after section 379A the following section:

''SEC. 379B. AUTHORIZATION OF APPROPRIATIONS.

''For the purpose of carrying out this part, there are authorized to be appropriated $18,000,000 for fiscal year 1999, and such sums as may be necessary for each of the fiscal years 2000 through 2003.''.

SEC. 5. STUDY BY GENERAL ACCOUNTING OFFICE.

(a) IN GENERAL.—During the period indicated pursuant to subsection (b), the Comptroller General of the United States shall conduct a study of the National Bone Marrow Donor Registry under section 379 of the Public Health Service Act for purposes of making determinations of the following:

(1) The extent to which, relative to the effective date of this Act, such Registry has increased the representation of racial and ethnic minority groups (including persons of mixed ancestry) among potential donors of bone marrow who are enrolled with the Registry, and whether the extent of increase results in a level of representation that meets the standard established in subsection (c)(1)(A) of such section 379 (as added by section 2(c) of this Act).

(2) The extent to which patients in need of a transplant of bone marrow from a biologically unrelated donor, and the physicians of such patients, have been utilizing the Registry in the search for such a donor.

(3) The number of such patients for whom the Registry began a preliminary search but for whom the full search process was not completed, and the reasons underlying such circumstances.

(4) The extent to which the plan required in section 2(b)(2) of this Act (relating to the relationship between the Registry and donor centers) has been implemented.

(5) The extent to which the Registry, donor centers, donor registries, collection centers, transplant centers, and other appropriate entities have been complying with the standards, criteria, and procedures under subsection (e) of such section 379 (as redesignated by section 2(c) of this Act).

(b) REPORT.—A report describing the findings of the study under subsection (a) shall be submitted to the Congress not later than October 1, 2001. The report may not be submitted before January 1, 2001.

SEC. 6. COMPLIANCE WITH NEW REQUIREMENTS FOR OFFICE OF PATIENT ADVOCACY.

With respect to requirements for the office of patient advocacy under section 379(d) of the Public Health Service Act, the Secretary of Health and Human Services shall ensure that, not later than 180 days after the effective date of this Act, such office is in compliance with all requirements (established pursuant to the amendment made by section 2(d)) that are additional to the requirements that under section 379 of such Act were in effect with respect to patient advocacy on the day before the date of the enactment of this Act.

SEC. 7. EFFECTIVE DATE.

This Act takes effect October 1, 1998, or upon the date of the enactment of this Act, whichever occurs later.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. BILIRAKIS) and the gentleman from Ohio (Mr. BROWN) each will control 20 minutes.

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

GENERAL LEAVE

Mr. BILIRAKIS. 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. 2202 and to insert extraneous material on the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

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

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

Mr. Speaker, I am delighted this afternoon, truly delighted, to ask my colleagues in the House to support H.R. 2202, the National Bone Marrow Registry Reauthorization Act of 1998. I would acknowledge the hard work of Mr. Marc Wheat of the Majority staff, Mr. John Ford of the Minority staff, and other staffers from Mr. YOUNG'S office and staffers in the Senate in the process of working out this legislation.

I know that many of my colleagues in the House have heard from individuals whose lives were saved by this program, but many Members may not know that this legislation has been championed by a man whose own daughter was saved by the program. Coincidentally, if that is a proper word, he decided to go forward with this program quite a few years ago, and it was after he decided to go through with this program and put it into effect that his daughter was saved by the program.

□ 1545

That, of course, I am referring to my friend and colleague, the gentleman from Florida (Mr. BILL YOUNG).

The gentleman from Florida (Mr. YOUNG) secured the original appropriation which established this important program in early 1987 through a grant to the Department of the Navy. In this Congress he has worked tirelessly to secure reauthorization of the program, and I was pleased to support his effort as a cosponsor of H.R. 2202.

In 1997 the National Marrow Donor Program was responsible for facilitating 1,280 unrelated marrow transplants, men and women who never met each other but knew that through the simple procedure of marrow donation a life would be saved.

There are approximately 5,000 to 7,000 Americans who could benefit from potentially lifesaving unrelated donor transplants, and yet for many, matches cannot be found yet. But thanks to the great work of the men and women in this program, over 3 million Americans have volunteered to be listed confidentially in a registry of the national marrow donor program.

Through innovative cooperation with programs in other countries, including Germany, France, Israel, South Africa, Greece, among others, patients can search for their tissue type through a worldwide network of 37 registries in 29 countries. Through this network the National Marrow Donor Program has direct access to over 4 million volunteer donors worldwide.

The language in the bill under consideration today is identical to an amendment approved by voice vote in the Subcommittee on Health and Environment which I chair. My substitute amendment represented a consensus position developed through long negotiations between the majority and minority of the Committee on Commerce and the Committee on Labor and Human Resources in the other body, the Department of Health and Human Resources, the Food and Drug Administration, the National Institutes of Health, the National Bone Marrow Donor Program itself, and many associations and interested parties who want to see this authorization pass this year.

Mr. Speaker, I want to again express my great appreciation on behalf of all of us, and on behalf of the many people out there who have benefited from this program and who will continue to benefit, and to the gentleman from Florida (Mr. YOUNG) for his efforts to secure this reauthorization.

Mr. Speaker, I urge all of my colleagues to join me in expressing their strong support for passage of this important legislation.

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

Mr. BROWN of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of the legislation we are considering today to reauthorize the National Bone Marrow Donor Registry Program. This program has given thousands of patients suffering from diseases like leukemia a second chance at life.

I would like to recognize the work of my chairman, the gentleman from Florida (Mr. MIKE BILIRAKIS) and the sponsor of this legislation, the gentleman from Florida (Mr. BILL YOUNG), in moving this important bill to the floor.

I extend a special thanks to the gentlewoman from Southern California (Ms. JUANITA MILLENDER-MCDONALD), who has worked tirelessly to include provisions in the bill to help meet the needs of minority and mixed-race patients. For patients who suffer from terminal diseases, such as cancer and blood and immune system disorders, the transplantation of bone marrow offers their only hope for a cure.

In 1987, with a small grant to the Department of the Navy, the National Marrow Donor Program was established to help facilitate bone marrow matches between patients and donors and maintain a registry of individuals willing to donate marrow. I am pleased that since its inception 12 years ago NMDP has facilitated over 6,500 marrow transplants between unrelated patients and donors around the world. Further, the annual number of transplants has increased by 53 percent between 1994 and 1997, since NMDP was transferred to Health Resources Services Administration.

I am pleased the legislation we are considering today builds upon this success by fully funding current and new innovative educational campaigns to increase the number of willing donors which will obviously, in turn, increase the number of successful transplantations. Working with patients and physicians, NMDP and its partners can improve outreach and increase awareness of the importance of marrow donation. This work is especially important if we are going to continue to increase the number of minorities, such as African Americans and Latinos, who are successfully matched with willing donors.

Mr. Speaker, we can all take pride in the accomplishments of this lifesaving program. I am hopeful we can work together to ensure that more sick patients have access to these lifesaving therapies by passing this legislation today.

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

Mr. BILIRAKIS. Mr. Speaker, I gladly yield such time as he may consume to the gentleman from Florida (Mr. BILL YOUNG), my friend, neighbor, and colleague.

(Mr. YOUNG of Florida asked and was given permission to revise and extend his remarks.)

Mr. YOUNG of Florida. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I would have to say this is an exciting moment. This legislation, we have worked long and hard to get it in a condition that everybody could support. The basic idea here is that it extends the authorization for the National Marrow Donor Program, which, as my distinguished friends the gentleman from Florida (Mr. BILIRAKIS) and the gentleman from Ohio (Mr. BROWN) have said, is a lifesaver.

It is actually a miracle. This process allows people who really had no chance for life, there was no outlook, they were not going to survive, but when the opportunity to have a bone marrow transplant came about and we were able to find enough donors to create a registry, peoples' lives have been saved. People have had a second chance for life where none existed before.

Mr. Speaker, I want to thank the gentleman from Florida (Mr. BILIRAKIS) and the gentleman from Ohio (Mr. BROWN) as the ranking minority member, and every Member of this Congress. This program, from when we began in 1985, we began to try to create this program, and we hit a lot of doors that were not open to us. We were told by people high up in the realm of medical research that this would never work. In fact, one of our committees was told in testimony, well, you will be lucky if you could ever get 50,000 people willing to be a bone marrow donor.

Mr. Speaker, as we speak today, there are more than 3 million Americans who are in that registry with their marrow typed and ready to be a donor. In addition, as the gentleman from Florida (Mr. BILIRAKIS) has pointed out, we have agreements with many other nations, and we are exchanging patients and exchanging bone marrow across the ocean itself, saving lives around the world.

I want to thank the many people in the Congress who have made it possible to keep this program going. I want to thank the many people in the medical community who have been heroes in this effort. I want to thank the millions of donors who have been willing to give another person a second chance for life. This Nation of ours is full of heroes, and the list is lengthy. I wish we had time to mention all of them by name, but obviously we do not.

Mr. BROWN of Ohio. Mr. Speaker, I yield 4 minutes to my friend, the gentlewoman from California (Ms. MILLENDER-MCDONALD), who has shown great leadership in coming to our committee and on the floor on this issue.

Ms. MILLENDER-MCDONALD. Mr. Speaker, I thank the gentleman for yielding me the time, and for his comments.

Mr. Speaker, I am so proud to be able to stand before the Members today, a day when the House will finally vote on one of the most important pieces of legislation affecting the health of minorities and their families. For more than a year now I have been working to increase the number of minorities and people of mixed ancestry on the National Bone Marrow Registry, not only through legislation but through coordinated outreach efforts throughout this country.

I would like to thank the gentleman from Florida for working so closely with me to make sure that when we reauthorize this program, we do everything possible to increase the number of minorities and people of mixed ancestry.

Every year, Mr. Speaker, more than 30,000 people are diagnosed with one of the 60 diseases that can be cured with a bone marrow transplant. Of those, only 30 percent will have a family member who is a marrow match. That means 20,000 people each year need to find an unrelated marrow donor.

There are almost 2 million registered donors in this country, an increase of more than 260 percent since the beginning of 1993. But of these impressive numbers of transplants, Mr. Speaker, minorities continue to receive far fewer transplants.

In fact, in 1997, only 65 African Americans received transplants, 105 Hispanic Americans received transplants, and approximately 37 people of mixed ancestry received transplants. During that same year, however, 1,021 caucasians received transplants; so we can see, Mr. Speaker, the critical need for this.

Again, let me thank the gentleman from Florida (Mr. YOUNG) for his leadership on this issue. I urge all of my colleagues to join me in voting yes for H.R. 2202. The day has finally come to close the gap on this critical minority health care disparity.

Mr. YOUNG of Florida. Mr. Speaker, will the gentlewoman yield?

Ms. MILLENDER-MCDONALD. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. I just wanted to express to the Speaker and the Members, Mr. Speaker, my appreciation for the really hard work that the gentlewoman has done in this effort.

We introduced the bill almost a year ago, as the gentlewoman is well aware, and because of the bureaucracy involved, it has taken a while, but the gentlewoman has stayed right there on track and helped keep it moving. I mentioned many of the heroes, and the gentlewoman is one of the heroes at the top of the list.

Ms. MILLENDER-MCDONALD. Mr. Speaker, I thank the gentlemen from Florida, Mr. YOUNG and Mr. BILIRAKIS, for their leadership.

Mr. BILIRAKIS. Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan (Mr. UPTON).

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

Mr. UPTON. Mr. Speaker, I rise this afternoon in strong support of H.R. 2202, the National Bone Marrow Registry Reauthorization Act of 1998.

I want to also commend my good friend and colleague, the gentleman from Florida (Mr. YOUNG) for introducing and working hard and diligently for the consideration of this legislation, and my subcommittee chairman, the gentleman from Florida (Mr. BILIRAKIS) and his ranking member, the gentleman from Ohio (Mr. BROWN), for the smooth passage through the committee process.

Mr. Speaker, this program is a vital one. This holds out promise for nearly the approximately 12,000 people each year who are diagnosed with diseases for which bone marrow transplantation may offer the possibility of a cure.

The National Bone Marrow Donor Registry established by this program provides for a central registry of bone marrow donors, linking a network of 100 donor centers, 111 transplant centers, and 11 recruitment groups across the country.

The registry is also a research organization, studying the effectiveness of unrelated marrow transplants. This program has been effective in increasing the availability of unrelated bone marrow transplants, which have grown in number from 200 in 1989 to almost 1,300 in 1997 last year.

In my State of Michigan our donor centers have, as of March of this year, registered over 92,000 donors and facilitated some 291 transplants. However, estimates suggest that those who could benefit from bone marrow transplants far outnumber the actual recipients by a 2- or 3-to-1 margin. All of us have individuals in our districts hoping desperately that they will be successfully matched with a volunteer donor. For too many, that hope will not be realized.

Mr. Speaker, this is particularly true for minority individuals, who are underrepresented in the donor registry. This legislation that we are considering this afternoon strengthens the program's focus on minority recruitment.

I encourage all of us here to register as a volunteer donor. I did, because of my relationship with the gentleman from Florida (Mr. YOUNG). The process is very simple. You have to go to a donor center and give a blood sample. That is all it is. You can literally give the gift of life to another individual through this simple act.

Mr. DELAHUNT. Mr. Speaker, I rise in strong support of H.R. 2202, the National Bone Marrow Registry Reauthorization Act of 1998.

For over a decade, the National Bone Marrow Program has brought hope to the over 30,000 patients diagnosed each year with leukemia and more than 60 otherwise fatal blood disorders. From modest beginnings, the program now maintains a registry of millions of potential donors.

H.R. 2202 will expand and improve the National Bone Marrow Registry, establishing new services to help patients locate donors, redoubling efforts to recruit donors within underserved populations, and encouraging continued advances in the science of marrow transplantation.

For me, this bill has very personal meaning. It calls to mind a very special young woman and her family in Duxbury, Massachusetts, whom I have had the honor of knowing since I learned of their story in the local press.

The young woman is Brittany Lambert, who suffers from a rare blood disorder called myelodysplasia, for which she received a bone marrow transplant from an unrelated donor found through the registry. When Brittany's first transplant failed, she needed a second one. Through it all, she has shown qualities of courage and tenacity that would make any parent proud.

Brittany has been lucky in at least one respect: her parents, Jim and Linda Haehnel, and her sister, Brianne, have been with her every step of the way. In fact, when I met Jim Haehnel back in February of 1997, he was organizing a screening drive for Brittany at an Air National Guard base in my district. I was among the 300 people who registered as potential donors on that occasion, and I promised Jim that I would do everything I could to see that more people have the opportunity to join in this effort.

The Haehnel family has shown tremendous fortitude in the face of repeated setbacks. They have continued to do everything they can to see that kids like Brittany get a second chance at life.

It is because of the heroism and selflessness of people like Brittany and her family that this program exists. And it is because of them that I feel so strongly about this effort. I am proud to join with my colleague, Mr. YOUNG, in cosponsoring this legislation, and I hope that all of my colleagues will give it their support.

Mr. PORTER. Mr. Speaker, I rise to commend my good friend, BILL YOUNG, for his tireless efforts to promote and strengthen the National Bone Marrow Donor Registry. There is no stronger advocate in the Congress for this vital public policy initiative than BILL. His work has provided a second chance at life for thousands of individuals who suffer from debilitating illness and fatal blood disease. Because of BILL's outstanding leadership, the registry has grown tremendously. I am proud to cosponsor this vital legislation and I will continue to support BILL's important efforts.

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

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

The SPEAKER pro tempore (Mr. SHIMKUS). The question is on the motion offered by the gentleman from Florida (Mr. BILIRAKIS) that the House suspend the rules and pass the bill, H.R. 2202, as amended.

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

A motion to reconsider was laid on the table.

EXTENDING CERTAIN PROGRAMS UNDER THE ENERGY POLICY AND CONSERVATION ACT

Mr. DAN SCHAEFER of Colorado. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the House amendment to the Senate amendment to the bill (H.R. 2472) to extend certain programs under the Energy Policy and Conservation Act.

The Clerk read as follows:

Senate amendment to House amendment to Senate amendment:

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

SECTION 1. ENERGY POLICY AND CONSERVATION ACT AMENDMENTS.

The Energy Policy and Conservation Act is amended—

(1) in section 166 (42 U.S.C. 6246) by striking ''1997'' and inserting in lieu thereof ''1999'';

(2) in section 181 (42 U.S.C. 6251) by striking ''1997'' both places it appears and inserting in lieu thereof ''1999'';

(3) by striking ''section 252(l)(1)'' in section 251(e)(1) (42 U.S.C. 6271(e)(1)) and inserting ''section 252(k)(1)'';

(4) in section 252 (42 U.S.C. 6272)—

(A) in subsections (a)(1) and (b), by striking ''allocation and information provisions of the international energy program'' and inserting ''international emergency response provisions'';

(B) in subsection (d)(3), by striking ''known'' and inserting after ''circumstances'' ''known at the time of approval'';

(C) in subsection (e)(2) by striking ''shall'' and inserting ''may'';

(D) in subsection (f)(2) by inserting ''voluntary agreement or'' after ''approved'';

(E) by amending subsection (h) to read as follows:

''(h) Section 708 of the Defense Production Act of 1950 shall not apply to any agreement or action undertaken for the purpose of developing or carrying out—

''(1) the international energy program, or

''(2) any allocation, price control, or similar program with respect to petroleum products under this Act.'';

(F) in subsection (k) by amending paragraph (2) to read as follows:

''(2) The term 'international emergency response provisions' means—

''(A) the provisions of the international energy program which relate to international allocation of petroleum products and to the information system provided in the program, and

''(B) the emergency response measures adopted by the Governing Board of the International Energy Agency (including the July 11, 1984, decision by the Governing Board on 'Stocks and Supply Disruptions') for—

''(i) the coordinated drawdown of stocks of petroleum products held or controlled by governments; and

''(ii) complementary actions taken by governments during an existing or impending international oil supply disruption.''; and

(G) by amending subsection (l) to read as follows:

''(l) The antitrust defense under subsection (f) shall not extend to the international allocation of petroleum products unless allocation is required by chapters III and IV of the international energy program during an international energy supply emergency.''; and

(5) in section 281 (42 U.S.C. 6285) by striking ''1997'' both places it appears and inserting in lieu thereof ''1999''.

(6) at the end of section 154 by adding the following new subsection:

''(f)(1) The drawdown and distribution of petroleum products from the Strategic Petroleum Reserve is authorized only under section 161 of this Act, and drawdown and distribution of petroleum products for purposes other than those described in section 161 of this Act shall be prohibited.

''(2) In the Secretary's annual budget submission, the Secretary shall request funds for acquisition, transportation, and injection of petroleum products for storage in the Reserve. If no requests for funds is made, the Secretary shall provide a written explanation of the reason therefore.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Colorado (Mr. DAN SCHAEFER) and the gentleman from Texas (Mr. Hall) each will control 20 minutes.

The Chair recognizes the gentleman from Colorado (Mr. DAN SCHAEFER).

GENERAL LEAVE

Mr. DAN SCHAEFER of Colorado. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill, H.R. 2472, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

□ 1600

Mr. DAN SCHAEFER of Colorado. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this bill reauthorizes provisions of the Energy Policy and Conservation Act relating to the Strategic Petroleum Reserve and U.S. participation in the International Energy Agreement through fiscal year 1999. These provisions, which expired on September 30, assure that if there is any emergency dealing with energy at all, the President's authority to draw down the Strategic Petroleum Reserve is preserved and the ability of U.S. oil companies to participate in the International Energy Agreement without violating the antitrust laws is expanded and extended.

Because of their importance to U.S. national energy security, I believe these programs should be reauthorized. And with the decision by the President and the appropriators to stop the budgetary sales of oil from the Strategic Petroleum Reserve, I believe it is now appropriate to pass a long-term extension. I certainly do appreciate that fact because that has been a long-standing problem that we have had selling off our oil.

In recent years, with respect to the Strategic Petroleum Reserve, this body has been penny wise and pound foolish. For the past 3 years, we have allowed our energy security, for which we paid for so dearly, to be sold at less than half of what it cost us. If the most recent sale had gone through with today's oil prices being so low, the taxpayers would have lost at least $175 million, but they would also have lost something even more important, the energy security in this country.

In the past decade of low oil prices and steady supply, we have become increasingly dependent on foreign oil. We now rely on oil imports to meet more than half of our daily petroleum needs. Moreover, we have become complacent about how vulnerable that dependence makes the United States.

When oil prices fell to record lows recently, OPEC and non-OPEC producing countries began to restrict production in order to boost the prices. While we are still a long way from the oil embargo of the 1970s, our vulnerability remains, and we must guard carefully the

energy security we have built up with the Strategic Petroleum Reserve.

Mr. Speaker, the provisions contained in H.R. 2472 will help the United States preserve its energy security. It is a good bill, and I endorse its adoption wholeheartedly.

Finally, there are several conservation-related programs contained in EPCA which were discussed at the subcommittee hearing that are not included in this bill that we are considering today, but we do have a bill coming up that would extend these programs as well. I intend to work with the interested parties to mark up that bill and reauthorize those programs in the near future.

Mr. Speaker, before I reserve the balance of my time, I would like to thank my good friend, the gentleman from Texas (Mr. HALL), for his continual support on this issue. I know that coming from the State of Texas it is very important to him.

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

Mr. HALL of Texas. Mr. Speaker, I yield myself such time as I may consume.

I will be brief because, as usual, the gentleman from Colorado (Mr. DAN SCHAEFER) has done a good job of laying out the reasons for supporting H.R. 2472. It simply reauthorizes the key sections of the Energy Policy and Conservation Act. The underlying House bill was handled in a bipartisan manner in the Committee on Commerce and passed on a voice vote.

Actually, the changes that are made herein are supported by both industry and the administration, of course supported by the subcommittee and the committee. I know of no objection to this legislation.

Last winter's instability in the Middle East pretty well underscored how quickly circumstances can change. It was a volatile situation that served as a reminder of the need for the United States to be energy independent.

This will ensure that the United States and the industry will be able to fulfill their duties in any oil-related emergency. For that reason I thank the gentleman from Virginia (Mr. BLILEY) and the gentleman from Colorado (Mr. DAN SCHAEFER) for bringing this important bill to the House floor. It is important to our country's economic and energy security, and I am pleased to support this legislation.

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

Mr. DAN SCHAEFER of Colorado. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SHIMKUS). The question is on the motion offered by the gentleman from Colorado (Mr. DAN SCHAEFER) that the House suspend the rules and concur in the Senate amendment to the House amendment to the Senate amendment to the bill, H.R. 2472.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate amendment to the House amendment to the Senate amendment was concurred in.

A motion to reconsider was laid on the table.

MANDATES INFORMATION ACT OF 1998

The SPEAKER pro tempore (Mr. KNOLLENBERG). Pursuant to House Resolution 426 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 3534.

□ 1606

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 3534) to improve congressional deliberation on proposed Federal private sector mandates, and for other purposes, with Mr. SHIMKUS (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole rose on Wednesday, May 13, 1998, the amendment offered by the gentleman from Virginia (Mr. DAVIS) had been disposed of, and the bill was open for amendment at any point.

Are there further amendments to the bill?

Mr. MOAKLEY. Mr. Chairman, I move to strike the last word, and I rise to offer an amendment to H.R. 3534, the Unfunded Mandates Information Act of 1997.

Mr. Chairman, this amendment would strike from the bill language which was added in committee at the last minute by the gentleman from California (Mr. DREIER) to exempt tax revenue from the private sector point of order. The Dreier language ignores the spirit of this bill, which is to force Congress to think twice before we impose any burden on private companies.

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

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

Mr. DREIER. Mr. Chairman, I would like to inquire, is the amendment pending?

Mr. MOAKLEY. Mr. Chairman, I intend to offer the amendment. I have not offered the amendment.

Mr. DREIER. I thank the gentleman.

Mr. MOAKLEY. I thank the gentleman for noticing.

Mr. Chairman, the point of order triggers a debate and a vote on the question of consideration. It makes Congress take notice and make informed decisions about whether or not to proceed. The Dreier amendment changes the whole picture. It says we should ignore real costs to private companies and individuals as long as that revenue generated is fully spent in tax or tariff reductions. A tax on coal deserves debate on its own, but if it is coupled with a tax break for ethanol, it suddenly is not worth Congress' attention.

The Dreier language says that we have to know how the revenue was spent before we know whether a tax or a tariff is a burden. Consider what that means to excise taxes like taxes on gas and tobacco, where many people believe that the revenue generated should be dedicated only to certain spending programs. If a measure increases gas taxes and requires that the money be spent on highway repair only, the measure would be subject to an unfunded mandate point of order.

However, Mr. Chairman, if the same gas tax increase is completely offset by a provision to allow billionaires to avoid some kind of Federal tax liability, then the point of order just would not apply.

Consider also a tobacco bill, which we may be considering some day, that raises cigarette taxes and spends that money to prevent teenage smoking or on health care costs and health care research or on aid to the tobacco farmer, that bill will be subject to a point of order. But, Mr. Chairman, under the Dreier language, if that tobacco revenue is given away in tax cuts rather than these programs I just enumerated, then the point of order just does not apply.

I believe this approach is uneven. I believe it is arbitrary. It goes against the fundamental purpose of the bill, which is to make Congress reconsider whether it wants to impose any private sector burdens.

Therefore, Mr. Chairman, I urge my colleagues to support my amendment that I am about to file and strike this language to the bill and return it to the original intent of the sponsors.

Mr. DREIER. Mr. Chairman, I move to strike the last word. I would like to engage my colleague, if I could, with a question. Is there an amendment that we are considering here?

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

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

Mr. MOAKLEY. Mr. Chairman, there is an amendment at the desk.

Mr. DREIER. I do not have anything to say, Mr. Chairman, until I know what it is.

Mr. MOAKLEY. Mr. Chairman, if the amendment is there, maybe the Clerk could read the amendment.

Mr. DREIER. Mr. Chairman, I guess the gentleman will be recognized then in support of his amendment and I would like to be heard in opposition to it.

AMENDMENT OFFERED BY MR. MOAKLEY

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

The Clerk read as follows:

Amendment offered by Mr. MOAKLEY:

On page 5, line 13, strike ''(3)'' and all that follows through line 5, page 6.

Mr. MOAKLEY. Mr. Chairman, I know I just gave a vivid explanation of

the amendment. I do not want to subject the House to it again. I know that the gentleman from California (Mr. DREIER) has good enough memory to remember what I said so we can address my amendment now.

□ 1615

Mr. DREIER. Mr. Speaker, I rise in opposition to the amendment, not surprisingly, and I have a prepared statement which I know the gentleman from Massachusetts (Mr. MOAKLEY) will understand very clearly.

Mr. Chairman, I oppose the Moakley amendment because it seeks to perpetuate a set of budget rules that have, for the past decade, dramatically shifted Federal policy in the direction of more Washington spending programs at the expense of tax relief for working families.

At a time when the Federal Government is raising $500 billion more in revenue than was projected in the Balanced Budget Act, it is unconscionable our colleagues in the minority would attempt to further rig the rule so that those revenues which belong to hard-working families can be used to tax and spend our way out of a balanced budget.

H.R. 3534 provides that if a measure contains private sector mandates exceeding $100 million, consideration of the measure may be subject to a point of order. An exception is made for legislation containing tax or tariff provisions which cause the $100 million threshold to be exceeded but result in an overall net reduction of tax or tariff revenue over a 5-year period, provided that the bill does not include other nonrevenue-related Federal private sector mandates that exceed that $100 million threshold. If a bill contains tax or tariff provisions which result in a net increase in revenues, or it contains nonrevenue related mandates, a point of order may still apply.

This language is necessary, Mr. Chairman, because in the universe of private sector mandates, our budget rules discriminate against tax cuts by requiring that they be paid for by increases in other tax revenues or reductions in mandatory spending. In other words, our budget rules require us to impose mandates on the private sector as a condition of providing tax relief to the American people.

In addition, given the dynamic effects of tax rate changes, I find it hard to believe that anyone would suggest that tax rate reductions that may actually raise revenue, such as the capital gains tax cut, we all know it has been a revenue raiser, should be treated as private sector mandates and subject to a point of order. Mr. Chairman, I find it ludicrous, but that is exactly what would happen if the Moakley amendment were to prevail.

Mr. Chairman, I also want to respond to some inaccuracies in the administration's policy statement on this bill. It states, and I quote,

> The administration is especially concerned about the amendment added to the bill that would establish a point of order on the use of user fees and revenues.

Mr. Chairman, someone did not read the amendment that was adopted in the Committee on Rules that I offered because the point of order was always in the bill. The amendment that I authored in the Committee on Rules makes an exception to that point of order.

The statement for the administration further goes on, and I quote,

> This amendment could delay or undermine funding for a number of well-established and important programs and laws that have traditionally received bipartisan support, including airline, air traffic and ground safety; the Superfund program; the Senate passed version of the Internal Revenue Service reform bill; and legislation under consideration that provides relief to tobacco farmers and additional resources for public health and health research.

Once again, Mr. Chairman, the person who wrote that statement obviously did not read the bill or my amendment. All H.R. 3534 says is that if a point of order is made, it is subject to 20 minutes of debate, after which the Members must vote on whether to proceed with consideration of the legislation. All we are doing is encouraging a deliberative process.

This mechanism was crafted to ensure that the House would have additional information and debate time on certain Federal mandates, but that legislation containing such mandates could continue to be considered by the House if a majority so desires. The Dreier amendment, adopted by the Committee on Rules, does nothing to change this process.

In other words, if Congress takes up legislation to raise tobacco taxes and uses that revenue to fund President Clinton's great budget blow-out proposals that he unveiled here in his State of the Union message, that legislation could be subject to a question of consideration. The Committee on Rules amendment did nothing to change that outcome. If, however, revenues from a tobacco tax increase are returned to working families in the form of tax relief, then the Committee on Rules amendment provides an exclusion from the point of order.

Mr. Chairman, the Moakley amendment seeks to strike this taxpayer protection and allows legislation providing a net tax reduction to be subject to a point of order if it contains loophole closers or tax rate cuts that actually raise revenue. This will further bias our procedures against tax cuts and seriously undermine our efforts to simplify the Tax Code and provide badly needed tax relief to working families.

For this reason and all of these reasons, Mr. Chairman, I am going to oppose the amendment.

Mr. MOAKLEY. Mr. Chairman, I ask unanimous consent to strike the last word.

The CHAIRMAN pro tempore (Mr. SHIMKUS). Without objection, the gentleman from Massachusetts (Mr. MOAKLEY) is recognized for 5 minutes.

There was no objection.

Mr. MOAKLEY. Mr. Chairman, I paid very close attention to my dear friend's explanation, but the provision of the Dreier amendment really distorts the underlying purpose of the unfunded mandate bill. It used to focus on whether or not there was a mandate. Now, under the Dreier amendment, it focuses on whether it is a tax bill and how the funds from the tax bill would be handled. If Members choose to give a tax break to someone else, the issue of a mandate on a private business does not get debated in the House.

The purpose of the unfunded mandate bill is very simple. It calls upon Congress to look and see how it affects that private business. And, therefore, if we raise a tax on that business and we do not use it to help those types of businesses, but give it back in tax relief, then it is not an unfunded mandate but it still hurts that private person who we are trying to protect. This is not a tax bill, it is an unfunded mandate bill.

Now, for instance, if an aviation tax increase faces a point of order, if money is spent to improve airports, so the aviation tax goes to build up the airports, put new towers in there, then a point of order can lie. But if this money from that aviation tax goes to the fat cats, no point of order.

Gasoline tax. If the gasoline tax is used to build roads, to improve safety factors; point of order lies. But if we take that tax money and give it for some other purpose, no point of order.

Tobacco tax. If that money is used to educate children to stop smoking, if that money is used to show people through all kinds of means how bad tobacco is for them, point of order. But if we give that money back as a tax rebate to the big fat cats, no point of order.

Mr. Chairman, the Dreier amendment distorts the basis of this unfunded mandate bill.

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

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

Mr. DREIER. I thank my friend for yielding, and I think the gentleman has really explained this very well once again. He is in favor of spending for a wide range of very well intentioned proposals, and I think a lot of these issues need to be addressed; whereas we, with my amendment, are focusing on this whole question of reducing the tax burden on working families.

But, let me just say that I am a little confused at exactly what we have before us right now, because apparently, and the gentleman can correct me if I am wrong, but the amendment that has just been put forward goes much further than simply deleting the so-called Dreier language. It appears to me it guts the entire bill.

Now, my friend told me that he is no longer supportive of the bill as he might have been in the past when we were talking earlier, but the way this

amendment has been crafted, I have just been informed that it basically strikes out all points of order that can be raised against private sector mandates. Is that the gentleman's intention?

Mr. MOAKLEY. Mr. Chairman, that is not my intention, no.

Mr. DREIER. So the gentleman's intention is to simply to delete the Dreier amendment?

Mr. MOAKLEY. That is all.

Mr. DREIER. I think, Mr. Chairman, I would just like to inquire, then, of the Chair, if it does go beyond simply deleting the Dreier amendment.

The CHAIRMAN pro tempore. The Chair cannot interpret the meaning of an amendment.

Mr. MOAKLEY. Reclaiming my time, Mr. Chairman, the gentleman just made my point for me. If we raise tobacco taxes to advertise to stop kids from smoking, a point of order would lie. But if we give tax rebates back, a point of order would not lie. This is not a tax bill; this is an unfunded mandate bill.

But the gentleman from California (Mr. DREIER) makes it a tax bill. And this is a great loophole that we can reward our big fat cats with tax breaks at the expense of those youngsters that do not get the proper education to stop smoking.

The CHAIRMAN pro tempore. The time of the gentleman from Massachusetts (Mr. MOAKLEY) has expired.

(On request of Mr. DREIER, and by unanimous consent, Mr. MOAKLEY was allowed to proceed for 2 additional minutes.)

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

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

Mr. DREIER. I think, once again, we are making each other's arguments. My friend is for tax and spend, we are for cutting the tax burden on working families. So we have clarified that.

But let me just ask this question once again. Does the gentleman's amendment go beyond simply deleting the Dreier language that was passed in Committee on Rules? He has just said that is what his intent is, but I am continually told by our crack staff assistants around here that it goes well beyond that.

Mr. MOAKLEY. Mr. Chairman, that is not my intent. If that is what this amendment does, I will pull it back and just eliminate the Dreier amendment. That is not my intent.

This is not a tax and spend bill.

Mr. DREIER. Could we clarify that before we proceed further with the debate?

Mr. MOAKLEY. But this is a bill that if we tax the tobacco industry, we should put it toward education.

Mr. DREIER. This is a big tax and spend bill, and I would just like to make sure we have the right amendment before us.

The CHAIRMAN pro tempore. The gentleman from California will suspend. The time is controlled by the gentleman from Massachusetts (Mr. MOAKLEY).

Mr. MOAKLEY. Which the gentleman kindly gave to me, Mr. Chairman.

As I said, this is not rewarding anybody, but if a private business has a tax put on it, it is very unfair to use that tax money to give it back in rebates to people in other businesses. If it is tax because of a certain reason, it should be used in the furtherance of that business.

This is an unfunded mandate. We should not persecute people by taking their tax money and putting it in other places. That is all I am trying to say.

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

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

Mr. WAXMAN. I want to see if I understand the amendment, Mr. Chairman.

The underlying bill requires that the House pay special attention if there is a mandate on private enterprise.

Mr. MOAKLEY. The gentleman is correct.

Mr. WAXMAN. Now, that mandate can be a new regulatory requirement or it can be a tax. That is a mandate that they have to pay.

Mr. MOAKLEY. The gentleman is correct.

Mr. WAXMAN. As I understand the Dreier amendment, he would say it is all right to put a tax on a business if we give a tax break to another business.

Mr. MOAKLEY. The gentleman is exactly correct.

Mr. WAXMAN. It is still a mandate on the company that has the tax burden. On the other hand, as I understand the Dreier amendment, if we put a tax burden on one enterprise in order to spend the money on some worthwhile purpose, as the Congress sees fit, then that would be an unfunded mandate and require the operation of the underlying bill.

Mr. MOAKLEY. The gentleman is correct.

The CHAIRMAN pro tempore. The time of the gentleman from Massachusetts (Mr. MOAKLEY) has again expired.

(On request of Mr. DREIER, and by unanimous consent, Mr. MOAKLEY was allowed to proceed for 1 additional minute.)

Mr. MOAKLEY. Mr. Chairman, I am overwhelmed by the gentleman from California's generosity.

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

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

Mr. DREIER. Mr. Chairman, I think my friend from West Los Angeles has actually made a very good point. There are more than a few Members in this House, including the chairman of the Committee on Ways and Means, we have a couple of very distinguished members of the Ways and Means here who are looking at the idea of overhauling the Tax Code.

And I will tell my colleagues, I hear often from the people whom I am privileged to represent in California that they want us to certainly pare back, overhaul or possibly even eliminate the Internal Revenue Service. The gentleman from Texas (Mr. ARCHER) has a proposal, we have flat rate tax proposals, but it appears to me that if we were to proceed with the Moakley language deleting the amendment I offered in the Committee on Rules, we could not even consider a complete overhaul of the Tax Code, which the American people desperately want.

And so, as my friend from California (Mr. WAXMAN) has just indicated, we have a situation here that, yes, there could be some kind of modification, but I think it is very troubling this would tie the hands of a Congress that really wants to do these kinds of things.

Mr. MOAKLEY. Mr. Chairman, reclaiming my time, the gentleman has misstated the case. This does not stop any kind of tax refund from going over, but the gentleman, in effect, has admitted he is making a tax bill out of this unfunded mandate bill, is what he is doing.

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

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

Mr. WAXMAN. I am perplexed by my friend from California's statement as well. As I understand the underlying bill, it does not stop the Congress from doing anything. It just simply says, wait a minute, we want to take a look at this.

And if we are going to put a burden on private enterprise, we want to have a special focus on that and make people have to debate it and vote on it. If we are going to put a tax increase on some business, that seems to me a sufficient burden that we are putting on them that we ought to stop and be sure that that is what we want to do.

As I understand the Dreier amendment, which the Moakley amendment would strike, it would have us ignore what the burden is on a private business, a small business, particularly, if there is a tax break for someone else.

MODIFICATION TO AMENDMENT OFFERED BY MR. MOAKLEY

Mr. MOAKLEY. Mr. Chairman, I ask unanimous consent, because of the conversation with the gentleman from California (Mr. DREIER) and I had to make sure I do not go beyond eliminating the Dreier amendment, to modify my amendment.

The CHAIRMAN pro tempore. The Clerk will report the modification.

The Clerk read as follows:

Modification to amendment offered by Mr. MOAKLEY:

Page 5, line 23, strike the italized words through line 4, page 6.

The CHAIRMAN pro tempore. Is there objection to the modification to the amendment offered by the gentleman from Massachusetts?

There was no objection.

□ 1630

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

I appreciate the opportunity to engage in this debate because I would echo what my colleague, the gentleman from California (Mr. DREIER), on this side of the aisle has had to say. Despite my deep personal affection for my friend, the gentleman from Massachusetts (Mr. MOAKLEY), the Ranking Minority Member of the Committee on Rules, what my colleague from California points out is quite true. What, in essence, the Moakley amendment allows to have happen is for this Chamber to continue the culture of spending and raise barriers to the American people hanging on to more of their hard-earned money.

Indeed, as a member of the Committee on Ways and Means, I am challenged and chagrined by the fact that our existing budgetary rules already raise so many hurdles, where if to offer tax cuts to one segment of the American population, we must have, in fact, revenue offsets.

What we should be about in this Chamber, my colleagues, when we strip away all the discussion of rules, all the inside baseball, all the legislative minutia with which we deal here, the fact is we should make it easier for the American people to hang on to what they earn; and we should reject any language, no matter its intent, that makes it tougher for the American people to hold on to their hard-earned money.

The American people are already overregulated and over taxed, and we must do all we can to preserve the notion that they should hold on to more of their money and send less of it here to Washington. Accordingly, my colleagues, I would ask that we reject the Moakley amendment, stand in favor of families, stand in favor of families holding on to more of their hard-earned money.

I could not help but note the difference to hear my colleague from Massachusetts refer to those who might receive a tax cut as ''fat cats.'' I do not believe that the working family in Payson, Arizona, one of my friends who owns a print shop there who has a family of four who now, through our historic agreement to offer tax relief at a $400 per child tax credit this year that increases to $500 next year, can be called a ''fat cat'' because he and his wife hold on to $1,600 dollars of their income to spend on their families as they see fit.

So we are witnessing here in this Chamber, Mr. Chairman, a great cultural and philosophical divide among those who favor the culture of tax-and-spend and Washington-knows-best and those of us who believe that no matter how well-meaning a Washington bureaucrat may be, no matter how well-meaning my friend on the other side of the aisle may be, Mr. Chairman, when this comes to our pocketbook, no matter our economic station in life, no one knows better how to spend for their family and save for their future than they do.

That is the essence of this debate. That is why the Moakley amendment must be rejected, to reverse the culture of tax-and-spend and stick up for American families.

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

Mr. Chairman, I am certainly sorry that my colleague is challenged and chagrined on this. But as an original sponsor of the unfunded Mandates Reform Act and as a strong supporter of the Mandates Information Act, I support the Moakley amendment. A vote for the Moakley amendment is a vote to strike language that would erode the intent of the Mandates Information Act. So, in other words, the Moakley amendment is an attempt to maintain the integrity of the Mandates Information Act.

It was not a part of the original Mandates Information Act, the language that the gentleman from Massachusetts (Mr. MOAKLEY) is attempting to strike. It is not supported by the business community or the bill's original sponsors. It was added at the last minute by the House leadership, apparently to serve a political objective.

I am opposed to this because it waives the right for anyone to challenge a private or a public sector mandate if the bill results in a net tax decrease.

So, in other words, it allows a bill to amass major tax increases as long as they can find some other, albeit unrelated, tax decrease to offset the major tax increases. That means, despite a number of tax increases and provisions that close tax loopholes in the 1997 Tax Relief Act, no one would have been able to raise a point of order on the revenue measures because the bill contained a net tax deduction.

This year's highway bill, however, would have been subject to a point of order since there was no net tax decrease but there was an extension of the current Federal gasoline excise tax. Do we really want to create two categories of tax bills, one that is exempt and another that is subject to the provisions that we fought hard to include in the Unfunded Mandate Reform Act and the Mandates Information Act? I think not. I would be surprised if my friend and colleague would not agree that we should not have two separate categories of tax increases.

So I urge my colleagues to support the Moakley amendment and restore the integrity and the intent of the Mandate Information Act. Let us be evenhanded when we deal with tax measures.

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

Mr. MORAN of Virginia. I yield to the gentleman from California.

Mr. DREIER. Mr. Chairman, I would simply say, as has been made very clear, that the thrust of what this amendment that I have offered is designed to do is to decrease that extraordinary burden on working families.

I think that while there may be this view out there, my friend said he has been a long-time supporter of this measure, I would like to share with him and my colleagues a list of just a few of those people who have said that they support the bill as it was reported in the Committee with the Dreier language.

That includes the National Governors Association, the National Conference of State Legislatures, the National League of Cities, the National Association of Counties, the National Taxpayers Union, the U.S. Chamber of Commerce, the National Federation of Independent Business, the American Farm Bureau, Citizens for a Sound Economy, the National Restaurant Association, the National Retail Federation, Small Business Survival Committee, Associated Builders and Contractors, Associated General Contractors, American Subcontractors Association, National Association of Self-employed, National Association of Manufacturers, and on and on and on and on.

So virtually everyone is supportive of the language as has come out. My friend, who has been a supporter of the bill, I appreciate it, and he is welcome to stand alone in favor of tax increases over tax cuts.

Mr. MORAN of Virginia. Well, it just seems to me that we ought to spotlight it when there is any tax increase. And that is what the gentleman from Massachusetts (Mr. MOAKLEY) is attempting to do, and that is why I support the Moakley amendment. I thank the gentleman for his input, though.

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

Mr. Chairman, I want to start by thanking the gentleman from Virginia (Mr. MORAN) for his unwavering support for the underlying legislation, H.R. 3534. I think what the gentleman from California (Mr. DREIER) has done is an improvement to the bill, and I hope that he will reconsider his opposition to the Dreier addition and then in the end support us on final passage once we are able to defeat the Moakley amendment.

I think this really comes down to a philosophical debate in some regards as to tax versus spend. But let me just make one distinction that has not been made clearly on the debate that I think is a logical distinction and the reason I think it is important to accept the Dreier language and not knock it out with this Moakley amendment.

Under the budget rules that we live under, we essentially discriminate against tax cuts. How do we do that? If we want to reduce taxes under our rules that we all live under, we have to mandate. In other words, we have to come up with tax increases somewhere else. The other choice is to increase entitlement spending, which I do not

think anyone on the floor tonight particularly wants to do, or decrease entitlement spending to offset those tax cuts.

So we are in a position now where if we want tax relief, let us say the capital gains differential that we put into place last year, we have got to go into the Tax Code and we have got to find loophole closures in that Tax Code that are essentially revenue raisers, which are, under the terms of this legislation, as was said earlier, new mandates. In other words, tax increases are new mandates.

So it would be, it seems to me, illogical to say every time we want to give any kind of tax relief we have to mandate, as rule number one; and then on the other hand step in and say, and if we mandate, we are then subject to this mandate exercise.

So I think this is important, and I think it makes sense. I would also say that we are hearing some scenarios, maybe on both sides but I want to focus on ones on the other side, that just are not true. The point has been made the other night and again today that this would somehow not enable us to move forward with the tobacco agreement. How does this change that?

Under the legislation without the Dreier language, there would be to difference with regard to the tobacco legislation than there would be having accepted the Dreier language. So it is not going to have any effect on the tobacco legislation and the possibility of a cigarette tax.

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

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

Mr. MOAKLEY. But this does change it. It does slant it. If we do not have a point of order prevail against it because it is going to go back to some program, talking about the tobacco, that is going to stop smoking, a point of order is going to lie upon it. But if we are going to take that money and give it back as tax rebates, a point of order does not lie against it. And the argument is not going to be on what it does, it is going to be on procedure.

Well, Mr. Chairman, this is not a mandate. This is not a point of order under the unfunded mandate because it says, if there is going to be a tax break, there is no point of order, Mr. Chairman, it gives a point of order.

It does slant the debate.

Mr. PORTMAN. Mr. Chairman, reclaiming my time, I would make two points.

One is that my colleague should like this amendment in that case because it is more likely that some kind of tobacco legislation I guess would not get through because the point of order would lie without the Dreier language in both of those scenarios. The point of order would lie in the case where there was more spending, and the point of order would lie in the case where there was a net tax decrease.

All the Dreier amendment is trying to do is, in the case where there is a net tax decrease, partly for philosophical reasons and partly because of this absurdity where we are told if we have tax decreases we have to mandate, so then why should the mandate be subject to this? So I really do not understand how it relates at all to the tobacco legislation.

If anything, I would hope that my colleague would stand up and support the gentleman from California (Mr. DREIER) because he might help him here. He is carving out at least some area where we would not subject it to this information requirement.

I would also say, to make the point that was made earlier by the gentleman from California (Mr. WAXMAN), if the majority of this House determines that they would like to spend that money, fine. This is an informational process; and if in the end, after a 20-minute debate, 10 minutes on each side, regarding this new private sector mandate or this new tax increase, this House determines that it is in the interest of the country to move forward with the legislation, we would simply vote by a majority vote, as we did with regard to minimum wage last year, to move forward with the legislation.

So I do not understand quite what the big concern is about this language. I think it is logical, given our budget rules that we have to live under; and I would support the language and oppose the Moakley amendment.

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

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

Mr. MOAKLEY. Mr. Chairman, actually, I think the gentleman from Ohio is disturbed with the budget act. I think we should amend the budget act. But do not try to straighten out the budget act with this amendment.

Mr. PORTMAN. Mr. Chairman, is the gentleman from Massachusetts offering an amendment to change the budget rules? Because I do not think it would be germane here. We have to live under these rules. They are the rules that we have.

Mr. DREIER. Mr. Chairman, I ask unanimous consent that the gentleman from Ohio (Mr. PORTMAN) be given an additional 2 minutes.

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

There was no objection.

Mr. PORTMAN. Mr. Chairman, I yield to the gentleman from Virginia.

Mr. MORAN of Virginia. I thank my friend, the gentleman from Ohio (Mr. PORTMAN).

□ 1645

Mr. MORAN of Virginia. Mr. Chairman, I thank both gentlemen. An additional point needs to be made, that while the administration opposes this bill in general, their principle objection seems to be to this particular provision.

Those who want the overall bill to pass, I think it makes enactment problematic when this particular provision is included. So I think that needs to be seriously considered within the context of whether we should pass this particular amendment.

Mr. WAXMAN. Mr. Chairman, would the gentleman yield?

Mr. PORTMAN. I am happy to yield to the gentleman from California.

Mr. WAXMAN. Mr. Chairman, I was trying to understand the point that you were making. You said that the budget rules require that there be a tax increase in order for there to be a tax decrease.

The budget rules also require that there be some kind of spending if there were going to be an increase in the amount for entitlements like Social Security or Medicare.

So what I do not understand is why, when we put a tax burden on a small business in order to raise money, that is not considered unfunded mandate in order to get some attention here in the House if the money taken from that small business is used to give, maybe, a big business a tax break, but it is considered unfunded mandate if you ask that businessman to pay more taxes and we use it to help Social Security or Medicare.

I do not understand why that distinction should hold. If it is a burden on a business, then we ought to stop and take a look at it. Which is the purpose of the underlying bill?

Mr. PORTMAN. Mr. Chairman, reclaiming my time, I think what the gentleman is saying, in essence, is that there is discrimination in this legislation against new spending. I guess I would answer him by saying, getting back to this philosophical question, you are probably right. We have a $5.5 trillion debt in this country. I think the problem that we are trying to address here is not on the tax side in terms of tax increases. It is more in terms of spending being out of control and a need to begin it get some control over the mandates on the private sector. That is the bias here.

As I said earlier, there is a philosophical difference here.

The CHAIRMAN. The time of the gentleman from Ohio (Mr. PORTMAN) has expired.

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

Mr. PORTMAN. Mr. Chairman, I would also say that if you look at the budget rules when we are talking about taxes, this is just a carve-out for taxes, it just has to do with situations where you have a net decrease in taxes in a tax package. Right now, we are living under rules that I think, despite what the gentleman from Massachusetts (Mr. MOAKLEY) may believe about those rules, we are going to continue to have to live under, which say that every time you want to give tax relief, you have to mandate. It seems to me, again, it would be absurd, then, to require those mandates to be subject to this if we are requiring ourselves to mandate.

Mr. WAXMAN. Mr. Chairman, will the gentleman yield to me?

Mr. PORTMAN. I will be happy to yield to the gentleman from California.

Mr. WAXMAN. Mr. Chairman, I understand the distinction the gentleman is making, but if we imposed a tax on tobacco and wanted to use that money to help pay for Medicare, we would not have the opportunity to have a focus on that new tax increase.

If we had that tax on tobacco and wanted to give a tax break to growers of corn, then we would say, whoa, wait a minute, we are going to take a special look at that tax on tobacco. That just, to me, does not make a lot of sense.

Mr. PORTMAN. Mr. Chairman, I think it is the converse of what the gentleman just explained.

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

Mr. Chairman, I rise in support of the Moakley amendment, and I do so out of very grave concern for the effects of the underlying legislation on the Aviation Trust Fund.

The Moakley amendment would ensure that revenues raised from aviation users will continue to be dedicated to the purposes for which the Aviation Trust Fund was established, for investment in air traffic control, air traffic safety, air traffic security, equipment, and in airport capital needs. Revenues raised from aviation users under the concept of the Aviation Trust Fund are deposited in that trust fund. It is to be used solely for improvements in our air traffic control system and for operation and maintenance of the system.

Air traffic controllers, air traffic safety equipment, radars, terminal Doppler weather radar equipment that we need in our en route centers for control of aircraft at high altitudes, these are very costly systems. They need to be updated and maintained, and the upgrade needs to be planned out years in advance. That is why we have this concept of a trust fund with a dedicated revenue stream to these critical investments. We have tried to strengthen the Aviation Trust Fund in recent years.

There was a vote not too long ago in which we failed by only five votes of taking that trust fund entirely off the budget. Current legislation to take the trust fund off budget has 243 cosponsors; to make it more difficult, not less, to divert resources from protecting aviation safety for the American public. That is a bipartisan commitment.

The underlying bill, H.R. 3534, would undermine that commitment. Taxes raised on the concept of this bill from the aviation industry could more easily be spent on tax cuts for upper income Americans of the top 1 percent or 2 percent of millionaires in this country than they could be spent on aviation investments.

The underlying bill would mean that, if Congress moved to raise aviation excise taxes to improve our air traffic control system, for the modernization of the aircraft control system, for aviation security as we are now in the process of doing, a point of order could lie automatically against such legislation. That would be outrageous.

If we do not change this underlying bill, if it should become law, and I am confident the President will veto it, we will have moved backward, not forward, in our efforts to modernize the air traffic control system. We have made a 30-year almost commitment to improving aviation safety, security, expanding capacity to the Nation's airports through the Aviation Trust Fund. It is astonishing to me to see legislation come up here that makes it more difficult.

The Moakley amendment would stop that rollback, allow us to continue our efforts and modernize the air traffic control system, improve aviation safety. I urge its adoption.

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

Mr. OBERSTAR. I do not have any further time.

Mr. DREIER. I ask unanimous consent, Mr. Chairman, that the gentleman be given 2 additional minutes.

Mr. OBERSTAR. No, I do not seek additional time. The gentleman has had sufficient time to discuss the amendment.

Mr. DREIER. I wanted to clarify.

The SPEAKER pro tempore. The time is controlled by the gentleman from Minnesota (Mr. OBERSTAR).

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

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

Mr. Chairman, this is a most curious exercise. We have a bill on the floor which says that any time we pass a law, we have to have a special vote in this House as to whether we are going to consider it if it is going to impose any unfunded mandates on any citizen.

That means if we are going to tighten the law with regard to protecting people under the Food and Drug Act from unsafe food, drugs, cosmetics, or if we are going to deal with the problems of Superfund or brownfields, or if we are going to deal with the problems of water pollution, because it is going to cost money, we are going to have to have a special vote before we can consider those questions.

It means any time that we do something that the people want that is going to protect their health, safety, or welfare, or any time we are going to do anything that is going to make life better for the people of this country, we are going to stop and have to have a special vote. Somebody over here, I think, assumes that this is going to be very helpful to them politically.

Then along comes this curious amendment which says if you are going to do that, you do not have to have the vote if you have a tax cut in the bill. That is very strange. It does not say the tax cut has to go to the people. We are going to pay the cost. All it says is you are going to have a tax cut of approximately the same amount. Hardly good sense. It sort of smells of blackmail or something of that kind.

But the hard fact of the matter is, it is not going to do anything that is going to be of any particular merit. It is just going to have another vote.

The practical result of this legislation is that, where something is necessary to be done, we will probably have the extra vote. The process will be delayed. We will have a point of order, and we will have a huge wrangle about it, but nobody is going to be better by the result of this.

The tax cut, which supposedly, if it is going to occur, can go to anybody. You give it to all the millionaires and say, millionaires, you do not have to pay any tax; and that way, we will have benefited the economy to offset a change in the food and drug laws to protect people from unsafe food, drugs, and cosmetics.

The gentleman from Massachusetts is smart enough to have recognized this and to have offered an amendment which would address this. I hope that the House is wise enough to accept the amendment offered by the gentleman from Massachusetts. It will benefit the legislation somewhat. The legislation will have less of a curiosity to it. It might even look a little better. But it is not going to benefit the operation of the House particularly, even as amended.

The practical result of the amendment is going to be simply to eliminate a little bit of the obfuscation and, quite honestly, the stupidity of the bill as amended. The practical result of all this is going to be, however, that we are still going to have a bad bill.

I know the House is probably going to vote for this because my Republican colleagues are going to go home and make speeches about it and tell everybody what a great job they did in amending the rules of the House by statute. That is a curious process, too, and I am sure they can explain that to their constituents, but I cannot.

I do not think that their constituents, if they really will reflect on this, are going to come to the conclusion that this kind of convoluted relationship of a tax cut to the public interest is something which, in fact, is going to benefit either the country or the procedures of the House of Representatives.

My counsel to the House, I know it is not going to be listened to on the Republican side of the aisle because they do not seem to listen to common sense on many days, but it is to simply observe that the amendment should be adopted, the bill should be rejected, and we should go about legislating in the fashion that hundreds of years of legislators have found serves the public interest without any nonsensical proposals of this type.

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

Mr. Chairman, I yield to the gentleman from California (Mr. DREIER).

Mr. DREIER. Mr. Chairman, I thank my friend for yielding to me. I appreciate his courtesy, Mr. Chairman, and I rise simply to respond to the statements that were made by the distinguished ranking member of the Committee on Transportation and Infrastructure, and I am very, very sad that he would not yield to me for a clarification.

The statement that he made in the well was a very eloquent argument against the underlying unfunded mandates bill. He does not want us to in any way be able to zero in and target those mandates which are imposed by Washington, D.C. onto the private sector, small businessmen and women of our economy.

He tried to say that he simply was supporting the Moakley amendment in opposition to the amendment that I had offered in the Committee on Rules. But he went much, much further than that.

There are no tax increases in the ISTEA legislation that has moved forward. It seems to me that we should recognize that what the gentleman was trying to do was simply trying to oppose the entire language. What the gentleman argued would not in any way be addressed if we simply passed the Moakley amendment and then went ahead and passed the legislation.

Mr. Chairman, I thank my friend, the gentleman from Ohio, for yielding so I can clarify that.

Ms. LEE. Mr. Chairman, I rise to speak in strong support of the Moakley amendment to H.R. 3534. This amendment is essential in that it corrects several major defects that are now embedded in H.R. 3534. As a new Member to this House, I am acutely aware, as I know my colleagues are, of the ramifications of the actions that we take in this body. I have many problems with the main bill, H.R. 3534 and will vote against it. But the last minute provisions that were inserted by Mr. DREIER set up parliamentary procedure which favors tax cuts over using revenues for their intended purpose, like excise taxes, or for investing in national priorities.

The new language looks at the way revenues from a program are used, before applying the point of order. Revenues that are used for a tax cut are exempted from the point of order. This exempts a whole class of legislation from the need to raise the private sector mandate point of order. For instance: a bill which increases revenues, like the gas tax, and requires that the money be used to repair bridges or our infrastructure, would be subject to a point of order. But if this same tax is used to reduce taxes to a billionaire to avoid a tax obligation, a point of order would not apply, there would be no floor discussion allowed for this class of loophole.

I know that many of my constituents, our hard-pressed middle-class working people, know that the actual value of their wages have declined, during the same time that more billionaires and CEO's with unbelievably large salaries, have been created. These constituents would be very angry to learn, find it hard to believe that we would support a bill that does not allow discussion when tax breaks to the wealthy are given but forces a discussion if the tax obligation provides for improving the public good.

Further, my constituents would find it alarming that a point of order does not apply, in other words, no debate would be allowed, if a tax hike is used to give a tax break to someone, and the net effect is zero income.

My constituents would be enraged with another aspect of the Dreier amendment to H.R. 3534 that would not allow discussion if increased tax revenues from trust funds, like the Superfund revenues, are used on programs for the national welfare, but if increased tax revenues are used to create more loopholes which provide escape from taxes for a privileged few, no point of order applies.

My small business constituents would really feel attacked by another aspect of the Dreier amendment which would not allow debate on mandates which give a tax break to someone else but increases his, a small businessman's, costs.

The American people learned many lessons in the last few years. One of the lessons is that although we are upset by having to pay taxes, that taxes are essential in a complex, fast-paced country like ours. We value our leadership in the world; to maintain that leadership we must have a national Government that functions. We need to know that basic needs are taken care of, like our airports, our environment, our infrastructure. Many of these programs are paid for by special taxes with protected revenues, our trust accounts like Superfund, like airport taxes, like black lung. These trust funds would be severely effected by H.R. 3534 without the Moakley amendment. One of our abiding principles is that we must have representation with taxation. We must allow the same points of order to be raised when we give a tax break to the rich as when we promote a program for the rest of us. I urge my colleagues to vote for the Moakley amendment.

The CHAIRMAN pro tempore (Mr. SHIMKUS). The question is on the amendment offered by the gentleman from Massachusetts (Mr. MOAKLEY).

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

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

The CHAIRMAN pro tempore. Pursuant to House Resolution 426, further proceedings on the amendment offered by the gentleman from Massachusetts (Mr. MOAKLEY) will be postponed.

AMENDMENT OFFERED BY MR. WAXMAN

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

The Clerk read as follows:

Amendment offered by Mr. Waxman:

Page 6, line 5, after ''exceeded'' insert ''or that would remove, prevent the imposition of, prohibit the use of appropriated funds to implement, or make less stringent any such mandate established to protect human health, safety, or the environment''.

Page 6, after line 5, insert the following new paragraph and renumber the succeeding paragraphs accordingly:

(4) MODIFICATION OR REMOVAL OF CERTAIN MANDATES.—(A) Section 424(b)(1) of such Act is amended by inserting ''or if the Director finds the bill or joint resolution removes, prevents the imposition of, prohibits the use of appropriated funds to implement, or makes less stringent any Federal private sector mandate established to protect human health, safety, or the environment'' after ''such fiscal year'' and by inserting ''or identify any provision which removes, prevents the imposition of, prohibits the use of appropriated funds to implement, or makes less stringent any Federal private sector mandate established to protect human health, safety, or the environment'' after ''the estimate''.

Page 6, lines 14, 16, 18, and 20, after ''intergovernmental'' insert ''mandate'' and after the closing quotation marks insert ''and by inserting 'mandate or removing, preventing the imposition of, prohibiting the use of appropriated funds to implement, or making less stringent any such mandate established to protect human health, safety, or the environment' ''.

Page 6, line 18, strike ''and''.

Page 6, line 20, strike the period and insert''and''.

Page 6, after line 20, insert the following:

(v) by striking ''and'' at the end of clause (iii), by striking the period at the end of clause (iv) and inserting ''and'' and by adding the following new clause after clause (iv):

(v) any provision in a bill or resolution, amendment, conference report, or amendments in disagreement referred to in clause (i), (ii), (iii), or (iv) that prohibits the use of appropriated funds to implement any Federal private sector mandate established to protect human health, safety, or the environment.''.

Page 7, line 12, strike ''one point'' and insert ''two points'' and on line 14, insert after ''(a)(2)'' the following: ''with only one point of order permitted for provisions which impose new Federal private sector mandates and only one point of order permitted for provisions which remove, prevent imposition of, prohibit the use of appropriated funds to implement, or make less stringent Federal private sector mandates.''.

Mr. WAXMAN (during 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. WAXMAN. Mr. Chairman, this amendment we call the ''Defense of the Environment Amendment.'' It is based on the bill H.R. 1404, which is supported by every major environmental group and the AFL/CIO. It has been cosponsored by nearly 100 members.

Proponents of the underlying bill, H.R. 3534, have claimed that sometimes Congress does not sufficiently deliberate before enacting legislation. They say that sometimes an issue is so important that we need an extra procedural step. This procedural step or ''point of order'' allows any Member who identifies one of these important issues to immediately stop action here on the floor of the House of Representatives and call for a brief debate and then a vote.

The amendment I am offering is about an issue that I think deserves special procedural attention every bit as much as those singled out in this legislation and in previous legislation that we have adopted. Two years ago, we adopted this kind of procedure when

it came to imposing an unfunded mandate on State, local, and tribal governments.

□ 1700

The bill before us would expand the application of these procedural protections to requirements on the private sector.

The ''Defense of the Environment Amendment'' would build on this legislation to offer special protection to issues of great importance to the American people, requirements established to protect public health, safety and the environment.

This amendment would help guard against Congress repealing current environmental and public health protections without adequate consideration. Over the years, we have seen that when Congress legislates in a deliberate, collegial, bipartisan fashion, we are able to enact public health and environmental laws that work well and are supported by environmental groups and by the business community.

However, sometimes the democratic, small ''d,'' democratic process is obstructed and anti-environmental riders are attached to Appropriations bills or other ''must-pass'' pieces of legislation. Often this happens with absolutely no debate or consideration by the Committee of jurisdiction. These anti-environmental riders, some of which have become law, have increased clear-cut logging in our National Forests, crippled protection of endangered species, stalled the Superfund program, backslid on energy efficiency standards and blocked the regulation of radioactive contaminants in drinking water.

Those are some of the examples of riders that passed. Now let me give you some examples of riders that were attached to legislation that were later taken out. They were not made into law, but, nevertheless, we did not get a special opportunity to deliberate clearly and understand that we were going to reduce protection of the environment.

We have had riders that would have opened up the Arctic National Wildlife Refuge to oil drilling, without a chance for a separate vote. We have had a rider that prohibited the regulation of arsenic in drinking water without a separate vote. We have had riders that halted implementation of the Clean Air Act's operating permit program without a separate vote and terminated the environmental enforcement attorneys at the Department of Justice, with no special focus on this issue. We have had riders that exempted oil refineries and cement kilns from air toxic standards and exempted specific polluters from environmental laws, such as a rider that would have exempted an industrial facility in Kalamazoo, Michigan, from Federal water pollution control requirements, again without a separate opportunity to examine that issue.

What I am offering by way of an amendment to this bill is a procedure that is designed to shine light on these stealth attacks on our environmental laws. This amendment would not prohibit Congress from repealing or amending any environmental law, but would simply allow a debate and a vote before Congress acts. That is what the underlying bill does for new mandates on private enterprise, just as previous legislation called for this special sunshine for provisions that would mandate additional requirements on State, local, and tribal governments.

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

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

Mr. WAXMAN. Mr. Chairman, the environment is just as important to the American people as unfunded mandates. The environment is just as important for special procedural attention as new requirements that raise taxes or otherwise place mandates on the private sector. Let us pass this amendment and ensure Congress thinks before repealing critical public health and environmental protections.

Mr. Chairman, I ask for an affirmative vote for this amendment.

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

Mr. Chairman, let me begin by saying that like my friend, the gentleman from California (Mr. WAXMAN), I share representation of the Los Angeles area with him and I am very sensitive and concerned about environmental quality, both in California and throughout this country and throughout the world, and I will say that I would do nothing whatsoever that would in any way jeopardize or endanger environmental quality in this country.

All we are saying with the underlying language here is we would look at the perspective imposition of mandates on the private sector, and we will have a 20-minute debate and we will be able to look specifically at that mandate, and we will be able to then proceed with an up or down vote here.

I think it needs to be very clear, as the gentleman from Ohio (Mr. PORTMAN), the gentleman from Texas (Mr. STENHOLM), the gentleman from California (Mr. CONDIT) and I pointed out in a ''Dear Colleague'' the other day, that this underlying bill itself will not end private sector mandates, just as the Unfunded Mandates Reform Act which we passed has not ended public sector mandates.

It will, however, force the Congress to consider the effects of mandates on consumers, workers and small businesses, including any disparate impact on particular regions of the country or industries, and to work with the private sector to establish our public policies in the most efficient and cost effective manner. That is what the whole goal of this bill is designed to address.

This bill cannot be used to block a vote on environmental health and safety mandates. A point of order is subject, as I said, to the 20 minutes of debate, after which the Members must vote on whether to proceed with consideration of the legislation.

This mechanism was crafted to ensure that the House would have additional information and debate time on certain Federal mandates, but that legislation containing such mandates could continue to be considered by the House, if a majority so desires.

This is clearly, Mr. Chairman, about having accurate information. There are some horror stories that have been brought to our attention here. In 1993, the Department of Transportation considered promulgating hazardous material regulations for the shipping of butter and salad oil. The plan would have required 24 hours of hazardous material classroom and field training for workers who responded to butter or salad oil spill emergencies. In November of 1995, Congress approved legislation requiring Federal agencies charged with the regulation of oil to treat animal fats and vegetable oils differently from toxic chemicals. Under the Waxman amendment, that legislation would have been subject to a point of order, which seems to me to be very preposterous.

Mr. Chairman, while the Clean Water Act requires a waste treatment facility to submit a simple form stating that a fence restricts access by the public, the Resource Conservation and Recovery Act requires an additional 25 pages detailing the fence design, the location of the posts and gates, a cross-section of the wire mesh and other minor technical matters. One facility had to submit a six-foot stack of supporting documents with its permit application. Under the amendment we are considering right now by the gentleman from California (Mr. WAXMAN), legislation to streamline this paperwork process and save hundreds of trees would be subject to a point of order.

So all we are saying, Mr. Chairman, is we want the House to deliberate, but we do not want to move ahead with this sort of tactic which, I think, would jeopardize the goal of the underlying legislation.

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

Mr. Chairman, I rise today in strong support of the Waxman amendment and in strong opposition to the underlying bill.

The Republican majority has become quite adept over the last few years in carrying out their anti-environmental agenda by tacking riders on to appropriation measures and other unrelated bills. This stealth approach allows them to claim a clean environmental record without necessarily cleaning up the environment. In fact, in many instances, they are doing quite the opposite.

Just a couple of weeks ago, for example, the emergency supplemental appropriations bill was brought to the floor with at least three anti-environmental riders relating to paving our

parks and allowing big oil companies to rob American taxpayers for the use of public lands for private financial gain.

The Waxman amendment would establish a point of order and allow for the opportunity for debate and a vote on provisions like these that would weaken current environmental law. In this way, we would be able to put an end to the stealth attack on the environment and instead debate these issues out in the open, as all business should be conducted in this House.

Unfortunately, however, even if the Waxman amendment passes, this is still an incredibly bad bill, and I would still urge my colleagues to vote against the bill. The bill is, again, just another attempt to block the open consideration of vital environmental worker safety and human health legislation.

An incredible concept, this bill establishes a new point of order against legislation based on the cost to the private sector. What this means is the cost of any legislation to private companies would be universally considered by Congress as more important than any benefits of that legislation to human health, worker safety or the environment.

For example, and I use the Clean Water Act because the gentleman from California used it, if we were to try to bring the Clean Water Act to the floor under the new rules established by this bill, it would be subject to a point of order. In order to avoid having to be recorded as voting against a good environmental bill like the Clean Water Act, under this bill Members could simply vote not to consider the Clean Water Act at all; or, even worse, in order to have the Clean Water Act considered, the American taxpayer would have to foot the bill for cleaning up our Nation's waters and not the polluters.

But it gets even crazier, and this goes back to the Moakley amendment. This bill makes it so revenues raised for a certain purpose cannot be used for that purpose unless there are equivalent tax cuts included in the bill, regardless of where those tax cuts are taken. That means, for example, that if a bill includes a tax on chemical and petroleum products, I will use the example of the Superfund tax, and the revenue created is to be used for cleaning up toxic waste sites, that bill would be subject to a point of order. However, if the same bill included an equivalent tax break for the wealthy, there would be no point of order. In my opinion, this makes no sense. It is obviously weighed heavily procedurally against any environmental initiatives.

For these reasons, I urge my colleagues to vote for the Waxman amendment. Even if the Waxman amendment passes, I still urge my colleagues to vote against the bill. It is bad, extremely unwarranted, and it would drastically change the way we do business in the House of Representatives.

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

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

Mr. WAXMAN. Mr. Chairman, the gentleman obviously is against the bill. If someone supports this bill, because they think it makes sense to have a point of order and a focus and a debate and then a vote before we put a mandate on a private business, I think, for the same arguments, it is important to have a point of order, an opportunity for a debate and a vote when it comes to an environmental issue, especially if we are going to have something snuck into a bill that would remove some environmental protection.

So on the same logic for those who support the bill, for education, for an opportunity to have some sunshine about what we are to do and clear deliberation before we do it, I think we ought to have this amendment. It is consistent with the bill.

Whether one is against the bill, but also for those for the bill, I think this amendment goes well with this legislation.

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

Mr. Chairman, I rise in very strong support of H.R. 3435, but equally strong support against the amendment of the distinguished gentleman from California (Mr. WAXMAN), which I think will seriously gut this particular piece of legislation.

Mr. Chairman, I used to be an independent businessman and I used to be a former local official with the local government, and I can tell you unfunded Federal mandates are real, they do have an impact, and generally they harm the folks back home.

I think that everybody understands these mandates are sort of a hidden tax. They fall on business, they fall on consumers, and I think we need an effective deterrent. In the 104th Congress we started this process, and we dealt with the public sector. After a lot of refinement, thanks to the gentleman from Ohio (Mr. PORTMAN) and the gentleman from California (Mr. CONDIT) and some others, we have got a much improved bill now for the private sector which will do the same thing.

I think that H.R. 3435 in its present form supplies more information to Members on the impact of what these mandates are all about without enabling those intent on dilatory mischief. I think that is where we are right now, frankly. Essentially it would permit the House to have a separate debate and vote on whether or not it wants to impose a private sector mandate greater than $100 million. That is reasonable, I think it is appropriate, it is good government, and I cannot see the problem.

Now, I have heard many environmental groups are opposed to this bill and support the Waxman amendment. I am an environmentalist. I have served on very distinguished environmental groups and boards, the National Audubon Society at the national level, and I have done local things and State things. I have my fingerprints all over environmental legislation, in Florida and elsewhere. I am certainly not going to sell out on the environment.

But I think it is pretty clear that what we have got here is somehow we are trying to bring the environment into this, that it is going to be a casualty because we are going to deal with unfunded mandates in the private sector. By some great, long stretch, we are no longer going to be able to have environmental legislation, because, somehow or other, we are going to weaken benefits to health, safety or environmental standards.

I think H.R. 3435 establishes a mechanism for Members to receive objective cost information that CBO can provide, and then have a debate and a vote on that particular issue. That is what we tried to do in this.

As I say, it has been much crafted, and I think they have it right. I know they have a lot of good folks over at CBO that could do a lot of things, they are very talented, but I do not think they have anything in terms of structure or expertise to begin to quantify the nature of ''benefits.''

□ 1715

Balancing the merits of potential mandates with the overall benefits to Americans is important if we know what the benefits are. I think we have set up the normal debate process to do that in this particular legislation. I frankly think that transparency is great. We are going to let the sun shine in. We should welcome it.

I do not think the Waxman amendment, no matter how well intended, is really about protecting the environment. I think it tends more to be an obstruction and probably more in the line of going back to some other legislation we have seen which has been litmus test type legislation, which simply says one cannot do anything with private property rights because somehow or other it therefore makes all other environmental legislation unenforceable, too expensive, too extreme or something along those lines.

My line on the environment is this: This is a country that is going to take care of the environment, but this is also a country that is going to protect private property rights. It says so in the Constitution of the United States of America, which is where I am standing right now.

I do not believe either the private property people or the environmental people are ever going to win the whole battle. It is going to take working cooperation between the two. I think the working cooperation of the gentleman from California (Mr. CONDIT) and the gentleman from Ohio (Mr. PORTMAN) has shown that the environmental interests in this bill have been properly balanced. I am convinced, having sat on the Committee on Rules, that we got it right. I do not think the environment comes out second best anywhere along the line.

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

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

Mr. WAXMAN. Mr. Chairman, I think the gentleman misunderstands the amendment. The underlying bill requires that we give a focus of attention before we go to mandate something on business, and that makes sense in and of itself, but we are saying before we do something like have an amendment that opens up the Arctic National Wildlife Refuge or halts the limitation of a Clean Air Act provision, that we also have a chance to look at that and vote on it separately.

Otherwise what I fear is that anti-environmental provisions will be wrapped up in a bill and we will not be able to have a chance to look at it and consider it and then vote on it. Just as I think a lot of people will worry that an unfunded requirement on business would be wrapped up in a bill.

The CHAIRMAN pro tempore (Mr. GILLMOR). The time of the gentleman from Florida (Mr. GOSS) has expired.

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

Mr. GOSS. Mr. Chairman, I understand what the distinguished gentleman is saying. I understand, and I do not want to get into opening up this whole debate because we could go on endlessly doing that and we only have a minute. The point I would simply make is that the gentleman is trying to shift the burden with his amendment.

I do not think the burden should be shifted. I think we have it right to say that the unfunded mandate should be recognized for what it is and dealt with for what it is in fair debate. The gentleman wishes, by his amendment, to shift the burden to prove the other part of that. I think the reason we are putting the legislation out is to get the burden the way we want it.

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

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

Mr. WAXMAN. Mr. Chairman, the point that I am making is that just as it is important to have a focus on an unfunded mandate and a chance for the House to consider it, it is just as important to have the focus on the environmental issue and give the House a chance to debate and vote on it separately. I want the two to be treated equally, and I do not think that they are at odds with each other.

Mr. GOSS. Mr. Chairman, reclaiming my time, I believe that the formula that the gentleman from Ohio (Mr. PORTMAN) and the gentleman from California (Mr. CONDIT) have come up with in fact does that. It just proves it shifts the burden in the debate, that is all.

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

Mr. Chairman, there are tremendous parts in H.R. 3534. I think we do need to look at all the information when we make decisions. But the only problem is that we have seen some really terrible examples where something came through on a rider. I want to speak about these riders.

Mr. Chairman, we had a terrible rider that went through on our forests, and we were told all sorts of things, but it was just stuck on a bill, 1030 one night. Here it came, nobody debated it, nobody had had a hearing on it, and some of us fought it, and we lost. And that rider has cost my district, it has cost the Northwest. It has cut trees on steep slopes, and from that cutting, again, nobody discussed it, nobody had a hearing on it, from that cutting we have had flooding, we have had deaths as a result of that clear-cutting on areas that were unstable.

So I want to talk a little bit about why it is important that we talk about the environment and we understand that it is great to get the costs from the CBO, it is great to know what the mandate will cost us. But I think what we do not get if we do not have full debate is we do not hear what the benefits will be from an environmental law. So I want to talk about the benefits.

Mr. Chairman, on the Columbia River we have lost hundreds and thousands of salmon, and it is going to cost us a lot of money, a lot of money to bring those salmon back. But what is the benefit if we spend that money? What is the benefit of the Federal laws that are going to require us to bring those salmon back? Well, let me tell my colleagues some of the benefits.

One of the benefits is that economists now predict that if we brought the runs back to the Columbia River, we could create 40,000 family wage jobs, 40,000 family wage jobs. Let us be able to discuss that. Let us not just say it is going to cost X millions of dollars to do something; let us say what is it going to do for that environment in that economy, to bring back certain jobs that the environmental laws are going to allow us to do.

So I think again the gentleman from California (Mr. WAXMAN) is right, that what we want to do is have full debate; we want to make sure that the cost and the benefits are reviewed.

We have heard that there is no way we can quantify benefits. I disagree with that. We know, we know that the Pacific Northwest has lost $13 billion because we have lost salmon. Finally we have some Federal laws that are going to make us rebuild those runs, and those fishing families in my district who have lost their boats, lost their homes, lost their livelihood, for a moment we are going to have a little look at the benefit, the benefit to our economy.

So I am going to support the Waxman amendment because it makes sense. Let us not in this body, the people's House, let us not pass laws in the dead of night, let us not do these quick fixes that really do not fix anything.

A recent poll in the Pacific Northwest has shown that the number one issue, not the number one environmental issue, the number one issue for the people of the Northwest is the environment and protection of the environment. So by golly, I say that my constituents deserve the right to hear that other side.

Mr. Chairman, I want to end by saying let us support the rider offered by the gentleman from California (Mr. WAXMAN). Let us not pass H.R. 3435 until we have some cost-benefit analysis.

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

Mr. Chairman, let me just make a couple of points. First of all, this well-intended effort by the gentleman from California (Mr. WAXMAN) I think just does not work in the context of this legislation. I think it has very serious problems. CBO cannot do the analysis. The gentleman is in the Chamber, and I hope he will listen to some of my concerns and perhaps answer some of them.

Not only does it substantially increase CBO's workload, and we have talked to CBO about this, and also degrade its ability to do its core function, which its core function is budget analysis and mandate analysis. That is what they do. That is what the Congressional Budget Office is all about. But also, CBO just cannot add anything new to this debate. They cannot do the benefit analysis that the gentlewoman just talked about prior to my taking the mike. They analyze cost information. They do not do noneconomic benefit analysis.

If the goal here is to prevent efforts to weaken or remove mandates, then Members should simply vote against such proposals on the floor. I can recall very well those riders coming up and a lot of debate right here in the well of the House on that, and that is fine. The purpose of the point of order in the underlying legislation is to give Members the opportunity to consider private sector mandates, hidden mandates in the legislation, and to get information on those mandates from the experts at CBO that can objectively provide that information. This is an objective informational requirement. And these are mandates and information that we do not otherwise systematically consider.

That is the way this legislation has been drafted. If the gentleman from California (Mr. WAXMAN) and others would like to add some rider legislation, maybe they can spend the next year as we spent the last year, putting something together that makes sense on riders, but it does not fit with this legislation. It creates another point of order that I think is so vaguely defined that it could be used to hold practically any bill up. I have a lot of questions with it.

Let me just ask a few right now. The Waxman amendment, as drafted, has a lot of flaws that do not work with the underlying bill and it has some very serious implications that just have not

been thought through. Who determines whether the mandate is weakened or not? Let me just go through these questions, if I might. Is that driven by reduction in direct or indirect costs to the private sector?

What if the private sector becomes more efficient in implementing mandates, which happens all the time. Look at all the environmental legislation that was talked about here earlier today. The private sector is learning to meet the same goals with fewer resources. With less of a burden on the private sector, is that a reduction in the mandate? The way I read the legislation, it would be, because it is a reduction in cost.

Does that trigger this legislation, even though the goals are still being met? Is there any credit given when the net costs are less because the private sector is being more efficient? Is that requirement lessened? I just think these questions have not been thought out.

The threshold. There is no threshold in this legislation. How much costs have to be reduced for this to apply? As I read the legislation, if the costs are reduced by $1, if it is $1 less, then that is somehow a reduction in the mandate and there is no threshold. As we know, in the underlying legislation we purposely worked through this. We have a $100 million threshold before the information requirement even applies on the private sector mandates.

I guess the bottom line is, this is a well-intended effort by the gentleman from California (Mr. WAXMAN) I am sure, and I know he is well-intended on the environment, but if there is any lesson we can draw from the Unfunded Mandate Relief Act of 1995, it is that we need to define the terms very carefully. The Parliamentarian's Office, the Congressional Budget Office will tell us that.

The reason it has worked over the last 3 years is we took our time, we defined the terms. I think in the estimation even of those who voted against the legislation, some of whom are here today, it has worked very well. Why? Because at the committee level, the committees have dealt with the mandates to try to lesson the mandates and come up with the most cost-effective way to meet the same targets. That is what is likely to happen on this legislation.

If we go ahead with the Waxman amendment, it is my concern, very, very strong concern, that we are going to essentially have an unworkable piece of legislation that will not work in the way that the Unfunded Mandate Relief Act of 1995 works and the way that this bill is intended after a year's worth of drafting.

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

Mr. PORTMAN. Mr. Chairman, I would be happy to yield to both of my colleagues from California. I will first yield to the gentleman from California (Mr. WAXMAN), who is standing.

Mr. WAXMAN. Mr. Chairman, I just wanted to point out to the gentleman that we removed the requirement that the gentleman has in his underlying bill to have the Congressional Budget Office analyze the costs.

All that the CBO would do would be to identify the provision, and in identifying that provision, it allows a Member to make the point of order for consideration. We do not block any actions, we only ask that they give consideration to that issue. There is no cost that CBO would have to incur in analyzing this provision.

Mr. PORTMAN. Mr. Chairman, reclaiming my time, I find that hard to believe. I do not know how the Congressional Budget Office is going to determine, in these complicated situations, whether in fact there has been a reduction in the requirement. I talked earlier about the lack of a threshold, for instance.

The CHAIRMAN. The time of the gentleman from Ohio (Mr. PORTMAN) has expired.

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

Mr. PORTMAN. Mr. Chairman, I ask for additional time simply to yield to my colleague from California (Mr. CONDIT).

Mr. CONDIT. Mr. Chairman, I rise today to oppose the Waxman amendment, but not the intent of my colleague and my friend.

The purpose of this bill is to provide an informed debate and to oversee often what are hidden costs to a new regulation. Should the same consideration be given to the impact on health, safety of workers and our environment? Absolutely. We ought to have all the facts before us before we make a decision as it relates to those issues.

But this amendment, frankly, goes a little bit too far in that I do not think that it is perfected and well thought out. The gentleman from Ohio (Mr. PORTMAN) mentioned that it does not have a threshold. That means that we could make any minor change and we could have a point of order. In the unfunded mandate part of this on the business or the private sector, we would at least have a $100 million threshold. It has to be some kind of significant action before one can make a point of order.

□ 1730

Under the amendment offered by the gentleman from California (Mr. WAXMAN), it could be anything, anything that they determine to have any kind of negative impact, they could have a debate and call for a point of order. I think that is unnecessary. I think that delays the process.

In addition to that, we were very careful. There was some consideration given whether or not you could have a point of order on every section of a bill, how many times you could do the point of order. It was the decision of the Committee on Rules, and I think a good one, that we do it one time, each bill. We did not want to be dilatory. We did not want to delay the process. This would create another point of order. I think that is unnecessary.

I think we ought to work on the suggestion of the gentleman from California (Mr. WAXMAN). I absolutely think we ought to take those things into consideration, but this is not the bill to do it on. This has not been thought out well enough for us to amend this bill, to change this bill and make it head in a little different direction. This is about information, and I would encourage my colleagues on this side of the aisle to vote against the Waxman amendment.

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

Mr. Chairman, I rise in support of the Waxman amendment, and I want to agree with my colleague, the gentleman from California (Mr. CONDIT), and I am pleased that he understands the wisdom of what the gentleman from California (Mr. WAXMAN) wants to do.

I think my colleague, the gentlewoman from Oregon (Ms. FURSE), made a wonderful point that I hope was not lost, that all mandates or anything else, any laws, are not just reckoned in costs in dollars. She pointed out loss of life and loss of things that are irreplaceable, priceless.

I think the gentleman from California (Mr. WAXMAN) is doing a good thing here, because he wants to protect the public health and the environment. I do not support the types of order that the underlying bill creates.

I understand what they are for. They are designed to sensitize Members to the effects of the proposed legislation, but I believe most of us in the House already understand the implications, and this type of emphasis is largely unneeded. In my district, my constituents keep me well-informed about how proposed private sector mandates will affect their business.

However, if we are going to expand this type of point of order, we should tag for Members bills that have the effect of reducing the protection of public health and the environment. The sick, the disabled, the young cannot be expected to monitor the legislation in the same fashion as large corporations. If public health protections for them are to be weakened, we ought to be sure that all the Members who vote for that weakening have that fact brought to their attention.

Similarly, our Nation's air, water, soil, forest, wilderness and wildlife cannot speak for themselves. Again, every Member should know when casting his or her own vote that environmental protections will be lessened.

Unhappily, over the last 3 years many bills would have been subject to that point of order. For example, in the last Congress I fought a bill that would have frozen new regulations that were designed to protect the public from

bacteria-contaminated meat and poultry, from Cryptosporidium in drinking water, and from lead in imported foods. These issues are becoming more and more important to the American public.

Perhaps a specific point of order would have helped convince the majority in Congress that their votes against my amendment and for that bill put the health and lives of thousands of Americans at risk.

The current majority has led a relentless assault on the environment since taking over the Congress. Without regard to the impact on citizens and the environment, the full House of Representatives has approved measures designed to relax and to roll back existing environmental regulations and to halt Federal agency rulemaking designed to protect our national heritage.

The House went so far as to pass legislation to stop the listing of endangered species and passed a bill to weaken dramatically the Clean Water Act. Measures to allow clearcutting in our Federal forest lands led to a massacre of healthy trees with a so-called salvage rider, and the Congress continues to consider legislation to have taxpayers reimburse polluters for cleaning up the toxic waste sites and to cut the funding for Federal land acquisition.

The threat to our landmark environmental laws has been real. Perhaps this health, safety, and environmental point of order would have caused Members to take a second look at the bills that weakened these important provisions.

Mr. Chairman, if we are going to continue on this route of bringing special attention to the effect of certain kinds of bills, I believe that the degradation of public health, safety and environmental protections deserves this special attention, too. I urge my colleagues to support the Waxman amendment.

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

Mr. Chairman, I rise in support of the amendment offered by our colleague, the gentleman from California (Mr. WAXMAN). I rise in strong support of the Waxman amendment. I think it is an important amendment, and I think it is consistent with the underlying debate that requires the Congress of the United States to pay particular attention to the cost of unfunded mandates and the cost of our actions around here. I think it is just as important and every bit as important that we do the same thing with respect to the environment.

The problem is that, time and again in this Congress, we have seen matters of the environment come before this Congress with little or no debate, and in some instances with no underlying hearings, to be thrust upon the House of Representatives, very often from the Senate, from time to time in the appropriations bills as matters of riders that deal with the fundamental and basic underlying environmental laws of this country, the Clean Water Act, the Clean Air Act, the questions of Superfund or brownfields cleanup, forest safeguards, the Forest Practices Act, the mining laws of this country, and multi-million dollar subsidy issues.

Time and again, these matters have been brought to this floor with no provisions in the rules for debate. Very often now, we find that they are hidden away in the report language, so we cannot even get at them on the floor of the House of Representatives. We cannot get a vote on these matters. We very often are limited in our time to discuss them. Yet, they have huge impacts on the environment of this country. That is why we need the Waxman amendment, so we will have an opportunity to discuss these in the daylight.

There is a reason why these changes in environmental law are not brought before the Congress in a freestanding bill that is brought out here under a rule so it can be debated and voted up-or-down. It is because the legislation cannot support that, or the majority party does not want to be identified in that action. But if you can tuck them away in a larger bill, if you can put them into a must-pass appropriations bill, if you can get them into a bill at the end of the session, fine, they are willing to do it, with total disregard for the impact to the environment and notice to our colleagues here in the House of Representatives.

That is why the Waxman legislation is so terribly important. This is not a contest between unfunded mandates and the environment. In many instances, these two situations rise separate of one another. But this is about whether or not, as we do the people's business here, we will have the opportunity to raise these issues and to have a free and fair and open debate.

In the history of this Congress over the last several years, that simply has not been the case. That is why we have to ask for this. Our colleague, the gentlewoman (Ms. FURSE) raised the issue of the forest rider, a forest rider that went through this House with little or no debate, only to do a great deal of devastation.

We have seen on now three different occasions where similar riders have been approached, to be put on legislation coming before the House of Representatives. Our constituents are now spending billions of dollars a year to go back and to correct some of these incredible environmental insults that have taken place with respect to water quality, with respect to the cleanliness of water, with respect to the Forest Practices Act and to the Endangered Species Act.

In the committee on which I serve, the Committee on Resources, time and again we see legislation coming from that committee that wants to legislatively state that this piece of legislation or this action to be taken by the Federal Government, by a private party or somebody else is, in fact, sufficient under the Endangered Species Act, it is sufficient under the National Environmental Protection Act. They want to do that by fiat, with no debate, no discussion, just declare the action sufficient.

Historically, when we have done that, we have had to go back and spend millions of dollars to make up for the mistakes.

Now we see legislation on our committee where they want to seek waivers of the Clean Water Act, wholesale waivers of the Clean Water Act, and then they will be brought out here in suspension, they will be brought out with little or no debate. The Waxman amendment is an opportunity to give the environment the kind of priority that the American people attach to this subject.

As we know, in poll after poll after poll the overwhelming majority of Americans consider themselves environmentalists. They consider the environment very important. If we even ask them the question of comparing and contrasting it to the health of the economy, they want the environment taken care of. That is what the American people want. That is what most Members of this House say they want, but that is not what happens in the House of Representatives. That is what brings about the necessity of the Waxman amendment.

Mr. Chairman, I would hope my colleagues would support this amendment as part of the underlying legislation.

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

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

Mr. Chairman, this is an important amendment, and certainly defense of the environment is something we all should be hailing. This Mandates Act of 1998 is a simple bill that extends to the private sector an information process currently employed to assist in understanding the impact of national policy upon State and local government that already is in law.

Currently, when Congress is considering a legislative provision that imposes unfunded mandates on State and local governments, we are required to subject that proposal to extensive study and open debate. This measure, H.R. 3534, extends the requirement to unfunded mandates imposed on the private sector.

For the record, Mr. Chairman, I note that this is opposed by some potent groups such as the AFL–CIO and a slew of environmental organizations. A concern clearly persists about whether advocates are interested in the information for good-faith analysis, or whether this is a clever means to tie the legislative process into knots and make it more difficult for Congress or for this legislative body to act.

This measure, however, is not flawed beyond repair. Our colleague, the gentleman from California (Mr. WAXMAN), who has impressive environmental credentials, is offering an important

amendment. His defense of the environment amendment would extend the requirements of study and open debate to proposals in Congress that affect the environment.

While the amendment of the gentleman from California (Mr. WAXMAN) would only affect environmental proposals directly related to the work of the private sector, it would unquestionably benefit our constituents, our communities, and our children.

The fact of the matter is that Congress too often has a problem with special interests successfully attaching anti-environmental riders to appropriations bills and unrelated measures that must pass. This circumvents the deliberation and debate that is needed to understand the ramifications.

The fact is that deliberate consideration of policy has been homogenized these past years, to the point where we have budget, tax, authorization, appropriation, all in one measure, with no chance to debate, to discuss, no hearings, no public participation or understanding. It is a bad process, and it translates into bad policy.

Just the most recent emergency spending measure signed by the President includes provisions which would allow the construction of a six-lane highway through the congressionally designated Petroglyphs National Monument. There are other provisions that allow oil companies who have and will drill on public lands to avoid fair compensation to the American taxpayer.

In the past, our riders have been used to irresponsibly expand the anti-environmental salvage logging program that some of my colleagues spoke of, stall efforts to clean up toxic waste, and block regulation of radioactive contaminants in drinking water, and even derail studies that provide the information to craft environmental policy.

It is apparent, Mr. Chairman, why the advocates want to duck debating and voting upon these provisions. The reason is, they lose. They could not prevail on the merits. But that is just one of the kickers of working in a congressional circumstance, where the anti-environmental minority of the majority is able to forcefeed bad policy, special interest provisions, into must-pass legislation.

That is why the Waxman amendment would help check this. It would not place any burdens on business. It would not even prevent us from repealing environmental laws if that is the judgement of the majority. It just requires that we debate and vote on significant legislative provisions that are going to affect our environment.

Make no mistake about it, Mr. Chairman. Voting against this Waxman amendment sends our constituents around the Nation a very important message. It speaks louder than all the rhetoric. That message will be that the regular democratic process does not matter when Members of the House are making decisions that could affect our environment; if Members vote no, that they would not want to be held accountable for these riders but choose to remain handicapped by burying the controversy in the excuse that they had no choice.

Today we have a choice to empower ourselves. Let us stop the assault on the environment, let us stop the assault on the legislative process, let us stop making excuses, and support the Waxman amendment to H.R. 3534. It is good for democracy, the environment, and our stewardship, and the legacy we leave to future generations.

□ 1745

Mr. CONDIT. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, I want to just bring up a point, I spoke a minute ago and I wanted to talk a little bit about the intent of this bill. The intent of this bill is to provide information to the Members about the cost of an unfunded mandate on the private sector.

Since I have been here, maybe it was different when some of the other Members, they have been here, maybe they found it a little bit different. But I have found that when someone introduces a piece of legislation and it goes through the process, that they are introducing that legislation and it is passed out of committee and gets to this floor because somebody thinks it has a benefit to this country. We clearly debate the benefit. I mean, the benefit is espoused by the author of the bill. If it gets out of committee, it is espoused by the committee members, the chairman of the committee, everyone clearly understands that there is a so-called benefit.

Some Members may disagree and say, well, it really does not do that, but there is a debate. We do spend a lot of time talking about the benefit.

What we do not talk about and what we do not focus on is the hidden cost and who is going to pay that cost. And what the unfunded mandate bill does is focus on that. It requires this body to spend a little bit of time to take a look at what the cost is, who is going to pay the cost. It is sort of a cost-benefit analysis, and I think everything that we do should have a cost-benefit analysis to it. But that is what this bill does. It provides position. It focuses on that hidden cost that we do not talk about too much because we do not want the people to know that we are putting a mandate on that ultimately is going to cost them some money, cost a business some money. And we know who they are going to pass it on to, to the consumer and the taxpayer.

That is what this is about today. Do not let anyone else move us in a different direction. If we want to talk about the environmental and work programs and all of that, that is fine. We ought to do that. But we ought to do that in a thoughtful way and a comprehensive way, like we have done the unfunded mandates bill. We ought to go through the process.

Mr. Chairman, I yield to the gentleman from Ohio (Mr. PORTMAN), cosponsor of this bill.

Mr. PORTMAN. Mr. Chairman, I think the gentleman just made a great point, which is the underlying intent of this legislation in sunshine. It is trying to get at these private sector unfunded mandates. It is not about the merits or demerits of any new environmental legislation, any new civil rights legislation. It is about having information on something that is now a hidden tax on the American people, something we ought to know about.

As I said earlier, the gentleman from California (Mr. CONDIT) and I worked for a year on this, working with CBO, working with the Parliamentarian's office, working folks that actually have to make this place work day to day, as we did with the Unfunded Mandates Relief Act 3 years ago that dealt with State and local government mandates.

We have come up with what we think is a balanced approach that actually works because CBO can do this. They can assess the cost. What they cannot do and, again, to reiterate what my colleague from California just said, what they cannot do is they cannot assess the benefits. The Waxman legislation is well-intended. Again, he may want to spend some time putting together something more thoughtful that deals with riders, but this is not the right place or time for this legislation. It will not work. This amendment will not work in the context of the bill that the gentleman from California (Mr. CONDIT) just explained.

I just feel very strongly that it is time for us to be more accountable around here. It is time for us to have good government. It is time for us to know what we are doing. It is time for us to legislate with good information.

That is all this says. Just as in the case of the Unfunded Mandate Relief Act of 3 years ago, we will still continue to mandate when it is the will of this Congress and in the public interest to do so, but we will do so with information we do not have now. So I want to commend my colleague from California (Mr. CONDIT) for working on this legislation so hard over the last year. He is the lead sponsor of this legislation. I urge my colleagues to defeat the Waxman amendment and to move on to final passage.

The CHAIRMAN pro tempore (Mr. GILLMOR). The question is on the amendment offered by the gentleman from California (Mr. WAXMAN).

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

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

The CHAIRMAN pro tempore. Pursuant to House Resolution 426, further proceedings on the amendment offered by the gentleman from California (Mr. WAXMAN) will be postponed.

AMENDMENT NO. 2 OFFERED BY MR. TRAFICANT

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

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

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. TRAFICANT:

Page 8, after line 11, add the following new subsection:

(d) ANNUAL CBO REPORTS.—Within 90 calendar days after the end of each fiscal year, the Director of the Congressional Budget Office shall transmit a report to each House of Congress of the economic impact of the amendments made by this Act to the Congressional Budget Act of 1974 on employment and businesses in the United States.

Mr. TRAFICANT. Mr. Chairman, there has been a lot of debate on each side of this issue. A lot of it makes sense. A lot of it is analytical on what may be, what might be, what could have, what should have.

My amendment is just a straightforward little piece of legislation that says, if this becomes law, what we are debating today, that we do not guess what the impact will be, that there shall be a report to the Congress explaining in detail what the impact of this legislation is on our business, industry and jobs. It is straightforward. It is not real fancy. But after it is over and we begin to compile all of the data subsequent to this legislation, we will have someone to report to us and give us the impact as it truly affects and if in fact at that point whether the Congress should either fine tune it, scrap it or enhance it. Very simple and straight forward, I would hope that the committee would accept it.

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

Mr. Chairman, I would be very happy to advise the distinguished gentleman from Ohio, whose championship of workers rights is well known, that I see no reason not to accept this amendment. I think it causes no problem. I would not oppose it.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Ohio (Mr. TRAFICANT).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. BOEHLERT

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

The Clerk read as follows:

Amendment offered by Mr. BOEHLERT:

Page 5, line 21, strike ''amendment''.

Page 6, strike lines 15 and 16 and in lines 17 and 19 redesignated clauses (iii) and (iv) as (ii) and (iii) respectively.

Mr. BOEHLERT. Mr. Chairman, the purpose of this amendment is very simple. I want to preserve the ability of the House to have open debate.

H.R. 3534 is advertised as an effort to ensure that the House has adequate debate on important issues. But its actual effect in some cases would be just the opposite. This bill would ensure that no amendment that any segment of industry opposed could ever be debated for more than 20 minutes. That is right. No amendment that any segment of industry opposed could ever be debated for more than 20 minutes. There would never be such a thing as an open rule again.

Why do I say that? It is not just hyperbole. Under this bill, any Member could raise a point of order against any amendment because he or she believed that it would cost industry more than $100 million. No proof is necessary. It could just be a gut reaction. Simply raising the point of order would stop all debate and put the question before the House.

A point of order could also be raised if the Congressional Budget Office had not completed a mandate analysis of the amendment. Even though CBO virtually never does such an analysis, there simply is no time for this to happen.

But the sponsors of the bill will say that their free-ranging industry-based point of order creates no problem because the House can overrule it. But let us take a very real and typical example.

Three years ago during the Clean Water Act debate in 1995, the gentleman from New Jersey (Mr. SAXTON) and I offered a substitute. That substitute engendered a lengthy debate, it went over to the second day, that changed some views about the bill and aired many concerns, even though the substitute eventually lost. I might point out that when we went into this, the initial check said we did not have 100 votes. We ended up with 185 votes. If the debate went longer, we might have prevailed.

Guess what would have happened under H.R. 3534? We would have had exactly 10 minutes to put forth our views on such a complicated, far ranging, important issue.

What is the excuse that is given for limiting debate so sharply? Why do we want to stifle discussion in a society that prides itself on a marketplace of ideas and in a body that the Constitution designed for maximum airing of issues? The reason is that some segments of industry do not win every single legislative battle. Guess what? No one does.

The sponsors say their concern is that industry's viewpoint is not heard. But does anyone actually believe that industry lacks political clout on Capitol Hill? Just take a look at H.R. 3534. We were interested in finding a compromise on this bill, and we worked very hard to effect a compromise. But some industry groups objected to compromise so the negotiations ended. So industry was able to block a compromise on a bill that is premised on the idea that industry has no clout on Capitol Hill. That is a rather telling irony.

With my amendment, the bill will still give industry additional tools to fight private mandates, tools that other interest groups lack. They will still have new points of order available against bills, conference reports, motions and resolutions. All my amendment does is remove the provision of the bill that creates a brand new point of order against amendments. As I have said, that provision of the bill will effectively shut down all debate.

I am not arguing that Congress never imposes mandates that are a bad idea. We do it on occasion and we should not do it. I am not arguing that industry is always wrong and that their adversaries are always right. Industry is oftentimes right and their adversaries are oftentimes wrong.

Indeed, I am a sponsor of a Superfund reform bill that business groups large and small have embraced and the environmental groups have questioned. But I do not believe that we should restructure the rules of the House so that one side has the upper hand in every single debate.

The CHAIRMAN pro tempore. The time of the gentleman from New York (Mr. BOEHLERT) has expired.

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

Mr. BOEHLERT. Mr. Chairman, let me make two final points. First, private sector mandates are different from intergovernmental mandates in many ways but in one in particular. States and localities do not have the clout on Capitol Hill that industry does. States and localities needed new tools to get their views across. That is hardly the case with industry.

Finally, this is not just an environmental matter. Yes, the new rules set up under H.R. 3534 would have made it tougher to pass a Clean Air Act and the Clean Water Act and other landmark bills, but as the gentleman from Iowa (Mr. GANSKE) pointed out last week during debate on H.R. 3534, we will also make it hard to pass a bill to help HMO patients and to control big tobacco. Remember, the points of order in this bill are available if even just a single industry has a complaint with a bill or amendment.

I urge support for my amendment. It is reasonable. It is the middle ground. It will give industry additional clout on Capitol Hill without shutting down the amendment process. If you believe in open debate, vote for my amendment.

Mr. DAVIS of Virginia. Mr. Chairman, I move to strike the last word. I would like to ask my colleague from New York, if this amendment were to pass, would the bill be acceptable to the gentleman?

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

Mr. DAVIS of Virginia. I yield to the gentleman from New York.

Mr. BOEHLERT. Mr. Chairman, no, as a matter of fact, I have some complaints with the bill.

Mr. DAVIS of Virginia. So this would not make the bill acceptable to the gentleman?

Mr. BOEHLERT. It would not. It would improve the bill, but it would not make it acceptable in its present form.

Mr. DAVIS of Virginia. Mr. Chairman, I think the gentleman has some merit with this, although the experience on this legislation with unfunded mandates, as it pertains to State and local government, has not raised the specter of problems that the gentleman from New York suggests in his comments here where we have had the opportunities, through amendment, to raise these objections.

I think over a total of five times this was raised in the last Congress, and it has not been dilatory, has not deprived this body of the opportunity to debate fully the merits and allow the House to debate the particular mandate on the merits.

The theory of this bill, the actual practice we have seen in the unfunded mandates bill that has worked well, is to give committees an incentive to do their work up front before bills ever reach the floor. By making points of order not apply to amendments sends the message that it is all well and good to do the work on the floor and not in the committee. That is a concern.

I think the gentleman does raise some interesting points that have intrigued me, that, should we accept this amendment, that in point of fact in a number of instances we might be able to have a more full and straightforward debate on the amendment.

The question is, if this is a gutting amendment, which is what I am afraid the gentleman is indicating to me, I would be prone to be against it.

Mr. BOEHLERT. Mr. Chairman, if the gentleman will continue to yield, it is not a gutting amendment. I would classify it as a perfecting amendment because I really think that we should have full and open debate on some sensitive issues here on the floor of the House. We should not limit debate to 10 minutes simply because one Member might have a gut feeling. Sometimes gut feelings are correct. I agree with that.

□ 1800

Mr. DAVIS of Virginia. But the burden would be on the Member who raises the objection to show the $100 million threshold as being met. They would have to come armed with those costs and do their homework ahead of time.

This could not be raised in a willy-nilly fashion without the appropriate substantive work showing that this would have a $100 million cost impact on American businesses.

Mr. BOEHLERT. We would not have scoring of amendments. That is the problem. We would not have the time to do that. When we have extended debate on a very controversial item, sometimes during the debate, in the course of that debate proponents or opponents bring out something that prompts an individual to draft an amendment that might be an amendment to improve a bill.

But the fact of the matter is, if someone has the gut feeling, as I pointed out, and not facts but just a gut feeling that it might, might, have the imposition of a new mandate on business, they could just raise a point of order. We would debate it for 10 minutes and 10 minutes only and that would be the end of it, and then the House would vote up and down based on very limited debate.

Mr. DAVIS of Virginia. I share the gentleman's concern. That has not been our experience, of course, with the unfunded mandates bill as it applies to State and local government.

Mr. BOEHLERT. But it is a different set of issues.

Mr. DAVIS of Virginia. It is very much the same set of issues, but it does not mean that it could not happen and this body would be deprived of that. And so, for that reason, at this point I am trying to draw the gentleman out a little bit further in terms of his other concerns with this bill that could be perfected in a way that he could address this and support the legislation.

Mr. BOEHLERT. Well, I think we should have more balance in this whole approach to things. I think if we have mandates on the one side, we should have mandates on the other, if we run that risk.

Mr. DAVIS of Virginia. Well, let me just reply to that. We can do that, but CBO cannot really address anything but the fiscal costs. The benefits are really not within their purview. It is not within their expertise. This has not been something we have traditionally assigned them to do.

That is what makes the gentleman from California's amendment more difficult to put in this body, although I think that the goal of it is one which I can sympathize with.

Mr. BOEHLERT. I thank the gentleman for his comments and appreciate them.

Mr. DAVIS of Virginia. In conclusion, Mr. Chairman, let me say this amendment is a little contrary to the underlying purpose of this legislation.

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

Mr. DAVIS of Virginia. I yield to the gentleman from Ohio.

Mr. PORTMAN. Mr. Chairman, I appreciate the gentleman raising the questions, and I would ask the author of the amendment, again, what he would do in a situation where we had a manager's amendment on the floor, where we had a substitute amendment?

This is a loophole big enough to drive a very large semi trailer through, because we could essentially put all the mandates in the manager's amendment or the substitute amendment and it would have gotten around the informational requirements in the legislation.

I wonder if the gentleman has thought through that scenario or that possibility and what his response would be.

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

Mr. DAVIS of Virginia. I yield to the gentleman from New York.

Mr. BOEHLERT. Indeed, I have. I have spent a lot of time anticipating that.

Mr. PORTMAN. If the gentleman from Virginia will continue to yield, I know the gentleman is very engaged in this legislation and spent a lot of time on it, and I would like to hear what he thinks.

Mr. BOEHLERT. One of the things I have done, in terms of talking about tractor trailers, I have offered an amendment to another bill that would limit the size of tractor-trailers on our Nation's highways for safety.

Mr. PORTMAN. That is along the lines we tried to do earlier in changing the subject, but keeping on the subject of mandates, seriously, I wonder if the gentleman has a response to that concern.

Mr. CONDIT. I move to strike the requisite number of words.

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

Mr. CONDIT. I yield to the gentleman from Ohio.

Mr. PORTMAN. Mr. Chairman, I thank my colleague and the lead sponsor of the legislation, the gentleman from California (Mr. CONDIT) for yielding.

I would like to give the gentleman from New York (Mr. BOEHLERT) the opportunity to discuss the possibility that if we were not to permit the informational requirement to apply to any amendments, would we not, in effect, circumvent the intent of the legislation by having an amendment which is in essence the legislation, such as a manager's amendment, which sometimes we do consider on the floor, or a substitute amendment for the legislation, and if he had any ideas as to how perhaps his amendment could be altered to take into account that possibility.

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

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

Mr. BOEHLERT. Mr. Chairman, to respond to the gentleman from Ohio, the manager's amendment would be okay, because that comes from outside the committee. But I am talking about in the Committee of the Whole, when we offer amendments, I think we should have the opportunity when amendments are offered to have a full and open airing, pros and cons. That helps me in making up my mind as we are dealing with some of these very important topics.

But I think the gentleman will concede that one Member, based upon a gut reaction or an instinct, and often gut reactions and instincts are correct but often they are not, could raise a point of order against the amendment, and then the Chair would automatically have to limit debate to 10 minutes and there would be a vote. And I would be called upon, as would the gentleman would be called upon and our colleagues would be called upon to make a decision on a very important amendment with very limited input, and I do not want that. I want to expand the knowledge that we have as a base to make decisions.

Mr. PORTMAN. Again, Mr. Chairman, if the gentleman will continue to yield, I understand what the gentleman is trying to get at, and certainly agree that that is a concern.

I would also remind the gentleman that the gentleman from Virginia (Mr. DAVIS) has already mentioned that our experience in the Unfunded Mandate Relief Act of 1995, which has been in place for almost 3 years, is in fact what happens is at the committee level we come up with better legislation. And that indeed when we talk about the mandate, and this is public sector mandates, albeit it is 10 minutes on each side, the debate tends to be about whether to move forward with the legislation because of the benefits. In other words, we do not just focus on the cost.

So I would say it has not been a problem in our experience with the Unfunded Mandates Relief Act that passed 3 years ago that dealt with the public sector. With the private sector, there may be the possibility for some additional concerns.

I also would remind the gentleman that with regard to private sector mandates, two things are different. One is that the threshold is raised to $100 million from $50 million, so it will apply to fewer mandates. Second is that one must consolidate the point of order.

In other words, we cannot have a point of order on every private mandate that is in a piece of legislation or, for that matter, in an amendment. Instead, we have to consolidate all of those various point of order mandates into one point of order and then have the debate. That is to avoid the dilatory tactics that some were concerned about with regard to this legislation.

So it is a little different from that, in a sense provides even more safeguards, but if the gentleman would be willing to talk about the possibility of taking out of consideration these broad-based amendments that would, in effect, be the legislation, maybe there is a way we can resolve this.

Mr. BOEHLERT. Mr. Chairman, I would be glad to accept a perfecting amendment dealing with a manager's amendment so that the gentleman's concern would be addressed.

Mr. PORTMAN. Mr. Chairman, I would like to yield back to my colleague from California, who is again the lead sponsor of this legislation, to get his thoughts.

Mr. CONDIT. Mr. Chairman, reclaiming my time, I agree with the gentleman from Ohio. I do have a problem with the manager's amendment. If we come in with a very broad amendment, we could undercut the very intention of the unfunded mandate legislation in that if it did not qualify for a point of order, it could put all kinds of mandates and costs on. And that would become a little unworkable, I think.

If we could perfect this so that we were talking about other amendments, I certainly would be open.

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

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

Mr. BOEHLERT. Mr. Chairman, the gentleman is referring to other than the manager's amendment?

Mr. CONDIT. Other than the manager's amendment.

Mr. BOEHLERT. If the gentleman will continue to yield, if he wants to work that language out right now, I would be glad to accept that.

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

I appreciate and say to my friend, the gentleman from New York, that I rise in opposition to his amendment although I can see where he would like to go with this amendment. And I would think that we could work something out if we had time to work something out.

But I have to say that the gentleman's amendment guts this bill. It completely guts the intent of this bill. The whole intent is to provide some process by which we can bring to the light of day a visible opportunity to discuss the fact that what we do in this Chamber has a direct impact on the private sector of this country. That is what this is about.

If we have a situation here where the gentleman's amendment became part of the bill, then there is no use of having debate, because we could play all kinds of shenanigans with a bill to try to put the House in the position of not implementing the intent of this bill, because all we have to do is pull the substantive stuff out of a bill, offer it as a committee substitute or as a manager's amendment, and we negate the whole reason for the bill.

So I just hope that we can work with the gentleman. I think there is a way that we can work this out. I understand and sympathize with the gentleman from New York that he does not want to stifle debate. Nor do I. But I would say to the gentleman from New York that we could probably fashion an amendment that looks at, say, for instance, amendments that are not printed in the RECORD or amendments that are just brought to the floor ad hominem. But to exclude all amendments from a bill slows down and violates the spirit of debate.

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

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

Mr. BOEHLERT. Mr. Chairman, as I have said, we have agreed, we have agreed based upon the colloquy I had with the gentleman from Ohio, to include the manager's amendment in the exemption.

Mr. DELAY. Reclaiming my time, I understand, and appreciate the gentleman trying to work with us. I appreciate that offer. But there is also committee substitutes, where a committee would bring to the floor and the opportunity for a committee.

I see the chairman of the Committee on Rules is coming to the floor. He understands what this does to the Committee on Rules and the ability to manage debate on a bill on the floor. The gentleman's amendment not only creates huge loopholes in this bill, we might as well not even have the bill. But if we could narrow it down to a specific type of amendment, then maybe we could work with the gentleman and even accept his amendment.

Mr. BOEHLERT. If my colleague will continue to yield, I would like to point out this is not, as it has been characterized, a gutting amendment. What we are trying to do is ensure that an amendment proposed on the floor has a full and open airing so that our colleagues will have the benefit of the thinking of the proponent and the opponents of the amendment. The bill's resolutions, as provided for in the base bill, would still be subject to a point of order.

The fact of the matter is, characterizing something as a gutting amendment does not, in fact, mean it is a gutting amendment. That is not my intent, to gut the bill. My intent is to improve the bill.

Mr. DELAY. Mr. Chairman, I appreciate the gentleman's support for the bill, but the way we read it, and certainly the way the Committee on Rules reads it and the Committee on Rules staff reads it, is that the gentleman's amendment is so broad and includes so much that it, in effect, does kill the entire intent of the bill and the whole reason for the bill.

So unless we can work something out, I would urge our Members to vote against the gentleman's amendment.

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

Mr. Chairman, the sponsor of this amendment happens to be a very good friend of mine. His district borders mine. But I just have to severely admonish him for bringing this kind of amendment to the floor.

The gentleman represents a district just like mine. I have more small businesses in my district up and down the Hudson Valley and the Catskill Mountains, the Adirondack Mountains, probably than any of my colleagues. But all of my colleagues have literally thousands of small businesses. If my colleagues have been a town mayor, as I have, or a town supervisor or a county legislator or even a State legislator, they know what Federal mandates do to small businesses.

First of all, if we do it to the public sector, to the towns and the villages and the cities and the counties, we raise property taxes. We have got people living on fixed incomes that cannot afford to pay the taxes today on their property. We fixed that several years ago, because we said if we were going to levy a Federal mandate on local governments that forces up real estate taxes, then we would have to come on this floor and we would have a separate vote, just so that the American people can see what we are doing and, more

than that, Members themselves can see what they are doing. Because if we have not served in local government or county government, sometimes we may not know what that is. So now that is taken care of.

Now let us take a look at the small businesses. I will never forget when I was a small businessman just starting out, and I had a wife and five children, and we could hardly make it as it was because my wife and I chose to have her stay home with those children all the time they were growing up, and it was rough. And every time I turned around it seemed like we had either the State government or the Federal Government coming in with some kind of a mandate that took money out of my business which we did not even have, and we had to give it to the government to pay for those Federal mandates. Well, if we had had this kind of a rule on the floor back 30 years ago, I probably would have been a lot more successful than I am.

And all we are saying today is that in the private sector, if we want to vote to levy a mandate on the private sector, on private businesses, then we ought to have a separate debate on it on the floor here, just sort of like we are doing right now. Now, what is wrong with that? What is wrong with it is nothing.

My good friend comes in here and, unlike the public sector, now he wants to do something to the small businessman.

□ 1815

He wants to say that if anybody brings an amendment on this floor and offers it to a bill, that that does not count because it was not in the bill in the first place. Well, my colleagues, that is a gutting amendment.

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

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

Mr. BOEHLERT. Mr. Chairman, two things. One, I have served in local government as a former county executive, so I know whereof he speaks. Secondly, I am not suggesting that proposed mandates are good or bad. Some are good. Some are bad.

The only thing I am trying to protect is the opportunity for full and open debate on the floor of the people's House. What could be wrong with that?

Mr. SOLOMON. Mr. Chairman, reclaiming my time, because the gentleman knows that if his amendment goes through, there will never be that debate on the mandate itself. And that is where we missed the boat all these years. We need to have that 20-minute debate so it sets the parameters so we know what we are going to vote on.

Like, right now, how many Members are on this floor right now? Maybe 25, if that. Where are the other 400 Members? They have no idea what is going on here. And nine times out of ten, when we come to a bill with an unfunded mandate in it, they are not going to know what they are voting on over here.

All we are saying is, let us have a rollcall and get the Members over here, and let us point out the mandate that is coming to them. And then all the time they are considering the merit of the bill, then they will keep in mind that there is a mandate out there. The gentleman knows that is exactly how it works.

I am Chairman of the Committee on Rules. I have been a member of that Committee for 10 years. I know the rules of this House. And I would tell the membership, on behalf of local businesses across this Nation, if they vote for the Boehlert amendment, they are voting to gut this legislation. And I would be tempted to pull the legislation and take it off the floor if that were the case.

Please come over here and vote no on the Boehlert amendment. Vote for small businesses that create 75 percent of all the new jobs in America every single year.

All the kids graduating from high school this coming month in June, all of them graduating from college, 75 percent of those jobs being offered to those kids are going to be from small businesses; and this will help to keep those small businesses profitable so they can hire them. Vote no on the Boehlert amendment, and then let us pass this measure.

The CHAIRMAN pro tempore (Mr. GILLMOR). The question is on the amendment offered by the gentleman from New York (Mr. BOEHLERT).

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

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

The CHAIRMAN pro tempore. Pursuant to House resolution 426, further proceedings on the amendment offered by the gentleman from New York (Mr. BOEHLERT) will be postponed.

AMENDMENT OFFERED BY MR. BECERRA

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

The Clerk read as follows:

Amendment offered by Mr. BECERRA:

Page 6, line 5, after ''exceeded'' insert ''or that would remove, prevent the imposition of, prohibit the use of appropriated funds to implement, or make less stringent any such mandate established to protect civil rights''.

Page 6, after line 5, insert the following new paragraph and renumber the succeeding paragraphs accordingly:

(4) MODIFICATION OR REMOVAL OF CERTAIN MANDATES.—(A) Section 424(b)(1) of such Act is amended by inserting ''or if the Director finds the bill or joint resolution removes, prevents the imposition of, prohibits the use of appropriated funds to implement, or makes less stringent any Federal private sector mandate established to protect civil rights'' after ''such fiscal year'' and by inserting ''or identify any provision which removes, prevents the imposition of, prohibits the use of appropriated fund to implement, or makes less stringent any Federal private sector mandate established to protect civil rights'' after ''the estimate''.

Page 6, lines 14, 16, 18, and 20, after ''intergovernmental'' insert ''mandated'' and after the closing quotation marks insert ''and by inserting mandate or removing, preventing the imposition of, prohibiting the use of appropriate funds to implement, or making less stringent any such mandate established to protect civil rights'''.

Page 7, line 12, strike ''one point'' and insert ''two points'' and on line 14, insert after ''(a)(2)'' the following: ''with only one point of order permitted for provisions which impose new Federal private sector mandates and only one point of order permitted for provisions which remove, prevent imposition of, prohibit the use of appropriated funds to implement,or make less stringent Federal private section mandates.''.

Mr. BECERRA (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. BECERRA. Mr. Chairman, I yield myself such time as I may consume. Let me explain my amendment briefly.

We have entered into a debate through the amendment by my colleague and friend from California (Mr. WAXMAN) on the issue of what happens when a particular bill or a piece of legislation has the effect of weakening protections for the environment or public health and safety, and we had some discussion on that amendment.

If my colleagues look at the legislation that we are discussing now and we now relate that same type of debate or discussion on the issue of civil rights, what we find is that this legislation actually would permit, permit, this Congress to establish laws that will weaken our current civil rights protections that we provide to the American public.

Let me give my colleagues a quick example of what I mean.

In both fair employment and housing law, there are exemptions made for small businesses. A small business is defined as having fewer than 15 employees. If we have legislation which attempted to broaden the definition of a small business to, say, 50 employees, in other words, something more than 15 employees, what we would do is we would now be excluding from civil rights laws and protections a whole array, many, many more businesses that now have up to 50 employees. Where, right now, under current law, those businesses that have between 16 and 50 employees would have the civil rights laws in the books applied to them; with this legislation, that would no longer be the case.

I do not believe it is the intent of the authors of this legislation or of anyone in this Congress to weaken civil rights protections for the elderly, for the infirm, the disabled, for minorities that have been discriminated over the past, other people based on religion. I do not believe that is the intent of this Congress. Yet the legislation, as it is written, would allow that to happen.

Why do I say that? Well, if my colleagues recall when we had the debate on the Unfunded Mandates Reform Act,

when it was passed last session, a number of us raised this concern that we would make it nearly impossible to enforce and protect civil rights laws, constitutional protections and other matters with the legislation had it been drafted back then a couple years ago.

We got included in the legislation the Unfunded Mandates Reform Act legislation that, in essence, said, we cannot apply this unfunded mandates law on bills that try to enforce constitutional rights of individuals or attempt to establish or enforce any statutory rights that prohibit discrimination. So no points of order would lie against legislation that tried to do exactly that, enforce constitutional rights or establish or enforce statutory rights that prohibit discrimination.

But we have a situation here where now we are not necessarily trying to enforce the law. In this case, if legislation comes forward which tries to diminish the impact of that law, weakening that law, as the example I gave before where we went from considering a small business to mean only 15 or fewer employees in a business to now 50 or fewer employees in a business, by weakening that law, what we have done is weakened civil rights protections.

I do not believe that that is the intent of this legislation and its sponsors. I would hope that Congress would not intend to go in that direction. And I offer this amendment to try to address that concern and hope that it can be unanimously accepted by this body.

Mr. Chairman, if I could give one last example to, hopefully, make this as clear as possible.

Right now, under the Americans With Disabilities Act, the ADA, a disabled individual who may have to use a wheelchair is entitled to be able to access a public place. And if there is a business that wants to open itself up to the public, it must also make itself available to disabled who are in wheelchairs.

Well, if we had legislation that attempted to remove the ramp-access requirements for disabled, that currently would not be protected under the Unfunded Mandates Reform Act. This legislation would now make it possible to remove those standards and weaken the laws.

So, for those reasons, I would ask Members to consider this amendment and adopt it unanimously.

Mr. PORTMAN. Mr. Chairman, I rise to reluctantly oppose the amendment. We are just looking at the language over here.

But, in essence, what this does, as I see it, is it builds on the Waxman amendment we debated previously regarding the environment and says that, with regard to any civil right or constitutionally protected right where there is a lessening of some requirement, that there be a point of order.

Again, it is not what this legislation is about. We specifically in the legislation, the underlying bill, which is the Unfunded Mandates Relief Act of 1995, exclude all civil rights, all constitutionally protected rights. And that is very clear. And I think that carve-out was appropriate, although it was debated, as some will remember, 3 years ago; and I think that is appropriate.

What this legislation would purport to do or this amendment would purport to do is to go well beyond that and say that, any time there is a determination by somebody that there has been a diminution of some kinds of rights, then there be a point of order.

Again, it may be a good idea to do if the gentleman would like to sit down and work on some legislation. It took Mr. CONDIT and I about a year to come up with this legislation on private-sector mandates. There might be some way to do it. But it does not fit into this legislation.

CBO is not able to do this. It is not their job. They do cost analysis and budget. That is who we are relying on here.

And if we learned anything in the experience of the Unfunded Mandates Relief Act over the last 3 years, and it has worked well, it is that we need to clearly define the terms. We need to have the minimum of ambiguity and the maximum of clear, concise definitions to be able to make this work right so that at the committee level we come up with better legislation that does not mandate on State and local government and now with this legislation mandate on the private sector without fully understanding the cost and coming up with the least costly way to achieve the same results.

I would just say to the gentleman it is an interesting idea. Maybe there is some legislation that could be crafted to achieve his objective. But this is not the place to do it.

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

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

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

I want to join with the gentleman from Ohio (Mr. PORTMAN) in opposition to this amendment. We were very sensitive to this issue. We did exempt it out of the bill. The civil rights issue was exempted out of the bill.

After our last experience about 3 years ago, we had a healthy debate about it and we tried to be conscientious about it and be sensitive. My colleague is right. It was not our intent to change the civil rights law, to do anything to weaken them; and I do not believe that is the intent of anybody in this room.

So I would oppose the amendment. Although I would tell my colleague from California, I would be delighted if he has got a proposal like the gentleman from California (Mr. WAXMAN) that we can perfect and work on. I am open to do that. But I think today to bring this up, it does not fit with what we are doing. And our efforts I think are honorable in saying that we exempt this, and our commitment to the gentleman to try to work out a solution is there.

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

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

Mr. BECERRA. Mr. Chairman, I thank my friend, the gentleman from Ohio (Mr. PORTMAN), for yielding; and I also thank my friend from California (Mr. CONDIT) for his words.

I appreciate what the gentleman from California has just said. And I agree. I do not think it is the intent of anyone, whether it is the sponsors or anyone who would vote on this legislation, to diminish, to weaken civil rights protections.

But I think, and we can always sit down and discuss this further. I believe if we read closely what is clearly covered under the law under the Unfunded Mandates Reform Act and what the legislation we have before us do in tandem is it would permit legislation that would weaken civil rights protections.

Because the Unfunded Mandates Reform Act only spoke about laws that establish or enforce; it did not talk about laws that weaken. So laws that weaken are permitted to go through this process without coverage to the Unfunded Mandates Reform Act.

Mr. PORTMAN. Reclaiming my time for a moment, let us back up and talk about the fundamental philosophy on this legislation. This is with regards to new mandates on business. The previous legislation was new mandates on the public sector.

We chose to carve out the situation of constitutionally protected rights or civil rights. In other words, even if there is a new mandate on the public sector, it is not subject to this informational requirement if it relates to civil rights. In other words, it is a carve-out; it protects it.

The gentleman just made the assertion that somehow this legislation could affect civil rights law negatively by diminishing civil rights. It would have no impact on that. This legislation would not apply. In fact, this legislation goes out of its way to make sure that we are not going to put any barriers in place of any kinds of civil rights.

There is a legitimate debate we would have as to whether we should have excluded included all civil rights from the requirements on this bill. After all, it is just informational. But we thought civil rights is so important and it is defined as constitutionally protected rights that we did not subject it to the information requirements in this legislation.

The situation that the gentleman is describing of diminishing civil rights simply would not be affected by this legislation one way or the other.

The CHAIRMAN pro tempore. The time of the gentleman from Ohio (Mr. PORTMAN) has expired.

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

Mr. PORTMAN. Mr. Chairman, I yield to the gentleman from California (Mr. BECERRA).

□ 1830

Mr. BECERRA. Mr. Chairman, I thank the gentleman. I do not think we will need the time.

Mr. PORTMAN. Mr. Chairman, reclaiming my time, I think it is irrelevant to what we are debating today because it does not affect a diminution of civil rights one way or the other; and, specifically, civil rights were excluded from the requirement of information that is in the legislation.

Mr. BECERRA. But if we gauge in a discussion and find that the legislation does affect and the law as it exists does affect those civil rights protections, would the gentleman be willing, or I ask the two sponsors, will they be willing to then incorporate language to make sure that we do not weaken civil rights protections.

Mr. PORTMAN. The gentleman from California (Mr. CONDIT) has expressed my views on this; we are happy to sit down and have a dialogue about it.

The CHAIRMAN pro tempore (Mr. GILLMOR). The question is on the amendment offered by the gentleman from California (Mr. BECERRA).

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

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

The CHAIRMAN pro tempore. Pursuant to House Resolution 426, further proceedings on the amendment offered by the gentleman from California (Mr. BECERRA) will be postponed.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN pro tempore. Pursuant to House Resolution 426, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: The amendment, as modified, offered by the gentleman from Massachusetts (Mr. MOAKLEY); the amendment offered by the gentleman from California (Mr. WAXMAN); the amendment offered by the gentleman from New York (Mr. BOEHLERT); and the amendment offered by the gentleman from California (Mr. BECERRA).

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

AMENDMENT, AS MODIFIED, OFFERED BY MR. MOAKLEY

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment, as modified, offered by the gentleman from Massachusetts (Mr. MOAKLEY), on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 176, noes 233, not voting 23, as follows:

[Roll No. 156]

AYES—176

Abercrombie
Ackerman
Allen
Andrews
Baldacci
Barcia
Barrett (WI)
Becerra
Bentsen
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Capps
Cardin
Carson
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Doyle
Engel
Eshoo
Etheridge
Evans
Farr
Fazio
Filner
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McDermott
McGovern
McHale
McKinney
Meehan
Meek (FL)
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran (VA)
Morella
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sawyer
Scott
Serrano
Skelton
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stokes
Strickland
Stupak
Tauscher
Taylor (MS)
Thompson
Thurman
Tierney
Torres
Towns
Traficant
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey
Wynn
Yates

NOES—233

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

NOT VOTING—23

Baesler
Bateman
Clay
Crane
Ewing
Fattah
Ganske
Gibbons
Gonzalez
Goodling
Greenwood
Harman
Inglis
Johnson (WI)
Livingston
McNulty
Meeks (NY)
Paxon
Rogan
Ryun
Schumer
Shuster
Skaggs

□ 1853

Messrs. MCINTOSH, WELDON of Florida, SPRATT and FORBES changed their vote from ''aye'' to ''no.''

Messrs. GORDON, SPRATT and STUPAK and Mrs. CAPPS changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. GIBBONS. Mr. Chairman, on rollcall no. 156, I was unavoidably detained. Had I been present, I would have voted ''no.''

PERSONAL EXPLANATION

Mr. INGLIS of South Carolina. Mr. Chairman, on rollcall no. 156, I was inadvertently detained. Had I been present, I would have voted ''no.''

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mr. GILLMOR). Pursuant to House Resolution 426, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on each amendment on which the Chair has postponed further proceedings.

AMENDMENT OFFERED BY MR. WAXMAN

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. WAXMAN) on which further proceedings were postponed, and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 190, noes 221, not voting 21, as follows:

[Roll No. 157]

AYES—190

Abercrombie
Ackerman
Allen
Andrews
Baldacci
Barcia
Barrett (WI)
Becerra
Bentsen
Berman
Bilbray
Blagojevich
Blumenauer
Boehlert
Bonior
Borski
Boswell
Boucher
Brown (CA)
Brown (FL)
Brown (OH)
Capps
Cardin
Carson
Clayton
Clement
Clyburn
Conyers
Costello
Coyne
Cummings
Davis (IL)
Davis (VA)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Doyle
Engel
Eshoo
Etheridge
Evans
Farr
Fazio
Filner
Forbes
Ford
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gejdenson
Gephardt
Gilchrest
Gilman
Green
Gutierrez
Hall (OH)
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Horn
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Lazio
Leach
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McKinney
Meehan
Meek (FL)
Menendez
Millender-McDonald
Miller (CA)
Mink
Moakley
Mollohan
Moran (VA)
Morella
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Poshard
Price (NC)
Rahall
Ramstad
Rangel
Reyes
Rivers
Rodriguez
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sawyer
Saxton
Scott
Serrano
Shays
Sherman
Slaughter
Smith (NJ)
Smith, Adam
Spratt
Stabenow
Stark
Stokes
Strickland
Stupak
Tauscher
Thompson
Thurman
Tierney
Torres
Towns
Velazquez
Vento
Visclosky
Walsh
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey
Wynn
Yates

NOES—221

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bereuter
Berry
Bilirakis
Bishop
Bliley
Blunt
Boehner
Bonilla
Bono
Boyd
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Cox
Cramer
Crapo
Cubin
Cunningham
Danner
Davis (FL)
Deal
DeLay
Diaz-Balart
Dooley
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Fawell
Foley
Fossella
Fowler
Gallegly
Gekas
Gibbons
Gillmor
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Gutknecht
Hall (TX)
Hamilton
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
John
Johnson, Sam
Jones
Kasich
Kim
King (NY)
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lucas
Manzullo
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McIntyre
McKeon
Metcalf
Mica
Miller (FL)
Minge
Moran (KS)
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oxley
Packard
Pappas
Parker
Paul
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Redmond
Regula
Riggs
Riley
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Royce
Salmon
Sandlin
Sanford
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shimkus
Sisisky
Skeen
Skelton
Smith (MI)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Stearns
Stenholm
Stump
Sununu
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Turner
Upton
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

NOT VOTING—21

Baesler
Bateman
Clay
Crane
Dickey
Ewing
Fattah
Ganske
Gonzalez
Goodling
Greenwood
Harman
Livingston
McNulty
Meeks (NY)
Paxon
Rogan
Ryun
Schumer
Shuster
Skaggs

□ 1902

Mr. DAVIS of Virginia, Mr. LAZIO of New York, Ms. WATERS and Mrs. ROUKEMA changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. BOEHLERT

The CHAIRMAN pro tempore (Mr. GILLMOR). The pending business is the demand for a recorded vote on the amendment offered by the gentleman from New York (Mr. BOEHLERT) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 189, noes 223, not voting 20, as follows:

[Roll No. 158]

AYES—189

Abercrombie
Ackerman
Allen
Andrews
Baldacci
Barrett (WI)
Becerra
Bentsen
Berman
Blagojevich
Blumenauer
Boehlert
Bonior
Borski
Boswell
Boucher
Brown (CA)
Brown (FL)
Brown (OH)
Capps
Cardin
Carson
Castle
Clayton
Clement
Clyburn
Conyers
Costello
Coyne
Cummings
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Doyle
Ehlers
Engel
Eshoo
Etheridge
Evans
Farr
Fawell
Fazio
Filner
Forbes
Ford
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gejdenson
Gephardt
Gilchrest
Gilman
Green
Gutierrez
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Horn
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
LaTourette
Leach
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Luther
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDade
McDermott
McGovern
McHale
McKinney
Meehan
Meek (FL)
Menendez
Millender-McDonald
Miller (CA)
Mink
Moakley
Mollohan
Moran (VA)
Morella
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Petri
Pomeroy
Porter
Poshard
Quinn
Rahall
Ramstad
Rangel
Rivers
Rodriguez
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sawyer
Saxton
Scott
Serrano
Shays
Slaughter
Smith (NJ)
Smith, Adam
Spratt
Stabenow
Stark
Stokes
Strickland
Stupak
Tauscher
Thompson
Thurman
Tierney
Torres
Towns
Upton
Velázquez
Vento
Visclosky
Walsh
Waters
Watt (NC)
Waxman
Weldon (PA)
Wexler
Weygand
Wise
Woolsey
Wynn
Yates

NOES—223

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bereuter
Berry
Bilbray
Bilirakis
Bishop
Bliley
Blunt
Boehner
Bonilla
Bono
Boyd
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Chabot
Chambliss
Chenoweth
Christensen

Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Cox
Cramer
Crapo
Cubin
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Dooley
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehrlich
Emerson
English
Ensign
Everett
Foley
Fossella
Fowler
Fox
Gallegly
Gekas
Gibbons
Gillmor
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kim
King (NY)
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
Lazio
Lewis (CA)
Lewis (KY)
Linder
Lucas
Maloney (CT)
Manzullo
McCollum
McCrery
McHugh
McInnis
McIntosh
McIntyre
McKeon
Metcalf
Mica
Miller (FL)
Minge
Moran (KS)
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Ortiz
Oxley
Packard
Pappas
Parker
Paul
Pease
Peterson (MN)
Peterson (PA)
Pickering
Pickett
Pitts
Pombo
Portman
Price (NC)
Pryce (OH)
Radanovich
Redmond
Regula
Reyes
Riggs
Riley
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Royce
Salmon
Sandlin
Sanford
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Sherman
Shimkus
Sisisky
Skeen
Skelton
Smith (MI)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Stearns
Stenholm
Stump
Sununu
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Turner
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

NOT VOTING—20

Baesler
Bateman
Clay
Crane
Ewing
Fattah
Ganske
Gonzalez
Goodling
Greenwood
Harman
Livingston
McNulty
Meeks (NY)
Paxon
Rogan
Ryun
Schumer
Shuster
Skaggs

□ 1912

Mr. DINGELL, Mr. MORAN of Virginia and Mrs. ROUKEMA changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. BECERRA

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. BECERRA) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 180, noes 231, not voting 21, as follows:

[Roll No. 159]

AYES—180

Abercrombie
Ackerman
Allen
Andrews
Baldacci
Barcia
Barrett (WI)
Becerra
Bentsen
Berman
Bilbray
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boucher
Brown (CA)
Brown (FL)
Brown (OH)
Capps
Cardin
Carson
Chenoweth
Clayton
Clement
Clyburn
Conyers
Costello
Coyne
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fazio
Filner
Forbes
Ford
Fox
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gordon
Green
Gutierrez
Hall (OH)
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McDermott
McGovern
McHale
McKinney
Meehan
Meek (FL)
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Morella
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Scott
Serrano
Shays
Sisisky
Skelton
Slaughter
Smith, Adam
Spratt
Stabenow
Stark
Stokes
Strickland
Stupak
Tauscher
Taylor (MS)
Thompson
Thurman
Tierney
Torres
Towns
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey
Wynn
Yates

NOES—231

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

NOT VOTING—21

Baesler
Bateman
Clay
Crane
Ewing
Fattah
Ganske
Gonzalez
Goodling
Greenwood
Harman
Livingston
McNulty
Meeks (NY)
Miller (FL)
Paxon
Rogan
Ryun
Schumer
Shuster
Skaggs

□ 1920

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

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. ROGAN. Mr. Chairman, on rollcall Nos. 156, 157, 158, 159 I was unavoidably detained. Had I been present, I would have voted ''no.''

Mr. GEPHARDT. Mr. Chairman, I rise in opposition to H.R. 3534.

I agree with the objective of this legislation—which is to ensure that Congress fully considers the costs of legislation to the private sector prior to voting on that legislation.

But once again, House Republican leaders have hijacked a common sense objective—and turned it into a stealth attack on our laws to protect public health and the environment.

This bill establishes a procedural obstacle—a point of order—against Congressional action on a whole host of issues critical to the American people—from future increases in the minimum wage to broader patient protections for patients in managed care plans to the Senate-passed IRS reform legislation.

And it doesn't deliver relief from all private-sector mandates. The bill's protection from mandates is in fact arbitrary and inconsistent.

For example, assume that Congress extends the Superfund tax on big companies. If the bill used these revenues to clean up toxic waste sites—the very purpose of this tax—the bill would face a point of order under H.R. 3534. But if the bill used all the revenues to provide tax breaks to wealthy special interests, there would be no point of order. In both cases a private sector mandate is imposed—but in only one case is that mandate subject to review.

Make no mistake about it. If this legislation, as the Republicans have amended it, were to become law, it would enact a procedural obstacle to programs that command bipartisan support—the highway bill, our toxic waste cleanup program, our airport and airline safety programs, and legislation to reduce underage teen smoking, to name just a few.

In short, this bill gives House Republican leaders a procedural device to kill important health and environmental proposals without directly voting against them. It's all part of the Republican Congress' stealth agenda: to look for ways to weaken our health and environmental laws without the glare of publicity.

Instead of attacking our environmental laws, we should be protecting them. And instead of sneak attacks mounted by Republican Leaders under cover of darkness, we should be debating all riders freely and openly.

That is why I have cosponsored Congressman WAXMAN's Defense of the Environment Amendment. This amendment simply requires a separate vote on all legislative riders that weaken our environmental laws. If we are going to insist upon a careful analysis of the costs of legislation to the private sector, we should do no less for the environment.

Over the past four years, the House Republican leadership has repeatedly weakened our environmental laws by attaching legislative riders—often in the dark of night and with little debate—on high-priority spending bills.

Americans want healthy forests. But Republicans have used special-interest riders to clear-cut our forests and to undermine the protection of endangered species.

Americans want our toxic waste sites cleaned up. But Republicans have used riders to stall our toxic waste cleanup program.

And Americans want to reduce oil import dependence and the risk of global climate change. But Republicans have used riders to block new energy efficiency standards.

In the recent supplemental spending bill, Republican riders gave out special subsidies for the oil and gas industry and launched additional assaults on our public lands.

The Defense of the Environment amendment will give us a better chance to reign in these extremist attacks on the environment. It deserves approval. I urge your support.

Mr. STENHOLM. Mr. Chairman, I rise in strong support of H.R. 3534, the Mandates Information Act. This bill extends to the private sector comparable procedural limitations currently placed on legislation imposing unfunded federal mandates on state or local governments.

Small businesses are the backbone of the economy in my District and, in fact, across the country. It always has been my practice to take the impact on small businesses into account when legislation is being considered, and it is for this reason that I support this bill.

The bill before us requires Congressional committees to include in their legislative reports detailed information on potential private sector mandates in excess of $100 million that would result from the legislation. H.R. 3534 also requires that the Committee reports provide information on a proposed bill's effect on consumer prices and the supply of goods and services in consumer markets, as well as on matters relating to workers.

Those of us supporting this bill dare not oversell its merits. H.R. 3534 will not end private sector mandates. What it will do is force Congress to honestly examine and make public the consequences of its actions, considering the effects of mandates on consumers, workers and small businesses. Congress would fully retain its right to pass whatever legislation it chooses. There easily could be instances in which Congress determines that the benefit of the regulation is worth its cost. This measure would simply force Congress to reveal and consider more complete information about the policies we approve.

I do want to mention one reservation I have about the bill before us. The current legislation states that points of order would not be permitted against bills that have net decreases in tax revenues over five years, even if the measure includes a tax increase. This provision assumes that the mix of tax provisions resulting in a decrease in revenues automatically will be a net positive for businesses, workers and consumers. There is absolutely no reason for such an assumption. This provision places tax cutting of any sort above all other priorities, including reducing business' regulatory burdens, maintaining a balanced budget, or a wide array of other priorities which could be expressed through certain tax cuts. While I trust the good intentions of the author of this language, I believe that those supporting this language are looking at this issue from a narrow perspective which ignores unintended consequences these supporters would not appreciate.

Reducing the burdens imposed on small business by the federal government is one of my highest priorities in Congress. I will continue to do whatever I can to encourage and promote a business climate which is conducive to maintaining and expanding small business opportunities. Enactment of this legislation will assist me and other Representatives in this effort.

Mr. HALL of Texas. Mr. Chairman, I am pleased to rise today in support of H.R. 3534, the Mandates Information Act. This bill directs Members of Congress, for the first time, to carefully consider the burden that unfunded mandates impose on the groups they intend to help—small businesses, consumers and employees.

Mr. Chairman, H.R. 3534 is very simply a common sense bipartisan effort to ensure that policy-makers focus their attention on the costs of legislation on the private sector before it is passed.

In 1995, with the passage of the Unfunded Mandates Act, Congress addressed the significant problem that federal government mandates have on the operation of state and local governments. These mandates create equally burdensome problems on those in the private sector, especially the small business owner. H.R. 3534 will remedy the problem of federal mandates on our nation's small businesses and their employees by taking the reforms of the Unfunded Mandates Act of 1995 and applying them to the private sector. It is the next logical step in an effort to ensure our government accomplishes its public policy initiatives in the most cost effective manner.

Mr. Chairman, I believe that this bill makes good sense for the federal government, for industry and for every American citizen trying to create a better way of life for themselves and their families—I urge my colleagues to support this legislation.

The CHAIRMAN. Are there other amendments to the bill?

If not, under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. RIGGS) having assumed the chair, Mr. GILLMOR, 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. 3534) to improve congressional deliberation on proposed Federal private sector mandates, and for other purposes, pursuant to House Resolution 426, he reported the bill, as amended, back to the House with further sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

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

RECORDED VOTE

Mr. MOAKLEY. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 279, noes 132, not voting 21, as follows:

[Roll No. 160]

AYES—279

Aderholt	Bryant	Costello
Archer	Bunning	Cox
Armey	Burr	Cramer
Bachus	Burton	Crapo
Baker	Callahan	Cubin
Ballenger	Calvert	Cunningham
Barcia	Camp	Danner
Barr	Campbell	Davis (FL)
Barrett (NE)	Canady	Davis (VA)
Bartlett	Cannon	Deal
Barton	Capps	DeLay
Bass	Castle	Dickey
Bentsen	Chabot	Dooley
Bereuter	Chambliss	Doolittle
Berry	Chenoweth	Doyle
Bilirakis	Christensen	Dreier
Bishop	Clayton	Duncan
Bliley	Clement	Dunn
Blunt	Coble	Edwards
Boehner	Coburn	Ehlers
Bonilla	Collins	Ehrlich
Bono	Combest	Emerson
Boswell	Condit	English
Boyd	Cook	Ensign
Brady	Cooksey	Etheridge

Everett
Fawell
Fazio
Foley
Ford
Fossella
Fowler
Fox
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Gekas
Gibbons
Gillmor
Gilman
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Green
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, Sam
Jones
Kasich
Kelly
Kildee
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lucas
Luther
Maloney (CT)
Manzullo
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McHugh
McIntosh
McIntyre
McKeon
Metcalf
Mica
Miller (FL)
Minge
Moran (KS)
Moran (VA)
Murtha
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Ortiz
Oxley
Packard
Pappas
Parker
Paul
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Ramstad
Redmond
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Roukema
Royce
Salmon
Sanchez
Sandlin
Sanford
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Sherman
Shimkus
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Strickland
Stump
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Thurman
Tiahrt
Traficant
Turner
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Weygand
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

NOES—132

Abercrombie
Ackerman
Allen
Andrews
Baldacci
Barrett (WI)
Becerra
Berman
Bilbray
Blagojevich
Blumenauer
Boehlert
Bonior
Borski
Boucher
Brown (CA)
Brown (FL)
Brown (OH)
Cardin
Carson
Clyburn
Conyers
Coyne
Cummings
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Engel
Eshoo
Evans
Farr
Filner
Forbes
Frank (MA)
Furse
Gejdenson
Gephardt
Gilchrest
Gutierrez
Hastings (FL)
Hefner
Hilliard
Hinchey
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kilpatrick
Klink
Kucinich
Lampson
Lantos
Lee
Levin
Lewis (GA)
Lowey
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McDermott
McGovern
McHale
McKinney
Meehan
Meek (FL)
Menendez
Millender-McDonald
Miller (CA)
Mink
Moakley
Mollohan
Morella
Nadler
Neal
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Rahall
Rangel
Ros-Lehtinen
Rothman
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Saxton
Scott
Serrano
Shays
Slaughter
Stark
Stokes
Stupak
Thompson
Tierney
Torres
Towns
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Wise
Woolsey
Wynn
Yates

NOT VOTING—21

Baesler
Bateman
Buyer
Clay
Crane
Ewing
Fattah
Ganske
Gonzalez
Goodling
Greenwood
Harman
Livingston
McInnis
McNulty
Meeks (NY)
Paxon
Ryun
Schumer
Shuster
Skaggs

□ 1940

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DREIER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 3534, the bill just passed.

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

There was no objection.

SENSE OF CONGRESS THAT COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT SHOULD CONFER IMMUNITY CONCERNING ILLEGAL FOREIGN FUNDRAISING ACTIVITIES

Mr. COX of California. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 440) expressing the sense of the Congress that the Committee on Government Reform and Oversight should confer immunity from prosecution for information and testimony concerning illegal foreign fundraising activities.

The Clerk read as follows:

H. RES. 440

Whereas the Committee on Government Reform and Oversight is currently investigating the unprecedented flow of illegal foreign contributions to the Clinton-Gore campaign during the 1996 Presidential campaign;

Whereas more than 90 witnesses in the investigation have either asserted the fifth amendment or fled the United States to avoid testifying, including 53 persons involved in raising money for the Democratic National Committee or the Clinton-Gore campaign;

Whereas among the 53 persons who have either asserted the fifth amendment or fled the United States to avoid testifying are former Associate Attorney General Webster Hubbell; former White House aide Mark Middleton; longtime Clinton friends John Huang, Charlie Trie, and James and Mochtar Riady; and Chinese businessman Ted Sieong and 11 members of his family;

Whereas democratic fundraiser Johnny Chung has told Department of Justice investigators that he funneled more than $100,000 in illegal campaign contributions from a Chinese military officer to Democrats during the 1996 campaign cycle, according to a New York Times report on May 15, 1998;

Whereas Chung told Federal investigators much of the $100,000 he gave to the Democratic National Committee in the 1996 campaign came from Communist China's Peoples Liberation Army through Liu Chaoying, a Chineese Lieutenant Colonel and aerospace industry executive;

Whereas Chung's account and supporting evidence, such as financial records, is the first direct evidence of Communist Chinese campaign contributions being funneled to the Democratic National Committee and Clinton-Gore '96;

Whereas subsequent to the receipt of the illegal campaign contributions from Communist Chineese officials the Clinton Administration relaxed export controls and overruled a Pentagon ban on the sale and export of sophisticated satellite technology to China;

Whereas on April 23 and May 13, 1998, the Committee on Government Reform and Oversight unsuccessfully sought to grant immunity from prosecution to 4 important witnesses, including 2 former employees of Johnny Chung who have direct knowledge concerning Communist Chinese attempts to influence United States policy and make illegal campaign contributions;

Whereas these 4 witnesses, Irene Su, Nancy Lee, Larry Wong, and Kent La, each have direct information concerning the efforts employed by Johnny Chung, Ted Sieong, and other foreigners to violate Federal campaign laws and exercise foreign influence over the 1996 elections;

Whereas the Department of Justice does not object to the Committee on Government Reform and Oversight's desire to confer immunity on Irene Wu, Nancy Lee, Larry Wong, and Kent La;

Whereas Irene Wu, Johnny Chung's office manager and primary assistant, would provide the Committee on Government Reform and Oversight firsthand information and knowledge about Chung's payments to Clinton-Gore '96 and his relationships with foreign nationals;

Whereas Nancy Lee, an engineer at Mr. Chung's company, solicited contributions from her colleagues for the benefit of Clinton-Gore '96, and those contributions serve as the foundation of criminal charges brought against Mr. Chung;

Whereas Larry Wong, a long-time friend and associate of convicted felon Gene Lum, has direct knowledge concerning Lum's method of making illegal foreign money contributions to Clinton-Gore '96;

Whereas Kent La, the United States distributor of Communist Chinese cigarettes, has direct and relevant information about illegal foreign money contributions made to the Democratic National Committee by Ted Sioeng; and

Whereas the inability of the Committee on Government Reform and Oversight to confer immunity on these 4 important witnesses serves as an impediment to the important work of the committee in determining the extent to which officials and associates of the Chinese and other foreign government sought to influence the 1996 elections and United States policy in violation of Federal campaign contribution laws and regulations: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that the Committee on Government Reform and Oversight should

vote to direct the General Counsel of the House of Representatives to apply to a United States district court for an order immunizing from use in prosecutions the testimony of, and other information provided by, Irene Wu, Nancy Lee, Larry Wong, and Kent La at proceedings before or ancillary to the Committee.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. COX) and the gentleman from California (Mr. WAXMAN) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. COX).

Mr. COX of California. Mr. Speaker, I ask unanimous consent to yield my time to the gentleman from Ohio (Mr. BOEHNER) and that he may be able to yield time as he sees fit.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was in objection.

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

Mr. Speaker, yesterday I introduced House Resolution 440. This resolution expresses the sense of Congress that the Committee on Government Reform and Oversight should confer immunity to four witnesses who have direct knowledge about how the Chinese government made illegal campaign contributions in an apparent attempt to influence our foreign policy. This resolution is not about titillating gossip, nor is it about partisan politics. Simply put, this resolution is about determining whether American lives have been put at risk and whether Communist-controlled companies and Chinese officials were given access to sophisticated technology that jeopardizes our national security.

To give my colleagues a sense as to why this resolution is so important, I would like to ask them to consider some disturbing revelations that have come to light about the connection between the Clinton administration and Communist China.

Last week various news sources, including the New York Times, reported that the Clinton administration's decision to approve exports of satellite technology to China in 1996 may have been connected with campaign contributions to the Democrat Party. In short, it is alleged that the Clinton administration granted waivers to two companies in 1996, Loral Space and Communications and Hughes Electronic Corporation, that allowed them to export sophisticated satellite technology to Communist China.

Loral's chairman, Bernard Schwartz, donated more than $600,000 to the Democrat Party. Last week the New York Times also reported that in March of 1996, the President overruled both the State Department and the Pentagon, which wanted to keep sharp limits on China's ability to launch American-made satellites using Chinese rockets, and turned oversight of granting such permission for these launches over to the Commerce Department, which was in favor of permitting them.

At the time the Commerce Department was headed by the late Ron Brown, who was previously chairman of the Democratic National Committee.

One of the beneficiaries of that decision, according to the Times, was China Aerospace, a military-run Chinese company that employed Liu Chaoying as an executive. The Times also reported that one-time Democratic fund-raiser Johnny Chung has told the Justice Department investigators that he funneled $100,000 in cash from Liu to the Democratic National Committee during the 1996 presidential campaign.

□ 1945

Liu is a lieutenant colonel in the Chinese army and the daughter of a top Chinese military official.

The Times' report is significant in that it represents the most solid evidence yet of a Chinese connection in the campaign finance scandal. More importantly, it opens the door to allegations that the Chinese government was able to jeopardize U.S. national security because of illegal campaign contributions.

Mr. Speaker, one might logically ask, ''How does this affect America's national security?'' Well, I think the answer is quite obvious. Any technology transfer that benefits China's space program also benefits China's missile program.

In fact, a little over 2 weeks ago it was reported in The Washington Times that Communist China had aimed 13 long-range strategic missiles at the United States. These missiles have a range of 8,000 miles and are capable of delivering nuclear warheads that can obliterate an entire city in a single blast.

We have also learned that China is aggressively pursuing development and modernization of their entire missile program. Not only are they improving the accuracy of their short-range missiles which threaten their neighbors, they are also developing an entirely new class of missiles capable of bringing their nuclear weapons to American families.

So, Mr. Speaker, we need to know why and if the President of the United States changed the policy in a way that gave sensitive and sophisticated missile technology to a Nation that now aims nuclear weapons at our sons and daughters. Mr. Speaker, I can only ask all of my colleagues to join with me as we try to ensure whether or not our children grow up in a safe world or in a world in the throes of another arms race, or even another Cold War.

President Clinton is expected to travel to China next month where he is also expected to announce new space technology cooperation agreements. Before he leaves, the American people must know exactly if past cooperation with China has undermined our national security.

Congress and the American people must have the answers to some very specific questions:

Why did the President overrule the State Department and turn such important decisions over to the Commerce Department?

How did this transfer of technology jeopardize our national security and American lives?

No Member of this body should rest until we know the answers to these questions. Giving immunity to these four important witnesses is a first step in opening the door to the truth in these very important matters.

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

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

Mr. Speaker, I rise in support of the Boehner resolution. I completely agree that the four witnesses should be given immunity. I believe every Democrat on the House Committee on Government Reform and Oversight also supports immunity for the witnesses.

In fact, our only reservation on the merits has been that the witnesses still have not provided proffers of their testimony, which is a standard and essential procedure in an immunity case. That is what we said when the committee first voted on immunity on April 3, it is what I said in a letter to the Speaker on May 10, and it is what we said again when the committee voted on immunity on May 13.

On May 10, I sent a letter to the Speaker, and I want to quote from that letter. I wrote to the Speaker and I said:

> I am writing in the spirit of bipartisanship to work with you to find a constructive solution to the difficult problems facing the Committee on Government Reform and Oversight. During the past several weeks, you have personally attacked me and questioned my integrity without justification. I believe, however, that the American people expect more from us than name calling and partisan battles. Instead of escalating this fight, I want to make a genuine attempt to work with you to meet these expectations.

I said to the Speaker, and I further quote,

> I am prepared to recommend to my Democratic colleagues that they support the pending immunity requests, but before I do, I believe the rules and procedures guiding the committee's campaign finance investigation must be changed so that the committee can conduct a fair and thorough investigation.

Well, 2 weeks have passed, and the Speaker still has not responded to my letter and my request that we work together. We have tried to make it as clear as possible that our problem is not with immunity, our problem is with the gentleman from Indiana (Mr. DAN BURTON) and his handling of this investigation. That is a problem the Speaker, the gentleman from Ohio (Mr. BOEHNER), and the other Members of the Republican leadership insist on ignoring.

Since we last voted in committee, new information has come to light, originally in The New York Times, about the possibility that Johnny Chung may have been a conduit for political contributions from China. The

new allegations are serious and deserve thorough congressional investigation.

Although there is no indication that the four witnesses seeking immunity have information relevant to these new allegations, the new evidence reinforces my belief that the witnesses should be given immunity. The new evidence also reinforces my belief that the gentleman from Indiana is the wrong person to be leading this investigation.

We are dealing with extremely serious allegations. We owe the American people a serious, credible investigation. So here we are today, and the Republican leadership has made no attempt to work with us in a bipartisan way. The Republican leadership is not sending this issue to another committee, it is not bringing the issue up on the House floor, it is not proposing to fix the Burton problem. The leadership is here telling us immunity is essential and then insisting on the one immunity option they know we will oppose. It is rare that partisanship and cynicism are this transparent.

Two weeks ago The New York Times, which has been leading the call for a thorough and aggressive investigation into the President's 1996 campaign, printed an editorial called ''The Dan Burton Problem,'' and I want to take a moment and read in part from that editorial.

By now, even Representative DAN BURTON ought to recognize that he has become an impediment to a serious investigation of the 1996 campaign finance scandals. If the House inquiry is to be responsible, someone else on Mr. BURTON's committee should run it.

Coming on the heels of an impolitic remark by Mr. BURTON about the President 2 weeks ago, the tapes fiasco is forcing the House Republicans to confront two blunders: The first was to entrust the investigation of campaign finance abuses to Mr. BURTON, the chairman of the House Government Reform and Oversight Committee. The second was to give him unilateral power to release confidential information.

Mr. BURTON, a fierce partisan, not known for balanced judgment, was plainly the wrong man for a sensitive job. If Mr. BURTON will not step aside, Speaker NEWT GINGRICH should convene the Republican Caucus and ask it to name a replacement. Mr. GINGRICH should also agree to rules both to provide a check on the new Chairman's power and to enhance bipartisanship.

By agreeing to improvements in the rules, Republicans would remove a major criticism of the committee's process as well as the Democrats' excuse for denying immunity. For now, Mr. GINGRICH seems determined to back Mr. BURTON. That will only delay getting a truthful account of fund-raising in the 1996 election.

My colleagues, this is a serious matter, and that is why we have asked that the Speaker give us leadership on this issue to work with us in a bipartisan manner. It sometimes seems that the Speaker acts as if he thinks he is still in the minority; that he is an insurgent. But the Speaker is the Speaker of the House. He is the Speaker of the whole House, and he should be working to bring all of us together for a fair and credible investigation, not trying to drive partisan wedges between us and trying to impede a serious investigation.

Now, the Republicans have a majority in this House. When the chairman of the investigation calls the President of the United States a scum bag, when he admits he is after the President, when he doctors transcripts that purport to represent evidence the committee obtained, when he issues over 600 unilateral subpoenas and targets 99 percent of his 1,000 subpoena and other information requests to Democrats, we Republicans and Democrats have a very real problem.

When the committee's Republican chief counsel quits because he is not allowed to conduct a professional investigation, when the Republican chief investigator is fired, we have a very real problem. We have a committee out of control. But because Republicans have the majority in this House, it is a problem that they alone can solve. All the Democrats ask is what The New York Times proposed: Act responsibly, solve the problem. We are prepared to vote for immunity if the majority is willing to work with us in even the most minimal way.

I am going to vote for this resolution because it really is tantamount to a meaningless gimmick. It is an empty exercise in political posturing. I should also point out for the record that the resolution contains a number of basic factual errors, and I will submit information correcting these mistakes.

A meaningful act would be to reform the procedures we have in the Committee on Government Reform and Oversight, or send this matter to another committee, so that we can get on with the investigation.

If this matter is as important to the Speaker as he says it is, and it should be, we only ask that he work with us for a constructive investigation. Please do not posture on such an important issue. Democrats are ready and have been ready to vote for immunity. All we ask is that the investigation be fair, bipartisan and competent.

And that means, by the way, that we get the facts, and then see what conclusions those facts lead us to, not reach the conclusions first and then try to see what facts will fit into those conclusions.

I have heard incredible statements by some of my Republican colleagues when they talk about money from the Chinese government going to the President of the United States and he knowingly then gives weapons technology to the Chinese that may jeopardize our national security. If that is the allegation, we better have facts to back it up because, quite frankly, that is not just accusing the President of the United States of a crime, that is accusing the President of the United States of the crime of treason.

We ask the Speaker, bring us together to act rationally. We ask the Speaker to work with us. Give us bipartisanship. Make some tough decisions. If the Speaker is going to send this to the committee for another vote, take some time first to meet with the minority Members and try to find common ground. If that does not occur, it will be absolutely clear that this is all about cynical politics not genuine concern, and the American people will have yet another reason to tune us all out.

Mr. Speaker, I provide for the RECORD the letter to the Speaker and information correcting the factual errors contained in the resolution to which I referred to earlier:

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON GOVERNMENT
REFORM AND OVERSIGHT,
Washington, DC, May 10, 1998.

Hon. NEWT GINGRICH,
Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: I am writing in the spirit of bipartisanship to work with you to find a constructive solution to the difficult problems facing the Committee on Government Reform and Oversight. During the past several weeks, you have personally attacked me and questioned my integrity without justification. I believe, however, that the American people expect more from us than name-calling and partisan battles. Instead of escalating this fight, I want to make a genuine attempt to work with you to meet their expectations.

I am prepared to recommend to my Democratic colleagues that they support the pending immunity requests. But before I do, I believe that the rules and procedures guiding the Committee's campaign finance investigation must be changed so that the Committee can conduct a fair and thorough investigation.

Of course, such changes also require that the chair of the investigation be fair and credible. Mr. BURTON, the current chairman, has disqualified himself by his actions. He has called the President a vulgar name and said that he is out to get the President. And he has ''doctored'' evidence by releasing altered and selectively edited transcripts of the Webster Hubbell tapes. There are several senior Republican members of the Committee who could immediately take his place and continue the investigation. For the investigation to have any legitimacy, this must happen.

A fair investigation must have fair procedures. Some have asserted that the Democratic members want a veto over the conduct of the investigation. This is not true. We are not seeking the right to block the issuance of subpoenas or the release of documents. All we want is the opportunity to present our arguments to the Committee if we raise objections that the chair is unwilling to acknowledge. We recognize that we are in the minority and that we can be outvoted. Fairness dictates, however, that we should at least have the right to appeal our case to the Committee members if we are summarily rejected by the chair.

I am not asking for unusual procedures. The exact opposite is the case. In the last year, Mr. BURTON issued over 600 subpoenas unilaterally, without minority concurrence or a Committee vote. That is more than three unilateral subpoenas for every day the House was in session. To the best of my knowledge, however, no Democratic committee chairman since the McCarthy era forty years ago ever issued a subpoena unilaterally. The congressional subpoena power is an awesome power. It compels an individual to turn over documents to Congress or to testify before Congress against the individual's

will. Prior to Mr. BURTON, committee chairmen simply did not exercise this power unilaterally.

As LEE HAMILTON, the chair of the House Iran-Contra investigation, wrote me:

As a matter of practice in the Iran-Contra investigation, the four Congressional leaders of the Select Committee—Senators INOUYE and Rudman, Representative Cheney and I—made decisions jointly on all matter or procedural issues, including the issuance of subpoenas. I do not recall a single instance in which the majority acted unilaterally.

Likewise, Mr. BURTON's unilateral release of subpoenaed documents is the exception, not the rule. I cannot think of a precedent for a committee chairman releasing such personal information—such as Mr. Hubbell's private conversations with his wife and daughters—unilaterally.

There are many precedents in congressional history for fair investigative procedures. You have referred repeatedly to the Watergate investigation as a model of bipartisanship. The House Watergate investigation had fair procedures that provided the minority the right to seek a committee vote if they objected to a proposed subpoena or document release. These Watergate procedures would provide an excellent model for this investigation.

Fair procedures do not lead to gridlock. To the contrary, they lead to bipartisan cooperation and a more successful investigation. They also are a safeguard against the kind of abuses that have characterized Mr. BURTON's investigation. Under the rules followed in other congressional investigations, the entire committee is accountable for the investigation. Under Mr. BURTON's rules, the Committee has transferred virtually all its power to him alone and he is accountable to no one. The events of the past weeks make it clear why this model should never be used again.

Senator THOMPSON followed fair procedures in his campaign finance investigation, and he was able to accomplish far more than Mr. BURTON. In fact, he held 33 days of hearings and filed a 1,100-page report before Mr. BURTON held his twelfth day of hearings. The Thompson procedures would be another excellent model for this investigation.

You have accused me and other Democrats of ''stonewalling'' the investigation. That is not accurate. Mr. BURTON has had virtually limitless powers. Democrats have blocked none of the 602 unilateral subpoenas he has issued, nor have we blocked any of the 148 depositions that his staff has conducted. In fact, we even supported the only other three immunity requests made by Mr. BURTON. I want to be part of a thorough investigation of campaign finance abuses. I don't want to be in a position I am in now, where I must oppose immunity requests as a matter of principle.

Mr. Speaker, I am willing to put partisanship aside in addressing the problems on the Committee on Government Reform and Oversight. I hope you will join with me in this effort.

Sincerely,

HENRY A. WAXMAN,
Ranking Minority Member.

FACTUAL INACCURACIES IN H. RES. 440

Claim: ''[M]ore than 90 witnesses in the investigation have either asserted the fifth amendment or fled the United States to avoid testifying.''

Fact: This number is misleading because it includes:

12 individuals who have been given immunity and already testified;

8 Buddhist nuns who were never immunized because their testimony would have duplicated other testimony;

21 individuals who are listed as having fled the country who in fact live in foreign countries;

11 individuals who, while not cooperating with Congress, have been convicted by or are cooperating with the Department of Justice.

Claim: ''[S]ubsequent to the receipt of the illegal campaign contributions from Communist Chinese officials the Clinton Administration relaxed export controls . . . on the sale and export of sophisticated satellite technology to China.''

Fact: This statement is inaccurate. The Clinton administration relaxed export controls before not after, June 1996, when Johnny Chung reportedly first met Liu Chaoying. The Clinton administration announced its decision to move commercial communications satellites from the Munitions List to the Commerce Control List of dual-use items, moving export licensing jurisdiction from the Department of State to the Department of Commerce, In March 1996—three months before Mr. Chung allegedly met Ms. Liu. Moreover, the practice of issuing waivers was not begun by the Clinton Administration. According to the *New York Times* (May 17, 1998), it was first used by the Bush Administration.

Claim: ''[T]he Department of Justice does not object to the Committee on Government Reform and Oversight's desire to confer immunity on . . . Kent La.''

Fact: The Department of Justice does have serious reservations about immunizing Kent La. In a letter dated April 22, 1998, the Department of Justice expressed its view that ''if Mr. La were to testify publicly at this time, the Department's criminal investigation could in fact be compromised. Even if Mr. La were to testify in a closed session, any disclosure or leak of that testimony, whether intentional or inadvertent, could seriously compromise the investigation and any subsequent prosecutions.'' The numerous leaks of information during the course of Committee's investigation suggests that the confidentiality that the Department of Justice has requested could not be maintained.

Claim: The four witnesses have ''direct knowledge'' concerning ''Communist Chinese attempts to influence United States policy and make illegal campaign contributions,'' ''illegal foreign money contributions made to the Democratic National Committee by Ted Sioeng,'' or ''convicted felon Gene Lum['s] . . . method of making illegal foreign money contributions to Clinton-Gore '96.''

Fact: The four witnesses have had employment or business relationships with Johnny Chung, Ted Sioeng, and Gene Lum. It is not yet clear, however, that any of the four witnesses have significant information about the alleged illegal activities involving foreign contributions. Based on what is currently known about the witnesses, they would appear to be relatively minor witnesses with little new information to provide investigators.

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

Mr. BOEHNER. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. DELAY), the majority whip.

Mr. DELAY. Mr. Speaker, I appreciate the gentleman yielding me this time. This is really a sad day for the House, that we have to bring a resolution like this to the House, and I rise in strong support of the resolution. I wish we did not have to bring it.

To some, bipartisan means as long as they buy into their partisanship, they will go along. To some, they think it is the chairman of the committee that is the problem. This has nothing to do with the chairman of the committee. What it has to do, and the American people have seen it, that if people really wanted to get to the truth, the revelations that came over the weekend, we would have known years ago, at least months ago.

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But the American people have seen this administration stonewalling and dragging their feet, hiding documents, hiding behind their lawyers. We have seen Members of the other party and the other body attacking Chairman THOMPSON, attacking Chairman D'AMATO. And over here they attack the gentleman from Iowa (Mr. LEACH), they attack the gentleman from Pennsylvania (Mr. KLINK), and now they are attacking the gentleman from Indiana (Mr. BURTON), all for one purpose; and that is they are scared to death to get to the truth.

Well, if all the scandals surrounding the Clinton administration had not meant much to the American people in the last 3 months, the latest revelations coming about the White House prove that they matter now.

According to press accounts, the White House accepted campaign contributions from officials of the Communist Chinese army and then later approved the shipment of sensitive defense technology to that country. Now, we do not know if there is a connection there or not. But the American people have the right to know the truth. And this was done over the objections of several foreign policy advisors in this administration. This technology has threatened the balance of power in Asia, giving India an excuse to test nuclear weapons, thereby threatening the security of every human being on earth.

So, Mr. Speaker, where were the Democrats when we asked them for their cooperation earlier this year in finding out the facts about this serious situation? Where were the Democrats when the House Committee on Government Reform and Oversight tried to interview witnesses who had important information about this national security crisis?

Some of our friends on the other side of the aisle appear to be turning their backs on the truth because they want to play these partisan games. Well, Mr. Speaker, this is no time for partisan games. Our national security is threatened by this new Asian arms race, which has been unwittingly jump-started by the political hacks at the White House.

Now, I hope that these latest revelations would give even the fiercest partisan a reason to seek the truth. My friends, these events have put into motion the greatest crisis the world has seen since the end of the Cold War. Now is the time for Congress to work together to find out the facts, and I urge my Democrat colleagues to join

us now in investigating these allegations. The American people have a right to know the truth.

Mr. BOEHNER. Mr. Speaker, I yield 2 minutes to the Majority Leader, the gentleman from Texas (Mr. ARMEY).

Mr. ARMEY. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I will get to the point. The point is we have long since now passed the point at which we can be casual about this. We are not talking about campaign finance violations. We are not talking about small things. We have very big questions here and very grave questions before the American people.

Did the President of the United States permit the sale of technology to China that would allow them to target missiles against United States citizens?

Did the President of the United States allow that sale to be made by an American firm already under investigation for trespasses against American law regarding the sale of such merchandise?

Did the President of the United States allow that sale against the protest of his own State Department and his own Department of Defense and over the objections of his own Justice Department?

Did the President of the United States know that the money received for his campaign, the campaign for people of his party, came from an officer in the Chinese Government who is also a major officer in Chinese corporations that were under sanction by the United States Government?

Did the transfer of the missile technology to China spark India's nuclear testing?

And did India's nuclear testing, in response to China's new capacity, spark the desire to do so in Pakistan?

Does the Defense Department find our national security is threatened?

Is the President, as Bill Safire suggests, the ''proliferation president''?

Does the President of the United States have the standing in the international community to be the leader that America must have in its president?

Just last week, the President failed to convince our major allies to join us in sanctioning India over testing nuclear weapons. Yesterday, he agreed to waive Helms/Burton sanctions on European countries helping Iran develop its oil industry, and I am still wondering where did that come from.

Last year, the President could get very little support for efforts to force weapons inspections in Iraq. And, last year, the President could not even get his own party in the House of Representatives to give him fast track authority.

The President of the United States should command international respect as the leader of the free world. Until President Clinton comes forward with the truth, the cloud hanging over this presidency in not only international affairs but domestic affairs will grow.

Mr. Speaker, I suppose there are times when it is amusing and even entertaining to pretend a wide-eyed innocence as one joins the stonewalling effort of the administration. If it were only a matter of domestic campaign finance law, violations, perhaps America could afford to give a wink and a nod to feigning moral outrage because one does not like the chairman of the committee, or that committee, or the other committee, or this committee.

But this is bigger than that. It is more important than that. It is about the genuine security needs of the American people in a world that may, in fact, be increasingly more dangerous than we ever thought we would face again and about the President of the United States being respected in the international community so that he can give the leadership in world affairs that this Nation feels it must give.

This is a serious matter. It is time to get serious. It is time to put away all the lawyer tricks. It is time to put away all the cute politics. It is time to get serious and say to the President, to all with whom he has had association in these matters, ''Come forward. Tell the truth. Get it off your chest. You will feel better for it. It is possible that you may make it possible for us to make America safer for it.''

Mr. WAXMAN. Mr. Speaker, may I inquire how much time is remaining on each side?

The SPEAKER pro tempore (Mr. RIGGS). Both the gentleman from Ohio (Mr. BOEHNER) and the gentleman from California (Mr. WAXMAN) control 9½ minutes.

Mr. WAXMAN. Mr. Speaker, I yield 5 minutes to the gentleman from Pennsylvania (Mr. KANJORSKI).

Mr. KANJORSKI. Mr. Speaker, I am not usually engaged in these type of discussions, but I made it a point to come down tonight because I like the gentleman from Ohio (Mr. BOEHNER). I have had the occasion to spend some time with him and find him to be a man of admirable quality. I came to the House at the same time that the Majority Leader came to the House, and I find him to be a man of quality.

Indeed, it is a sad day for the House of Representatives and for this government. We seem to be ever increasingly accepting leaks, contentions, illogical reasoning; and bright and intelligent men that exercise unusual influence in this House and in this country are willing to leap ahead and make conclusions, as the gentleman from California said, making a charge that the President of the United States is guilty of treason.

I have served in this House probably longer than most Members here because I started my service as a page and I followed the House through. So I went through the McCarthy hearings. And I am not going to make any reference that this reminds me of that because that is something for historians to determine.

But I have taken the time to read the RECORD of the House in 1972 and 1973 and 1974, and I would challenge my friends on the other side to examine the statements of then Speaker Carl Albert, the Majority Leader, or at that time the Majority Leader, and the Majority Whip and the Caucus Chairman and show us one instance where that leadership came to the floor of the House of Representatives to assert an indictment and a conviction for the crime of treason against the President of the United States on the basis of leaked information in a New York newspaper by unnamed investigators that have arrived at some facts that they do not draw conclusions from.

I would like to tell my friends on the other side, I have been a very serious member of the Committee on Government Reform and Oversight for 18 months now in this investigation. I have sat through hundreds of hours of hearings and depositions and things that have been thrown around this town and around this world.

The Majority Leader yesterday said that he was going to see that the deposition of Johnny Chung was released. Well, by golly, if he can release it, I wish he would tell me where it is. Because I sat in a meeting when Johnny Chung and his lawyer refused to take a deposition before this Committee but was entertained by the Chairman of our Committee for about 2 or 2½ hours in, quote, a friendly discussion; and at that time and through those 2 hours of testimony never did he remotely indicate where any funds came from from foreign government, foreign agents, or that he, in fact, had any activity that would castigate not only the national Democratic party but certainly not the President of the United States.

Suddenly, the deposition is to be released on Wednesday. Apparently, my friend from Ohio has more information than I have. I have been 2 weeks at hearings asking for proffers.

In his opening statement, my colleague indicated what these four witnesses are going to testify to. Why did not the gentleman from Indiana (Mr. BURTON) allow to us have those proffers if he is sharing it with the majority side and conference chairman?

Mr. Speaker, we are not going to solve this. But I want to say one thing. I think the leaks that were made over the weekend are serious leaks. They are not proper. They are not right. They do not stand for anything. But they are things that we should be investigating. I think it is time to put politics and partisanship aside. We may have serious problems. And we may have none.

If my colleagues want my belief, I am going to tell them this. If I conclude that for an $80,000 contribution to the Democratic National Committee that the President of the United States committed treason, I will tender my resignation the day that fact is established to me.

I cannot believe that any responsible Representative, Republican, Democrat, Independent, in the Congress of the

United States could be so foolhardy to think that the President of the United States would risk that country's security, violate his oath of office, commit treason, and subject not only every man, woman, and child in America, but the 6 billion people of this world, to nuclear war. What a charge. What an incredible charge.

All I suggest, my colleagues, is before we make these wild allegations, statements and charges, please take the time to realize that a bipartisan investigation is necessary; and that is the only thing the gentleman from California (Mr. WAXMAN) requests.

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Mr. BOEHNER. Mr. Speaker, no one is alleging any specific act. There are questions, lots of questions that we are trying to get answers to.

Mr. Speaker, I yield 2 minutes to the gentlewoman from Florida (Mrs. FOWLER).

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

Mrs. FOWLER. Mr. Speaker, I rise in support of this resolution. It is unfortunate that this has become a partisan debate. I rise today, not as a Republican, but as a member of the House Committee on National Security.

Make no mistake about it. This is a national security issue. This is about finding out how and why the Clinton administration overruled Pentagon experts to allow sensitive military technology to be transferred to the Chinese.

My colleagues on the other side of the aisle are not happy with the course of the campaign finance investigation. They are opposing immunity for four key witnesses to register their protest with the Chairman. But, Mr. Speaker, who is really being punished? Who is hurt if there is a successful effort to block Congress' attempt to determine the truth? A nation, Mr. Speaker.

Our Nation is at risk. Our men and women in uniform are at risk. The American people deserve to know why their Commander in Chief approved the sale of sensitive military technology to China, not once, but twice, over the objections of his Defense Department, State Department, Justice Department, and intelligence agencies.

This is a national security issue that should not be subject to the same partisanship that has characterized so much of the campaign finance investigation.

I urge my colleagues to consider this Nation's legitimate national security interest and vote yes on the Boehner resolution.

Mr. BOEHNER. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Speaker, my colleague from Pennsylvania asks how could we possibly think that a donation of $80,000 could cause the President to do something so terrible as has been suggested here. We are not talking about $80,000. We are not talking about $80,000 at all. We are talking about hundreds of thousands, if not millions, of dollars that were funneled into the President's reelection effort by people involved with these transfers of technology.

I have never called to treason and I will not call to treason. I think what we have here is a betrayal of the interest of the people of the United States of America, especially if that had anything to do with those millions of dollars that were funneled into the President's reelection effort from the Red Chinese and the American companies that were involved with transferring the technology.

Why do we have to come to the floor to insist that these four individuals who know about these campaign contributions be permitted to testify? It is absolutely ridiculous that we have had to come this far.

No one will ever be able to know for sure what is going on if you are saying what is happening here unless we hear their testimony. We need to get to the bottom of this. This is a national security issue as well as a political corruption issue. But no one will ever be perfect enough when a Democrat President is being investigated.

Ken Starr had impeccable credentials and now he has been vilified. The gentleman from Indiana (Mr. BURTON) makes one or two verbal mistakes and all of a sudden that is being used as a diversion to pull the public's attention away from these very serious national security charges.

We need to get to the bottom of this. We need to make sure, and we are not going to be diverted by some nonsense about the gentleman from Indiana (Mr. BURTON) made a couple of verbal abuses. That does not cut it with us when we have weapons technology going to improve the Communist Chinese capabilities of launching nuclear weapons against the United States of America. That is that serious.

Mr. WAXMAN. Mr. Speaker, may I inquire how much time is remaining on each side.

The SPEAKER pro tempore (Mr. RIGGS). The gentleman from California (Mr. WAXMAN) has 4½ minutes remaining, and the gentleman from Ohio (Mr. BOEHNER) has 6 minutes remaining.

Mr. BOEHNER. Mr. Speaker, I yield 2¼ minutes to the gentleman from Georgia (Mr. BARR).

Mr. BARR of Georgia. Mr. Speaker, I thank the gentleman from Ohio for yielding time to me.

Mr. Speaker, as usual, when our colleague from California (Mr. WAXMAN) speaks I think of many things. One thing that I thought of was Alice in Wonderland. When Alice is admonished to say what she means, she says ''I do. At least I mean what I say. That is the same thing, you know.'' ''Not quite so,'' she was then lectured. ''Saying that you mean what you say is the same as I mean what I say. I say what I mean would be like saying I say what I eat is the same as I eat what I see.''

Unlike Alice in Wonderland, Mr. Speaker, we are in the real world. Mr. WAXMAN gets up here and pontificates about how he will vote for this resolution knowing full well that then when he goes back to the committee, he and all of his colleagues or at least those who still travel in lockstep with him will vote against it. He means what he says, and he says what he means, but neither is actually the case.

I did not object when the gentleman from California said he was going to insert corrective language in his statement. The reason that I did not object to it was the fact that I certainly hoped that he will correct the one misstatement that I find in the resolution on page 2, paragraph 4, which says that Mr. Chung's account and supporting evidence is the first direct evidence of Communist Chinese campaign contributions.

I presume that the gentleman from California (Mr. WAXMAN) will insert in the RECORD the voluminous amounts of material and evidence directly related thereto that is already in the RECORD of direct evidence of Communist Chinese campaign contributions.

He may want to go back and I presume he will correct the RECORD to indicate and set forth the eight trips that Ng Lap Seng made to this country in 1994, 1995 and 1996, bringing large amounts, hundreds of thousands of dollars of cash in here and within 2 days of each one of those entries into this country made a visit to the White House, and on most occasions visited directly with Mark Middleton at the White House.

The gentleman from California might also go back and review some of the tapes in which Mr. Clinton, the President of the United States, was meeting Chinese officials and others thanking them for attending a fund-raising event. He might also review the voluminous evidence we have of other money coming from Macao and the Bank of China into the Clinton/Gore campaign in 1995 and 1996.

Mr. WAXMAN. Mr. Speaker, I yield 4 minutes to the gentleman from West Virginia (Mr. WISE).

Mr. WISE. Mr. Speaker, the gentleman from Ohio (Mr. BOEHNER) has made very serious allegations and demanded an investigation. I think he is correct in terms of requesting the investigation based on the allegations he has made.

The gentleman from Texas (Mr. DELAY), the majority whip, the Republican whip, has made serious allegations, and they too should be investigated. The gentleman from Texas (Mr. ARMEY), the majority leader. Has made serious allegations.

As a 16-year member of the Committee on Government Reform and Oversight and one who is a subcommittee chair in my time, I, too, agree that because those allegations have been made they should be investigated.

The gentleman from Texas (Mr. ARMEY), the majority leader, said

something that stuck with me, and I remember he said this is too big, in effect, for partisanship. He is absolutely correct. That is why we ask that to not be a partisan investigation, because these allegations are so serious that are being made that if the American people are to accept the results of any investigation it must be a credible investigation.

So what we have asked those of us Democrats, and I hate to think on the Committee on Government Reform and Oversight we have now gotten to the point of having to identify ourselves as partisan labels, we never had to do that before, but those of us who voted against immunity do not vote against immunity because we want to stop an investigation. We voted because it is not a credible investigation.

The gentleman from Ohio (Mr. BOEHNER) referred to allegations in the New York Times, and that, on the basis of those, the committee ought to look at it. But it also should be mentioned the New York Times editorial of May 8, which says, and I quote:

> By now, even Representative DAN BURTON to recognize that he has become an impediment to a serious investigation of the 1996 campaign finance scandals.

If the 1996 campaign finance scandals are such that he is an impediment to them, what about something as serious as the allegations that have been made by the gentleman from the other side?

We have seen an investigation on our committee which was to be bipartisan; and, yet, 1,037 out of 1,049 subpoenas, depositions, interrogatories, and other information requests, in this so-called bipartisan investigation have been targeted at whom? At Democrats, despite the fact that in Republican, in soft, despite the fact that in the soft money raising contest it was the Republican Party that raised the most soft money and indeed it is the soft money that is the basis of 95 percent of all allegations, whether directed at Republicans or at Democrats.

Mr. Speaker, we want immunity. We want a thorough investigation. We want to walk with or talk and work with the leadership of the other side. We want a credible investigation.

What is a credible investigation? It is one like they did in Watergate. It is one like they did in Iran Contra. It is one like our committee did up until a couple years ago in which, when there is a subpoena to be issued, it cannot be unilaterally issued by one person. That is abuse of power. But that one person must consult with the minority.

If there is no agreement reached, we take it to the committee. That is all. Then the best sides wins. The side that demonstrates the merits of the argument decides whether or not that subpoena is issued. That is all. That is the way this committee has operated and that is the way this Congress has operated until recently.

So, yes, the American people deserve that credible investigation. They must know that these allegations are out there and they are serious, know that those allegations are out there and the American people want this investigation. But it has got to be credible if it is to have any credibility.

So we want to work with you, Mr. Speaker, want to work with the other side. We want that investigation. If it is, and I believe it is, these allegations are that important, simply by being raised, then it demands going the extra level to make sure that that investigation has the credibility and the bipartisanship that is so important.

That is why I will vote for this, because I happen to believe that these individuals ought to be given immunity. I also want to make sure that the committee has to operate in such a way that the investigation and the product is credible and not simply something that at the end of the day was not worthy of the entire Congress.

Mr. BOEHNER. Mr. Speaker, I yield 1 minute to my colleague from Ohio (Mr. TRAFICANT).

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

Mr. TRAFICANT. Mr. Speaker, this debate is not about the gentleman from Indiana (Mr. BURTON) or Bill Clinton. It is not about the Lincoln bedroom or Monica Lewinsky. This debate is about our national security.

This is no fly on our face. This is an elephant eating our assets, and that elephant is China, Communist China, with a foothold on our soil that has missiles, as we speak, pointing and capable of hitting every American city, a nation that threatened Taiwan. What are we, nuts? Now we find out that Johnny chunk got $300,000 from a member of the Chinese Army to gain access to the White House, and he boasts about it.

Look, the White House is not a one-stop shopping mall for campaign headquarters, folks. Congress must investigate this matter, and a Congress that plays partisan politics with this is a Congress that endangers the national security of every citizen.

I support the resolution, and I am glad to see that the Democrats will be supporting it as well. We must support this resolution, and we must investigate this matter.

Mr. BOEHNER. Mr. Speaker, I yield 1 minute to the gentleman from Arizona (Mr. HAYWORTH).

Mr. HAYWORTH. Mr. Speaker, I thank my colleague from Ohio on the other side of the aisle for offering the proper picture here.

Mr. Speaker, I rise without venom or vitriol tonight. My colleague from West Virginia is correct. These are serious allegations that go to the heart of our constitutional republic. This must transcend partisanship. This Congress must do its constitutional duty.

Our founders wisely granted this branch oversight over the executive branch. Accordingly, these witnesses should be granted immunity for all the right reasons, because, as Republicans and Democrats, we recognize that we are Americans first, and we owe it to the citizens of this Nation to get to the bottom of these disturbing allegations.

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Mr. WAXMAN. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, I want a serious investigation. I want us to be able to conduct this investigation responsibly, competently and fairly. We have a resolution on the floor like this. After all the months we have asked for bipartisanship, it still seems to me like we are in the process of kids' play.

Let us work together. This matter must be investigated in a way that speaks well of the House. I ask the Speaker to work with us. This is not the time to fire up your base; this is the time for you to be a leader of the House for the people of this country.

Mr. BOEHNER. Mr. Speaker, I yield the balance of my time to the gentleman from California (Mr. COX), the chairman of the Republican Policy Committee.

The SPEAKER pro tempore (Mr. RIGGS). The gentleman from California (Mr. COX) is recognized for one and three-quarter minutes.

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

Mr. Speaker, what I hear from the minority side is that they are in support of granting immunity to these witnesses; just not now, just not at this time and this place, just not in this way, because they are busy protesting the committee and its existence.

It is perhaps politically acceptable to engage in acts of political protest in an election year, but obstruction of justice is not an acceptable form of protest. Today, the minority stands alone in obstructing the grants of immunity to these 4 witnesses, because the Clinton administration——

POINT OF ORDER

Mr. WAXMAN. Mr. Speaker, I rise to a point of order.

The SPEAKER pro tempore. The gentleman will state his point of order.

Mr. WAXMAN. Mr. Speaker, I would inquire of the Chair whether an accusation of obstruction of justice is permitted on the House floor.

The SPEAKER pro tempore. The reference to obstruction of justice should not be made with respect to specific or certain Members of the House of Representatives.

Mr. COX of California. Mr. Speaker, with the permission of the gentleman, I will withdraw the remark, to the extent that it conveys violation of statute. I do not mean to suggest that. What I mean to suggest very explicitly is that the minority is obstructing what the Justice Department itself wishes to do.

In its defense of the Clinton Administration, the minority is more tendentious than is the administration itself. The administration has no objection to the grant of immunity to these witnesses.

The most important of the four witnesses whose testimony we seek to immunize is Kent La. Kent La is the United States distributor for Red Pagoda Mountain Cigarettes, the largest Communist Chinese brand. The man who is a distributor for these cigarettes in the United States is the person whose testimony we seek to hear.

The contributions that Mr. La is going to testify about, from Communist Chinese tobacco billionaire Ted Sioeng, his family and their associates in the worldwide tobacco business, totalled over $400,000 to the Democratic National Committee in 1996 alone. All these contributions were solicited by John Huang. $50,000 of them came from Kent La himself.

We can differ about the facts, but we should not differ about whether to get the facts. Let us get the truth. Let us grant immunity to these witnesses, as the Clinton administration agrees we can and must.

Mr. WAXMAN. Mr. Speaker, I rise in support of the Boehner Resolution.

I completely agree that the four witnesses should be given immunity. I believe every Democrat on the House Government Reform and Oversight Committee also supports immunity for the witnesses. In fact, our only reservation on the merits has been that the witnesses still haven't provided proffers of their testimony, which is a standard and essential procedure in immunity cases.

That is what we said when the Committee first voted on immunity on April 23. It's what I said in a letter to the Speaker on May 10. And it's what we said again when the Committee voted on immunity on May 13.

In my May 10 letter to the Speaker, I wrote:

> I am writing in the spirit of bipartisanship to work with you to find a constructive solution to the difficult problems facing the Committee on Government Reform an Oversight. During the past several weeks, you have personally attacked me and questioned my integrity without justification. I believe, however, that the American people expect more from us than name-calling and partisan battles. Instead of escalating this fight, I want to make a genuine attempt to work with you to meet their expectations.
>
> I am prepared to recommend to my Democratic colleagues that they support the pending immunity requests. But before I do, I believe the rules and procedures guiding the Committee's campaign finance investigation must be changed so that the Committee can conduct a fair and thorough investigation.

I ask unanimous consent that the full text of this letter be inserted in the RECORD.

Two weeks have passed, and the Speaker still has not responded to my letter and my request that we work together. We have tried to make it as clear as possible that our problem isn't with immunity; our problem is with DAN BURTON and his handling of the investigation.

That's a problem the Speaker, Mr. BOEHNER, and the other members of the Republican leadership insist on ignoring.

Singe we last voted in committee, new information has come to light in the New York Times about the possibility that Johnny Chung may have been a conduit for political contributions from China. The new allegations are serious and deserve thorough congressional investigation. Although there is no indication that the four witnesses seeking immunity have information relevant to these new allegations, the new evidence reinforces my belief that the witnesses should be given immunity.

The new evidence also reinforces my belief that DAN BURTON is the wrong person to be leading the investigation. We are dealing with extremely serious allegations. We owe the American people a serious, credible investigation.

The Committee's Democrats have said we would vote for immunity if the Dan Burton problem were fixed. We have said we would encourage the Democrats on either the House Oversight Committee or the House International Relations Committee to vote for immunity if this issue were sent to those committees. We have said we would support immunity on the floor. But we have been as clear as we can that we will not support immunity without first addressing the Dan Burton problem.

So here we are today and the Republican leadership has made no attempt to work with us in a bipartisan way. The Republican leadership is not sending this issue to another committee, it's not bringing the issue up for a floor vote, it's not proposing to fix the Burton problem. The leadership is here telling us immunity is essential and then insisting on the one immunity option they know we will oppose. It's rare that partisanship and cynicism are this transparent.

Two weeks ago, the New York Times, which has been leading the call for a thorough and aggressive investigation into the President's 1996 campaign, printed an editorial entitled ''The Dan Burton Problem.'' I want to take a moment and read it.

[From the New York Times, May 8, 1998]

THE DAN BURTON PROBLEM

> By now even Representative Dan Burton ought to recognize that he has become an impediment to a serious investigation of the 1996 campaign finance scandals. He has dismissed David Bossie, the mischievous aide who helped issue inaccurate transcripts of Webster Hubbell's jailhouse conversation's, and has apologized to his fellow Republicans. But: that cannot compensate for inept behavior that has hobbled the inquiry and complicated Independent: Counsel Kenneth Starr's criminal investigation of intriguing comments on the tapes. If the House inquiry is to be responsible, someone else on Mr. Burton's committee should run it.
>
> Coming on the heels of an impolitic remark by Mr. Burton about the President two weeks ago, the tapes fiasco is forcing House Republicans to confront two blunders. The first was to entrust the investigation of campaign finance abuses to Mr. Burton, the chairman of the House Government Reform and Oversight Committee. The second was to give him unilateral power to release confidential information. Mr. Burton, a fierce partisan not known for balanced judgment, was plainly the wrong man for a sensitive job.
>
> When the committee convenes next Wednesday, Democrats plan to offer motions to transfer leadership of the inquiry to another Republican on the committee. They will also ask the committee to adopt the same bipartisan rules for issuing subpoenas and releasing documents that have been followed by all previous Congressional investigations.
>
> But it should not come to that. If Mr. Burton will not step aside, Speaker Newt Gingrich should convene the Republican caucus and ask it to name a replacement. Mr. Gingrich should also agree to rules both to provide a check on the new chairman's power and to enhance bipartisanship.
>
> At the same meeting, the committee will wrestle with whether to grant immunity from prosecution to four witnesses who are expected to testify about questionable donations to Democrats in the 1996 campaign. House Democrats have threatened to block immunity as leverage to win a rules change granting them more say. By agreeing to improvements in the rules, Republicans would remove a major criticism of the committee's process as well as the Democrats' excuse for denying immunity.
>
> For now, Mr. Gingrich seems determined to back Mr. Burton. That will only delay getting a truthful account of fund-raising in the 1996 election.

There is a Dan Burton problem. It's very real. When the Chairman leading the investigation calls the President a scumbag, when he admits he's ''after'' the President, when he doctors transcripts that purport to represent evidence the committee obtained, when he issues over 600 unilateral subpoenas and targets 99% of his 1000 subpoena and other information request to Democrats, we—Republicans and Democrats—have a very real problem. When the committee's Republican Chief Counsel quits because he's not allowed to conduct a professional investigation, when the Republican Chief Investigator is fired, we have a very real problem and a committee out of control. But because Republicans have a majority in the House, it's a problem only they can solve.

All the Democrats ask in what the New York Times proposed. Act responsibly. Solve the problem. We are prepared to vote for immunity if you are willing to work with us in even the most minimal way.

I'm voting for this resolution today because it's a meaningless gimmick. It's an empty exercise in political posturing. I also should point out for the record that the Resolution contains a number of basic factual errors, and I ask unanimous consent that information correcting these mistakes be inserted after my statement.

A meaningful act would be to reform the procedures we have in the Government Reform Committee, or to send this matter to another committee so that we can get on with the investigation. Mr. Speaker, if this matter is as important to you as you say it is—and as it should be—work with us for a constructive investigation. Don't posture on such an important issue. Democrats are ready—have been ready—to vote for immunity. All we ask is that the investigation be fair, bipartisan, and competent.

Instead of bringing us together and acting rationally, the Republican leadership is bringing a gimmick to the floor and continuing to allow what should have been a serious investigation to degenerate into a circus. Instead of dealing with the Dan Burton problem, which is unpleasant for them to confront, they pretend it doesn't exist.

I urge all my colleagues to vote for this gimmick. But I ask the Republican leadership to show some genuine leadership. Make some tough decisions. Give true bipartisanship a try. And work with us so that we can have a meaningful investigation.

If you are going to send this to the committee for another vote, take some time first to meet with the minority members and try to find common ground. If you don't, it will be absolutely clear that this is all about cynical politics, not genuine concern. And the American people will have yet another reason to tune us all out.

FACTUAL INACCURACIES IN H. RES. 440

Claim: ''[M]ore than 90 witnesses in the investigation have either asserted the fifth amendment or fled the United States to avoid testifying.''

Fact: This number is misleading because it includes: 12 individuals who have been given immunity and already testified; 8 Buddhist nuns who were never immunized because their testimony would have duplicated other testimony; 21 individuals who are listed as having fled the country who in fact live in foreign countries; 11 individuals who, while not cooperating with Congress, have been convicted by or are cooperating with the Department of Justice.

Claim: ''[S]ubsequent to the receipt of the illegal campaign contributions from Communist Chinese officials the Clinton Administration relaxed export controls . . . on the sale and export of sophisticated satellite technology to China.''

Fact: This statement is inaccurate. The Clinton administration relaxed export controls before, not after, June 1996, when Johnny Chung reportedly first met Liu Chaoying. The Clinton administration announced its decision to move commercial communications satellites from the Munitions List to the Commerce Control List of dual-use items, moving export licensing jurisdiction from the Department of State to the Department of Commerce, in March 1996—three months before Mr. Chung allegedly met Ms. Liu. Moreover, the practice of issuing waivers was not begun by the Clinton Administration. According to the New York Times (May 17, 1998), it was first used by the Bush Administration.

Claim: ''[T]he Department of Justice does not object to the Committee on Government Reform and Oversight's desire to confer immunity on . . . Kent La.''

Fact: The Department of Justice does have serious reservations about immunizing Kent La. In a letter dated April 22, 1998, the Department of Justice expressed its view that ''if Mr. La were to testify publicly at this time, the Department's criminal investigation could in fact be compromised. Even if Mr. La were to testify in a closed session, any disclosure or leak of that testimony, whether intentional or inadvertent, could seriously compromise the investigation and any subsequent prosecutions.'' The numerous leaks of information during the course of Committee's investigation suggests that the confidentiality that the Department of Justice has requested could not be maintained.

Claim: The four witnesses have ''direct knowledge'' concerning ''Communist Chinese attempts to influence United States policy and make illegal campaign contributions,'' ''illegal foreign money contributions made to the Democratic National Committee by Ted Sioeng,'' or ''convicted felon Gene Lum['s] . . . method of making illegal foreign money contributions to Clinton-Gore '96.''

Fact: The four witnesses have had employment or business relationships with Johnny Chung, Ted Sioeng, and Gene Lum. It is not yet clear, however, that any of the four witnesses have significant information about the alleged illegal activities involving foreign contributions. Based on what is currently known about the witnesses, they would appear to be relatively minor witnesses with little new information to provide investigators.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. Cox) that the House suspend the rules and agree to the resolution, House Resolution 440.

The question was taken.

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

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

The Sergeant at Arms will notify absent Members.

Without objection, the three suspension votes postponed earlier today will be 5 minute votes immediately following this vote, so there will be a 15 minute vote, followed by three 5 minute votes.

There was no objection.

The vote was taken by electronic device, and there were—yeas 402, nays 0, not voting 30, as follows:

[Roll No. 161]

YEAS—402

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Armey
Bachus
Baker
Baldacci
Ballenger
Barcia
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berman
Berry
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Costello
Cox
Coyne
Cramer
Crapo
Cubin
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Farr
Fazio
Filner
Foley
Forbes
Ford
Fossella
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Green
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hilliard
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHale
McHugh
McInnis
McIntyre
McKeon
McKinney
Meehan
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paul
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Redmond
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Towns
Traficant
Turner
Upton
Velazquez
Vento
Visclosky
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)

NOT VOTING—30

Archer
Baesler
Barr
Bateman
Bilbray
Clay
Cooksey
Crane
Cummings
Dicks
Ewing
Fattah
Fawell
Ganske
Gonzalez
Goodling
Greenwood
Harman
Hinchey
Livingston
McDade
McIntosh
McNulty
Meek (FL)
Meeks (NY)
Paxon
Schumer
Shuster
Skaggs
Waters

□ 2054

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

So (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. BILBRAY. Mr. Speaker, on Rollcall No. 161, I was unavoidably detained. Had I been present, I would have voted "Yes".

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. RIGGS). Pursuant to clause 5, rule I, the Chair will now put the question on each motion to suspend the rules on which further proceedings were postponed earlier today in the order in which that motion was entertained.

Votes will be taken in the following order:

H.R. 3039, by the yeas and nays;

H.R. 3718, de novo; and

H.R. 3809, by the yeas and nays.

The Chair will reduce to 5 minutes the time for all electronic votes in this series.

VETERANS TRANSITIONAL HOUSING OPPORTUNITIES ACT OF 1998

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 3039, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. STUMP) that the House suspend the rules and pass the bill, H.R. 3039, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 405, nays 1, not voting 26, as follows:

[Roll No. 162]

YEAS—405

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Armey
Bachus
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Costello
Cox
Coyne
Cramer
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Farr
Fazio
Filner
Foley
Forbes
Ford
Fossella
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Green
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hilliard
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Lee
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
McDermott
McGovern
McHale
McHugh
McInnis
McIntyre
McKeon
McKinney
Meehan
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paul
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Redmond
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Towns
Traficant
Turner
Upton
Velazquez
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)

NAYS—1

Sanford

NOT VOTING—26

Archer
Baesler
Bateman
Clay
Cooksey
Crane
Dicks
Ewing
Fattah
Fawell
Ganske
Gonzalez
Goodling
Greenwood
Harman
Hinchey
Kennedy (MA)
McDade
McIntosh
McNulty
Meek (FL)
Meeks (NY)
Paxon
Schumer
Shuster
Skaggs

□ 2103

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

LIMITING JURISDICTION OF FEDERAL COURTS WITH RESPECT TO PRISON RELEASE ORDERS

The SPEAKER pro tempore (Mr. PEASE). The pending business is the question de novo of suspending the rules and passing the bill, H.R. 3718.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina (Mr. COBLE) that the House suspend the rules and pass the bill, H.R. 3718.

The question was taken.

RECORDED VOTE

Mr. SCOTT. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 352, noes 53, not voting 27, as follows:

[Roll No. 163]

AYES—352

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Armey
Bachus
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Capps
Cardin
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clayton
Clement
Coble
Coburn
Collins
Combest
Condit
Cook
Costello
Cox
Coyne
Cramer
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeFazio
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson

Engel
English
Ensign
Eshoo
Etheridge
Everett
Farr
Fazio
Foley
Forbes
Fossella
Fowler
Fox
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Green
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennelly
Kildee
Kim
Kind (WI)
King (NY)
Kingston
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Levin
Lewis (CA)
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
McGovern
McHale
McHugh
McInnis
McIntyre
McKeon
Menendez
Metcalf
Mica
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Ortiz
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paul
Pease
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
Rothman
Roukema
Roybal-Allard
Royce
Ryun
Salmon
Sanchez
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Strickland
Stump
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Thurman
Tiahrt
Torres
Traficant
Turner
Upton
Vento
Visclosky
Walsh
Wamp
Watkins
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Wynn
Yates
Young (AK)
Young (FL)

NOES—53

Barrett (WI)
Blumenauer
Bonior
Campbell
Carson
Clyburn
Conyers
Davis (IL)
DeGette
Delahunt
Dingell
Dixon
Evans
Filner
Ford
Frank (MA)
Furse
Gutierrez
Hastings (FL)
Hilliard
Jackson (IL)
Johnson, E. B.
Kennedy (RI)
Kilpatrick
Kleczka
Leach
Lee
Lewis (GA)
McDermott
McKinney
Meehan
Millender-McDonald
Miller (CA)
Oberstar
Obey
Olver
Owens
Payne
Pelosi
Rangel
Rush
Sabo
Sanders
Scott
Serrano
Stark
Stokes
Stupak
Thompson
Tierney
Towns
Velazquez
Watt (NC)

NOT VOTING—27

Archer
Baesler
Bateman
Clay
Cooksey
Crane
Dicks
Ewing
Fattah
Fawell
Ganske
Gonzalez
Goodling
Greenwood
Harman
Hinchey
McDade
McIntosh
McNulty
Meek (FL)
Meeks (NY)
Paxon
Schumer
Shuster
Skaggs
Waters
Woolsey

□ 2111

Ms. PELOSI and Mr. RUSH changed their vote from ''aye'' to ''no.''

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. CUMMINGS. Mr. Speaker, on rollcall number 163, my vote on H. Res. 440, I was unavoidably detained and missed the vote. Had I been present, I would have voted in favor of the resolution.

DRUG FREE BORDERS ACT OF 1998

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 3809, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. ARCHER) that the House suspend the rules and pass the bill, H.R. 3809, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 320, nays 86, not voting 26, as follows:

[Roll No. 164]

YEAS—320

Abercrombie
Ackerman
Aderholt
Andrews
Bachus
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bentsen
Bereuter
Berry
Bilirakis
Bishop
Blagojevich
Bliley
Blunt
Boehlert
Boehner
Bono
Borski
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Boucher
Boyd
Brady
Brown (CA)
Brown (FL)
Bryant
Bunning
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Buyer
Callahan
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Camp
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Canady
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Cardin
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clayton
Clement
Coble
Coburn
Collins
Combest
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Cook
Cox
Coyne
Cramer
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
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Edwards
Ehlers
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Emerson
English
Ensign
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Etheridge
Everett
Farr
Foley
Forbes
Ford
Fossella
Fowler
Fox
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Gekas
Gephardt
Gibbons
Gilchrest
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Goode
Goodlatte
Gordon
Goss
Graham
Granger
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennelly
Kildee
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
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Knollenberg
Kolbe
LaFalce
LaHood
Lampson
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Largent
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Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McHale
McHugh
McInnis
McIntyre
McKeon
Meehan
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
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Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oxley
Packard
Pallone
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Pascrell
Pease
Peterson (PA)
Petri
Pickering
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Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Redmond
Regula
Riggs
Riley
Rivers
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Royce
Ryun
Salmon
Sanchez
Sandlin
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Thurman
Tiahrt
Traficant
Turner
Upton
Walsh
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Watkins
Watts (OK)
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Weldon (FL)
Weldon (PA)
Weller
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)

NAYS—86

Allen
Baldacci
Barrett (WI)
Becerra
Berman
Bilbray
Blumenauer
Bonilla
Bonior
Brown (OH)
Carson
Clyburn
Conyers
Costello
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dingell
Engel
Evans
Fazio
Filner
Frank (MA)
Furse
Gejdenson
Green
Gutierrez
Hastings (FL)
Hilliard
Hoyer
Jackson (IL)
Johnson, E. B.
Kennedy (MA)
Kennedy (RI)
Kilpatrick
Kucinich
Lee
Lewis (GA)
Manton
Markey
Martinez
McDermott
McGovern
McKinney
Miller (CA)
Moakley
Mollohan
Nadler

Neal	Reyes	Stokes
Oberstar	Rodriguez	Thompson
Obey	Roybal-Allard	Tierney
Olver	Rush	Torres
Ortiz	Sabo	Towns
Owens	Sanders	Velazquez
Pastor	Sanford	Vento
Paul	Sawyer	Visclosky
Payne	Scott	Waters
Pelosi	Serrano	Watt (NC)
Peterson (MN)	Smith, Adam	Wexler
Poshard	Stark	

NOT VOTING—26

Archer	Fattah	McIntosh
Armey	Fawell	McNulty
Baesler	Ganske	Meek (FL)
Bateman	Gonzalez	Meeks (NY)
Clay	Goodling	Paxon
Cooksey	Greenwood	Schumer
Crane	Harman	Shuster
Dicks	Hinchey	Skaggs
Ewing	McDade	

□ 2119

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

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

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

The title of the bill was amended so as to read: ''A bill to authorize appropriations for the United States Customs Service for drug interdiction, and for other purposes.''.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. ARMEY. Mr. Speaker, on rollcall No. 164, I was unavoidably detained. Had I been present, I would have voted ''aye.''

LEGISLATIVE PROGRAM

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

Mr. SOLOMON. Mr. Speaker, the last order of business this evening will be a rule which will make in order two hours of general debate only, no amendments, and then tomorrow the first order of business will be taking up another rule on the defense authorization bill which will then make in order amendments. But for this evening, there will be no further votes if there is no vote on this rule.

I would ask the gentleman from Texas if it is his understanding that he does not intend to ask for a vote on this rule.

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

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

Mr. FROST. Mr. Speaker, I do not intend to ask for a vote on this rule. I know of no one on my side of the aisle who is going to ask for a vote on this rule.

Mr. SOLOMON. Mr. Speaker, if we can then proceed with the debate on the rule, we do not intend to use much time on it and then we can go right to the general debate.

NOTICE OF INTENT TO OFFER MOTION TO INSTRUCT CONFEREES ON H.R. 2400, BUILDING EFFICIENT SURFACE TRANSPORTATION AND EQUITY ACT OF 1998

Mr. OBEY. Mr. Speaker, pursuant to clause 1(c) of House Rule XXVIII, I hereby notify the House of my intention tomorrow to offer the following motion to instruct House conferees on H.R. 2400, Building Efficient Surface Transportation and Equity Act of 1998:

I move that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill, H.R. 2400, be instructed to insist that no provisions to prohibit or reduce service-connected disability compensation to veterans for smoking-related illnesses be included in the conference report on H.R. 2400 to offset spending for highway or transit programs.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1999

Mr. SOLOMON. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 435 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 435

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. 3616) to authorize appropriations for fiscal year 1999 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 1999, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed two hours equally divided and controlled by the chairman and ranking minority member of the Committee on National Security. After general debate the Committee of the Whole shall rise without motion. No further consideration of the bill shall be in order except pursuant to subsequent order of the House.

The SPEAKER pro tempore. The gentleman from New York (Mr. SOLOMON) is recognized for 1 hour.

Mr. SOLOMON. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. FROST), a very strong supporter of the defense budget, 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 435 is a rule providing for general debate consideration of H.R. 3616, the Fiscal 1999 Defense Authorization Bill. The rule waives points of order against consideration of the bill and provides two hours of general debate only, which we will take up in just a few minutes. Further consideration of the bill will be governed by a rule that the Committee on Rules will report out later today.

This rule is necessary simply to get the ball rolling on this massive, complex bill which always requires a great deal of floor time.

Mr. Speaker, the annual defense authorization bill is without question one of the most important bills we consider in this body each year. In doing our business that sometimes seems routine, we should never lose sight of the fact that the number one duty of the Federal Government is the protection of national security and that is exactly what this bill is all about here tonight. As usual, the gentleman from South Carolina (Mr. SPENCE) and the gentleman from Missouri (Mr. SKELTON) and their staffs have done outstanding work, and I commend them and urge support for the rule so that they can get on with their business tonight.

Mr. Speaker, it is absolutely imperative that this bill contain adequate funding for our military personnel who are right now out in the field standing vigilant on behalf of all Americans all over this world.

Mr. Speaker, it is imperative that this bill set out the policies which are consistent with and seek to maintain the unique warrior culture of our military, and that is exactly what it is, it is a warrior culture and that is what it has to be, for without that we cannot win wars, and that is what militaries are for. Some people seem to have forgotten that over the course of years.

Mr. Speaker, to the best extent possible this bill does all of that within the budget restrictions we have to live by. I congratulate and I commend both the gentleman from South Carolina (Mr. SPENCE) and the gentleman from Missouri (Mr. SKELTON) and again their staffs for their outstanding work on behalf of military preparedness.

At $270.8 billion, this bill once again adds money to the President's annually inadequate defense budget request. Very importantly, the bill provides for the first time in 13 years an inflation adjusted increase in procurement spending. That means in being able to purchase the hardware that is going to give the best state of the art to young men and women that serve in the military today. This is exceedingly important.

This account provides for the weapons and equipment that we send our young men into battle with and it has been cut by nearly 70 percent since 1985. I will bet Members did not know that, did they? It is well past time that we reversed this trend.

These accounts contain adequate funding for the President's request of $36 billion for research and development. Again, if we do not have the research and development, we will not have that state of the art equipment that will give our men and women the best. These accounts contain adequate funding for the weapons systems of tomorrow, such as the F–22 Stealth Fighter, the Marine Corps V–22 troop carrier, and the next generation of aircraft carriers and submarines. These

accounts also contain funding to bring us one step closer to developing and deploying defenses against ballistic missiles, something we may need even sooner if certain U.S. businesses continue to assist China missile programs with a wink and a nod from the Clinton administration, and we will be debating this at length during this upcoming debate.

This bill also contains, very importantly, a 3.6 percent pay raise for our military personnel and adds significant funding increases for the barracks, for the family housing and for child care centers. We have to keep in mind, Mr. Speaker, that when I served with some of my colleagues in the Marine Corps more than 45 years ago, almost all of us, noncommissioned officers, as I was, were single. Almost all of the commissioned officers were single under the grade of colonel. Today that is absolutely reversed. Therefore, it is imperative that we do provide housing and child care centers for our military in order to keep the kind of personnel that we want in the military.

Despite all of these excellent provisions in this bill, Mr. Speaker, let me go on the record once again as I have for several years now. We continue to provide inadequate, yes, I will repeat, inadequate funds for this Nation's defenses. Despite our additions to the President's request, this bill will represent the 14th straight year of inflation adjusted cuts to this budget. Our military is vastly smaller and it is older than during Desert Storm and, God forbid, if we had to go back and have the same kind of rearm go that we had in Desert Storm, we could not do it today and that means the men and women that we put in danger's way are going to be very, in very serious condition. Most experts agree, not just with me, that such a mission would simply be impossible today.

□ 2130

Worse, this smaller force is being asked to do more and more and more and more by the administration. We are bogged down in a fanciful nation-building mission in Bosnia. We also have a seemingly never-ending mission in Iraq.

And I support the Iraq mission, but my point is that our military is stretched almost to its breaking point, my colleagues. Our men and women are being asked to do too much, with less training, less support and with older and older equipment.

The predictable results are that the recruiters are unable to meet the quotas. If my colleagues do not believe it, they should go back into their districts and go and sit down with the Marine Corps and the Navy and the Army and the Air Force recruiters, and they will tell my colleagues that they are having trouble recruiting a real cross-section of America today.

Air Force and Navy pilots are resigning in droves today because they do not think that the career is there. Are they going to be able to advance up the promotion ladder? And under today's military level of funding, the answer is no. They know they will be cashiered out at an early age and, therefore, how can they afford to stay in the military and still support their families? They cannot. And that is why we have to pass this bill today.

All this, as the world just gets more and more dangerous. We have a nuclear arms race going on right now in South Asia, aided and abetted by the increasingly aggressive Communist China, and we will debate that at length for about 4 hours tomorrow morning. The Middle East peace process is in deep trouble. Saddam Hussein, according to the U.N. weapons inspectors, continues to conceal his weapons of mass destruction capabilities, and North Korea remains as dangerous as ever.

Unfortunately, Mr. Speaker, history has not ended and conflict among nations has not ceased, nor will it in my colleagues' lifetime and mine. But in order to deter conflict and to prepare for all contingencies, we need the strongest, best trained, best equipped and most ready military force that we can possibly have. We have had that, but have taken ourselves to the verge of squandering it over the past several years with these budget cuts.

For several years running, the Committee on National Security and the Committee on Appropriations have made valiant and worthy attempts to correct this increasingly dangerous situation by adding to the President's budget request. But it has not been enough. Mr. Speaker, somehow we are all going to have to figure out a way to get more money allocated to defense before we come to regret what we have done here on this floor over the years.

Despite all this, I nonetheless urge support of the rule and this bill as we debate through this week. It is vital legislation and it is simply the best we can do at this juncture. And once again I would commend the gentleman from South Carolina (Mr. FLOYD SPENCE), the gentleman from Missouri (Mr. IKE SKELTON), and the Committee on National Security and their staff for the excellent work on bringing this bill to the floor.

Let us pass this rule quickly, get on to the general debate, and then get into the amendment process tomorrow.

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

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

Mr. Speaker, this is a noncontroversial rule which merely facilitates the work of the House. The Committee on Rules has also reported a rule which provides for the consideration of the amendments to the Department of Defense authorization for fiscal year 1999.

However, as in the years past, the Committee on Rules has recommended this separate rule providing for general debate on the DOD authorization in anticipation of another rule which will set the terms of debate on the many substantive issues relating to the operations of the Department of Defense.

Mr. Speaker, there is a matter related to the consideration of this rule by the Committee on Rules I would like to call to the attention of the House. Last Thursday afternoon, just minutes before the Committee on Rules convened to consider this noncontroversial rule, the chairman announced from the floor that the committee would be considering two resolutions which had not been previously noticed to the committee. This chairman said these matters were being brought to the Committee on Rules solely because the Democratic leadership had earlier that day offered a privileged resolution relating to the conduct of the investigation on campaign finance by the chairman of the Committee on Government Reform and Oversight.

Mr. Speaker, I only raise this issue because these matters were brought to the Committee on Rules with no notice to the Democratic members. The chairman of the committee, my friend the gentleman from New York (Mr. SOLOMON), did call the ranking member to inform him of his decision to bring these matters before the committee as emergency matters, but he did so only moments before going to the floor to make this general announcement, during which he said the committee was due to meet in 3 minutes.

Mr. Speaker, I do not dispute the authority of the chairman to bring those matters that he chooses before the committee for its consideration. What I would merely like to point out is that the manner in which these resolution were brought to the committee only perpetuates a problem he is seeking to remedy.

That being said, Mr. Speaker, let me add that I have no objection to this rule providing for general debate on the authorization for the programs of the Department of Defense for fiscal year 1999, and I urge its adoption.

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

Mr. SOLOMON. Mr. Speaker, I ask unanimous consent that the gentleman from Colorado (Mr. MCINNIS) be allowed to manage the rest of the time on this rule.

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

There was no objection.

Mr. MCINNIS. Mr. Speaker, I yield 3½ minutes to the gentleman from Utah (Mr. HANSEN).

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

Mr. HANSEN. Mr. Speaker, I rise in support of this bill and of this rule as the minimum support necessary to meet our basic security requirements around the world. I sincerely hope that over the year we can begin to debate our responsibility in solving the many challenges facing our military.

With the passage of this bill, the Congress has joined the President in responsibility for underfunding the critical functions of national security. The duty now rests squarely with the Congress to provide sufficient resources for a strong and ready military force capable of meeting our global responsibilities while keeping faith with the men and women in uniform who sacrifice so much for this country.

I had hoped the President would lead on this issue, laying out the case for the American people that it is still a dangerous world and the United States must be prepared to lead and to act whenever our interests are at stake. I am not hopeful that he will.

The revelations of China's influence in White House policy and the very troubling transfer of missile technology to the Chinese military have gravely damaged our national security and may have ignited a new wave of proliferation and arms race throughout Asia. Meanwhile, at home, the President continues to put campaign promises and jobs in California ahead of complying with the base closure law and hundreds of millions of dollars in savings represented by the consolidation of excess capacity.

I do not expect too much leadership from a White House that promised a 1-year mission to Bosnia for a cost of $1 billion, and now our military is stuck in an endless stalemate that will cost well over $10 billion and even more in eroded military readiness.

That leaves it to us. It is the principal job of the Congress to provide for the national defense. We do not need a bigger Department of Defense, but we do need a more modern one with adequately supported professionals and clearly defined goals.

After 14 straight years of real decline in defense spending, it is long past time for a change. If we are to remain great and free and respected around the world, we need the courage and foresight to provide for a strong and ready force. George Washington warned that the only way to ensure peace was to be prepared for war. I am afraid today that we are prepared for neither.

The Joint Chiefs of Staff and the CBO tell us the national military strategy is underfunded by nearly $15 billion per year for the next 6 years. At less than 1 percent of the Federal budget and one-tenth percent of our GDP, I ask each of my colleagues, if we cannot afford this investment now, when times are good and we have the first balanced budget in a generation, when will we afford it? Let us commit what modest investment in national defense will be included with debt reduction and family tax cuts as we reprioritize Federal expenditures under a budget surplus.

Our military readiness is already broken. Retention and recruiting are at nearly all-time lows. Morale is falling. The only thing holding our military together is the tireless effort, dedication, patriotism and self-sacrifice of the men and women who volunteer to serve in our armed forces. They can only bear this burden so long before health, safety and family fall victim to relentless operational tempo.

I salute these people and thank them for all they do. We owe it to them to show our full support before we ask the last full measure of their devotion. I hope we in the Congress can show that kind of leadership.

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. Mr. Speaker, I thank the gentleman for yielding me this time.

I think it is unfortunate that we are having and will have the debate tonight on the largest single expenditure of the government of the United States, late at night with virtually no Members in attendance.

Further, it is unfortunate that as the bill moved forward, that there were two copies of the report on this bill available in the anteroom of the committee for the 435 Members of the Congress. If any Member wanted to attempt to develop an amendment, they could have gone down and sat in the anteroom and tried to pore through the hundreds of pages of the bill, because the amendments were due on Thursday and the reports were issued to the Members' offices today. I think that is equally unfortunate.

And what we can expect from that is that many vital issues will not get the scrutiny that they should have on the floor of the House of Representatives or in the Congress.

Procurement reform. No one can argue that the procurement system of the Pentagon works well. The scandals are still there. If it is not toilet seats, it is screwdrivers. If it is not screwdrivers, it is fasteners. If it is not fasteners, it is whole weapon systems that do not work.

These things should be adequately reviewed. But profits come before efficiency, or even come before national security, and certainly come before the troops.

We are not going to address effectively in this bill the fact that 15,000 enlisted families are eligible for food stamps in the military. The small across-the-board raise given in this bill is not going to boost those families up above that level.

We are not going to effectively address the much more cost-effective alternative of the National Guard as an alternative to full-time standing military for the defense needs of our country. We are still going to short the National Guard in this bill.

People say, well, there is not enough money to go around. Well, the Pentagon is spending a lot of time pushing some other big programs that are of dubious value, another generation of attack submarines. When the last one, *Seawolf*, was launched, a senior chief said, ''Now, if we could just find somebody to fight with.'' Well, now we are going to develop another generation of submarines, even more sophisticated, even though there are none as sophisticated as the last ones we are still launching.

We are still going to invest $3.8 billion in ballistic missile defense, some of it oriented toward theater defense to defend our troops, but some of it still following the fantasy launched by Star Wars $50 billion ago with not yet one successful test. There will be no amendments on that issue here on the floor of the House. There will be very little discussion of that issue here on the floor of the House.

These are things that deserve scrutiny. These are things that should have amendments oriented toward them. But the process that was adopted here, two reports available, amendments due by Thursday, reports issued today to Members, did not lead to that and the debate late at night does not either.

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

The gentleman from Oregon, I know he is getting ready to leave the Chamber, but I think he needs to be aware, because he is probably going to be embarrassed by the fact that he was not, that hundreds of copies of the committee print were available a week ago Monday. Last Monday a week.

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

Mr. MCINNIS. I will not yield.

Mr. DEFAZIO. If the gentleman will yield.

Mr. MCINNIS. I have not yielded.

The SPEAKER pro tempore. The gentleman from Colorado (Mr. MCINNIS) has the time.

Mr. DEFAZIO. That is an inaccurate statement.

Mr. MCINNIS. Mr. Speaker, I ask for order on the floor. I have time on the floor.

The SPEAKER pro tempore. The gentleman from Colorado (Mr. MCINNIS) has the time.

Mr. MCINNIS. Furthermore, I would advise the gentleman that over 100 amendments have been filed. So what I would surmise from this is that a number of our colleagues have determined that this is a very open process. They have taken the time to file over 100 amendments.

The fact that the gentleman from Oregon neglected to do this or neglected to watch the schedule, he should not then come down here on the floor and say that this rule is not fair.

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

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. Mr. Speaker, my staff contacted the committee. They were told two copies were available in the anteroom. Beyond that, we know that the process is preloaded.

I have just reviewed the list of amendments that are being allowed. There is not one single amendment that would cut $1 from any program. There is not one single amendment

being allowed that would review the efficiency or the effectiveness of the procurement program.

This has been going on for years here on the floor of the House. Members can take the amendments up there and they will not be allowed to talk to them on the floor. The only amendments here on the floor are going to be amendments that enhance the spending under this bill.

Mr. MCINNIS. Mr. Speaker, I yield myself such time as I may consume once again to correct. I mean the gentleman from Oregon makes it sound like there were lots of amendments up there to decrease spending and none of them were allowed on the floor.

Only one amendment was filed, Mr. Speaker. Only one amendment. I think we need to show the whole story, show the whole picture here before we reflect upon our colleagues some kind of Committee on Rules that is theoretically disorderly and not fair. It is eminently fair.

This rule has had over 100 amendments. We are going to have lots of debate in the next few days. And, quite frankly, the gentleman needs to be a little more accurate, in my opinion, in regards to the action the Committee on Rules has taken.

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

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentlewoman from Florida (Mrs. THURMAN).

Mrs. THURMAN. Mr. Speaker, I thank the gentleman for yielding me this time, and I also want to take this opportunity to thank the chairman, the gentleman from South Carolina (Mr. SPENCE), and the ranking member, the gentleman from Missouri (Mr. SKELTON), for what I see as a very important issue that has been included in this authorization bill, which is to extend the national mail order pharmacy program to Medicare eligibles.

□ 2145

While Congress has authorized a mail-order pharmacy program and allowed retirees who live near those areas that the bases have been designated to be closed, they are allowed to participate, but this has left out hundreds of thousands of other brave, retired servicemen and women who have continued to be locked out of this process.

Currently, this program does not include the vast majority of our Nation's Medicare-eligible military retirees. That is why last year I introduced some legislation, H.R. 1773, to expand the mail-order program to all Medicare-eligible military retirees. This measure has been supported by both the Air Force Sergeants Association and the Army Retirement Council, both of which have worked tirelessly on this issue.

I would also like to point out that the hard work of one of my constituents who serves on one of these committees, Mr. Ebitz, first brought this issue to my attention.

The legislation before us today will require that the DOD submit a plan to Congress by March 1, 1999. This plan must provide for a system-wide redesign of the military mail-order pharmacy system, which includes a system-wide drug benefit for all beneficiaries, including Medicare-eligible beneficiaries.

I think the DOD and this Congress have an implied moral commitment to provide this care to all military beneficiaries. By supporting the expansion of the mail-order program, we can send a clear message that the passage of time does not either erase the service of our military retirees and what they have given to us nor our Government's obligation to their well-being.

Mr. McINNIS. Mr. Speaker, may I ask how much time is remaining?

The SPEAKER pro tempore (Mr. PEASE). The gentleman from Colorado (Mr. MCINNIS) has 17 minutes remaining. The gentleman from Texas (Mr. FROST) has 22 minutes remaining.

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

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from Mississippi (Mr. TAYLOR).

Mr. TAYLOR of Mississippi. Mr. Speaker, I would like to take this opportunity to speak against this rule and the rule that will come up tomorrow.

Mr. Speaker, about $18 billion of our Nation's money, most of it coming from the Department of Defense, is spent on the war on drugs. In February, to my knowledge, we had a special forces aid team in Colombia training the Lance Arrows. I visited that group a week before the Lance Arrows were ambushed. Out of 125, I think 18 straggled back. The rest were killed or captured.

We also have Seals down there. We have E–3s flying. We have P–3s flying. We have surveillance C–130s, one of which was shot up by the Peruvians. An American airman fell to his death I think 11,000 feet out of the plane.

The point that I am trying to make, Mr. Speaker, is that I offered an amendment to the Committee on Rules to require all Department of Defense employees to be tested for drugs. Because we have some Department of Defense employees, particularly our uniformed personnel, who are literally putting their lives on the line as we speak. So should we not know that all of the people within the Department of Defense are pulling for the same team?

The uniformed military personnel and some civilians are required to be drug tested. We know from conversations that have been intercepted from the drug lords that they know when the planes are flying, they know when the ships are patrolling; and I suspect there are some people within the Department of Defense that are giving this information away.

Is it for money? Is it for drugs? I think we deserve to know. And I think the American people deserve a Department of Defense, as a matter of fact, the American people deserve a Federal workforce that is drug free. And the best way to see to it that that happens is to allow drug testing as a condition of employment.

That is why I must express my deep anger that every single Republican member of the Committee on Rules voted against bringing this amendment to the floor. I do want to congratulate my Democratic colleagues who voted for that. But that is one of the 100 amendments that should have been voted on. That is why I will be voting against the rule both tonight and tomorrow.

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

The amendment of the gentleman sounds good. I think the amendment has a lot of merit to it. However, this amendment was offered last year. It is going to be addressed at the Committee on Government Oversight and Reform. Other committees are going to take a look at it. That is a more appropriate location.

I would urge my colleague to go ahead and support the rule. That is what is going to allow us some good debate.

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

This is the rule for general debate only. We will have the opportunity tomorrow to consider a rule which will provide for the consideration of various amendments. I urge the adoption of this rule, and I yield back the balance of my time.

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

I also urge that we pass this bill. We are going to have appropriate time for general debate this evening. The next few days are going to be consumed on the issue of defense. It is absolutely critical.

I think the good congressman, the gentleman from the State of Utah (Mr. HANSEN), stated it very well in his remarks. He quoted George Washington, ''The best way to be prepared for peace is to be prepared for war.''

I think these are key issues. I think both sides of the aisle have a lot of keen interest in seeing that our defense is strong and appropriate. And, therefore, I urge the first step in this process, and that is passage of the bill. I urge a yes vote.

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. HEFLEY). Pursuant to House Resolution 435 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. 3616.

The Chair appoints the gentleman from Michigan (Mr. CAMP) as chairman

of the Committee of the Whole, and requests the gentleman from Indiana (Mr. PEASE) to assume the chair temporarily.

□ 2153

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. 3616) to authorize appropriations for fiscal year 1999 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 1999, and for other purposes, with Mr. PEASE (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 South Carolina (Mr. SPENCE) and the gentleman from Missouri (Mr. SKELTON) each will control 1 hour.

The Chair recognizes the gentleman from South Carolina (Mr. SPENCE).

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

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

Mr. SPENCE. Mr. Chairman, on May 6, the Committee on National Security reported H.R. 3616 on a bipartisan vote of 50–1. Although this kind of support may leave everyone with the impression that all is well with our military and that crafting this bill was easy, the truth was far different.

Caught between an international geopolitical environment that requires an expansive United States national security strategy and a domestic political environment bounded by declining defense budgets locked in place by the Balanced Budget Act, the Committee is left to figure out how best to manage risk; and there should be no illusions about the level of risk associated with the problems that our military confronts in carrying out its mission.

The Joint Chiefs of Staff recently assessed it as moderate to high. Thus, our actions in this bill are intended to protect as best we can those programs that will help lower the risks to our national security interests by improving readiness, enhancing quality of life, and increasing the pace of which the rapidly aging equipment is modernized.

When the fiscal year 1999 defense budget is measured by any of last year's Quadrennial Defense Reviews three central requirements for the U.S. military, shaping the international environment, preparing for uncertain future or responding to the crisis of war, it is inadequate.

Despite the Nation's extensive national security requirements and the administration's heavy use of the military all over the world, the fiscal year 1999 defense budget continues for the 14th consecutive year a pattern of real decline in defense spending.

The President's budget request represents a 1.1 percent decline from current defense spending levels and is $54 billion short of even keeping pace with record low inflation over the next 5 years. The spending levels authorized in this bill are almost 40 percent lower than those of little more than a decade ago and, in fact, represent the lowest level of inflation-adjusted defense spending since before the Korean War.

Earlier this year, the Joint Chiefs of Staff, the Nation's military leaders, testified that their fiscal year 1999 budgets contained shortfalls of more than $10 billion. Over the 5-year defense plan, the Chiefs of Staff testified that their shortfalls amounted to more than $58 billion.

Mr. Chairman, I will submit a summary of the shortfalls identified by the Service Chiefs along with my statement.

Unfortunately, it is not hard to appreciate why the unofficial motto of today's military is ''doing more with less.'' Force structure and resources continue to decline, while missions continue to increase.

Since 1987, active duty personnel have been cut by more than 800,000.

Since 1990, the Army has been reduced from 18 to 10 divisions.

Since 1988, the Navy has reduced its ships from 565 down to 346.

Since 1990, the Air Force has reduced its fighter wings from 24 down to 12.

And since 1988, the United States military has closed more than 900 bases and facilities around the world and 97 bases and facilities here at home.

At the same time, our military is shrinking, operations around the world are increasing:

Between 1960 and 1991, the Army conducted 10 operational events. In just the last 7 years, they have conducted 26 such operational events.

In the 7-year period from 1982 to 1989, the Marine Corps participated in 15 contingency operations. However, since 1989 and the fall of the Berlin Wall, they have participated in 62 such contingency operations.

Similarly high operation national tempos are also impacting the Navy and the Air Force.

The threats and challenges America confronts around the world today and the resulting pressures they have placed on a still shrinking United States military have been underestimateed by the administration and by many in Congress. At this critical point in history, the mismatch between the Nation's military strategy and the resources required to implement it grows larger every day. Consequently, a wide range of quality of life, readiness and modernization shortfalls have developed. If left unresolved, these shortfalls threaten the viability of today's all-volunteer force, risk a return to the hollow military of the late 1970s and jeopardize America's ability to effectively protect and promote its national interests around the world.

And these are not just my own personal conclusions. They reflect a consensus view held by the Committee on National Security's senior leadership on both sides of the aisle.

Back on April 22, I joined the gentleman from Missouri (Mr. Skelton) and the committee's senior Republican and Democrat members in publicly calling upon the President and the congressional leadership to provide for increased defense spending in the face of these worsening military shortfalls.

The letter we signed stated, in part, and I will read from that:

> Despite several years of aggressive Pentagon reform, it is apparent that even if the most optimistic estimates of reform-generated savings materialize, they will fall far short of adequately addressing underfunded quality of life, readiness and modernization requirements as well as the inevitable deployments in the years ahead. Having just concluded our initial oversight hearings on the fiscal year 1999 defense budget request, it is our collective judgment that, short of an unwise retrenchment and overhaul of United States national military strategy, fixing the Nation's long-term defense program will require increased defense spending. Without additional defense resources to reverse the 14-year pattern of spending decline, the military services will be unable to stabilize their shrinking force structures, protect quality of life and readiness and modernize rapidly aging equipment.

□ 2200

Mr. Chairman, I will submit a copy of the complete April 22 bipartisan letter along with my statement.

Despite the Committee on National Security's attempt to manage the growing risk, we can only make improvements at the margin in the absence of additional defense resources. The magnitude of the shortfalls is so great that they cannot be eliminated simply through a wiser allocation of resources contained in the President's request.

By reprioritizing the President's request, the committee has provided the military services some of the tools they need to better recruit and train quality personnel, better train personnel to the highest possible standards, and better equip them with advanced military technology.

At the same time, the committee has tried to provide those who wear their uniform and their families with a quality of life more commensurate with that of the American citizens they are sworn to protect. As a result of these improvements, H.R. 3616 received strong bipartisan support in committee and should receive the same in the full House.

Nonetheless, every Member of the House should be deeply troubled that 14 years of a shrinking military and declining budgets have left the world's only superpower running a moderate-to-high risk when it comes to protecting and promoting its national security interests around the world.

Mr. Chairman, I will leave discussion of the many specific initiatives in the bill to my colleagues on the Committee on National Security who have worked very hard since February to get us to

the point here tonight. However, I would like to recognize the hard work of the subcommittee and panel chairman and ranking members. Their leadership and bipartisan approach to issues have permitted the committee, even without additional resources, to significantly improve upon the administration's request in this bill.

I would specifically like to single out and thank the gentleman from Missouri (Mr. SKELTON), the committee's new ranking member, for all of his help, support, and hard work. The gentleman from Missouri (Mr. SKELTON) is not only a relentless advocate for a strong military defense, he works very hard to ensure an open committee process. His handiwork is evident in the overwhelming bipartisan support H.R. 3616 received in the committee.

Finally, Mr. Chairman, I would like to thank the staff for their enormous dedication and effort. While the staff is usually the first to get the blame, they rarely receive any of the credit. All you have to do is take a look at the size and complexity of this bill to understand the importance of the committee staff to the defense authorization process.

Mr. Chairman, I urge support of this bipartisan bill.

Mr. Chairman, the material I referred to is as follows:

HOUSE OF REPRESENTATIVES,
COMMITTEE ON NATIONAL SECURITY,
Washington, DC, April 21, 1998.

MEMORANDUM FOR HNSC MEMBERS

From: Chairman Floyd D. Spence

Re unfunded requirements of the military services

During the committee's March 12, 1998 hearing, I asked each of the four service chiefs to identify all underfunded or unmet quality of life, readiness and modernization requirements in the five year budget plan and to estimate how much it would cost to fully fund these requirements over the next five years.

The lists that the services forwarded reveal substantial underfunded requirements. In fiscal year 1999 alone, these shortfalls total over $10 billion; for the five-year period ending in fiscal year 2003, the shortfalls amount to over $58 billion. Moreover, if you study the chiefs' responses, I believe a compelling case can be made that the shortfalls may be understated. It is particularly troubling that these shortfalls have been identified at a time when the Balanced Budget Act of 1997 (BBA) has set defense spending at levels that continue the fourteen year trend of real decline for the next five years.

It is also interesting to note that the five-year defense budget plan called for in the BBA falls more than $54 billion short of keeping pace even with today's record low inflation (see attached chart). And, were inflation to increase even modestly to historical averages, the five-year plan could fall short of inflation by as much as $100 billion.

The attached table presents the underfunded or unmet requirements by service in each of the next five years. Should you require additional information or have any further questions, please contact Andrew Ellis (5–9648) or Dino Aviles (6–0533) on the committee staff.

Attachments (2)

MILITARY SERVICES UNFUNDED PRIORITIES

[millions of current year dollars]

	Fiscal year—					Total
	1999	2000	2001	2002	2003	
Army:						
FY 99 Contingency Ops (Bosnia)	1,390.0					1,390.0
MIL-Tech Restoration	36.5					36.5
Real Property Maintenance	463.5	500.0	500.0	500.0	500.0	2,463.5
Base Operations	500.0	500.0	500.0	500.0	500.0	2,500.0
ARNG & USAR OPTEMPO	199.8	250.0	250.0	250.0	250.0	1.999.8
Military Pay	120.0					120.0
MILCON	214.4					214.4
Soldier Life Support	72.1					72.1
Embedded Diagnostics (TMDE)	39.5					39.5
Comanche (2nd prototype acceleration)	24.0					24.0
Crusader	11.5					11.5
AFATDS	20.7					20.7
HMMWV	65.7					65.7
Apache 2nd FLIR	50.3					50.3
Command and Control	22.5					22.5
Engineer Equipment	46.9					46.9
Demonstration of New Technology	39.8					39.8
Tactical Vehicles and Trailers	92.7					92.7
Family of Medium Tactical Vehicles	88.0					88.0
Blackhawk Helicopters (8 for ARNG)	78.5					78.5
C^3 Equipment	92.9					92.9
Apacher Longbow (training devices)	40.2					40.2
Small Arms	41.8					41.8
Javelin	37.9					37.9
Test Equipment and Facilities	10.0					10.0
Ammunition Production Base	39.3					39,3
Test Equiipment and Range Improvements	34.6					34.6
Depot Maintenance		400.0	400.0	400.0	400.0	1,600.0
Training and Support		350.0	350.0	350.0	350.0	1,400.0
Ammunition, Force XXI, night vision, soldier modernization, combat support/combat service support, and C^3I		2,000,0	2,000.0	2,000.0	2,000.0	8,000.0
Critical Modernization (Abrams tank, Bradley FV, Apache Longbow 2nd gen FLIR, digitization)		1,000	1,000	1,000	1,000.0	4,000.0
Army total	3,873.0	5,000.0	5,000.0	5,000.0	5,000.0	23,873.0
Navy:						
Aviation Spares	45.0					45.0
OPTEMPO (Steaming days for mine warfare)	20.0					20.0
Ship Depot Maintenance	90.0					90.0
Real Property Maintenance	391.0					391.0
Reserve Pay (ADT & ADSW)	20.0					20.0
TOMAHAWK Missile Recertification	27.0					27.0
Shipbuilding (CVN–77 and ADCX)	550.0					550.0
Aircraft Procurement (E–2C and AIP)	143.0					143.0
MILCON–QOL and Other	273.0					273.0
RDT&E (Aviation Programs)	45.0					45.0
LANTIRN Pods	8.0					8.0
Submarine equipment and RDT&E	94.0					94.0
Ship Self Defense systems	30.0					30.0
CVN RDT&E (technology insertion)	33.0					33.0
Cooperative Engagement Capability (CEC)	20.0					20.0
IT–21 Procurement and O&M	143.0					143.0
O&M–QOL (BEQ furnishings)	10.0					10.0
O&M–Other (NSIPS, ATMs, Recruiting)	93.0					93.0
STANDARD Missile Procurement	48.0					48.0
Family Housing	53.0					53.0
Shipbuilding Rates		600.0	600.0	600.0	600.0	2,400.0
Aircraft Procurement Rates		750.0	750.0	750.0	750.0	3,000.0
RDT&E (next generation combatants)		400.0	400.0	400.0	400.0	1,600.0
Recruiting, Training and Retention		400.0	400.0	400.0	400.0	1,600.0
MILCON		700.0	700.0	700.0	700.0	2,800.0
Navy total	2,136.0	2,850.0	2,850.0	2,850.0	2,850.0	13,536.0
Marine Corps:						
Personnel Support Equip/Initial Issue	64.0					64.0
Other Personnel Education and Training	2.6					2.6
Family Housing	82.1					82.1
MILCON—QOL	100.7					100.7
USMCR OPTEMPO & ADSW	6.7					6.7
Recruiting & Advertising	22.4	30.0	30.0	30.0	30.0	142.4

MILITARY SERVICES UNFUNDED PRIORITIES—Continued

[millions of current year dollars]

	Fiscal year—					Total
	1999	2000	2001	2002	2003	
Depot Maintenance	20.7					20.7
Base Operations Support	10.4					10.4
Operating Forces Support	16.1					16.1
Miscellaneous Readiness Activities	23.0					23.0
Aviation Modernization (MV–22, AV–8B, etc)	290.5	750.0	750.0	750.0	750.0	3,290.5
Ground Equipment Modernization	265.4	650.0	650.0	650.0	650.0	2,865.4
Amphibious Equipment Modernization (LCAC)	32.8					32.8
Real Property Maintenance	72.0	120.0	132.9	102.8	95.5	523.2
MILCON—Other	74.0	176.0	181.0	143.0	141.0	715.0
Personnel Mgmt & Other	2.6					2.6
Increase Equipment Maintenance		100.0	100.0	100.0	100.0	400.0
Total Marine Corps	1,086.0	1,826.0	1,843.9	1,775.8	1,766.5	8,298.2
Air Force:						
Spares	219.6	295.8	311.5	240.9	208.8	1,276.6
Depot Maintenance	182.4	121.9	168.7	198.2	208.2	879.4
Engines	274.4	321.7	254.6	221.9	231.8	1,304.4
Training	73.3	59.5	60.8	62.1	63.4	319.1
Technical Orders	24.0	57.5	38.4	29.5	26.2	175.6
Real Property Maint	363.0	424.0	499.0	608.0	508.0	2,402.0
Base Operating Support	294.4	205.9	170.6	172.5	189.9	988.3
Aircraft Systems	157.3	157.3	166.5	182.3	255.5	918.9
Space Launch Ranges	28.3	24.3	32.3	33.4	22.2	140.5
MILCON—Readiness	310.6	272.3	231.3	216.2	209.8	1,240.2
War Reserve Material	64.0	13.0				77.0
MILCON—QOL	464.4	439.9	416.2	410.8	411.1	2,142.4
Communications	96.4	99.7	99.1	85.5	87.4	468.1
Special Purpose Vehicles	50.0	52.8	46.9	41.7	42.6	234.0
Air Force Total	2,557.1	2,545.6	2,495.9	2,503.0	2,464.9	12,566.5
Total, All Services	9,652.1	12,221.6	12,189.8	12,128.8	12,081.4	58,273.7

HOUSE OF REPRESENTATIVES,
COMMITTEE ON NATIONAL SECURITY,
Washington, DC, April 22, 1998.

Hon. WILLIAM J. CLINTON, President of the United States of America.

Hon. NEWT GINGRICH, Speaker of the House.

Hon. RICHARD A. GEPHARDT, House Minority Leader.

Hon. TRENT LOTT, Senate Majority Leader.

Hon. TOM DASCHLE, Senate Minority Leader.

DEAR SIRS: The fiscal year 1999 defense budget request represents the fourteenth consecutive year of real decline in defense spending that has occurred under Administrations and Congressional majorities of both parties.

The fall of the Berlin Wall brought with it an opportunity to reduce the nation's Cold War defense structure. We believe, however, that the threats and challenges America confronts today and the resulting pressures they have placed on a still shrinking U.S. military have been underestimated. At what we believe to be a critical point in history, the mismatch between the nation's military strategy and the resources required to implement it is growing. Consequently, a wide range of quality of life, readiness and modernization shortfalls have developed that, if left unchecked, threaten the long-term viability of today's all-volunteer force. Compelling our men and women in uniform to ''do more with less'' risks a return to a hollow military and jeopardizes America's ability to effectively protect and promote its national interests around the world.

Make no mistake, the men and women who serve in uniform today comprise the finest military force in the world. They are truly America's best and brightest. It took almost a generation following the Vietnam War to build the force that quickly and decisively won the Persian Gulf War just seven years ago. Yet as the pace of military operations increases against a backdrop of declining resources, we must recognize that our all-volunteer force is under stress. We need to take better care of our men and women in uniform.

Despite several years of aggressive Pentagon reform, it is apparent that even if the most optimistic estimates of reform-generated savings materialize, they will fall far short of adequately addressing underfunded quality of life, readiness and modernization requirements as well as the inevitable deployments in the years ahead. Having just concluded our initial oversight hearings on the fiscal year 1999 defense budget request, it is our collective judgment that, short of an unwise retrenchment and overhaul of U.S. national military strategy, fixing the nation's long-term defense program will require increased defense spending. Without additional defense resources to reverse the fourteen year pattern of spending decline, the military services will be unable to stabilize their shrinking force structures, protect quality of life and readiness and modernize rapidly aging equipment.

In the context of the first federal budget surplus in three decades and today's strong economy, we call on you, the nation's bipartisan political leadership, to reopen negotiations on the Balanced Budget Act of 1997 in order to provide for a sustained period of real growth in defense spending. We understand that other issues would be part of any such agenda. However, the inevitable result of adhering to an agreement that ensures declining defense budgets indefinitely will be the hollowing of the U.S. military. Because we believe that to ''provide for the common defense'' is the federal government's first, and most important, responsibility, we stand ready to work with you to ensure that America maintains a military befitting our nation's superpower status—a military that remains second to none.

Sincerely,

FLOYD D. SPENCE,
Chairman, Committee on National Security.

DUNCAN HUNTER,
Chairman, Subcommittee on Military Procurement.

CURT WELDON,
Chairman, Subcommittee on Military Research and Development.

HERBERT H. BATEMAN,
Chairman, Subcommittee on Military Readiness.

JOEL HEFLEY,
Chairman, Subcommittee on Military Installations and Facilities.

IKE SKELTON,
Ranking Member, Committee on National Security.

NORMAN SISISKY,
Ranking Member, Subcommittee on Military Procurement.

OWEN B. PICKETT,
Ranking Member, Subcommittee on Military Research, and Development.

SOLOMON P. ORTIZ,
Ranking Member, Subcommittee on Military Readiness.

NEIL ABERCROMBIE,
Ranking Member, Subcommittee on Military Installations and Facilities.

GENE TAYLOR,
Ranking Member, Subcommittee on Military Personnel.

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

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

Mr. Chairman, Members of the House, I rise to offer my support and make the following observations on H.R. 3616, the National Defense Authorization Act For Fiscal Year 1999.

Allow me, first, to congratulate the distinguished gentleman from South Carolina (Mr. SPENCE) for his commitment to having the work on the committee carried on in a bipartisan fashion, as was reflected as such in this bill. Not only did he and I work together on a number of issues, but the staff that worked for the minority had numerous occasions to work with the staff on the majority to influence and improve the overall product of this bill. Overall, this truly was a bipartisan effort and can be best summarized

by the overwhelming support that the bill received in the committee, 50 votes for with only one against.

This will also be the last time, Mr. Chairman, that the gentlewoman from California (Ms. HARMAN) and the gentleman from Pennsylvania (Mr. MCHALE) will participate in these deliberations. I want to thank them for their fine work over the years and their contributions to the work in this committee. Their presence will certainly be missed.

As we begin consideration of this bill, let me underline the point that this year we are operating under the restrictions of the Balanced Budget Act of 1997. The totals on defense were agreed to by both executive and legislative branches last summer. As a result, the overall total for the defense budget today, $270 billion in budget authority, which we handle on our committee, is as much a reflection of congressional priorities as it is of executive priorities.

As a result of that agreement, the task of trying to address the many issues affecting the Armed Forces has become much more difficult to manage this year than in past years. Over the past 3 years, the committee and this Congress added funds to defense. We did not have that option this year and worked within the confines of the Balanced Budget Act of 1997.

Let me try to set the scene a bit as we consider this defense bill. The fallen Berlin wall in 1989 and the subsequent collapse of the Soviet Union 2 years later brought with it the end of the Cold War. It also brought with it the opportunity to substantially reduce both the size of our Armed Forces and reduce the burden of defense expenditures on our Nation.

In 1989, we had over 2.1 million active duty service members in an Army of 18 divisions, a Navy of over 540 ships, and an Air Force of 24 fighter wing equivalents. Today, the military is about 1.4 million active duty service members in an Army of 10 divisions, a Navy with 315 ships, and an Air Force with 20 fighter wing equivalents.

The percentage of Gross Domestic Product, the GDP, devoted to defense in 1989 was 5.7 percent. For the current fiscal year, we are spending 3.2 percent of the Gross Domestic Product on defense. Next year will be 3.1 percent, the smallest share we will have spent on defense since 1941 when the Japanese attacked Pearl Harbor.

I cite these figures simply to highlight the point that, with the end of the Cold War, we made substantial reductions in both the size of our Armed Forces and the burden of defense spending. It was proper to do both.

Since the end of the Cold War, we have had five different reviews of our defense structure.

Our current defense strategy is a subset of our national security strategy. As described in the Quadrennial Defense Review, our defense strategy calls for shaping the international environment in ways favorable to United States interests, responding to the full spectrum of crises when it is in our interest to do so, and preparing now for an uncertain future.

In short, Mr. Chairman, we are trying to deal with the problems of today in anticipating the needs of tomorrow. It is the right strategy to have at a time of change and uncertainty.

However, as we have reduced the size of our forces since 1989, we have also increased the pace of our military deployments. This is serious. An Army cut almost 40 percent since 1988 has experienced a 300 percent increase in its operational pace. An Air Force that has undergone similar personnel reductions has experienced a fourfold increase in its operational pace.

Each of the services is struggling with a task of adjusting the size, composition, mission of its forces to deal with the implications of operating in this more demanding post-Cold War environment.

Our Armed Forces today are ready. However, if we keep up the current pace of operations and deployments, we may not be ready 5 years from now. Let me just say again, I believe we were right to reduce our forces and defense spending when the Cold War came to an end. I also believe we are right to have a defense strategy that promotes our involvement in the world.

But I believe that we may have reduced the size of our forces and the size of the defense budget a little too much. I believe we have a mismatch between the demanding goals we have set for ourselves and the resources we are willing to spend to obtain those goals.

That is why, about a month ago, senior committee leaders of both parties wrote the President and senior leaders in this Congress that the current strategy required increased defense spending.

Because of the changed economic conditions in which we find ourselves, I believe we should place an increase in defense spending on the national agenda. I believe that we can increase defense spending without having to reduce domestic spending; that we can increase defense spending and also reduce the national debt; that we can increase defense spending by also saving Social Security. But we will also have to arrive at a new national consensus to do so.

The world is still a complex, ever-changing, and dangerous place. In many ways, yesterday's solutions have spawned today's problems. The challenges we face are numerous: the proliferation of weapons of mass destruction, the intentions and actions of rogue states, the threat of terrorism, the possible emergence of China as a hostile power in the 21st century, the uncertain future of Russia, drug trafficking, the security of our information systems, regional hot spots, and last, but not least, humanitarian crises.

We have an opportunity to promote a more peaceful, prosperous, and stable world than those of us who lived through the troubling middle years of this century would ever have thought possible. However, we must be vigilant and remain engaged abroad. An important part of that engagement effort is a properly sized, trained, equipped, and ready military to protect our national interests.

As we consider this bill, I hope my colleagues will keep these concerns in mind. Despite the constraints of the Balanced Budget Act, I believe we have fashioned a pretty good bill.

We have provided a pay raise of 3.6 percent, half a percent more than the Department of Defense requested, supported the Department's requested real increase in the procurement budget for modernization, and maintained strong support for the cooperative threat reduction program, which is very important, to accelerate the dismantlement of former Soviet strategic offensive arms that threaten our country.

One important matter that I want to highlight concerns a report the committee has requested by the Department on Counterterrorism and Defense against the use by terrorists of weapons of mass destruction on United States territory.

Since 1994, Congress has expressed increasing concern about this threat. It is a very difficult, complex issue requiring Federal, State, local efforts, and coordination. Our effort is simply one more step to try to deal with the issue in a comprehensive fashion. Much work has been done in this area, and much more needs to be done. My concern is that we do so in a well-planned, well-coordinated effort at the State, Federal, and local levels.

In addition to the report, I will cosponsor, Mr. Chairman, an amendment with the gentleman from Pennsylvania (Mr. WELDON) addressing this important anti- and counterterrorism issue.

In a defense bill recommending $270.8 billion in budget authority, there were, of course, issues of contention. The decision to include two recommendations of the Kassebaum-Baker panel on gender-integrated training stirred one of the most substantive debates at both the subcommittee and full committee mark-up sessions. I did not support including those recommended in our bill.

As one who believes that we need to provide for a sustained period of real growth in defense spending, I believe that we undermine our case by funding unnecessary programs and weapons. In our bill, we have added seven C–130s that were neither requested by the Pentagon in its budget request nor even placed on the services' unfunded requirements list. At the same time, we did not fully fund the administration's request for the F–18 E/Fs, which the Navy has told us is their number one requirement.

Despite these flaws, overall, this is a good bill.

I will defer to other members of the committee on both sides to discuss the many important initiatives found in

this bill. They have worked hard, and I compliment all of the members of the committee. Those on our side of the aisle have been very, very cooperative, and they have worked very hard. This is especially true of the subcommittee and panel chairman and ranking members.

Allow me to thank the staff who so ably assist us. Their dedication and expertise and capacity for hard work, Mr. Chairman, cannot be underestimated.

Mr. SPENCE. Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. HUNTER), the Chairman of our Subcommittee on Military Procurement.

Mr. HUNTER. Mr. Chairman, I want to thank the gentleman from South Carolina (Mr. SPENCE), chairman of the full committee, who wrapped this package together along with his counterpart, the gentleman from Missouri (Mr. SKELTON), and commend them for doing more with less this year.

I want to thank also the wise gentleman from Virginia (Mr. SISISKY), who is my good partner on the Subcommittee on Military Procurement, for all the work that he did.

Having thanked those gentlemen, Mr. Chairman, let me say that this has been a thankless year for this committee, because we have been forced to preside over the decline of America's defenses, a very dramatic decline.

Anyone who looks at this chart and looks at the various functions, mandatory outlays which have increased from 1991 to fiscal year 2001 by over 38 percent, domestic discretionary outlays, that includes all the social programs that have increased some 15 percent in that same period of time.

Finally, look at defense going down 33 percent over that period of time. We understand that we have reversed our priorities and that we no longer consider the security of this Nation to be the number one priority. That mistake we have made in the past, my friends; and, in the past, it has cost American lives.

□ 2215

If we get specific, we can talk about the reductions in force structure that we have made. We have gone down since Desert Storm from the 18 Army divisions we had to only 10 today, the same number of divisions we had when South Korea was invaded in 1950; we have gone down from 24 to 13 fighter air wings, cut our air power almost in half; and we have cut our ships from 546 ships to about 333 ships.

At the same time, we have put enormous strain on our people, and we are losing our people. The other day, when I had a chance to go up with the C–5 refueling with some of our great Air Force personnel and had a chance to talk with some of those personnel about whether or not they wanted to stay in the Air Force, the answer that all of us got back was disturbing, because we are projected to be 835 pilots short this year. And it is not just a money problem. It is a fact that we have such a small force now and such major obligations around the world that our pilots are not able to spend that graduation with their daughter, or go to their son's wedding, or do the other things that the men and women in uniform like to do, that is, to have a family life. So we are dropping down radically on personnel.

The Commandant of the Marine Corps told us a couple of months ago that at times he has had the highest OPTEMPO, that means the most Marines staying the longest time away from home since World War II. You can go right through the personnel problems and see that we are in fact approaching that time in 1979 when, as a guy in San Diego, I could look at our naval personnel and see that we had 1,000 chief petty officers a month leaving the Navy. That was a dramatic problem. We are approaching that same problem today across the array of military services.

Now, with respect to our modernization accounts, this account is about $60 billion less in real dollars than it was in the 1980s. That means we are using tanks, planes and ships much longer than we used them in the past. We are running out their lifetime. As a result of that, we have grounded some 907 Huey helicopters because they are not safe to fly anymore. We are building five ships this year. We are building to a 200 ship Navy. Just a few years ago we had almost a 600 ship Navy, and none of our projections for projecting the American power and foreign policy have lessened. So we have dramatically cut the national security budget.

We had just a few cents to spend on what I call platform items this year. We bought a few Blackhawk helicopters, two F–16 fighters, probably fewer F–16's than Sweden is going to buy this year, and just a few other platforms. That is all we could afford to add to the budget this year. We are buying some 66 total tactical aircraft, and that is in fact about 1½ times the buy that Switzerland made a couple of years ago on aircraft.

So we are rapidly disserving our military people in a most critical way. That is, we are not giving them the equipment they need to do the job. That is just as important as giving them pay, giving them quality of life, giving them good living quarters. So, Mr. Chairman, we can a lot with the few dollars that we had this year.

I want to thank all of the folks that worked so hard on the other side of the aisle, all of our staff members. I hope the House will pass this defense budget, and then come back to raise the top line, spend more on defense, and give us more security.

Mr. SKELTON. Mr. Chairman, I yield 5 minutes to the gentleman from Virginia (Mr. SISISKY).

Mr. SISISKY. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, let me say to our distinguished chairman, the gentleman from South Carolina (Mr. SPENCE), I appreciate everything he has done. Of course, to our ranking member, the gentleman from Missouri (Mr. SKELTON), and, of course, my chairman of the Subcommittee on Procurement, the gentleman from San Diego, California (Mr. HUNTER), my sincere thanks.

It is strange, this is my 16th bill, and it is very strange what we are doing. We are not talking about a lot of things that happened in the bill. What we are talking about is why we are short in the bill. I am not opposed to that, because I am going to say the same thing, after I talk a little bit about the procurement bill.

Before I do that, let me ask all of my colleagues to support this defense authorization bill. It is not a perfect bill, but it is about as perfect as we can make it within current budget limitations. As ranking member of the Subcommittee on Military Procurement, I am all too aware of how budget limits impact procurement.

Let me just pick two items. I am delighted that we were able to fund the advance funding for CVN–77, which is a transition carrier between the CVX, the last of the Nimitz carriers. My biggest concern, however, on the other side, is we had to cut 36 F–18 E/Fs from the Navy.

We have reduced this program so much that these reductions threaten to postpone the initial operational capability and first deployment, yet this aircraft is on time, under budget and meeting all performance specifications. Even these marginal reductions will force the unit costs up by $2.4 million for each of the remaining 27 aircraft. I completely understand why this reduction is made, but I cannot help but think there might have been a better solution, and I appreciate the commitment of the gentleman from California (Chairman HUNTER) to look for a better solution in the conference.

Other than that, all Members should realize their requests for additional funding totalled about $6 billion. Even with the shifting of funds from other accounts to the procurement account, we were only able to come up with less than $1 billion.

Nevertheless, this bill authorizes $49 billion for procurement, an increase of $2.8 billion over last year, and $300 million more than the President's request. Despite these small gains, there remains very serious shortfalls, as shown by the unfunded priority list submitted by the military services. These shortfalls occur in all DOD accounts, and most of our chairmen and ranking members have written the leadership, as you heard, in both houses, maybe even asking to open the 1997 budget agreement.

The reason is we really are in danger of having a hollow force. Our military and civilian leaders persist in saying that our forces are ''adequate'' or ''barely adequate.'' I am concerned, however, that words like ''adequate'' or ''barely adequate'' are not good enough

to send our young warriors into harm's way. My concern is that over the last 14 years, so this is bipartisan now, of declining defense budgets, we have cut so deep that we simply may not be good enough to meet current threats with an acceptable level of risk.

Our problem is that procurement, readiness, training and other things that contribute to effective military operations are on very thin ice, and I worry that the risks we take because we do not have enough money in the defense budget will come back to haunt us. I worry we may not wake up until we suffer some disaster, like when the hostage rescue fell apart in 1980, or when our positions were overrun during the early stages of Korea.

I worry that their can-do attitude will lead our young men and women to stand up and salute, even when we assign a task for which they are not adequately equipped or trained, and they have done that before.

The bottom line is that it took a bipartisan effort to get us in this hole, and I think it will take a bipartisan effort to get us out.

So I ask all of my colleagues to support this bill, which is the best we can do under the circumstances. But I also ask you to ponder the risk of cutting national security this close to the bone. In my opinion, this budget is no longer ''adequate'' or ''barely adequate.'' We already passed that point a year or two ago.

Mr. SPENCE. Mr. Chairman, I yield four minutes to the gentleman from Colorado (Mr. HEFLEY), the chairman of the Subcommittee on Military Installations and Facilities.

Mr. HEFLEY. Mr. Chairman, I have always felt that the Subcommittee on Military Installations and Facilities has been the most bipartisan committee that I have seen since being in the Congress, and I think this year the full committee has indicated that they, too, are a very bipartisan committee, and has produced a product, which, while we are not totally satisfied with it, at least it is a product that I think every Member should support in a bipartisan way.

I rise to support H.R. 3616, the National Defense Authorization Act for 1999. It is a bipartisan bill, it deserves strong bipartisan support, and I want to spend just the few brief moments that I have available to highlight the military construction aspects of this legislation.

The Subcommittee on Military Installations and Facilities continues to be deeply concerned about the serious shortfalls in basic infrastructure. We are all talking about shortfalls, and they are there, and every single subcommittee chairman and ranking member will probably mention this, in military housing and other facilities that affect the readiness and training of the Armed Forces and the quality of life for military personnel and their families.

The budget requested by the administration for 1999 continued a pattern of significant deterioration in funding programs by the Department of Defense for military construction. Overall, the administration proposed 7 percent less in military construction's accounts than one year ago, and 15 percent less than the program authorized by Congress. Yet the military services continue to provide testimony and other evidence that their needs are not being met adequately by the administration's program.

Based on the record, it is clear that the construction programs of the services would need to be at least twice as large as they currently are to begin to address the backlog of serious shortfalls in facilities. The evidence that antiquated, obsolete, overused inadequate facilities and military housing are an impediment to effective training and readiness and to the assurance of decent quality of life for military personnel is clear to anyone who would care to examine the record built by the subcommittee.

Earlier this year, in response to a question from the gentleman from South Carolina (Chairman SPENCE) about their unfunded requirements, the service chiefs provided a list of shortfalls across the broad spectrum of need. The unfunded MILCON requirement identified by the chiefs is $7.6 billion. The recommendations the committee brings to the House today will help alleviate a portion of the backlog and critical shortfalls.

H.R. 3616 does not go as far as I would like. The fiscal constraints faced by the committee prevented us from providing as much in the way of additional resources as we have over the past three years. This bill, however, contains an additional $450 million in added funding for military construction and military family housing, which would permit us to buy back about one-third of the administration's $1.4 billion cut in the MILCON top line. Given the condition of facilities and the needs identified by the services, it is not enough, but I believe we will make good use of these limited funds.

The bipartisan bill would provide an additional $183 million for quality of life enhancements. These funds would provide additional military family housing, troop housing, child development centers, fitness centers and other community support facilities that are integral to the support of military personnel and their families. In addition, it would provide additional funding for military construction to support the training, readiness and maintenance requirements of the active and reserve components.

In closing, I want to express again my appreciation to the members of the subcommittee, especially the ranking Democrat member, the gentleman from Hawaii (Mr. ABERCROMBIE), for their contributions to this legislation. This is truly a bipartisan effort, as I stated at the outset, and I urge all Members to support H.R. 3616.

Mr. SKELTON. Mr. Chairman, I yield five minutes to the gentleman from Virginia (Mr. PICKETT).

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

Mr. Chairman, I commend the committee chairman and the members and staff for the balanced and responsive bill we have before us. This bill has been thoughtfully and carefully put together within the constraints of a defense budget that continues to decline in purchasing power.

In any undertaking of this kind, the defining of and the adherence to a system of priorities is absolutely essential for a realistic and responsive program. My comments will relate primarily to the research and development part of this bill.

The investment for basic research and for science and technology programs has been maintained at current levels. It is widely acknowledged that these basic research and technology programs have been the crucial component in developing and fielding technologically superior weapons systems that have given our military forces a decided advantage over their adversaries.

In spite of the success in developing and fielding improved weapons systems and weapon systems upgrades, there a constant struggle to appropriately and adequately prepare our forces for the unpredictable and speculative battlefield of the 21st Century. The Army is continuing development of its top priority new weapons systems, the Crusader Self-Propelled Howitzer and the Comanche helicopter. The Navy is moving ahead with the DD–21 destroyer, the follow-on to the Nimitz aircraft carrier, and a new class of attack submarine.

□ 2230

The Air Force is reaching the end of its development of the F–22 and is moving forward along with the Navy and Marine Corps in the development of the Joint Strike Fighter. These visible priority programs point the way to the military of the future. Nevertheless, the pursuit of lighter and more lethal weapons, the development of speedier and more stealthy equipment, and the quest for successful leap-ahead technologies continues.

The Department of Defense has said many times that if our forces are called into combat, we do not want a fair fight. We want our forces to have a clearly superior capability, both in weapons systems and technology. That is the direction in which this bill continues to move our defense program, although I must say that the move is at a slower pace than I believe is desirable.

The committee and committee staff have been alert and diligent in reallocating resources to higher priority and more timely projects. Additional support has been provided to missile defense programs in an effort to make certain that these programs are not resource constrained. With alarming reports of continuing advances by other

nations in missile technology, every effort must be made to develop and deploy workable and defendable missile defense systems on behalf of our Nation at the earliest possible time.

The level of readiness of our military forces continues to be the subject of intense debate and discussion. After thoughtful and careful consideration of a wide variety of materials and testimony, I am persuaded that the readiness of our military has indeed declined. This is an ominous sign at a time when the shortfall for funding the procurement necessary to modernize our forces is approaching a deficiency of 25 percent of the amount needed. It is time for the Congress to provide more resources to our military.

Mr. Chairman, within the limits of the 1999 level of resources available to our committee, I believe the defense program incorporated in this bill is as robust and effective as can be devised. For this, I compliment the committee and our staff and encourage all Members to fully support H.R. 3616.

Mr. SKELTON. Mr. Chairman, I yield 4 minutes to the gentleman from Texas (Mr. ORTIZ).

Mr. ORTIZ. Mr. Chairman, I want to thank the gentleman for yielding me this time.

I rise in strong support of H.R. 3616, the National Defense Authorization Act for fiscal year 1999. I want to specifically address the provisions in the Act relating to military readiness.

First, I would like to express my personal appreciation to the Subcommittee on Readiness leadership and to my colleagues on both the subcommittee and the full committee for the manner in which they conducted the business of the subcommittee this session. I want to specifically thank the gentleman from South Carolina (Mr. SPENCE), my chairman, and the ranking member, the gentleman from Missouri (Mr. SKELTON). Although the gentleman from Virginia (Mr. BATEMAN) is not with us today, I want to express my appreciation for his personal involvement and the extraordinary steps that he took in getting us to where we are.

We had the opportunity to see the readiness through a different set of eyes, the eyes of the brave soldiers, sailors and airmen who are entrusted with the awesome responsibility of carrying out our national military strategy. We heard them talk about the shortage of repair parts while we were conducting hearings throughout the continental United States, and the extra hours spent trying to maintain old equipment, and the shortage of critical personnel. While we in this body might differ on some policy and program objectives, we on the subcommittee were able to get a better appreciation of the challenges that these brave souls faced in trying to do more with less. For their effort we can all be proud. I personally remain concerned about how long they will be able to keep up the pace.

The readiness provisions in the bill reflect some of the steps I believe are necessary with the dollars available to make their task easier. It does not provide all that is needed. I would be more pleased if the migration of O&M funds to other accounts did not take place. Much more could be used. I remain perplexed when I reflect on the impact that the resource shortages are having on every facet of our military. That includes the stability of our dedicated civilian employees who are also being asked to remain productive while at the same time the department appears to be trying to take away their jobs.

Mr. Chairman, I share the comments that have often been repeated by our subcommittee members and other Members that readiness across the board is in bad shape, and we need to do something about it. At the same time, I believe that the readiness provisions represent a step in the right direction. I would hope that as we continue through the passage of this bill and go into conference with the Senate, that we will continue to search for opportunities to increase the resources available for the readiness accounts. I ask my colleagues to support this great bill.

Mr. SPENCE. Mr. Chairman, I yield 6½ minutes to the gentlewoman from Jacksonville, Florida (Mrs. FOWLER), the vice-chair of the Subcommittee on Readiness.

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

Mrs. FOWLER. Mr. Chairman, I rise today in strong support of H.R. 3616, the National Defense Authorization Act for fiscal year 1999, and I want to especially thank our Chairman, the gentleman from South Carolina (Mr. SPENCE) and ranking member, the gentleman from Missouri (Mr. SKELTON) for their strong commitment to national defense and for the bipartisan manner in which they fashioned this excellent piece of legislation.

In its continuing effort to assess force readiness, this year our committee once again conducted a series of field hearings at various military installations throughout the country to hear from our operational field commanders and senior noncommissioned officers from all the military services. The overwhelming impression left with the committee was of a force working harder, longer, and with fewer personnel than ever before. Funding and forces continue to shrink while demands of the job increase.

For example, the Army has conducted 26 operational events, now these are actions other than routine training and alliance operations, since 1991, compared to only 10 during the preceding 31 years. The Marine Corps has conducted 62 contingency operations since 1997, compared to only 15 such operations since 1982 to 1989. These increases in operational tempo are occurring at the same time that the Army has been reduced from 18 to 10 divisions, the Navy is on a track to eliminate nearly 250 ships, or almost 45 percent of the fleet, and the Air Force has been reduced from 24 to 12 fighter wings.

Among the disturbing problems identified in the committee's hearings and investigations were indications of a growing shortage of spare parts which has led to the increased cannibalization of frontline equipment, combat systems being operated at a pace that requires far more extensive maintenance and repair, and the deterioration of facilities where personnel live and work to levels below acceptable standards.

Mr. Chairman, these are indicators of broader trends throughout the force that are raising doubts about present and future readiness. To address many of these issues, H.R. 3616 includes provisions to increase funding for critical readiness areas, including depot maintenance, replacement spare parts and real property maintenance. Because there are no additional funds to pay for these increases, the committee had to reprioritize several of the nonreadiness related administrative and support accounts.

Now, according to senior Pentagon leaders, readiness is at acceptable levels, or readiness is as good as it has ever been, yet when we go out in the field and talk to individual military members, we hear a very different story. To get at these discrepancies concerning the condition of our armed forces, H.R. 3616 contains provisions that require DOD to expand and improve its readiness reporting system. I believe these and other provisions found in this bill will provide necessary up-to-date readiness information to the senior leadership of the Pentagon and to Congress, and will offer visibility into readiness deficiencies before they can become full-scale breakdowns.

Now, there is one other point I would like to make. The committee has recently heard from the Secretary of Defense and the entire Joint Chiefs of Staff emphasizing the importance of fully funding the Operations and Maintenance budget to ensure readiness. Now, although I emphatically agree that readiness must be kept at the highest possible level, it is important to stress that not all of the operations and maintenance budget is directly tied to military readiness.

Of all the major elements of the defense budget, perhaps the least understood is the O&M account. At $94.8 billion, O&M funding accounts for the largest share of the President's defense budget request for fiscal year 1999, and it is traditionally considered the readiness account. But the O&M account, or more precisely, accounts, includes much more than critical readiness spending. In addition to paying for day-to-day military operations, training, supply and equipment maintenance, O&M funds administrative functions, environmental restoration, cooperative threat reduction efforts, humanitarian

assistance, and many other programs. Now, whatever the merits of these other programs, they are related only marginally to the readiness of U.S. forces to fight the Nation's wars. In fact, only about one-half of the total O&M account is directly related to readiness.

After a thorough subcommittee review of the administration's O&M budget request for fiscal year 1999, I am convinced that it is riddled with accountant-inspired gamesmanship designed to inflate the O&M top line and create the appearance of an administration fully committed to funding readiness. H.R. 3616 addresses the under-funding of critical readiness accounts by realigning funds from non-readiness accounts.

Mr. Chairman, frankly, I would prefer to be taking up legislation that would provide more funding for defense than is authorized by this bill. Fiscal year 1999 will represent the fourteenth year in a row in which real defense spending declined, but given the budget constraints under which we have to operate, I believe H.R. 3616 goes as far as it can to ensure that the Defense Department receives the resources necessary to provide for the most important readiness requirements for our military forces.

Mr. Chairman, let me close by thanking the Chairman of the Subcommittee on Readiness, my good friend, the gentleman from Virginia (Mr. BATEMAN) who was recuperating from surgery during markup, but whose good counsel was invaluable to me as I stood in as acting chairman, as well as the ranking member the gentleman from Texas (Mr. ORTIZ), for his outstanding leadership and for his contributions and his good friendship. The Subcommittee on Readiness had to deal with several difficult issues transcending political lines, and our task would have been far more difficult if not for the expertise and assistance of these 2 distinguished Members and the cooperation of all of the subcommittee's Members.

I urge my colleagues to vote ''yes'' for the bill.

Mr. SKELTON. Mr. Chairman, I yield 6 minutes to the distinguished gentleman from Mississippi (Mr. TAYLOR).

Mr. TAYLOR of Mississippi. Mr. Chairman, a while back I was visiting the honors class at Hattiesburg High School. One of my students asked me that in my capacity as a member of the Committee on National Security, ''What are you? Are you the cheerleaders or the critics for America's military?'' And my answer to her was, we are both.

The cheerleader in me wants to report that I think we did the very best we could with what we had. The critic in me wants to point out that I do not think this Congress as a whole is appropriating enough to our Nation's defense.

I hear on a daily basis some of my colleagues come to the House floor and say, well, we are pretty close to balancing the budget, so let us give our wealthiest contributors a big tax break. Some of my other colleagues come to the House floor and say, well, we are almost balancing the budget, so let us pass a whole bunch of new social programs. They are both wrong.

The highest priority of this Nation has to be to defend this Nation, the States can do almost everything else, and I am troubled that we are not doing it well enough. I am also troubled that of the 5 people who put together the defense budget, I am sorry, the overall budget for this Nation, the President of the United States, the President of the Senate, the Speaker of the House, the Chairman of the Committee on the Budget in the House, the Chairman of the Committee on the Budget in the Senate, not one of them has spent one second in the uniform of our country. It does not surprise me that they do not think this is important. They never did.

We have to ask ourselves, what is going to be our legacy? President Jefferson has the legacy of sending Lewis and Clark out to chart the American West and the Louisiana Purchase as a result of it. Earlier in this century an America that thought they could do anything anywhere built the Panama Canal.

What is this committee's legacy? I am sorry to say it is treading water. Treading water because we know we have an op tempo problem and yet we could not find the money, the rest of the Congress would not give us the money to properly budget the use of the Guard and Reserve so that we could give some of the standing force a break.

We know we have health care problems, not only for active duty, but for our retirees. We know we could fix that with Medicare subvention for about $2 billion a year, yet the rest of the Congress will not let us do that.

□ 2245

Every single American over the age of 65 now gets health care, but those people who were promised it in return for serving their country for 20 years, they are being turned away at the base hospital for lack of funds. That is not right.

A brilliant plan was put together by our Armed Forces for a mail order pharmacy plan for our retirees, and for lack of funds it will not be put into effect.

There are still 12,000 fine young Americans in uniform who have to get food stamps in order to feed their kids. That is wrong. It costs about $100 million to fix it, yet the rest of the Congress will not give this committee the money to fix it.

Let me make this perfectly clear. I think this committee is bipartisan. The people who care about the military are on this committee. Whether they are Democrats or Republicans, they care. The problem is, what is happening with the other 435? Where are they for the thing that should count the most? Where will they be when someone launches a biological attack on our Nation and we are not ready to respond?

If Members do not think it could happen, they should pick up a book called The Cobra Event. Our Supreme Allied Commander in Europe, General Wesley Clark, made his staff read it because it is so believable.

What is good about the bill? Something that I think is important is we are going to return to separate gender training at the basic level. A kid going to boot camp goes from being a high school senior, where he is on top of the world, to suddenly he cannot do or she cannot do anything right. They are, in my opinion, at their most vulnerable. When they are at their most vulnerable, we do not need them being led by a sexual predator. By separating the sexes, by separating the gender of the people running them through boot camp, we can minimize the opportunity for that to go wrong. We can get our drill instructors back to doing their job and our troops going back to basic training.

We restore the funding for the Youth Challenge Program, a beautiful program by the National Guard that takes at-risk youth between the ages of 16 and 19 years old and gives them a General Equivalency Diploma. They go through a boot-camp-type environment and get themselves drug-free. To date, on a nationwide basis, 96 percent of those kids have gone on to get a job, join the American military, or further their education.

As the Chairman, the gentleman from California (Mr. HUNTER), pointed out, we have done as good as we could on procurement: stepped forward funding for LST8, 3 DDGs and some Navy vessels.

But, again, as he mentioned, there are 900 Huey aircraft that we will not allow to fly because we are afraid that they and the crews in them will fall out of the sky, because the rest of this Congress is not putting forward enough funds to defend our Nation.

Mr. Chairman, we have to ask ourselves, what will be our legacy as Members of Congress? We are only here for so long. We need to do the best we can with what we have.

My challenge to all of us, Democrats and Republicans, is not to fight with each other but spread the message to the rest of the Congress that this has to be our Nation's greatest priority, because nothing else matters if we cannot defend ourselves.

Mr. SPENCE. Mr. Chairman, I yield 5 minutes to the gentleman from Pennsylvania (Mr. WELDON), chairman of our Subcommittee on Military Research and Development.

(Mr. WELDON of Pennsylvania asked and was given permission to revise and extend his remarks.)

Mr. WELDON of Pennsylvania. Mr. Chairman, first of all, let me thank our distinguished committee chairman,

who is one of our outstanding leaders in this body on issues involving national security and support for our troops and our veterans, and the ranking member.

The two of them are a dynamic team. They work together. They both come from the same common perspective on the defense for this Nation, and they really set the right tone for the committee. It is because of their leadership that we had a 50 to 1 vote to get our bill out of committee, and most of our subcommittees likewise had very solid votes in reporting out their portions of this bill, so I want to applaud both of them and all the members of our committee who work so well together on the issue of our country's national security.

Mr. Chairman, I rise for this brief period of time to say that, unfortunately, I think we are facing a train wreck unlike any that we have seen, certainly in the 12 years I have been in Congress and I think really in the history of this country, involving national security. The train wreck is being caused by, unfortunately, a number of things coming together all at one time. I think it is going to peak at around the turn of the century.

I want to go through that briefly. The American people have been led to believe that we are spending so much more money on defense today than we have in the past. I use a simple comparison. When John Kennedy was President, it was a time of relative peace. It was after Korea and before Vietnam. We were spending 52 cents of every tax dollar on the military, 9 percent of our GNP. In this year's budget we are spending 16 cents of the Federal tax dollar on the military, about 2.9 percent of our GNP on defense. So, in fact, the relative percentage of total Federal dollars on the military has dwindled dramatically. This is the 14th consecutive year of real cuts in defense spending.

Unfortunately, as that defense number comes down, some other things have happened. First of all, in John Kennedy's era, we had the draft. Young people were taken out of high school, they served the country for 2 years, and they were paid far below the minimum wage. They were not married. They did not have the expenses a married person would have.

That is not the case today. We have an all-volunteer force, well-educated, maybe with college degrees, many married and with children, education costs, housing costs, transportation costs to move these families around the world, so a much larger percentage of that smaller amount of money goes for the quality of life of our troops.

Mr. Chairman, we know we are always going to fund quality of life for our troops. But some other things have occurred since the John Kennedy era. In the last 6 years alone, Mr. Chairman, we have seen our troops deployed 25 times at home and abroad. That is a lot of deployments.

Let us compare the last 6 years to the previous 40 years, where our troops were only deployed 10 times. In these 25 deployments in the last 6 years, while defense spending has gone down dramatically, none of those deployments have been budgeted for. So to pay for all those deployments, Haiti, Somalia, Bosnia, and the domestic deployments here at home, we have had to take money out of the modernization of the next generation of equipment to support our troops. We have had to rob the R&D accounts. In fact, Bosnia alone will have cost us, by the end of this fiscal year, $9.4 billion.

We are facing a crisis, Mr. Chairman. We do not have the money to put into modernization. We do not have the money for R&D. The President says, close more bases. We are not going to get around to base closing because the process was politicized 3 years ago.

All of this happens at a time when, in the year 2000, we are being asked to fund a new aircraft carrier, a new attack submarine, DD–21s. We are being asked to fund three new tactical aviation programs, the F–22, the joint strike fighter, and the F/A–18 E&F, the Commanche for the Army, the V–22 for the Marine Corps. We are being asked to fund national missile defense, theater missile defense systems, none of which are properly budgeted. For the Army after next, digitize the battlefield, and give the Navy the spy war system they need to get on the cutting edge of technology. In addition, we are being asked by the Defense Science Board to put $4 million more into information warfare, and we are being asked to put more money into antiterrorism.

Mr. Chairman, all of those factors add up to disaster. By the turn of the century, if this Congress does not begin to address defense in a realistic way, this country is going to be in for a rude awakening. In fact, some of our generals are already telling us, as we had General Tilelli come in and General Prueher of the U.S. Pacific Command. U.S. Pacific Command reported deficiencies in six of the eight measured areas that they have responsibility for. The Navy's U.S. Pacific fleet has only 73 percent of the young sailors it needs.

There is an almost 10 percent shortage in Navy noncommissioned officers. The Hawaii-based fleet lacks 1,900 sailors who have key technical skills. The Air Force units in the Pacific area, a serious manning shortage, which we can correct in the short term.

We do not have enough spare parts. We have some air wings where one-third of the planes are not flying because we have cannibalized them to keep the other two-thirds flying. This same pattern exists for both the Army and the Marine Corps.

Mr. Chairman, we are doing the best we can this year in an impossible budget situation, but this Congress had better understand that if we do not change direction and begin to put some additional dollars into the defense of this country to modernize and take care of our R&D needs, or if we do not begin to reduce the deployment level, or get our allies to put more money on the table to pay for these deployments, we are going to face I think one of the most politically damaging situations that this country will have ever faced involving national security.

I urge my colleagues to pay attention to this debate tomorrow on this bill.

Mr. SKELTON. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from Texas (Mr. REYES).

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

Mr. Chairman, I rise tonight in support of this bill. I want to thank both the gentleman from South Carolina (Chairman SPENCE) and the ranking member, the gentleman from Missouri (Mr. SKELTON), for their hard work to produce the best budget possible in this time of ever-increasing defense budgets.

Although I believe the committee produced a good bill under the circumstances, I also believe this Nation is not providing enough for national defense. If we continue on the course set out in the balanced budget agreement, the national security of this Nation will be jeopardized. This is the 14th straight year of real declines in the defense budget. The fiscal year 1999 defense budget request represents the lowest real level of U.S. spending since before the Korean War.

Although I do not endorse a $400 billion budget like those of the 1980s, I do believe that this budget and the ones planned for the next 5 years are critically insufficient to maintain a strong military with a decent quality of life for the personnel and high-tech weapons needed to protect our country and defeat any enemy.

Not only is the funding level too low, but the size of our force is insufficient for all of the missions they are being required to accomplish. As an example, Army deployments have increased 300 percent since 1989. The Army is currently funded at 488,000 soldiers. The budget request only provided for 480,000. How can we expect the Army to handle an increase of 300 percent with these continued decreases in the end strength?

At a time when the Army deployments are the highest in history, I believe it is ill-advised to endorse decreasing the end strength of our Army. Our Army is losing outstanding young men and women, both enlisted and officers, because they are away from home far too often. When they are home, they are required to work long hours and not spend quality time with their families. Because of the strain and the pressure, many choose to end marriages or, as an alternative, to save marriages by leaving the service.

Our soldiers should not be forced to make such unacceptable choices. It appears that the United States military operations throughout the world are

not decreasing. As such, reducing the end strength of the Army can only exacerbate this problem.

I am one of those many current and former soldiers who believes that the Army should be maintained at a minimum level of 500,000. Of course, this strength level also requires an increase in the Department of Defense budget.

I also want to remind this Congress of our duty to protect our military personnel. Although the Cold War has ended, new and different threats have emerged. It is our duty to ensure that the weapons systems to protect our soldiers in the field are sufficiently funded.

One of the greatest current and future threats is from weapons of mass destruction delivered on short- and medium-range ballistic and cruise missiles. Countries throughout the world are working feverishly to develop or procure the technology to deliver these types of weapons.

We talk about our concerns with North Korea, Iran, Iraq, and Libya, but what about other countries? India's actions last week should serve as a wake-up call that there are other nations to watch and that countries may be closer to obtaining the technology than we are aware of. We must continue to support theater missile defense programs to ensure that we deploy systems to defend against these threats as soon as possible.

I believe that my colleagues should support this bill before us, but I also urge this Congress and the administration to work together and increase the budget for the Department of Defense.

Mr. SKELTON. Mr. Chairman, I yield 4 minutes to the gentleman from Texas (Mr. RODRIGUEZ).

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

Mr. RODRIGUEZ. Mr. Chairman, let me, first of all, thank the gentleman from South Carolina (Chairman SPENCE) for giving the opportunity to me to serve on that committee, and also to the gentleman from Missouri (Mr. IKE SKELTON) for allowing me also to work with him.

Let me just share two concerns that I have with the existing bill, and I think they are very important. One of the first ones is the fact, and I was real disappointed that the Committee on Rules did not allow an opportunity for the language that would have struck out the segregation language that exists in the bill. I think we have a real serious problem in that particular bill if we are going to segregate women. We are going in the wrong direction in that area.

□ 2300

When we talk about separate but equal, it was not equal for blacks, and I can assure my colleagues that it is not going to be equal for women. There is a need for us and I would ask the leadership to ask the Committee on Rules to reconsider that opportunity. If not, then I would ask the leadership and the conference committee that as they go into the conference with the Senate, that they strike out that language because I think it is very detrimental.

When we hear the arguments as it deals with the separate but equal doctrine and what we want to do with women in the military, I think that I hear what I used to recall back in the 1960s, when we talked about co-ed education in our universities and some of the same language, and it is unfortunate that that is the case.

I want to also share with my colleagues an additional concern that I have as it deals with cost. I know we have had a great number of individuals come up here and talk about the need for more resources. We also need to look in terms of the language and what it is in there.

Number one, I want you to look very specifically as it deals with the C–17 language. That particular language, number one, sets a very negative precedent. Number two, it is extremely costly, and number three, when it comes to readiness, puts us in danger. I want to be able to share a little bit with you when it comes to the President.

At this particular time, the language that we have there begins to tell the Department of Defense what should be core and what should not. As you well know, the last time we did the piece of legislation, we indicated that that is the responsibility of the Department of Defense, not the Congress. I think we are setting a very negative precedent.

Secondly, as it deals with cost, one of the estimates is $500 million in terms of the cost just by that particular amendment alone in terms of what it is doing, not to mention that if you begin to move the C–17 work from the private sector where it is right now into the depots, we are going to have a situation that it might be up to $1.5- to $2 billion in cost. So I would ask you seriously to look at that language and be able to take that into consideration when you make those decisions.

Thirdly, I think we are all concerned about readiness so that if, as we move, and if you look at that language on the C–17, when it comes to the readiness issue, it really sets a situation in which the depots are not ready to deal with that. They have not been working with that. As Members well know, one of the engines is a commercial engine on the commercial flights, and moving them towards that would be extremely costly and, in terms of readiness, is going to cause a situation where it might take a year and a half to 2 to 3 years before we would even be capable, not to mention the cost of $ 1.5- to $2 billion, so that as we talk about cost and our concerns regarding readiness and regarding other options, we also need to look at the existing language that is extremely detrimental.

I would ask that you consider those options as we move forward as it deals with the language on the C–17 and again on the previous item that I had talked to you on the segregation of the armed forces and not allowing the women to have equal opportunity. If we expect them to be able to participate, they should be able to practice.

Mr. Chairman, I rise today to express concern with a provision in the Defense Authorization bill regarding the maintenance of the C–17 cargo aircraft. The provision added in committee will significantly increase the costs of maintaining the C–17 by potentially billions of dollars. This increased cost will likely reduce the procurement of future C–17 aircraft, decrease Air Force readiness and airlift capability, and force the Air Force to hire more acquisition personnel. The C–17 is essential for our nation's sustained global power projection and the future backbone of our expeditionary force.

Specifically, the bill preempts the Secretary of Defense's authority to determine what systems of the C–17 must be maintained in-house, abrogating the depot provisions adopted in last years defense bill. The C–17 provision structures weapons systems support without regard to Air Force readiness requirements; hobbles partnerships and competition essential for maximizing limited budgets, and delays defense acquisition reforms.

For years Congress called on the Department of Defense to implement acquisition reform. The C–17 program is a prime example of the Department's acquisition reform advances in significantly reducing the life cycle costs of new aircraft. However, this bills restrictive C–17 provision will reverse those advances. In addition, last years authorization bill attempted to reduce the Department of Defense's acquisition workforce, or ''professional shoppers,'' by 25,000. However, this bill would require the Air Force to hire hundreds more of professional shoppers rather than streamlining the bureaucracy.

Other fiscally irresponsible aspects of the C–17 provision discourage public-private partnerships that would save taxpayers millions of dollars while maintaining a high mission-capable rate for the C–17. The bill forces the Air Force to waste more than $500 million to create in-house maintenance capabilities before an intelligent decision can be made on this new weapon system. In addition, the engine on the C–17 is a commercial engine developed for the Boeing 757. To create an in-house capability for the engine, which the authorization would, would cost the Air Force between $1 billion and $2 billion for the purchase of propriety data alone.

In today's constrained defense budget, we cannot expect the Department of Defense to come up with billions of additional dollars to maintain the C–17 in an antiquated manner that doesn't capitalize on the strengths of both the public and private sector and advances in manufacturing. The C–17 was efficiently designed to be maintained on the flight line to reduce maintenance costs. The billions of dollars the C–17 provision would likely decrease procurement of future C–17 aircraft. This is totally unacceptable.

In closing, Congress should not preempt the warfighter on the decision of maintenance of the C–17, the C–17 provision will force the Air Force to spend billions on the tail instead of the essential tooth, and the measure will have a detrimental impact on readiness.

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

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

I would like to add a word or two. Out of this early general debate this evening, it does appear that there is a bipartisan consensus in favor of doing better for our national security. It is a matter of resources. It is a matter of spending. In this good bill, we have, as has been said, we have done well with what we had, but I think there is that growing understanding that we need to place national security at the top of the list, and I hope that this debate has brought the attention to the other Members of this body as well as to those others who are interested.

I have a couple of other messages, Mr. Chairman. One is to the, if they were here in front of me, parents of the young men and young women in uniform. I would tell them that they should be so very, very proud of what their family members are doing. They are professionals. They are dedicated. Their operational tempo at times is horrendous, and yet they are doing what their Nation is calling upon them to do without complaining as committed young Americans. So I would tell them, Mr. Chairman, that I and all of us on this committee thank them for their efforts.

Mr. Chairman, if the young people in uniform were sitting here watching us this evening, I would have a message for them as well. My message to them would be to stay the course. If they are in the Navy, steady as you go, because they are so very, very important to the future of our country, to the national security of our country, to where we are as the world leader bringing stability to the various corners of this globe. I would tell them not to get discouraged. I would tell them that sooner or later they will write some brilliant pages in the history books of this country. Those would be my two messages, Mr. Chairman. I am proud of the young folks in uniform. I hope they stay the course, not to get discouraged but to know how so very, very important they are.

I again thank the members of this committee, the gentleman from South Carolina (Mr. SPENCE), the Chairman. This has been an absolute thrill for me to be the ranking member on this committee, and I appreciate the courtesies that he has extended to me personally and that the entire committee has extended to those of us on this side of the aisle.

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

Ms. HARMAN. Mr. Chairman, I rise in support of this bill. The Committee has worked hard to develop a good, bipartisan bill, and I commend our chairman and ranking member for their leadership.

The Cold War is long gone, Mr. Chairman, but the world is still a dangerous place. Look at the nuclear tests last week in India. Look at the advanced ballistic missiles under development in Iran. Dangers can emerge anywhere, and with little warning. I think this bill reflects a determination to maintain our position of strength within that uncertain world.

No bill is perfect, and this bill is no exception. Consider the fact that our military is finding it increasingly difficult to get permission to use forward bases. This calls for an increased emphasis on power projection.

To me, that means the B–2 Bomber, which can strike any target in the world from Whitman Air Force Base, Missouri, within 24 hours. It also means the Super Hornet, which offers a leap ahead in naval aviation attack capabilities over the aging planes on carrier decks today. But the B–2 production line has been allowed to close, and three Super Hornet aircraft were cut from the request this year.

I think we could have done more to increase the efficiency of the Defense Department—to squeeze savings out of the bureaucracy that we could use for more modern weapons systems. I know that this body takes defense reform seriously, though, and will continue to pursue it, if not in this bill.

I am particularly troubled by a couple of signals this bill sends to women.

First, it perpetuates the policy of barring women serving overseas from using their own funds to obtain legal abortion services in military hospitals. Women who volunteer to serve in our Armed Forces already give up many freedoms and risk their lives to defend our country. They should not have to sacrifice their privacy, their health, and their basic constitutional rights to a policy with no valid military purposes.

Second, the bill prejudges its own congressionally-created commission studying basic training and instead forces the services to segregate men and women.

Such a requirement is premature, may affect unit cohesion and readiness, and will not address the serious problems of sexual misconduct and harassment confronting the services.

The segregated training provision is opposed by the Army, Navy and Air Force. All believe that the best way to train soldiers, sailors and airmen is to ''train the way we fight.'' That means in integrated units.

As Navy Vice Chief of Staff Admiral Pilling testified before the Personnel Subcommittee, if men and women do not learn how to live and work together during basic training, are the confined quarters aboard ship the next-best place? I think not.

The provision is also opposed by the top enlisted men of all four services, including the sergeant major of the Marine Corps, Lewis G. Lee.

And implementing the segregated living requirements required with the bill is expensive—$159 million for the Army alone. It is deeply troubling that, at a time of increasingly scarce resources, the Committee has opted for this expensive and unnecessary course of action.

Lastly, Mr. Chairman, in my view, the long term consequences of this provision will be to roll back opportunities for women in the military. It will reduce training resources for female recruits. And it will not reduce the incidents of sexual harassment and misconduct.

Nearly 50 years ago, the Supreme Court told us that ''separate but equal'' is inherently unequal. Mr. Chairman, I regret the Committee has failed to recognize this admonition.

Ms. GRANGER. Mr Chairman, I rise today in strong support of the 1999 National Defense Authorization Act. I particularly want to thank Chairman SPENCE, Procurement Subcommittee Chairman HUNTER, and Research and Development Subcommittee Chairman WELDON for their very hard work to produce a bill that meets the needs of our armed services at a time when overall defense spending is in its fourteenth year of real decline.

H.R. 3616 conforms to the defense spending limits established in the Balanced Budget Act of 1997. However, I share Chairman SPENCE's and the defense community's concerns that these funding levels are inadequate to meet the increasing number of threats to our national security.

If you question the need to strengthen America's defenses, just take a look around the world:

Unstable and unfriendly nations around the world are developing medium and long range missile capabilities that directly threaten U.S. forces deployed abroad, and may pose a threat to the continental U.S. in the near future.

India and Pakistan are engaged in a nuclear arms race that could destabilize all of South Asia.

U.S. forces are still in Bosnia, with no end to that operation in sight.

And, Saddam Hussein is continuing to ignore the terms and conditions that Iraq agreed to at the end of the Persian Gulf War.

Moreover, serious personnel problems are emerging throughout the services. Readiness has been sacrificed as the size of our military has been reduced. Morale and retention are low as quality of life issues are ignored or postponed in order to pay for ongoing operations.

Our military is nothing without our brave service men and women, and they need to know they have this Congress' strong support.

Strong support also means the best weapons available. This is why it is so important that the committee included funding for two F–16s, eight V–22s, two F–22s, and continued R&D for the multi-service, multi-role joint strike fighter.

Many members may not realize that procurement of new weapons systems have declined by 70 percent over the last decade. These are the very weapons that were crucial to winning the Persian Gulf War. This is why it is essential to maintain the F–16, which is the workhorse of the Air Force's fighter fleet, and to proceed with procurement of innovative new planes like the V–22 and the F–22.

In closing, Mr. Chairman, I strongly support passage of H.R. 3616, and I want to thank Chairman SPENCE, and the other subcommittee chairman, once again, for all of their hard work on this legislation.

But, I also want to warn my colleagues that our national security cannot be taken for granted. Current defense levels cannot be sustained at the funding levels contained in the budget, and we cannot wait for a crisis situation to revisit this issue.

I am looking forward to working with Chairman SPENCE, and other concerned members, to improve the condition of our armed forces and to ensure that our military remains the best fighting force in the world.

The CHAIRMAN pro tempore (Mr. PEASE). All time for general debate has expired.

Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. MORAN of Kansas) having assumed the chair, Mr.

PEASE, 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. 3616) to authorize appropriations for fiscal year 1999 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 1999, and for other purposes, had come to no resolution thereon.

PROVIDING FOR FURTHER CONSIDERATION OF H.R. 3616, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1999

Mr. SOLOMON, from the Committee on Rules, submitted a privileged report (H. Rept. No. 105–544) on the resolution (H. Res. 441) providing for further consideration of the bill (H.R. 3616) to authorize appropriations for fiscal year 1999 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 1999, and for other purposes, which was referred to the House Calendar and ordered to be printed.

THE ALL-AMERICAN RESOLUTION

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

Mr. YOUNG of Alaska. Mr. Speaker, today I rise to introduce the All-American Resolution expressing the sense of Congress that any missile defense system deployed to protect the U.S. from missile attacks would include protection for Alaska, Hawaii and territories.

As we can see on this diagram right now, Alaska comes into direct threat by India, China, et cetera, and now the administration sought to avoid protecting Alaska, avoid protecting Hawaii, and I think it is reprehensible to have that occur.

It is time for us to recognize that Alaska and Hawaii are part of the United States and ought to be protected. In fact, we ought to set up our own missile system in Alaska so that we can counterattack in this uncertain time. I urge the passage of this legislation.

Today I rise to introduce ''The All-American Resolution'' expressing the sense of the Congress that any missile defense system deployed to protect U.S. from missile attack should include protection for Alaska, Hawaii, territories and commonwealths of the United States.

The U.S. Constitution provides that it is an essential responsibility of the federal government to protect to all United States citizens against foreign attack. However, the Administration's development plan is based on a policy of observing the restrictions of the 1972 Anti-Ballistic Missile (ABM) Treaty, which prohibits the deployment of a missile defense system capable of defending all U.S. territory. As such, the plan excludes Alaska, Hawaii, and territories. While this legislation does not attempt to abrogate or amend the ABM Treaty, it does express the sense of Congress that space, sea, or land-based systems are required to include them and the commonwealths, when a system is deployed in the future.

A year ago the Alaska State Legislature passed a resolution expressing the view of the people of Alaska that they, along with other Americans, should be defended against a missile attack. Why are Alaskans concerned about their vulnerability to missile attack? In 1995, the Administration adopted a national intelligence estimate (NIE) asserting that the U.S. did not face a threat of missile attack for at least 15 years. To arrive at this conclusion, the Administration excluded from the National Intelligence Estimate (NIE) an assessment of the threat of missile attack to Alaska and Hawaii. Excluding Alaska and Hawaii from the NIE served to bypass an earlier assessment by then-Deputy Secretary of Defense John Deutch that territories in these two states could be subject to attack by a North Korean missile, the Taepo Dong 2, by the end of this decade. In fact, the Secretary of Defense issued a report titled Proliferation: Threat and Response (November 1997) which exemplifies the possible threat to Alaska from both North Korea and China.

I believe it is reprehensible to prepare the NIE while leaving some Americans undefended in its pursuit of the most minimal missile defense capability possible. My resolution also provides that Alaska and Hawaii, territories and commonwealths must be included in any NIE prepared by the Administration.

While Alaska and Hawaii were the only two states excluded from consideration under the NIE, most states and territories will be vulnerable as well. The Administration's missile defense plan calls for the development of a system in which a deployment decision may be made in 2000 and deployment completed by 2003. This could leave the vast majority of U.S. territory vulnerable to missile strikes. The Administration's policy views the ABM Treaty as ''the cornerstone of strategic stability.''

I will give a quick history of the ABM Treaty. Article I of the ABM Treaty barred the deployment of a national missile defense system capable of defending all the nations' territory. In fact, Article III of the Treaty, as amended by a 1974 Protocol, permitted the deployment of a single missile defense site that is capable of protecting only the region in which it is deployed. The U.S. designated Grand Forks, North Dakota as this site, although the system located there is mothballed. Taking the Grand Forks system out of mothballs and upgrading its capabilities may allow it to provide protection to all of America. Whether you agree with the ABM Treaty, or not, I believe we would all agree on the necessity to defend all of America, including Alaska, Hawaii, the territories and commonwealths from the threat of ballistic missile attacks.

I call on all my colleagues who wish to see their constituents protected, to look seriously at the resolution introduced today. My friends, this act will improve the interests of all Americans, now and into the future.

□ 2310

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. PEASE). 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 gentlewoman from Maryland (Mrs. MORELLA) is recognized for 5 minutes.

(Mrs. MORELLA 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 Texas (Mr. EDWARDS) is recognized for 5 minutes.

(Mr. EDWARDS 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 Georgia (Mr. KINGSTON) is recognized for 5 minutes.

(Mr. KINGSTON 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 North Carolina (Mrs. CLAYTON) is recognized for 5 minutes.

(Mrs. CLAYTON addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

OPEN MARKETS, REMOVE SANCTIONS AND AGGRESSIVELY PROMOTE AGRICULTURAL EXPORTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas (Mr. MORAN) is recognized for 5 minutes.

Mr. MORAN of Kansas. Mr. Speaker, I rise today to address a serious problem facing the First District of Kansas and, indeed, all of rural America.

Over the past 2 years, prices for wheat and other major agricultural commodities have been in a free-fall. Cash wheat today in Dodge City, Kansas, closed at $2.86 per bushel. That is almost $2 less per bushel than just 1 year ago and other commodities have experienced similar price declines.

Soon the combines will start their annual trek north from the Great Plains of Texas to Canada. If current harvest projections hold true, a large U.S. wheat crop will put further downward pressure on already depressed prices.

While there is no silver bullet, there are several important steps the President and Congress can take to improve the economic outlook for this Nation's farmers and ranchers. According to USDA, exports are predicted to be down at least $4 billion this year. This is a clear signal that Congress and the President must be aggressive in opening markets and promoting agricultural exports.

We should start by using the tools we already have at our disposal. Since

coming to Congress about a year and a half ago, I have communicated regularly with Agriculture Secretary Dan Glickman on the importance of using the Export Enhancement Program for wheat and flour. While wheat flour and wheat exports have been seriously injured by European trade barriers and sizable foreign subsidies, under USDA's current plan wheat and flour will receive no assistance from EEP.

I know Secretary Glickman cares deeply about the problems faced by Kansas wheat farmers, but I am concerned that he receives insufficient support from the Clinton administration in implementing policy changes that could assist agricultural producers. Recently Secretary Glickman announced the use of EEP to combat specific injurious trade barriers. While I support this action, I remain concerned that when the Europeans spent $7.7 billion on export subsidies, the United States only spent $56 million.

This is an example of what we face. The European Community is spending almost $47 billion annually in 1997 in assistance and subsidies to agriculture. Of that, about $7.7 billion is in assistance and subsidies toward exports, while in the United States we spend only $5.3 billion annually, almost an 8-time difference we face as a disadvantage. And this line we cannot even see, this blue line, is what we spend in assisting agricultural exports in this United States for American agricultural producers.

We may not be waving the white flag in defeat, but we are certainly far from putting up the necessary fight on behalf of the American farmer. This is not to say that all efforts have been in vain. This past year Secretary Glickman has been successful in increasing the GSM 102, export credit guarantee program, from $3 billion last year to almost $6 billion this year. This support has been beneficial but much more needs to be done.

Market access for agricultural products must also be improved. Our farmers continue to suffer the consequences of foreign policy decisions that shut them out of markets around the world. It is time for these markets to be opened.

Wheat imports to North Korea, Cuba, Iran and Iraq have all doubled since 1995 and now account for over 10 million tons of wheat. These growing markets are off-limits to U.S. producers but not to Canadians and not to Australian farmers. Our sanctions now wall off 11 percent of the world wheat market, a segment larger than the lost sales of the Soviet grain embargo several years ago. In today's global economy, unilateral sanctions by the U.S. unfairly penalize our producers, reward our competitors, and have little impact on changing behavior in the target country. The American farmer is tired of paying the price for failed U.S. foreign policy.

Mr. Speaker, the last farm bill asked American farmers to take agriculture in a more market-oriented direction. But in order to have true market orientation, we need markets. The only way to improve prices on a long-term basis is to pursue aggressive, even-handed trade initiatives. The decisions made here in Washington, D.C. have real world implications for agricultural producers. Now is the time to open markets, remove sanctions and aggressively promote agricultural exports to give our farmers a fighting chance. Mr. Speaker, it is time to trade.

The SPEAKER pro tempore (Mr. TAYLOR of North Carolina). Under a previous order of the House, the gentlewoman from California (Ms. MILLENDER-MCDONALD) is recognized for 5 minutes.

(Ms. MILLENDER-MCDONALD 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 Arkansas (Mr. HUTCHINSON) is recognized for 5 minutes.

(Mr. HUTCHINSON 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 American Samoa (Mr. FALEOMAVAEGA) is recognized for 5 minutes.

(Mr. FALEOMAVAEGA addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

THE INDONESIA CRISIS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. PAUL) is recognized for 5 minutes.

BACKGROUND

Mr. PAUL. Mr. Speaker, the Soviet system, along with the Berlin Wall, came crashing down in 1989, the same year the new, never-to-end, era came to a screeching halt in Japan. The Japanese economic miracle of the 1970's and the 1980's, with its ''guaranteed'' safeguards, turned out to be a lot more vulnerable than any investor wanted to believe. Today the Nikkei stock average is still down 60% from 1989, and the Japanese banking system remains vulnerable to its debt burden, a weakening domestic economy and a growing Southeast Asian crisis spreading like a wild fire. That which started in 1989 in Japan—and possibly was hinted at even in the 1987 stock market ''crash''—is now sweeping the Asian markets. The possibility of what is happening in Asia spreading next to Europe and then to America should not be summarily dismissed.

ECONOMIC FALLACY

Belief that an artificial boom, brought about by Central Bank credit creation, can last forever is equivalent to finding the philosopher's stone. Wealth cannot be created out of thin air, and new money and credit, although it can on the short-term give an illusion of wealth creation, is destructive of wealth on the long run. This is what we are witnessing in Indonesia—the long run—and it's a much more destructive scenario than the currently collapsing financial system in Japan. All monetary inflation, something all countries of the world are now participating in, must by their very nature lead to an economic slump.

The crisis in Indonesia is the predictable consequence of decades of monetary inflation. Timing, severity, and duration of the correction, is unpredictable. These depend on political perceptions, realities, subsequent economic policies, and the citizen's subjective reaction to the ongoing events. The issue of trust in the future and concerns for personal liberties greatly influences the outcome. Even a false trust, or an ill-founded sense of security from an authoritarian leader, can alter the immediate consequences of the economic corrections, but it cannot prevent the inevitable contraction of wealth as is occurring slowly in the more peaceful Japan and rapidly and violently in Indonesia.

The illusion of prosperity created by inflation, and artificially high currency values, encourage over-expansion, excessive borrowing and delusions that prosperity will last forever. This attitude was certainly present in Indonesia prior to the onset of the economic crisis in mid 1997. Even military spending by the Indonesian government was enjoying hefty increases during the 1990's. All that has quickly ended as the country now struggles for survival.

But what we cannot lose sight of is that the Indonesia economic bubble was caused by a flawed monetary policy which led to all the other problems. Monetary inflation is the mother of all crony ''capitalism.''

CHARACTERISTICS OF THE CORRECTION

One important characteristic of an economic correction, after a period of inflation (credit expansion) is its unpredictable nature because subjective reactions of all individuals concerned influence both political and economic events. Therefore, it's virtually impossible to predict when and how the bubble will burst. It's duration likewise is not scientifically ascertainable.

A correction can be either deflationary or inflationary or have characteristics of both. Today, in Indonesia, the financial instruments and real estate are deflating in price, while consumer prices are escalating at the most rapid rate in 30 years due to the depreciation of the rupiah. Indonesia is in the early stages of an inflationary depression—a not unheard of result of sustained Central Bank inflationary policy. Many believe price inflation only occurs with rapid growth. This is not so.

Blame is misplaced. Rarely is the Central Bank and paper money blamed—unless a currency value goes to zero. In Indonesia the most vulnerable scapegoat has been the Chinese businessmen, now in threat of their lives and fleeing the country.

A much more justifiable ''scapegoat'' is the IMF and the American influence on the stringent reforms demanded in order to receive the $43 billion IMF bailout. IMF policy on aggravates and prolongs the agony while helping the special interest rich at the expense of the poor. The IMF involvement should not be a distraction from the fundamental cause of the financial problem, monetary inflation, even if it did allow three decades of sustained growth.

''Crony capitalism'' was not the cause of Indonesia's trouble. Inflationism and political corruption allows crony capitalism to exist. It would be better to call it economic interventionism for the benefit of special interests—a mild form of fascism—than to abuse the free market term of capitalism.

Any serious economic crisis eventually generates political turmoil, especially if political dissent has been held in check by force for any significant period of time. There should be no surprise to see the blood in the streets of Jakarta—soon to spread and build. Political events serve to aggravate and magnify the logical but subjectively sensitive declining currency values and the faltering economy. The snowballing effect makes the political crisis much more serious than the economic crisis since it distracts from the sound reforms that could restore economic growth. These circumstances, instead of leading to more freedom, invite marshal law for the purpose of restoring stability and the dangers that go with it.

Errors in economic thinking prompt demands from the masses for more government programs to ''take care'' of the rapidly growing number of poor. Demands for more socialism and price controls results whether it's in education, medical care, unemployment benefits or whatever—all programs that Indonesia cannot afford even if they tried to appease the rioting populous.

SOLUTIONS ATTEMPTED

The IMF's $43 billion bailout promise has done nothing to quell the panic in the streets of Jakarta. If anything, conditions have worsened the Indonesians deeply resent the austere conditions demanded by the IMF. Since the U.S. is the biggest contributor to the IMF and the world financial and military cop, resentment toward the United States is equal to that of the IMF. The Indonesian people know they won't be helped by the bailout. They already see their jobs disappearing and prices soaring. The political and economic future, just a few months ago looking rosy, but it is now bleak beyond all description. Indonesians know what the American taxpayers know; the IMF bailout helps the rich lenders who for decades made millions but now want their losses covered by weak victims. Is there any wonder resentment and rage prevails in Indonesia?

The U.S. has just sent a military delegation to study and obviously advise the Indonesian government regarding the law and order crisis now in process. Our officials say that we're there to watch that the Indonesian military do not abuse the rights of Indonesian citizens. Even if true, and well motivated, where did this authority come from for us to run to the scene of the crime—on the other side of the world and pretend we have all the answers. Proper authority or not put aside, the Indonesian people perceive even a few U.S. military advisors as a further threat to them. The U.S. is seen as an extension of the IMF and is expected to more likely side with the Indonesian military than with the demonstrators. No government likes to see any dissolution of government power even the questionable ones. It might encourage others unhappy with their own government. And it is not like the U.S. government is innocent and benign, considering our recent history at Kent State, Waco, and Ruby Ridge and the hundreds of no-knock entries made in error, causing loss of life, multiple injuries and destruction of property. Let us make sure our own government acts responsibly in all matters of law and order here at home before we pretend we can save the world—a responsibility not achievable even if motivated with the best of intentions.

Effort to prop up an ailing economy after the financial bubble has been popped, prolongs the agony and increases the severity of the correction. Japan's bubble burst in 1989 and there is not yet any sign of the cleansing of the system of bad debt and mal-investment which is necessary before sound growth will resume. And Indonesia is embarking on the same predictable course. Restoration of free markets, and establishing sound monetary policy has not yet been considered. The people of Indonesia and the rest of the world should prepare for the worst as this crisis spreads. For Congress, the most important thing is to forget the notion that further taxing American workers to finance a bail-out, that won't work, is the worst policy of all for us to pursue.

The Indonesian government had one idea worth considering under these very difficult circumstances. They wanted to replace their central bank with a currency board. It's not the gold standard, but it would have been a wise choice under current conditions. But the United States and the IMF insisted that in order to qualify for IMF funding this idea had to be rejected outright and the new central bank for Indonesia had to be patterned after the Federal Reserve with, I'm sure, ties to it for directions from Greenspan and company. A currency board would allow a close linkage of the rupiah to the dollar, its value controlled by market forces, and would have prevented domestic Indonesia monetary inflation—the principle cause of the economic bubble now collapsed. The shortcoming of a currency board is that the Indonesian currency and economy would be dependent on dollar stability which is far from guaranteed.

REFUSAL

In the approximately 8 months since the crisis hit Indonesia there has been no serious look at the underlying cause—monetary inflation brought about by a central bank. Nor has any serious thought gone into the internationalization of credit as United States exports of billions of dollars, and thus our own inflation, to most nations of the world who hold these dollars in reserve and use them to further inflate their own currencies. Our huge negative trade balance and foreign debt is not considered by conventional wisdom to be relevant to the Asian currency problems, yet undoubtedly it is. True reform to deal with the growing worldwide crisis can only be accomplished by us first recognizing the underlying economic errors that caused the current crisis.

The philosophy of the free market, holds a lot of answers, yet the difference between free market capitalism and interventionist political cronyism has not been considered by any of the world banking and political leaders currently addressing the exploding Southeast Asian crisis.

Concern for personal liberty is not a subject associated with the crisis and is an ongoing casualty of past and current policy. A greater concern for individual liberty will be required if a positive outcome is to be expected from the fall-out of the Indonesian crisis. Let's hope we can get our priorities straight. Congress has an obligation not to worsen the crisis by capitulating to more bail-outs and to remain vigilant enough to keep the administration from accomplishing the same bail-out through Executive Orders outside the law.

MESSAGE

What should the message be to the Congress and the American people regarding this sudden and major change in the economic climate in Indonesia? First and foremost is that since we operate with a fiat currency, as do all the countries of the world, we are not immune from a sudden and serious economic adjustment—at any time. Dollar strength and our ability to spend dollars overseas, without penalty, will not last forever. Confidence in the U.S. economy, and the dollar will one day be challenged. The severity of the repercussion is not predictable but it could be enormous. Our obligation, as Members of Congress, is to protect the value of the dollar, not to deliberately destroy it, in an attempt to prop up investors, foreign governments or foreign currencies. That policy will only lead to a greater crisis for all Americans.

As the Asian crisis spreads, I would expect Europe to feel the crunch next. Unemployment is already at a 12% level in Germany and France. The events can be made worse and accelerated by outside events like a Middle Eastern crisis or a war between India and Pakistan both now rattling their nuclear weapons. Eventually though, our system of ''crony capitalism'' and fiat money system will come under attack. Our system of favoring industries is different than the family oriented favoritism of Suharto, but none-the-less is built on a system of corporate welfare that prompts constant lobbying of Congress and the Administration for each corporation's special interests. We have little to talk about as we preach austerity, balanced budgets and sound money to the current victims. Our day will come when we will humble ourselves before world opinion as our house of cards comes crashing down.

We will all know we are on the right track when the people and our leaders are talking of restoring liberty to all equally, and establishing a sound money system that prevents the Fed from manufacturing money and credit out of thin air for the benefit of politicians, corporations and bankers who directly benefit.

PREVENTING TEEN PREGNANCY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, first of all, I am pleased to have the time to speak here today about the importance of preventing teen pregnancy, and I think it is crucially important that we recognize this month as Teen Pregnancy Prevention month.

As a member of the Women's Congressional Caucus and the Chair of the Children's Congressional Caucus, I have been a strong advocate of teen pregnancy prevention.

I recently offered an amendment to H.R. 2264, a labor and appropriations bill which was to increase funding by $2 million for teen pregnancy programs sponsored by the CDC.

The consequences of teenage pregnancy and child-bearing are serious and contribute to many of the nation's enduring social problems.

Becoming pregnant and having a baby early in life makes it difficult to create an emotionally and financially sound environment for children.

Yet every year, approximately one million teenagers in this country become pregnant and 90 percent of those pregnancies are unintended.

Teenage girls have a higher risk of pregnancy complications, including maternal mortality and morbidity, miscarriages, still births, premature births and nutritional deficiencies than adult women.

Fewer than 60% of these teen mothers graduate from high school by age 25, and in addition to a lower educational status, early childbearing has an impact on the economic status of teens by affecting employment opportunities, marital options, and family structure.

Teen mothers are four times as likely as women who have their first child after adolescence to be poor in their 20's and early thirties, and are likely to have lower family incomes later in life.

In my home state of Texas, the birth rate for teenagers 15–18 years of age is 78.9%.

Although this is a decrease by 3.9% since 1991, far too many of our communities' children across the United States are having children of their own.

Teenage pregnancy and childbearing come hand in hand with a levels of risk for all involved.

We all carry the potential burden when children themselves have children, personally, societally and economically.

Our country spends more than $20 billion dollars each year assisting teen parents and their children.

Only through education and programs such as campaigns such as The National Campaign to Prevent Pregnancy, and a similar program through the Texas Southern University in Houston, Texas that focuses on the prevention of pregnancy in pre-adolescents and adolescents.

Our children and our adolescents carry the future of tomorrow. We must do everything we can to help our children prolong childbearing and parenting until they can truly be responsible adults and parents.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Colorado (Mr. MCINNIS) is recognized for 5 minutes.

(Mr. McINNIS 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 California (Mrs. CAPPS) is recognized for 5 minutes.

(Mrs. CAPPS 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.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. FRANKS) is recognized for 5 minutes.

(Mr. FRANKS 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 Florida (Ms. BROWN) is recognized for 5 minutes.

(Ms. BROWN 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 California (Mr. RIGGS) is recognized for 5 minutes.

(Mr. RIGGS 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 the Virgin Islands (Ms. CHRISTIAN-GREEN) is recognized for 5 minutes.

(Ms. CHRISTIAN-GREEN 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 Michigan (Mr. SMITH) is recognized for 5 minutes.

(Mr. SMITH addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

JASON HU—A MODERN DIPLOMAT WITH VISION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. SOLOMON) is recognized for 5 minutes.

Mr. SOLOMON. Mr. Speaker, in the April 10 edition of the Central Daily News, published in Taipei, there was an excellent article about Taiwan's Foreign Minister Jason Hu. Jason was the former Taiwan representative in Washington, D.C. and a friend to many of us on the Hill.

I would like to ask the permission to print the article, in an English translation by Professor N. Mao, for the reference of my colleagues and friends.

JASON HU—A MODERN DIPLOMAT WITH VISION

Will Jason Hu be the ruling Kuomintang candidate to run for Mayor of the city of Taipei?

This topic stirred up considerable speculation in the offices of the Taipei Economic Cultural Representative Office in Washington, D.C. Most of Jason Hu's former assistants professed high confidence in Jason Hu's waging a successful campaign for the job, but they would prefer to see Jason stay on as the Republic of China's Foreign Minister.

One close aide of Jason's commented that the Republic of China's diplomatic work needs someone like Jason, a non-career but highly innovative diplomat with fresh ideas and vision. Nearly all of Jason's former aides expressed the view that they would not want to see Jason leave his current post as Foreign Minister.

BREAKTHROUGH IN TAIPEI-U.S. RELATIONS

Will Jason Hu run for the office of the Mayor of Taipei? Someone who knows Jason well commented that Jason would not have any intention of running for the office, but if Jason were asked by the Kuomintang, Jason will run. Why? Jason is very loyal to the party.

If the Kuomintang can't find any other candidate to run for the office and if the Kuomintang leaders keep asking Jason to run, Jason will run.

Jason is not a career diplomat. During his tenure as Taipei's highest ranking diplomat in Washington, D.C., Jason shed outdated conventions and emerged a winner in gaining new friends for his country during a period of diplomatic low tide between Washington and Taipei.

In June 1996, Jason assumed the post as Taipei's representative in Washington, D.C. Immediately after arrival in Washington, he was an enthusiastic participant in activities sponsored by other diplomats, the U.S. Congress, think-tanks, international organizations, U.S. Government officials and any other persons or groups, whether or not their countries recognize Taipei.

He would meet with anyone if he thought that person would enhance Taipei's diplomatic interests. Jason is a man full of self-confidence, wit, humor, sincerity and considerable personal charm. During his short tenure in Washington, he was a highly visible diplomat and even earned the admiration of diplomats in the U.S. State Department for his professionalism. In fact, during Jason's fifteen months in Washington, he won the confidence of the United States Government, acceptance of the diplomatic corps, respect of the overseas Chinese in the United States and loyalty of his colleagues. He was also popular with the press.

It has been less than 8 years since Jason Hu entered government office.

When he first served as the government's spokesman, he impressed everyone with his leadership abilities. But what distinguished him the most was his service as Taipei's top diplomat in Washington. Before he came to Washington, Taipei maintained low-level contacts with the U.S. Government. But with Jason's efforts, within half a year after Jason's arrival in Washington, the level of contacts between Taipei and Washington was significantly upgraded. Moreover, being a non-career diplomat, Jason was an innovative diplomat with new ideas.

His activities in Washington extended far beyond traditional diplomatic circles; he had direct contacts with many international organizations stationed in Washington.

PERSISTENT JASON HU

A man full of self-confidence Jason is gifted with the ability to foster a favorable environment for talks with friends and strangers. For protocol reasons, he could not be formally addressed as ''Ambassador Hu'' in Washington but could be properly addressed as ''Doctor Hu'' of Oxford University.

No one could ignore his impressive Oxonian credentials. In 1995 Jason held a face-to-face dialogue with Dr. Kissinger and he equaled Kissinger in terms of knowledge and sharp analytical ability. Jason is a confident man but definitely not an arrogant man.

In fact, Jason can make any adversary happy to be in his company.

After a few witty introductory remarks, Jason will make his listener eager for more conversation. When the ''chemistry'' is right, Jason tries his best to persuade his adversary of his viewpoints. Even though differences of opinion may persist Jason never allows his adversary to feel confrontational.

Even though Jason Hu has left Washington for more than six months, friends still talk about his innovative personal style in approaching friends and foe.

Another characteristic of Jason's is his persistence. In April 1997, during Speaker

Gingrich's Asian tour the Speaker and his delegation made a whirlwind 4-hour stop in Taipei.

At first, everyone, including Gingrich himself, believed that it was not possible to add Taipei to the Speaker's Asian itinerary, but Jason Hu persisted in asking the Speaker to reconsider his itinerary. Finally, he convinced the Speaker of the uttermost importance for the delegation to stop in Taipei. Gingrich relented and squeezed in four precious hours in Taipei.

At about the same time, in a number of articles the New York Times mentioned the ''Taiwan factor,'' implying Taiwan was a troublemaker in U.S. relations with China. Jason Hu repeatedly communicated with the editors of the New York Times, trying to convince them of Taipei's perspectives. As a result of Jason's efforts, the New York Times has not again mentioned the ''Taiwan factor.''

JASON HU—A MAN OF POTENTIAL

After the 1996 U.S. elections, Jason Hu visited former Senator Robert Dole, former National Security Advisor Tony Lake and former Secretary of Defense William Perry, briefing them of the developments in Taiwan.

It appears that Messrs Dole, Lake and Perry all have now developed a good understanding of the issues affecting Taiwan. Jason Hu deserves credit for making these opinion-makers aware of Taiwan's developments.

Will Jason Hu run for the Taipei mayoral seat? The answer will come in May of this year. Considering Jason Hu's electability and potential, he will be a winning card for the Kuomintang.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. CRANE (at the request of Mr. ARMEY) for today on account of illness.

Mr. BATEMAN (at the request of Mr. ARMEY) for today and the balance of the week on account of medical reasons.

Mr. MEEKS of New York (at the request of Mr. GEPHARDT) for today and the balance of the week on account of family matters.

Mr. UNDERWOOD (at the request of Mr. GEPHARDT) for today and the balance of the week on account of official business.

Mr. MCNULTY (at the request of Mr. GEPHARDT) for today on account of family business.

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. REYES) to revise and extend their remarks and include extraneous material:)

Mr. EDWARDS, for 5 minutes, today.

Mrs. CLAYTON, for 5 minutes, today.

Ms. MILLENDER-MCDONALD, for 5 minutes, today.

Mr. FALEOMAVAEGA, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Mrs. CAPPS, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Ms. BROWN of Florida, for 5 minutes, today.

Ms. CHRISTIAN-GREEN, for 5 minutes, today.

The following Members (at the request of Mr. MORAN of Kansas) to revise and extend their remarks and include extraneous material:

Mr. KINGSTON, for 5 minutes, today.

Mr. MORAN of Kansas, for 5 minutes, today.

Mr. HUTCHINSON, for 5 minutes each day, today and on May 20, 21 and 22.

Mr. PAUL, for 5 minutes, today.

Mr. MCINNIS, for 5 minutes each day, today and on May 20.

Mr. METCALF, for 5 minutes, today.

Mr. FRANKS of New Jersey, for 5 minutes each day, today and on May 20, 21 and 22.

Mr. EHRLICH, for 5 minutes, on June 2.

Mr. RIGGS, for 5 minutes, today.

Mr. SMITH of Michigan, for 5 minutes each day, today and on May 20.

Mr. SOLOMON, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. REYES) and to include extraneous matter:)

Ms. ESHOO.

Mr. KIND.

Mr. KENNEDY of Rhode Island.

Mr. HALL of Ohio.

Mr. BONIOR.

Mr. SHERMAN.

Mr. VISCLOSKY.

Mr. KILDEE.

Mr. EDWARDS.

Mr. SKELTON.

Mr. THOMPSON.

Mrs. MALONEY of New York.

Ms. PELOSI.

Mr. SCHUMER.

Mrs. CAPPS.

Ms. SANCHEZ.

Mr. STARK.

Ms. HARMAN.

Mr. RUSH.

(The following Members (at the request of Mr. MORAN of Kansas) and to include extraneous matter:)

Mr. RADANOVICH.

Mr. SMITH of New Jersey.

Mr. NEY.

Mr. YOUNG of Alaska.

Mr. ARCHER.

Mr. GILMAN.

Mr. MCCOLLUM.

Mr. WALSH.

Mr. HORN.

Mr. SHAW.

Mr. DELAY.

Mr. PORTMAN.

Mr. SMITH of Michigan, in two instances.

(The following Members (at the request of Mr. MORAN of Kansas) and to include extraneous matter:)

Mr. REYES.

Mr. HALL of Texas.

Mr. GOODLATTE.

Mr. GILLMOR.

Mr. LAZIO of New York.

Mr. BLUMENAUER.

Mr. CLYBURN.

Mr. MORAN of Kansas.

Mr. PAPPAS.

Mr. KILDEE.

Mr. CONDIT.

Mr. PAYNE.

Mr. PACKARD.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1723. An act to amend the Immigration and Nationality Act to assist the United States to remain competitive by increasing the access of United States firms and institutions of higher education to skilled personnel and by expanding educational and training opportunities for American students and workers; to the committee on the judiciary, and in addition, to the Committee(s) on Education and the Workforce, and the Committee on International Relations, 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.

ENROLLED BILL SIGNED

Mr. THOMAS, from the Committee on House Oversight, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 3565. An act to amend Part L of the Omnibus Crime Control and Safe Streets Act of 1968.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to enrolled bill of the Senate of the following title:

S. 1605. An act to establish a matching grant program to help State and local jurisdictions purchase armor vests for use by law enforcement departments.

ADJOURNMENT

Mr. MORAN of Kansas. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 19 minutes p.m.), the House adjourned until Wednesday, May 20, 1998, at 10 a.m.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports and amended reports concerning the foreign currencies and U.S. dollars utilized for official foreign travel during the fourth quarter of 1997 and first quarter of 1998 by Committees of the House of Representatives, as well as a consolidated report of foreign currencies and U.S. dollars utilized for speaker-authorized official travel during April of 1998, pursuant to Public Law 95–384 are as follows:

AMENDED REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON AGRICULTURE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31. 1997

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Bob Smith	12/7	12/14	Australia				152.46				152.46
Hon Bill Barrett	12/7	12/14	Australia				152.46				152.46
Hon Richard Pombo	12/7	12/14	Australia				152.46				152.46
Hon. Tom Ewing	12/7	12/14	Australia				152.46				152.46
Hon Frank Lucas	12/7	12/14	Australia				152.46				152.46
Hon. Sam Farr	12/7	12/14	Australia				152.46				152.46
Hon. Eva Clayton	12/7	12/14	Australia				152.46				152.46
Hon. Gary Condit	12/7	12/14	Australia				152.46				152.46
Hon. John Boehner	12/7	12/14	Australia				152.46				152.46
Hon. Collin Peterson	12/7	12/14	Australia				152.46				152.46
Paul Unger	12/7	12/14	Australia				152.46				152.46
Andrew Baker	12/7	12/14	Australia				152.46				152.46
Lynn Gallagher	12/7	12/14	Australia				152.46				152.46
Bryce Quick	12/7	12/14	Australia				152.46				152.46
Jason Vaillancourt	12/7	12/14	Australia				152.46				152.46
William O'Conner	12/7	12/14	Australia				152.46				152.46
Committee total							2,439.36				2,439.36

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

BOB SMITH, Chairman, Apr. 29, 1998

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON APPROPRIATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 1998

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Frank R. Wolf	1/11	1/14	Russia		670.00						670.00
Commercial airfare							4,961.00				4,961.00
Hon. John P. Murtha	1/7	1/9	Japan		354.00						354.00
	1/9	1/11	South Korea		456.00						456.00
Commercial airfare							5,747.00				5,747.00
Gregory R. Dahlberg	1/7	1/9	Japan		354.00						354.00
	1/9	1/11	South Korea		456.00						456.00
Commercial airfare							5,747.00				5,747.00
Hon Esteban Torres	1/15	1/18	Belgium		852.00		(3)				852.00
	1/18	1/20	Poland		556.00						556.00
Charles Flickner	2/20	2/26	Mongolia		1,399.00						1,399.00
Commercial airfare							5,456.00				5,456.00
William B. Inglee	2/15	2/17	Hungary		494.00						494.00
	2/17	2/19	Czech Republic		564.00						564.00
	2/19	2/21	Poland		556.00						556.00
Commercial airfare							3,999.38				3,999.38
John G. Shank	2/12	2/16	Bosnia/Herzegovina		1,204.00						1,204.00
	2/16	2/19	Czech Republic		696.00						696.00
	2/19	2/21	Poland		456.00						456.00
Commercial airfare							4,103.91				4,103.91
James W. Dyer	2/13	2/16	Bosnia		903.00						903.00
	2/16	2/18	Czech Republic		464.00						464.00
Commercial airfare							5,533.81				5,533.81
Scott Lilly	2/16	2/19	Thailand		720.00						720.00
	2/19	2/22	Indonesia		802.75						802.75
	2/22	2/25	Japan		849.00						849.00
Commercial airfare							4,965.00				4,965.00
Mark W. Murray	2/16	2/19	Thailand		720.00						720.00
	2/19	2/22	Indonesia		802.75						802.75
	2/22	2/25	Japan		849.00						849.00
Commercial airfare							4,965.00				4,965.00
Hon. Charles Taylor	2/14	2/19	Russia		1,350.00						1,350.00
Commercial airfare							5,838.00				5,838.00
Committee total					17,125.50		51,316.10				68,441.60
Committee on Appropriations, Surveys and Investigations Staff:											
Bertram F. Dunn	2/15	2/19	Turkey		723.00		5,110.22		89.90		5,923.12
	2/19	2/21	Germany		390.25						390.25
Carroll L. Hauver	2/15	2/19	Turkey		723.00		5,110.22		82.85		5,916.07
	2/19	2/21	Germany		390.25						390.25
William P. Haynes, Jr	3/29	4/1	Panama		470.25		1,898.00		51.00		2,419.25
Patricia M. Murphy	3/29	4/1	Panama		470.25		2,173.00		61.00		2,704.25
Michael Welsh	3/29	4/1	Panama		470.25		2,173.00		100.75		2,744.00
Committee total					3,637.25		16,464.44		385.50		20,487.19

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

BOB LIVINGSTON, Chairman.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON BANKING AND FINANCIAL SERVICES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 1998

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. James Leach	1/17	1/19	Hong Kong		786.00		(3)		4,121.43		4,907.43

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON BANKING AND FINANCIAL SERVICES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 1998—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
	1/19	1/21	China		514.00		(3)				514.00
	1/21	1/22	Korea		228.00		(3)				228.00
	1/22	1/25	Japan		843.00		(3)				843.00
Hon. Bruce Vento	1/17	1/19	Hong Kong		786.00		(3)				786.00
	1/19	1/21	China		514.00		(3)				514.00
	1/21	1/22	Korea		228.00		(3)				228.00
	1/22	1/25	Japan		843.00		(3)				843.00
Hon. Ken Bentsen	1/17	1/19	Hong Kong		786.00		(3)				786.00
	1/19	1/21	China		514.00		(3)				514.00
	1/21	1/22	Korea		228.00		(3)				228.00
	1/22	1/23	Japan		281.00		2,249.00				2,530.00
Hon. Maurice Hinchey	1/17	1/19	Hong Kong		786.00		(3)				786.00
	1/19	1/21	China		514.00		(3)				514.00
	1/21	1/22	Korea		228.00		(3)				228.00
	1/22	1/25	Japan		843.00		(3)				843.00
Hon. Jesse Jackson, Jr.	1/17	1/19	Hong Kong		786.00		(3)				786.00
	1/19	1/21	China		514.00		(3)				514.00
	1/21	1/22	Korea		228.00		(3)				228.00
	1/22	1/25	Japan		843.00		(3)				843.00
James McCormick	1/17	1/19	Hong Kong		786.00		(3)				786.00
	1/19	1/21	China		514.00		(3)				514.00
	1/21	1/22	Korea		228.00		(3)				228.00
	1/22	1/25	Japan		843.00		(3)				843.00
David Runkel	1/17	1/19	Hong Kong		786.00		(3)				786.00
	1/19	1/21	China		514.00		(3)				514.00
	1/21	1/22	Korea		228.00		(3)				228.00
	1/22	1/25	Japan		843.00		(3)				843.00
Committee total					16,035.00		2,249.00		4,121.43		22,405.43

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

JIM LEACH, Chairman, Apr. 30, 1998.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON COMMERCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 1998

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. John Dingell	1/15	1/18	Belgium		852.00						852.00
	1/18	1/20	France		598.00						598.00
	1/20	1/22	Poland		556.00						556.00
Hon. Tom Sawyer	1/15	1/18	Belgium		852.00		1,732,72				2,584.72
Committee total					2,858.00		1,732.72				4,590.72

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

TOM BLILEY, Chairman, Apr. 29, 1998.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON NATIONAL SECURITY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 1998

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Visit to Bosnia, Croatia and Germany, December 30, 1997–January 1, 1998:											
Hon. John M. Spratt, Jr.	12/30	12/31	Bosnia		175.00						175.00
	12/31	12/31	Croatia								
	12/31	1/1	Germany		200.00						200.00
Commercial airfare							4,968.80				4,968.80
Visit to Malaysia, Indonesia and Australia, January 7–19, 1998:											
Hon. Floyd D. Spence	1/7	1/9	Malaysia		324.00						324.00
	1/9	1/11	Indonesia		494.00						494.00
	1/11	1/19	Australia		1,891.00						1,891.00
Hon. Herbert H. Bateman	1/7	1/9	Malaysia		324.00						324.00
	1/9	1/11	Indonesia		494.00						494.00
	1/11	1/19	Australia		1,891.00						1,891.00
Hon. Owen B. Pickett	1/7	1/9	Malaysia		324.00						324.00
	1/9	1/11	Indonesia		494.00						494.00
	1/11	1/19	Australia		1,891.00						1,891.00
Hon. Tillie K. Fowler	1/7	1/9	Malaysia		324.00						324.00
	1/9	1/11	Indonesia		494.00						494.00
	1/11	1/19	Australia		1,891.00						1,891.00
Hon. John M. McHugh	1/7	1/9	Malaysia		324.00						324.00
	1/9	1/11	Indonesia		494.00						494.00
	1/11	1/13	Australia		472.00						472.00
Commercial airfare							2,755.08				2,755.08
Hon. Paul McHale	1/7	1/9	Malaysia		324.00						324.00
	1/9	1/11	Indonesia		494.00						494.00
	1/11	1/19	Australia		1,891.00						1,891.00
Hon. Lindsey Graham	1/7	1/9	Malaysia		324.00						324.00
	1/9	1/11	Indonesia		494.00						494.00
	1/11	1/19	Australia		1,891.00						1,891.00
Hon. Van Hilleary	1/7	1/9	Malaysia								
	1/9	1/11	Indonesia								
	1/11	1/19	Australia								
Peter M. Steffes	1/7	1/9	Malaysia		324.00						324.00
	1/9	1/11	Indonesia		494.00						494.00
	1/11	1/19	Australia		1,891.00						1,891.00
Steven A. Thompson	1/7	1/9	Malaysia		324.00						324.00
	1/9	1/11	Indonesia		494.00						494.00
	1/11	1/19	Australia		1,891.00						1,891.00
Delegation expenses	1/7	1/9	Malaysia				354.12		581.13		935.25
	1/11	1/19	Australia				3,522.00		2,730.00		6,252.00
Visit to Italy, Bosnia, Macedonia, Azerbaijan and Belgium, January 4–12, 1998:											
Hon. Ike Skelton	1/4	1/6	Italy		796.00						796.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON NATIONAL SECURITY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 1998—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
	1/6	1/6	Bosnia								
	1/6	1/8	Macedonia		372.00						372.00
	1/8	1/9	Azerbaijan		346.00						346.00
	1/9	1/12	Belgium		540.00						540.00
Hon. Gene Taylor	1/4	1/6	Italy		796.00						796.00
	1/6	1/6	Bosnia								
	1/6	1/8	Macedonia		372.00						372.00
	1/8	1/9	Azerbaijan		346.00						346.00
	1/9	1/12	Belgium		540.00						540.00
Hon. Silvestre Reyes	1/4	1/6	Italy		796.00						796.00
	1/6	1/6	Bosnia								
	1/6	1/8	Macedonia		372.00						372.00
	1/8	1/9	Azerbaijan		346.00						346.00
	1/9	1/12	Belgium		540.00						540.00
Michael R. Higgins	1/4	1/6	Italy		796.00						796.00
	1/6	1/6	Bosnia								
	1/6	1/8	Macedonia		372.00						372.00
	1/8	1/9	Azerbaijan		346.00						346.00
	1/9	1/12	Belgium		540.00						540.00
Delegation expenses	1/4	1/6	Italy						359.41		359.41
Visit to Peru and Colombia, January 8–17, 1998:											
Andrea K. Aquino	1/08	1/13	Peru		1,194.00						1,194.00
	1/13	1/17	Colombia		772.00						772.00
Commercial airfare						2,340.00					2,340.00
George O. Withers	1/08	1/13	Peru		1,194.00						1,194.00
	1/13	1/17	Colombia		772.00						772.00
Commercial airfare						2,340.00					2,340.00
Visit to Germany, Hungary, Bosnia and Belgium, January 20–25, 1998:											
John D. Chapla	1/20	1/21	Germany		206.00						206.00
	1/21	1/23	Hungary		494.00						494.00
	1/22	1/22	Bosnia								
	1/23	1/23	Bosnia								
	1/23	1/25	Belgium		552.00						552.00
Commercial airfare						4,154.20					4,154.20
Donna L. Hoffmeier	1/20	1/21	Germany		206.00						206.00
	1/21	1/23	Hungary		494.00						494.00
	1/22	1/22	Bosnia								
	1/23	1/23	Bosnia								
	1/23	1/25	Belgium		552.00						552.00
Commercial airfare						4,154.20					4,154.20
David J. Trachtenberg	1/20	1/21	Germany		206.00						206.00
	1/21	1/22	Hungary		247.00						247.00
	1/22	1/23	Bosnia		351.00						351.00
	1/23	1/25	Belgium		552.00						552.00
Commercial airfare						4,154.20					4,154.20
Thomas J. Donnelly	1/20	1/21	Germany		206.00						206.00
	1/21	1/22	Hungary		247.00						247.00
	1/22	1/23	Bosnia		351.00						351.00
	1/23	1/25	Belgium		552.00						552.00
Commercial airfare						4,154.20					4,154.20
Lara L. Roholt	1/20	1/21	Germany		206.00						206.00
	1/21	1/22	Hungary		494.00						494.00
	1/22	1/23	Bosnia								
	1/23	1/25	Belgium		552.00						552.00
Commercial airfare						4,154.20					4,154.20
Joseph F. Boessen	1/20	1/21	Germany		206.00						206.00
	1/21	1/22	Hungary		247.00						247.00
	1/23	1/24	Germany		281.00						281.00
Commercial airfare						2,978.20					2,978.20
Thomas P. Glakas	1/20	1/21	Germany		206.00						206.00
	1/21	1/22	Hungary		247.00						247.00
	1/22	1/23	Bosnia		351.00						351.00
	1/23	1/25	Belgium		552.00						552.00
Commercial airfare						4,154.20					4,154.20
Visit to Sweden, January 30–February 2, 1998:											
Hon. Curt Weldon	1/30	2/2	Sweden		800.00						800.0
Commercial airfare							3,936.58				3,936.58
Visit to Germany and Bosnia, February 6–8, 1998:											
Hon. Norman Sisisky	2/6	2/8	Germany		472.00						472.00
	2/6	2/6	Bosnia								
Visit to Panama, Peru and Colombia, February 12–20, 1998:											
Hon. Gene Taylor	2/12	2/14	Panama		366.00						366.00
	2/14	2/17	Peru		602.00						602.00
	2/17	2/20	Colombia		660.00						660.00
Commercial airfare							1,929.00				1,929.00
Visit to Russia, February 16–19, 1998:											
Hon. Curt Weldon	2/16	2/19	Russia		1,000.00						1,000.00
Commercial airfare							5,474.00				5,474.00
Committee total					47,943.00		55,522.98		3,670.54		107,136.52

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

FLOYD SPENCE, Chairman, Apr. 30, 1998.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 1998

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Jim Oberstar	2/16	1/16	Canada								
Commercial airfare							902.19				902.19
Art Chan	2/16	2/16	Canada								
Commercial airfare							866.00				
Committee total							1,768.19				1,768.19

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

BUD SHUSTER, Chairman, May 1, 1998.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON VETERANS' AFFAIRS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 1998

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]

FOR HOUSE COMMITTEES

Please Note: If there were no expeditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☒

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

BOB STUMP, Chairman, Apr. 27, 1998.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, PERMANENT SELECT COMMITTEE ON INTELLIGENCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 1998

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Porter Goss	1/3	1/9	Middle East		1,037.00		(3)				1,037.00
Thomas Newcomb	1/3	1/9	Middle East		1,563.00		(3)				1,563.00
Michael Sheehy	1/4	1/2	Europe & Asia		2,054.00		(3)				2,054.00
Hon. Sanford Bishop	1/19	1/26	Asia		1,636.00				105.00		1,741.00
Commercial airfare							7,041.93				7,041.93
Calvin Humphrey	1/19	1/26	Asia		1,636.00				105.00		1,741.00
Commercial airfare							7,206.62				7,062.62
Hon. Porter Goss	1/29	2/2	North & Central America		936.00		(3)				936.00
Hon. Bill McCollum	1/29	2/2	North & Central America		1,043.00		(3)				1,043.00
John Millis	1/29	2/2	North & Central America		1,043.00		(3)				1,043.00
Patrick Murray	1/29	2/2	North & Central America		1,043.00		(3)				1,043.00
Christopher Barton	1/29	2/2	North & Central America		1,043.00		(3)				1,043.00
Wendy Selig	1/29	2/2	North & Central America		1,043.00		(3)				1,043.00
Patrick Murray	2/12	2/14	South America		542.00						542.00
Commercial airfare							1,438.77				1,438.77
Hon. Porter Goss	2/14	2/22	Europe		2,428.00		(3)				2,428.00
Thomas Newcomb	2/14	2/22	Europe		2,463.00		(3)				2,463.00
John Millis	2/19	2/21	Middle East		480.00						480.00
Commercial airfare							5,451.49				5,451.49
Mary Engebreth	3/3	3/8	Oceania		1,273.00						1,273.00
Commercial airfare							7,714.97				7,714.97
Patrick Murray	3/6	3/10	Europe		1,021.00						1021.00
Commercial airfare							1,269.00				1,269.00
Committee total					19,684.00		30,122.78				50,016.78

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

PORTER J. GOSS, Chairman, Apr. 29, 1998.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO BOSNIA, MACEDONIA, CROATIA, GERMANY, HUNGARY AND IRELAND, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 2 AND APR. 7, 1998

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Bob Riley	4/2	4/3	Germany		156.00						156.00
Hon. Ernest Istook	4/2	4/3	Germany		156.00						156.00
Hon. Bob Etheridge	4/2	4/3	Germany		156.00						156.00
Dan Gans	4/2	4/3	Germany		156.00						156.00
Carolyn Bartholomew	4/2	4/3	Germany		156.00						156.00
Hon. Bob Riley	4/3	4/5	Hungary		494.00						494.00
Hon. Ernest Istook	4/3	4/5	Hungary		494.00						494.00
Hon. Bob Etheridge	4/3	4/5	Hungary		494.00						494.00
Dan Gans	4/3	4/5	Hungary		494.00						494.00
Carolyn Bartholomew	4/3	4/5	Hungary		494.00						494.00
Hon. Bob Riley	4/5	4/6	Croatia		278.00						278.00
Hon. Ernest Istook	4/5	4/6	Croatia		478.00						278.00
Hon. Bob Etheridge	4/5	4/6	Croatia		278.00						278.00
Dan Gans	4/5	4/6	Croatia		278.00						278.00
Carolyn Bartholomew	4/5	4/6	Croatia		278.00						278.00
Hon. Bob Riley	4/6	4/7	Ireland		168.00						168.00
Hon. Ernest Istook	4/6	4/7	Ireland		168.00						168.00
Hon. Bob Etheridge	4/6	4/7	Ireland		168.00						168.00
Dan Gans	4/6	4/7	Ireland		168.00						168.00
Carolyn Bartholomew	4/6	4/7	Ireland		168.00						168.00
Dan Gans									[3] 360.00		360.00
Hon. Bob Riley	4/2	4/7			[4] 32.00						32.00
Hon. Ernest Istook	4/2	4/7			[4] 32.00						32.00
Hon. Bob Etheridge	4/2	4/7			[4] 32.00						32.00
Dan Gans	4/2	4/7			[4] 32.00						32.00
Carolyn Bartholomew	4/2	4/7			[4] 32.00						32.00
Committee total					5,640.00				360.00		6,000.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Film and film processing.
[4] In-flight meals.

BOB RILEY, May 7, 1998.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, TRAVEL TO SPAIN, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 21 AND APR. 24, 1998

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Fred L. Turner	4/21	4/24	Spain	98,879	645.00					98,879	645.00
Committee total				98,879	645.00					98,879	645.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

FRED L. TURNER, May 5, 1998.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

9183. A letter from the Chairman, Postal Rate Commission, transmitting a copy of the Postal Rate Commission's recommended decision in the Omnibus Rate Case R97–1; to the Committee on Government Reform and Oversight.

9184. A letter from the the Chief Administrative Officer, the U.S. House of Representatives, transmitting the quarterly report of receipts and expenditures of appropriations and other funds for the period January 1, 1998 through March 31, 1998 as compiled by the Chief Administrative Officer, pursuant to 2 U.S.C. 104a; (H. Doc. No. 105—254); to the Committee on House Oversight and ordered to be printed.

9185. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—SPECIAL LOCAL REGULATIONS; River Race Augusta, Augusta, GA [CGD07–98–013] (RIN: 2115–AE46) received May 14, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9186. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 747 and 767 Series Airplanes [Docket No. 98–NM–111–AD; Amendment 39–10522; AD 98–10–10] (RIN: 2120–AA64) received May 14, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9187. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Bell Helicopter Textron (Bell)-manufactured Model HH–1K, TH–1F, TH–1L, UH–1A, UH–1B, UH–1E, UH–1F, UH–1H, UH–1L, and UH–1P Helicopters; and Southwest Florida Aviation SW204, SW204HP, SW205, and SW205A–1 Helicopters [Docket No. 97–SW–35; Amendment 39–10521; AD 97–20–09] (RIN: 2120–AA64) received May 14, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9188. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Alexander Schleicher Segelflugzeugbau Model ASK 21 Sailplanes [Docket No. 97–CE–103–AD; Amendment 39–10518; AD 98–10–07] (RIN: 2120–AA64) received May 14, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9189. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Construcciones Aeronauticas, S.A. (CASA) Model C–212 Series Airplanes [Docket No. 97–NM–297–AD; Amendment 39–10519; AD 98–10–08] (RIN: 2120–AA64) received May 14, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9190. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Bell Helicopter Textron (Bell) Model 204B, 205A, and 205A–1 Helicopters [Docket No. 97–SW–32–AD; Amendment 39–10520; AD 97–18–11] (RIN: 2120–AA64) received May 14, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9191. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Burkhart Grob Luft-und Raumfahrt Models G115C, G115C2, G115D, and G115D2 Airplanes [Docket No. 98–CE–24–AD; Amendment 39–10517; AD 98–10–06] (RIN: 2120–AA64) received May 14, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9192. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Prohibition Against Certain Flights Within the Territory and Airspace of Afghanistan [Docket No. 27744; SFAR67] (RIN: 2120–AG56) received May 14, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9193. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model DC–9–10, -20, -30, -40, and -50 Series Airplanes, and C–9 (Military) Airplanes [Docket No. 97–NM–40–AD; Amendment 39–10473; AD 98–08–24] (RIN: 2120–AA64) received May 14, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9194. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Eurocopter France Model SA–365N1, AS–365N2, and SA–366G1 Helicopters [Docket No. 97–SW–49–AD; Amendment 39–10515; AD 98–10–04] (RIN: 2120–AA64) received May 14, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9195. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 29214; Amdt. No. 1866] (RIN: 2120–AA65) received May 14, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9196. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Aviation Charter Rules [Docket OST–97–2356] (RIN: 2105–AB91) received May 14, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

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. YOUNG of Alaska: Committee on Resources. H.R. 2863. A bill to amend the Migratory Bird Treaty Act to clarify restrictions under that Act on baiting, to facilitate acquisition of migratory bird habitat, and for other purposes; with an amendment (Rept. 105–542). Referred to the Committee of the Whole House on the State of the Union.

Mr. CANADY: Committee on the Judiciary. House Joint Resolution 78. Resolution proposing an amendment to the Constitution of the United States restoring religious freedom; with an amendment (Rept. 105–543). Referred to the House Calendar.

Mr. SOLOMON: Committee on Rules. House Resolution 441. Resolution providing for further consideration of the bill (H.R. 3616) to authorize appropriations for fiscal year 1999 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 1999, and for other purposes (Rept. 105–544). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of Rule X and clause 4 of Rule XXII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. GILMAN (for himself and Mr. PAYNE):

H.R. 3890. A bill to promote democracy and good governance in Nigeria, and for other purposes; to the Committee on International Relations, and in addition to the Committees on Banking and Financial Services, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GOODLATTE:

H.R. 3891. A bill to amend the Trademark Act of 1946 to prohibit the unauthorized destruction, modification, or alteration of product identification codes, and for other purposes; to the Committee on the Judiciary.

By Mr. RIGGS:

H.R. 3892. A bill to amend the Elementary and Secondary Education Act of 1965 to establish a program to help children and youth learn English, and for other purposes; to the Committee on Education and the Workforce.

By Mr. ENSIGN (for himself and Mr. GIBBONS):

H.R. 3893. A bill to amend the Crime Control Act of 1990 with respect to the work requirement for Federal prisoners and to amend title 18, United States Code, with respect to the use of Federal prison labor by nonprofit entities, and for other purposes; to the Committee on the Judiciary.

By Mr. HALL of Ohio (for himself, Mr. BOEHLERT, and Mr. HOBSON):

H.R. 3894. A bill to reinvigorate science and technology functions of the Department of

the Air Force; to the Committee on National Security.

By Mrs. KENNELLY of Connecticut:

H.R. 3895. A bill to provide grants to improve firearms safety, and to provide for the study of the effects of developing firearms technology on firearms safety; to the Committee on the Judiciary.

By Mr. OWENS (for himself, Mr. ENGEL, Mr. FORD, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. HILLIARD, Mr. HINOJOSA, Ms. KILPATRICK, Mr. KUCINICH, Mr. LEWIS of Georgia, Ms. NORTON, Mr. MCGOVERN, Mr. SANDERS, and Mr. PAYNE):

H.R. 3896. A bill to authorize the Secretary of Education to make grants to institutions of higher education for postsecondary information technology education and employment assistance projects; to the Committee on Education and the Workforce.

By Mr. RUSH (for himself, Mr. SERRANO, Mr. CUMMINGS, Ms. KILPATRICK, Mr. HILLIARD, Mr. JACKSON, Mr. CLAY, Ms. DELAURO, Ms. FURSE, Mr. FROST, Mr. TOWNS, Mr. GUTIERREZ, Mr. LIPINSKI, Mr. STOKES, and Mr. DAVIS of Illinois):

H.R. 3897. A bill to provide for programs to develop and implement integrated cockroach management programs in urban communities that are effective in reducing health risks to inner city residents, especially children, suffering from asthma and asthma-related illnesses; to the Committee on Commerce.

By Mr. SESSIONS (for himself, Mr. GILMAN, Mr. DOOLITTLE, Mr. KINGSTON, Mr. FOSSELLA, Mr. REDMOND, Mr. PAPPAS, Mr. TRAFICANT, Mr. GIBBONS, Mr. COOK, Mr. CALVERT, Mr. DELAY, Mr. COOKSEY, Mrs. EMERSON, Mr. NETHERCUTT, Mr. RYUN, Mr. LATOURETTE, Mrs. CHENOWETH, Mr. SAXTON, Mr. GOSS, Mr. PETERSON of Pennsylvania, Mr. SMITH of Oregon, Ms. GRANGER, Mr. SOUDER, Mr. SMITH of Texas, Mr. NUSSLE, Mr. FOX of Pennsylvania, Mr. BOB SCHAFFER, Mr. BONILLA, Mr. BRADY, Mr. SAM JOHNSON, Mr. MICA, Mr. BARR of Georgia, Mr. MANZULLO, Mr. WATTS of Oklahoma, Mr. SCARBOROUGH, Mr. PORTMAN, Mr. MCCOLLUM, and Mr. BAKER):

H.R. 3898. A bill to amend the Controlled Substances Act and the Controlled Substances Import and Export Act to conform penalties for violations involving certain amounts of methamphetamine to penalties for violations involving similar amounts cocaine base; to the Committee on the Judiciary, and in addition to the Committee on 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. LAZIO of New York (for himself, Mr. LEACH, Mr. BAKER, Mr. CAMPBELL, Mrs. KELLY, Mr. NEY, Mr. FOX of Pennsylvania, Mr. REDMOND, Mr. RYUN, Mr. SHAYS, Mr. NUSSLE, and Mr. METCALF):

H.R. 3899. A bill to expand homeownership in the United States; to the Committee on Banking and Financial Services.

By Mr. SHAYS (for himself and Mr. BARRETT of Wisconsin):

H.R. 3900. A bill to establish Federal penalties for prohibited uses and disclosures of individually identifiable health information, to establish a right in an individual to inspect and copy their own health information, and for other purposes; to the Committee on Commerce, and in addition to the Committees on Ways and Means, and Government Reform and Oversight, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. STABENOW (for herself and Mrs. MORELLA):

H.R. 3901. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to reauthorize funding for the grant program to encourage arrest policies in dealing with domestic violence; to the Committee on the Judiciary.

By Ms. STABENOW (for herself and Mrs. MORELLA):

H.R. 3902. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to reauthorize funding for court-appointed special advocates for victims of child abuse, training programs on child abuse for judicial personnel and attorneys, and closed-circuit television and video taping of child victim testimony; to the Committee on Education and the Workforce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. YOUNG of Alaska:

H.R. 3903. A bill to provide for an exchange of lands located near Gustavus, Alaska, and for other purposes; to the Committee on Resources, and in addition to the Committee on 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. YOUNG of Alaska (for himself, Mr. ABERCROMBIE, Mr. ADERHOLT, Mr. BARTLETT of Maryland, Mr. BRADY, Mr. DOOLITTLE, Mr. ENGLISH of Pennsylvania, Mr. EVERETT, Mr. SAM JOHNSON, Mrs. MINK of Hawaii, Mr. NETHERCUTT, Mr. PORTMAN, Mr. ROMERO-BARCELO, Mr. SMITH of New Jersey, Mr. SPENCE, Mr. UNDERWOOD, Mr. WELDON of Pennsylvania, Mr. HOSTETTLER, Mr. TALENT, Mr. GILMAN, Mr. GIBBONS, Mr. RYUN, Mr. GOSS, Mr. GILLMOR, Mr. SKEEN, Mr. LIVINGSTON, Mr. HERGER, Mr. ARMEY, Mr. RIGGS, and Mr. DAVIS of Illinois):

H. Con. Res. 278. Concurrent resolution stating the sense of Congress that any national missile defense program to provide protection for the United States against the threat of ballistic missile attack should provide for the protection of Alaska, Hawaii, and the territories and commonwealths of the United States on the same basis as the contiguous States; to the Committee on National Security.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

[Omitted from the Record of May 18, 1998]

H.R. 3809: Mr. WAMP and Mr. THOMAS.

[Submitted May 19, 1998]

H.R. 7: Mr. SHAW.

H.R. 135: Ms. LEE and Mr. KANJORSKI.

H.R. 676: Mr. BOEHLERT.

H.R. 678: Mr. GEKAS, Mr. QUINN, and Mr. ALLEN.

H.R. 754: Mr. BOSWELL and Ms. ROYBAL-ALLARD.

H.R. 815: Mr. TAUZIN.

H.R. 902: Ms. PRYCE of Ohio.

H.R. 953: Mrs. THURMAN and Mr. BERMAN.

H.R. 1054: Mr. EHLERS, Mr. SOLOMON, and Mr. FOSSELLA.

H.R. 1126: Mr. CRAMER, Mr. WALSH, Mr. DEUTSCH, Ms. PRYCE of Ohio, Mr. GILCHREST, Mr. JEFFERSON, and Mr. BATEMAN.

H.R. 1378: Mr. SUNUNU.

H.R. 1382: Mr. PAUL, Mr. WAXMAN, and Ms. STABENOW.

H.R. 1401: Mr. LEVIN.

H.R. 1425: Ms. DEGETTE.

H.R. 1548: Mr. PAUL.

H.R. 1560: Mr. SHIMKUS and Mr. BURR of North Carolina.

H.R. 1766: Mr. BENTSEN and Mr. PACKARD.

H.R. 1842: Mr. INGLIS of South Carolina.

H.R. 1884: Mr. PAUL.

H.R. 1951: Mr. GREENWOOD and Ms. LEE.

H.R. 2004: Mr. STRICKLAND.

H.R. 2023: Mr. SCHUMER, Mr. ABERCROMBIE, and Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 2124: Mr. NEUMANN.

H.R. 2290: Mr. SANDLIN.

H.R. 2352: Mr. BRYANT.

H.R. 2478: Mr. FRANK of Massachusetts.

H.R. 2504: Mr. ENGLISH of Pennsylvania and Mrs. MEEK of Florida.

H.R. 2519: Mr. LAMPSON.

H.R. 2538: Mr. DOOLITTLE, Mr. DUNCAN, Mr. ENSIGN, Mr. GALLEGLY, Mr. HEFLEY, Mr. PETERSON of Pennsylvania, Mr. RADANOVICH, and Mr. GILCHREST.

H.R. 2613: Mr. PASTOR, Mr. RAHALL, Mr. DOOLEY of California, Mr. OLVER, Mr. FALEOMAVAEGA, Mr. ORTIZ, Mr. COSTELLO, Mr. WISE, Mr. MCHUGH, Mr. PAUL, Ms. DANNER, Mr. HALL of Texas, and Mr. POSHARD.

H.R. 2721: Mr. LEWIS of Kentucky.

H.R. 2863: Mr. ISTOOK, Mr. HOEKSTRA, Mr. RAMSTAD, Mr. MANZULLO, and Mr. MCINNIS.

H.R. 2879: Mr. MCKEON and Mr. INGLIS of South Carolina.

H.R. 2888: Mr. WATTS of Oklahoma.

H.R. 2923: Mr. MANTON.

H.R. 2946: Ms. PELOSI.

H.R. 3032: Mr. ANDREWS and Mr. SMITH of Texas.

H.R. 3048: Mrs. THURMAN.

H.R. 3050: Mr. SKELTON and Mr. BROWN of California.

H.R. 3131: Mr. LANTOS and Mr. UNDERWOOD.

H.R. 3181: Mr. ROMERO-BARCELO.

H.R. 3217: Mr. CRANE, Mrs. THURMAN, and Mr. WATTS of Oklahoma.

H.R. 3234: Mr. NORWOOD.

H.R. 3242: Mr. PAUL.

H.R. 3304: Mrs. EMERSON.

H.R. 3341: Mr. FILNER and Mr. UNDERWOOD.

H.R. 3342: Mr. ALLEN and Mr. MCGOVERN.

H.R. 3398: Mr. FROST.

H.R. 3400: Mr. BALDACCI.

H.R. 3464: Mr. FROST.

H.R. 3470: Ms. KAPTUR.

H.R. 3514: Mr. THOMPSON.

H.R. 3526: Mr. STENHOLM, Mr. MILLER of California, and Mr. LEWIS of Georgia.

H.R. 3550: Mr. ETHERIDGE and Ms. KILPATRICK.

H.R. 3566: Mr. SMITH of New Jersey.

H.R. 3567: Mr. MCINTYRE, Mr. SANDLIN, Mr. DOOLEY of California, Mr. KLUG, Mr. EHLERS, and Mr. KNOLLENBERG.

H.R. 3570: Mr. ACKERMAN.

H.R. 3605: Mr. DAVIS of Florida, Mr. KLECZKA, Mr. BLUMENAUER, Mr. LEVIN, Mr. KANJORSKI, Mr. MEEHAN, Mr. MCHALE, and Ms. SLAUGHTER.

H.R. 3615: Mr. THOMPSON and Ms. MCCARTHY of Missouri.

H.R. 3629: Mr. LARGENT.

H.R. 3636: Ms. JACKSON-LEE and Mr. BONIOR.

H.R. 3644: Mr. CAMP.

H.R. 3648: Mr. HYDE, Mr. CRANE, Mr. SNYDER, and Mr. BEREUTER.

H.R. 3651: Mr. FORBES and Mr. FROST.

H.R. 3674: Mr. VISCLOSKY.

H.R. 3688: Mr. LARGENT, Mr. SKEEN, and Mr. MORAN of Kansas.

H.R. 3735: Mr. ADERHOLT.

H.R. 3764: Mr. LOBIONDO, Mr. ROHRABACHER, Mr. CUNNINGHAM, Mr. NETHERCUTT, Mr. PORTER, and Mr. HYDE.

H.R. 3802: Mr. BROWN of Ohio.

H.R. 3833: Ms. DELAURO.

H.R. 3849: Mr. EHLERS, Mr. SOLOMON, and Mr. FOSSELLA.

H.R. 3877: Mr. BISHOP.

H.R. 3879: Mr. JOHN, Mr. HALL of Texas, Mr. CRAMER, Mr. SESSIONS, Mr. REDMOND, Mr. DICKEY, Mr. NETHERCUTT, Mr. MCCOLLUM, Mr. WATTS of Oklahoma, Mr. GOODE, Mr. PAPPAS, Mr. MCKEON, and Mr. BONILLA.

H. Con. Res. 126: Ms. NORTON and Mr. ROTHMAN.

H. Con. Res. 203: Mr. MCDERMOTT, Mr. OLVER, Mr. FRANKS of New Jersey, Mr. COOK, Mr. BILBRAY, Mr. BERMAN, Mr. BEREUTER, Mr. PASTOR, and Mrs. CLAYTON.

H. Con. Res. 208: Mr. LAMPSON, Ms. SLAUGHTER, Mr. COSTELLO, Mr. CLYBURN, Mr. DOOLEY of California, Mrs. FOWLER, Mr. MCINTOSH, Mr. BATEMAN, Mr. SISISKY, Mr. EVANS, Mr. EDWARDS, Mr. WEYGAND, Mr. BRADY, Mr. BALDACCI, Mr. GREENWOOD, Mr. PAXON, Mr. HOBSON, Mr. GORDON, Mr. HUTCHINSON, Mr. LEWIS of Kentucky, Mr. GRAHAM, Mr. DOYLE, Mr. HINCHEY, and Mr. MCINTYRE.

H. Con. Res. 233: Mr. WATTS of Oklahoma.

H. Con. Res. 258: Mr. PITTS, Mr. SANDERS, Mr. BROWN of Ohio, Mrs. MORELLA, Mr. MANTON, Ms. FURSE, and Mr. BLUMENAUER.

H. Con. Res. 267: Mr. ROGAN.

H. Res. 363: Mr. SANDLIN.

H. Res. 404: Mrs. MINK of Hawaii.