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House of Representatives

The House met at 1 p.m. and was called to order by the Speaker pro tempore (Mrs. EMERSON).

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
July 30, 1998.

I hereby designate the Honorable JO ANN EMERSON to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

PRAYER

The Reverend W. Douglas Tanner, Jr., Faith & Politics Institute, Washington, D.C., offered the following prayer:

Let us pray. Almighty God, we come before You this day with hearts still heavy from the tragic events of last Friday. Even as we begin to heal, we are conscious that the pain of this week has been seared into our souls.

And yet, in our sorrow and vulnerability, we have deeply experienced our common humanity. Fierce political adversaries have reached out to each other. Mutual respect and genuine appreciation have been accorded across the lines of party, ideology and station. We have known in our hearts that every elected official, every police person, every staff member, every tourist is, first, a fellow human being. For that we are grateful.

We pray that a constant awareness of each other's humanity in this often fractious Capitol Hill community might become the lasting legacy of officers J.J. Chestnut and John Gibson. 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 Ohio (Mr. TRAFICANT) come forward and lead the House in the Pledge of Allegiance.

Mr. TRAFICANT led the Pledge of Allegiance as follows:

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

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 3152. An act to provide that certain volunteers at private nonprofit food banks are not employees for purposes of the Fair Labor Standards Act of 1938.

The message also announced that the Senate passed a concurrent resolution of the following title, in which concurrence of the House is requested:

S. Con. Res. 97. Concurrent resolution expressing the sense of Congress concerning the human rights and humanitarian situation facing the women and girls of Afghanistan.

The message also announced that the Senate disagrees to the amendment of the House to the bill (S. 1260) "An Act to amend the Securities Act of 1933 and the Securities Exchange Act of 1934 to limit the conduct of securities class actions under State law, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. D'AMATO, Mr. GRAMM, Mr. SHELBY, Mr. SARBANES, and Mr. DODD, to be the conferees on the part of the Senate.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain five 1-minute remarks from each side.

RESPONSIBLE GAMING EDUCATION WEEK, AUGUST 3 TO AUGUST 7

(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, as Members of Congress, we should always be encouraged when the private sector tackles one of the social problems facing our Nation. Such is the case with the Nation's gaming industry. However, a vast majority of Americans who choose to gamble do so responsibly.

In an effort to emphasize the casino gaming entertainment industry's commitment to responsible gaming, the American Gaming Association, along with International Gaming Technology, a company headquartered in my district, has designated August 3 through August 7 as Responsible Gaming Education Week. This campaign was designed to raise the awareness of disordered gaming and to educate casino employees and customers about the importance of responsible gaming.

During this week, all casino employees will be asked to actively promote responsible gaming practices within their companies. As part of this effort, over 200,000 educational brochures on disordered gambling and the importance of responsible gaming will be provided to casino employees across America.

THE QUESTIONABLE VALUE OF NEW GOVERNMENT STUDIES

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

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



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Mr. TRAFICANT. Madam Speaker, a new government study says if you are rich, you will live longer. If you are educated, you will live longer. If you do not smoke, you will probably live longer. If you can avoid cancer, you will live longer.

No kidding, Sherlock. After \$1 million, our government is telling us what Grandma told us years ago: If you smoke, you will probably die; if you do not get an education, you are not going to get a job; and if you do not have a job, you are going to be poor and you are not going to eat.

Beam me up. What is next? Do we give these people more millions to tell us if you commit suicide, you will not live long? If there is any consolation to poor people in America who happen to smoke and do not have a job, I never heard of anybody committing suicide by jumping out of a basement window. There is some dignity in poverty. Poor people are God's people, too.

Madam Speaker, I think we should slow down the money for these scientific mind-benders.

GRENADA'S INVITATION TO CASTRO DENIES PAST MARXIST OPPRESSION AND AMERICAN SACRIFICES

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

Ms. ROS-LEHTINEN. Madam Speaker, in 1983, 19 American soldiers gave their lives to liberate the island of Grenada from the Marxist regime which, under the manipulation of the Cuban dictator, Fidel Castro, had taken over that small nation. Thanks to U.S. troops and the leadership of President Ronald Reagan, the people of Grenada regained the freedom they had lost to the puppet regime backed by Castro.

Now it seems that the government of Grenada has forgotten about the repression imposed upon their Nation by Castro and has invited the dictator to visit the island this weekend. Castro's goal in this visit is to obtain support for his regime's membership to the Caribbean economic community, CARICOM, that will help him attain new financial resources to maintain in power.

How tragic that the government of Grenada has turned its back on its own people, who suffered under the Castro-sponsored Marxist regime. It has ignored and forgotten the 19 dead U.S. soldiers and the 115 wounded American patriots. Shame on the government of Grenada.

ONLY PARENTAL INVOLVEMENT ENSURES A GOOD EDUCATION FOR EVERY AMERICAN CHILD

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

Mr. JONES. Madam Speaker, recently President Clinton vetoed the

Education Savings Account Bill. In a letter to the House, he justified his action by calling the bill's provisions "bad education policy and bad tax policy."

Madam Speaker, how ironic. Americans have made it clear that parental involvement is essential to ensure our children receive a good education. Yet our President just vetoed a bill that would have extended tax relief to families who take part in the education of our Nation's children.

The Education Savings Account Bill would have offered parents the opportunity to save money in accounts that earn tax-free interest to pay for tuition, books and tools to help their children learn. It seems to me, by the President's veto, that he thinks parents and families do not deserve the right to take part in the education of their children.

Madam Speaker, the President is wrong. Only when we allow parental involvement can we ensure a good education is within the reach of every child in America.

WICKER AMENDMENT TO SHAYS-MEEHAN CAMPAIGN FINANCE PROPOSAL ALLOWS STATES TO REQUIRE PROPER IDENTIFICATION FOR VOTERS

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

Mr. WICKER. Madam Speaker, later today Members will be given the opportunity to support a commonsense reform amendment to the Shays-Meehan campaign finance proposal. In far too many States and districts across this country, ineligible persons are voting. People are going to the polls without identification, and it turns out they are not eligible to vote.

Despite the resources and technology available to our government, cases of voter fraud continue to be brought to our attention year after year. My amendment simply permits States to require a valid photo identification before receiving a ballot; nothing more, nothing less. This is not a mandate. It grants permission to the States in the true sense of Federalism.

Madam Speaker, it is our duty as elected officials to preserve the integrity of the electoral process. Requiring proper ID is one step we can take to ensure valid elections.

THE DOLLARS TO THE CLASSROOM ACT

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

Mr. PITTS. Madam Speaker, I rise today to focus on the schoolchildren of our Nation. Parents in all 50 States are concerned that their children's classrooms are overcrowded, that their kids do not receive enough individual atten-

tion from their teachers, that classrooms are not yet connected to the Internet and many schools are not safe and well-supplied, and that basic academics are not being effectively learned.

For 30 years, the Federal Government has been trying to improve America's schools by creating big Federal programs. While the goal was admirable, this strategy has failed the schoolchildren of America. It is time for a new approach.

We know that effective teaching takes place when we begin helping children master basic academics, when parents are engaged and involved in their children's education, when a safe and orderly learning environment is created in a classroom, and when dollars actually reach the classroom.

The Dollars to the Classroom Act addresses the linchpin of these four key education premises, directing dollars to the classroom so that a teacher that knows the name of your child can educate more effectively.

Madam Speaker, I urge Members to improve the education of America's kids by supporting the Dollars to the Classroom Act.

PROVIDING SPECIAL INVESTIGATIVE AUTHORITY FOR THE COMMITTEE ON EDUCATION AND THE WORKFORCE

Mr. SOLOMON. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 507 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 507

Resolved,

SECTION 1. APPLICATION.

This resolution shall apply to the investigation by the Committee on Education and the Workforce into the administration of labor laws by Government agencies, including the Departments of Labor and Justice, concerning the International Brotherhood of the Teamsters, and other related matters.

SEC. 2. HANDLING OF INFORMATION.

Information obtained under the authority of this resolution shall be—

(1) considered as taken in the District of Columbia as well as at the location actually taken; and

(2) considered as taken in executive session by the subcommittee on Oversight and Investigations of the Committee on Education and the Workforce.

SEC. 3. DISPOSITION AND INTERROGATORIES.

The Chairman of the Committee on Education and the Workforce, after consultation with the ranking minority member of the committee, may—

(1) order the taking of depositions or interrogatories anywhere within the United States, under oath and pursuant to notice or subpoena; and

(2) designate a member or staff of the committee to conduct any such proceeding.

COMMITTEE AMENDMENT

The SPEAKER pro tempore. The Clerk will report the committee amendment.

The Clerk read as follows:

Committee amendment:

Page 2, line 16, strike “, staff, or contractor” and insert “or staff”.

The SPEAKER pro tempore. The gentleman from New York (Mr. SOLOMON) is recognized for 1 hour.

Mr. SOLOMON. Madam Speaker, for purposes of debate only, I yield the half-hour of time to the gentleman from Ohio (Mr. HALL), pending which I yield myself such time as I may consume.

During consideration of this resolution, all time yielded is for purposes of debate only.

Madam Speaker, this resolution providing special investigative authority for the Committee on Education and the Workforce was introduced on July 21, 1998, by our good chairman, the gentleman from Pennsylvania (Mr. BILL GOODLING), and the members of the Subcommittee on Oversight and Investigations.

The resolution applies its authority only to the investigation by the Committee on Education and the Workforce into the administration of labor laws by government agencies, including the Departments of Labor and Justice, concerning the International Brotherhood of Teamsters and other related matters; let me repeat that, “and other related matters,” not “other matters,” but “other related matters.”

This resolution allows the chairman of the Committee on Education and the Workforce, after consultation with the ranking minority member, to order the taking of depositions or interrogatories anywhere within the United States under oath and pursuant to notice of subpoena.

Madam Speaker, the resolution further allows the chairman of the Committee on Education and the Workforce, after consultation with the ranking minority member, to designate a single member or staff of the committee to conduct depositions.

Finally, Madam Speaker, the resolution considers information taken under this new authority as taken in executive session by the Committee on Oversight and Investigations of the Committee on Education and the Workforce.

Madam Speaker, as the Members are aware, clause 2(h)(1) of House Rule XI requires two members to be present to take testimony or receive evidence in a committee. In order to allow a single member or staff designated by the chairman to receive evidence, it is necessary for the House to approve a resolution of this nature.

Madam Speaker, the Committee on Rules is generally hesitant to depart from the House rules, which properly assigns responsibility to Members of the House to take testimony and receive evidence. That is the normal rule of the House. However, extenuating circumstances dictate the need for this resolution today.

Madam Speaker, the chairman of the Committee on Education and the Workforce has indicated that some 40 witnesses must be deposed, and there

are a scant few legislative days remaining in this session. As we know, a week from tomorrow we go off on a 4-week break for a work period back home in our districts, and then we return around September 9, and will be in session for about 10 or 12 more legislative days before we adjourn sine die for the year.

Madam Speaker, the chairman of that committee and several active members of the subcommittee conducting the investigation have testified before the Committee on Rules that they are encountering resistance to their legitimate inquiry from some potential targets of the investigation.

□ 1315

Madam Speaker, attorneys for the Teamsters, and other potential witnesses as well in this investigation, have written to the subcommittee and indicated their refusal to comply with requests for voluntary interviews. In order then to understand the context of the documents already received by the subcommittee, it is necessary to depose these individuals.

So, Madam Speaker, this resolution is consistent with precedents from former Democrat and Republican control of the House, and a number of important safeguards have been included. The Committee on Education and the Workforce has adopted a new committee rule, which we insisted on before we gave them this new deposition authority, which sets forth appropriate procedures for how the staff depositions will be conducted, including provisions for notice, minority protections, and the rights of witnesses.

Madam Speaker, I would also note for the record that the information obtained under the authority of this resolution is considered as taken in executive session by the committee. That is very important. In order to release such information, again under normal rules of the House, clause 2(K)(7) of House Rule XI says that a committee vote is required.

Madam Speaker, the Committee on Rules believes that the Committee on Education and the Workforce has demonstrated a compelling need for the authority provided by this resolution, and it is my belief that they will exercise it judiciously. We have a great deal of faith and a great deal of respect for the gentleman from Pennsylvania (Chairman GOODLING) of the full committee, and I know that he and his committee, and the gentleman from Michigan (Chairman HOEKSTRA) of the subcommittee, will certainly act in a judicious manner, and we trust them to do that. So, I urge support for the resolution.

Madam Speaker, I reserve the balance of my time.

Mr. HALL of Ohio. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I want to thank the gentleman from New York (Mr. SOLOMON), chairman of the Committee on

Rules, for yielding me this time. As my colleague has said and explained, this resolution will give authority to the staff of the Committee on Education and the Workforce to take depositions in connection with the committee's investigation into the International Brotherhood of Teamsters.

Madam Speaker, I must oppose this resolution, because it grants unnecessary authority for an investigation of questionable necessity. The standing rules of the House give deposition authority to committees as long as two Members are present. And since the rule was enacted in 1955, until the beginning of the 104th Congress, it has been the practice not to grant additional authority, except in cases of grave importance to the Nation. If we pass this resolution, it will be the third exception since 1996.

There is a question whether this authority is needed at all for the committee to obtain documents and testimony for the investigation. The Teamsters have already supplied the committee more than 50,000 documents. They have expressed in writing that they are willing to participate fully in public hearings of the committee, even without the force of subpoena. However, they do have grave and justified concerns with secret, behind-closed-doors witness interviews.

There is a question whether this whole investigation is needed. The Teamsters are already the subject of a full investigation by the U.S. Justice Department. That is their job. They already have the staff and the resources and the authority in place. I am disturbed that the committee has already spent hundreds of thousands of dollars on this investigation instead of on other, much higher priority concerns within the jurisdiction of the committee, such as the education of our children.

There is a question about whether this is an appropriate delegation of responsibility to staff. We, the Members of the House, are the elected officials entrusted with the authority to conduct investigations. This is not an authority we should delegate so quickly.

Finally, there is a question whether this authority creates opportunity for abuse of the powers of Congress to meddle in the matters of private individuals and organizations. Let us remember that the standing House rule on investigations was enacted to curb the abuses of the McCarthy era.

The Committee on Education and the Workforce requested this authority, saying it would be easier to obtain testimony and documents. The purpose of the House rules should not be to make our jobs easier. The House rules should promote democracy, preserve individual freedom, and keep the long arm of the government from stifling liberty.

Madam Speaker, I have too many questions about this resolution. I urge my colleagues to vote no on the resolution and vote no on granting unnecessary powers for unnecessary investigations.

Madam Speaker, I reserve the balance of my time.

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

Madam Speaker, let me just recall to the gentleman from Ohio (Mr. HALL), my good friend, that giving this temporary exception to the rules is not to make jobs easier or life easier for Members of Congress. Rather, it is to get the job done. It is to follow through with due diligence. That is why we are very careful to give out this kind of authority.

Madam Speaker, I yield 3 minutes to the gentleman from York, Pennsylvania (Mr. GOODLING), the person we are placing our trust in and who I hope is going to visit me up in Saratoga during the month of August.

Mr. GOODLING. Madam Speaker, I thank the gentleman from New York (Mr. SOLOMON) for yielding me this time, and I want to echo what the gentleman, the chairman of the Committee on Rules, just said. We really owe it to the rank and file of the Teamsters to complete this as expeditiously as we possibly can, and therefore need this deposition authority in order to do that.

The Committee on Education and the Workforce is examining the failed 1996 election of the International Brotherhood of Teamsters and related matters, including financial mismanagement at the union and possible manipulation of its pension fund.

Although the subcommittee's investigation has established a good foundation, its progress is increasingly slowed by obstructionist tactics of the IBT, including the refusal to allow interviews of relevant witnesses. We have been forced to issue subpoenas for documents to 14 organizations, most of whom refused to voluntarily provide information to the subcommittee at direction of the IBT. Subpoenas have also been issued to seven witnesses to secure their testimony at the subcommittee's public hearing.

Furthermore, the IBT has steadfastly refused on numerous occasions over the last 4 months to allow subcommittee investigators to interview current IBT employees and employees of its actuarial and accounting firms. IBT has even objected to the subcommittee interviewing former IBT employees.

To thoroughly and professionally examine outstanding issues, the investigation needs the authority to have designated staff conduct depositions. There are more than three dozen witnesses whose testimony would substantially further the investigation and who may have to be deposed. Much of this would be lengthy, detailed questioning which is not possible in a committee hearing. Some of it would also be very technical. Some of the depositions may have to be conducted after Congress adjourns for the year. All of it is needed if the investigation is to continue and make progress.

I want to ensure my colleagues that the authority granted through this res-

olution has safeguards to ensure that it is used appropriately. First, the authority is granted to the chairman of the full committee and can be used only in connection with the Teamsters investigation.

Second, information obtained under deposition authority is considered as having been taken in executive session by the subcommittee. That makes the information confidential and subject to the protocol under which the investigation is being conducted, a protocol which was agreed to by the minority.

Madam Speaker, the Committee on Education and the Workforce has judiciously adopted rules to assure proper use of deposition authority. We will provide for bipartisan participation in depositions. The ranking minority member will receive 3 business days' written notice before any deposition is taken, no matter where he may be, and all Members will receive 3 business days' written notice that a deposition has been scheduled. Finally, our proposed committee rules provide for various rights for witnesses, including the right to counsel.

This resolution is well planned and will be implemented with care. Deposition authority is a tool that will enable the Teamsters investigation to unravel the improprieties associated with the 1996 IBT election so they do not recur. It will also shed light on mismanagement and financial improprieties so that the International Brotherhood of Teamsters can become more responsive to its members.

Madam Speaker, I urge my colleagues to support rank-and-file Teamsters Union members and join me in voting for H. Res. 507.

Mr. HALL of Ohio. Madam Speaker, I yield 7 minutes to the gentleman from Missouri (Mr. CLAY), the ranking minority member on the Committee on Education and the Workforce.

Mr. CLAY. Madam Speaker, I thank the gentleman from Ohio (Mr. HALL) for yielding me this time.

Madam Speaker, I rise today to express my opposition to the proposed change in rules and regulations and procedures. In my estimation, a decision to grant deposition authority to the Committee on Education and the Workforce would be unwise, unwarranted, and a radical break with House tradition and practices, and a very real threat to the civil liberties and privacy rights of American citizens.

The new deposition authority is virtually unlimited in scope and duration. It permits the majority to engage in an unprecedented fishing expedition, even during the summer recess of this House.

The chairman is seeking to acquire an extraordinary array of powers. With the stroke of a pen, he could summon to this Congress any American citizen for secret, under oath, behind-closed-doors interrogation. I am sure that the confidential testimony that our chairman just described will then either be officially, or through leaks, made public.

Any citizen who is not frightened by this scenario should be, particularly given the very clear record of investigatory abuse by the Republican majority in this House. To place the Republicans' proposal in a fair historical context, I would remind the Members of this House that such a sweeping power has been assumed by this body or by the Senate very rarely and only under the most compelling of circumstances. Only when faced with grave accusations of government wrongdoing or with threats to our national security has this body deemed it necessary to assume a power which traditionally resides in the judicial branch of government.

Madam Speaker, there is no compelling reason for this authority. I ask why is it necessary to depose 40 witnesses in secret session? Not one Teamster has refused a subpoena before this committee. Not one Teamster has refused to come before the committee and testify under oath and in public. There is nothing concerning fraudulent pension matters that has surfaced before this committee. And if there were, this committee does not have the expertise or the resources or the commitment to do anything about it.

Madam Speaker, I tell my colleagues that in this instance it is difficult to view the majority's proposal as anything other than a cynical power grab, a partisan fishing expedition, a concerted attack on organized labor, and an invitation to abuse innocent American citizens.

This investigation, which has cost the taxpayers millions of dollars and dragged on for nearly a year, has been a shameful waste of time and money and an embarrassment to this institution. It is simply disingenuous for Republicans on the Committee on Education and the Workforce to claim that their failure to produce any new or relevant information regarding the 1996 Teamsters election is due to a lack of authority.

The problem is that the story they wish to tell, one of widespread, systematic corruption throughout the International Brotherhood of Teamsters, is one of fiction. No amount of snooping, interrogating, or wishful thinking will make it otherwise. This is simply too awesome a power, especially when considering that the chairman of the committee already has unilateral authority to issue subpoenas.

Madam Speaker, I appreciate Chairman GOODLING's words of assurance that committee Democrats will be involved in the deposition process and that other safeguards will be constructed around the proceedings. But with all due respect to my good friend, the past record of Republicans ignoring the rights of the minority on this committee does not speak well for such assurances.

We were given the same guarantees regarding consultation and notice when the chairman appropriated the power to unilaterally issue subpoenas.

□ 1330

Those promises have been consistently, routinely and casually broken. Perhaps most disturbing is the majority's proposal to allow staff who are not attorneys to conduct sworn depositions. The very thought is mind-boggling, American citizens being drugged into this little star chamber to be interrogated under oath in secret by staff who are not bound by or trained in the Code of Legal Ethics. This is an open invitation for abuse and for the violation of legitimate legal and constitutional rights.

Legal proceedings should be conducted by those trained in the law, not by laymen. Testimony before Congress should be in a public arena for American citizens to judge guilt or innocence for themselves. I urge my colleagues to oppose this unwise and dangerous amendment to the rules of the House.

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

I would just like to point out to the previous speaker, who is the ranking member of the Committee on Education and the Workforce, that the Committee on Rules has the responsibility of assigning the responsibilities and jurisdiction of committees.

We all know that the Committee on the Judiciary is primarily involved in looking into the legal code and the criminal law of the land. The Committee on Education and the Workforce has primary responsibility to look into labor issues and has oversight of the laws particularly as they pertain to pensions.

I know, I have worked for many years on the Social Security issue and the abuses that take place in the fiduciary accounts in Social Security. But here we have rank and file members of the Teamsters Union, and they want to know where their money went to and what happened.

Madam Speaker, I yield 3 minutes to the gentleman from Mississippi (Mr. PARKER).

Mr. PARKER. Madam Speaker, I rise in strong support of H. Res. 507, which would provide for deposition authority for the Teamsters investigation.

I am the newest member of the committee, and one reason I joined this committee was because of my interest in the investigation. I was appalled that the 1996 election of the International Brotherhood of Teamsters had to be invalidated. I have a keen interest in ensuring a fair rerun election.

To protect the rank and file members of the Union, we have to have a thorough accounting of what went wrong with the 1996 election. It is also in their interest and that of other American taxpayers that financial mismanagement at the Union be cleaned up.

I was shocked to learn, when I joined the committee, that the investigation does not have deposition authority. It was evident to me from the beginning

of my involvement that that is a critical investigative tool without which the investigation will have little chance of success.

Over the past few weeks alone, we have had instance after instance of the Teamsters Union refusing to make critical witnesses available for interviews. The lawyers for the Union do not want us to talk to current or former employees of the Union or to employees of the Union's actuarial and accounting firms.

As just one example, on July 9, we received a letter from an attorney for the Teamsters' accounting firm informing us that the Union refuses to allow such interviews. It is evident to me that the officials of the Union are deliberately impeding the investigation and are trying to run out the clock on this Congress.

It is completely unrealistic to expect that Members of Congress will make themselves available to hold hearings to interview the more than three dozen witnesses from whom we need information. Unless the investigation receives deposition authority through the committee chairman, we are basically telling the Union officials that they have won, that they need not account for their actions either to their own membership or to the American public.

Madam Speaker, this authority will not be taken lightly. It will be used carefully. I understand what may be the reluctance of some Members of the House to provide extraordinary authority, but these are extraordinary circumstances which call for appropriate measures.

Madam Speaker, I urge approval of H. Res. 507.

Mr. HALL of Ohio. Madam Speaker, I yield 7 minutes to the gentlewoman from Hawaii (Mrs. MINK).

Mrs. MINK of Hawaii. Madam Speaker, I rise in opposition to H. Res. 507.

I serve, Madam Speaker, as the ranking member on the subcommittee that has responsibility for oversight and investigation in the Committee on Education and the Workforce. This investigation on the Teamsters Union election, which was set aside because of the illegal swapping of funds, began last October, and it has sort of limped along.

The majority members have a full staff of, I do not know quite how many individuals there are now on board, but I am told that there are at least five or six attorneys that have been engaged to work on this particular investigation. I have tried to be diligent in paying attention to the agenda, to the hearings that have been called and to all of the communications that have emanated from the majority chair of this subcommittee.

So I rise with great amazement today to hear that there is any justification whatsoever in asking this House for these extraordinary powers that invade the privacy of many individuals. We are going to put, because of some whim on the majority side, many individuals

whose names are not even known to even myself as the ranking minority member of this subcommittee, who these persons are who have been reluctant to come before their staff for questioning or for discussions. Certainly I do not know of any Teamster member who has been asked for an interview who has not come before the subcommittee under subpoena to testify.

In every instance the Teamster members who declined these personal, closed-door discussions invited the subpoenas because what they wanted and what is their right in these United States is to come before bodies that are accusing them of misconduct to have their testimony taken in public.

What is so offensive about this rule today is an authority which is going to be granted to a very small number of individuals. These depositions could be held without one single Member of Congress present, because that is how the resolution reads. No Member needs to be there because of the word "or," member or staff.

Sure, I could be notified 3 days in advance that a deposition is going to take place during our district recess period when I am in Hawaii. I fully intend to do everything I can to be there, but I cannot guarantee that protection to these individual witnesses who are going to be deposed in this way, not by attorneys who know the rule of law, who know the rule of evidence, who respect the rights of privacy and privilege in this country, but by staff, who I do not say are going to have any ill temper or ill will but who might mistakenly invade into the high privileges which every Member of this Congress has sworn under oath to preserve. That is what is our constitutional right here.

I respect the millions of members in the Teamsters Union, and I want to do what is right for them. But I have not heard one single allegation of a reluctant witness who is not willing to come before the public, take an oath and testify to any question that this committee wants to put to them.

I believe that that is a right which is precious and should be protected by this House, and that is why the rule says we cannot depose unless the whole House agrees to it.

So I ask the Members today to search the record. There is no evidence of reluctant witnesses who have refused to come before the committee to testify. I think that that is the most important grounds upon which any such rule like this has to be premised.

I know most Members of the majority party are very much committed to the preservation of individual rights and democracy and freedom and civil liberties. What we are doing today is to trash all of that because of a political agenda.

Mr. WAXMAN. Madam Speaker, will the gentlewoman yield?

Mrs. MINK of Hawaii. I yield to the gentleman from California.

Mr. WAXMAN. Madam Speaker, I thank the gentlewoman for yielding.

If my colleagues want to see an example of deposition authority and power being abused, look no further than what this Congress has done in the Committee on Government Reform and Oversight. People are subpoenaed for depositions. They are forced to come against their will, hire lawyers at \$300 an hour.

I just want Members to know this is not theoretical. I have seen people have to go hire lawyers, take time off from work, prepare for these depositions, go through the anxiety of it all to be questioned by staff people.

Just a couple days ago, we had a deposition in Los Angeles of one of these four people that we gave immunity to. It started at 1:00. It went until 8:30. This witness had almost nothing to say.

We have had staff people ask witnesses about their personal lives, whether they have ever been tested for drug abuse. We had one witness in a deposition who was asked whether they could tell about a colleague, whether that colleague had done something illegal.

This power can be abused. If there are hearings, at least the public will know what is asked. But if they are depositions, it is a staff person who can abuse that power, run roughshod over the rights of Americans by allowing them to, in closed door session, be asked any kind of question.

Be wary whenever we give deposition authority. In some cases, it is appropriate, but we know it can be abused because we have seen it abused in this Congress already.

Mrs. MINK of Hawaii. Madam Speaker, I know that all Members on the majority are always very cognizant of their responsibilities to protect individual rights. They are firm against big government coming in and intruding in this way, so I am personally shocked at this reckless venture into the invasion of these individuals. Forty people whose names I do not even know, and I am the ranking member, I do not know of any abuse with regard to the pension funds that has come to the attention of our subcommittee.

This is really a fishing expedition, reckless disregard of individuals who are going to have to hire attorneys at tremendous cost to themselves. We are not prepared to pay for it. I want to see the individual rights of this Union protected; and, if we really believe in their democracy and their individual rights to run their Union, by golly, we ought to allow them to have an election for their leadership.

Mr. SOLOMON. Madam Speaker, I will just say to the gentlewoman that, yes, the rights of the Union should be protected; but, even more so, so should the individual rights of the individual rank and file members of that Union.

Madam Speaker, I yield 5 minutes to the gentleman from Georgia (Mr. NORWOOD), who has never won a green jacket in the Masters but has won my deep respect for the job he has done as a Congressman.

Mr. NORWOOD. I thank the gentleman from New York for yielding me the time.

Madam Speaker, I yield to the gentleman from Michigan (Mr. HOEKSTRA).

Mr. HOEKSTRA. Madam Speaker, let us take a look at the record. Let us take a look at the judge who has had supervision of the consent decree for the last 9 years, since 1989. How does he feel about the Teamsters and Teamster leadership in 1998? Here is what he said to the Teamster lawyers in court on Tuesday:

"I believe it is time for the good members of this Union to rise up in revolt. This Union has been run by a small group for their own benefit. I want to hear what the membership thinks. It is time for the good members to rise up and revolt against the self-serving, little men in charge."

To the attorney, "You don't really speak for the Union. You speak for a small minority," Edelman told Weich. "I can understand the wrath of Congress. They don't trust the Teamsters because of the Union's history of squandering taxpayer money. I'm going to get to the root of this evil. And if you don't have Sever here by noon, I will send the marshals for him."

□ 1345

The same type of stonewalling that this union leadership is imposing in New York in the Federal court is the same pattern of stonewalling that they are doing to this congressional committee, and the shame of it is we have funded this union and we have spent approximately \$20 million and this is their thank you to the American taxpayer.

Mr. NORWOOD. Madam Speaker, reclaiming my time, I rise in strong support of H. Res. 507. I would say to my friend from California when it comes to being abused perhaps that we ought to be concerned a minute or two about the taxpayers of this country that have been abused to the tune of \$20 million. Maybe we ought to be concerned about the members of the Teamsters Union that have been abused to the point where their treasury reduced from \$155 million down to less than \$1 million. There are all kind of things and people we ought to be concerned about in their abuse and our point of view in the oversight committee and our job in the oversight committee is to find out what went wrong in these illegal elections.

The Committee on Education and the Workforce needs deposition authority because the Carey administration at the Teamsters is stonewalling our investigation. It is just sort of that simple. Now, that is an unfortunate situation, but Congress has a duty, a constitutional duty to investigate a union that tramples its members' rights and flouts the very laws we have passed in this body.

Our investigation has been going on for almost a year now. We are starting to get the picture of how this union has

been run. Frankly, Madam Speaker, it is not very pretty. The most recent development, of course, is that the president of the Teamsters, Ron Carey, has been barred from the union for life as has his former government affairs director William Hamilton. That is not fiction. In an election that cost the American taxpayers almost \$20 million, Carey took his members' dues to pay for his reelection campaign. Clearly he was more interested in keeping his job than protecting the rank-and-file Teamster.

The record of evidence compiled by the subcommittee thus far indicates that the Carey administration also may have manipulated the union's pension funds. That is serious stuff. Notice I said "may have." We need to know for sure whether we are right or wrong. And may have made political contributions with their members' dues, which is very illegal. Obviously we need to interview all of the Teamsters employees and contractors involved in these matters to find out the extent of these problems and do our duty.

Do the people running the Teamsters Union now, who were elected in a sham election, want us to get to the bottom of this? No. No, unfortunately not. They will not allow us to interview their employees, their accountants or their actuaries about the financial shenanigans that did go on. What are they trying to hide?

I will say this about the unelected people in charge of the Teamsters today. They do have a lot of gall. Not only do they refuse to let this Congress do its job by performing an oversight investigation, but they turn around and say, "You've got to pay for the next election." They will not let Congress find out how the election went wrong, but they will come to us and demand that we kick in another \$10 million so they can have another election.

I for one frankly have had enough of this, of the Carey administration's stonewalling. We need to pass this resolution today so that Congress can find out what they are trying to hide from. Union officials that misuse the hard-earned dues money of their members should not be allowed to thumb their nose at this Congress.

Mr. HALL of Ohio. Madam Speaker, I yield 3 minutes to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT. Madam Speaker, first I would like to insert in the RECORD the transcript later in that proceedings where Mr. Sever did appear in court and the judge indicated that he could not order the IBT to pay for the election.

UNITED STATES DISTRICT COURT SOUTHERN
DISTRICT OF NEW YORK
UNITED STATES OF AMERICA
PLAINTIFF
v.
INTERNATIONAL BROTHERHOOD OF TEAMSTERS,
ET AL.,
DEFENDANTS

July 29, 1998, 12 p.m.
(Hearing resumed)

(In open court)

THE COURT: Good afternoon, ladies and gentlemen.

The first item I will discuss is my request for a referendum. When I made that request, I had in mind that it was completely for the benefit of IBT. I call your attention to an item in their memorandum, which is very convincing and persuasive. The GEB's decision is consistent with the Court's statement on the record on June 29, 1998 that voluntary payment by IBT officers of the costs of supervision would be a "breach of a fiduciary relationship and something that is forbidden actually to do by law."

The thought occurred to me that the union could send a message to the IBT hierarchy that they would agree and it would not be considered by them a breach of a fiduciary relationship if they were voluntarily to agree to contribute some money to a rerun election. However, the memorandum is very persuasive that the cost and the effort involved in such an undertaking would be futile. So my good intention has come practically to naught.

I did say that voluntary contributions by the IBT in light of the decision by the Court of Appeals, dissent noted, would be a violation of their trust. Again, I repeat ad nauseam that it occurred to me that if they had a word from the membership that they would not be held to such an account they could then go ahead and make voluntary payments. So my request for a referendum is no longer in order. I am sorry it did not work out the way I thought it might.

I still am of the opinion, although I am not sure that I have the authority to order it, that instead of a referendum a poll of a very small but vital universe of 500 would give some indication to the hierarchy whether contributions could be made without being in default of their duty. I leave that to the entire discretion of the union itself.

Now let me address some verities. I think we all know that of all the many cases that are filed in this court and, indeed, in all the courts in all the land, if all those cases were to go to trial, the system would come to a creaking halt. Certainly it is not new news for you as practicing lawyers to know that compromises and agreements occur even after verdicts for a plaintiff and a defendant. And it also is not great news for you to understand that when one files an appeal, every effort is made by an instrument of that court to resolve the issue before the need of the decision.

I think common sense ought to be considered here. Is it your view that an unsupervised election does not have to put in place any assurance, any guarantee, any rules to demonstrate that a nonsupervised election will still be a democratic election, a free election, and that every effort will be made in a nonsupervised election, of which there have been many in the history of this union, that such an election should not raise any concern or fears that corruption would become the order of the day?

That is my concern. As I said, an unsupervised election sounds more fearsome than it can actually be. And what I want here today, and I took the liberty of asking Mr. Sever, a member of the executive team, to come and see if I can employ reason and amicability and some stability to a problem that should be settled, does this unsupervised election, and I am intending to go ahead with that, mean that I have to be concerned with chaos?

Mr. WEICH: Your Honor, I'm quite confident that an unsupervised election would not be chaotic. Almost every union in the country conducts an unsupervised election under federal labor law. And, of course, this union is additionally bound by the consent

decree and its own constitution. I am very confident that safeguards would be in place to insure that corruption does not occur and that the election is carried out in an open and democratic manner.

THE COURT: Would a supervised election give more assurance of orderly procedure? Would it relieve us of certain, perhaps unrealistic, apprehensions that the election would go forward in a more orderly process?

Mr. WEICH: It's a very difficult question to answer under current circumstances. I can only say, your Honor, that the IBT supports the supervision process. We have said in every public statement and reiterate again today that we would like to see supervision. We insist, though, that the United States be made to meet its obligations under the consent decree to pay for that supervision if it is to occur.

THE COURT: Do you understand my reason for a referendum?

Mr. WEICH: I do understand.

THE COURT: I was trying to relieve you of the danger of irresponsibility in the event you voluntarily agreed to make contribution.

Mr. WEICH: I do understand that, your Honor.

THE COURT: And I thought the only way I could deal with that problem on your behalf and somewhat on the Court's behalf was to have the voice of the union say no, you will not be guilty of any betrayal of a fiduciary relationship if you make a voluntary contribution. That was my reason.

Mr. WEICH: I understand that.

THE COURT: And now that you have convinced me that there is no point to it, I withdraw that request.

Let's go on.

Ms. KONIGSBERG: Your Honor—

THE COURT: You say order the Congress to do something, in this case, to provide funds. Think about this clearly and analyze it. Here is this district court judge telling the mighty sovereign Congress, Do something. And if they say no, what is my next step? Dealing with an old truism, that no court should enter an order which ends up in futility, am I to say I am going to hold the entire Congress in contempt? To think about it shows it is absurd.

The same thing holds true, as I said, if I say to the government, Pay. It is your obligation. And if they say, We cannot, what do I do? Hold the United States of America in contempt? I do not think I could possibly survive that.

Now the focus here is, Oh, the Attorney General is not inhibited by anything that the committees have said about inhibiting the use of the funds. That is your interpretation. But if I were the Attorney General, I would want more to rely upon than an interpretation. It is not a matter of what we think the inhibition proscribes or what the Court may think or even what the government may think. But before I, as an Attorney General, would be free to do ahead and make my interpretation that the government is free to use certain funds, I would want more assurance than that, than face possible contempt by the House Appropriations Committee.

I implore you, why can't we be reasonable about this? Why can't we continue to have a supervised election by some contribution?

Mr. WEICH: Your Honor, we continue—

THE COURT: Am I off the wall when I say probably in your own experience that you have entered into compromises even when a verdict has been in your favor?

Mr. WEICH: Yes, your Honor, that's certainly true. I can only observe that we still await word from the United States whether it is prepared to put any money into this process. It strikes me that on this record,

given the union's history of being willing to compromise in the past, it's the decision that the Court of Appeals handed down that at this time would be appropriate for the government to state whether it has any money before the question is put to the union.

THE COURT: You mean money that is absolutely free and clear and under no restrictions?

Mr. WEICH: Yes. Well, your Honor, you know our position, that there is money that the Court could order the government to pay. Our position there is not an extraordinary one. It's often the case that a government agency tells a federal court that it believes it doesn't have authority to do something or doesn't believe it's required to do something, the Court orders that agency to do it. And, as always, the United States complies.

But my point, in response—

THE COURT: Let's assume you are right, and I do not see how your logic can stand up, I say to the government, Pay, and they say, We cannot, we do not have the funds, whether under restrictions or not. What do I do, hold the United States in contempt? Well, what do I do? I have issued an order. I have said to the government, Pay, and they have said, We cannot. What do I do? Where does that lead us?

Mr. WEICH: The first place it would lead us—

THE COURT: Did you ever hear of sovereign immunity?

Mr. WEICH: Yes, I have.

THE COURT: Do you know what that means?

Mr. WEICH: Yes, I do.

THE COURT: Who would I hold in contempt? U.S. of America, you are held in contempt. Oh? Either you comply or I will send you to jail. Who will I send to jail, the U.S. of America? Isn't that what a lawyer is supposed to unravel in his thinking when he makes an argument? Is that order that I make now silly? Who would I hold in contempt?

Mr. WEICH: Your Honor, I—

THE COURT: Who would I drag into court? Uncle Sam, who is the symbol of America? Who would I hold in contempt? The Appropriations Committee? The subcommittee? The entire House of Representatives? The entire Senate? Whom would I hold in contempt? Do I fill the jailhouse with all these dignified representatives of their constituents?

You know, thought is a very important process. It is easy enough to embark on ideas that are grandiose and win favor with a constituency, but you have got to parse it and analyze it. No court is supposed to enter an order which is futile.

I have been dealing with this specter. Maybe the symbol of America is Uncle Sam and I will have Uncle Sam, I will even have his beard trimmed for television purposes, and I will put Uncle Sam in jail. The more you think of it, the less appealing it becomes. So unappealing that it is not even worth all the discussion and thought and sleepless nights I have given to this.

I have no hesitation where contempt is proper, and again I must remind you that contempt must be by trial to another judge. Do you know that?

Mr. WEICH: Yes, your Honor.

THE COURT: I am sure my colleagues would applaud my effort to ask them to try a case of contempt against the United States of America. I think that should convince you that it is an idea whose time has now come.

Now, can't we deal with this the way lawyers do all the time? Try to reach some understanding and agreement. I have had many cases resolved after a verdict by 12 men and women, good and tried, who found in a civil

case by a preponderance, in a criminal case beyond a reasonable doubt, some negotiation. Why can't we do that here? Is there a motive why there is so much obstinacy here and obduracy about coming to any understanding or realization?

Mr. WEICH. Your Honor, I ask again that you put the question to the United States if there is money.

THE COURT. What do I do if they say no? You beg the question. You are a lawyer. I have asked you a question. Give me some help. Who do I hold in contempt?

Mr. WEICH. I'm confident that if you put the question to Ms. Konigsberg whether the United States would obey a lawful order of this Court her answer would be yes, therefore contempt would be unnecessary. If contempt were necessary—

THE COURT. Is there a danger that I ought to consider sanctions against any lawyer who tries to bring an action or a cause that is absolutely absurd in its very, very root? Again, I have asked you ten times: Whom do I ask another judge to hold in contempt?

Mr. WEICH. If contempt were necessary—
THE COURT. Contempt is always necessary if an order is not obeyed.

Mr. WEICH. Yes. If contempt were necessary, your Honor, there are officers of the United States who stand in for the United States—

THE COURT. All the officers of the United States?

Mr. WEICH. No. Ms. Konigsberg—

THE COURT. Aren't you a little bit ashamed of your begging the question?

Mr. WEICH. No, your Honor.

THE COURT. All right. That would be quite a newspaper item, having all the 50 states and their senators and representatives hauled to court and put to jail. That would be novel. Instead of history of the law, it would be the hysterics of the law.

Again, can I bring you to the peace table?
Mr. WEICH. Your Honor, we've been at the peace table. We ask whether the United States is intending to come to the peace table.

THE COURT. I want to hear from the United States. Shall I hold you in contempt?

Ms. KONIGSBERG. No, your Honor.

THE COURT. As long as we are in the amusement circle, let me tell you my own personal experience, without much name. At one time in my career I was special assistant to the Attorney General of the United States, a rather important job. There was a case before a very distinguished justice and he wanted the government to produce certain documents. I told the judge I did not have these documents, I did not have control of them, I had never seen them, that they were exclusively in the possession of the Attorney General, who resided in Washington.

The judge gave me a brief period of time to produce those documents or to be held in contempt and possibly jailed.

I spoke to the Attorney General. I have never seen the documents. I did not know their relevance. I did not even know that they would lead to relevant evidence, and he said, You may not have them. And you must go before the court and say that I will not release them.

And then he said, with a broad Texas drawl, David, jail is not too bad at all. They feed you three meals a day.

Fortunately, the judge had some generosity and heart and did not hold me in contempt, which would certainly have hurt my career. He certainly did not jail me, but the documents were never produced and there was really nothing that he could do. That was my own personal experience.

I am, as the record will show, a very reluctant judge when it comes to dealing either with sanctions or with contempt because

that has the very treacherous danger of doing substantial irreparable harm to a lawyer who might be more zealous than smart.

Ms. KONIGSBERG. Good afternoon, your Honor.

Let me first address the issue about whether or not it could be perceived as a breach of fiduciary duty for the union's leadership to agree to pay the costs, some of the costs, of the rerun election. It, in the government's view, would not be a breach of fiduciary duty and though the government supports the Court's idea of having a referendum, it would not take a referendum in order to reach that conclusion.

THE COURT. Wouldn't a poll do just as well? I have had some experience in that area. A poll could be done. A universe of 500 is sufficient. It could be done in two or three days.

Ms. KONIGSBERG. That is possible.

THE COURT. By telephone.

Ms. KONIGSBERG. That is possible, your Honor. But whether—irrespective of any referendum and irrespective of any poll, it cannot be considered a breach of the union's fiduciary duty to pay these costs, and let me explain why. Though I know the Court mentioned that at the prior hearing, I don't consider that a finding by this Court; that was not a matter that was briefed. The union indisputably is going to have to bear the cost anyway of an unsupervised election.

THE COURT. Has anybody an estimate of what that cost would be?

Ms. KONIGSBERG. I would like to know from the IBT what they project that cost to be. I mean, I would suspect it is at least the same amount of money, if not more so, than the amount of money that the union would pay if they share the costs of the election. I think it would be helpful if the Court, if we could inquire of the IBT what that would cost. But I would suspect it is, at a minimum, \$4 million for them to have to pay in any event if they have to conduct their own election.

Second of all, it is in the interests of the union membership to have a fair election and to have a supervised election. The union has said itself that they are in favor of a supervised election, and everybody here agrees that the best way to insure a fair, free, democratic election, that all the members and all the public can have confidence in, is to have election officer supervision. So regardless of the relative costs of an unsupervised election versus what they would contribute, the union leadership can decide that this is something that's in the members' interests to have an independent, court-appointed election officer supervise this so that the union membership can be assured of having a fair, free, democratic election.

Really what this can be, I suppose, likened to is, is the union saying that it would refuse, in effect, if the government is able to secure the agreement of Congress to pay \$4 million, or plus, toward the cost of this rerun election supervised by an election officer, is the union saying that it would refuse to accept the government's money in order to be able to have a supervised election? Because we all agree that they're going to have to pay these costs anyway in an unsupervised election, and we all agree that the election officer supervision is necessary.

I mean, I would submit to the Court there is at least a question whether it could be perceived as a breach of fiduciary duty not to agree to pay the costs in order to have a supervised election. So, I think it would be helpful to take the question of a breach of fiduciary duty off the table here. I don't think there is any question that the union leadership can agree to pay this. What the Second Circuit's decision was about was whether the union could be obligated to pay.

THE COURT. The Second Circuit decision completely ignores the very powerful dis-

sent, and although that dissent did not carry the day, it sends a powerful message. Nobody even refers to that. That is bad argument. The dissent did not carry the day. It did not persuade the majority. But it is a very powerful message and should not be ignored.

Ms. KONIGSBERG. We agree, your Honor. But even accepting the majority's opinion, which, of course, we accept, all it says is that the union cannot be compelled—

THE COURT. That's right.

Ms. KONIGSBERG [continuing]. Based on the misconduct. It does not say that the union voluntarily cannot agree. It also does not say the government is required to continue supervision. But it does not say that they cannot voluntarily agree. And it is clearly in the union members' interests, as the IBT has conceded, to have a supervised rerun election, so that it would not be a breach of fiduciary duty.

THE COURT. I brought you here, Mr. Sever, to lend a helping hand based on your long experience to resolve this problem. Maybe your lawyer will feel a little freer if he has some notion from you that you are willing to help.

Mr. SEVER. Your Honor—

THE COURT. You are no longer with the Mets, are you?

Mr. SEVER. Your Honor—

Mr. WEICH. It's Tom Sever, your Honor, not Tom Seaver.

Mr. SEVER. Your Honor, in due respect, you know, I must indicate that we do have a decision by the Second Circuit of the court. In light of that decision, I did proceed on to the general executive board on July the 20th, and the general executive board rejected to pay for any costs in light of that decision, and, you know, I believe that we ought to—I believe in the judicial system, your Honor. And I believe that we ought to abide by the courts and follow the appropriate procedures of appeal, if necessary. But certainly that's where we stand at this point, your Honor.

THE COURT. All right. But I am asking you: Can you not consider that there may be some room for compromise and negotiations?

Mr. SEVER. If there would be any room for compromise, your Honor, I would be more than happy to take that back to our general executive board.

THE COURT. Will you do that, please.

Mr. SEVER. I would take a poll with the board. I would do that if we could have a compromise.

THE COURT. And will you also say it is my—

Mr. SEVER. Would you repeat.

THE COURT. It is my passionate desire to see that this matter be resolved.

Mr. SEVER. It would—I would like to see it resolved, your Honor. However, you know, with respect to my fiduciary responsibility as the general secretary-treasurer, and with the due respect of the cost that may be associated, I believe that, you know, if there could be some kind of a compromise, such as maybe sending out the ballots, that I might be able to recommend that. And that cost would be somewhere around \$2 million. I might be able to recommend that to the general executive board.

THE COURT. All right. That is something.

Mr. SEVER. Thank you, your Honor.

THE COURT. Did you want to say anything? Did you want to say anything?

Mr. WEICH. No your Honor.

THE COURT. I want this election to go forward. We have had some delays and I think it is time to fish or cut bait.

Now, in anticipation that we are going to have an unsupervised election, will you please give me some details of how you plan this election to go. I think my inherent power in terms of my need to manage my own caseload suggests that I can require you to give me some view of your plans.

I also think that hope does spring eternal. I think that perhaps the Senate, by its appropriate committees and their wisdom, might decide to allow the Attorney General some freedom in the use of funds. I just do not know how we can urge them to come forward with a yes-or-no answer, but perhaps they will.

Is there anything else?

Ms. KONIGSBERG: Yes, your Honor.

As the government set forth in its papers, the government believes that the Court has the authority to set a plan for this election, particularly given that the IBT—

THE COURT: You know their argument about the plan that you suggested, that this is just a disguise, using rhetoric, but to accomplish exactly the same thing that would occur in the hands of the supervised election.

Isn't that your argument?

Mr. WEICH: Yes, your Honor.

Ms. KONIGSBERG: I'm aware of their argument, your Honor.

THE COURT: You have a chance to answer. I think your date is Monday.

Ms. KONIGSBERG: That's right, and we will respond to that on Monday, your Honor.

THE COURT: But the IBT makes a very persuasive argument that this is merely a camouflage and that the Court does not have inherent power to do anything by way of accepting a substitute monitored election.

Ms. KONIGSBERG: We will address that. We disagree.

THE COURT: That is the problem with appointing a special master.

Ms. KONIGSBERG: Your Honor, the government disagrees very strongly with that characterization; that is to say, that there can be no court-appointed election officer in the absence of a supervised election doesn't mean that you throw the baby out with the bath water and that all of the learning under the consent decree about how to have a democratic election—

THE COURT: I will read your papers and I will study your papers, and I hope to get another version of how an unsupervised election will proceed.

Ms. KONIGSBERG: Thank you, your Honor.

Mr. CHERKASKY: Your Honor, just very briefly, if I might. We also feel strongly that any—

THE COURT: Keep your voice up. Everybody wants to hear you.

Mr. CHERKASKY [continuing]. That any contribution that would be made by the International Brotherhood of Teamsters would not be a breach of their fiduciary duty.

THE COURT: Would not be what?

Mr. CHERKASKY: A breach of their fiduciary duty. I think all the parties agree—

THE COURT: I was trying to give you some assurance that under no circumstances would they be crucified on the cross for the sustaining of the fiduciary relationship.

Mr. CHERKASKY: I understand that, Judge. Certainly, it's—I think they've taken out of context your remarks at previous hearings. They have said previously that they would contribute some sums, so they didn't feel it was a breach of their fiduciary duty or they wouldn't have agreed to contribute anything.

Secondly, we would think that, we firmly believe that the Teamsters union, as was indicated yesterday, is a union that has every right to have a fair and free election as quickly as possible and that the membership, we believe, demand that. We also believe there are ways to do polling, ways that you could do polling going to each of the different locals and have a weighting voting process which could be done very quickly, very efficiently, and very inexpensively, so that in fact we could have a very quick read of what in fact the union felt as to the proposition of their making a contribution or not.

Finally, as unpleasant as it may be for us, we have to face the fact that this may be an unsupervised election and, your Honor, we will in fact be filing with your Honor a proposal of how to would wind down the matters of the election office. We, in fact, are continuing to spend money, continuing to do work. We have a number of very significant protest matters before us which, in fact, we think urgently need to be completed, and we would in fact by next Monday have a proposal for you if in fact it's necessary, if the draconian happens, how to wind down the election office.

THE COURT: I have a note from my worthy staff:

"You need to give the IBT a timetable for giving more definite statements for unsupervised election."

Thank you. What would I do without you? What timetable do you need?

Mr. WEICH: Respectfully, your Honor, it seems to us premature when the government has not, to date, withdrawn its election to supervise to order the IBT to do more than it has done, which is to set forth with a fair bit of specificity how it would conduct an unsupervised election in accordance with federal labor law, the IBT constitution and the consent decree. I really think that as a matter of logic and timing, the United States should conclude its efforts and say, finally, that it does not intend to supervise, if indeed that's the conclusion it reaches, despite our view that it should not be permitted to withdraw that.

THE COURT: If public relations and goodwill have any strong reason, and believe me they do, you cannot possibly estimate the goodwill and public relations game for the IBT to come forward generously to make some contribution.

I repeat this ad nauseam: In the ten years that I have been on this case, the union has spent millions upon millions of dollars fighting every single revision of this decree. Millions. Some of it so silly that it has been a mockery and a telltale at cocktail parties. The quarreling over my order for the IBT to provide a \$50 secondhand cabinet file, in one matter where there were just a number of limited appearances, one law firm garnered \$6 million in fees. I think from my point of view a forthcoming spirit of generosity does not have to wait for Christmas.

Yes. Go on.

Ms. KONIGSBERG: Your Honor, because there is such a strong interest in having a prompt rerun election, we believe that there should be a schedule set for the IBT to submit a plan that these two things can occur at the same time and we think that would make sense to do. In addition, I wonder if the IBT has an estimate of what they think it would cost them to conduct an unsupervised election.

Mr. WEICH: Your Honor, we're prepared to submit additional details about how we would conduct additional details about how we would conduct an unsupervised election next Wednesday, August 5.

THE COURT: Can you give us an estimate of what the cost would be?

Mr. WEICH: We will do our best.

THE COURT: You will do that?

Mr. WEICH: Yes, your Honor.

THE COURT: Is there anything else?

Ms. KONIGSBERG: That's it, your Honor.

THE COURT: Nothing else?

Mr. WEICH: No, your Honor.

THE COURT: Please come up with something. I think after ten years on this case I deserve a break. And I think we have done one tremendous job of ridding this union of a lot of corruption and we are still on it.

Madam Speaker, I rise in opposition to the resolution and particularly the

portion of the resolution which allows nonattorneys to conduct depositions behind closed doors and without any member of the committee present. That authority is virtually unprecedented. The authority of having a non-attorney staff conduct the depositions was not given to the Committee on Government Reform and Oversight where we heard abuses even with attorneys doing it. The House did grant that authority in the committee on the transfer of technology to China, a select committee on which I sit, but it was understood by the members of the select committee and the Members of the whole House that an issue of that magnitude required swift but thorough investigation, staffed with personnel skilled with the nuances of deposing witnesses with sensitive and potentially classified material. We also recognized that some of the material and witnesses sought for that investigation would require travel to China and experienced staff must be allowed to pursue those matters when Members' schedules might preclude their attendance. The staff members hired for that purpose, the 6-month duration of the committee, will obviously be hired with the appropriate skills for taking depositions. In contrast, this investigation into the 1996 Teamsters election will not address matters of national security but the members of the subcommittee must apply equal vigilance to the rights of witnesses and the appropriate conduct of the investigation. Already the Subcommittee on Oversight and Investigations has come very close to interfering with an ongoing investigation by the U.S. Attorney's office into the Teamsters election, and we experienced a potentially damaging incident concerning the shocking modification of subpoenas without the approval of the committee. All of this occurred under the watchful eye of the consultants to the committee, whose professional credentials cannot be challenged.

In fact, the committee hired these consultants for the majority because the majority stated that it did not have qualified staff with the background, knowledge or experience to conduct the investigation. Now these consultants have given notice that they will be leaving the investigation, so I hesitate to think what will happen when staff who are not attorneys, not experienced in deposing witnesses and who are not required to abide by any codes of professional responsibility are allowed to continue where the consultants left off.

This subcommittee must be vigilant in its investigation into the Teamsters election. The rules of conduct must not allow the reckless endangerment of a process designed to prevent another failed election. In the end we must be responsible not only to the Teamsters but also to the taxpayers who paid for the 1996 election and who continue to pay for this investigation. We should not allow nonattorneys who have already been labeled by the majority as

incapable of conducting the investigation to be granted the exceptional power to conduct depositions behind closed doors.

Mr. HALL of Ohio. Madam Speaker, I yield 2 minutes to the gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. Madam Speaker, I thank the gentleman for yielding time to me. I think it is appropriate for the committee of the Congress to do an investigation. I think it is important to get to the bottom of the issues at stake. I also think in theory it is sometimes appropriate to have deposition authority. But when you look how this authority has been abused by the Republican majority in this very Congress, I think you have to step back and ask whether this is a wise thing to do.

If a committee is doing an investigation and they want to hear from a witness, bring a witness before the committee. If the witness will not come, subpoena the witness to come before the committee. Let members in an open session ask questions. But when you give deposition authority, it allows staff to bring in these people, behind closed doors, without the public even knowing what questions are being asked, and to abuse those people by making them hire attorneys, making them take time off from work, making them answer questions over and over and over again while the clock is ticking away and the costs are going up.

I can tell Members that in the Committee on Government Reform and Oversight, the staff has deposed 158 individuals. One-third of these people were compelled to give testimony under this threat of being held in contempt of Congress. Of these 158 depositions, 650 hours of testimony was taken. This is burdensome on people. It is a power that can and has been abused.

We have come now to a point where it is simply a partisan fishing expedition. Of 158 witnesses, 156 have only been asked about Democratic fundraising abuses while the committee has ignored substantial evidence of Republican campaign finance abuses. It becomes a partisan witch-hunt without any accountability to the American people.

Accountability is important. When you are in an open session, you have to be accountable because the public can see what you are doing. But when it is a deposition, behind closed doors, there is too much power and that power can be abused.

Mr. SOLOMON. Madam Speaker, I yield myself such time as I may consume. I hesitate to get involved in this at this time, but the gentleman is complaining that the committees were only investigating Democrat abuses on campaign finance. This gets under my skin a little bit, because no Republican has ever been accused of selling out our country. No Republican has ever been accused of accepting campaign money and then giving away the strategic in-

terests of our country. Now that we have more than 18 intercontinental ballistic missiles aimed at America, we ought to get to the bottom of it.

Never before have we ever had an administration, whether Democrat or Republican and I go all the way back to Harry Truman's day when I was a Marine guard in this town never have we had a President, either Republican or Democrat, who deliberately withheld information and did not try to level with the American people. That is why we have had to have staff depositions in the past.

Madam Speaker, I yield such time as he may consume to the gentleman from Michigan (Mr. HOEKSTRA).

Mr. HOEKSTRA. I thank the gentleman for yielding time. Just to clarify some of the remarks from my colleague who sits on the subcommittee, "Close to impairing an investigation." Give me a break. We went through negotiations and discussions with the Southern District in New York. We never came close to impairing an investigation. We went through that process. We went through that process with them in a very diligent way and never even came close to impairing that investigation.

Talking about these amateurs that are going to interrogate witnesses. The minority knows very well the kind of people that we need to have interviews and discussions with. What are we taking a look at? We are taking a look at very technical information. Where did \$150 million of net worth from the Teamsters go over a period of 5 years? Rank-and-file Teamsters would like to know. We would like to know. How did they launder \$1 million? How did they manipulate pension funds? We have got a specialist who was hired to do exactly that. It is a forensic auditor. We want a forensic auditor to go through it in detail. The forensic auditor and the staff needs to go through piles and piles of data, very technical data so that we can move forward.

We had a hearing where the IBT and Grant Thornton and the auditors brought in their people. They would not allow us to talk to them before the hearing. They came in and they had wonderful answers. "Oh, you were interested in that kind of information? Boy, you really ought to talk to so and so. I can't answer that question." The end result is they delay and they set back our progress at getting to this kind of information.

Mr. HALL of Ohio. Madam Speaker, I yield 1 minute to the gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. I thank the gentleman for yielding time. I just want to point out the statement made by the gentleman from New York (Mr. SOLOMON) was completely irresponsible. No one has evidence to substantiate an accusation that the Administration sold out national security for campaign contributions. But we can substantiate the following: The Republicans have taken foreign money. We can substan-

tiate the allegations that they have used illegal conduit payments, that money has been raised on government property.

□ 1400

And today is the anniversary of the Trent Lott-Newt Gingrich \$50 billion tax break for the tobacco companies snuck into a bill in the middle of the night after they received millions of dollars of campaign contributions from the tobacco industry.

Why are we not investigating those issues? Because the Republican Congress is on a partisan witch-hunt.

Do not do the same thing in this committee that we are seeing on the Burton committee: a one-sided, partisan witch-hunt where Republican abuses are ignored and Democrat abuses are blown out of all proportion, where the evidence does not lend credibility to the conclusions that are stated.

Mr. HALL of Ohio. Madam Speaker, I yield 30 seconds to the gentleman from Missouri (Mr. CLAY) to respond.

Mr. CLAY. Madam Speaker, I just want to challenge the statement about whether the forensic auditor is paid. He is a paid consultant of that committee, and he made a statement about fraud, pension fraud, that the Department of Labor has challenged and criticized him, and the independent auditors of the Teamsters have challenged him. And there is no evidence of any pension fraud, and my colleague ought to stop saying it.

Mr. HALL of Ohio. Madam Speaker, I yield 2 minutes to the gentleman from Wisconsin (Mr. KIND).

Mr. KIND. Madam Speaker, I rise today as a member of the subcommittee not only to oppose this resolution but also to express my severe disappointment in the way this process has been conducted and also to indicate that I think that, by giving this unprecedented power to the subcommittee, we may end up doing more harm than good under the circumstances.

I am a former prosecutor. I know a little bit about conducting investigations. Subpoena power can be extremely useful in getting at the truth and uncovering the facts in a particular matter, if it is necessary and if it is done right.

But as member of the subcommittee, I do not see the necessity in it. I do not see this great conspiracy of obstruction and reluctance of Teamster members to appear before the committee. In fact, our subcommittee chair referenced Mr. Sever and stonewalling that he apparently was committing when, in fact, he had appeared before our committee May of this year, was subjected to our numerous questions from across both aisles, and unless there is other information that they are not sharing with us, I do not see the stonewalling tactic taking place. Also, if it is done right, Madam Speaker.

Now, giving deposition power or authority to Members who do not have

training on how to conduct a proper deposition is very dangerous. There is no easier thing to do if you are not trained than to muck up a deposition in a transcript, especially with witnesses who may be under some other criminal investigation, and that exactly was being proposed in this resolution: for nonattorneys to come in behind closed doors with witnesses and to subject them to an array of questioning when they do not know whether to ask a leading question or an open-ended question, when it is appropriate, they do not know how to give proper documents into evidence as part of the transcript, and this is just a recipe for disaster.

But perhaps my greatest concern about this resolution today, Madam Speaker, is the fact that we may be impeding upon an ongoing criminal investigation in the Southern District of New York, the U.S. Attorney's Office. This is an issue that I have repeatedly raised in committee. As a former prosecutor, there was no greater fear for me when I was conducting an investigation than for outside forces to come in and start messing around with the conduct and the process of the criminal investigation and to start interfering with what we are trying to accomplish.

Madam Speaker, I just conclude by urging my colleagues to oppose this resolution.

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

Again, Madam Speaker, the gentleman spoke about the fact that staff deposition authority is unprecedented. I think he said it three times; I wrote down three times. And I know he was not a Member of this Body when the Democrats controlled it for 40 years, but I would advise him to go back and do a little study about how many times the Democrats gave staff deposition authority.

And he also mentioned stonewalling four times. He ought to read his hometown newspapers and that of the New York Times and the Washington Post and all the other papers across the country; they will headline who has been stonewalling all of these investigations.

Madam Speaker, I yield 1 minute to the gentleman from Holland, Michigan (Mr. HOEKSTRA), the subcommittee chairman.

Mr. HOEKSTRA. Madam Speaker, I thank the gentleman from New York for yielding this time to me.

I would like to just insert for the RECORD a July 23, 1998, letter from Anthony Sutin, who is the Acting Assistant Attorney General, who highlights in his letter that we have not jeopardized investigations. As a matter of fact, his quote:

We appreciate the subcommittee's cooperation in accommodating our law enforcement interests in the conduct of this oversight investigation.

We have consistently made sure in our efforts that we do not jeopardize

what is going on in the courts, and we are complementing that effort, not jeopardizing that effort. We have been very, very conscious, and I think the gentleman from Wisconsin knows that because he has been in some of the discussions whenever there has been a conflict or when the Southern District has raised a concern. I think the one time they raised a concern we actually sat down with the minority and talked about that and jointly reached a decision that we would not proceed along that direction.

The letter in its entirety is as follows:

U.S. DEPARTMENT OF JUSTICE,
OFFICE OF LEGISLATIVE AFFAIRS,
Washington, DC, July 23, 1998.

Hon. PETER HOEKSTRA,

Chairman, Subcommittee on Oversight and Investigations, Committee on Education and the Workforce, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: This responds to your letter, dated July 15, 1998, regarding the Subcommittee's oversight investigation about the International Brotherhood of Teamsters (IBT) and, particularly, the Committee's subpoena to the Department for tapes relating to our on-going law enforcement action regarding IBT. As you know, the tapes were produced late on July 9, 1998, after service of the subpoena earlier on that date.

We appreciate the Subcommittee's cooperation in accommodating our law enforcement interests in the conduct of this oversight investigation. We also would like to resolve the apparent misunderstanding about the Department's actions in response to the subpoena. The Department undertook substantial efforts to assess our interests in this matter, which is consistent with our usual processes in response to congressional subpoenas. It is our long-standing practice to consider Department interests, such as law enforcement and individual privacy, among others, as well as a congressional committee's needs in responding to requests for information, including subpoenas. While the process in this instance included consultation with the United States Attorney in the Southern District of New York, the Department's response to the Subcommittee was neither dictated nor delayed by that Office. Indeed, the Department's same day response to the subpoena could not have occurred without the significant efforts of that Office.

It also should be noted that the United States Attorney obtained the tapes for law enforcement purposes and to facilitate the Committee's access by producing copies of them, and certainly not to thwart the Committee's access to them in any way. Because the IBT was to receive a complete copy of the tapes, production of the tapes to the United States Attorney and the Federal Bureau of Investigation could not possibly relieve the IBT of any obligation to respond to the Subcommittee's subpoena.

Congressional subpoenas are taken very seriously by the Department in every instance and we recognize a committee's authority to issue compulsory process when required in the exercise of its legitimate oversight functions. In some cases, subpoenas represent a collision of interests between the executive and legislative branches. Such a collision often can be mitigated through informal discussions designed to accommodate the needs of both branches, predicated upon an appropriate sense of comity between them. This also permits their representatives to scrutinize carefully the interests and needs of both branches so that satisfactory agreements can be reached. We regret that this particu-

lar subpoena did not permit us an opportunity to pursue such informal discussions; indeed, as far as we are aware, forthwith subpoenas are unprecedented in our relationship with Congress. Based upon our subsequent conversations with counsel, we look forward to working with the Subcommittee productively as this inquiry proceeds and hope that the misunderstandings of this experience can be avoided in the future.

Please do not hesitate to contact me if you would like additional information about this or any other matter.

Sincerely,

L. ANTHONY SUTIN,

Acting Assistant Attorney General.

Mr. HALL of Ohio. Madam Speaker, I yield 2 minutes to the gentleman from New York (Mr. OWENS).

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

Mr. OWENS. Madam Speaker, we have a situation here where they are requesting overwhelming, extraordinary powers, and whereas sometimes that might be appropriate, for example, when Oliver North in the basement of the White House was committing treason by disobeying the laws of Congress and selling weapons to an obvious enemy of America. Then that was time to use these kinds of powers, and I think those kinds of powers were assumed, and we had an appropriate investigation.

When the savings and loan swindle was under way, we should have used those kinds of powers, but we did not. We had Silverado Bank in Denver, Colorado, where the directors told the client, "You need \$13 million, we'll give you \$26 million, and you deposit half of that back into the bank so that when the auditors come it will look good." Not a single director on that bank's board went to jail, and half a trillion dollars the taxpayers were out of as a result of the swindle by the savings and loans banks. We did not use those kinds of powers.

Here we have a situation where, yes, some wrong deeds have been committed. As my colleagues know, the Teamsters' elections are important. Irregularities in elections are not to be sneezed at. They are important. But we do not need these kinds of powers to deal with election irregularities.

Teamsters have a long history, and there was a time when millions of dollars were being stolen. Dave Beck, Jimmy Hoffa—Jimmy Hoffa ended up being convicted and sent to jail, and later on he disappeared and it was assumed that he was murdered. Some terrible things have happened. Ron Carey came in as a result of reform that this government supported, and if he has done something wrong in respect to elections, he deserves to be punished. He does not deserve the mobilization of these kinds of overwhelming powers.

Madam Speaker, this is a partisan grab for power because they want to use it in a very partisan way. They want to continue what they have been doing all along, trying to destroy the unions in America, the labor movement in America. Working families

have a lot to fear from this kind of abuse of power because it is going to be used in a very one-sided way, as it has up to now. They are not going to use this power to get to the bottom of the situation in an objective manner. We know from past history that that is not what is going to be happening.

So it should be denied. We should not let these kinds of overwhelming powers be utilized by a committee that has already demonstrated they only want to use it for very bipartisan purposes. This is not Oliver North in the basement of the White House committing treason.

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

Madam Speaker, it is a good thing that this Member of Congress is on his good behavior here today because I heard my former good friend—I better not say that—my good friend from New York (Mr. OWENS) referring to Marine Colonel Oliver North as conducting treasonous activities. Let me tell the Members of this Body that there is no greater hero in this country than Marine Colonel Ollie North, who risked his life for my colleagues and I and every other American citizen. It was he and Ronald Reagan, our President, who stopped communism dead in its tracks in Central America. Otherwise, we might have the same kind of government there that we have in Vietnam today. We are going to be taking up a resolution on that in just a few minutes. Or we might have the same kind of a government in Central America that we have in China or North Korea or some of these other countries.

So, let me sing the praises of Colonel Oliver North and thank God that my grandchildren will have a free, democratic country to live in.

Madam Speaker, I reserve the balance of my time.

Mr. HALL of Ohio. Madam Speaker, I yield 2 minutes to the gentleman from Tennessee (Mr. FORD).

Mr. FORD. Madam Speaker, I thank the gentleman from Ohio (Mr. HALL) for yielding this time to me.

Madam Speaker, I rise today serving on both of the committees, and I thank my leadership for these assignments as a member of the Committee on Education and the Workforce and the Committee on Government Reform and Oversight. I serve on this oversight investigations committee and have had a firsthand view at how we have conducted ourselves as committee members and, more importantly, how the chairman of this subcommittee has conducted this committee.

This Congress has spent more than 20 or close to \$20 million on 50 investigations, 50 different investigations.

Ken Starr DAN BURTON, the gentleman from Michigan (Mr. HOEKSTRA), the gentleman from Pennsylvania (Mr. GOODLING); all of them have something in common, for they go after their political enemies. For, as we rise today, those on this side of the aisle, and I

would hope that we would be joined by some of our colleagues on the other side of the aisle, asking simply for fairness, asking simply for us to follow the rules in which this Congress, and as a first-term Member I am not privy nor do I have practical experience in all the rules of this Body, but I do know my history:

Madam Speaker, the extraordinary power our colleagues seek to grant this committee, we set precedent by giving it to the committee of the gentleman from Indiana (Mr. BURTON). The gentleman from California (Mr. WAXMAN) spoke so eloquently about the abuses on that committee.

I would urge and caution my very dear friend, the gentleman from Michigan (Mr. HOEKSTRA) to pay close attention to how that committee conducted itself, to pay close attention to all the abuses and failures of that committee. We can get to the bottom of this Teamsters' investigation by simply following the rules.

I concur with my dear friend, the gentleman from Wisconsin (Mr. KIND) and all of my colleagues on this side of the aisle and hopefully some on their side of the aisle who firmly believe that we can, indeed, do our job, and I might add that we have spent \$2 million, and I would ask that the gentleman from New York (Mr. SOLOMON) ask the gentleman from Michigan (Mr. HOEKSTRA) to provide us with the correct and accurate accounting of what we have spent. Then perhaps we can move from that point, I say to my colleagues, and make some valid and accurate decisions about where we go.

Mr. KIND. Madam Speaker, will the gentleman yield?

Mr. FORD. I yield to the gentleman from Wisconsin.

Mr. KIND. Madam Speaker, I hate to disagree with the chairman of the subcommittee, but there have been two specific witnesses who have been called before us where the U.S. Attorney's Office was not consulted with, and they are very upset that they have been called and subject to our questioning who are part of the criminal investigation.

There are other examples like that, Madam Speaker. That is the concern that I have.

Mr. HALL of Ohio. Madam Speaker, I yield such time as he may consume to the gentleman from Virginia (Mr. SCOTT).

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

Mr. SCOTT. Madam Speaker, I include for the RECORD a letter from the U.S. Attorney's Office, Southern District of New York, which stated that taking testimony from certain witnesses who had been subpoenaed and scheduled to testify would impede an ongoing criminal investigation.

The letter referred to is as follows:

DEPARTMENT OF JUSTICE,
SOUTHERN DISTRICT OF NEW YORK,
April 28, 1998.

Re Teamsters investigation.

Hon. PETE HOEKSTRA,
Chairman, House Subcommittee on Oversight
and Investigation, House of Representatives.

DEAR MR. CHAIRMAN: I am writing to you as Chairman of the House Subcommittee on Oversight and Investigations (the "Subcommittee") to request that the Subcommittee not seek to question Brad Burton and Susan Mackie concerning involvement by individuals affiliated with the AFL in fundraising for the 1996 Ronald Carey campaign for re-election as general President of the International Brotherhood of Teamsters ("IBT"), a subject which is under criminal investigation by my Office and the Federal Bureau of Investigation. In my carefully considered judgment, such testimony taken at this time could seriously undermine and compromise this very active criminal investigation. While I fully recognize the importance of your Subcommittee's investigation, I respectfully urge you and your fellow members to balance the harm that the proposed testimony on this particular subject may cause to this important criminal investigation and prospective trials against any benefits that could come from the proposed examinations on this topic.

We understand that last week the Subcommittee sent letters requesting that these individuals appear to testify before the Subcommittee. We have no objection to testimony being taken from these witnesses, but only as to testimony regarding fundraising for the Carey campaign, which is the focus of the criminal investigation. At the request of Majority counsel, Deputy United States Attorney Shirah Neiman met with you and Congressman Norwood last week to explain, from our point of view, the negative impact we believe questioning these witnesses on this topic could have on the criminal investigation. Ms. Neiman also offered—consistent with grand jury secrecy obligations, and the integrity of the criminal investigation—to brief the Subcommittee or its counsel on matters of interest to the Subcommittee. Mr. Neiman also outlined the matters already in the public record regarding AFL involvement in the Carey campaign which might be of use to you in your hearings.

Today, the criminal investigation has resulted in felony prosecutions and guilty pleas of three individuals who are cooperating with the ongoing investigation and an indictment yesterday against the former Director of the IBT's Governmental Affairs Department. We have tried to be as cooperative as possible with all ongoing Congressional inquiries, Election Officer Investigations and Independent Review Board investigations, while at the same time ensuring the integrity of the ongoing criminal investigation and prosecutions. We are making this request because we believe that the criminal investigation and any potential criminal trials will suffer if witnesses are forced prematurely to go forward with deposition and/or public testimony. In addition, should the substance of interviews or testimony become public, the course of the criminal investigation could be irreparably damaged. We appreciate your weighing these factors in making your decision in this matter.

Thank you for your consideration.

Respectfully,

MARY JO WHITE,
U.S. Attorney.

Mr. HALL of Ohio. Madam Speaker, I yield such time as he may consume to the gentleman from Illinois (Mr. DAVIS).

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

Mr. DAVIS of Illinois. Madam Speaker, I rise in opposition to this resolution.

During the past two years, the American working families have experienced some success in defending the minimum wage increase, protecting Medicare/Medicaid, saved Federal job safety protections, threw anti-worker legislators out of office and held back the Fast Track proposal that would have made it easier for jobs to leave for overseas.

Many of my colleagues and their corporate allies opposed every one of those victories for working families because they put more value on profits than on people. Now, it seems as though some of my Republican colleagues and their anti-union allies say it's payback time.

Madam Speaker, a million dollars and one year later the Republican Members of the House have devised another devious plot to destroy the unions and the people who they represent—our Nation's working families.

The Republican Members passed out of committee a resolution to allow the Education and Workforce Committee to take depositions behind closed doors, without a Member of Congress present as a part of the Teamsters Union investigation. Actions such as this have only been implemented during threats to national security.

Madam Speaker, this resolution is duplicative in nature and is an abuse of congressional power that tramples the civil liberties of our Nation's working families.

This is a simple backdoor attack on unions and working families. This is an unfair and unjustified attack on democracy; but I was told at an Acorn rally in Milwaukee this past week that, a people united will never be defeated.

I urge that we unite on behalf of working families, I urge that we unite and defeat this resolution.

Mr. HALL of Ohio. Madam Speaker, I yield such time as he may consume to the gentleman from California (Mr. BECERRA).

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

Mr. BECERRA. Madam Speaker, I rise in opposition to House Resolution 507.

Mr. HALL of Ohio. Madam Speaker, I yield 1 minute to the gentleman from Michigan (Mr. BONIOR), our leader.

Mr. BONIOR. Madam Speaker, this is just a continuation of the same old thing that we have seen for this whole Congress: Investigate, duplicate, waste taxpayers' dollars.

Madam Speaker, close to \$20 million, 17 investigations; they want to go through this again.

We spent a million dollars on this investigation already; now they want to expand the powers. What they want to do is in secret, under oath, with no Member present they want to interrogate witnesses.

It is out of control. They cannot face the reality of the issues of education and of health care and the things that the people care about in this country. This Congress is exclusively, exclu-

sively designed to deal with investigations of the political enemies of the other side of the aisle.

That is what this is about, make no mistake about it.

I urge my colleagues to vote no on this irresponsible resolution.

Mr. SOLOMON. Madam Speaker, we have just a closing statement, so I reserve the balance of my time.

Mr. HALL of Ohio. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I would simply say that this is bad legislation. It is certainly to me very much of a power grab. It is not necessary because the Justice Department is already investigating.

I would urge a no vote, and I will ask for a vote on this particular resolution.

Madam Speaker, I yield back the balance of my time.

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Mr. SOLOMON. Madam Speaker, how much time do I have remaining?

The SPEAKER pro tempore (Ms. EMERSON). The gentleman from New York (Mr. SOLOMON) has 6½ minutes remaining.

PARLIAMENTARY INQUIRY

Mr. HOEKSTRA. Madam Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The gentleman from Michigan will state his parliamentary inquiry.

Mr. HOEKSTRA. Madam Speaker, is it a rule of the House that documents that are to be entered in the record should be in the House?

The SPEAKER pro tempore. The House has authority by unanimous consent to admit those documents for printing.

Mr. HOEKSTRA. Madam Speaker, if they have asked for unanimous consent, should I not have access to those documents when they are inserted?

The SPEAKER pro tempore. The documents are available with the Official Reporters of Debate.

Mr. HOEKSTRA. Madam Speaker, if the document has been inserted for the record, should the Clerk or someone have the document?

Mr. BECERRA. Madam Speaker, regular order.

The SPEAKER pro tempore. The documents should be delivered to the Official Reporters of Debate.

Mr. BECERRA. Madam Speaker, there was no objection raised earlier to any unanimous consent made before.

The SPEAKER pro tempore. The Chair is merely responding to a parliamentary inquiry.

The documents submitted by unanimous consent are delivered to the Official Reporters of Debates.

Mr. HOEKSTRA. Madam Speaker, have they been delivered?

The SPEAKER pro tempore. The gentleman may inquire of the Official Reporters.

Mr. HOEKSTRA. We have inquired, and the documents are not available.

The SPEAKER pro tempore. They should be submitted to the Official Re-

porters, or they will not appear in the record.

Mr. HOEKSTRA. Madam Speaker, I would just like a copy as soon as they ever get delivered to the House.

Mr. SOLOMON. Madam Speaker, do I understand that the balance of the time was yielded back by my good friend, the gentleman from Ohio (Mr. HALL)?

The SPEAKER pro tempore. That is correct. The gentleman from New York (Mr. SOLOMON) has 6½ minutes remaining.

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

Madam Speaker, before recognizing our last speaker to sum up, let me just point out that this Congress always has its job to do in oversight. That is what we are attempting to do here.

Madam Speaker, I yield 6½ minutes to my good friend, the gentleman from Michigan (Mr. HOEKSTRA).

Mr. HOEKSTRA. Madam Speaker, I thank the gentleman for yielding to me.

I thank the gentleman for leading the effort on this change to the rules. Let us just go through the process. In 1989, the IBT, because of massive influence by organized crime, was put under a consent decree with the Justice Department.

In 1996, they held an election. In the summer of 1997, there were severe questions about the validity of that election. I stood up and said, do not certify that election until all the objections have been investigated. The minority did not participate.

Shortly after that, the election was overturned. It was an election that cost the American taxpayer \$20 million, was administered by an election officer under a consent decree at the same time that an independent review board was looking at the Teamsters. There, maybe, would be some questions about how, with all this oversight, could we not even run a fair election. But, no, the other side does not believe that that is an important question to ask.

Shortly after that, in August of 1997, the election was overturned. At that point in time, I suggested that the winner of that election, the now disqualified president, maybe, should resign or remove himself from office. Some on the other side thought that that was a radical step, a witch-hunt.

On Monday of this week, the independent review board removed that official, Mr. Carey, from the Teamsters for life.

Early in 1998, one of the new improvements that was put in place was to make sure that the Teamsters were acting in the best interest of their members. Why? Because we had exposed that their net worth had decreased from \$157 million to \$700,000. Why? Because we had identified that, perhaps, there had been pension fraud. Why? Because there had been three people who had plead guilty to laundering a million dollars of Teamsters rank

and file money through the process back to benefit Mr. Carey.

This independent financial auditor, what did we find out? We found out that he was not much more than a bookkeeper. Very qualified, but not empowered to do the kind of work that needed to be done. It only cost the rank and file Teamsters around \$60,000 a month, I believe.

What else do we know? What would we like to know? Have you heard reports that documents are being shredded at the IBT headquarters on a recent weekend? That was this past weekend. We have been informed that two IBT employees wearing green uniforms delivered an industry size shredder to the office of the IBT communications director, Matt Witt, during the week of July 13, 1998, and that the noise of the shredder operating in that office could be heard on Saturday, July 18, when Mr. Witt was in the building.

There is no corruption going on at the Teamsters. These people are acting in the best interest of the rank and file. They are acting in the best interest of the taxpayers since we have paid for this. Sorry. Wrong.

What did Mr. Edelstein say, the judge who has been watching these people for 9 years? He believes it is time for the good members of this union to rise up and revolt. Rather than aggressively going after and exercising our responsibilities, the minority says, no, let us not go too fast. This is a witch-hunt.

This is protecting the rank and file interest of the Teamsters. The nice thing about this investigation is that rank and file Teamsters are rising up in revolt, and they are sending us documents. They are sending us complaints because many of them believe that the only people who have been acting in their best interests is this subcommittee, because we have been focused on rank and file, and we are not focused on the people in the marble palace over here who are not a rightfully elected leadership, but who are all part of a failed leadership, and they are all part of a discredited election. We are not indebted to the people who write the political action committee checks out of that building to people in this building.

It is time for us to move forward. It is time for us to take a look at why all of this that has been put in place on the Teamsters, all this government intervention is not working the way that it should be.

Staff deposition authority, there are all kinds of protections built into the rules of our committee. The witnesses will be protected. They will be accompanied by counsel. The counsel will have the opportunity to review all transcripts. The minority will be advised 3 days before any staff depositions are taken.

This power is needed because, even though Mr. Severs came in and said I will do everything that I can to help move this investigation forward as quickly as possible, what does that mean that he does? It does not mean

that he voluntarily sends people to interview with our staff prior to a hearing.

He says, I will only let people come if it is in a formal hearing setting. No, I am not going to help you go through these piles of documents to find out where \$157 million went. I am not going to help you find out how we laundered a million dollars. As a matter of fact, he is not helping us. He is not even helping his own rank and file.

When we ask Mr. Severs, what investigation do you have going on? He said, I am not doing anything. Three people have plead guilty. His former bosses has been expelled from the union. This leadership is doing absolutely nothing. It is time for Congress to continue and let this committee move forward with its work.

Mr. COSTELLO. Mr. Speaker, I rise today in opposition to H.Res. 507. This resolution grants unprecedented powers to the House Education and Workforce Committee to take depositions behind closed doors, without a Member of Congress present. Prior to this Republican-led Congress, the power for Committee staff to take depositions in closed-door sessions was granted on only two occasions—to the Judiciary Committee for impeachment proceedings and to the nonpartisan Ethics Committee.

Today, however, the Republican leaders of this House want to continue their witch hunt regarding the Teamsters presidential election. The Republican leaders want to use their partisan advantage to stomp on the civil liberties of union-associated individuals. By giving the power to Republican staff members of the Education and Workforce Committee to take depositions behind closed doors, this resolution prevents Democrats from having any role in this investigation. Shamefully, the public is shut out completely.

The Republican leaders in this House claim that this resolution is need because the Teamsters Union has been uncooperative. The Teamsters have complied with Committee requests and have already produced more than 50,000 documents for the Committee to review. Further, the Teamsters have not refused a request to testify before the Committee. Why must depositions be taken behind closed doors by Republican staff? What do the Republicans have to hide?

This resolution represents a back-handed attempt to circumvent an open process of investigation. This entire investigation has been duplicative and wasteful. After more than 18 months, more than a million taxpayer dollars have been spent on this investigation—with little to show for the effort. How much longer must we continue this partisan charade? Mr. Speaker, I urge my colleagues to vote against this resolution.

Mr. SOLOMON. Madam Speaker, I move the previous question on the amendment and the resolution.

The previous question was ordered. The SPEAKER pro tempore. The question is on the amendment recommended by the Committee on Rules.

The amendment was agreed to. The SPEAKER pro tempore. The question is on the resolution, as amended.

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

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

The SPEAKER pro tempore. Pursuant to clause 5 of rule I, further proceedings on this question are postponed until later today.

The point of no quorum is considered withdrawn.

DISAPPROVING EXTENSION OF WAIVER AUTHORITY WITH RESPECT TO VIETNAM

Mr. CRANE. Madam Speaker, pursuant to the previous order of the House of Wednesday, July 29, 1998, I call up the joint resolution (H.J. Res. 120) disapproving the extension of the waiver authority contained in section 402(c) of the Trade Act of 1974 with respect to Vietnam, and ask for its immediate consideration in the House.

The Clerk read the title of the joint resolution.

The text of House Joint Resolution 120 is as follows:

H.J. RES. 120

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress does not approve the extension of the authority contained in section 402(c) of the Trade Act of 1974 recommended by the President to Congress on June 3, 1998, with respect to Vietnam.

The SPEAKER pro tempore. Pursuant to the order of the House on Wednesday, July 29, 1998, the gentleman from Illinois (Mr. CRANE) and the gentlewoman from California (Ms. LOFGREN) each will control 30 minutes.

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

GENERAL LEAVE

Mr. CRANE. 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 House Joint Resolution 120.

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

There was no objection.

Mr. CRANE. Madam Speaker, I ask unanimous consent to yield one-half of my time to our distinguished colleague, the gentleman from California (Mr. ROHRBACHER) in support of the resolution. I further ask that the gentleman from California be permitted to yield blocks of time.

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

There was no objection.

Ms. LOFGREN. Madam Speaker, I ask unanimous consent that half of the time yielded to me be yielded further to the gentleman from California (Mr. MATSUI) and that he be permitted to yield blocks of time and that I would be permitted to yield blocks of time.

The SPEAKER pro tempore. Is there objection to the gentlewoman from California?

There was no objection.

□ 1430

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

Madam Speaker, I rise in opposition to H.J. Res. 120 and in support of the extension of Vietnam's Jackson-Vanik waiver.

Since President Clinton lifted the trade embargo against Vietnam in 1994, the administration has taken steps to normalize U.S. trade relations with that country. This process is subject to the Jackson-Vanik amendment to the Trade Act of 1974, the provision of U.S. law which contains emigration criteria that must be met or waived by the President before a country subject to Jackson-Vanik can engage in normal trade relations, including normal tariff treatment, with the United States and gain access to U.S. trade financing programs.

Because Vietnam is not eligible for normal trade relations with the U.S., pending the completion and approval by Congress of a bilateral commercial agreement, the immediate effect of Vietnam's Jackson-Vanik waiver is quite limited. Specifically, the waiver only allows Vietnam to be reviewed for possible coverage by U.S. trade financing programs such as OPIC, Eximbank, and the U.S. Department of Agriculture. Vietnam is not automatically covered by these programs as a result of its waiver, and must still face separate individual reviews against each program's relevant criteria.

The significance of Vietnam's waiver is that it permits us to stay engaged with the Vietnamese and to pursue further reforms. Vietnam is not an easy place to do business. However, our engagement enables us to influence the pace and direction of Vietnamese reform.

Madam Speaker, I would at this time insert in the RECORD a letter I received from 28 trade associations supporting Vietnam's Jackson-Vanik waiver as an important step in the ability of the business community to compete in the Vietnamese market which is the 12th most populous market in the world.

I would also insert in the RECORD a letter from our distinguished former colleague, Mr. Charlie Vanik. It is a letter that he sent to our current colleague, the gentleman from Virginia (Mr. MORAN) in support of this waiver.

JULY 22, 1998.

Hon. PHILIP CRANE,
U.S. House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE CRANE: The American business community supports pursuing a policy of economic normalization with Vietnam. We endorse the decision to grant Vietnam a waiver of the "Jackson-Vanik" amendment. The waiver gives American companies selling to Vietnam access to crucial U.S. export promotion programs and is an important first step to normalizing trade relations with Vietnam. We strongly oppose H.J. Res. 120, which would overturn the waiver. A vote on this legislation might come during the week of July 27.

Vietnam has met the requirements for a waiver. The Jackson-Vanik amendment is

meant to encourage a policy of free emigration in countries with nonmarket economies. Since the Administration normalized diplomatic relations with Hanoi in 1995, Vietnam has cleared for interview over 80 percent of all remaining applicants of the Resettlement Opportunity for Vietnamese Returnees agreement.

Pending legislation, H.J. Res. 120, would overturn the Jackson-Vanik waiver for Vietnam and deliver a serious setback to U.S.-Vietnam commercial relations. Without the waiver, American companies would be denied access to export promotion programs offered by the U.S. Export-Import Bank and the Overseas Private Investment Corporation. These programs are vital to meeting the challenges of doing business in Vietnam's emerging market.

Overturning the Jackson-Vanik waiver also would derail bilateral negotiations seeking commitments from Vietnam on market access, services, intellectual property and investment. The eventual agreement will bring Vietnamese law closer to international trade norms, thereby helping U.S. companies to tap the long-term potential of the Vietnamese market. If we fail to remain on the path of economic normalization, we risk ceding the potential of that market to competitors in Europe, Japan, and elsewhere in Asia.

Finally, overturning the Jackson-Vanik waiver for Vietnam would have important political implications. Vietnam has cooperated with efforts to search for American POWs and MIAs. Cooperation could be jeopardized if the House passes a disapproval resolution.

The American business community believes that a policy of economic normalization with Vietnam is in our national interest. We applaud the House Ways and Means Committee and Senate Finance Committee for reporting unfavorably disapproval resolutions regarding the Jackson-Vanik waiver for Vietnam. We urge you to support economic normalization with Vietnam by voting against H.J. Res. 120.

Sincerely,

Aerospace Industries Association.
American Chamber of Commerce, Hanoi.
American Chamber of Commerce, Ho Chi Minh City.
American Chamber of Commerce, Hong Kong.
American Farm Bureau.
Asia-Pacific Council of American Chambers of Commerce.
Association for Manufacturing Technology.
Chemical Manufacturers Association.
Coalition for Employment through Exports, Inc.
Electronic Industries Alliance.
Emergency Committee for American Trade.
Fertilizer Institute.
Footwear Distributors and Retailers of America.
International Energy Development Council.
International Mass Retail Association.
National Association of Manufacturers.
National Center for APEC.
National Foreign Trade Council.
National Oilseed Processors Association.
Pacific Basin Economic Council—U.S. Member Committee.
Securities Industry Association.
Telecommunications Industry Association.
U.S. Chamber of Commerce.
U.S. Council for International Business.
U.S. National Committee for Pacific Economic Cooperation.
U.S.-Vietnam Business Committee of the U.S.-ASEAN Business Council.
U.S.-Vietnam Trade Council.
USA*Engage.

Juniper, FL, July 28, 1998.

Hon. JAMES P. MORAN,
U.S. House of Representatives,
Washington, DC.

DEAR JIM: As one of the authors of the Jackson-Vanik provision of the 1974 Trade Act, I am writing to urge you to oppose the motion to disapprove trade credits for Vietnam (H.J. Res. 120).

The Jackson-Vanik provision was written with the intent of encouraging the Soviet Union to relax its restrictive emigration policy, particularly with Soviet Jewry. It specifically granted the President the power to waive restrictions on U.S. government credits or investment guarantees to communist countries if the waiver would help promote significant progress toward relaxing emigration controls. I am proud of the fact that the Jackson-Vanik provision was extremely helpful by encouraging the Soviet Union to relax its emigration policies and eventually helped open the door to improved economic relations with the Soviet Union.

In reviewing the current waiver that President Clinton granted Vietnam on June 3, I believe his actions are entirely consistent with the law. Vietnam has made significant progress on its commitments to resettle Vietnamese returnees and has consented to extend these more liberal emigration procedures to other refugee programs. I also believe the waiver will encourage the Government of Vietnam to continue to cooperate on locating U.S. servicemen missing in action, to become less isolated, and to follow the rule of law.

Sincerely,

CHARLES VANIK,
Former Member of Congress.

In the context of ongoing bilateral commercial agreement negotiations, Vietnam's Jackson-Vanik waiver puts the burden squarely on the Vietnamese to come forward with the market principles needed to conclude an agreement worthy of congressional approval and the extension of normal trade relations to Vietnam.

Terminating Vietnam's waiver will provide the Vietnamese with an excuse not to undertake further reforms and would reerect the barrier to the normalization of our bilateral trade relations.

I urge my colleagues not to take away our ability to pressure the Vietnamese for change and for progress on issues of importance to the U.S. I urge a "no" vote on H.J. Res. 120.

Madam Speaker, I reserve the balance of my time.

Ms. LOFGREN. Madam Speaker, I yield such time as she may consume to the gentlewoman from California (Ms. SANCHEZ), a leader in the efforts for freedom.

Ms. SANCHEZ. Madam Speaker, I rise today to lend my support to H.J. Res. 120, the resolution to disapprove the Jackson-Vanik waiver to Vietnam.

In March of this year, the government of Vietnam was granted a waiver from the Jackson-Vanik amendment. While this is a significant step towards the economic revitalization of Vietnam, the decision ignores basic human rights issues which still need to be resolved.

Madam Speaker, I have the privilege of representing one of the largest Vietnamese-American communities in the

United States right in Orange County, almost 300,000 people. They are the parents, the siblings and the offspring of families who fought communism for 2 decades, and the majority of my constituents feel that economic relations with Vietnam should not be established until specific emigration, political and human rights issues are addressed.

The Orange County Register, one of the newspapers in our area, conducted informal reader polls and found huge multiracial majorities opposed the immediate lifting of the waiver. During this past year, many of my constituents have also contacted my office directly. In this debate I am their voice.

Jackson-Vanik is about emigration, then trade. Normalize emigration; move towards normalizing trade. Waiving the Jackson-Vanik requirement for Vietnam on March 10 was a mistake. This decision only makes it harder for many Vietnamese to reunite with their families.

The simple truth is that the Vietnamese Government does not meet the conditions of free emigration. Authorities have denied United States officials access to the vast majority of returnees who are eligible to emigrate. In other words, the way it was changed was that, first, one had to get an exit permit in order to be interviewed by the United States to see if one could come to the United States, and now they have changed that. Now they have the exit permit at the back end. And what they do is provide a list to the United States about whom we may interview. And, of course, that list is very limited.

The only significant human rights concession recently made was this exit permit at the back end instead of the front end.

Although this looks like an important concession, the United States is still forbidden to interview anyone whose name is not on the list supplied by the Vietnamese Government.

And although some of my colleagues, and I have seen these letters going around, will lead you to believe that Vietnam has cleared for interview over 80 percent of all of the remaining ROVR applicants, the fact of the matter is, many of those applicants are not even on the list.

What they leave out is the fact that the same officials who were denying the exit permits to begin with are now in the position to keep people off of those lists. And according to a recent report to Congress, the State Department acknowledges that some 15,000 former United States Government employees and their families have not been issued those exit permits.

Besides the administrative roadblocks, pervasive corruption at all levels of the government in Vietnam creates additional obstacles for emigration. Let us say that one is on that list and one moves forward to an interview by the U.S. and the U.S. says, okay, come here, and then one has to get the exit permit; what happens? One of

those government officials says, it is going to cost you \$2,000 to get this permit. Well, in a country where the annual per capita income is approximately \$300 U.S. dollars, most Vietnamese wishing to emigrate cannot afford to pay such an amount.

Contrary to the Vietnamese Government's pretense, it is saying that it has no political or religious prisoners, but many Vietnamese continue to languish in prisons because of their political or religious beliefs.

Last September I, along with the gentlewoman from California (Ms. LOFGREN), chaired a human rights caucus briefing on Vietnam. We heard from representatives of the international organizations and from the Vietnamese American community leaders about what is going on in current social, political and economic conditions in Vietnam. And believe me, while we may not pay much attention to what is going on in Vietnam because we have so many other issues, the Vietnamese community in Orange County and across the United States does pay, day in and day out, attention to the details of what is going on in Vietnam. We learned that we must be concerned about Vietnam's poor human rights record and religious persecution.

Madam Speaker, I began by saying that this is about emigration, and that is what I believe we need to discuss today, but let us not lose sight of the fact that human rights and business interests are also denied in Vietnam. We have learned from that briefing that we had that all religious groups face great challenges in obtaining things in Vietnam. For example, basic religious materials. And we also learned in that congressional briefing that although the Vietnamese constitution prohibits discrimination based on gender, ethnicity, religion or social class, we find that women and children and ethnic minorities are often the victims of repression.

Reports show that the Hoa Hao Buddhist Church, for example, continues to be suppressed. All of their religious activities and ceremonies are prohibited. Assembly of more than 3 persons is forbidden, and all of the assets and properties have been confiscated.

In my district, the Hoa Hao Buddhist Church brought my attention to the case of Buddhist priest Nam Liem. Mr. Liem is a 58-year-old Buddhist priest who practiced religion at a small family temple in Vietnam, and since 1975, he has been arrested and detained by the Communist authorities over 50 times. Today, he has not been released from prison.

In addition, there are many pro-democracy activists, scholars, poets, et cetera, whose only crime it was to "injure the national unity."

Of course, we have an "Adopt A Voice of Conscience Campaign" here in Congress to show the attention to the human rights abuses, religious persecution, and social state of Vietnam.

Madam Speaker, I would end by saying please, today, do not surrender our

principal leverage with the Communist regime. Vote "yes" for free emigration, vote "yes" for family reunification, vote "yes" to end religious persecution. Vote "yes" to promote free speech and democracy. It is our honor at stake today as we honor the values which we are sworn to uphold.

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

I ask my colleagues to support this disapproval of a waiver of the Jackson-Vanik requirements of the 1974 Trade Act. What were the Jackson-Vanik requirements in that 1974 Trade Act? They clearly stated that we have concerns in this House dealing with human rights, things like freedom of religion and freedom of emigration, and this President of the United States, consistent with what he has done in many other cases around the world, has decided they do not count, they do not count at all. Those requirements that were laid down by former Congresses, much less our Founding Fathers, they do not count, because human rights does not count for this administration.

I would hope that my colleagues would today join us in affirming that human rights and those principles that our country stands for do count for something, and that we do not believe in just waiving them.

What are we waiving them for? The President is waiving the Jackson-Vanik requirements in order to extend American tax dollars, our tax dollars to subsidize or insure private corporations who want to do business in Vietnam, who want to make money by investing in a Communist dictatorship. This is a moral travesty, as well as bad business.

Six months ago when the President first issued this Jackson-Vanik waiver, we basically have been looking at what Vietnam has been doing since then. There has been no liberalization, no opening up of their political system. There has been no major release of political prisoners. Human rights and religious rights continue to be trampled upon by those who hold power in Vietnam.

But what about the business end of it? Just this week I received a briefing by the GAO on the Vietnamese economy. People are jumping out of Vietnam because it is so corrupt. They showed me, the GAO showed me a 1998 report by the United Nations Development Program that shows that both the U.N., the IMF, the World Bank, and our own State Department is convinced that Vietnam has a lack of integrity and transparency in their economic dealings, and so businesses are pulling out.

Is this a time for us then to waive the human rights requirements so that businesses can go in with U.S. taxpayer guarantees and invest in Communist Vietnam? This is exactly the wrong time. They are going in the wrong direction economically, and they have not taken a step forward in terms of politically and morally.

No, what we are going to be doing is spending tax dollars with this waiver to guarantee American businessmen to go in and use cheap slave labor under a dictatorship to manufacture goods to export to the United States to put our own people out of work. That is immoral, and it does not work politically, and it does not work economically, because we are going to lose that investment money and the taxpayers will have to make up for it unless, of course, those big businessmen make a profit with the slave labor and then they will take all of that profit for themselves at our expense.

Mr. SOLOMON. Madam Speaker, will the gentleman yield?

Mr. ROHRABACHER. I yield to the gentleman from New York.

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

Mr. SOLOMON. Madam Speaker, I rise in support of the gentleman's resolution not to give Most Favored Nation treatment to this Communist dictatorship.

Mr. ROHRABACHER. Madam Speaker, I ask my colleagues to join the gentleman from New York (Mr. SOLOMON) in support of denying this waiver.

Madam Speaker, I reserve the balance of my time.

Mr. MATSUI. Madam Speaker, I yield myself 1½ minutes.

Madam Speaker, I rise today in opposition to House Joint Resolution 120 and in support of continuing to normalize relations with Vietnam. This policy will promote American interests in receiving a greater accounting of our POWs, MIAs, promoting values of democracy and human rights, as well as helping American workers.

It is important to be clear about what extending Jackson-Vanik waivers will do and what it will not do. Today's vote is not about "for or against" normal trade relations for Vietnam; only when Vietnam concludes a bilateral agreement on trade approved by the Congress will it be eligible for normal trade relations.

□ 1445

Renewal of the waiver is the most recent step in the gradual normalization of the relationship with Vietnam in the postwar era.

I understand and appreciate the frustrations of the families seeking a greater accounting of POWs and MIAs by the Vietnamese government. We are all firmly committed to this goal. We will continue to make that clear to the Vietnamese government. However, the U.S. policy of incremental normalization has gone hand-in-hand with continued cooperation on this very, very important issue of accounting of POWs and MIAs.

Vietnam does in fact fall short of our standard of human rights and political and religious freedoms. However, their continued exposure to U.S. values on human and religious freedoms will promote progress in Vietnam on these objectives that we all share.

I disagree with those who argue that revocation of the waiver is an effective means to achieve further progress. Our former colleague and prisoner of war, Ambassador Pete Peterson, has noted that improvements in our relations have only been made since we have engaged the Vietnamese. In addition, many of my colleagues who have served in Vietnam support extending the waiver: Senator JOHN MCCAIN, Senator JOHN KERRY, Senator BOB KERREY, the gentleman from Illinois Mr. LANE EVANS, Representative JACK MURTHA, to name a few.

I urge a no vote on this resolution.

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

I would like to remind Members that they all received a letter from 17 of our colleagues, on a bipartisan basis, Vietnam vets, all in support of the waiver. I would urge them to make sure that they read it critically.

Madam Speaker, I yield 1½ minutes to my colleague, the gentleman from Illinois (Mr. MANZULLO).

Mr. MANZULLO. Madam Speaker, the Jackson-Vanik amendment to the 1974 Trade Act focuses on using various U.S. trade inducements to pressure non-market countries to allow freedom of emigration. It is not supposed to be a total referendum on that nation's internal policies, and it has nothing to do with MFN, and it has nothing to do with other human rights violations, other than the freedom to emigrate. That is what we are talking about today.

The practical effect of this waiver simply allows U.S. exporters to operate more efficiently in Vietnam. Our exporters face an uneven playing field when trying to sell to Vietnam. Foreign competitors have long had the support of their home governments, equivalents of the Eximbank, OPIC, TDA, and the USDA. Foreign countries have taken export opportunities away from Americans, simply because our foreign competitors obtained a government-subsidized rate for an export loan, or dangled a foreign aid incentive before certain Vietnamese government officials. Japan alone has an \$850 million developmental assistance package to induce countries like Vietnam to buy Japanese exports.

Finally, we got the message, and the President's waiver is making a difference, particularly on infrastructure projects. U.S. workers are now making products to sell to Vietnam. Vietnam prefers buying American products. The waiver does not lower any U.S. import duties on Vietnamese products. It is totally one-sided in our favor in terms of our balance of trade.

If this resolution passes, only U.S. workers will be hurt. Larger American companies may still win export deals in Vietnam, but they will use foreign subsidiaries and foreign workers to complete the contracts. That is, U.S. companies will use their foreign subsidiaries to sell to Vietnam, thus displacing American jobs.

Ms. LOFGREN. Madam Speaker, I yield myself 5 minutes.

(Ms. LOFGREN asked and was given permission to revise and extend her remarks.)

Ms. LOFGREN. Madam Speaker, I support House Joint Resolution 120, which would disapprove the waiver of Jackson-Vanik. I cannot say strongly enough that 1998 is not the time to extend normal trade relations to Vietnam, to waive our requirement for free emigration from Vietnam.

I believe that Vietnam and the United States will be able to trade with each other in the future, but not until Hanoi ends its human rights abuses, allows for truly free emigration, and establishes a fair and sound economic environment for American businesses. This is going to take time to achieve. This also will require the U.S. to refrain from extending normal trade relations status to Vietnam until Hanoi makes these corrections.

I am very concerned about the human rights abuses in Vietnam that my colleagues, the gentlewoman from California (Ms. SANCHEZ) and the gentleman from California (Mr. ROHRABACHER), have already spoken to. While paying lip service to religious freedom and individual liberty, the Communist government of Vietnam continues to persecute those who question the authority of the state, including those in the Buddhist church who stand not only for freedom, but also for freedom to worship.

On July 15 Vietnam imposed prison sentences of 10 months to 2 year on 10 members of a religious group for engaging in heretical propaganda because they believe in their religious beliefs.

The heart of Jackson-Vanik focuses on freedom of emigration. Vietnam continues to restrict the right of its citizens to emigrate. I cannot even begin to tell you how many cases my office deals with concerning families who are split because Vietnamese authorities will not allow the emigration of a family member.

Despite these problems, I believe that, given time, Vietnam can make changes. These changes really began with the reform movement in 1986. Vietnam achieved high economic growth of 8 percent a year with low inflation. As a result, the U.S. lifted economic sanctions in 1994 and normalized relations in 1995.

That was the wrong thing to do, because it has all been downhill since then. The economic growth did not produce democratic and market reforms, as we have seen in other countries like China, South Africa, Zimbabwe. In addition to quashing the religious, political, and social freedom of its citizens, and restricting their right to emigrate, Hanoi has taken giant steps backward from fostering sound policies and stability to bolster its economy and to attract foreign investors.

As the gentleman from California (Mr. ROHRABACHER) pointed out, there

has been a dramatic retraction of business from Vietnam because of these policies 40 percent contracted foreign investment decreased in the last year alone. U.S. exports to Vietnam plummeted from \$616 million in 1996 to \$286 million last year. As my hometown newspaper, the San Jose Mercury News, wrote, "The ruling Communist party has stalled further reform."

I am someone who believes in trade. I also believe that in specific cases, trade can be a useful tool to change behavior. I voted for normal trade relations between the United States and China. I believe that that has helped China to improve, and hopefully they will continue to improve.

All of us in this Chamber believe in human rights. Sometimes we have reasonable differences of opinion about what are the best tools in a particular case to achieve human rights. In this case, nothing could be clearer to me than using the tool of trade to improve human rights in Vietnam.

We used that tool effectively with South Africa. I am glad we did. It is very obvious to me that Vietnam is eager, for historical reasons as well as desperate economic reasons, to have a valuable trade relationship with the United States. Our history with Vietnam shows that they will collaborate with us in the effort for human rights if we just stand firm.

Now is the time for patience. While Vietnam has taken some steps toward improvement, it has very far to go as we can see from the Hanoi government's treatment of its own people. Vietnam has failed, it has flunked, in its effort to earn normal trade relations. I think it would be a dramatic mistake for our country, for the Vietnamese people, and for world peace, if we allow the waiver of Jackson-Vanik to move forward.

I strongly, strongly urge my colleagues to vote in favor of House Joint Resolution 120.

Madam Speaker, I reserve the balance of my time.

Mr. ROHRABACHER. Madam Speaker, I yield 3 minutes to the gentleman from New York (Mr. BEN GILMAN), the distinguished chairman of the Committee on International Relations.

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

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

Madam Speaker, I am pleased to rise in strong support of House Joint Resolution 120, introduced by the gentleman from California (Mr. ROHRABACHER), in disapproving the extension of the waiver, the Jackson-Vanik amendment. The issues here are progress on human rights, freedom of religion, and freedom of emigration.

Simply stated, the Vietnamese government has not demonstrated any significant progress on any of these issues. Many of us have voiced our objections to the rapid pace of normaliz-

ing relations with Vietnam. Yet, our President insists that waiving the Jackson-Vanik amendment and opening programs of the Overseas Private Investment Corporation and the Export-Import Bank to Vietnam is in our best national interest, and will encourage the Vietnamese government to cooperate on many issues, including economic reforms. However, OPIC guarantees and Export-Import Bank financing programs should be a reward for achievement, and not offered as any fanciful incentive based on a hope for the future.

Despite the opening of relations 3 years ago, prisoners of conscience are still in prison. Thousands of our former comrades in arms are still unaccounted for in Vietnam.

The recent highly respected State Department Human Rights Report on Vietnam states,

The government arbitrarily arrested and detained citizens, including detention for peaceful expression of political and religious objections to government policies. The Vietnamese government denied citizens the right to fair and expeditious trials, and still holds a number of political prisoners.

The consequence of the Jackson-Vanik waiver granted in March of this year by the President is that our taxpayers began paying for subsidies for U.S. trade and investment in Vietnam through the Export-Import Bank and Overseas Private Investment Corporation.

These programs were designed to overcome the risks for American companies operating in a corrupt, troubled business environment in Vietnam. Yet, the business climate in Vietnam is marked by limited market access, lack of transparency, unpredictability in business dealings, red tape, and corruption. Many firms are pulling out of Vietnam, and foreign direct investment was down 40 percent last year.

An example of the risk of doing business in Vietnam is that the Eximbank, which opened their programs to Vietnam in April of this year, has not approved any guarantees or loans or insurance since that date in Vietnam. Exim is offering a limited number of programs because of Vietnam's severe credit problems. OPIC has been open for a comparable period, and like Exim, has yet to approve any financing for any American investments in Vietnam.

So we ask, how has a waiver of important American laws served our interest, as promised by the President, who is determined to help U.S. business? Furthermore, will Jackson-Vanik improve the Vietnamese record on POW-MIA issues? In the several months since the waiver has been in place, it certainly has not.

So, in conclusion, a proposed extension of the waiver of Jackson-Vanik would reward a lack of progress on human rights, immigration, and economic reform, and the POW-MIA effort. Vote yes on this resolution of disapproval, and send a strong message that our Nation values principles over potential profits.

Mr. MATSUI. Madam Speaker, I yield 1 minute to the distinguished gentleman from Virginia (Mr. BOUCHER), a leader in the area of religious freedom in Vietnam.

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

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

Mr. Speaker, I rise today in support of the President's decision to extend the Jackson-Vanik waiver for Vietnam, and in strong opposition to the resolution of disapproval.

The Jackson-Vanik waiver process is designed to promote immigration from countries that do not have market economies. In the case of Vietnam, the waiver is clearly working as intended. Since the waiver was granted, Vietnam has made steady progress under both the ROVR and the Orderly Departure programs. If the waiver is rescinded through passage of this resolution of disapproval, that progress, which depends entirely on the cooperation of the Vietnamese government, will almost certainly be reversed.

I urge the defeat of this resolution, a step that will encourage greater cooperation by Vietnam in resolving our ongoing discussions on other issues of concern, including human rights and trade.

By the defeat of this resolution, we will also give a vote of confidence to the outstanding work of our ambassador in Vietnam and his very fine staff. I am pleased to urge defeat of this resolution.

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

Let me remind everyone, Mr. Speaker, that this waiver only allows that Vietnam be reviewed for possible coverage by U.S. trade financing programs.

Mr. Speaker, I yield 1½ minutes to our distinguished colleague, the gentleman from California (Mr. DREIER).

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

Mr. DREIER. Mr. Speaker, I rise in strong support of the waiver extension and in opposition of the resolution of disapproval.

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I think that Thomas Jefferson was right on target when he said, "Two thinking men can be given the exact same set of facts and draw different conclusions."

Mr. Speaker, I obviously have the highest regard for the gentleman from Dallas, Texas (Mr. SAM JOHNSON), my very dear friend and a great hero, a former POW himself, as well as the gentleman from California (Mr. ROHRABACHER) and others who are supporting the resolution, and of course the gentleman from New York (Mr. GILMAN), chairman of the Committee on International Relations, and the gentleman from New York (Mr. SOLOMON),

the chairman of my Committee on Rules.

Mr. Speaker, when I think about the changes that all of us have observed over the past several years in Vietnam, they are incredible. I went in the early part of this decade and had the chance to see Negen Kotach, who was the Foreign Minister, present to me translated copies of Paul Samuelson's economic text. There are very bold moves being made towards a free market, and in fact we are making progress in the area of human rights.

Mr. Speaker, I have had the privilege of serving on the POW/MIA Task Force. In 1986, I went with the gentleman from New York (Mr. SOLOMON) and the gentleman from New York (Mr. GILMAN) on my first trip to Vietnam. It was a very, very troubling experience for all of us.

But I have concluded that over this period of time, based on every shred of evidence that we have, we have seen a dramatic improvement in the cooperation of the Vietnamese Government with the United States in trying to resolve this issue.

So, I oppose the resolution of disapproval and support the extension of the Jackson-Vanick waiver.

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

Mr. MATSUL. Mr. Speaker, I yield 1 minute to the distinguished gentleman from California (Mr. BERMAN).

Mr. BERMAN. Mr. Speaker, I oppose the Rohrabacher motion. I do so with great reluctance, because I have tremendous respect for many of the people leading the fight against this waiver. But Jackson-Vanick is about immigration.

Anyone who has studied the statistics, because I know there are many anecdotal stories and there are many problems remaining, but anyone who has studied the statistics knows that in the last year there has been a dramatic reversal and a massive improvement in the Vietnamese Government's cooperation with us on processing refugees, people who were shipped back from the camps in Thailand, in Hong Kong, in Indonesia, to Vietnam against their will. Mr. Speaker, 15,000 interviews have been granted already; 82 percent of the people we are interviewing have been cleared for coming to the United States or other countries that they intend to go to.

The criteria for interviews is far more liberal than the traditional refugee definition. We cannot turn down and thereby risk the retrenchment of this program, and I urge a "no" vote on the resolution.

I urge a "no" vote against H.J. Res. 120. Vietnam is cooperating on the key issue behind granting this waiver: Jackson-Vanick.

Mr. Smith and I fought long and hard with the administration to get them to implement a Resettlement Opportunity for Vietnamese Returnees (ROVR) program. This involved Vietnamese boat people who were forced back to Vietnam after ending the program of keeping them in camps abroad. After we got the ad-

ministration to go along with it, we pressed them hard to get the Vietnamese to ensure their cooperation. And they have been successful.

So successful is the program that there are now 343 cases, involving 601 people, who have not left because, after receiving clearance from the Vietnamese Government and after having been interviewed by the INS, they have decided suddenly to get married and bring their spouses and other relatives over.

We have submitted over 19,000 names to the Vietnamese. They have cleared for interview 15,572. 991 have not been cleared, mainly because we gave the Vietnamese the wrong address. Of these, 36 have not been cleared because of criminal charges. We have put 713 on medical hold and excluded 23 for medical reasons.

This is a great achievement. Over 5,000 people have already left for the United States. More are coming and the administration is optimistic that it will have completed the program by the year's end.

This is what the Jackson-Vanik requirement is all about and Vietnam has met that requirement. Sure there has been some pushing and pulling but Vietnam has made major and significant steps to ensure the program works even though we allowed more liberal definitions of eligibility than we had applied for other immigrant applicants.

We want to encourage more openness by Vietnam generally. The success of this program and the joint accounting for POW/MIA demonstrates that we can work with Vietnam to our mutual interest.

Vote "no" on H.J. Res. 120.

Mr. ROHRABACHER. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from New Jersey (Mr. SMITH), chairman of the Subcommittee on International Operations and Human Rights of the Committee on International Relations, who is respected throughout this body for his commitment to human rights.

Mr. SMITH of New Jersey. Mr. Speaker, I thank the gentleman from California (Mr. ROHRABACHER), my good friend, for yielding me this time and for his excellent work on this issue.

Mr. Speaker, let me just make it very clear what this vote is about. It is about U.S. taxpayer subsidies for one of the worst dictatorships in the world. Let us be clear on another thing. There is no freedom of immigration from Vietnam. If there were, there would be no need for this waiver. The administration could simply certify that Vietnam complies with the Jackson-Vanik Freedom of Information requirement. Instead, by waiving the requirement, the administration has conceded that there is no such freedom.

Yes, the government allows some people to leave when it is good and ready. But for the many thousands who have been persecuted because they were on our side during the Vietnam war, Vietnam is still a prison.

I hope my colleagues understand that this is not a vote about free trade. It is about subsidies; corporate welfare for Communists. Since the President gave the waiver in March, the U.S. taxpayer

has been paying for Eximbank and OPIC subsidies of trade and investment in Vietnam. Many of these taxpayer dollars subsidize ventures owned in large part by the Government of the Socialist Republic of Vietnam. Over-regulation and widespread corruption make Vietnam a terrible place to do business.

Mr. Speaker, let me also remind Members, I was the prime sponsor of the amendment back in 1995. We had a hot debate, because we were sending people back who were real refugees. Yes, there has been some progress on ROVR. But we find that it slows to a trickle, to nothingness, when they decide to turn off the spigot. We should not be intimidated by that kind of opening and closing of the gates for the ROVR program.

Let me also say that in Vietnam, human rights violations are many. Catholic priests, Buddhists, are arrested and imprisoned. Vietnam enforces a two-child-per-couple policy by depriving parents of unauthorized children of employment and other government benefits. It denies workers the right to organize independent trade unions and has subjected many to forced labor.

The government not only denies freedom of the press, but also systematically jams Radio Free Asia which tries to bring them the kind of broadcasting they would provide for themselves if their government would allow them free expression.

Many organizations support the Rohrabacher resolution: the American Legion, the veterans groups. I urge my colleagues to please vote for it.

So we should disapprove the Jackson-Vanick waiver at least until the government allows all the ROVR-eligible refugees to leave. And we should also stand up for the people who never left Viet Nam and are still trapped there, including long-term reeducation camp survivors and former U.S. government employees. Many of these people are members of the Montagnard ethnic minority who fought valiantly for the U.S. and have suffered greatly ever since. As of a few weeks ago, only 4 Montagnard applicants—out of over 800 we believe to be eligible for U.S. refugee programs—have been cleared for refugee interviews.

Finally, we must not forget the prisoners of conscience. Hanoi imprisons Catholic priests, Buddhist monks, pro-democracy activists, scholars, and poets. When we complain to the Vietnamese government, they just respond that "we have a different system." They need to be persuaded that a system like this is not one that Americans will subsidize.

In Vietnam human rights violations are many. Hanoi arrests and imprisons Catholic priests and Buddhist monks. Vietnam enforces a "two-child per couple" policy by depriving the parents of "unauthorized" children of employment and other government benefits. It denies workers the right to organize independent trade unions, and has subjected many to forced labor. The government not only denies freedom of the press, but also systematically jams Radio Free Asia, which tries to bring

them the kind of broadcasting they would provide for themselves if their government would allow freedom of expression.

Mr. Speaker, the Vietnamese government and its victims will both be watching this vote. We must send the message that economic benefits from the United States absolutely depend on decent treatment of Vietnam's own people. We may not be able to insist on perfection, but we must insist on progress.

Ms. LOFGREN. Mr. Speaker, may I inquire how much time remains?

The SPEAKER pro tempore (Mr. SHIMKUS). The gentleman from Illinois (Mr. CRANE) has 8½ minutes remaining; the gentlewoman from California (Ms. LOFGREN) has 3 minutes remaining; the gentleman from California (Mr. ROHRABACHER) has 6½ minutes remaining; and the gentleman from California (Mr. MATSUI) has 11½ minutes remaining.

Ms. LOFGREN. Mr. Speaker, I yield 1 minute to the gentleman from Ohio (Mr. TRAFICANT).

Mr. TRAFICANT. Mr. Speaker, at times the United States has been involved in Nation-building with our dollars. These are handouts. These are Communists.

Every Vietnam group that helped American troops while they were over there dying for peace, they have repressed every Vietnam group that was supportive of our troops.

I support the resolution. We just had a strike settled where General Motors workers won an agreement that they would not sell a couple of their plants by the year 2000. They are desperately fighting for jobs. The Congress of the United States and all our well-meaning, politically correct economic strategies is shipping jobs all over the world and is patting Communists on the back. I want no part of it.

Mr. Speaker, I support the resolution. I think we are rewarding Communists that screwed our soldiers and screwed their own people who tried to help our men who were protecting their buns.

Mr. Speaker, I urge Members to support the resolution. I ask Congress to approve it.

Mr. ROHRABACHER. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. SAM JOHNSON) who served as a prisoner of war in Vietnam and knows that they are not cooperating on the MIA/POW issue, just to back up what the distinguished gentleman from Ohio (Mr. TRAFICANT) just stated.

(Mr. SAM JOHNSON of Texas asked and was given permission to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. Mr. Speaker, this resolution is not about Vietnam. It is about honoring and respecting the over 58,000 American soldiers who gave their lives battling communism so we could remain free. It is about our soldiers who still remain missing in action. It is about keeping the hope alive for the families who still wake up every morning asking the same question: What happened to my child, my husband, my brother, my father?

I have seen how this Communist government conducts business. I have personally experienced their threats, their lies, and their so-called promises. My distrust lies with the Vietnamese Government.

To those Members of Congress and to the administration who believe that opening up the Vietnam markets will bring closure to this chapter in history, they are wrong. I listened to their propaganda that America had betrayed us, left us to die. I knew they were wrong.

As a member of the U.S.-Russia Joint Commission on POW/MIAs, we have been negotiating for the last 5 years to get a full accounting of our missing. I can tell my colleagues that the Government of Vietnam continually refuses to cooperate.

My only request is let us stop the suffering of the parents, the children, the relatives, those who do not know the fate of their brave loved ones. Let us stand up to the Vietnam Government today and say: Give us information on our missing who died.

America demands to know what happened to our servicemen and women, the soldiers who died for this Nation to keep it free.

Mr. CRANE. Mr. Speaker, I yield 2½ minutes to the distinguished gentleman from Nebraska (Mr. BEREUTER), chairman of the Subcommittee on Asia and the Pacific of the Committee on International Relations.

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

Mr. BEREUTER. Mr. Speaker, I rise in strong support for extension of the waiver and in opposition to the resolution.

In the mid-1960s, I was an infantry officer and intelligence officer with the First Infantry Division. I completed my service, but within a month the members of my tight-knit unit were in Vietnam and taking casualties the first night. I have emotional baggage, we all have emotional baggage in this country, but I would suggest it is time to get on and not reverse course on Vietnam.

Mr. Speaker, I have great respect for the gentleman from Texas (Mr. SAM JOHNSON) who just spoke, but I bring to the attention of the Members what we know already. Another former POW, our former colleague Pete Peterson, tells us about the dramatic progress now being made, with the Vietnamese help, in remains recovery under some very difficult and dangerous and treacherous conditions. And in fact, of course, another POW, JOHN MCCAIN, has also, along with others who served in Vietnam, supported a waiver in this instance.

But after all, this issue is about emigration. That is what Jackson-Vanik is about. So, we ought to address the issue before us.

Under the statute, a waiver of the Jackson-Vanik amendment may be granted if it will substantially promote

freedom of migration. Vietnam's record on emigration has improved dramatically in the last 10 to 12 years. Over 480,000 Vietnamese have emigrated to the United States under the Orderly Departure Program. And, despite some unwise things done in this House just a year or so ago, only about 6,900 ODP applicants remain to be processed.

Mr. Speaker, it is clear to this Member that in the case of Vietnam, the Jackson-Vanik amendment is working. Last October, Vietnam eliminated the requirement for applicants to obtain exit permits prior to interviews for the Resettlement Opportunity for Vietnamese Returnees, ROVR, greatly facilitating the implementation of ROVR.

Subsequently, as the waiver came up for renewal, Vietnam modified its procedures for handling the ODP cases of Montagnards and former reeducation camp detainees to conform with the ROVR procedures. The prospect of the initial waiver and later its renewal almost certainly factored in Vietnam's decision to liberalize procedures under the Orderly Departure Program and ROVR. The yearly renewal of the waiver will maintain incentives for progress toward free emigration.

Vietnam remains a difficult place for American firms to do business. That is sure. But we ought to extend the Jackson-Vanik waiver not to benefit the Government of Vietnam or its people, but for the benefit of the American people. The waiver should lead to increased U.S. exports and to have a greater impact on the way the Vietnamese regard human rights and democracy.

As Chairman of the Subcommittee on Asia and the Pacific, this Member would suggest that now is not the time to reverse course on Vietnam. Since establishing relations three years ago, Vietnam has increasingly cooperated with the United States on a range of issues. The most important of these is, I am informed, dramatic progress and cooperation in obtaining the fullest possible accounting of Americans missing from the Vietnam War. Those Members who attended the briefing by the distinguished Ambassador to Vietnam, a former Prisoner of War and former Member of this body, the Honorable Pete Peterson, learned of the great efforts to which Vietnam is now extending to address our concerns regarding the POW/MIA issue, including their participation in physically very dangerous remains recovery efforts.

Moreover, the Government of Vietnam is proving to be cooperative on the issue of emigration—which, as Members of this body must know, is actually the issue that Jackson-Vanik addresses.

This Member would not want to permit the impression to exist among any of his colleagues that support of the Jackson-Vanik waiver is an endorsement of the Communist regime in Hanoi. We cannot approve of a regime that places restrictions on basic freedoms, including the right to organize political parties, freedom of speech, and freedom of religion.

But even in this problematic area, engagement is producing results. The American presence in Vietnam exposes Vietnamese to American ideals and principles. Vietnamese visitors to the United States including official delegations, students and businessmen, learn about the American way of life. We can expect that over time these contacts, along with access to international media and telecommunications, will have a beneficial effect on Vietnamese attitudes. Greater prosperity will lead to increased demand for responsiveness from the government, an important first step on the road to democracy.

Vietnam remains a difficult place for American firms to do business. This Member is particularly concerned about the level of corruption that has been tolerated by Hanoi. A bilateral trade agreement is under negotiation that will improve Vietnam's trade and investment environment to benefit and protect American business. Rejection of the waiver would undermine the trade negotiations and remove any incentive for Vietnam to meet United States requirements. Extending the waiver will encourage economic reforms and maintain American firms' access to the trade promotion and investment support programs of the Export-Import Bank, OPIC and USDA, enabling the firms to compete with foreign businesses that receive benefits from their own governments.

The Jackson-Vanik waiver does not give MFN to Vietnam. MFN can be considered only following the waiver and the approval by Congress of a completed bilateral trade agreement.

We should extend the Jackson-Vanik waiver, not to benefit Vietnam's Government or people, but for the benefit of the American people. The waiver should lead to increased United States exports to and investment in Vietnam, which, in turn, will lead to more jobs for American workers. Continued engagement with Vietnam is the way to promote the democratic values we uphold. Approval of the waiver will encourage Vietnam's further integration into regional organizations and world markets. This integration is a positive force for regional stability.

I urge rejection of the resolution.

Mr. MATSUI. Mr. Speaker, I yield 1 minute to the gentlewoman from Missouri (Ms. MCCARTHY).

(Ms. MCCARTHY of Missouri asked and was given permission to revise and extend her remarks.)

Ms. MCCARTHY of Missouri. Mr. Speaker, I rise today in support of extension of the Jackson-Vanik waiver for Vietnam and in opposition to House Joint Resolution 120.

This resolution would deny my community and others like it the opportunity to continue its humanitarian efforts with the Vietnamese people to promote emigration. UPLIFT International, Heart to Heart, the Westmoreland Scholar Foundation have made generous contributions to those in need.

One of the recipients of the Westmoreland Scholar Foundation, Joyce Nguyen, is an intern in my district office. As a Student Ambassador from Rockhurst College, she traveled to Da Nang to assess the needs of the doctors and staff. She is a first generation

American whose parents fled Vietnam after the war. Joyce learned of her cultural background and shared her American heritage with the doctors and the students that she taught English to. Her work in Vietnam allowed her to make permanent life friends and retrace the history of her ancestors.

I see many positive advantages at the local and national level for free emigration and social development. As the next millennium approaches, we should be concerned with forming a lasting friendship with Vietnam.

Mr. Speaker, I urge my colleagues to vote "no" on H.J. Res. 120.

Mr. Speaker, I rise today in support of the extension of the Jackson-Vanik waiver for Vietnam, and in opposition to House Joint Resolution 120. It is true that our relationship with Vietnam has been marked with sorrowful memories. Unfortunately, when the word Vietnam is spoken, it conjures up haunting images of war and not of the beautiful and culturally rich country that it is today. In 1994, the Clinton Administration lifted the U.S. Trade Embargo which allowed U.S. firms to enter Vietnam's economy and compete in the international community. This action has led to Vietnam being part of the ASEAN organization, a qualification which show promising potential for the country to be a significant trade partner with the U.S. Our goal is to forge a new relationship for both nations, so that we can both benefit from a friendship dedicated to healing and reconciliation.

Trade is important to America. More importantly, trade relations are important to the Fifth District of Missouri. Currently, Vietnam has a crumbling infrastructure, a shortage of medicine, and limited technology. Companies like Black and Veatch, Hoechst Marion Roussel (HMR), Butler Manufacturing, Burlington Air Express, and countless other companies have business ventures with the Vietnamese which are vital to my district.

Black and Veatch, an engineering firm, headquartered in Kansas City, Missouri is performing a \$2.4 million project for the people of Vietnam. Black & Veatch is an 80 year old corporation which employs 2,500 engineers and architects in the Kansas City area and over 7,000 working professionals in over 90 offices worldwide. Black and Veatch was the first engineering company to set up an office in Vietnam and is currently upgrading water treatment plants in seven towns. HMR has a subsidiary in Vietnam which markets the drugs it makes here in the United States to the people of Vietnam. About 2,000 of my constituents work at HMR World Headquarters, an established pharmaceutical company which manufacturers and markets medicine you can find in your local drugstores and across the world. Another company, Butler Manufacturing and its 5,100 employees rely upon the economic ties established in Ho Chi Minh City to deliver preengineered metal buildings and structural frames.

In Missouri, corporations are looking overseas for opportunities to sell American goods and services. Proctor and Gamble, United Airlines, Ford Motor Company, Goodyear, Pfizer International, Harley Davidson, Caterpillar, and Lucent Technologies are just a handful of companies employing thousands of Missourians who have operations and ongoing projects with Vietnam.

This resolution would deny my community the opportunity to continue its humanitarian efforts with the Vietnamese people. UPLIFT International, Heart to Heart, and the Westmoreland Scholar Foundation have made generous contributions to those in need. Corporate sponsors like Black and Veatch, Hoechst Marion Roussel, Federal Express, and Boeing have helped establish trust, and placed people before profit. What began in 1995 as a Heart to Heart airlift to supply 46 tons of medical supplies has led to additional efforts to supply the Vietnamese people with undertakings like UPLIFT's Project HOPE to ensure tuberculosis education and prevention. Under the direction and vision of Mike Meyer, UPLIFT has gained much corporate sponsorship as well as the trust of the Vietnamese government. When Typhoon Linda struck the Vietnamese coastline, Mr. Meyer was specifically asked by the Vietnamese government to help out and quickly found a way to provide the supplies needed.

The Westmoreland Scholar Foundation, named in honor of General and Mrs. William C. Westmoreland, is a non-political, non-profit educational foundation established for the purpose of educating those young people who can best contribute to reconciliation and harmony between the people of the United States of America and the people of Vietnam.

One of the recipients of the Westmoreland Scholar Foundation, Joyce Nguyen, is an intern in my District Office. As a Student Ambassador, from Rockhurst College in Kansas City, Missouri, she traveled to Da Nang, Vietnam with the intent to assess the needs of the doctors and staff. She and a fellow Rockhurst student, Son Do (sun doe) traveled to Da Nang and are both first generation Americans whose parents fled from Vietnam after the war. This was a unique experience for them to witness their parent's homeland and to communicate what the hospital lacked in essential equipment and medicines for its patients to UPLIFT International. With the support of Vietnam veterans like Ret. Col. Roger H. Donlon, the first soldier to receive a Congressional Medal of Honor in Vietnam, his wife Norma, and many community members, Joyce learned of her cultural background and shared her American heritage with the doctors and students as she taught them English. Her work in Vietnam allowed her to make permanent life friends and retrace this history of her ancestors.

The Westmoreland Scholar Foundation has Vietnamese American students enrolled in many colleges throughout the United States including Rockhurst College in my district. This program is meant to build bridges between both American and Vietnamese cultures. It ensures opportunities for students active in the Vietnamese-American communities for study and humanitarian services in Vietnam and for the exchange of Vietnamese students to study in the United States. This organization is dedicated to friendship with our Vietnamese allies, and the opportunity to gain the respect of our former Vietnamese adversaries in the tradition of patriotism, service, and leadership demonstrated by the lives of the Westmorelands.

I see many positive advantages at the local and national levels for free immigration and social development. As the next millennium approaches, we should be concerned with forming a lasting relationship with countries like Vietnam. I urge my colleagues to vote no on House Joint Resolution 120.

Mr. MATSUI. Mr. Speaker, I yield 1 minute to the gentleman from Oregon (Mr. BLUMENAUER), a distinguished Member who has been very active in the area of trade.

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

Mr. BLUMENAUER. Mr. Speaker, I disagree with the proponents on the narrow terms of the waiver. But more importantly, I feel that they are also wrong on the big picture.

This very day, my daughter, a college-age young woman, is in Vietnam going anywhere she wishes, marveling at the friendliness of the people, over 60 percent of whom are under 25 years of age with no connection to the war, other than to live with its horrible consequences.

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They are looking to America for a new relationship. This decision today is about whether we on this floor can exemplify the spirit of our late colleague, Walter Capps, about learning and reconciliation. It is about equipping our friend, Pete Peterson, in his mission as Ambassador to move the relationship between these two countries into the future in the spirit of healing and rehabilitation.

And most important, this debate is to assure that we, as Congress, can learn from this experience so that our children, their children and grandchildren will not be trapped by the web that so ensnared three generations of Americans.

Please, reject the resolution.

Mr. ROHRABACHER. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. ROYCE), the father of Radio Free Europe.

Mr. ROYCE. Mr. Speaker, this is not a debate about trade or investment. American companies, I think we all know, are free to trade with and invest in Vietnam. We all wish them well in that. This resolution does nothing to change that.

What this resolution does is to say, now is not the time to send in government agencies, OPIC and the Ex-Im Bank, which is the practical effect of this waiver, and give us more leverage to fight for the many interests we have in Vietnam.

I urge my colleagues to support this resolution. Since we began normalizing relations with Vietnam, we have extended more and more to the Vietnamese government. As of today, we have given it recognition. We have opened an embassy in Hanoi. We have sent an ambassador to work out the many real interests we have in Vietnam. Today we are looking at letting a Jackson-Vanik waiver to go by and opening the door for OPIC and Ex-Im Bank funding, a subsidy to Vietnam. These gradual changes in our policy I thought were to be done with a sense of expectation of the Vietnamese government. My understanding was that this was supposed to be a two-way street.

Since we began normalizing relations with Vietnam, we have extended more and more to the Vietnamese government. As of today, we've given it recognition, opened an embassy in Hanoi, and sent an ambassador to work on the many real interests we have in Vietnam, including the POW/MIA issue. Today we're looking at letting a Jackson-Vanik waiver go by and opening the door for OPIC and Ex-Im Bank funding in Vietnam.

These gradual changes in our policy. I thought, were to be done with a sense of expectation of the Vietnamese government. My understanding was that this process was supposed to be a two-way street.

I also thought we were going to bring a healthy dose of skepticism to the table. We were going to be skeptical, not because of any bitterness over our past in Vietnam, but because we understood the type of government we're dealing with: in simple terms, one of the world's most politically and economically repressive regimes.

This is the reality we must deal with in asking whether progress has been made on the issues we care about and also whether it's likely that progress will be made if we give up one more lever of influence we have over the Vietnamese government: American taxpayer subsidized trade benefits. And we should all realize that the Vietnamese government very much wants this waiver. This is real leverage. So, why give it up without human rights progress from Vietnam.

And why should U.S. taxpayers support these subsidized U.S. businesses in Vietnam, one of the least open, most state-controlled economies in the world. This economy lacks property rights and suffers from corruption. Patent piracy is a problem. Not surprisingly, the first American corporation licensed to operate in Vietnam (Vatico, Inc.) closed shop and left the country earlier this summer. So let's send in OPIC and Ex-Im to aid U.S. businesses, and even Vietnamese government-controlled businesses in partnership with American firms?

This reminds me of another issue before this Congress: funding for the International Monetary Fund. There is debate over whether IMF funding, U.S. taxpayer-supported funding, can be effective in bringing about economic reform in aided countries. Many suggest that IMF support prolongs reform by propping up bad government policies. That's what happened in Indonesia. You know at least the subsidized IMF asks for change. With OPIC and Ex-Im Bank we will support businesses with only the hope that the Vietnamese government will change its policies. This is the type of wishful government-funded engagement we're considering. [By the way, the IMF has canceled loans to Vietnam.]

We've heard today that political and religious repression is pervasive in Vietnam. So it's not surprising that the Vietnamese government is jamming Radio Free Asia. Hanoi has done this almost from the beginning of RFA's Vietnamese broadcasting. Radio Free Asia is intended to provide Vietnamese with the range of information we believe will help them build democracy and free-market driven prosperity. The Vietnamese government wants none of this.

Let's remember the reaction many of us in this body had last month when Beijing denied Radio Free Asia reporters the right to travel with President Clinton to China. Many of us

condemned that. Some of us thought President Clinton should have taken a stronger stand on this fundamental issue. Yet here we have Hanoi attacking the free press, RFA, in even more direct terms. What's our response: send in OPIC and the Ex-Im Bank!

Thank you Madam Speaker. This is not a debate about trade or investment. American companies are free to trade with and invest in Vietnam. We wish them well. This Resolution does nothing to change that. What this Resolution does do is to say now is not the time to send in government agencies, OPIC and the Ex-Im Bank, which is the practical affect of this waiver, and give up more leverage to fight for the many interests we have in Vietnam. I urge my colleagues to support this Resolution.

Ms. LOFGREN. Mr. Speaker, I yield 1 minute to the gentleman from Minnesota (Mr. VENTO).

Mr. VENTO. Mr. Speaker, I rise in support of the resolution.

It is the actions of the 1980s and 1990s that are moving this country to a lower common denominator concerning basic human rights and disregard for the fundamental values that should serve as the core of our foreign and economic policies. We cannot change nor should we seek to change the outcome of military events in Southeast Asia 3 decades ago. But the United States can, through existing law and policy, assert foreign economic policies that provide for improvement and democratization of this part of the world, including Vietnam.

The fact is, we cannot keep spending the same dollar over and over again, talking about progress towards, while the fundamental tenets of Jackson-Vanik are not being met, much less basic human rights in this country. The fact is, we need to assert our influence now at this time to achieve that for those people in Southeast Asia that are still being ill-treated and not provided the opportunities that they merit much less any freedoms required by Jackson-Vanik.

Mr. Speaker, I urge the Members of this body to strongly support this resolution that opposes this type of trade liberalization.

I rise today in support of the resolution to disapprove the waiver of the Jackson-Vanik amendment to the Trade Act of 1974 for Vietnam. Serious issues remain in our relationship with Vietnam; the government of Vietnam is criticized by international human rights groups for a wide range of violations including arbitrary detention, disregard of workers rights and persecution of religious groups. The communist government in Vietnam will not allow democracy and freedom without pressure. What the United States does in regard to trade agreements does have an impact; we can be a force for positive change.

Actions of the US are most important today, because of past actions of this Congress and Administration throughout the 1980s and 1990s; the United States is regrettably moving towards a lower common denominator—concerning basic human rights, disregard for fundamental values which should serve as the core of our foreign economic policies, and yielding to political expediency. We can't change nor should we seek to change the outcome of military events in South East Asia

over two decades ago. But the US can, through existing law, and policy assert foreign economic policies that achieve an improvement in the democratization of this region of the world, including Vietnam.

The year by year rubber stamping of normal trade relations, in light of the absolute contradiction of actions and deeds, is wrong. We should pass this resolution of disapproval.

The fact is that the Vietnamese government is not meeting the conditions of free emigration. It is irresponsible to allow this country beneficial trade relations, on a veneer argument that "progress towards" this goal is being made. With rights and privileges come responsibilities and hopefully, results. Supporters cannot keep spending the same currency piece in a circular manner—suggesting that maintaining the waiver and allowing the trade benefits to follow will facilitate the Vietnamese government's respect and embracing of human rights. At this point our United States forbearance should have produced positive results. Those who are persecuted and denied basic human rights look to us, as citizens of the world's oldest democracy, to responsibly pursue policies that would permit some hope of social, political, and economic benefit.

In its origins and provisions, Jackson-Vanik is centered on freedom of emigration. Advocates of this resolution will tell you that Vietnam has eliminated the requirement for an applicant under the Resettlement Opportunity for Vietnamese Returnees program to obtain an exit visa prior to an interview with the U.S. Immigration and Naturalization service. They will point out this "progress towards" free emigration satisfies the requirements of the Jackson-Vanik trade law.

The truth is that Vietnam has not dropped its requirement for exit permits. Rather, this requirement was merely delayed until after the applicant is interviewed and approved by the United States interviewing teams. In addition to this administrative roadblock, in any instances applicants to U.S. resettlement programs are charged inordinate and significant fees that they cannot afford, in order to gain access to the programs. Vietnam doesn't meet even the basic test of the controlling law, Jackson-Vanik, much less a broader test regarding essential human rights.

In fact, Vietnam remains one of the most repressive countries in the world. Basic rights that we in the United States take for granted are denied to the citizens of Vietnam. All opposition to the communist party is crushed. Religious activities are closely regulated. Human rights organizations are not allowed to operate. Workers are not free to join or form unions of their choosing; such action requires governmental approval. Children remain at risk of being exploited as child labor workers, and women are commonly subject to serious social discrimination. At this point, Congressional action to waive the Jackson-Vanik provisions would symbolize "business as usual" for the Vietnamese leaders. Therefore, they may continue the oppression of their own people and still reap the benefits of trade relations with the United States.

Consideration of waiving the Jackson-Vanik provisions should at least be delayed until there are concrete, rather than superficial actions demonstrating that Vietnam is prepared and willing to act in good faith. This resolution will not stop U.S. trade with Vietnam, nor will it hinder free trade as Vietnam is simply not

currently eligible for Normal Trade Status (NTS). Passage of this resolution would send a clear message that our laws mean what they say, that the U.S. will stand behind its laws and values, and that freedoms systematically denied to the average Vietnamese citizens are worth speaking out in defense of and standing up for. Basic human rights are not an internal matter. Because of these unresolved issues, we should in good conscience go forward with approving this resolution of disapproval.

Mr. CRANE. Mr. Speaker, I yield 1½ minutes to the gentleman from Maryland (Mr. GILCREST).

Mr. GILCREST. Mr. Speaker, the main discussion here seems to be, on both sides of the aisle, the question of human rights violations, the question of religious persecution, immigration policy, and the issue of the POW and the MIAs. So how best do we deal with that particular issue right now 2 or 3 decades after the war is over?

I think that the U.S. needs to exert its influence in those areas. So how best do we exert our influence to change that, when it seems to me very obvious America's absence of engagement will create a void that will be filled by a country with little or no interest in our POWs or MIAs, human rights violations or their emigration policy.

It is the United States in this world that wants to be engaged in those kinds of problems. The Vietnamese government has shown significant improvement in all of these areas in the last couple years, especially since our former colleague, Pete Peterson, a former POW, is now the ambassador to Vietnam.

With the Vietnamese and the Americans working side by side on roads, bridges, coastal hotels, dredging the harbors, et cetera, et cetera, with the Vietnamese paying the bill, with that kind of engagement, the human contact with this country and that country will make the difference.

I urge a no vote on the resolution.

Mr. ROHRBACHER. Mr. Speaker, I yield 1 minute to the gentleman from Virginia (Mr. DAVIS), who knows we are not talking about the Vietnamese paying the bill. We are paying the bill.

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

Mr. DAVIS of Virginia. Mr. Speaker, I just say to my friend who just spoke, this is not about staying engaged with the Vietnamese. We are fully engaged. We have normalized relations. We have full trade with Vietnam. Those policies are not in question.

What is in question, though, is about, and we are not refighting the Vietnam war. We are fully engaged in this. Although the Vietnamese are showing some improvement in the area of emigration with the Rover program and others, I think they are woefully short of meeting the threshold that would allow us to use American tax dollars to subsidize American businesses doing business in Vietnam.

I have from my own district Dr. Nguyen Dan Que and Doan Viet Hoat, who are still languishing in Vietnamese prisons, on trumped up charges, for 15 years. Their families are not allowed to visit. When I was there last January, I was not allowed to visit. They are not allowed to get correspondence. They are not allowed to emigrate and come back to Northern Virginia, where they would like to join their families.

We are in a sense, by ignoring existing prisoners there who are there on trumped up charges, rewarding behavior that is woefully short of the kinds of gains that we have seen in China and other places. I do not think this behavior should be rewarded, their human rights abuses being rewarded with tax subsidies from U.S. taxpayers. I think we need to send Vietnam a message that more freedom of emigration has to be accomplished, and I would urge my colleagues to support this resolution.

Mr. Speaker, I rise today in strong support of House Joint Resolution 120, which would disapprove the President's renewal of his waiver of the Jackson-Vanik amendment for the Socialist Republic of Vietnam. As many of you know, I have been a fervent supporter of U.S. engagement with countries who have had a history of committing human rights violations. My positions rests on my belief that it is only through the gradual building of trust between nations that arises when commerce and cultural ideas flow freely, that democracy and freedom will prevail in such societies. To my deep regret, the Vietnamese government has demonstrated that no amount of economic engagement will compel improvements in its human rights record, especially when it comes to its emigration policies. The President's waiver of the Jackson-Vanik amendment this year is clearly without any basis. Indeed, it is contrary to the overwhelming evidence that the Vietnamese government does not permit free emigration as the Jackson-Vanik amendment requires before normal trading status can be conferred on Vietnam.

Having visited Vietnam this past January, I can attest to the fact that Vietnam has done little to improve its human rights violations or loosened its restrictions on free emigration. Unlike China, which has made slow but measured progress in the area of human rights as witnessed by the many Chinese religious leaders and citizens that I spoke with during my visit to China last year, the same unfortunately cannot be said for Vietnam.

Two Vietnamese-American families in my district intimately understand the agony of having a family member thrown into a Vietnamese prison simply because they promoted human and political rights. Both Dr. Nguyen Dan Que, a 53-year-old endocrinologist, and Professor Doan Viet Hoat each received 20 year sentences for conducting "activities aimed at overthrowing the people's government." Professor Hoat's sentence was later reduced to 15 years of imprisonment and 5 years of house arrest and deprivation of his civil liberties. Worried about their health and safety, their families asked me to do all I could to learn about their medical conditions. We had understood that both men were suffering from serious kidney problems. However, my request was denied. I was not permitted to visit with any political prisoners and the medical information I did receive was unclear.

The Jackson-Vanik waiver exists for the express purpose of improving emigration between nations by using the promise of economic relations as leverage. With this in mind, I do not dispute the fact that it has an unquestionably important role in normalizing U.S.-Vietnam relations. However, so much work has yet to be done in the way of individual liberty in Vietnam. I cannot help but feel that the waiver is being improperly implemented this year.

Make no mistake, I consider productive relations with Vietnam's Government to be very important. But a relationship must stand on mutual understanding and clear expectations. It is time that we make a statement to the Government of Vietnam on the state of human rights in that country. I would hope that our support for the resolution would also carry the message that we will not stand for continued human rights abuses in Vietnam.

I would like to note that trade between nations implies a degree of mutual respect and acceptance. We as a nation have demonstrated goodwill in this endeavor and still have yet to see these efforts reciprocated in accord with the waiver's provisions. Vietnam's government has had adequate time to demonstrate its commitment towards improving its emigration policies since the President ended the U.S. trade embargo on Vietnam in 1994. Given the continued restrictions on emigration and political freedoms in Vietnam, I feel that we must voice our disapproval.

I am encouraged by the fact that many of my colleagues on both sides of the aisle have found the proposed waiver renewal to be ill-considered. Once we see concrete progress by the Vietnamese government—that real improvements are being made so far as human liberties are concerned—then I will be one of the first to say that waiving the Jackson-Vanik amendment and normalizing U.S.-Vietnamese trade relations would further the interests of civil liberty and freedoms. Until that time, however, we must send a clear message and vote in favor of this disapproval resolution. Doing otherwise will reflect poorly on this nation and on the principles for which it stands.

Mr. MATSUI. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. DOOLEY).

(Mr. DOOLEY of California asked and was given permission to revise and extend his remarks.)

Mr. DOOLEY of California. Mr. Speaker, I am joining with what I think is one of America's greatest Vietnam war heroes, a former colleague and our present ambassador to Vietnam, in asking all my colleagues to vote in opposition to this bill.

The reason for it, I think, is clear. We have Vietnam now the 12th largest country in the world in terms of population. Almost 70 percent of those residents of Vietnam are under the age of 25, the vast majority of which were born after the Vietnam war.

I think, clearly, this country has demonstrated, by a policy of economic and social and cultural engagement, we have been able to have the greatest impact in improving the quality of lives of those countries in which we reach out to. We make the greatest difference advancing human rights, the greatest difference in advancing the issue of re-

ligious freedom, the greatest impact in advancing the concept of democracy when we choose to economically and culturally and socially engage with a country. That is what it is all about, when we continue with the waiver for Jackson-Vanik.

I urge my colleagues to vote no on this motion.

Mr. MATSUI. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. BECERRA), a member of the Committee on Ways and Means.

Mr. BECERRA. Mr. Speaker, passage of House Joint Resolution 120 would not be a message, it would be a hammer. It would be a hammer because it sends the clear message to the people of Vietnam that we are not serious about trying to be constructive and open up our trade and open up our relations with this country.

If we believe that, by imposing these stricter standards of economic engagement with Vietnam, we are going to send a message and have some success; and if we are going to look at examples like South Africa, we have to remember that South Africa were multilateral sanctions where we had virtually an entire world behind those efforts to change South Africa.

We cannot say that about Vietnam. We know for a fact that the Europeans, Japan, other Asian countries, Latin America, they are all ready to go in and fill a void if the U.S. disengages. That will not just be at the expense of U.S. business, it will be at the expense of the U.S. government and the U.S. people.

We must engage. If no one has faith with the folks that are speaking here, please remember our former colleague, Pete Peterson, ambassador to Vietnam, a former POW who says it is right to do this. Please oppose House Joint Resolution 120.

Mr. MATSUI. Mr. Speaker, I yield 1 minute to the gentleman from Tennessee (Mr. CLEMENT).

Mr. CLEMENT. Mr. Speaker, I rise in support of the President's waiver of the Jackson-Vanik trade restrictions on Vietnam.

I am a veteran myself. I have served almost 30 years with the National Guard. I have been on the Committee on Veterans' Affairs, serve on the House Committee on International Relations. I realize that times come when we have to move toward normal relations with Vietnam. It was a terrible war. It was a terrible conflict. It was a war of containment. I would not call it a war that we won.

Our former colleague, now the U.S. ambassador to Vietnam, Pete Peterson has nothing but praise for the Vietnamese efforts to aid the U.S. in locating and identifying the remains of POWs and MIAs. The ambassador says that the two countries are cooperating at an unprecedented level for former combatants.

I say to the critics of the waiver, listen to the words of the VFW. They say, We believe that current U.S. trade poli-

cies may have resulted in both gradual improvement in U.S.-Vietnamese relations and general and proportional improvements.

Oppose the resolution.

Mr. MATSUI. Mr. Speaker, I yield 1½ minutes to the gentleman from Hawaii (Mr. ABERCROMBIE).

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

Mr. ABERCROMBIE. Mr. Speaker, at this point I think we need to add little, but perhaps some other observations.

I consider the gentleman from California (Mr. ROHRBACHER) not only my colleague but my dear friend, and I would say that on almost everything we have been together where human rights are concerned. I feel that we just have a difference of view today, and I hope that his, in this instance, does not prevail. Not because of any argument about commitment to human rights but what the best course is today in order to advance human rights.

I make a plea to all of my colleagues who know Pete Peterson, not just as I do, as a colleague and dear friend, but know what he went through as a POW. Surely, surely, as the first ambassador to Vietnam since the war, we owe him the opportunity to carry through on all of the elements that he thinks he can bring to bear to see not only human rights but the relationship between Vietnam and the United States of America blossom.

If we can conduct trade with China, surely we can conduct trade, surely we can give Mr. Peterson the opportunity to conduct the business of the United States. Surely, if we have this opportunity to make a statement that individuals can make a difference, that the Vietnam war can be healed, that those of us who have been scarred in this country by everything that took place there can find a healing purpose in giving Pete Peterson the opportunity to carry through on the program that he has put forward. If that is accomplished, I can assure Mr. ROHRBACHER and my colleagues here, all of whom stand united on behalf of human rights, that a great advancement will have taken place. We will have made a step today in that direction that we can all be proud of.

Mr. Speaker, I want to add to the comments that have been made this afternoon opposing this resolution because I believe passing it will not accomplish goals we all seek, such as greater accounting for POW's/MIA's and economic reforms.

I firmly believe that we are more likely to succeed in our foreign policy and human rights objectives by continuing and building on the work already begun by our ambassador, Pete Peterson, a former Member of Congress and a POW.

The purpose of the Jackson-Vanik amendment is to promote free emigration. As of July 13, 4,388 Vietnamese had departed for the United States under the Resettlement Opportunity agreement. Since the Jackson-Vanik waiver was granted, Vietnam has greatly reduced the red tape for prospective emigrants.

Both supporters and opponents must concede that progress is being made in emigration, business development, investment opportunities, and accounting for U.S. military personnel which are of vital interest and concern to America and the families of missing service men and women.

This bill will not only end the progress that has been made, but reverse the positive developments that have occurred. It will be a setback for our efforts to account for missing U.S. military personnel and other objectives.

I urge a "no" vote on the resolution.

Mr. CRANE. Mr. Speaker, I yield 1½ minutes to the gentleman from Michigan (Mr. CAMP), my distinguished colleague from the Committee on Ways and Means.

Mr. CAMP. Mr. Speaker, I thank the chairman for yielding me the time.

Mr. Speaker, there have been many references to our former colleague, now ambassador, Pete Peterson. I wish everyone could have heard his very powerful and compelling testimony before the Subcommittee on Trade about reconciliation and engagement in Vietnam. This is not about MFN. I have heard some references to MFN or normal trade relations. That only occurs after a negotiated bilateral trade agreement. This is about allowing private overseas investment loan guarantees.

□ 1530

We must talk about our relations with Vietnam and what kind of leverage we have if we do not engage Vietnam. We lose leverage in obtaining more information from the Vietnamese government on those POWs and MIAs that we are still not sure about.

The VFW in a statement released on July 28 said that disapproving the waiver would harm the prospects for the cooperation between our governments that is necessary for a successful resolution and accounting for our missing Americans. We also lose leverage in bringing Vietnam closer into the community of nations. We lose leverage in encouraging Vietnam to promote the freedom of immigration, the very point of the Jackson-Vanik amendment when it was passed back in 1974.

I urge the defeat of H.J. Res. 120.

Mr. ROHRABACHER. Mr. Speaker, I yield 1 minute to the distinguished gentleman from San Diego, CA (Mr. HUNTER) a Vietnam veteran and a man whose standards are very much respected in this body.

Mr. HUNTER. Mr. Speaker, I thank the gentleman for yielding time. A couple of facts here are incontrovertible. One is that we have over 1,500 Americans still missing in Vietnam, including all 448 American pilots who were shot down in Vietnam-controlled Laos. That can mean only one thing. Not one of those pilots came home out of that 448. It means the North Vietnamese leaders had a policy of execution of the pilots that went down in that area. That is a war crime. There should be war trials for the criminals, for the Vietnamese communist leaders

who propagated that policy of execution, if we could find them, if we could apprehend them, if we could lay hands on them. If we had treated Himmler and Goering like we are treating the Vietnamese communist dictatorship, they would be attending World Trade Organization meetings instead of the Nuremberg war trials. I think if we keep devaluing the sacrifices of our veterans like we are doing with this bill, someday we are going to have a war and they are not going to come.

Support Rohrabacher.

Mr. MATSUI. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. REYES).

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

Mr. REYES. Mr. Speaker, I rise in opposition to House Joint Resolution 120. I believe that this resolution is counterproductive to the national interests of the United States and to the continued improvement in the bilateral relationship between our Nation and Vietnam.

I did not have the privilege of serving in this House with Ambassador Pete Peterson, but over the course of the last 2 weeks I have had an opportunity to sit with him on several occasions and talk to him about his experience as ambassador to Vietnam from this country. Ambassador Peterson, I think, more than anyone else understands the problems and the complex nature of the issue as we transition from a very negative relationship with Vietnam to hopefully a better and more understanding relationship.

Ambassador Peterson tells me that Vietnam is a country in transition. It is a country in transition culturally, philosophically, economically, socially and even educationally. I believe that it is important, it is vital that we remain engaged with Vietnam and that we assist Vietnam and provide the leadership to help with that assistance to that country so that they can transition from a dictatorship to ultimately a democracy. I had an opportunity this morning to again be with Ambassador Peterson in the Cannon Building where there is an exhibition and it is simply titled "Vietnam, The Land That We Never Knew."

Mr. Speaker, I was in Vietnam 30 years ago. I spent 13 months there in the United States Army. I told Ambassador Peterson that I really did not have any interest in going back, but he has convinced me that with the policy of engagement, it is our obligation and our duty to go back and see the Vietnam that we never knew.

I am opposed to this resolution and I urge my colleagues to oppose it as well.

Mr. CRANE. Mr. Speaker, I yield 1½ minutes to distinguished gentleman from Arizona (Mr. KOLBE), a combat veteran who served in southeast Asia.

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

Mr. KOLBE. Mr. Speaker, I rise in opposition to this resolution. As the

gentleman from Illinois said, I did serve in the Vietnam War. I was a Navy officer on swift boats patrolling rivers and canals down in the delta region. But let me make it very clear that in my view having served in Vietnam does not give me any special qualification to have an opinion on this issue. Maybe it gives me some background on which to draw in making a decision. And I would use it to draw on a historical perspective.

In 1991, it was President Bush that proposed a road map, and I was very much involved in the Congress at the time that was being considered, for improving our relations with Vietnam. To follow the road map, Vietnam had to take steps to help us account for our missing servicemen. In return for the cooperation, the United States was to move incrementally towards normalized relations.

Progress was made, and in 1994 a second step was taken when President Clinton lifted the trade embargo against Vietnam. In 1995, formal diplomatic relations were established between the United States and Vietnam.

Today's vote is just one more step along this road. As Ambassador Pete Peterson has said, if we grant this waiver today, he will have some of the tools he needs to convince Vietnam's leaders to improve human rights conditions, to continue support for the resolution of our POW and MIA cases that are still unresolved, and to maintain their commitment to liberalizing their economic and political institutions.

Mr. Speaker, our Nation has always recognized a clear distinction between being at peace and being at war. We cannot, we must not forget the pain and suffering of war. But by granting this waiver and advocating for even greater liberalization of Vietnamese society, we can say to Americans who served in Vietnam that their commitment is vindicated as economic and political freedom takes root in that country.

I urge my colleagues to defeat this resolution.

Mr. MATSUI. Mr. Speaker, I yield the balance of my time to the gentleman from Illinois (Mr. EVANS), a Vietnam veteran, the ranking member of the Committee on Veterans' Affairs.

The SPEAKER pro tempore (Mr. SHIMKUS). The gentleman from Illinois is recognized for 3 minutes.

Mr. EVANS. Mr. Speaker, this is really a vote on whether we are truly dedicated to resolve the full accounting of our missing from the Vietnam war. As the Veterans of Foreign Wars have said, passing this resolution of disapproval will only hurt our efforts at a time when we are receiving the access that we need from the Vietnamese to determine the fate of our POW/MIAs.

As many of the speakers have said, there is no more authoritative voice on this issue than our former colleague and now Ambassador to Vietnam, Pete Peterson. He supports the Jackson-

Vanik waiver. As a prisoner of war who underwent years of imprisonment in the notorious Hanoi Hilton, Ambassador Peterson should have every reason to be skeptical and harbor bitterness towards the Vietnamese. Yet he believes that the best course is to further develop relations between our two nations.

He knows this because it is in our Nation's best interest. We have achieved progress on the POW/MIA issue because of our evolving relationship with Vietnam, not despite it. He also knows that without access to the jungles and the rice paddies, without access to the archival information and documents, and to the witnesses of these tragic incidents, we cannot give the families of the missing in action the answers they deserve.

Our Nation is making progress on providing these answers. Much of this is due to the Joint Task Force on Full Accounting, our military presence in Vietnam which is tasked with looking for our missing. I have visited these young men and women and they are among the bravest and most gung ho group of soldiers I have ever met. Every day, from the searches of battle sites in treacherous jungles or the excavation of crash sites on the sides of mountains, they put themselves in harm's way to perform a mission they deeply believe in. It is truly touching to these men and women, some of whom were not even born when our missing served, so dedicated to a mission that they see as a sacred duty. They told me time and time again, allow us to remain here so we can complete this mission, so that we can do this job. If we pass this resolution today, we risk all the progress we have made.

I ask my colleagues to please vote against the resolution.

Ms. LOFGREN. Mr. Speaker, I yield myself such time as I may consume. Today's debate is not about whether we respect our wonderful former colleague and now ambassador, Mr. Peterson. We do, although we note there are others who were prisoners of War in Vietnam who feel that we should support this resolution. This debate is about whether we use this tool available to us to get Vietnam to do the right thing, to allow for free emigration. If they were doing the right thing, we would not need to have this waiver before us at all. We must stand firm for human rights by using this tool to increase performance.

Mr. Speaker, I yield the balance of my time to the gentlewoman from California (Ms. SANCHEZ).

Ms. SANCHEZ. Mr. Speaker, I would just say to my colleagues that today is about reunification of families. It is not about trade. I am for trade. This is about reunification of families. It is about doing the right thing. I know. Because when you have a Vietnamese American in your district who wants to get their wife over after 15 or 20 years, after having tried to find her, after

finding her in a camp and he cannot, he calls my office because I have the Vietnamese staffer who will help them. I get to hear the stories.

Please vote for this resolution.

Mr. ROHRBACHER. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, this resolution is about disapproving the waiving of the Jackson-Vanik restrictions which the President would like to do of the 1974 trade act. The fact that he is asking us to waive the restrictions of Jackson-Vanik mean that the communist Vietnamese are not meeting the moral standards that we set. So all of this talk about all the progress that we have heard about going on in communist Vietnam is so much baloney. The President himself is acknowledging that they are not doing that because he has asked us to waive those standards.

What is the purpose behind waiving the standards, the standards we put in place in face of the persecution of Jews in Russia that we wanted to deal with back in the 1970s? Why he is doing this? Why are we replacing those standards? So that our businessmen can go over, with government guarantees and government subsidies, meaning our taxpayer dollars, and invest in this dictatorship and make a profit and then export their goods to the United States and put our own people out of work. That is what this is all about.

I ask the American people to determine if you tried to set up a business, if you are trying to pay your mortgage, do you get a loan guarantee or a subsidy from the taxpayers? No. This is what the gentleman from New Jersey (Mr. SMITH) said it is. This is corporate welfare for communists at its very worst because we are lowering our standards in order to do so.

By the way, all this talk about MIA and POWs, I hope Members listened to the gentleman from Texas (Mr. SAM JOHNSON) and all this talk about Pete Peterson whom I respect and admire and served with in this House. The communist government of Vietnam has not given us the records of the prison that the gentleman from Texas was kept in or the prison that Pete Peterson himself was incarcerated in for 6 years. We requested that and they have denied even giving us those records because if we got the records, we would know that they have not come clean on the MIA/POW issue. That is why almost all of the veterans organizations are asking support of my resolution because they want to keep faith with those people who fought for freedom and keep faith with our principles of democracy.

Mr. CRANE. Mr. Speaker, I yield myself the balance of my time.

I saw our distinguished ambassador, Mr. Peterson, sitting back here. I think he deserves the respect and honor of all of us not only for the outstanding job he has done there but for his service, his tour of duty, which included 6½ years at the Hanoi Hilton. And so we

pay tribute to you, Pete. Keep up the good work.

Mr. Speaker, one of the issues that has not been elaborated on in this proposal deals with immigration. I want to just touch briefly on that and point out that over the past 10 to 15 years, more than 480,000 people have entered the U.S. under the Orderly Departure Program from Vietnam. Applicants under the Resettlement Opportunity for Vietnamese Returnees, what is called the ROVR program, those numbers are also impressive. The government of Vietnam has cleared for interview over 15,500 of the ROVR applicants and permitted over 4,300 persons qualified for ROVR already to depart to the United States.

□ 1545

INS expects to complete most interviews of ROVR applicants by the end of this year.

I think basically what we are talking about is maintaining an improved relationship rather than putting barriers to increased communication and improved relations with a country that is going through transition and going through a transition in a positive way, and we have encouraged that transition, and for that reason I would ask all of my colleagues to join with us in voting to oppose H.J.Res. 120 because I think it sets us back.

Mr. FAZIO of California. Mr. Speaker, I rise today in strong opposition to H.J. Res. 120.

America needs to heal from the tragedy of the Vietnam War.

Preserving the Presidential waiver for Vietnam will help alleviate the pain.

Extending the waiver promises a path towards mending the horrors of war because it provides an avenue for serious open dialogue.

The Jackson-Vanik waiver has given momentum to reconciling America's questions regarding POWs.

It has increased humanitarian efforts, enhanced leverage in treaty negotiations and allowed increased economic opportunities for American businesses.

The Veterans of Foreign Wars has witnessed first-hand the positive impact that the waiver has produced.

The Jackson-Vanik waiver has strengthened US-Vietnam cooperation by establishing the Joint Document Center in Hanoi.

The Trilateral Recovery Operations of the U.S., Laos and Vietnam.

And the Vietnamese governments has publicized activities related to missing Americans.

These are concrete results and real outcomes.

And these accomplishments have come about because of the Jackson-Vanik waiver.

The Jackson-Vanik waiver has been our diplomatic leverage—without it, we threaten America's interests.

The past makes us all uneasy—however, as we enter into the new millennium, we must work on forging relationships for the future.

We must start now—this waiver provides the tool to achieve our goals.

A vote against this harmful resolution sends a clear message of a commitment to the healing of America and Vietnam.

I urge my colleagues to vote against this measure.

Mr. SOLOMON. Mr. Speaker, I rise in strong support of H.J. Res. 120. The full story of how the President and his senior advisors made decisions on Vietnam has never been told.

I am very concerned that the American people do not know the complete story on what influenced the decision to extend normal Diplomatic relations to the People's Republic of Vietnam.

Now we have to once again look at the President's actions and challenge why, in spite of evidence to the contrary, he is giving a waiver to Vietnam on an important human rights issue.

In October 1996 I began an inquiry of the current Administration and the potential impact foreign money might have had on our Foreign and Defense policy.

My goal was to acquire all information from the President and other senior members of his Administration about their connections with John Huang and the Lippo Group.

From 1996 to this day I believe the administration may have improperly assisted the Lippo Group in developing business in the People's Republic of Vietnam.

My fear was (and still is) that campaign contributions by Mochtar and James Riady and John Huang all improperly influenced our Foreign policy on Vietnam.

And to this day I feel the American people have not been given the truth on all the activities undertaken by the President, John Huang and the Lippo Group.

In 1992 the Riadys were the largest single campaign donors to then Presidential candidate Clinton.

Now all Americans are finally finding out that for the last five and a half years Foreign money may have corrupted our Foreign and Defense Policy, especially in Asia.

It was shocking to find, as early as November 1992, the late Ron Brown was meeting with Vietnamese government officials about lifting the U.S. embargo while Presidential candidate Clinton was taking a much harder line on full accounting for POW-MIAs.

Then, after being appointed Secretary of Commerce, Ron Brown met with John Huang, who at that time was the senior Lippo official in America, to discuss Vietnam.

It took years for the truth to come out.

Years later the Wall Street Journal reported that soon after he was first elected President, Mr. Clinton received a personal letter from Mochtar Riady, Chairman of the Lippo Group.

In his letter to the President, Riady was strongly lobbying for the immediate U.S. diplomatic recognition of Vietnam.

Riady's letter was very clear—not only should America move to quickly recognize Vietnam, but Mochter brazenly informed the President that Lippo had employees on the ground in Vietnam ready to do business.

While Riady's letter was kept secret there were important and serious debates by well meaning members on both sides of the aisle as to the merits of recognizing Vietnam.

Issues such as full accounting for Pow-Mias, religious freedom for Vietnamese citizens, free emigration and free speech were debated. But one has to ask if the fix was in all along to help the Riadys.

Now, today once again with a bipartisan spirit Congress is addressing what to do about assisting Vietnam.

It is my position that, because of previous bad faith in providing full disclosure to con-

gressional oversight, we can't have a fair debate on the merits of the assisting Vietnam until we find out exactly what the Administration did to help the Lippo group.

The great tragedy of the ethical cloud hanging over our Foreign Policy is that we become uncertain as to the validity of the Administration's position on any foreign economic issue.

Did the Administration sell out American business interests by improperly helping a foreign firm, the Lippo Group, with inside information about the timing of our recognition of Vietnam? This type of information could be worth millions at the expense of American Firms.

So I look with great skepticism at the President issuing a waiver. I am perplexed as to who will eventually benefit. On the merits of the case I don't think the average Vietnamese will benefit, since the IMF has held up loans to Vietnam because the government has not made appropriate economic reforms.

The President's waiver is suspect as to why he continues to insist his action will substantially promote the freedom of emigration provisions.

In fact Congress has the names of hundreds of Vietnamese who have been denied emigration since 1975. This pattern of human rights abuse continues to this day.

Finally, as a practical matter, if Vietnamese leaders think American Foreign Policy can be influenced by Lippo money they will have no incentive to take our positions seriously on any issue especially enforcing the freedom of emigration provisions in the Jackson-Vanik amendment.

Now is the time to send a signal to the World that the Congress takes very seriously our oversight responsibilities and we pledge to bring sunlight on the Administration's actions.

Vote to support H.J. Res. 120 and show Vietnam and the world that Congress will not allow our Foreign Policy to be sold for campaign contributions.

Mr. DAVIS of Virginia. Mr. Speaker, I rise today to urge my colleagues to join the Congressional Dialogue on Vietnam. This group facilitates an open exchange among Members of Congress, the Administration, and the public on issues that affect those who have personal interests tied to Vietnam.

In particular, I wish to call attention to the grassroots campaign, "Adopt a Religious Prisoner in Vietnam." This group notifies its members on the current state of religious persecution in Vietnam as well as the plight of people who have been imprisoned for their religious beliefs.

The current Vietnamese government detains individuals for a variety of ideological reasons, including those who openly discuss religious ideas. These prisoners of conscience are writers, philosophers, and artists who have never served in combat and yet some have been incarcerated since the Vietnam War.

This past January I had the unique opportunity to visit Vietnam. Despite the advancements our countries have made in diplomatic relations, we still differ on issues concerning religious prisoners. On my visit I was denied the opportunity to visit with prisoners of conscience, and what medical information I did receive was ambiguous.

In my opinion, this underscores the value of the "Adopt a Religious Prisoner in Vietnam" campaign and its ties to overseas religious institutions. I want to take a moment to tell you

about my own adoptee. The Venerable Thich Tue Sy has been a Buddhist monk from the age of seven years. He taught himself several languages including Classical Chinese, English, and Sanskrit. A noted scholar and founder of the Free Vietnam Force, he was arrested by Vietnamese government authorities on April 2nd, 1984. Four years later he was prosecuted on national security charges and sentenced to death, but protests from the international community helped to commute his sentence to 20 years in a government "re-education" camp. He has been jailed for the past 14 years in a camp where nutrition and health conditions are typically poor.

The "Adopt a Religious Prisoner in Vietnam" campaign affords Members of Congress the opportunity to address two very important audiences. One is the world community, and the message is that as concerned legislators we decry the blatant oppression of individuals worldwide, especially when it is based solely on differing ideology. We also send a message to the adoptee, telling that person there is an advocate who is appealing for his or her release, and encouraging that individual to continue pursue the goals of free speech and religious liberty.

Mr. Speaker, I again encourage my colleagues to join the Congressional Dialogue on Vietnam as well as the "Adopt a Religious Prisoner in Vietnam" program. The Congressional Dialogue was founded by the gentlewomen from California, Ms. Loretta Sanchez and Ms. Zoe Lofgren and represents a committed bipartisan endeavor to support the progress of US-Vietnam relations. In defense of fundamental human rights and in the interests of our many Vietnamese-Americans who have ties to Vietnam, I hope that all of my colleagues will participate in these efforts.

Mr. UNDERWOOD. Mr. Speaker, I rise in opposition to H.J. Res. 120 and in support of waiving the Jackson-Vanik amendment for Vietnam.

Last August, I visited Vietnam as part of a Congressional delegation, although there was a certain level of economic and political interaction between the United States and Vietnam, there was still the need to increase this interaction. The Jackson-Vanik waiver, enacted for the first time on March of this year, is a tool for this interaction, for this engagement.

Not only has the Jackson-Vanik increased the freedom of emigration in Vietnam, our American businesses investing and exporting to Vietnam are benefitting from federal economic programs, such as those administered by the Export-Import Bank. Removing the waiver could mean job losses for workers in the United States.

It will be a great setback not to grant the waiver. Let us not use this issue to act as a referendum on our total relationship with Vietnam. I understand that we still have many issues with Vietnam which we are not satisfied, such as human rights and POW/MIA concerns. In fact there are separate vehicles for these other concerns. By waiving the Jackson-Vanik, we continue to increase our engagement with Vietnam and we will have even greater opportunities to discuss other issues such as human rights, issues which I agree are just as important to the American people.

We are linked to Vietnam economically, politically and even culturally. We should not move backwards by passing this resolution. I

urge my colleagues to vote against H.J. Res. 120.

Mr. NEAL of Massachusetts. Mr. Speaker, I rise in opposition to H.J. Res. 120 which denies President Clinton's waiver for Vietnam from the Jackson-Vanik freedom of emigration requirement of the Trade Act of 1974. On June 3, 1998, President Clinton notified Congress of his intention to extend Vietnam a Jackson-Vanick waiver for an additional year from July 3, 1998 to July 3, 1998.

Vietnam's trade status is subject to the Jackson-Vanik amendment to Title IV of the Trade Act of 1974. This provision of law governs the extension of normal trade relations, as well as access to U.S. government credits or credit or investment guarantees, to nonmarket economy countries ineligible for normal trade relations tariff treatment. A country subject to the provisions may gain MFN treatment and coverage by U.S. trade financing programs by complying with the freedom of emigration provisions of the Trade Act. The Trade Act authorizes the President to waive the freedom of emigration requirements with respect to a particular country if he determines that such a waiver will substantially promote the freedom of emigration provisions.

Extension of the Jackson-Venice waiver for Vietnam gives Vietnam access to U.S. government credits or credit or investment guarantees such as those provided by Overseas Private Investment Corporation (OPIC) and Export-Import Bank support for U.S. businesses in Vietnam. Vietnam has not yet concluded a bilateral commercial agreement with the United States and therefore, Vietnam is ineligible to receive normal trade relations tariff treatment.

Recently, the Subcommittee on Trade held a hearing on Vietnam. U.S. Ambassador Pete Peterson and Senator John Kerry eloquently testified about the importance of having a policy of engagement with Vietnam. Both of these men heroically served our country during the Vietnam War and they strongly believe that we should work with the Vietnamese government and form a stable, fruitful relationship between the two countries.

Vietnam has made consistent progress on its commitments under the Resettlement Opportunity for Vietnamese Returnees agreement. The United States government has made it its highest priority to obtain the fullest possible accounting of missing U.S. citizens from the Vietnam War. The Vietnamese government has been extremely cooperative. Human rights in Vietnam need to be improved and hopefully, engagement will do this.

I urge my colleagues to vote against this resolution. We should not forget about the past or the dedication of our servicemen who fought in Vietnam, but we should move forward. If those who were prisoners of war in Vietnam believe that it is time to engage Vietnam and normalize relations with Vietnam, we should listen to their advice. It is time to move forward with Vietnam and build a relationship that benefits both the United States and Vietnam.

Mr. RANGEL. Mr. Speaker, I rise in opposition to House Joint Resolution 120. This resolution would disapprove the President's determination that a waiver of the so-called Jackson-Vanik requirements would substantially promote freedom of emigration objectives with

respect to Vietnam. This waiver permits U.S. Government financial support for American businesses to invest and trade with Vietnam and is a precondition for concluding a commercial agreement to establish normal trading relations.

By passing this resolution, Congress would disapprove and reverse the most recent step taken by the United States to normalize relations with Vietnam. This policy of gradual engagement after trying to isolate Vietnam began in the early 1990s with the lifting of the trade embargo and the establishment of full diplomatic relations in 1995.

Since the normalization process began the Vietnamese government has cooperated in POW/MIA accounting, made progress on its emigration practices, and is now undertaking market-oriented reforms of its state-controlled economy.

It is also true that Vietnam violates human rights and denies religious and political freedoms to its citizens. But as is the case with China, we cannot isolate Vietnam unilaterally in a global economy. Continued exposure of the Vietnamese people to American values of human and religious rights and democratic principles through increased trade and investment and continued engagement with the Vietnam government provides the best means to achieve fullest possible POW/MIA accounting and to promote political and economic reforms.

Disapproving the waiver will signal a return to a previous policy of isolation which failed. I urge my colleagues to vote "no" on H.J. Res. 120.

The SPEAKER pro tempore (Mr. SHIMKUS). All time for debate has expired.

The joint resolution is considered read for amendment.

Pursuant to the order of the House of Wednesday, July 29, 1998, the previous question is ordered.

The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on passage of the joint resolution.

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

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

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

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 163, nays 260, not voting 11, as follows:

[Roll No. 356]

YEAS—163

Aderholt	Barr	Blunt
Andrews	Bartlett	Bonilla
Bachus	Barton	Bonior
Baker	Bilirakis	Bono

Brown (OH)	Hill	Peterson (PA)
Bryant	Hilleary	Pitts
Bunning	Hinchee	Pombo
Burton	Hobson	Porter
Buyer	Hoekstra	Quinn
Canady	Holden	Radanovich
Chabot	Horn	Regula
Chenoweth	Hostettler	Riley
Christensen	Hunter	Rivers
Coble	Hutchinson	Rogers
Coburn	Hyde	Rohrabacher
Collins	Inglis	Ros-Lehtinen
Cook	Jackson (IL)	Royce
Cooksey	Jackson-Lee	Ryun
Cox	(TX)	Sanchez
Coyne	Jenkins	Sanders
Crapo	Johnson, Sam	Saxton
Cubin	Jones	Scarborough
Cunningham	Kelly	Schaefer, Dan
Davis (VA)	Kennedy (RI)	Schaffer, Bob
Deal	Kildee	Sessions
DeFazio	King (NY)	Shadegg
DeLay	Kingston	Shuster
Diaz-Balart	Klug	Smith (MI)
Dickey	Kucinich	Smith (NJ)
Doolittle	LaHood	Smith (TX)
Duncan	Lazio	Snowbarger
Ehrlich	Lewis (KY)	Solomon
Emerson	Lipinski	Souder
English	LoBiondo	Spence
Ensign	Lofgren	Stearns
Everett	McCarthy (NY)	Strickland
Forbes	McCollum	Stump
Fossella	McGovern	Stupak
Fox	McIntyre	Talent
Franks (NJ)	McNulty	Tauzin
Frelinghuysen	Meeks (NY)	Thornberry
Gallely	Menendez	Thune
Gekas	Metcalf	Tiahrt
Gibbons	Miller (FL)	Torres
Gilman	Myrick	Traficant
Goode	Nadler	Turner
Goodling	Neumann	Upton
Graham	Ney	Vento
Green	Northup	Wamp
Gutknecht	Norwood	Waters
Hall (TX)	Packard	Watts (OK)
Hansen	Pappas	Weldon (FL)
Hastert	Pascrell	Whitfield
Hayworth	Paul	Wolf
Hefley	Pelosi	

NAYS—260

Abercrombie	Clayton	Gejdenson
Ackerman	Clement	Gephardt
Allen	Clyburn	Gilchrest
Archer	Combust	Gillmor
Armey	Condit	Goodlatte
Baesler	Conyers	Gordon
Baldacci	Costello	Goss
Ballenger	Cramer	Granger
Barcia	Crane	Greenwood
Barrett (NE)	Cummings	Gutierrez
Barrett (WI)	Danner	Hall (OH)
Bass	Davis (FL)	Hamilton
Bateman	Davis (IL)	Harman
Becerra	DeGette	Hastings (FL)
Bentsen	Delahunt	Hastings (WA)
Bereuter	DeLauro	Hefner
Berman	Deutsch	Herger
Berry	Dicks	Hilliard
Bilbray	Dingell	Hinojosa
Bishop	Dixon	Hooley
Blagojevich	Doggett	Houghton
Bliley	Dooley	Hoyer
Blumenauer	Doyle	Hulshof
Boehlert	Dreier	Jefferson
Boehner	Dunn	John
Borski	Edwards	Johnson (CT)
Boswell	Ehlers	Johnson (WI)
Boucher	Engel	Johnson, E. B.
Boyd	Eshoo	Kanjorski
Brady (PA)	Etheridge	Kaptur
Brady (TX)	Evans	Kasich
Brown (CA)	Ewing	Kennedy (MA)
Brown (FL)	Farr	Kennelly
Callahan	Fattah	Kilpatrick
Calvert	Fawell	Kim
Camp	Fazio	Kind (WI)
Campbell	Filner	Kleccka
Cannon	Foley	Klink
Capps	Ford	Knollenberg
Cardin	Fowler	Kolbe
Carson	Frank (MA)	LaFalce
Castle	Frost	Lampson
Chambliss	Furse	Lantos
Clay	Ganske	Largent

Latham Nussle Shays
 LaTourette Oberstar Sherman
 Leach Obey Shimkus
 Lee Olver Sisisky
 Levin Ortiz Skaggs
 Lewis (CA) Owens Skeen
 Lewis (GA) Oxley Skelton
 Livingston Pallone Slaughter
 Lowey Parker Smith (OR)
 Lucas Pastor Smith, Adam
 Luther Paxon Snyder
 Maloney (CT) Payne Spratt
 Maloney (NY) Pease Stabenow
 Manton Peterson (MN) Stark
 Manzullo Petri Stenholm
 Markey Pickering Stokes
 Martinez Pickett Sununu
 Mascara Pomeroy Tanner
 Matsui Portman Tauscher
 McCarthy (MO) Poshard Taylor (MS)
 McCrery Price (NC) Taylor (NC)
 McDermott Pryce (OH) Thomas
 McHale Ramstad Thompson
 McHugh Rangel Thurman
 McInnis Redmond Tierney
 McIntosh Reyes Velazquez
 McKeon Rodriguez Visclosky
 McKinney Roemer Walsh
 Meehan Rogan Watkins
 Meek (FL) Rothman Watt (NC)
 Mica Roukema Waxman
 Millender- Roybal-Allard Weldon (PA)
 McDonald Rush Weller
 Miller (CA) Sabo Wexler
 Minge Salmon Weygand
 Mink Sandlin White
 Moakley Sanford Wicker
 Mollohan Sawyer Wilson
 Moran (KS) Schumer Wise
 Moran (VA) Scott Woolsey
 Morella Sensenbrenner Wynn
 Murtha Serrano Yates
 Nethercutt Shaw Young (AK)

NOT VOTING—11

Burr McDade Smith, Linda
 Gonzalez Neal Towns
 Istook Rahall Young (FL)
 Linder Riggs

□ 1609

Messrs. FOLEY, RANGEL, SPRATT, LEWIS of Georgia, and Ms. LEE changed their vote from "yea" to "nay."

Ms. ROS-LEHTINEN, Mrs. KELLY, and Messrs. SMITH of Michigan, NORWOOD, MCCOLLUM, PETERSON of Pennsylvania, TORRES, and COLLINS changed their vote from "nay" to "yea."

The joint resolution was not passed. The result of the vote was announced as above recorded.

PROVIDING SPECIAL INVESTIGATIVE AUTHORITY FOR THE COMMITTEE ON EDUCATION AND THE WORKFORCE

The SPEAKER pro tempore (Mr. SHIMKUS). The pending business is the vote de novo on agreeing to the resolution, House Resolution 507, as amended, on which further proceedings were postponed.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the resolution, as amended.

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

RECORDED VOTE

Mr. HALL of Ohio. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 222, noes 200, not voting 13, as follows:

[Roll No. 357]

AYES—222

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

NOES—200

Abercrombie Borski Conyers
 Ackerman Boswell Costello
 Allen Boucher Coyne
 Andrews Boyd Cramer
 Baesler Brady (PA) Cummings
 Baldacci Brown (CA) Danner
 Barcia Brown (FL) Davis (FL)
 Barrett (WI) Brown (OH) Davis (IL)
 Becerra Capps DeFazio
 Bentsen Cardin DeGette
 Berman Carson Delahunt
 Berry Clay DeLauro
 Bishop Clayton Deutsch
 Blagojevich Clement Dicks
 Blumenauer Clyburn Dingell
 Bonior Condit Dixon

Doggett Lampson Poshard
 Dooley Lantos Price (NC)
 Doyle Lee Rangel
 Edwards Levin Reyes
 Engel Lewis (GA) Rivers
 Eshoo Lipinski Rodriguez
 Etheridge Lofgren Roemer
 Evans Lowey Rothman
 Farr Luther Roybal-Allard
 Fattah Maloney (CT) Rush
 Fazio Maloney (NY) Sabo
 Filner Manton Sanchez
 Forbes Markey Sanders
 Ford Martinez Sandlin
 Frank (MA) Mascara Sawyer
 Frost Matsui Schumer
 Furse McCarthy (MO) Scott
 Gejdenson McCarthy (NY) Serrano
 Gordon Gephart McDermott
 Green McGovern Sisisky
 Gutierrez McHale Skaggs
 Hall (OH) McIntyre Skelton
 Hamilton McKinney Slaughter
 Harman McNulty Smith, Adam
 Hastings (FL) Meek (FL) Snyder
 Hefner Meeks (NY) Spratt
 Hilliard Menendez Stabenow
 Hinchey Millender Stark
 Hinojosa McDonald Stenholm
 Holden Miller (CA) Stokes
 Hooley Minge Strickland
 Hoyer Mink Stupak
 Jackson (IL) Moakley Tanner
 Jackson-Lee Mollohan Tauscher
 (TX) Moran (VA) Thompson
 Jefferson Murtha Thurman
 John Nadler Tierney
 Johnson (WI) Oberstar Trafficant
 Johnson, E. B. Obey Turner
 Kanjorski Olver Velazquez
 Kaptur Ortiz Vento
 Kennedy (MA) Owens Visclosky
 Kennedy (RI) Pallone Watt (NC)
 Kennelly Pascrell Waxman
 Kildee Pastor Wexler
 Kilpatrick Paul Weygand
 Kind (WI) Payne Wise
 Kleczka Pelosi Woolsey
 Klink Peterson (MN) Wynn
 Kucinich Pickett Yates
 LaFalce Pomeroy

NOT VOTING—13

Burr McDade Towns
 Cox Neal Waters
 Gonzalez Rahall Young (FL)
 Istook Riggs
 Linder Torres

□ 1627

So the joint resolution, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

□ 1630

PROVIDING FOR CONSIDERATION OF H.R. 4276, DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, FY 1999

Mr. MCINNIS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 508 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 508

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. 4276) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and

related agencies for the fiscal year ending September 30, 1999, and for other purposes. The first reading of the bill shall be dispensed with. Points of order against consideration of the bill for failure to comply with clause 2(1)(6) of rule XI, clause 7 of rule XXI, or section 401(a) of the Congressional Budget Act of 1974 are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. Points of order against provisions in the bill for failure to comply with clause 2 or 6 of rule XXI are waived. The amendments printed in the report of the Committee on Rules accompanying this resolution may be offered only by a Member designated in the report and only at the appropriate point in the reading of the bill, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against the amendments printed in the report are waived. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII. Amendments so printed shall be considered as read. The chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such further amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. SHIMKUS). The gentleman from Colorado (Mr. MCINNIS) is recognized for 1 hour.

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

Mr. Speaker, House Resolution 508 is an open rule providing for consideration of H.R. 4276, the Commerce, Justice, State, the Judiciary and Related Agencies Appropriations bill for fiscal year 1999.

The rule waives points of order against consideration of the bill for failure to comply with clause 2(1)(6) of rule 11, requiring a 3-day layover of the committee report, and clause 7 of rule 21, requiring relevant printed hearings and reports to be available for 3 days prior to the consideration of a general

appropriations bill. The report has been available for the required time, but a printing mistake necessitates the rules waivers.

The rule also waives section 401(a) of the Budget Act, prohibiting consideration of legislation, as reported, providing new contract, borrowing or a credit authority that is not limited to amounts provided in the appropriations acts. This is simply a technical waiver.

House Resolution 508 provides for one hour of general debate, divided equally between the chairman and ranking minority Member of the Committee on Appropriations.

The rule waives points of order against provisions in the bill for failure to comply with clause 2 of rule 21, prohibiting unauthorized appropriations and legislative provisions in an appropriations bill, and clause 6 of rule 21, prohibiting reappropriations in a general appropriations bill.

House Resolution 508 provides for the consideration of the amendments printed in the report of the Committee on Rules, which may only be offered by a Member designated in the report and only at the appropriate point in the reading of the bill, shall be considered as read, shall be debatable for the time specified, and shall not be subject to further amendment or to a demand for a division of the question. The rule also waives all points of order against amendments printed in the Rules Committee report.

The rule also accords priority and recognition to Members who have preprinted their amendments in the CONGRESSIONAL RECORD, and allows the chairman to postpone recorded votes and reduce to 5 minutes the voting time on any postponed question, provided voting time on the first in any series of questions is not less than the traditional 15 minutes. These provisions will facilitate consideration of amendments and guarantee the timely completion of the appropriation bills.

House Resolution 508 also provides for one motion to recommit, with or without instructions.

H.R. 4276 appropriates a total of \$70.89 billion for fiscal year 1999. The bill provides ample funding for the Departments of Justice, State, and local law enforcement, the Violence Against Women Act, and restores Local Law Enforcement block grant funding.

I am also pleased to say that the bill provides \$533 million to combat juvenile crime, including \$283 for juvenile crime prevention programs, \$5 million more than President Clinton has requested.

Mr. Speaker, House Resolution 508 is an open rule, an open rule, Mr. Speaker, providing Members with every opportunity to amend this appropriations bill.

In addition, the Committee on Rules has made three additional amendments in order. The rule makes in order an amendment offered by the gentleman from Alabama (Mr. CALLAHAN) dealing with fisheries and enforcement.

In addition, we have made in order the Hefley amendment, that will prevent funds from being implemented to enforce Executive Order 13087 and Executive Order 13083. I am concerned, frankly, Mr. Speaker, that the President has decided to use executive order strategy to incrementally implement portions of an agenda.

One of the President's advisers has recently put it best when he described the President's intent with this flurry of executive orders, which I think is causing an immense problem for this Congress: "The stroke of the pen, the law of the land. Kinda cool." Mr. Speaker, it is Congress' sole authority to make law. We must restrain the abuse of executive orders.

The Committee on Rules has made in order an amendment to be offered by the gentleman from West Virginia (Mr. MOLLOHAN) dealing with the Census. In this bill, the gentleman from Kentucky (Chairman ROGERS) has crafted a plan to ensure that Congress and the administration jointly decide how to conduct the 2000 Census.

Unfortunately, the amendment says that the U.S. Congress has no role to play in the 2000 Census, and the administration can move forward with a risky new plan that uses statistical sampling methods. Let me read the current law: "Except for the determination of population for purposes of apportionment of Representatives in Congress among the several States, the Secretary shall, if he considers it feasible, authorize the use of the statistical method known as 'sampling'." The law is clear, sampling is illegal for the purposes of reapportionment.

Mr. Speaker, every American must be counted. We should not allow the government bureaucrats to guess. We should not jeopardize the 2000 Census with an idea that the GAO and President Clinton's Commerce Inspector General call "high risk."

In addition, we cannot gamble with the trust the American people have in a successful Census. In the past, by naturalizing criminal aliens in time for the 1996 election, the Clinton administration has proven they will abuse power for political purposes. President Clinton should not be allowed just to delete certain American citizens from being counted.

Our plan will safeguard the Census. This bill provides \$956 million for the Census, including \$4 million for the Census Monitoring Board, an increase of almost \$600 million over fiscal year 1998, and \$107 million over the President's request. This Congress is insisting that we pay whatever it takes to do a good job counting every American, just as the United States Constitution requires us to do.

It is not a poll, it is not guesswork, it is an enumerated count of the American people. We cannot afford to let this administration guess about the official Census count. We will fulfill our constitutional duty to count the people in full. We must make sure we count every American.

H.R. 4276 was favorably reported out of the Committee on Appropriations, as was the open rule by the Committee on Rules. I urge my colleagues to support the rule so we may proceed directly to the general debate.

Mr. Speaker, I ask unanimous consent that during the consideration of H.R. 4276, pursuant to House Resolution 508, debate on the amendment offered by the gentleman from West Virginia (Mr. MOLLOHAN) printed in House Report 105-641 be extended to 2 hours.

The SPEAKER pro tempore (Mr. SHIMKUS). Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. MCINNIS. Mr. Speaker, it is our understanding that this agreed-to increase in debate time on that particular amendment is premised on the understanding that this would be the only amendment offered with respect to the Census.

Is that the understanding of the gentleman from Texas (Mr. FROST)?

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

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

Mr. FROST. Yes, that is my understanding, Mr. Speaker.

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

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

Mr. Speaker, I rise in reluctant support of House Resolution 508. This rule is a mixed bag. While it provides for the consideration of the appropriations for the important functions of the Departments of State, Justice, and Commerce, it also makes in order an amendment which overturns an executive order which prohibits discrimination in employment in the Federal Government based on sexual orientation.

While the rule makes in order an amendment by the subcommittee ranking member to allow full debate on the issue of the manner in which the year 2000 Census will be conducted, the Committee on Rules did not allow for an amendment which would have aided in the hiring of Census enumerators, who will be necessary to ensure that an accurate count is made of all the residents of this country.

While the bill provides \$20 million for programs to combat school violence, the Republican majority did not allow an amendment which would have earmarked \$100 million for specific programs which would give schools and communities even greater opportunities to reduce violence in our public schools.

I hope the bill can be improved and that amendments which may trigger a veto can be defeated. I would also like to address the three issues I have just outlined.

To begin, Mr. Speaker, the provisions in the committee bill relating to the year 2000 Census are unreasonable and, quite frankly, unacceptable to Democratic members and to the administra-

tion. The committee has only provided for 6 months of funding for this massive and constitutionally required project, and has placed restrictions on planning that will result in delays and disruption in the management of the project.

The Republican majority, in their quest to force a political showdown with the administration over the issue of sampling, is risking not only a veto of this bill, but also a failed Census. The Republican majority's insistence on denying the Census Bureau the option of using statistical sampling as a means to aid in the gathering of an accurate and complete count of the number of individuals who are residing in this country is dangerous.

I am pleased that the rule will allow for the consideration of an alternative amendment to be offered by the gentleman from West Virginia (Mr. MOLLOHAN) which will remove these restrictions on funding, to allow planning for this enormous undertaking to go forward so that the count will be as accurate as possible. Mr. Speaker, we must allow the Census Bureau to go forward in its planning for the year 2000 Census. It is incumbent on the Members of this body to support the Mollohan amendment.

Secondly, Mr. Speaker, it is unfortunate that the Republican majority has seen fit to include in the rule the amendment offered by the gentleman from Colorado (Mr. HEFLEY). The Hefley amendment seeks to reverse Executive Order 13087, which was issued on May 28 by the President. As Members are very well aware, this executive order prohibits discrimination against individuals in Federal hiring because of their sexual orientation.

Mr. Speaker, this amendment is nothing but veto bait, and it is unfortunate that the Republican majority must use this issue as material for campaign brochures and speeches. I am sorry that the extreme agenda of the ultraconservative wing of the Republican Party must use the civil rights of gays and lesbians as a way to hold up funding for the important functions of the Departments of State, Justice, and Commerce.

There are other amendments which, if adopted, could trigger a veto. I urge my colleagues to resist adding language or reducing funding which would jeopardize the timely enactment of this bill.

If this bill is vetoed, Mr. Speaker, we risk providing timely funding for important Justice Department programs, such as providing \$25 million to help State and local law enforcement agencies provide bulletproof vests for police officers, which is funded as part of the total \$1.4 billion for the hugely successful COPS program.

To date 76,771 additional police have been put on the beat on the streets of our cities and towns since this program began in fiscal year 1994. The funding in this bill will allow for an additional 17,000 officers to be hired. COPS is a

successful program, and has played a large part in the reduction of violent crime in this country. Its funding should not be jeopardized.

Mr. Speaker, this bill also includes an important earmark of \$20 million for the unobligated balances of the COPS program, to be used for grants to policing agencies and schools for programs aimed at preventing violence in our public schools. This is a fine beginning as we struggle with the issue of violence in our schools. I commend the committee for including these funds.

In June I met with about 30 school administrators and schoolteachers in my congressional district to talk about what can and should be done to instill discipline in the classroom and to combat violence. The times have changed since I grew up in Fort Worth. Listening to these dedicated educators drove home that point.

Mr. Speaker, I was shocked to learn that more than 6,000 students were expelled from schools across the country last year for bringing a firearm to school, just as I had been shocked and deeply saddened by the violence that has taken the lives of 14 students and teachers and injured 47 others since last October.

But I came away from that meeting with a concrete idea of what we can do here in Washington to help schools in our home towns deal with disruptive students, gangs, drugs, and guns, because those concerned educators told me that one of their most pressing needs was more uniformed police officers in schools. They told me that having law enforcement officers in a school not only cuts down on crime, but also gives the students the opportunity to talk to an authority figure about what is happening on campus.

I have introduced H.R. 4224, the Safe Schools Act of 1998, as a follow-up to this forum. My bill would provide \$175 million in funding to allow local communities to hire sworn law enforcement officers to patrol in and around their schools. This money will allow up to 7,500 police to be hired, in addition to the 100,000 new police who have been or will be hired under the COPS program.

While these funds are not part of this bill, it is my intention to work to see them included in next year's appropriation.

Mr. Speaker, some schools already have uniformed law enforcement officers. In fact, a number of school districts in my own congressional district already do. I would like to quote Sergeant James Hawthorne of the Arlington Texas Police Department, who has endorsed the continuation and expansion of this idea.

□ 1645

"It is worth every penny. You cannot put a price on a child's life. And above and beyond that, you hope to be a positive influence on kids throughout their lives." I could not agree more, Mr. Speaker.

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

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

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. SAWYER).

Mr. SAWYER. Mr. Speaker, I rise in support of the rule specifically because it includes the Mollohan amendment to restore full, uninterrupted funding for the 2000 Census preparations.

Opponents of the Census Bureau's plans for 2000 say that we ought to take the census the same way we have for the last 200 years. They call the plan a "radical new approach to conducting the census." Nothing could be further from the truth.

The truth is that the census has changed immensely throughout its history because it has had to keep pace with a Nation that itself is changing. Counting the population in 2000 the same way we did in 1960, much less the way we did in 1790, would be simple folly.

In 1790, U.S. Marshals, 600 of them, went out on horseback and counted and tabulated information for about 4 million people in the new Nation. They missed about 100,000. They added enumerators over the year, but by 1850, the number of Americans had quadrupled, far too much information for census takers to add up on their own. So, for the first time, they sent the forms to Washington to count.

Thousands of clerks in hot, sticky rooms leafed through millions of forms by hand, while the population doubled again. By then it took 8 years to tabulate the 1880 census. Fortunately, the punch card arrived in 1890, allowing for automated tabulation. A radical new approach, but it saved time and money.

Our population would nearly triple over the next 50 years. By 1940, punch cards could not keep up and by 1950, crude computers took over the job.

In response to Americans' impatience with the growing response burden, the Bureau developed sampling techniques to gather vital data on everything from education to veterans status. But compiling the numbers was not the only problem. There were too many people in too many households spread out across four times more land area than in 1790. Workers knocking on every door were making more mistakes than the Nation could tolerate.

So, in 1970, the census underwent perhaps the most radical change in its history: counting people by mail, not by enumerator. That worked fairly well for a while. In 1970, 80 percent of the people returned their forms, but by 1990, only 65 percent did. That meant a half a million census workers had to knock on 35 million doors. The cost of the census skyrocketed, while the results worsened badly.

The 1990 census missed more than 8 million Americans, counting 4 million people twice and millions more in the wrong place; not because the Census Bureau did not know how to do its job, but because the methods it developed to count the country in previous decades were outdated by 1990.

So once again in 2000, the Census Bureau will make changes. It will make forms more widely available, pay for first-class advertising, and use widely accepted scientific methods to include all Americans this time around.

Take the census the same way we have done for 200 years? There is no "same way." The census has been changing from its beginning, just as the country has.

A radical new approach in 2000? Nope, just trying to keep up with a growing, changing, and moving Nation, the same way they always have.

Mr. MCINNIS. Mr. Speaker, I yield 6 minutes to the gentleman from Kentucky (Mr. ROGERS) who is not only chairman of the committee, but also the sponsor of the bill.

Mr. ROGERS. Mr. Speaker, I thank the gentleman from Colorado (Mr. MCINNIS) for yielding me this time.

Mr. Speaker, I rise in support, obviously, of this rule. It is an open rule, as is usual with appropriations bills. It waives all points of order against the bill as reported.

The important fact, I think I need to say, is that we need to take action on this bill as quickly as we can. This is the bill that provides the funding for our Federal law enforcement agencies: all of the Justice Department agencies, the FBI, the Drug Enforcement Administration, most all of the law enforcement agencies of the Federal Government.

We provide funding to our State and local law enforcement agencies; all of our sheriffs, all of our police departments, all of the local law enforcement folks out there who need the Federal assistance is in this bill.

We fund, of course, the Federal courts, from the Supreme Court all the way down, and most of the agencies that work with the courts, such as the Marshals Service.

We provide the funding for the National Weather Service and the modernization efforts of the National Weather Radar System that is increasingly providing advanced warning to our constituents of dangerous weather.

We provide, of course, in the State Department portion of the bill, all of our diplomacy operations around the globe. We provide assistance to small businesses in our communities and a host of other vital and necessary functions.

So, Mr. Speaker, it is important that this bill proceed and be passed and be signed and become law.

There are some controversial matters in the bill, but let us not lose sight of the fact, Mr. Speaker, that this bill is vitally necessary in so many areas of our national life.

If we set one priority in this bill, it is to provide increased funding for the fight against crime and to empower Federal, State, and local law enforcement with the resources they need to enforce our laws and prevent crime.

Mr. Speaker, thanks to this Congress and the work of this subcommittee and the full Committee on Appropriations, but most importantly the Congress, over the last several years we have fun-

damentally increased the funding for the law enforcement agencies, which I think is having a major impact on crime. We are seeing reductions of crime for the first time in many years in this Nation, a lot of which I think can be attributable to the fact that we have provided the funding in this bill, not just for the Federal agencies, but perhaps more importantly for the local law enforcement agencies by the billions of dollars. Now, over the last couple of years, we have funded the fight against juvenile crime and juvenile delinquency and juvenile crime prevention in this bill.

We provide in the bill that is before us an increase of over a half billion dollars for the Department of Justice crime programs.

We provide \$4.9 billion for State and local law enforcement, \$400 million more than was requested by the White House and \$47 million more than the current spending.

We restore the Local Law Enforcement Block Grant to give local law enforcement agencies monies to spend for their specific needs. We give them maximum flexibility to spend according to their requirements. That figure is \$523 million.

Mr. Speaker, we provide also a juvenile crime block grant to allow States and localities for their needs to prevent juvenile crime, a quarter of a billion dollars. The President proposed to eliminate this in his budget request. We restore it to the bill.

We provide \$283 million also for juvenile crime prevention, most important in this era, a \$44 million increase over current levels. And for the first time, Mr. Speaker, the Congress passed a bill recently authorizing bulletproof vests for our local police. This bill for the first time provides the money to buy and pay for the bulletproof vests that protect the lives of the people that protect us. That is in this bill.

We provide \$104 million in new funding to help States and localities raise their level of preparedness for chemical and biological terrorism. First time funding, first time we have done this so that our local fire departments, rescue squads and local responders now have funds in this bill to train, to educate, to equip themselves to help fight off the awful things that may happen in our cities or localities that we would call terrorism. In this building, we know now what that really means.

We provide more than \$8.4 billion for the war on drugs, including a \$95 million increase for the Drug Enforcement Administration, \$31 million more than they requested. We put \$10 million more into the drug courts in localities which are doing wonderful work throughout the country, and \$10 million for a new program to help small businesses create drug-free workplaces.

We provide a thousand new Border Patrol agents to guard the border, \$216

million more than they have now for controlling illegal immigration. The bill provides a \$47 million Interior enforcement initiative to force the INS to respond to State and local police in every State when they find suspected illegal aliens. Now, the INS simply does not answer the phone when the State police calls and says they have a vanload of illegals, and they are turned loose. We put money in here to respond to that, to give State and local police a way to have the INS assist in the removal of the illegal aliens they watch.

This rule will allow us to move forward. I am very appreciative of the Committee on Rules. They have done a wonderful job.

Mr. Speaker, I urge adoption of the rule to allow us to move ahead with this vitally important bill, vitally important to every Member and every district in the country.

Ms. SLAUGHTER. Mr. Speaker, I yield 4 minutes to the gentleman from West Virginia (Mr. MOLLOHAN).

Mr. MOLLOHAN. Mr. Speaker, I thank the gentlewoman from New York (Ms. SLAUGHTER) for yielding me this time.

Mr. Speaker, I rise in support of the rule. I would like to take this opportunity to thank the distinguished gentleman from New York (Mr. SOLOMON), chairman of the Committee on Rules, for his fair consideration of our requests. I also want to thank my good friend, the distinguished gentleman from Massachusetts (Mr. MOAKLEY), the ranking member, for his guidance and advocacy of our interests in the development of the rule.

Mr. Speaker, let me first say that I am pleased that the Committee on Rules recommended an open rule for the consideration of this bill, for the same reasons our chairman just mentioned. It allows for all Members on both sides of the aisle to debate the issues thoroughly.

Mr. Speaker, I am also pleased that this rule makes in order my 2000 Census amendment, the "Let's Count Everybody Amendment," and allows 2 hours of debate on the issue. It is a very complicated matter, and any less time would not have allowed for a meaningful debate.

First, the 2000 Census is just around the corner, and what does this bill do? It cuts off funding for the census preparation in the middle of the year, putting at risk funding for the census preparation for the rest of the year. That is no way to do business. We cannot plan for a professionally run census with that kind of a funding scheme. My amendment fixes that. It guarantees funding for the whole fiscal year.

Second, I must note the seriousness with which the administration takes its duty to make sure that the 2000 Census is as accurate as possible in accounting for everyone in America: the urban and the rural, majorities and minorities, adults and children, especially the children.

During the 1990 failed census, one-half of those people who were never

counted, the missed, the overlooked, the forgotten, were children. The administration is committed to veto this measure unless the Census Bureau is allowed to incorporate the recommendations of the National Academy of Sciences by employing scientific sampling in the conduct of the 2000 Census, so that those who were left out of the 1990 Census will be included in the 2000 Census. Everyone in our country.

If the language contained in the bill is not amended, we will end up with a census that is not credible to anyone. I believe my amendment provides an equitable approach to this issue, and hope that it represents a compromise that at the end of the day, everyone can support.

Our chairman, the distinguished gentleman from Kentucky (Mr. ROGERS) obviously disagrees with the merits of my amendment, but to his credit, he argued for my right to offer the amendment. The gentleman's friendship and bipartisan nature have made working on this subcommittee a pleasure and an honor and we thank him.

The open rule, of course, also allows for consideration of an additional amendment I intend to offer to increase funding for the Legal Services Corporation by \$109 million. For the last 2 years, the subcommittee has recommended funding the Legal Services Corporation at \$141 million. Consequently, the gentleman from Pennsylvania (Mr. FOX) and I have offered an amendment in each of the last 2 years to increase funding to \$250 million. We again find ourselves in a similar situation and I urge my colleagues to vote for that amendment.

Finally, Mr. Speaker, I would like to express my disappointment that this rule makes in order an amendment to be offered by the gentleman from Colorado (Mr. HEFLEY). This amendment would in part prevent funds from being used to enforce an executive order prohibiting employment discrimination based on sexual orientation.

Mr. Speaker, I think the gentleman's amendment is misguided. It plays to fears and prejudices, and I hope the debate on this amendment will not degenerate as it has on similar amendments in the past. In any event, this bill is certainly not the appropriate vehicle for this kind of an amendment.

□ 1700

Additionally, I would like to note that my colleague, the gentleman from Colorado (Mr. HEFLEY), testified before the Committee on Rules on two separate and unrelated amendments, and I regret that the rule makes them in order together.

In conclusion, I think that this is a fair rule, and I urge its support.

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

First of all, to respond to the previous speaker, this is a very fair rule. We appreciate his support. We have made it fair because we want open de-

bate on this in regards to the Hefley amendment. This is not where that debate should take place. That debate should take place in the general debate. We are prepared to debate it, but the key here is openness and open debate by the Members of this body.

The gentleman from Colorado (Mr. HEFLEY) is entitled to that open debate, just the same as I am entitled to that debate, just the same as anyone on that side of the aisle is entitled to that debate, so that is why that is in order.

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

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY of New York. Mr. Speaker, I rise in support of this rule, and I thank the committee for ruling the Mollohan amendment in order.

I would like to take this opportunity to thank the gentleman from West Virginia (Mr. MOLLOHAN) for his extraordinary leadership in working towards achieving an accurate census for 2000. The Nation needs an accurate census of our population, one that includes everybody. The Census Bureau has a modern, comprehensive plan for 2000 to eliminate the undercounting of the population and produce a more accurate census.

We should not be satisfied with a census which underrepresents millions of people, as the census did in 1990. Only with modern improvements in the census will we be able to achieve this.

We should not be satisfied with a census which underrepresents people. The Mollohan amendment allows the Census Bureau to move forward with the census by striking a provision in the bill that fences off half of the 1999 fiscal year appropriation. Americans in every community benefit from having a more accurate census. Census data helped direct Federal spending for schools, health care. Programs for seniors and children, businesses, industry, local governments and local communities all rely on accurate census data to make decisions. Without an accurate census, local communities will not receive their fair share.

We need to fund the census for the whole fiscal year. We cannot cut off funding in the middle of the year. They will not be able to do their job. We owe it to our country to ensure that we have the most fair and accurate census of all of our people that we can produce.

Let us put politics aside and allow the professionals at the Census Bureau to do their job. Let us fund it properly. Let us move forward. Let us support the Mollohan amendment.

Mr. MCINNIS. Mr. Speaker, I yield 2 minutes to the gentlewoman from Florida (Ms. ROS-LEHTINEN).

Ms. ROS-LEHTINEN. Mr. Speaker, I rise in support of the rule for the Commerce, Justice, State appropriations bill. I most especially want to thank the gentleman from Kentucky (Mr.

ROGERS) for his leadership in bringing forth a bill that is very beneficial to all of the agencies that are affected by this appropriations bill and a bill that is going to be positive for the country.

One of the aspects of the bill that I am proud of is the funding that the gentleman from Kentucky (Mr. ROGERS) has provided for Radio and TV Marti, especially TV Marti. Because year after year this program comes under attack by those who are grabbing at straws, trying to find anything that they can to excuse their long-standing history of supporting excessive government spending and wasting taxpayer funds, and they come and use this bill in order to hide from these attacks. And year after year their target, unfortunately and unfairly, is TV Marti, which is one part of a two-prong strategy to reach the Cuban people, to inform them about the world outside their island prison, and to educate them about the democratic principles through the implementation of some of democracy's most important liberties, which is freedom of expression and freedom of the press, which are denied to them daily in Cuba.

TV and Radio Marti are reaching the Cuban people. If it were not, the Castro regime would not be obsessed with its demise. If it were not effective, Castro officials would not be roaming the halls of Congress lobbying for an end to these transmissions.

I ask my colleagues to remember the immortal words of a leader like Martin Luther King who said, Let freedom ring. Let the Cuban people then hear and see TV and Radio Marti. Let the echoes of democracy reach the enslaved Cuban people. Let them witness firsthand what it means to be free. Through these transmissions they can see what is going on in our country and in other free countries.

The United States has the tools to accomplish these lofty goals, and one of those tools is Radio and TV Marti. If we are truly committed to bringing all of the countries in our hemisphere into our democratic fold, if we are truly committed to helping the Cuban people free themselves from the enslavement, then we must render our full support for the rule and the bill, Commerce, State, Justice appropriations.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. MENENDEZ).

Mr. MENENDEZ. Mr. Speaker, I want to commend the gentleman from West Virginia (Mr. MOLLOHAN) for bringing forth this amendment and also the gentleman from Ohio (Mr. SAWYER) for his work on the census and my colleague, the gentlewoman from New York (Mrs. MALONEY).

The fact of the matter is that the Mollohan amendment made in order by the rule will affect the future of everyone living in this country. We can either choose to miss the 8.4 million people residing in the United States, as we did in 1990, or we can make the best effort possible to count them. That is the

choice that will be presented to us after the rule. Five percent of Latinos, 4 percent of African Americans and 2.3 percent of Asian Americans were not counted in the last census, and that is simply not right.

The Census Bureau wants to do the best it can to count every American, but this bill, as it exists, does not allow it. Instead, it ties the Census Bureau's hands and renders them ineffective. When some Americans are not counted, all Americans are diminished.

Undercounts affect the decision-making of 100 Federal programs that disperse over \$100 billion in funds to our communities. Undercounts negatively affect economic empowerment and the decisions that flow from that undercount. Undercounts negatively affect political enfranchisement and political empowerment. Undercounts negatively affect business decisions, where to invest, what markets to pursue. The lasting effects of undercounts to communities, to Hispanic Americans, to African Americans are devastating in the long run.

So let us count every American in the new millennium. We do that by providing the appropriate resources to the census and by adopting the Mollohan amendment. That is why it is important to vote for the Mollohan amendment. We want to ensure that every American gets counted in this next census, the next census of the new century. It will be important to all of our communities.

Mr. MCINNIS. Mr. Speaker, I yield 6 minutes to the gentleman from Florida (Mr. MILLER).

Mr. MILLER of Florida. Mr. Speaker, I rise in support of the rule and the Commerce, Justice and State appropriation bill that the gentleman from Kentucky (Mr. ROGERS) is presenting and we will be debating next week.

I commend the gentleman from Kentucky (Mr. ROGERS) for the handling of the census issue in this bill. The gentleman from Kentucky (Mr. ROGERS) provides over \$100 million more than was provided, requested in the President's budget. Over \$100 million more has been provided because we want to count everyone. It is going to cost money to do this. We are going to spend \$4 billion.

This is not something we should play around with on polling to do that. We are talking about \$4 billion of real money. We are providing \$100 million more this year. And we all agree, Republicans and Democrats, that we want to count everybody. We should not miss anyone. It is hard work to do the census. We are prepared to put the resources in there to do the hard work.

This has to be done in a nonpartisan fashion. This should not be a partisan issue. We agree it should not be a partisan issue. There should not be a Democratic census. There should not be a Republican census. There should not be a Clinton census. There should not be a Newt Gingrich census. This has to be done in a bipartisan fashion.

It is very unfortunate that the President interjected politics on to this and said, it is going to be done my way or no way. That Congress is irrelevant in the issue, the President is, in effect, saying. Actually, the Mollohan amendment says the same thing, because he says, only let the President make that decision, that we in Congress have no input to the decision. It is only \$4 billion. Let the President decide how to spend that money. Let the President decide whether he wants to have a failed census or not.

Hey, the Constitution says it is Congress' responsibility to design how the census is done. And now the gentleman from West Virginia (Mr. MOLLOHAN) says, no, no, no, no, Congress is that are not relevant anymore. We want to decide, and we are going to do it our way.

What the gentleman from Kentucky (Mr. ROGERS) has proposed is that we are going to make a decision next March. The Census Bureau agrees the decision should be made in March of next year. The President's own budget talks about a March 1 date. At hearings, under oath, they said, we can decide by March 1 of next year. So let us make the decision together then.

And the reason that date was chosen is partly because we have that much time. The other reason is, we will have dress rehearsals. We will not know the results of the dress rehearsals until the end of this year or the first of next year. The monitoring board will give their results, and we will have a report from them early next year. Some court cases will be heard, and maybe we will have some results from them by then.

So there is no reason the decision has to be made today, and there is no reason we should give the President total choice of the plan he wants to do. Why? Because the plan he has proposed is moving towards failure. It is based on this polling idea.

I know the President loves polling. He makes all his decisions on polling. But this is serious business. We all agree this is serious business. This is a basic democratic system which is dependent on this census. It is a trust in our system of government. Most elected officials in America are dependent on the census, whether it is a school board member, a city council person, State legislators and, yes, the House of Representatives, are going to be impacted by the census.

If we do not have a census we can trust, and that means a bipartisan census, it has got to be done together, then we are not going to have one that is going to be trusted by the American people. We must work together to get a census that is not based on polling, that says this will work out best for me.

We have to do everything we can to count everybody, everyone. Let us put the resources into counting everyone, and we are committed to doing that, as the gentleman from Kentucky (Mr. ROGERS) put over \$100 million more into the appropriation for the Census Bureau this year alone.

We are moving towards failure. This idea of polling was attempted in the 1990 census. It was a failure in 1990. And now the administration says, we want to totally rely on this failed idea. That is irresponsible, in my opinion.

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

Mr. MILLER of Florida. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Speaker, I know the gentleman is chairman of the House Subcommittee on the Census, in charge of authorization and oversight on the census. Before he came to this body, did the gentleman have any expertise in this field? I know the gentleman does not like to brag. If I may say so, is the gentleman not a professor of statistics?

Mr. MILLER of Florida. Well, I taught at Georgia State University Atlanta, taught statistics for many years. It was the Department of Quantitative Methods up there. I taught at the graduate and undergraduate level, and the MBA. I have taught statistics for years at LSU, University of South Florida, Georgia State University.

I respect statistics. Polling has a relevant role. We all use polling all the time, especially if we do not have the time or money to do something else.

But statistics is a very dangerous thing. My first lecture, whenever I taught statistics, was based on a book, *How to Lie with Statistics*, because you can use statistics to achieve your point. People use it all the time. The way graphs are designed, what base years are used, there is a whole variety of ways.

Mr. ROGERS. Mr. Speaker, if the gentleman will continue to yield, well, if the Constitution says, as it does, that we have to have an actual enumeration for the purposes of reapportionment of this body, not for business decisions, not for finding out how many people have blue eyes on the third Sunday of every month, but for the reapportionment of the House of Representatives, as a doctor of statistics, what is your opinion that the drafters of the Constitution meant when they said, you must have an actual enumeration?

□ 1715

Mr. MILLER of Florida. We need to have actual counts. We should not use polling. And we need to work together to trust the system of government. It is too important to play politics with this issue. The President is playing politics with it. It is very clear. We need to count everybody. We need to put the resources in. There are a lot of good ideas, from paid advertising this time, and working in outreach programs, whether we need to use the WIC program. Why do we not use the WIC program to help count kids? Why do we not use Medicaid records? We can provide the resources to do that. We can come together and get a good census.

Mr. ROGERS. Does the gentleman say we should do away with this vote

board up here and just guess on how the vote is going to go?

Mr. MILLER of Florida. That is right.

Ms. SLAUGHTER. Mr. Speaker, I yield 1½ minutes to the gentleman from Illinois (Mr. BLAGOJEVICH).

Mr. BLAGOJEVICH. I thank the gentlewoman for yielding time to me.

Mr. Speaker, I am pleased that the Committee on Rules has brought forth an open rule for consideration of the Commerce, Justice, State appropriations bill and I am happy to say that I plan to support that bill. But as a member of the Subcommittee on Census, I would like to express some of my concerns about the portion of the bill which places restrictions on the funding for the Census Bureau.

Withholding or conditioning funds for the Census Bureau places the 2000 census at risk. An inaccurate census affects everyone. More than \$100 billion annually in Federal aid is allocated using census data. And when it comes to the census, the fact is if you are not counted, you do not count. You do not count when it comes to Federal dollars for road repair and mass transit. You do not count when it comes to helping public schools or for using Federal funds to fight juvenile crime. Everyone has a stake in making sure that the 2000 census is counted in a way that is fair and accurate. Just as we do when we determine unemployment statistics and the gross domestic product, just as we do when we determine labor statistics and statistics regarding our economy, we need to use the most modern statistics and methods possible. Let us put politics aside and let the professionals at the Census Bureau do their job. The Mollohan amendment helps us do this. I hope that my colleagues will join me in supporting the Mollohan amendment to remove these restrictions and fully fund the Census Bureau.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. MILLENDER-MCDONALD).

Ms. MILLENDER-MCDONALD. I thank the gentlewoman for yielding time.

Mr. Speaker, I would like to thank the chairman of the Committee on Rules for making this rule in order and I would like to thank the gentleman from West Virginia (Mr. MOLLOHAN) for his leadership on this issue. Mr. Speaker, I rise to express my support for the rule which makes in order the Mollohan decennial census amendment. The debate on this amendment will say volumes about the People's House's desire to conduct the census in a fair, accurate, cost-effective and scientifically based way. It will also send a message to the low-income people living in socially and economically isolated urban and rural areas, especially people of color, women and their children, children who were undercounted by 50 percent. They want to know where they stand and whether they count. If you support a census that is fair, that is ac-

curate, and that is inclusive, then support the Mollohan census amendment. I urge its passage for the sake of all the American people.

Ms. SLAUGHTER. Mr. Speaker, I yield 1½ minutes to the gentleman from Illinois (Mr. DAVIS).

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

Mr. DAVIS of Illinois. Mr. Speaker, I want to thank the gentlewoman for yielding time.

My father used to tell us that half a loaf is better than none. I would say that that is all right, except we are not talking about bread, we are talking about the census. And we are talking about counting all of the people. I can tell Members when it comes to counting the people, one-half is not enough. Three-fifths is not enough. None is not enough. Somebody is going to be miscounted, disenfranchised and left out. I wonder who those are going to be. It is already clear. They are going to be the poor, those in big urban centers, those in rural America, those who need every dime, every cent, every penny, those communities that are on the verge of collapse, who need all of their entitlement moneys, all of their entitlement programs, but even need representation more than they do anything else. We can cure this defect and we can cure it with the Mollohan amendment. We can cure it because we want to say to every American citizen that your dream of citizenship rights does not need to be deferred.

I know what it means to be uncounted, three-fifths of a person. Women know what it means not to count, not to be able to vote, not to be looked at on the landscape. I would urge that we vote for the Mollohan amendment and count all of the American people so that they will know that they do indeed count.

Ms. SLAUGHTER. Mr. Speaker, I yield 1½ minutes to the gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. Mr. Speaker, this is a very important subject we are talking about. To set aside sampling and the science is to guess at what the population is.

Let me repeat. In Paterson, New Jersey, in 1995, with two other communities throughout the United States, \$30 million was spent by this Congress, the gentlemen here, the ladies here, to absolutely do sampling and test other methodologies. Are you going to have us conclude, after the science has been supported by the National Academy of Sciences, that what the results were in those three tests are to be put aside so we can really go to the methodology that has been chosen by the other side, to guess?

You cannot count every nose in a census. You know it and everybody else on this side of the aisle knows it. We need to come together on this issue. It is critical. There are too many people out there who do not respond to the census questionnaire as it is. What you

are going to do is establish even more questions and more anxiety. Do you want to have wasted \$30 million? That is not including what we are spending right now to go through dress rehearsals. This is wrong. We need to accept the science, we need to understand that it was acceptable in 1995 where we prepared for the sampling, where we prepared for the testing and methodology. It was not done helter-skelter. Stop the guessing and support sampling.

Mr. MCINNIS. Mr. Speaker, I yield 1 minute to the gentleman from Florida (Mr. MILLER).

Mr. MILLER of Florida. Mr. Speaker, the test in Paterson, New Jersey is a good illustration of why polling does not work. We have got real problems with polling, especially when you get down to census block level. When you get down to census blocks and census tracks, the error rates are too great. We need to count everyone and we need to put the resources into it. It is hard work to count people. You do not count homeless people from 9 to 5 Monday through Friday. You may have to count them at 2 o'clock in the morning on a weekend. You work through homeless shelters. We are willing to put the resources in so everyone should be counted. Everyone should be counted. We should do it in the best way possible, working together. There are a lot of good ideas that have come out of past census tests and we can do that. But sampling or polling is the dangerous one and it will not be trusted by the American people.

Ms. SLAUGHTER. Mr. Speaker, I yield 30 seconds to the gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. Mr. Speaker, the National Academy of Sciences just turned over. To compare sampling with guessing or to compare sampling with any other methodology, they each are very different. It does not mean polling. Polling is a very different kind of situation. Sampling is science. Polling is not. You show me the definition where they both mean the same thing. What you have done is confused those definitions, on purpose, so that we in arguing sampling are going to fall into your trap about guessing and polling. They are very different.

Mr. MCINNIS. Mr. Speaker, I yield 30 seconds to the gentleman from Florida (Mr. MILLER).

Mr. MILLER of Florida. Mr. Speaker, polling is based on sampling. We use polling all the time as based on sampling. President Clinton was down in Houston here a couple of months ago saying how great polling is for the purposes of the census. He is the one that used the comparison in Houston, Texas and some of your colleagues were right there in Houston when President Clinton specifically used the analogy of polling. Polling is based on sampling. Sampling is very appropriate where you do not have the time and money to go out and do an actual count. This is a \$4 billion thing. This should not be the largest statistical experiment in

history. That is what we are talking about, the largest statistical experiment in history. This is not an experiment we should test.

Ms. SLAUGHTER. Mr. Speaker, I yield 1 minute to the gentlewoman from Florida (Mrs. MEEK).

(Mrs. MEEK of Florida asked and was given permission to revise and extend her remarks.)

Mrs. MEEK of Florida. Mr. Speaker, in one short minute I just want to say to my colleagues, let us not fool ourselves. You cannot count everyone.

Now, you say, "Well, the Constitution says enumeration." The Constitution did not define enumeration. It did not say that you could not use a sampling technique. It is going to be difficult and almost impossible for you to count everyone. Show me how you are going to not have the undercount you had in the last two censuses. You overlooked a great proportion of the African-American community and the Hispanic community. Do you want to do that again? Do you want to send that message to this country that we want an undercount? If you look at this chart, you will see that the census had a big undercount in African-Americans. We do not want that again. We want a good count. Let us be real. You cannot do it by counting every head. That is just impossible. Last of all, you cannot count every head. And because you cannot count every head, let us use some scientific methodology that has been proven and approved by the scientific world so there will not be any more of this guessing. Let us have an accurate census. We are tired of inaccurate censuses.

Mr. Speaker, I include the following table for the RECORD:

MORE BLACKS THAN NON-BLACKS MISSED IN THE
CENSUS
(Percent missed)

	Blacks	Non-Blacks
Census:		
1940	8.4	5.0
1950	7.5	3.8
1960	6.6	2.7
1970	6.5	2.2
1980	4.5	0.8
1990	5.7	1.3

Ms. SLAUGHTER. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. LEE).

Ms. LEE. Mr. Speaker, I rise today in strong support of the Mollohan amendment which provides full funding for the 2000 census, including the use of statistical sampling. Fundamental to our democracy is the notion that everyone counts. In 1990 the census missed millions of people. The Bureau believes it missed 1.8 million Americans. Most of those who were not counted were low-income people living in cities, in rural communities, African-Americans, Latinos, Asian Americans, immigrants and children. Almost 50 percent of the individuals not counted in the 1990 census were children. Are they not a part of this country? Funding for many of our school programs

depends on an accurate count of our children. The goal of the Census Bureau is to achieve the most accurate count possible using the most up-to-date scientific methods and the best technology available. We are not talking about polling as you do in political campaigns. The use of statistical sampling will ensure that people who have historically been left out are counted and are included. Our responsibility is to ensure that every American counts. If you are not counted, you are irrelevant. No one in this country should be rendered irrelevant.

I urge passage of the Mollohan amendment.

Mr. MCINNIS. Mr. Speaker, I yield myself such time as I may consume. Addressing the previous speaker, I am a little surprised by her comments. She says fundamental to our democracy, and I am quoting, everyone counts.

That is exactly why we are going out and counting everybody. That is exactly the benefit. I take it from her comments that she supports our position. So I welcome that. I also would hope that she supports the rule.

In fact, during this debate today, Mr. Speaker, I have not heard anyone say they are going to vote against the rule. That is what we are debating right here. We are going to have, and in fact the Committee on Rules was generous to allocate two full hours to this debate, so I think it is about time that we move rapidly to a vote on the rule. Let us get into the debate.

□ 1730

Ms. SLAUGHTER. Mr. Speaker, I yield 1 minute to the gentleman from Ohio (Mr. SAWYER).

Mr. SAWYER. Mr. Speaker, we have heard a good deal of reference to polling. The fact is that the plan for this 2000 census is very different from a poll.

It starts with an effort to contact personally and count virtually every single person in every single household in the country. Sampling is then used to further improve the results, but with a far larger sample than is ever used in political polls.

Sampling would be used to supplement that basic count in two ways. One is in following up on households that do not respond; and, second, sampling would be used to help check on those who might still have been missed even with these new procedures.

A very large, scientifically-selected sample of blocks would be drawn, 125,000 of them across the country, with approximately 750,000 households. If a poll were taken this way, with a major effort to contact everyone in the district, followed by a very large sample to account for those who did not respond, followed by another large sample of the whole district to further account for nonrespondents and errors, the results would be extremely accurate indeed, vastly more accurate than the failed techniques employed in the 1990 census.

Mr. MCINNIS. Mr. Speaker, I yield 1 minute to the gentleman from Florida (Mr. MILLER).

Mr. MILLER of California. Mr. Speaker, let me correct what is being proposed this year by this polling plan of the President.

He is intentionally not going to count 10 percent of the people initially. He is not going to go out and count everyone.

In 1990, they tried to count everyone. They got 98.4 percent of the people. And, yes, we are not going to count everyone, we are going to miss a few people, but we need to do everything that we can to reach that 100 percent level.

But this time around they are only going to count 90 percent of the people intentionally. They are intentionally going to not count 10 percent of the people. Then they are going to do this second sample. That is correct. They are going to count 90 percent of the people.

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

Mr. MILLER of California. I yield to the gentleman from Ohio.

Mr. SAWYER. Mr. Speaker, I appreciate the gentleman's courtesy. Every effort will be made to reach 100 percent of the people more times than ever done in the past.

Mr. MILLER of California. No, that is not true. Reclaiming my time, that is absolutely not true. They are intentionally, intentionally going to not count 10 percent of the people and then use this ICM, this sample, to try to impute what the numbers are. That is where the problem of sampling is. They are going to have 60,000 separate samples to get to that 90 percent number. It is extremely complex. GAO, Inspector General are both saying it is a high-risk plan.

Ms. SLAUGHTER. Mr. Speaker, I yield 1 minute to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Speaker, I rise in strong support of the Mollohan amendment because it restores full funding for a fair and an accurate Year 2000 census.

The goal is to count 100 percent of the people. That is what we are talking about here on our side of the aisle, and let me just tell my colleagues what census data does:

It determines the distributions of 170 billion Federal dollars every single year. The dollars go to basic programs: Social Security, Medicare, better roads, child care for low-income families and middle-income families, school lunches. An accurate census will ensure sufficient funds to protect the well-being of American families, to protect child care, healthy meals for kids and security for our seniors in their golden years.

This should not be a political issue, but my Republican colleagues do not seem to get the message. Instead, they declare war against accuracy.

These tactics are not surprising. They have played politics with cam-

paign finance, with tobacco, with health care and now with the census.

Stop the political games. Put families in this country first. Vote for a fair and accurate census with a hundred percent of the people counted in this country.

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

Mr. Speaker, it is interesting to hear the preceding speaker make the statement we are declaring war against accuracy by saying that we want to count everyone. It kind of does not make much sense, and the statement, I think, would probably would be appropriate if it were clarified.

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

Mr. MCINNIS. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Speaker, on the last gentlewoman's statement:

They can sample all they want on all of the decisions that they just talked about, such as for Social Security, funding for States and localities—sample all they want. All we are talking about here is not sampling for purposes of the reapportionment of the House of Representatives. We are only talking about prohibiting sampling on the apportionment of who represents whom in this body. We are not limiting sampling on all of the other aspects of the census. Only on the decennial census for the purposes of the apportionment of the House of Representatives do we require actual enumeration.

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

Ms. SLAUGHTER. Mr. Speaker, I yield the balance of my time to the gentleman from West Virginia (Mr. MOLLOHAN).

The SPEAKER pro tempore (Mr. SHIMKUS). The gentleman from West Virginia is recognized for 2 minutes.

Mr. MOLLOHAN. Mr. Speaker, I thank the gentlewoman for yielding this time to me.

Mr. Speaker, I would like to engage the gentleman from Florida if I might. I am very impressed with his credentials, and I appreciate his position in this argument and his learned debate. It does puzzle me, though, how the gentleman, and he is a member of the American Statistical Association?

Mr. MILLER of Florida. Mr. Speaker, will the gentleman yield?

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

Mr. MILLER of Florida. Mr. Speaker, I taught statistics in the School of Business at Georgia State University on quantitative methods, MBA program.

Mr. MOLLOHAN. I am sorry. I misunderstood that.

It puzzles me how he can develop a position with his learned background that is so at odds with not only the National Academy of Sciences, which has had three panels look at this issue and in a very scientific way with lots of, I think the gentleman would concede, learned people, had a lot of learned

people look at this and conclude after the 1990 failed census, when the Congress asked the National Academy of Sciences to look at it and come up with a better technique and they recommended scientific sampling, how the gentleman's position can line up against the National Academy of Sciences' three panels and about six or seven scientific statistic organizations on the issue, all of whom recommended using this new science in trying to count everyone in this country.

Mr. MILLER of Florida. If the gentleman would yield further, I respond there is real division within the academic community, and we have had academics, prominent academics, before our committee, and we are going to have another hearing in September.

Mr. MOLLOHAN. Reclaiming my time on that point, indeed I am sure we can get individual academicians and statisticians to come up with any view. The thing that impresses me so much is that these associations have come up with a consensus position supporting sampling.

I yield to the gentleman from Florida.

Mr. MILLER of Florida. The Academy of Sciences is a respected organization, but not beyond politics, and sadly I think they have been used.

The SPEAKER pro tempore. All time of the gentlewoman from New York (Ms. SLAUGHTER) has expired.

Mr. MCINNIS. Mr. Speaker, it is my understanding that I have about 4½ minutes remaining.

The SPEAKER pro tempore. The gentleman is correct.

Mr. MCINNIS. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. MILLER).

Mr. MILLER of Florida. Mr. Speaker, the Academy of Sciences is generally a respected organization, but it has been politically used. It was a hand-picked panel. For example, the chairman of the panel was a very partisan Democrat, Mr. Schultz, who, as my colleagues know, was head of the Council of Economic Advisors under Jimmy Carter and Lyndon Johnson.

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

Mr. MILLER of Florida. I yield to the gentleman from West Virginia.

Mr. MOLLOHAN. Which organization is that?

Mr. MILLER of Florida. The Academy of Sciences study. It was a very partisan Democrat that led the study. There is a division within the academic community, and if I was a statistician looking at this, I would say, wow, the largest statistical experiment in history? Statisticians love to have experiments; statisticians love to play around with numbers. This is their opportunity, this is a golden opportunity for them to run some tests. That is what they are in favor of.

But let us run a test, and let us conduct a count of everyone to start with. At least use the model of 1990 as a minimum where we try, as the gentleman

from Ohio (Mr. SAWYER) was saying, count everyone and then do a study on a statistical sample for test purposes or an ICM of some type.

So there are ways to do that, but we have to start basically with counting everyone first, and I yield.

Mr. MOLLOHAN. The gentleman, Mr. Speaker, is suggesting that the one panel was compromised in some political way. Is he suggesting that the other two at the National Academy of Sciences was politically compromised? And what about all these other organizations?

Mr. MILLER of Florida. Reclaiming my time, they were a hand-picked panel. We can create a panel of prestigious academics, will come up with a different study.

Mr. MOLLOHAN. It is quite a conspiracy.

Mr. MILLER of Florida. I have the time, if I might say, so the thing is we need to trust the system. It has to be done where we work together, Republican and Democrats, and we should not delegate it. It is something we do not delegate to some hand-picked group of academics over at the Academy of Sciences. It is our responsibility, not their responsibility.

It is our responsibility to do that. We need the input and advice of all the sources, but it is not going to be trusted if we turn it over to a group of academics who want to have this great statistical experiment, and I think I am excited for them to have this great statistical experiment, but let us just count everyone.

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

It is obvious from the discussion we are going to have a lively evening, and we have got some real substance here as we have two very well-educated gentlemen going back and forth.

I think, in regards to the census part of this rule, I think it was best summarized by the gentlewoman from California (Ms. LEE), and that is, as my colleagues know, it is fundamental, and I quote her again because I think it was an excellent quote, fundamental to our democracy that everyone counts.

That is exactly the point that the gentleman from Florida is making, and that is this is not the time for a census experiment. This is not the time to put experimental aircraft in the side of this count. This aircraft has to fly and has to fly for a long time. Let us do it, and let us do it right. Sure, it is going to cost a little more money, sure we have got to count everybody, but that is what the Constitution demands.

That issue aside, the issue of the gentleman from Colorado (Mr. HEFLEY):

His amendment is certainly to bring up some lively debate that it is in order that that debate be allowed on this floor.

And finally, in conclusion, Mr. Speaker, it is important to note that throughout the number of speakers that we have had today in regards to this rule I have not heard anyone that

objects to the rule. The gentleman from Texas (Mr. FROST), my good friend from the Committee on Rules, said, I think, and I quote that he reluctantly supported it. We have got the support for the rule. It is time to move the rule. It is time to get on with the general debate.

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.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3736, WORKFORCE IMPROVEMENT AND PROTECTION ACT OF 1998

Mr. MCINNIS, from the Committee on Rules, submitted a privileged report (Rept. No. 105-660) on the resolution (H. Res. 513) providing for consideration of the bill (H.R. 3736) to amend the Immigration and Nationality Act to make changes relating to H-1B non-immigrants, which was referred to the House Calendar and ordered to be printed.

BIPARTISAN CAMPAIGN INTEGRITY ACT OF 1997

The SPEAKER pro tempore (Mr. MCINNIS). Pursuant to House Resolution 442 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. 2183.

□ 1744

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. 2183) to amend the Federal Election Campaign Act of 1971 to reform the financing of campaigns for elections for Federal office, and for other purposes, with Mr. SHIMKUS (Chairman pro tempore) in the chair.

□ 1745

The Clerk read the title of the bill. The CHAIRMAN pro tempore (Mr. SHIMKUS). When the Committee of the Whole House rose on Monday, July 20, 1998, the request for a recorded vote on the amendment by the gentlewoman from Washington (Mrs. LINDA SMITH) to the amendment in the nature of a substitute No. 13 by the gentleman from Connecticut (Mr. SHAYS) had been postponed.

AMENDMENT OFFERED BY MR. SALMON TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE NO. 13 OFFERED BY MR. SHAYS

Mr. SALMON. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute.

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

The text of the amendment is as follows:

Amendment offered by Mr. SALMON to the amendment in the nature of a substitute No. 13 offered by Mr. SHAYS:

Add at the end the following new title:

TITLE _____—POSTING NAMES OF CERTAIN AIR FORCE ONE PASSENGERS ON INTERNET

SEC. 01. REQUIREMENT THAT NAMES OF PASSENGERS ON AIR FORCE ONE AND AIR FORCE TWO BE MADE AVAILABLE THROUGH THE INTERNET.

(a) IN GENERAL.—The President shall make available through the Internet the name of any non-Government person who is a passenger on an aircraft designated as Air Force One or Air Force Two not later than 30 days after the date that the person is a passenger on such aircraft.

(b) EXCEPTION.—Subsection (a) shall not apply in a case in which the President determines that compliance with such subsection would be contrary to the national security interests of the United States. In any such case, not later than 30 days after the date that the person whose name will not be made available through the Internet was a passenger on the aircraft, the President shall submit to the chairman and ranking member of the Permanent Select Committee on Intelligence of the House of Representatives and of the Select Committee on Intelligence of the Senate—

(1) the name of the person; and
(2) the justification for not making such name available through the Internet.

(c) DEFINITION OF PERSON.—As used in this Act, the term "non-Government person" means a person who is not an officer or employee of the United States, a member of the Armed Forces, or a Member of Congress.

The CHAIRMAN pro tempore. Pursuant to the previous order of the House, the gentleman from Arizona (Mr. SALMON) and a Member opposed each will control 5 minutes.

PARLIAMENTARY INQUIRY

Mr. SHAYS. Mr. Chairman, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman from Connecticut may state his parliamentary inquiry.

Mr. SHAYS. Mr. Chairman, I just need to know what list we are following in terms of order. I am not suggesting that the gentleman is out of order. I just do not know.

I thought we were going from the Smith amendment to the Rohrabacher amendment, which is the amendment which eliminates the individual contribution limits. I thought that was the next amendment in order. Is there an order that we are following?

The CHAIRMAN pro tempore. The Chair believes The Committee is following the order under the previous order of the House.

Mr. SHAYS. Right. Do we have that order available so that we could see what that order is?

The CHAIRMAN pro tempore. The order on July 17 was accompanied by a list of amendments in a prescribed order.

Mr. SHAYS. Mr. Chairman, I believe it has the gentleman from California (Mr. ROHRBACHER), which is unanimous consent No. 16 to be followed by the gentleman from Texas (Mr. PAUL), which is unanimous consent No. 17,

again with the gentleman from Texas (Mr. PAUL), unanimous consent No. 18. That is what I had down as the order.

The CHAIRMAN pro tempore. The Chair understood that the gentleman from Arizona (Mr. SALMON) was offering Amendment No. 14.

Mr. SHAYS. Mr. Chairman, I am sorry. The gentleman from Arizona (Mr. SALMON) is next. I am sorry. I thought that amendment had been withdrawn. Okay.

The CHAIRMAN pro tempore. The Chair recognizes the gentleman from Arizona (Mr. SALMON) for 5 minutes.

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

Mr. Chairman, Air Force One and related aircraft have a noble history. These special aircraft were first put into service for President Franklin D. Roosevelt in 1944.

In 1961, the designation Air Force One was first used on behalf of President John F. Kennedy. President Lyndon Johnson took the oath of office on Air Force One in 1963.

Air Force One also provides all presidents with the security and the communications equipment they would need in case of an international crisis, a noble history now sullied.

President Clinton and Vice President GORE created a new use for Air Force One and Air Force Two, taxpayer-funded boondoggles for fat-cat contributors and toys for special interests.

According to the Boston Globe, President Clinton flew aboard Air Force One with 56 major contributors during 1996 and 1997, often with government picking up the tab. Donors who gave \$5,000 or raised at least \$25,000 for the Clinton-Gore campaign accompanied Clinton aboard the presidential aircraft.

Mr. Chairman, my amendment is very straightforward. It requires the President to make available via the Internet the name of any nongovernment person who is a passenger on an aircraft designated as Air Force One or Air Force Two no later than 30 days after that person is a passenger.

An exception is made if there are national security concerns. In such cases, the President shall submit to the chairman and ranking member of the Permanent Select Committee on Intelligence of the House and Select Committee on Intelligence of the Senate the name of the person and the justification for not making the name available through the Internet.

It is time the American people, our constituents, know which special interests are flying on taxpayer-funded aircraft. I urge my colleagues to support this amendment.

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

The CHAIRMAN pro tempore. Is the gentleman from Massachusetts (Mr. MEEHAN) rising in opposition to the amendment?

Mr. MEEHAN. Mr. Chairman, I am rising in opposition. I would like to reserve the time in opposition.

The CHAIRMAN pro tempore. The Chair recognizes the gentleman from Massachusetts (Mr. MEEHAN) for 5 minutes.

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

Mr. Chairman, just by way of explanation, what is the intent of the amendment? Because perhaps we can work out an agreement on it.

Mr. Chairman, I yield to the gentleman from Arizona.

Mr. SALMON. Mr. Chairman, the intent of the amendment is simply disclosure. It is not just for this administration, for any administration in the future. I have a concern that there are possibly people who are contributors to either of the parties or to candidates who may be rewarded by flying on Air Force One.

I am simply wanting to make sure that any nongovernmental person that flies aboard Air Force One or Air Force Two, those are the two specified in the amendment, would be disclosed via the Internet so that we would have full disclosure of who those people might be.

If there is a national security concern which would preclude them from disclosing that information, then that would be granted. That would waive them from that requirement.

Mr. MEEHAN. Reclaiming my time, right now the names of the people who fly on Air Force One would be of public record; is that correct?

Mr. SALMON. According to my understanding, not necessarily so, and not necessarily in a timely manner. I am asking that, through my amendment, that it be done within 30 days, just like we do in our campaigns. When we get contributions from special interests, we have to publish that information and fully disclose it to the public. I am simply asking that the White House live by the same standards when it comes to possible perks for contributors.

Mr. MEEHAN. Reclaiming my time, what specifically would be the provisions with regard to something that was in the national security interest not to disclose a name?

Mr. SALMON. That would be determined by members on the Committee on National Security. As I mentioned, they would be required to submit in writing to the chairman of the committee, the Permanent Select Committee on Intelligence, and the ranking member. If they concur there is a national security reason for not disclosing that information, then it is not disclosed.

Mr. MEEHAN. Reclaiming my time, the Pentagon would not be able to make those determinations, or the State Department would not be able to make those determinations?

Mr. SALMON. I am sure that they would work in tandem with those members. If they feel that there is a valid concern, absolutely, their input would be, I am sure, paramount, as it always is. If they feel that there is a literal reason that national security might be compromised by disclosing

those names, that would be a compelling reason enough to not have to disclose that information, and that is included in the amendment.

Mr. MEEHAN. Mr. Chairman, we would accept the amendment.

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

Mr. SHAYS. Mr. Chairman, will the gentleman from Arizona yield to me?

Mr. SALMON. I yield to the gentleman from Connecticut.

Mr. SHAYS. Mr. Chairman, I would like to agree that this is an amendment that we can accept, and I apologize to the gentleman. I thought he had withdrawn it, but I think this amendment does no harm to the bill.

Mr. SALMON. Mr. Chairman, I thank both gentlemen.

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

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Arizona (Mr. SALMON) to the amendment in the nature of a substitute offered by the gentleman from Connecticut (Mr. SHAYS).

The amendment to the amendment in the nature of a substitute was agreed to.

AMENDMENT OFFERED BY MR. ROHRBACHER TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE NO. 13 OFFERED BY MR. SHAYS

Mr. ROHRBACHER. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute.

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

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

Amendment offered by Mr. ROHRBACHER to the amendment in the nature of a substitute No. 13 offered by Mr. SHAYS:

Add at the end of title V the following new section (and conform the table of contents accordingly):

SEC. 510. PARTIAL REMOVAL OF LIMITATIONS ON CONTRIBUTIONS TO CANDIDATES WHOSE OPPONENTS USE LARGE AMOUNTS OF PERSONAL FUNDS.

(a) IN GENERAL.—Section 315 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a) is amended by adding at the end the following new subsection:

(i)(1) If a candidate for Federal office makes contributions or expenditures from the personal funds of the candidate totaling more than \$1,000 with respect to an election, the candidate shall so notify the Commission and each other candidate in the election. The notification shall be made in writing within 48 hours after the contribution or expenditure involved is made.

(2) In any case described in paragraph (1), any person who is otherwise permitted under this Act to make contributions to such other candidate may make contributions in excess of any otherwise applicable limitation on such contributions, to the extent that the total of such excess contributions accepted by such other candidate does not exceed the total of contributions or expenditures from personal funds referred to in paragraph (1)."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to elections occurring after January 1999.

The CHAIRMAN pro tempore. Pursuant to the order of the House of Friday,

July 17, 1998, the gentleman from California (Mr. ROHRABACHER) and a Member opposed, the gentleman from Connecticut (Mr. SHAYS) each will control 5 minutes.

The Chair recognizes the gentleman from California (Mr. ROHRABACHER).

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

Mr. Chairman, today I rise to introduce a nonpartisan amendment that will level the campaign playing field. Currently, the campaign playing field is heavily weighted to the advantage of wealthy Americans. By lifting the \$1,000 limit a candidate may raise when a candidate is being faced with a wealthy opponent, this cap will be raised, which will make it possible to match the amount his or her wealthy opponent contributes to his or her own campaign.

In other words, and I know this sounds a little complicated, if my amendment passes, if my wealthy competitor writes a \$1 million check to his or her own campaign, I will no longer be faced with the impossible task of raising the same amount of money that my opponent has donated to his or her campaign in \$1,000 increments. Instead, the cap will be lifted so that it is possible for me to match the amount that my own opponent has spent on his or her own campaign.

As current campaign law stands, wealthy candidates can spend an unlimited amount of their own money, while their unfortunate opponents are stuck with raising small amounts of money in order to match that amount that their wealthy opponent has contributed to their own campaign. This has given the wealthy a tremendous advantage over their opponents.

It is the most glaring inequity of our current campaign finance system, and it has resulted in a spectacle that no one would have predicted. It is the unintended consequence of limiting contributions to political campaigns.

Instead of opening up our elections to the American people, today politics is becoming the arena of the rich, rich candidates who have nonwealthy opponents at a tremendous disadvantage. The rich pour resources into their own campaigns. This means most of us are in a position of getting steamrolled by a wealthy opponent.

So I urge my colleagues to level the campaign playing field and to update our campaign finance laws and give nonwealthy Americans a chance to be elected to Congress. Rather than having to worry and have the parties out always recruiting wealthy people, let us level this field so that if someone is wealthy and pumps \$1 million into their campaign, a nonwealthy opponent can raise an equal amount to have an equal race.

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

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

Mr. Chairman, I rise in strong opposition to this amendment which was,

frankly, one of my amendments. I do think that Congress needs to deal with how we respond to those who have unlimited wealth, and one way is to do it the way the gentleman from California (Mr. ROHRABACHER) has suggested.

Unfortunately, his amendment, an amendment that I offered on another bill, would kill the coalition that exists for passing bipartisan reform.

Let me explain to my colleagues that the Meehan-Shays bill does three basic things. It bans soft money, the unlimited sums from individuals, corporations, labor unions, and other interest groups that go to the political parties and then get rerouted right back down to individual candidates.

It secondly calls the sham issue ads what they truly are, campaign ads, which means we cannot use corporate money or dues money from labor 60 days from an election. It means that we have to report our expenditures.

The third thing we do is we have FEC enforcement, Federal Election Commission enforcement, and disclosure by way of electronic means in the Internet.

This amendment seeks to do something beyond the scope of our basic bill. I will also say that our basic bill includes the commission bill, the commission bill brought forward on a bipartisan basis. We would suggest that the very issue that the gentleman is presenting to this Congress should be dealt with by the commission.

We have 37 amendments, if no more are withdrawn before we deal with the Meehan-Shays substitute and deal with the various amendments. Sixteen are poison pills, seven are "no" votes in our view, four are leaning "no", seven are neutral, three are "yes".

The bottom line to the amendment of the gentleman from California (Mr. ROHRABACHER), he is one of the 16 poison pill amendments that will kill our coalition. On that basis, I have to encourage defeat of it.

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

□ 1800

Mr. ROHRABACHER. Mr. Chairman, how much time is remaining?

The CHAIRMAN pro tempore (Mr. SHIMKUS). The gentleman from California (Mr. ROHRABACHER) has 2½ minutes remaining; the gentleman from Connecticut (Mr. SHAYS) has 3 minutes.

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

I hope everyone is listening very closely to this argument. Supposedly, this will kill the whole purpose of this bill. That is a lot of baloney. If we are talking about campaign finance reform and we are going to leave the whole campaign arena to rich people, what good is that reform?

In fact, without my amendment, the good work of the gentleman from Connecticut (Mr. SHAYS) is going to do nothing but further give very wealthy Americans the leverage to take control

of the political process in America. So what is all this reform about if we are not going to handle that problem?

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

Mr. SHAYS. Mr. Chairman, I yield 1 minute to the gentleman from Massachusetts (Mr. MEEHAN).

Mr. MEEHAN. Mr. Chairman, the problem with this amendment is we are trying to find a way to reduce the influence of money in American politics; we are not trying to find a way to allow hundreds of thousands of dollars of additional money into the process.

This amendment would potentially create a huge loophole through which wealthy individuals could funnel hundreds of thousands of dollars in contributions to a single candidate through the hard money system. The reason why the Shays-Meehan bill bans soft money is to put an end to the notion of these enormous contributions from private individuals.

This amendment would provide a new way for special interests to influence the legislative process. That is why I would urge my colleagues to oppose this amendment. Even when we have a wealthy candidate putting his or her own money into it, that is an excuse for a private individual to then begin to funnel hundreds of thousands of dollars into a campaign.

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

Obviously, if we just listen very closely to what is being said here, these gentlemen are trying to cut off other avenues for ordinary Americans to raise money for their campaigns, leaving the political arena in the control of such wealthy Americans that every Member of this body who is not rich shudders at the thought of having a wealthy candidate in their district step forward and pump so much money in that he or she will be eliminated just because they just cannot raise the money in small increments.

The Shays-Meehan supposed reform is making this problem worse, and by not accepting this amendment, I am afraid that they are disclosing themselves at just how effective they think their own bill is going to be.

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

Mr. SHAYS. Mr. Chairman, how much time remains for both individuals?

The CHAIRMAN pro tempore. The gentleman from Connecticut (Mr. SHAYS) has 2 minutes remaining; the gentleman from California (Mr. ROHRABACHER) has 1½ minutes remaining.

Mr. SHAYS. Mr. Chairman, I yield 1 minute to the gentlewoman from Michigan (Ms. RIVERS), our distinguished colleague.

Ms. RIVERS. Mr. Chairman, there is a very interesting debate going on here, because the arguments are being put forward as if there is currently a provision within the system that allows for an offset of one individual, if a wealthy individual runs against them.

The law is very clear right now that if someone chooses to fund their campaign on their own dollars, they are allowed to do that, and a candidate who is running against them can raise money through a variety of ways to do it. They are not limited in how much money they can raise.

Nothing in Shays-Meehan limits the ability of people to raise money. So the argument that Shays-Meehan has to be amended to deal with a problem created by that proposal is ludicrous. It leaves the system exactly as it is now. Someone who is using their own money is free to use as much of that wealth as they would like to. Individuals who rely on contributions can raise as much as they wish, but this is not necessary.

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

Of course, anyone listening to this debate must wonder what bill we are really discussing after listening to that last statement.

The purpose of this bill, as we have heard from the authors of this bill, is to reduce the avenues of money coming into political campaigns. Let us restrict it.

What I am saying is that today, with an unintended consequence of similar legislation in the past, we have given a tremendous advantage to rich people. Both of our parties are going out enlisting very wealthy Americans, rich people, in order to run for office, and more and more millionaires are coming here, because we are restricting the avenues in which ordinary Americans can raise money for political campaigns. My amendment would correct that unintended consequence of this legislation.

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

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

With the 1 minute I have remaining, I would just like to acknowledge the fact that the amendment that our colleague wants to offer is offering an amendment that would allow unlimited contributions from an individual; he can raise \$1 million from one individual. This is contrary to the reform measure that we are bringing forward.

We ban soft money that goes to the political parties, the unlimited sums from individuals, corporations, labor unions and other interest groups. We call the sham issue ads what they truly are, campaign ads, and we have FEC disclosure and enforcement. We are against allowing unlimited sums from individuals, and that is why we oppose this, and that is why it would break apart the coalition that exists between Republicans and Democrats to pass this bill.

This amendment is offered in good faith by my colleague, but the bottom line is, it will kill Meehan-Shays.

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

First and foremost, this does not permit unlimited contributions, the gentleman is absolutely wrong, and I hope people are paying attention to the debate. The unlimited contributions that we are setting is the limit which a wealthy person puts into his or her own campaign. That is stated very clearly. There is a limit. Why should we permit wealthy Americans to buy these seats because we have not given a fair chance for nonwealthy Americans to have a shot at the election process?

This is not fair, and that is what we are trying to do. I thought that is what this bill was all about. I guess it is not.

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

Mr. SHAYS. Mr. Chairman, how much time do I have left?

The CHAIRMAN pro tempore. The gentleman has 15 seconds remaining.

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

The bottom line is if a wealthy person spends \$1 million under my colleague's proposal, he could raise \$1 million from another wealthy individual.

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

The CHAIRMAN pro tempore. The gentleman from California (Mr. ROHRABACHER) has 15 seconds remaining.

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

Obviously we would like to be fair to all Americans, and that is not what this bill is all about, if we prevent nonwealthy Americans from raising the funds they need to deter these attacks on wealthy citizens trying to steal these elections for themselves.

Let us make sure we open up the system, make sure there is more money available to all candidates, not just to the rich.

The CHAIRMAN pro tempore. All time having expired, the question is on the amendment offered by the gentleman from California (Mr. ROHRABACHER) to the amendment in the nature of a substitute No. 13 offered by the gentleman from Connecticut (Mr. SHAYS).

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

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

The CHAIRMAN pro tempore. Pursuant to House Resolution 442, further proceedings on the amendment offered by the gentleman from California (Mr. ROHRABACHER) to the amendment in the nature of a substitute No. 13 offered by the gentleman from Connecticut (Mr. SHAYS) will be postponed.

It is now in order to consider the amendment offered by the gentleman from Texas (Mr. PAUL).

AMENDMENT OFFERED BY MR. PAUL TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE NO. 13 OFFERED BY MR. SHAYS

Mr. PAUL. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute.

The CHAIRMAN pro tempore. The Clerk will designate the amendment to

the amendment in the nature of a substitute.

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

Amendment offered by Mr. PAUL to the amendment in the nature of a substitute No. 13 offered by Mr. SHAYS:

Add at the end the following new title:

TITLE ____—BALLOT ACCESS RIGHTS

SEC. ____01. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress makes the following findings:

(1) Voting participation in the United States is lower than in any other advanced industrialized democracy.

(2) The rights of eligible citizens to seek election to office, vote for candidates of their choice and associate for the purpose of taking part in elections, including the right to create and develop new political parties, are fundamental in a democracy. The rights of citizens to participate in the election process, provided in and derived from the first and fourteenth amendments to the Constitution, have consistently been promoted and protected by the Federal Government. These rights include the right to cast an effective vote and the right to associate for the advancement of political beliefs, which includes the "constitutional right . . . to create and develop new political parties." *Norman v. Reed*, 502 U.S. 279, 112 S.Ct. 699 (1992). It is the duty of the Federal Government to see that these rights are not impaired in elections for Federal office.

(3) Certain restrictions on access to the ballot impair the ability of citizens to exercise these rights and have a direct and damaging effect on citizens' participation in the electoral process.

(4) Many States unduly restrict access to the ballot by nonmajor party candidates and nonmajor political parties by means of such devices as excessive petition signature requirements, insufficient petitioning periods, unconstitutionally early petition filing deadlines, petition signature distribution criteria, and limitations on eligibility to circulate and sign petitions.

(5) Many States require political parties to poll an unduly high number of voters or to register an unduly high number of voters as a precondition for remaining on the ballot.

(6) In 1983, the Supreme Court ruled unconstitutional an Ohio law requiring a nonmajor party candidate for President to qualify for the general election ballot earlier than major party candidates. This Supreme Court decision, *Anderson v. Celebrezze*, 460 U.S. 780 (1983) has been followed by many lower courts in challenges by nonmajor parties and candidates to early petition filing deadlines. See, e.g., *Stoddard v. Quinn*, 593 F. Supp. 300 (D.Me. 1984); *Cripps v. Seneca County Board of Elections*, 629 F. Supp. 1335 (N.D. Oh. 1985); *Libertarian Party of Nevada v. Swackhamer*, 638 F. Supp. 565 (D. Nev. 1986); *Cromer v. State of South Carolina*, 917 F.2d 819 (4th Cir. 1990); *New Alliance Party of Alabama v. Hand*, 933 F.2d 1568 (11th Cir. 1991).

(7) In 1996, 34 States required nonmajor party candidates for President to qualify for the ballot before the second major party national convention (Arizona, California, Colorado, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Maine, Maryland, Massachusetts, Michigan, Missouri, Montana, Nevada, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Virginia, Washington, West Virginia, and Wyoming). Twenty-six of these States required nonmajor party candidates

to qualify before the first major party national convention (Arizona, California, Colorado, Connecticut Florida, Georgia, Illinois, Indiana, Kansas, Maine, Maryland, Massachusetts, Michigan, Missouri, Montana, Nevada, New Hampshire, New Jersey, North Carolina, Oklahoma, Pennsylvania, South Carolina, South Dakota, Texas, Washington, and West Virginia).

(8) Under present law, in 1996, nonmajor party candidates for President were required to obtain at least 701,089 petition signatures to be listed on the ballots of all 50 States and the District of Columbia—28 times more signatures than the 25,500 required of Democratic Party candidates and 13 times more signatures than the 54,250 required of Republican Party candidates. To be listed on the ballot in all 50 States and the District of Columbia with a party label, nonmajor party candidates for President were required to obtain approximately 651,475 petition signatures and 89,186 registrants. Thirty-two of the 41 States that hold Presidential primaries required no signatures of major party candidates for President (Arkansas, California, Colorado, Connecticut, Florida, Georgia, Idaho, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Mexico, North Carolina, North Dakota, Oklahoma, Oregon, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Virginia, Washington, West Virginia, Wisconsin). Only three States required no signatures of nonmajor party candidates for President (Arkansas, Colorado, and Louisiana; Colorado and Louisiana, however, required a \$500 filing fee).

(9) Under present law, the number of petition signatures required by the States to list a major party candidate for Senate on the ballot in 1996 ranged from zero to 15,000. The number of petition signatures required to list a nonmajor party candidate for Senate ranged from zero to 196,788. Thirty-one States required no signatures of major party candidates for Senate (Alabama, Alaska, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Hawaii, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, North Carolina, North Dakota, Oklahoma, Oregon, South Carolina, South Dakota, Texas, Utah, Washington, West Virginia, Wyoming). Only one State required no signatures of nonmajor party candidates for Senate, provided they were willing to be listed on the ballot without a party label (Louisiana, although a \$600 filing fee was required, and to run with a party label, a candidate was required to register 111,121 voters into his or her party).

(10) Under present law, the number of petition signatures required by the States to list a major party candidate for Congress on the ballot in 1996 ranged from zero to 2,000. The number of petition signatures required to list a nonmajor party candidate for Congress ranged from zero to 13,653. Thirty-one States required no signatures of major party candidates for Congress (Alabama, Alaska, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Hawaii, Kansas, Kentucky, Louisiana, Maryland, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, North Carolina, North Dakota, Oklahoma, Oregon, South Carolina, Texas, Utah, Washington, West Virginia, Wyoming). Only one State required no signatures of nonmajor party candidates for Congress, provided they are willing to be listed on the ballot without a party label (Louisiana, although a \$600 filing fee was required).

(11) Under present law, in 1996, eight States required additional signatures to list a nonmajor party candidate for President on the ballot with a party label (Alabama, Ari-

zona, Idaho, Kansas, Nebraska, North Dakota, Ohio, Tennessee). Thirteen States required additional signatures to list a nonmajor party candidate for Senate or Congress on the ballot with a party label (Alabama, Arizona, Arkansas, California, Idaho, Hawaii, Kansas, Louisiana, North Dakota, Nebraska, Ohio, Oregon, Tennessee). Two of these States (Ohio and Tennessee) required 5,000 signatures and 25 signatures, respectively, to list a nonmajor party candidate for President or Senate on the ballot in 1996, but required 33,463 signatures and 37,179 signatures, respectively, to list the candidate on the ballot with her or his party label. One State (California) required a nonmajor party to have 89,006 registrants in order to have its candidate for President listed on the ballot with a party label.

(12) Under present law, in 1996 one State (California) required nonmajor party candidates for President or Senate to obtain 147,238 signatures in 105 days, but required major party candidates for Senate to obtain only 65 signatures in 105 days, and required no signatures of major party candidates for President. Another State (Texas) required nonmajor party candidates for President or Senate to obtain 43,963 signatures in 75 days, and required no signatures of major party candidates for President or Senate.

(13) Under present law, in 1996, seven States required nonmajor party candidates for President or Senate to collect a certain number or percentage of their petition signatures in each congressional district or in a specified number of congressional districts (Michigan, Missouri, Nebraska, New Hampshire, New York, North Carolina, Virginia). Only three of these States impose a like requirement on major party candidates for President or Senate (Michigan, New York, Virginia).

(14) Under present law, in 1996, 20 States restricted the circulation of petitions for nonmajor party candidates to residents of those States (California, Colorado, Connecticut, District of Columbia, Idaho, Illinois, Kansas, Michigan, Missouri, Nebraska, Nevada, New Jersey, New York, Ohio, Pennsylvania, South Dakota, Texas, Virginia, West Virginia, Wisconsin). Two States restricted the circulation of petitions for nonmajor party candidates to the county or congressional district where the circulator lives (Kansas and Virginia).

(15) Under present law, in 1996, three States prohibited people who voted in a primary election from signing petitions for nonmajor party candidates (Nebraska, New York, Texas, West Virginia). Twelve States restricted the signing of petitions to people who indicate intent to support or vote for the candidate or party (California, Delaware, Hawaii, Illinois, Indiana, Maryland, New Jersey, New York, North Carolina, Ohio, Oregon, Utah). Five of these 12 States required no petitions of major party candidates (Delaware, Maryland, North Carolina, Oregon, Utah), and only one of the six remaining States restricted the signing of petitions for major party candidates to people who indicate intent to support or vote for the candidate or party (New Jersey).

(16) In two States (Louisiana and Maryland), no nonmajor party candidate for Senate has qualified for the ballot since those States' ballot access laws have been in effect.

(17) In two States (Georgia and Louisiana), no nonmajor party candidate for the United States House of Representatives has qualified for the ballot since those States' ballot access laws have been in effect.

(18) Restrictions on the ability of citizens to exercise the rights identified in this subsection have disproportionately impaired

participation in the electoral process by various groups, including racial minorities.

(19) The establishment of fair and uniform national standards for access to the ballot in elections for Federal office would remove barriers to the participation of citizens in the electoral process and thereby facilitate such participation and maximize the rights identified in this subsection.

(20) The Congress has authority, under the provisions of the Constitution of the United States in sections 4 and 8 of article I, section 1 of article II, article VI, the thirteenth, fourteenth, and fifteenth amendments, and other provisions of the Constitution of the United States, to protect and promote the exercise of the rights identified in this subsection.

(b) PURPOSES.—The purposes of this title are—

(1) to establish fair and uniform standards regulating access to the ballot by eligible citizens who desire to seek election to Federal office and political parties, bodies, and groups which desire to take part in elections for Federal office; and

(2) to maximize the participation of eligible citizens in elections for Federal office.

SEC. —02. BALLOT ACCESS RIGHTS.

(a) IN GENERAL.—An individual shall have the right to be placed as a candidate on, and to have such individual's political party, body, or group affiliation in connection with such candidacy placed on, a ballot or similar voting materials to be used in a Federal election, if—

(1) such individual presents a petition stating in substance that its signers desire such individual's name and political party, body or group affiliation, if any, to be placed on the ballot or other similar voting materials to be used in the Federal election with respect to which such rights are to be exercised;

(2) with respect to a Federal election for the office of President, Vice President, or Senator, such petition has a number of signatures of persons qualified to vote for such office equal to one-tenth of one percent of the number of persons who voted in the most recent previous Federal election for such office in the State, or 1,000 signatures, whichever is greater;

(3) with respect to a Federal election for the office of Representative in, or Delegate or Resident Commissioner to, the Congress, such petition has a number of signatures of persons qualified to vote for such office equal to one-half of one percent of the number of persons who voted in the most recent previous Federal election for such office, or, if there was no previous Federal election for such office, 1,000 signatures;

(4) with respect to a Federal election the date of which was fixed 345 or more days in advance, such petition was circulated during a period beginning on the 345th day and ending on the 75th day before the date of the election; and

(5) with respect to a Federal election the date of which was fixed less than 345 days in advance, such petition was circulated during a period established by the State holding the election, or, if no such period was established, during a period beginning on the day after the date the election was scheduled and ending on the tenth day before the date of the election, provided, however, that the number of signatures required under paragraph (2) or (3) shall be reduced by $\frac{1}{270}$ for each day less than 270 in such period.

(b) SPECIAL RULE.—An individual shall have the right to be placed as a candidate on, and to have such individual's political party, body, or group affiliation in connection with such candidacy placed on, a ballot or similar

voting materials to be used in a Federal election, without having to satisfy any requirement relating to a petition under subsection (a), if that or another individual, as a candidate of that political party, body, or group, received one percent of the votes cast in the most recent general Federal election for President or Senator in the State.

(c) SAVINGS PROVISION.—Subsections (a) and (b) shall not apply with respect to any State that provides by law for greater ballot access rights than the ballot access rights provided for under such subsections.

SEC. 03. RULEMAKING.

The Attorney General shall make rules to carry out this title.

SEC. 04. GENERAL DEFINITIONS.

As used in this title—

(1) the term "Federal election" means a general or special election for the office of—

- (A) President or Vice President;
- (B) Senator; or
- (C) Representative in, or Delegate or Resident Commissioner to, the Congress;

(2) the term "State" means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any other territory or possession of the United States;

(3) the term "individual" means an individual who has the qualifications required by law of a person who holds the office for which such individual seeks to be a candidate;

(4) the term "petition" includes a petition which conforms to section 02(a)(1) and upon which signers' addresses and/or printed names are required to be placed;

(5) the term "signer" means a person whose signature appears on a petition and who can be identified as a person qualified to vote for an individual for whom the petition is circulated, and includes a person who requests another to sign a petition on his or her behalf at the time when, and at the place where, the request is made;

(6) the term "signature" includes the incomplete name of a signer, the name of a signer containing abbreviations such as first or middle initial, and the name of a signer preceded or followed by titles such as "Mr.", "Ms.", "Dr.", "Jr.", or "III"; and

(7) the term "address" means the address which a signer uses for purposes of registration and voting.

(Participation by presidential candidates in debates with candidates with broad-based support)

The CHAIRMAN pro tempore. Pursuant to the order of the House of Friday, July 17, 1998, the gentleman from Texas (Mr. PAUL) is recognized for 5 minutes in support of his amendment.

POINT OF ORDER

Mr. PAUL. Mr. Chairman, point of order.

THE CHAIRMAN. The gentleman will state it.

Mr. PAUL. Mr. Chairman, I believe this is a perfecting amendment, it is not in the nature of a substitute, and that has been cleared in the Committee on Rules.

The CHAIRMAN pro tempore. The Clerk designated it as an amendment to the amendment in the nature of a substitute.

Mr. PAUL. Mr. Chairman, both amendments that I have should be perfecting amendments, and if permissible, I ask unanimous consent that they both be accepted as such.

The CHAIRMAN pro tempore. It is an amendment to the amendment in the

nature of a substitute. The gentleman is amending the Shays-Meehan amendment in the nature of a substitute as permitted by the rules.

Mr. PAUL. I thank the Chair for the clarification.

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

Mr. Chairman, my amendment is very simple. It is an amendment that deals with equity and fairness, so I would expect essentially no opposition to this.

It simply lowers and standardizes the signature requirements and the time required to get signatures to get a Federal candidate on the ballot. There are very many unfair rules and regulations by the States that make it virtually impossible for many candidates to get on the ballot.

Mr. Chairman, I want to make 4 points about the amendment. First, it is constitutional to do this. Article I, section 4, explicitly authorizes the U.S. Congress to, "At any time by law make or alter such regulations regarding the manner of holding elections." This is the authority that was used for the Voters Rights Act of 1965.

The second point I would like to make is an issue of fairness. Because of the excess petition requirements put on by so many States and the short period of time required, many individuals are excluded from the ballot, and for this reason, this should be corrected. There are some States, take, for instance, Georgia, wrote a law in 1943. There has not been one minor party candidate on the ballot since 1943, because it cannot meet the requirements. This is unfair. This amendment would correct this.

Number 3, the third point. In contrast to some who would criticize an amendment like this by saying that there would be overcrowding on the ballot, there have been statistical studies made of States where the number of requirements, of signature requirements are very low, and the time very generous. Instead of overcrowding, they have an average of 3.3 candidates per ballot.

Now, this is very important also because it increases interest and increases turnout. Today, turnout has gone down every year in the last 20 or 30 years, there has been a steady decline in interest. This amendment would increase the interest and increase the turnout.

The fourth point that I would like to make is that the setup and the situation we have now is so unfair, many are concerned about how money is influencing the elections. But in this case, rules and regulations are affecting minor candidates by pushing up the cost of the election, where they cannot afford the money to even get on the ballot, so it is very unfair in a negative sense that the major parties penalize any challengers. And the correction would come here by equalizing this, making it more fair, and I would expect, I think, just everybody to agree

that this is an amendment of fairness and equity and should be accepted.

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

Mr. MEEHAN. Mr. Chairman, I request the time in opposition to the amendment.

Mr. Chairman, I yield 3 minutes to the gentleman from New York (Mr. BOEHLERT).

Mr. BOEHLERT. Mr. Chairman, I rise in opposition to this amendment, but the real purpose is to focus my remarks on the need for the Shays-Meehan substitute rather than the specifics of this particular amendment, which are not the real issue.

The reason we need Shays-Meehan is quite simple and quite stark. The legitimacy of the American political process is being undermined.

I do not use these words lightly or as a mere rhetorical flourish. We can try to convince ourselves that all is well, salving ourselves with polls showing the approval for Congress is relatively high. Ironically, some argue that all is well because money is flowing into our campaign covers. This is like saying that a cancer patient is in better shape than someone without cancer, because that person might have more cells.

But in any event, a closer look tells a less rosy story. Polls show that many Americans do not know the first thing about Congress, the names of their representatives, which party is in control, and so forth. Discussions with average Americans uncover a deep cynicism about the political process; and looking at what in other circumstances we call the only poll that truly counts, Americans are simply abandoning the election booth.

□ 1815

Turnout is at an alltime low. Alienation from the political system is at an historical high. There could be no greater danger in a democracy. We are in the midst of a silent crisis.

Campaign finance reform does not rank high as a concern in polls simply because no one believes we can truly do it. They believe we are hapless and that the situation is hopeless, so they just continue to turn away. This is as corrosive a disease for the body politic as can be imagined. It is no less serious because the symptoms do not appear fully until it is too late to fashion a cure. So I congratulate the gentleman from Connecticut (Mr. SHAYS) and the gentleman from Massachusetts (Mr. MEEHAN) for designing a cure while there is still time.

Some people have said that the side effects of this cure are so severe that we should just let the disease take its course, but that is simply wrong. The cure is as mild as sunshine, ensuring that everyone can see who is spending money to influence the political system. Shays-Meehan is, quite literally, the very least we can do.

Let us look at some of the concerns opponents of this bill raise. They say that, like previous efforts at reform, it

has many loopholes and unintended consequences. Yet, their solution is to have no system at all; in short, to get rid of individual loopholes by having a regime that is one giant void. That hardly seems like a positive alternative.

Opponents also raise the specter of a system overrun by Federal bureaucrats, their favored bugaboo, but this is really another way of saying that they do not want any limits on the flow of money into the political system.

Mr. Chairman, George Bernard Shaw once said, "A society's morals are like its teeth; the more decayed they are, the more it hurts to touch them." It is no accident that it hurts so much to discuss our political morality. It is time to correct it at its roots. I urge my colleagues to vote down this amendment and to support the Shays-Meehan substitute.

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

My amendment, once again, lowers and standardizes the required signatures to get Federal candidates on the ballot. There is a great deal of inequity among the States, and it works against the minor candidates and prevents many from even participating in the process.

For this reason, many individuals have lost interest in politics. They are disinterested, and every year it seems that the turnout goes down. This year is no exception. Forty-two percent of the American people do not align themselves with a political party. Twenty-nine percent, approximately, align themselves with Republicans and Democrats. Yet, the rules and the laws are written by the major party for the sole purpose of making it very expensive and very difficult, and sometimes impossible, to get on the ballot.

If we had more competition and more openness, we would get more people out to vote. It would not clutter the ballot, it would not have overcrowding, but it would allow discourse, and it would be beneficial to the process.

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

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

Mr. Chairman, my problem with this amendment is that it would prohibit States from erecting excessive ballot access barriers to candidates for Federal office. It would set ballot petition signature limits for the President, the Vice President, United States Senate, and House candidates. In addition, it would set ballot petition time limitations.

Protections are important, but individual States should be allowed to control their campaign laws. Assuring there are no undue barriers to prevent individuals from running for Federal office is imperative to keeping our political process fair, but I am concerned with the Federal Government imposing limitations on the States for how they govern ballot access.

This deals with an important set of issues, and should be dealt with not

solely with this amendment, but rather, should be fully debated in the House after the Shays-Meehan substitute has passed.

One of the things that the Shays-Meehan bill does is to provide for an opportunity for debate and discussion through the Commission. This is an issue that I think there should be hearings on, I think we should have a dialogue about. But I just do not think that an amendment to the Shays-Meehan bill is the appropriate place to deal with this issue.

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

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

The gentleman suggests we should leave this to the States. I quoted and cited the constitutional authority for this. It is explicit. We have the authority to do this. There are many, many unfair laws.

Dealing with the President, for instance, the minor candidates, on average, to get on the ballot, are required to get 701,000 signatures. A major candidate gets less than 50,000. To get on an average Senate seat ballot, 196,000 signatures are required for the Senate, 15,000 for the major candidates. In the House, on the average for the minor candidate, it is more than 13,000, where it is 2,000 for a major candidate.

There is something distinctly unfair about this. This is un-American. We have the authority to do it. This is the precise time to do it. We are dealing with campaign reform, and they are forcing these minor candidates to spend unbelievable amounts of money. They are being excluded. They are 42 percent of the people in this country. They are the majority, when we divide the electorate up. They deserve representation, too.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Texas (Mr. PAUL) to the amendment in the nature of a substitute No. 13 offered by Mr. SHAYS:

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

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

The CHAIRMAN. Pursuant House Resolution 442, further proceedings on the amendment offered by the gentleman from Texas (Mr. PAUL) will be postponed.

It is now in order to consider the amendment offered by the gentleman from Texas (Mr. PAUL).

AMENDMENT OFFERED BY MR. PAUL TO AMENDMENT IN THE NATURE OF A SUBSTITUTE NO. 13 OFFERED BY MR. SHAYS

Mr. PAUL. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute.

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

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

Amendment offered by Mr. PAUL to the amendment in the nature of a substitute No. 13 offered by Mr. SHAYS:

Add at the end the following new title:

TITLE —DEBATE REQUIREMENTS FOR PRESIDENTIAL CANDIDATES

SEC. —01. REQUIREMENT THAT CANDIDATES WHO RECEIVE CAMPAIGN FINANCING FROM THE PRESIDENTIAL ELECTION CAMPAIGN FUND AGREE NOT TO PARTICIPATE IN MULTI-CANDIDATE FORUMS THAT EXCLUDE CANDIDATES WITH BROAD-BASED PUBLIC SUPPORT.

(a) IN GENERAL.—In addition to the requirements under subtitle H of the Internal Revenue Code of 1986. In order to be eligible to receive payments from the Presidential Election Campaign Fund, a candidate shall agree in writing not to appear in any multicandidate forum with respect to the election involved unless the following individuals are invited to participate in the multicandidate forum:

(1) Each other eligible candidate under such subtitle.

(2) Each individual who is qualified in at least 40 States for the ballot for the office involved.

(b) ENFORCEMENT.—If the Federal Election Commission determines that a candidate—

(1) has received payments from the Presidential Election Campaign Fund; and

(2) has violated the agreement referred to in subsection (a); the candidate shall pay to the Treasury an amount equal to the amount of the payments so made.

(c) DEFINITION.—As used in this title, the term "multicandidate forum," means a meeting—

(1) consisting of a moderated reciprocal discussion of issues among candidates for the same office; and

(2) to which any other person has access in person or through an electronic medium.

The CHAIRMAN. Pursuant to the order of the House of Friday, July 17, 1998, the gentleman from Texas (Mr. PAUL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas (Mr. PAUL).

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

Mr. Chairman, this amendment is very simple. The major candidates receive a lot, a million dollars, to run their campaigns. Then they have national debates, and then they can purposely exclude other candidates. I am not talking about 10 or 20 or 30 very minor candidates, I am talking about candidates who spend weeks, months, years, hundreds of thousands of dollars, just to get on the ballot. Some will not even take the money, but some qualify to be on 40 and 50 ballots, and they are purposely excluded.

This amendment does not dictate to those who hold debates, but it would require that those major party candidates who take the taxpayers' money, they take it with the agreement that anybody else who qualifies for taxpayers' funding, campaign funds, or gets on 40 ballots, would be allowed in the debate.

I cannot think of anything that could boost the interest in the debates more. Fewer and fewer people are watching debates. There was the lowest turnout, the lowest listening audience to the debates in the last-go around. It was the

lowest since we have had these debates on television.

Forty-two percent of the people turned out and were interested in the debates prior to the election in 1992, and we had a major candidate, Ross Perot. Of course, the only reason he was able to achieve a significant amount of attention was because he happened to be a billionaire. That is not fair. In 1996, they did a poll right before the election to find out who was paying attention. We were getting ready to pick the President of the United States. It dropped to 24 percent.

If we want people to be civic-minded, interested in what we are doing, feeling like they have something to say about their government, we ought to allow them in. We should not exclude this 42 percent that have been excluded. I think opening up the debates in this way would only be fair and proper. It would be the American way to do it. I strongly urge my colleagues to support this fair-minded amendment.

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

Mr. MEEHAN. Mr. Chairman, I ask unanimous consent to take the 5 minutes in opposition to this amendment.

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

There was no objection.

The CHAIRMAN. The gentleman from Massachusetts (Mr. MEEHAN) is recognized for 5 minutes in opposition.

Mr. MEEHAN. Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. FARR), who has been a leader in our efforts to find a way to pass real campaign finance reform.

Mr. FARR of California. Mr. Chairman, I thank the gentleman for yielding time to me. The gentleman is doing a wonderful job on his bill, along with his colleague, the gentleman from Connecticut (Mr. SHAYS).

Mr. Chairman, I rise on this amendment in deep concern and in opposition to the amendment. I think the sincerity of the author is true, but I think this is the wrong place. This whole bill is about congressional campaign finance reform. It is how we regulate the money that controls our elections, to get elected to this House. It is not about presidential elections.

There might be a great debate about how to do that, but as the gentleman knows, the presidential election process is controlled by each of the 50 States. We have no national primary in the United States. I think there is room for that kind of debate, whether we ought to move in that direction, whether the process for qualifying for a ballot ought to be more uniform, as the gentleman suggests.

But to take the gentleman's ideas about presidential debates and move them into this bill is, I think, the wrong way to go; the wrong place, the wrong time, and frankly, the wrong issue. So I strongly oppose this amendment. I think the gentleman is going

to try to confuse what the underlying bill is all about.

We have to keep that in focus. We have to keep it limited to that issue. We cannot build the coalition that we need to build if we try to put everything in this bill, and make it a Christmas tree on all of the ills about lack of voting in America, lack of enough debate for those who wish to run for President of the United States from minor parties.

With all due respect for the gentleman's sincerity, I strongly oppose this amendment, and recommend that all my colleagues oppose the amendment, because it is probably technically germane, but it is not politically germane to what we are trying to accomplish.

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

It is always interesting that when we have an appropriate amendment that seems to catch the attention of the Members, that it is probably not the appropriate time to bring it up, and that we should hold hearings and do it some other day.

We have been spending months, and I believe both sides of the aisle have been very sincere in their efforts to clarify and to improve our election process. I think this would be a tremendous benefit to the congressional candidates as well, because there would be more interest. People are not even listening to the debates. If they are not even willing to listen to the presidential debates, how can they get interested in Senate races and in House races?

The rating of the debates in 1996 was the lowest in 36 years. The Vice-Presidential debate, we cannot even get people to listen to the Vice-Presidential debates. It had dropped off 50 percent from 1992. In 1992, there was more interest. It is because we happened to have a billionaire interested, and he was able to stimulate some people in some debates.

All I am asking for is for us to endorse the notion, and we have the authority, the money comes from congressional appropriations. We have written these laws. These are election laws. We have this authority. We have the authority under the Constitution and we have the authority under our laws to do this.

So I would strongly suggest if Members are fair-minded and think they would like more interest, or if they want to continue the way we are going now, we are going to have less and less people interested. People are really tired of it. The American people do not understand this debate, but they do understand they would like to have somebody speak up for them.

Forty-two percent of the people have been essentially disenfranchised, and they are important. Hopefully they are important enough to go to the polls and let us know about it. But they have been disenfranchised because they have lost interest. They have been pushed around, either with ballot ac-

cess rules and regulations, or not being allowed to appear.

This does not mean those candidates more on the right would happen to be in the debate, or more on the left. It would open it up. This is fair-minded, it is proper, it is a good place to do it. It is a chance to vote on it, and I ask for support on this amendment.

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

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

Mr. Chairman, I will not use all of my time, but in conclusion, essentially what this does is, a presidential candidate who receives taxpayer-funded matching funds from participating in debates, they will not be able to participate in any debates to which equally qualifying candidates for funds would have participated in.

I agree that there should be more open and free debate, but I am also concerned that the bill might have the opposite effect. It might actually stifle debate, if a candidate who takes matching funds cannot participate in the debate.

Furthermore, Mr. Chairman, it seems to me that the Commission on Presidential Debates was established in 1987 to ensure debates are a permanent part of every general election.

□ 1830

It handles the rules of who participates and how the presidential debates will take place. I am concerned with the fact that if this amendment were to pass, Congress would essentially be setting the rules for who can and who cannot participate in presidential debates. I believe that that decision should remain with the independent commission.

Certainly, this is an item that in another forum that we could discuss, have hearings on, and I think that would be in our interest. But in any event, I feel, Mr. Chairman, that we should vote "no" on this amendment and take it up at another point in time.

Mr. Chairman, I yield such time as he may consume to the gentleman from Delaware (Mr. CASTLE).

Mr. CASTLE. Mr. Chairman, I agree with the gentleman from Massachusetts (Mr. MEEHAN) on this. And in a way I have a lot of sympathy for the amendment, because I am one who feels that everyone should have a right to participate in these debates and opportunities.

But, Mr. Chairman, there are times in almost any election, particularly at the presidential level, in which we need to focus on the candidates who are going to be the major candidates who the majority of people by far in this country are going to vote on.

I think it should be up to the independent commission to make that decision so that they can formulate it, come forward with it, and make absolutely sure that everyone in this country who is going to be voting for the

most important person in the United States has the opportunity to focus on how well those individuals know the issues, can handle themselves and deal with one another. So, I rise with some reluctance in opposition to this, but I do feel it should be opposed.

In addition, I would just like to take this moment to thank the gentleman from Massachusetts (Mr. MEEHAN) and the gentleman from Connecticut (Mr. SHAYS) for the extraordinary work which they have done on this piece of legislation. It really has been an exceptional effort by them, and I think that they deserve all the credit we can possibly give them.

Indeed, at some later point perhaps an amendment like this should be considered, but I think in the context of this particular bill, and with the language which is in this amendment, we should rise in opposition to it and I would encourage us all to oppose it.

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

The CHAIRMAN pro tempore (Mr. SHIMKUS). All time having expired, the question is on the amendment offered by the gentleman from Texas (Mr. PAUL) to the amendment in the nature of a substitute No. 13 offered by the gentleman from Connecticut (Mr. SHAYS).

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

RECORDED VOTE

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

The CHAIRMAN. Pursuant to the rule, further proceeding on the amendment offered by the gentleman from Texas (Mr. PAUL) to the amendment in the nature of a substitute No. 13 offered by the gentleman from Connecticut (Mr. SHAYS) will be postponed.

The CHAIRMAN pro tempore. It is now in order to consider the amendment offered by the gentleman from Texas (Mr. DELAY).

Mr. DELAY. Mr. Chairman, I ask unanimous consent that amendments Nos. 27 and 28 offered by me be withdrawn, and my amendments Nos. 25 and 26 be considered one after another, immediately after amendment No. 19, and the text of amendment No. 85 as submitted to the desk today be substituted for amendment No. 29.

Mr. SHAYS. Mr. Chairman, reserving the right to object.

The CHAIRMAN. The Chair cannot entertain the third element of the gentleman's request.

Is there objection?

Mr. SHAYS. Mr. Chairman, reserving the right to object. I first did not understand what the Chair cannot entertain.

The CHAIRMAN. The request had three parts.

Mr. SHAYS. Mr. Chairman, I would respectfully request that we have an understanding. We are eager to try to comply with the distinguished gentleman from Texas (Mr. DELAY), the majority whip, and also to welcome

him back into the Chamber, because he has had some very difficult things to deal with with the death of our two colleagues who guard this place. But I would like to take each of those items so we can see what does not remain.

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

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

Mr. DELAY. Mr. Chairman, I appreciate the gentleman's questions. What I am attempting to do is to group three amendments together. The first amendment would deal with what we call issue alerts, or what I call issue alerts. The second amendment deals with background music. And the third amendment deals with coordination.

And in order to do that, in my unanimous-consent request I am withdrawing completely amendments Nos. 27 and 28. Then I am taking Nos. 25 and 26 and moving them up to this point in time. Mr. Chairman, amendments 25 and 26 are the background music and the coordination amendment.

I am taking the text of an amendment way down below, No. 85 as pointed out in the rules, and submitting that language and substituting that language for amendment No. 29, which was my limit express advocacy communications.

So, I would take out the limit advocacy communications amendment completely and substitute the amendment that deals with issue alerts, if that makes any sense.

Mr. MEEHAN. Mr. Chairman, what is No. 85?

Mr. SHAYS. Mr. Chairman, I yield to the gentleman.

Mr. MEEHAN. We would need to know—

The CHAIRMAN. The gentleman will suspend. The Committee of the Whole cannot entertain a request to change the form of one of the amendments.

Mr. SHAYS. Then should there be two unanimous consent motions?

The CHAIRMAN. If the gentleman would offer amendment 19, maybe the staff—

Mr. DELAY. Mr. Chairman, if I could withdraw my unanimous consent request and make a new one. That would be that I would ask unanimous consent that amendments 27 and 28 be withdrawn completely, and 25 and 26 be considered one after another immediately after amendment 19.

To save confusion, I will go on to amendment 19 and we will work it out with the Parliamentarian.

AMENDMENT OFFERED BY MR. DELAY TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE NO. 13 OFFERED BY MR. SHAYS

Mr. DELAY. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute.

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

The text of the amendment is as follows:

Amendment offered by Mr. DELAY to the amendment in the nature of a substitute No. 13 offered by Mr. SHAYS:

Add at the end of section 301(20) of the Federal Election Campaign Act of 1971, as added by section 201(b) of the substitute, the following:

(C) Exception for legislative alerts: The term "express advocacy" does not include any communication which—

(i) deals solely with an issue or legislation which is or may be the subject of a vote in the Senate or House of Representatives; and

(ii) encourages an individual to contact an elected representative in Congress in order to exercise the right protected under the first amendment of the Constitution to inform the representative of the individual's views on such issue or legislation.

The CHAIRMAN. Pursuant to the order of the House of Friday, July 17, 1998, the gentleman from Texas (Mr. DELAY), and the gentleman from Connecticut (Mr. SHAYS) each will control 20 minutes.

The Chair recognizes the gentleman from Texas (Mr. DELAY).

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

Mr. Chairman, I apologize for confusing the Committee. Mr. Chairman, I am offering this amendment in order to ensure issue-oriented citizens groups their first amendment right to urge like-minded citizens to contact their elected representatives about upcoming votes in Congress.

The Shays-Meehan substitute, in my opinion, would restrict communications that express viewpoints to incumbent lawmakers during the period of time that this House could be in session. Now, these communications are intended to encourage like-minded citizens to express themselves regarding upcoming votes on the floor of the House. My amendment makes a distinction between communications that address upcoming votes and communications that endorse candidates for elections, two very real differences.

Due to the time limit, I will concentrate on just one of these restrictions. Under section 201 of Shays-Meehan, if a group sends out a communication at any time of the year, this would include flyers or newspaper ads or any other printed communications, that explain that Congressman Doe, for instance, voted incorrectly on a given issue the last time it came up and the same issue is coming up, say, again the next week. And if voters are interested in Congressman Doe reconsidering his vote, they should give him a call.

Under the onerous provisions of Shays-Meehan, Congressman Doe would regard this as an attack on him and, therefore, an example of impermissible express advocacy. Congressman Doe's reason would lie in section 201 of the bill which states a given communication is express advocacy if it contains words that can have no reasonable meaning other than to advocate support or defeat, or if it contains words that express unmistakable and unambiguous opposition. These are the words in the bill.

Now, maybe the citizens groups' words are like, "Do you know that Congresswoman SMITH has voted time and again in favor of brutal partial-

birth abortion procedures and has repeatedly described partial-birth abortion as a godsend?"

Maybe the words are, and I quote, "Congressman JONES voted to strip women of their constitutional right to choose and call it a great stride for mankind," closed quote.

It does not matter what the issue is. It does not matter what side of the issue a group is on. These groups have a right, a constitutionally protected right, to inform like-minded constituents to contact their representative, to let their representative know how his constituents may feel.

Simply put, issue-oriented citizens' groups have a first amendment right to express their opinions. These citizens deserve an unfettered, unobstructed right, not only to be informed of political issues but also to enjoy freedom of political speech.

I think that section 201 of Shays-Meehan prohibits any citizen group, other than, say, a Federal PAC, from even mentioning the name of a Member of Congress in a broadcast communication for 60 days before a primary election and again for 60 days before a general election, easily the most critical periods in the American electoral process. These are the times during which citizens are frantically seeking to inform and educate themselves as to what candidates stand for and against, and this provision undermines and subverts the entire electoral process.

So my amendment, I think, is a necessary measure to protect and secure free speech and the integrity of our electoral process and allow citizens' groups to participate in the legislative process. So I ask support for my amendment and support for freedom of speech.

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

Mr. SHAYS. Mr. Chairman, I yield 3½ minutes to the gentleman from Michigan (Mr. LEVIN).

Mr. LEVIN. Mr. Chairman, this amendment is once again an effort to really undermine and cancel out the so-called issue ads and all of the express advocacy and issue advocacy provisions in this bill.

If you look at the language of the amendment of the gentleman from Texas (Mr. DELAY), you see that there is an exception, an entire exception, to the issue advocacy provisions in case of any communication which deals solely with an issue or legislation which is or may be subject to a vote in the Senate or House of Representatives.

It does not say when. It could be next year. It could be 3 years from now. It could be anything. It encourages an individual to contact an elected representative in Congress in order to exercise the right protected under the first amendment.

So that once again opens the door to these so-called issue ads that attack a candidate in a clear campaign manner and does not say "defeats so and so," but says, after attacking him, after

vilifying him or her, after making it clear that that person should be defeated, does not use the term "defeat" but says, contact so and so.

So, the amendment of the gentleman from Texas (Mr. DELAY) goes far beyond this instance of where we may be in session and where perhaps a group is truly not trying to campaign against that person but get a message to that person or to his or her constituents about something that is immediately pending.

Also I would urge that the protections we have in here are more than adequate to take care of the problem that the gentleman from Texas (Mr. DELAY) says he is trying to address. This is the effort of the gentleman from California (Mr. DOOLITTLE), all over again to take out of Shays-Meehan the issue advocacy provisions that attempt to get at ads that proclaim or parade as noncampaign ads but are truly nothing but that.

□ 1845

There would be no other reasonable interpretation. So this is bigger than driving a Mack truck through Shays-Meehan. This is one of these amendments that has a huge truck with a lot of poison pills in them which will sink Shays-Meehan. I think it is bad policy in and of itself. It goes way beyond its pretended purpose.

The momentum is now on the side of campaign finance reform. We should defeat amendments, the purpose of which is to throw a huge barrier in front of our reaching the promised land. We can reach it. There are some in this body who want to destroy it by any means. This is one such instance. We do not have to be worried about freedom of speech, in our judgment. We have carefully drafted this.

Defeat the DeLay amendment.

Mr. DELAY. Mr. Chairman, I yield 4 minutes to the gentleman from Missouri (Mr. BLUNT).

Mr. BLUNT. I thank the gentleman for yielding me the time.

If I heard the previous speaker correctly, and Shays-Meehan already allows this in all probability, why do we not just be specific about it? This really just says that you can contact, you can encourage others to contact a Member of the House or a Member of the Senate during this 60-day blackout period, if in fact there is an issue before the Congress or likely to come before the Congress, and encourage that they be contacted on how they would vote. When we come back in September, everything we deal with would be in that 60-day period, where it is arguable whether you could contact, whether you could encourage the contact of a Member of Congress.

I think it is probably not arguable that you could call a Member of Congress and say, we would like you to do this. It is probably not arguable that you could write your own letter. But Shays-Meehan appears to say that you cannot encourage others to do that.

We have got appropriations bills that will be coming, that we will send to the Senate, others that will be coming back in conference from the Senate. Are we saying that no group could send out a postcard that says, contact your Member of Congress about this issue that is coming up next week or a specific Member of Congress and mention their name? Are we saying that nobody could send out a postcard and say, last time this issue came up, this Member of Congress voted yes, contact them and encourage them to vote no on the bill that is coming up this week?

I think really this gets down to the very fundamental point of issues before the Congress at a time, if the gentleman from Michigan is correct and it is in there, what does it hurt to make it even more specific?

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

Mr. BLUNT. I yield to the gentleman from Michigan.

Mr. LEVIN. My point is not that the DeLay amendment is in there. The way it is drafted, it refers to all of these sham ads, whenever they are produced, whether 60 days in advance or not. If you read section C, it applies to subsection A and B and all the provisions therein.

Mr. BLUNT. Mr. Chairman, if the gentleman would help me here for a minute, figure this out, if you cannot mention the name of a Member of Congress on anything you pay for, including a postcard, within 60 days of the election, how do you alert others who feel the same way you do about an issue to contact a given Congressman who may be, a given Member of Congress who may be thinking about which way they want to vote on that issue?

Mr. LEVIN. Mr. Chairman, if the gentleman will continue to yield, first of all, again, I urge that anyone who is thinking of supporting this amendment read it. It applies to all of the provisions on express advocacy, whenever an ad would be launched, whether it is 60 days, 90 days, 120 days or whatever. It destroys the entire issue advocacy provisions. That is number one.

Mr. BLUNT. Reclaiming my time, the amendment says that this deals solely with an issue or legislation which is or may be the subject of a vote in the Senate or House of Representatives.

Mr. LEVIN. But, if the gentleman will continue to yield, that could be 120 days before, it could be any time and something that is subject to a vote that could be a year away. So I just urge that the gentleman read the amendment.

Number two, in relation to the 60-day provision, that only relates to paid advertisements transmitted through radio or television 60 days preceding an election. And if it is a notification through paid media that is truly not an effort to influence a vote but influence an election, then it should come under the same rules and regulations as all

other methods of communication relating to elections and candidates.

Mr. BLUNT. Reclaiming my time, Mr. Chairman, I would just say that if we begin to say that we cannot, with a radio ad or some other communication, some instant communication, try to encourage that specific Members of the Congress be contacted, we are a long way down, I think, the wrong road.

Mr. SHAYS. Mr. Chairman, I yield 3 minutes to the gentleman from New Jersey (Mr. PASCARELL).

Mr. PASCARELL. Mr. Chairman, if we are going to maintain the express advocacy standard championed by the Shays-Meehan legislation, and we need to do that, we cannot go halfway on this. The distinguished whip, the distinguished leader from the other side, the gentleman from Texas (Mr. DELAY) knows that quite well. This is a complex issue. Folks listening and watching are trying to still figure out what is the difference between soft and hard money, maybe like some Members. But there is a very, very severe distinction here.

We are not saying in Shays-Meehan that the candidate or dollars cannot be spent on behalf of the candidate by other groups. What we are saying is it must be hard money or else it is wrong and it is banned. The whole purpose of this legislation is to ban soft money. We know how that has grown. We are talking about two political parties that have raised \$67 million between them in the first 3 months of this year.

So we can really boil this down into two very basic things. There are those of us on both sides of the aisle who believe there is too much money in politics, too much money in our campaigns.

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

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

Mr. DELAY. Mr. Chairman, could the gentleman tell me how much money is enough money in politics? Could the gentleman tell me how much money is enough? The gentleman said there is too much money in it. How much money is enough?

Mr. PASCARELL. If the average, Mr. Chairman, if the average campaign costs \$660,000, we know that we cannot put a cap on it due to a Supreme Court decision, but working together I am sure we can come to specific advocacy issues of ourselves, such as banning soft money. Because if you have \$10 to spend in your campaign and not \$660,000, and third-party advocacy groups can spend whatever they wish, that is not controlling expenditures in a campaign. The gentleman knows it, and I know it.

So I believe this Shays-Meehan is simply attempting to ban soft money so that all of the hard money that is spent is disclosed. That is a critical issue, Mr. Chairman.

We want the dollars, we want the names and the addresses of people who contributed to our campaigns. That is

a very underlying argument within Shays-Meehan, disclosure, the banning of soft money. And the sooner we do it, the better.

I think that this is what this is all about, what we are going to open up here, and trying to go in the opposite direction. What we are going to open up is more advocacy, more issue advocacy, more spending of money, not only 6 months or 6 weeks but 6 days before a campaign.

I believe Shays-Meehan is on target. I believe we cannot equivocate. This amendment is a poison pill.

Mr. DELAY. Mr. Chairman, I yield 3 minutes to the gentleman from Kentucky (Mr. WHITFIELD).

Mr. WHITFIELD. Mr. Chairman, the discussion that we are having right now goes to the very crux of this entire issue of campaign finance reform. Those who have been advocating reform talk about special interest money. One thing is pretty clear, special interest money is the money of any group you do not agree with.

Second of all, too much money, no one has been able to define what is too much money. Third of all, sham ads. What is a sham ad? It is an ad that you do not like. Then fourth of all, disclosure.

Now, I find it ironic that I am up here this evening speaking in favor of the majority whip's amendment to allow groups to take out ads in the newspaper or radio or whatever to express their concern about issues before the Congress; and you all want to stop that, in essence.

Yet a group called Public Campaign ran ads in every newspaper in my district 2 days ago saying that ED WHITFIELD does not think politicians are hooked on special interest money so he wants to triple the dose.

Now, I did not like this. It made me feel bad to read this, every newspaper in my district, but I think this group has a constitutional right to run this ad if they want to run it.

But in your definition of express advocacy, you expand it so far that you are going to eliminate and curtail the rights of groups like Public Campaign to talk about these issues.

In fact, the third way you expand express advocacy, it says, express advocacy is expressing unmistakable and unambiguous support for or opposition to one or more clearly identified candidates when taken as a whole and with limited reference to external events such as proximity to an election.

This ad meets that definition. And under the Shays-Meehan, this ad would be illegal. So here I am, up here defending the right of this third party, independent group to run these ads, and all that the majority whip's amendment does is to be sure that they have a right to do that.

I might further say that the third way you expand the definition of express advocacy, the Supreme Court already, in a case FEC versus Maine

Right to Life, has declared that specific language, not approximate language, but specific language unconstitutional.

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

First off, we do not ban anything. This is just totally a misstatement. The issue is whether it is an issue ad or a campaign ad. The issue is whether you come under campaign rules or do not come under campaign rules.

First and foremost, Mr. Chairman, we ban soft money. I do not think that there is any amendment to try to deal with that, so that is off the table.

The issue is dealing with sham issue ads that are truly campaign ads. It is not that they do not have a right to do it, but they are campaign ads and should come under the campaign rules. Organizations and labor unions and other interest groups have tried to get around the campaign laws by simply pretending that they are issue ads, by not saying vote for or vote against, but mentioning the name of the candidate and showing a picture. We have the bright line test expanded by the name of the picture or the name of the candidate. That is for radio and TV.

□ 1900

This is not radio or TV. This does not ban it based on the issue of 60 days before an election.

Now, there is the issue of unambiguous and unmistakable support for or opposition to a clearly identified Federal candidate can run at any time. Telling an individual that he should vote for something or vote against to me does not meet that test at all. It does not meet the unambiguous and unmistakable test that would affect this paper.

So the bottom line is radio and TV, yes. Name or the picture of the candidate 60 days to an election, that is right. We are trying to get at these campaign ads so people do not get around disclosure of them and are not able to use corporate and dues money. That is the purpose of it.

The bottom line to the gentleman's amendment is it is an exemption that totally swallows the rule. He basically abolishes by this amendment any attempt to deal with the whole issue of not dealing with the recognition of sham issue ads. It basically allows for this loophole because all you have to do is say, "Contact your representative," and then two days before the election you can then say, "Contact your representative and say whatever you want," which is the reason why I have objection to it.

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

Mr. SHAYS. I yield to the gentleman from Kentucky.

Mr. WHITFIELD. I would just say to the gentleman that I think he has confirmed my concern and his third method of expanding express advocacy can be by newspaper, radio, television or whatever. Reasonable minds can disagree about what is unmistakable and

what is unambiguous, and that is the reason that the court has adopted a bright line test. Your expansion of express advocacy is going to end up right back in the courts.

Mr. SHAYS. The bright line test is emphatically what we do have, and the name or the picture of the candidate has been what is expanded to it.

Mr. Chairman, I yield 3 minutes to the gentlewoman from Michigan (Ms. RIVERS).

Ms. RIVERS. Mr. Chairman, the previous speaker said that this issue goes to the crux of what this bill is about and it does.

A couple of weeks ago I very facetiously read a little poem by Dr. Seuss or in a Dr. Seuss like manner and I said that what this bill was about was about calling what waddles and quacks a duck, and that is what this bill is about. It is about ending the ability of some individuals and some groups to do an end run around the laws that we have in place for electing candidates.

This seems like a very innocent proposal. But frankly to pass it would allow some very pernicious political behavior to continue. This proposal includes a huge loophole, and the gentleman from Michigan did mention this to some extent. But I want to be very clear. The provision that the majority whip proposes would include not just issues that are scheduled to come up in front of a legislative body but issues that might or may be scheduled in the future. This is a huge issue. This means that any issue, any issue that conceivably could be put in front of a legislative body should fall within this particular exemption.

A couple of weeks ago when I spoke on issue advocacy, I read from the New York Times and other newspapers the express script of a campaign ad, really a whole series of campaign ads that ran in Staten Island. But they had similar gists to them. They went like this. Because one of the candidates was a member of the New York legislature, the ads ran talking about the number of times that that legislator had raised taxes, a number of things that he had done as a State legislator, they finished up by saying, even though there was no vote scheduled in the New York legislature on taxes, "Call Representative A and tell him to stop raising your taxes."

Would that fit within the exemption that the majority whip is proposing? Absolutely. Are we dealing with an express attempt to influence the election or defeat of a particular candidate? Yes. Are we talking about a legislative issue that just might at some time be in front of the legislative body that this individual belongs to? Yes. But this is the sort of behavior we are trying to stop. We are trying to make the rules clear and we are trying to make sure that everyone follows them. If you are attempting to elect or defeat a candidate, there are clear laws with which you must comply. What the majority whip tries to do is to blur those rules

and to continue to provide an end run opportunity for those people who do not wish to follow the laws.

Please do not accept this. Let us do what I said a couple of weeks ago. Let us make sure that we call what waddles and quacks a duck.

Mr. DELAY. Mr. Chairman, I yield myself such time as I may consume. This is exposing Shays-Meehan for what it is. The opposition to my amendment is trying to confuse the Members. In one section of 202, they do talk about 60 days before an election. But in other sections in 202, they talk about other parts of the year. And 60 days it is radio or television communication. But in other parts of the year it could be the kind of ad that the gentleman from Kentucky was talking about.

My amendment is very, very simple. It simply states that an exemption to the express advocacy part of their bill that deals solely with an issue or legislation. I do not understand why the proponents of Shays-Meehan are scared to death to have ads run against them dealing with issues while we are in session or the next week of the session.

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

Mr. DELAY. I yield to the gentleman from Kentucky.

Mr. WHITFIELD. Mr. Chairman, there is one thing that I did want to clarify. Obviously if you have an ad that is running and under the new definition of express advocacy of Shays-Meehan that ad is included and, as I said, I think it is so broad and so ambiguous and subject to so many interpretations, the Supreme Court has already declared part of this language unconstitutional. But obviously you can run those ads. The gentleman was correct. You can run the ads, but the group would have to form a PAC, the group would have to have an attorney, the group would have to file all those reports with the FEC and that is precisely the type of chilling effect that the Supreme Court has repeatedly said you cannot require.

Mr. SHAYS. Mr. Chairman, I yield 2 minutes to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY of New York. Mr. Chairman, I thank the gentleman from Connecticut (Mr. SHAYS) and the gentleman from Massachusetts (Mr. MEEHAN) for their extraordinary commitment to this issue and their hard work on it for many years.

Many of the amendments that come before us tonight collectively serve only one purpose, and, that is, to sidetrack reform. We have the power to change that today by passing and voting for Shays-Meehan, voting down absolutely every single amendment. We have a commission that is attached to it that can review all of these. The Shays-Meehan as we have said bans soft money and it also prevents the so-called independent groups from running sham issue advocacy ads whose true aim is to elect or defeat a particu-

lar candidate. This particular amendment really would create a sham legislative alert. Whether it is a sham issue advocacy ad or a sham legislative alert, all we are saying is disclose who is paying for it. Let the American public know who is wooing whom and pay for it, not with the huge loophole of soft money but with hard money.

I think that all of us have been attacked by these so-called independent groups in our campaigns. What is very troubling, in many cases I believe these independent groups are spending more money than the candidates themselves. But I am all for free speech. We all support free speech. Just let the American public know who is paying for it. Is that too much to ask? But the real point is that we have before us a very carefully crafted bill that has what I call the fragile flower of consensus. We have a majority of Members in this Congress that support Shays-Meehan. We can pass it and enact it into law. We can consider other important amendments in the commission bill. That is what we should be doing tonight.

What I find particularly troubling is that I suspect that many of the Members who have offered amendments this evening have absolutely no intention for voting for Shays-Meehan. Their real agenda is to try to destroy it with poison pills or with amendments that disrupt the balance that we have created.

Vote for Shays-Meehan. Vote against all amendments.

Mr. SHAYS. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania (Mr. GREENWOOD).

Mr. GREENWOOD. Mr. Chairman, I thank the gentleman for yielding time. I would like to get back to the original intent of the maker of the amendment which I think is to preserve the right to give legislative alerts. I do not quarrel with the gentleman's motivation. I think the motivation is proper. I do think that the bill protects that right, because there is clearly a voting record or voting guide exception. The term express advocacy does not include printed communication that presents information in an educational manner solely about the voting record or positions on a campaign issue. I think that the gentleman's concern is well covered in the bill.

Let me tell Members the problem I think we are trying to solve with this legislation. I think the laws of this land with regard to campaign finance and campaign communication worked pretty well until the relatively recent number of years. And the intensity of the fight across the country for this Congress, for this House in particular, has been such that it has distorted the laws. It troubles me that whenever there is a special election in America now, we no longer rely upon the people of that community to listen to a good debate among the candidates, to identify who stands for which issue, participate in the campaign and they go

vote. Instead, immediately out rushes Planned Parenthood, out rushes the Family Research Council, out rushes the AFL-CIO, out rushes the business organizations, term limits, every organization in America rushes out and starts dumping millions and millions of dollars into these sham ads which are just sham ads. They are sham ads not because, as my friend from Kentucky said, we do not agree with them, because they masquerade as something they are not. They masquerade as information when in fact they are the most clever and deceptive and non-productive and nonsubstantive attacks on character and the record of the candidates, and they need to be managed as free speech does throughout our society.

I ask for a negative vote on the DeLay amendment.

Mr. SHAYS. Mr. Chairman, I yield 2 minutes to the gentleman from Maine (Mr. ALLEN), a distinguished freshman Member of Congress.

Mr. DELAY. Mr. Chairman, I yield 1 minute to the gentleman from Maine (Mr. ALLEN).

Mr. ALLEN. Mr. Chairman, this amendment like others is a poison pill. It is designed to undermine campaign reform. It is designed to change the Shays-Meehan bill in a way to reduce its support.

I simply want to raise a couple of things, go back to a couple of things that have been said here. This is not about denying any group its right to speak in American politics. This is not about preventing groups from sending postcards. It is not about preventing people from communicating about their representatives. What it is about is saying, if you are going to communicate in a way that pretends to be about an issue but in fact is meant to influence an election, we need to know who is paying for the ads. We need to get disclosure. That is what this is about.

There are those on the other side who preach disclosure, disclosure, disclosure as one approach to the abuses of this campaign season, except when it comes to outside groups running ads. And then they say, "Oh, no, we can't have disclosure." We need disclosure when it comes to issue advocacy. That is why I think this is an amendment that needs to be defeated.

The second point I will make is just this. It was asked earlier how much money is too much money in politics. Well, this is not about free speech. It is about big money. It is not about protecting the free speech of a constituent. It is about preserving big money in this system. Too much money is unlimited money flowing to the national parties to run ads. Too much money in politics is unlimited money with no disclosure of who it is that is spending that money by outside groups.

The Shays-Meehan bill is a good approach to campaign reform. I believe there are other approaches.

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

Mr. ALLEN. I yield to the gentleman from Missouri.

Mr. BLUNT. I would just like to ask the gentleman whom I think is well motivated and well intentioned in this debate, in your sense of an effort to persuade someone on an issue or to encourage a vote on the issue but you said that masquerades as that when it is really something else, who decides that is I think really my concern. Who draws the line between what masquerades as an ad or what is really clearly encouraging a result on an issue?

□ 1915

What we do not want to do here is shut the door on people's ability to rightly influence the legitimate debate of the Congress. And who decides where that line is? What is the standard?

Mr. ALLEN. I believe that in this, as in many other areas of law, that the law, the standard, will be developed. It will be developed by the FEC, it will be developed by the courts over time until we have a fairly clear understanding of what that standard is.

And we do this all the time. We write standards into law, and we hope they are clear enough to be effectively enforced.

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

Mr. Chairman, the Meehan-Shays substitute bans soft money, and then what we also do is we recognize that the sham issue ads are truly campaign ads, and that is the key point. They are not sham in the sense that they do not have a right to speak, but they are not issue ads, they are campaign ads, and we call them such. One of our provisions is obviously already in existing law. Vote for or vote against it; it makes it a campaign ad. And people get around the sham issue ads by not saying vote for or vote against, but they might as well based on what they say. When they mention the name or show a picture of a candidate by radio or TV, we call them campaign ads; that is true. The fact is, though, that these voter alerts, we do not impact the voter alerts through that process of the picture or the name.

The bottom line is, this is an amendment that is an exemption that truly does swallow the rule. It abolishes any attempt whatsoever to deal with sham issue ads. It is a gigantic loophole that is intending to deal with something that is not a problem.

Now my colleague used the word "manage." I do not agree it is managed. I think it is simply saying playing by the same rules. People have a right to speak out. They can do their legislative alerts. But if they are on radio or TV 60 days to an election, it is going to be a campaign ad and they come under the campaign rules with all the voice that is allowed under that process.

The CHAIRMAN pro tempore (Mr. SHIMKUS). The time of the gentleman from Connecticut (Mr. SHAYS) has expired.

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

Mr. Chairman, I think the opponents to my amendment are very upset with this amendment because this amendment may pass, and they are upset with this amendment and oppose this amendment because it exposes the biggest part of the Shays-Meehan bill that we object to, and that is the part that manages free speech.

The gentleman from Pennsylvania used the term we need to "manage" free speech. To me, that is an oxymoron. We cannot manage free speech, particularly in the part of political advocacy and political participation that my amendment addresses.

My amendment is very simple. It just exempts from the section of the bill any ads or alerts sent out by groups that deal solely with an issue or legislation which is or may be subject to a vote in the Senate or the House of Representatives. Now why would they be afraid of issue ads that express opposition for or support for a vote in the House of Representatives or the Senate?

And it also exempts any communication that encourages an individual to contact an elected representative in Congress in order to exercise the right protected under the first amendment of the Constitution to inform the representative of the individual's views on such an issue of legislation.

Now, if we look at some of the opponents and what they have actually been saying, I am going to dissect a little of it. Number one, they confuse the whole issue by talking about bigger issues, smaller issues, loopholes, sham ads. In fact, the gentlewoman from New York has turned a new term of art in addition to the term of art "sham ads" that has been started by the Shays-Meehan. Now we have sham issue alerts.

Can my colleagues imagine in this country of free speech, free speech guaranteed by the Constitution of the United States, we are talking about sham issue alerts in the House of Representatives? We want to manage the free speech of groups that may want to tell the American people how we vote? This is what we have been talking about all along. The proponents of Shays-Meehan are proponents, number one, that are incumbents, and they are sick and tired of people around America revealing, using our communication services in this country to reveal how they vote, and so they want to get rid of these sham ads. Or they want to manage them in such a way as to discourage them.

The gentleman from New Jersey was talking about capping spending. The gentleman from Maine was talking about we need to know who these subversive people are that are writing ads that may tell the American people how we vote. And we need to know who is we? Who decides? Is we the big-brother government at the Federal Election Commission? Of course it is. They want

big-brother government to manage free speech, if we put all the opponents' speech together. That is what they have been saying here.

What we are saying is very simple: As the gentleman from Connecticut has said, we take care of issue alerts in our bill. It is no problem. Of course, we cannot find it in their bill, but they just arbitrarily say we take care of it. Well, if they take care of it, why are they afraid of my amendment? They are afraid of my amendment because they are afraid for people to gather together, raise some money, send out an ad, do a radio spot that tells the American people and District 22 of Texas how the gentleman from Texas (Mr. TOM DELAY) votes.

Mr. Chairman, I am not afraid of how I vote, and I am not afraid to stand up and stand toe-to-toe and debate those groups that are against the way that I vote. That is the American process. What Shays-Meehan does in its limitation of free speech and its now-management of free speech is wants to shut down organizations' abilities and rights to freely express themselves in the political process because in their bill they say communications, radio and TV, that is run 60 days before an election, which means when we get back from the August recess in September, if my colleagues run a radio spot that happens to say, "Tom DeLay voted to ban partial-birth abortions and he is a bad dude for doing it," that organization could come under attack by the Federal Election Commission, and they have no defense to say we are just advocating a vote on the floor of the House during a pre-election period. But in my amendment that group, whether it be Planned Parenthood or others, could stand up and say, no, in the law it says that we are dealing with a vote on the floor of the Senate and the House of Representatives.

It just amazes me every time I debate this campaign reform why people want to limit people's freedom of speech to participate in the political process, and it all comes back to the same reason: They are afraid for the American people to know what is going on in this town, to know what is going on on the floor of this House, and they are uncomfortable sometimes by some of the ads that groups run, and they want to do away with them once and for all.

So I just ask the Members to look at my amendment, digest it, understand it and vote for it.

The CHAIRMAN pro tempore. All time having expired, the question is on the amendment offered by the gentleman from Texas (Mr. DELAY) to the amendment in the nature of a substitute No. 13 offered by the gentleman from Connecticut (Mr. SHAYS).

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

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

The CHAIRMAN pro tempore. Pursuant to House Resolution 442, further

proceedings on the amendment offered by the gentleman from Texas (Mr. DELAY) will be postponed.

Mr. DELAY. Mr. Chairman, I ask unanimous consent that Amendments 27 and 28 offered by me be withdrawn and my amendments 25 and 26 in the order of July 17 on H.R. 2183 may be considered in the sequence at this point and that 26 be modified by the form at the desk.

The CHAIRMAN pro tempore. The Chair cannot entertain that request in the Committee of the Whole.

Mr. DELAY. Mr. Chairman, I withdraw the unanimous consent, and I have Amendment No. 25 at the desk.

The CHAIRMAN pro tempore. Does the gentleman intend to offer Amendment No. 20?

Mr. DELAY. No, Mr. Chairman. No. 25, I ask unanimous consent to take No. 25 out of order and consider it.

The CHAIRMAN pro tempore. That being the case, it is now in order to consider the amendment by the gentleman from Pennsylvania (Mr. PETERSON). The Committee of the Whole may not entertain a request to consider an amendment that deviates from the previous order of the House.

AMENDMENT OFFERED BY MR. PETERSON OF PENNSYLVANIA TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. SHAYS

Mr. PETERSON of Pennsylvania. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute.

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

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

Amendment offered by Mr. PETERSON of Pennsylvania to the amendment in the nature of a substitute offered by Mr. SHAYS:

Add at the end the following new title:

TITLE ___—VOTER ELIGIBILITY CONFIRMATION PROGRAM

SEC. ___01. VOTER ELIGIBILITY PILOT CONFIRMATION PROGRAM.

(a) IN GENERAL.—The Attorney General, in consultation with the Commissioner of Social Security, shall establish a pilot program to test a confirmation system through which they—

(1) respond to inquiries, made by State and local officials (including voting registrars) with responsibility for determining an individual's qualification to vote in a Federal, State, or local election, to verify the citizenship of an individual who has submitted a voter registration application, and

(2) maintain such records of the inquiries made and verifications provided as may be necessary for pilot program evaluation. In order to make an inquiry through the pilot program with respect to an individual, an election official shall provide the name, date of birth, and social security account number of the individual.

(b) INITIAL RESPONSE.—The pilot program shall provide for a confirmation or a tentative nonconfirmation of an individual's citizenship by the Commissioner of Social Security as soon as practicable after an initial inquiry to the Commissioner.

(c) SECONDARY VERIFICATION PROCESS IN CASE OF TENTATIVE NONCONFIRMATION.—In

cases of tentative nonconfirmation, the Attorney General shall specify, in consultation with the Commissioner of Social Security and the Commissioner of the Immigration and Naturalization Service, an available secondary verification process to confirm the validity of information provided and to provide a final confirmation or nonconfirmation as soon as practicable after the date of the tentative nonconfirmation.

(d) DESIGN AND OPERATION OF PILOT PROGRAM.—

(1) IN GENERAL.—The pilot program shall be designed and operated—

(A) to apply in, at a minimum, the States of California, New York, Texas, Florida, and Illinois;

(B) to be used on a voluntary basis, as a supplementary information source, by State and local election officials for the purpose of assessing, through citizenship verification, the eligibility of an individual to vote in Federal, State, or local elections;

(C) to respond to an inquiry concerning citizenship only in a case where determining whether an individual is a citizen is—

(i) necessary for determining whether the individual is eligible to vote in an election for Federal, State, or local office; and

(ii) part of a program or activity to protect the integrity of the electoral process that is uniform, nondiscriminatory, and in compliance with the Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.);

(D) to maximize its reliability and ease of use, consistent with insulating and protecting the privacy and security of the underlying information;

(E) to permit inquiries to be made to the pilot program through a toll-free telephone line or other toll-free electronic media;

(F) subject to subparagraph (I), to respond to all inquiries made by authorized persons and to register all times when the pilot program is not responding to inquiries because of a malfunction;

(G) with appropriate administrative, technical, and physical safeguards to prevent unauthorized disclosure of personal information, including violations of the requirements of section 205(c)(2)(C)(viii) of the Social Security Act;

(H) to have reasonable safeguards against the pilot program's resulting in unlawful discriminatory practices based on national origin or citizenship status, including the selective or unauthorized use of the pilot program.

(2) USE OF EMPLOYMENT ELIGIBILITY CONFIRMATION SYSTEM.—To the extent practicable, in establishing the confirmation system under this section, the Attorney General, in consultation with the Commissioner of Social Security, shall use the employment eligibility confirmation system established under section 404 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Public Law 104-208; 110 Stat. 3009-664).

(e) RESPONSIBILITIES OF THE COMMISSIONER OF SOCIAL SECURITY.—As part of the pilot program, the Commissioner of Social Security shall establish a reliable, secure method which compares the name, date of birth, and social security account number provided in an inquiry against such information maintained by the Commissioner, in order to confirm (or not confirm) the correspondence of the name, date of birth, and number provided and whether the individual is shown as a citizen of the United States on the records maintained by the Commissioner (including whether such records show that the individual was born in the United States). The Commissioner shall not disclose or release social security information (other than such confirmation or nonconfirmation).

(f) RESPONSIBILITIES OF THE COMMISSIONER OF THE IMMIGRATION AND NATURALIZATION

SERVICE.—As part of the pilot program, the Commissioner of the Immigration and Naturalization Service shall establish a reliable, secure method which compares the name and date of birth which are provided in an inquiry against information maintained by the Commissioner in order to confirm (or not confirm) the validity of the information provided, the correspondence of the name and date of birth, and whether the individual is a citizen of the United States.

(g) UPDATING INFORMATION.—The Commissioner of Social Security and the Commissioner of the Immigration and Naturalization Service shall update their information in a manner that promotes the maximum accuracy and shall provide a process for the prompt correction of erroneous information, including instances in which it is brought to their attention in the secondary verification process described in subsection (c) or in any action by an individual to use the process provided under this subsection upon receipt of notification from an election official under subsection (i).

(h) LIMITATION ON USE OF THE PILOT PROGRAM AND ANY RELATED SYSTEMS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, nothing in this section shall be construed to permit or allow any department, bureau, or other agency of the United States Government to utilize any information, data base, or other records assembled under this section for any other purpose other than as provided for under this section.

(2) NO NATIONAL IDENTIFICATION CARD.—Nothing in this section shall be construed to authorize, directly or indirectly, the issuance or use of national identification cards or the establishment of a national identification card.

(3) NO NEW DATA BASES.—Nothing in this section shall be construed to authorize, directly or indirectly, the Attorney General and the Commissioner of Social Security to create any joint computer data base that is not in existence on the date of the enactment of this Act.

(i) ACTIONS BY ELECTION OFFICIALS UNABLE TO CONFIRM CITIZENSHIP.—

(1) IN GENERAL.—If an election official receives a notice of final nonconfirmation under subsection (c) with respect to an individual, the official—

(A) shall notify the individual in writing; and

(B) shall inform the individual in writing of the individual's right to use—

(i) the process provided under subsection (g) for the prompt correction of erroneous information in the pilot program; or

(ii) any other process for establishing eligibility to vote provided under State or Federal law.

(2) REGISTRATION APPLICANTS.—In the case of an individual who is an applicant for voter registration, and who receives a notice from an official under paragraph (1), the official may (subject to, and in a manner consistent with, State law) reject the application (subject to the right to reapply), but only if the following conditions have been satisfied:

(A) The 30-day period beginning on the date the notice was mailed or otherwise provided to the individual has elapsed.

(B) During such 30-day period, the official did not receive adequate confirmation of the citizenship of the individual from—

(i) a source other than the pilot program established under this section; or

(ii) such pilot program, pursuant to a new inquiry to the pilot program made by the official upon receipt of information (from the individual or through any other reliable source) that erroneous or incomplete material information previously in the pilot pro-

gram has been updated, supplemented, or corrected.

(3) INELIGIBLE VOTER REMOVAL PROGRAMS.—In the case of an individual who is registered to vote, and who receives a notice from an official under paragraph (1) in connection with a program to remove the names of ineligible voters from an official list of eligible voters, the official may (subject to, and in a manner consistent with, State law) remove the name of the individual from the list (subject to the right to submit another voter registration application), but only if the following conditions have been satisfied:

(A) The 30-day period beginning on the date the notice was mailed or otherwise provided to the individual has elapsed.

(B) During such 30-day period, the official did not receive adequate confirmation of the citizenship of the individual from a source described in clause (i) or (ii) of paragraph (2)(B).

(j) AUTHORITY TO USE SOCIAL SECURITY ACCOUNT NUMBERS.—Any State (or political subdivision thereof) may, for the purpose of making inquiries under the pilot program in the administration of any voter registration law within its jurisdiction, use the social security account numbers issued by the Commissioner of Social Security, and may, for such purpose, require any individual who is or appears to be affected by a voter registration law of such State (or political subdivision thereof) to furnish to such State (or political subdivision thereof) or any agency thereof having administrative responsibility for such law, the social security account number (or numbers, if the individual has more than one such number) issued to the individual by the Commissioner.

(k) TERMINATION AND REPORT.—The pilot program shall terminate September 30, 2001. The Attorney General and the Commissioner of Social Security shall each submit to the Committee on the Judiciary and the Committee on Ways and Means of the House of Representatives and to the Committee on the Judiciary and the Committee on Finance of the Senate reports on the pilot program not later than December 31, 2001. Such reports shall—

(1) assess the degree of fraudulent attesting of United States citizenship in jurisdictions covered by the pilot program;

(2) assess the appropriate staffing and funding levels which would be required for full, permanent, and nationwide implementation of the pilot program, including the estimated total cost for national implementation per individual record;

(3) include an assessment by the Commissioner of Social Security of the advisability and ramifications of disclosure of social security account numbers to the extent provided for under the pilot program and upon full, permanent, and nationwide implementation of the pilot program;

(4) assess the degree to which the records maintained by the Commissioner of Social Security and the Commissioner of the Immigration and Naturalization Service are able to be used to reliably determine the citizenship of individuals who have submitted voter registration applications;

(5) assess the effectiveness of the pilot program's safeguards against unlawful discriminatory practices;

(6) include recommendations on whether or not the pilot program should be continued or modified; and

(7) include such other information as the Attorney General or the Commissioner of Social Security may determine to be relevant.

SEC. —02. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Department of Justice, for the Immigra-

tion and Naturalization Service, for fiscal years beginning on or after October 1, 1998, such sums as are necessary to carry out the provisions of this title.

The CHAIRMAN pro tempore. Pursuant to the order of the House of Friday, July 17, 1998, the gentleman from Pennsylvania (Mr. PETERSON) and a Member opposed each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. PETERSON).

PARLIAMENTARY INQUIRY

Mr. SHAYS. Parliamentary inquiry, Mr. Chairman.

The CHAIRMAN pro tempore. The gentleman will state his parliamentary inquiry.

Mr. SHAYS. Mr. Chairman, I just need to know. We have gone from Amendment 19, and now we are going to Amendment 21. Does that mean Amendment 20 has been dropped?

The CHAIRMAN pro tempore. The gentleman from Texas did not offer Amendment 20.

Mr. MEEHAN. Mr. Chairman, I seek to take the time in opposition to the amendment.

The CHAIRMAN pro tempore. Without objection, the gentleman from Massachusetts (Mr. MEEHAN) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. PETERSON).

Mr. PETERSON of Pennsylvania. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the amendment that I offer today is an amendment that is a pilot program. It would allow the Attorney General, in consultation with the Commissioner of Social Security and the Immigration and Naturalization Service, to establish a pilot program to test a confirmation system through which they respond to inquiries made by State and local officials, including local voting registrars with responsibility for determining an individual's qualification to vote in a Federal or State or local election, to verify the citizenship of an individual who has submitted a voter registration application and maintain such record of the inquiries made and verifications provided as may be necessary for pilot program evaluation.

This is a pilot project that would expire in 2001. It would give State and local officials the option, only an option if they want to use it, to verify the citizenship of voters using Social Security and INS records. It is totally voluntary. It is not a State mandate. It is a pilot program to be used in five States that already are testing an employee verification program for non-citizens: California, Florida, Illinois, New York and Texas. And this expires in the year 2001, and then a report would be written on how this system worked and if it was effective.

Currently, the law requires citizenship to vote. The Federal law requires it. All 50 States require it. I guess the question is, should we enforce the law? Or should we repeal the law and not require citizenship if one does not agree

with this pilot? Currently, I would ask the question: Do we have the ability to enforce this law? And the answer is no.

□ 1930

Can local election officials currently stop the fraud that is far too common? Not often enough. So why do we have the requirement for citizenship? Elections are the very lifeblood of democracy. Fraud in election poisons our electoral system and undermines the trust that is essential to democracy.

Under this amendment we are introducing today, State and local election officials would be able to make inquiries to the Social Security Administration, which has a record of citizenship when they assign a Social Security number, and to the Immigration Naturalization Service which can also help verify people who have submitted to naturalization and citizenship. This would be set up by the Attorney General.

Voting, as I suggested, is the most fundamental act of citizenship. The people who administer our elections ought to have the access to the information they need to ensure integrity at the ballot box.

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

Mr. MEEHAN. Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. FAZIO).

Mr. FAZIO of California. Mr. Chairman, I rise in strong opposition to this amendment. It is perhaps the most significant poison pill amendment that has been offered to the underlying Shays-Meehan reform bill.

The motor voter law which passed this Congress in the early 1990s has proven to be a helpful way of bringing new people to the political process. If there is a need in this country, it is to engage people in the public debate, to bring them on to the voter rolls and to get them to participate.

People across the country have chronicled the decline in voter participation in primary elections and general elections. The public interest is not served when less than a third of the American people take the opportunity to participate in the elections that keep this representative form of democracy vibrant.

The motor voter law was established with broad bipartisan support so that we would remove impediments to becoming registered voters. By all accounts, it is working. In fact, there are even those who would argue that it is probably working far more to the benefit of Members of the other party than many anticipated when Republicans lead the opposition to this law.

This amendment would take on motor voter by setting up a very difficult and unworkable voter eligibility system using Social Security and the INS. The amendment would have, I think, a chilling effect on the effort to bring more people into the political process and would, as well, raise serious questions, not only of individual

privacy, but of administrative workability.

All it would take would be a brief recollection of the difficulty we had in the case of my colleague from California Rep. LORETTA SANCHEZ, attempting to get information from the INS in any timely fashion to give Members an impression that this proposal is a recipe for potential disaster.

There is no need for us at the moment to make any significant change in the motor voter law. There has been an outpouring of support for it from the League of Women Voters and many other groups who strive to introduce new participants to the American political process.

There has been no justification offered for this amendment. To the degree that we have people voting inappropriately, I know of no reason why our district attorneys, our State election officials, and others responsible at the State and local level do not have the authority today to step in and eliminate whatever minor amount of voter fraud may exist.

So this is really a solution in search of a problem. But in real terms, it threatens the passage of reform in this Congress, which we all know is far more important than tinkering with the motor voter law that, by all odds, has been implemented successfully.

If we were to take this amendment tonight and put it into this bill, we would destroy the coalition, the bipartisan coalition that is on the verge of enacting one of the most significant reforms in the last 25 years and under the guise of doing something to solve a problem that I believe no one can attest to in terms of the reality of its existence in any significant way anywhere in the country, including my home State of California.

It goes far beyond the scope of campaign finance reform. It would override innumerable anti-discrimination safeguards which must remain in the law to make sure that all Americans, regardless of birth place or appearance, ethnicity, race, creed, have equal access to the voter rolls.

Mr. Chairman, I am in strong opposition to the Peterson amendment. I would hope Members who care about the enactment of Shays-Meehan, who want to go right at the heart of the dilemma we face today, and that is that voters are opting out of the process because they do not believe that they can impact it. They think it is only for those with money who control our political system.

The Shays-Meehan campaign reform bill will do more to instill confidence in the average American that it still matters if they bother to vote. That is something that we ought to be working on, not this fictitious problem, which I know some people on the other side of the aisle are fixated on, that holds that there are somehow illegal voters determining the outcome of the elections.

If we really want to make sure that elections are fought fair and square, we

ought to be encouraging more people to vote, not suppressing their interest, as this amendment does.

Mr. PETERSON of Pennsylvania. Mr. Chairman, I yield 5 minutes to the gentleman from Missouri (Mr. BLUNT).

Mr. BLUNT. Mr. Chairman, I thank the gentleman from Pennsylvania for yielding to me.

Mr. CAMPBELL. Mr. Chairman, will the gentleman yield 10 seconds to me?

Mr. BLUNT. Mr. Chairman, I yield 10 seconds to my friend, the gentleman from California (Mr. CAMPBELL).

Mr. CAMPBELL. Mr. Chairman, I am most grateful. I would simply ask that, at some point, the author might give me 30 seconds to ask a question, and that could come after the gentleman's prepared remarks.

Mr. BLUNT. Mr. Chairman, I would be pleased to hear the gentleman's question.

Mr. CAMPBELL. Mr. Chairman, that is very polite. I just wanted to ask about the bill's provision of what is called a final confirmation. If the Social Security or the INS does not have a record of you, as, for example, if you do not have a Social Security card, or you are born here so you do not have an INS record, the bill specifies that there must be what is called a "secondary verification," and it must provide "final confirmation." I just wonder what that might be. I appreciate the gentleman yielding to me.

Mr. BLUNT. Mr. Chairman, let me talk about the bill a little bit while the gentleman from Pennsylvania is getting that answer for the gentleman from California (Mr. CAMPBELL).

Let me also say that I think this is essentially the same kind of campaign reform that the House voted for on February 12, a bill that the gentleman from California (Mr. HORN) introduced, a bill that the chief election official from California said he thought was an improvement and an important addition to the ability of States to be able to, once again, manage the election process.

Until motor voter, with the exception of establishing age qualifications for voting for Federal office, which almost always, then, for reasons of practicality required the States to adopt that same age, we have left election administration to the States. This just simply allows the States to look at this to see if, in their State, this would work.

A majority of Members of this body said just a few months ago, on February 12, that this kind of thing was a good idea. It was a good addition to campaign reform.

I rise in support of the concept of the gentleman from Pennsylvania (Mr. PETERSON), that if we are going to reform campaigns, let us reach campaigns. A number of States already require that citizens give the Social Security number for registration.

So in Georgia, in Hawaii, in Kentucky, in New Mexico, in South Carolina, and Tennessee and Virginia, the

only change in this law would be that we also would have access to INS records. We would only have access to those records until 2001 to see if this concept is helpful or harmful.

It allows a pilot project for the States that want to do it. It does not require a single State to do a single thing. It was approved by a majority of voters that voted on the floor of this House in February.

The gentleman from Pennsylvania (Mr. PETERSON) brings it as an additional element of campaign reform. It is not a mandate. It is a pilot program. I would suggest it is the kind of thing that we ought to return back to the States while we are talking about election reform.

Mr. Chairman, I yield back my time to the gentleman from Pennsylvania (Mr. PETERSON).

Mr. PETERSON of Pennsylvania. Mr. Chairman, I yield to the gentleman from California (Mr. CAMPBELL) to answer his question.

Mr. CAMPBELL. Mr. Chairman, I would be so grateful. Of course it is the gentleman's time. If he would yield to me, I have a follow-up.

Mr. PETERSON of Pennsylvania. Mr. Chairman, I heard the gentleman's question. It is my understanding that, if the INS records and the Social Security records did not prove one to be a citizen, then the body requiring that information could, if they choose, remove one from the rolls or refuse to enroll one as a voter.

Mr. CAMPBELL. Mr. Chairman, would the gentleman yield to me just a second longer?

Mr. PETERSON of Pennsylvania. Sure.

Mr. CAMPBELL. Mr. Chairman, let me say at the start, the gentleman has been very courteous to me and also my good friend, the gentleman from Missouri (Mr. BLUNT).

The gentleman says, at least as I read it, that if one is not going to be picked up by INS, which is going to be the case for those of us born in the United States, and, for some reason, one is not picked up by Social Security, which might be the case if one has not worked yet, it may be true for an 18 year old, then it says the Attorney General shall specify a secondary verification process to confirm the validity of information provided and to provide final confirmation or nonconfirmation.

So my question, if someone does not have a Social Security card because that person has not started working, and is born in this country, so there is no INS record, what would the secondary verification process be?

Mr. PETERSON of Pennsylvania. Well, I think, one, if one has some record as a person to prove that one is a citizen, and one should have if one is, then one would provide that; and that serves the bill. Or the Attorney General could come forth with other means that he felt was ample proof.

Mr. CAMPBELL. Mr. Chairman, will the gentleman yield just for two seconds further?

Mr. PETERSON of Pennsylvania. I yield to the gentleman from California.

Mr. CAMPBELL. Mr. Chairman, I appreciate the gentleman's answer. I will not use his time to make a comment about it.

Mr. PETERSON of Pennsylvania. Mr. Chairman, I reserve the remainder of my time.

Mr. MEEHAN. Mr. Chairman, I yield 2 minutes to the gentleman from California (Ms. WOOLSEY).

(Ms. WOOLSEY asked and was given permission to revise and extend her remarks.)

Ms. WOOLSEY. Mr. Chairman, 5 years ago, as a new Member of the House of Representatives, I was so proud to support the motor voter bill, a bill which made it easier for people to vote. It made it easier by allowing more convenient access to voter registration for new voters or for voters who had moved to a new area.

The motor voter bill is a symbol of our country's belief that it is every citizen's right to have access to the ballot box, every citizen's right, not just some citizens.

Today, I am ashamed that some in this body would turn the clock back, back to a time when the Federal Government would make it more difficult, not less difficult, for every person to vote in this country, every legitimate person.

For example, the amendment by the gentleman from Pennsylvania (Mr. PETERSON) would unreasonably burden some would-be voters by requiring them to show proof of citizenship at the polls on election day. Because of what? Their appearance? The color of their skin? That they have an accent?

I would ask my colleagues, at a time when voter turnout is embarrassingly low in this democratic country of ours, do we really want to make it more difficult for citizens to exercise the right to vote? Of course the answer is no, which is exactly how we should vote on this ill-conceived amendment: "No" on the Peterson amendment, "yes" on the Shays-Meehan bill.

Mr. PETERSON of Pennsylvania. Mr. Chairman, I yield myself what time is needed to respond.

It is interesting. A few moments ago, we were told that this was the most significant poison that is being attempted to be added to this bill. That is a pretty significant statement, that it is poison to try to eliminate fraud. I have a hard time understanding that.

I am going to say it again. It has been said that this is the most significant poison that will be offered to this bill that only has a pilot program that allows States, if they choose, to try to eliminate fraud. I find that hard to understand.

Someone else just said that it was unthinkable to amend motor voter. Motor voter had some problems and has some problems today because there is no system of verification. I could register my dog "Ralph" by calling him Ralph Peterson, and he would be

registered. I could register my cat. I do not happen to have one, but I could.

Motor voter has opened the registration process to fraud. That is one of the weaknesses of motor voter. Just to share with you, a Committee on House Oversight task force uncovered serious voter fraud in California during the 1996 election.

□ 2045

They conducted an exhaustive year-long examination and found 820 individuals who were not citizens at the time of registration that likely voted. In 1996 the California Secretary of State found over 700 noncitizens on the California voter rolls and invalidated their registrations, and he would like this legislation to help him do that more effectively.

Texas Deputy Assistant Secretary of State Tom Harrison reports that 750 resident aliens from Guadalupe, Texas filed applications for absentee ballots in November of 1994 elections, after campaign workers told them that their green cards enabled them to vote by mail.

The Los Angeles Times reported in May of 1994 that Jay McKama, an undocumented immigrant, was sentenced to 16 months in State prison for registering noncitizens to vote. The bounty hunter worked for Steve Martinez, a Los Angeles political activist who paid \$1 per registration. The practice of paying bounty hunters to register individuals to vote has contributed to an increase in noncitizen voting. In some cases noncitizens have been targeted by those bounty hunters.

Every time someone votes illegally, they cancel our vote. They cancel a good vote.

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

Mr. PETERSON of Pennsylvania. I yield to the gentleman from Missouri.

Mr. BLUNT. Mr. Chairman, I am glad the gentleman made that point, because our colleague from California just made the point that every legitimate voter, that is exactly the statement she made, should be allowed to register to vote and should be allowed to vote, and that is certainly right, and they should be allowed to do that with as little encumbrance as is reasonably possible. The least encumbrance would be no registration at all.

We tried that for generations in America, and finally we found out that that did not work, because people voted more than once, they voted at more than one location. We decided we had to have voter registration, and every legitimate voter should be allowed to register, every legitimate voter should be allowed to vote. But every time we let someone cast a ballot who is not a legitimate voter, who does not meet the requirements to vote in that election or in this country, we do just exactly what the sponsor of the amendment said; we cancel out the vote of voters who had a right to vote. That is every bit as big a problem as

any other problem we could have in this process.

If people begin to think that there is no reason to go to the polls because their vote is going to be canceled by somebody who should not have been allowed to register because they were not a citizen, they stop going to the polls for that reason as well. Every legitimate voter should be able to vote.

This amendment, which the House has already passed in the form of a bill one other time and needs to be included in this reform package, merely says to the States, if the States want to try this as a way to verify that, in fact, the people who are casting ballots at your election have a right to do that as American citizens, give it a try until 2001 and we will see if that produces better results.

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

Mr. PETERSON of Pennsylvania. I yield to the gentleman from Pennsylvania.

Mr. GREENWOOD. Mr. Chairman, I would like to convey to the gentleman that I rise to support the gentleman's idea and to oppose his amendment, and let me say why and why it is we call it a poison pill.

I think it was in 1995 when we voted for motor voter legislation. I voted against it and I drafted legislation to change it, not because I did not want to encourage Americans to register and to vote, but because I was afraid that we would never be able to purge people who should not vote, that, in fact, it would become a system too easily defrauded; and it does need to be changed, and I agree entirely with the gentleman and his proposal here.

It is a poison pill because the coalition that we need to pass this legislation consists of a lot of Democrats, and the motor voter bill is based on relatively party lines. What we do not want to happen, those of us who are just determined to do away with soft money in these sham ads, what we do not want to do is let the perfect become the enemy of the good.

We think that the gentleman's proposal, while it is a good one, becomes the enemy of the passage of our bill. It is not the idea that is poison, it is the way that it breaks up our coalition. I am sure that is not the gentleman's purpose.

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

Mr. MEEHAN. Mr. Chairman, I yield 30 seconds to the gentleman from California (Mr. CAMPBELL).

Mr. CAMPBELL. Mr. Chairman, I thank my colleague for yielding. I have a warning to libertarians. Libertarians, please be worried, be very worried about a bill that creates, and I quote, ". . . the Attorney General shall specify . . . an available secondary verification process . . . to provide final confirmation," regarding citizenship status.

I do not see how this can be done without a new federal record system on

individuals. "Secondary" means if one cannot prove citizenship by INS records, cannot prove it by Social Security records. I do not see how this can lead to anything but a national I.D. system. That is in the gentleman's amendment. Therefore, I oppose it.

Mr. MEEHAN. Mr. Chairman, I thank the gentleman from California for that warning to all of the libertarians and others. I appreciate that very articulate presentation.

Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. BILBRAY), another leader in the bipartisan effort to pass campaign finance reform.

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

Mr. BILBRAY. Mr. Chairman, I rise regretfully in opposition to this amendment. I do not rise in opposition to the intention and the spirit of the amendment.

I think that, quite appropriately, the gentlewoman from California pointed out that qualified voters should vote. I think that the gentleman from California who spoke in opposition to this motion probably made his point clear, by saying that we want people to vote. We want people to be able to vote. We want people to be able to register to vote.

In all fairness, I agree with the gentleman from Pennsylvania that citizens should be able to vote. Qualified citizens, not just any person. I strongly support the intention of the gentleman's amendment.

I think that, sadly, as somebody who was a county supervisor and supervised the electoral process for over 2.7 million people, that too often we talk about quantity, and not the quality of the process. The fact is that the integrity of our electoral process needs to be defended.

But tonight I must speak in opposition to this special vehicle, which is asking Shays-Meehan to carry this burden, while trying to keep enough votes together to be able to pass comprehensive campaign finance reform. There are people on both sides of the aisle who will use this as an excuse to oppose our campaign finance reform, Shays-Meehan, if we at this point require the system to require people to basically prove that they are qualified voters, that they are over 18, that they are a citizen of the United States.

I strongly support the intention that the gentleman is trying to make with his amendment. It is just that the vehicle, at this time, will kill campaign finance reform, because there are people in this Congress who will adamantly kill any piece of campaign finance legislation, no matter how good it is, if it means that we will address this problem of unqualified people being able to register and vote.

So I sadly have to oppose this, and I would ask the gentleman to join with those of us on both sides of the aisle that believe that the integrity of fi-

nance campaign reform and the integrity of our electoral process needs to be finally addressed one way or the other.

Campaign finance reform. We are trying to do it with this bill. I hope that, at the appropriate time in the future, Democrats will come across the aisle and join us in supporting the gentleman's thoughtful effort to ensure for the integrity of the electoral vote.

The CHAIRMAN pro tempore (Mr. WHITFIELD). The gentleman from Massachusetts (Mr. MEEHAN) has 10½ minutes remaining; the gentleman from Pennsylvania (Mr. PETERSON) has 5½ minutes remaining and the right to close.

Mr. PETERSON of Pennsylvania. Mr. Chairman, I yield 2½ minutes to the gentleman from Ohio (Mr. TRAFICANT).

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

Mr. TRAFICANT. Mr. Chairman, if a national I.D. card is what we are concerned about, take some of those aspects out in conference. I heard some Members say this is good, but it is so good, it might hurt the bill.

Bob Dole cannot write a check in a supermarket without proving his identity. One cannot get on a plane without proving some identity. One cannot get a driver's license in America without proving some identity.

What is more important, and I always hear, "This is good, but not now, do not do it now." This is campaign finance reform. If we do not do it now, this turkey is dead in the future. If we are going to do it, do it now, if this thing is going to fly. I support it.

Citizens should vote. Noncitizens should not vote. We insult no one by ensuring that an illegal vote does not cancel out our legal votes. In America the people govern. There is nothing more important in this bill than foreign money influence, attempts to corrupt us for foreign interests and illegal votes cast in elections.

Mr. Chairman, I took a lot of heat on the Democrat side, the only one who took a parliamentary stand in the matter of the Dornan-Sanchez race, and I think the gentlewoman has done a great job. But I think that should be straightened out, and we should have the facts before we certify anybody's election, especially when there is a taint of illegal votes.

So look, if Bob Dole cannot write a check in a supermarket without proving that check with some identification, if one cannot get a driver's license, if one cannot get on a plane, then by God, in America, one should be able to do some reasonable identification to prove one is a citizen. Citizens govern.

Mr. CAMPBELL's concerns are very important, and Mr. Chairman, let me say this. We keep making it easy for illegal citizens and illegal votes in campaigns, and we will have done nothing with campaign finance reform. All we do is massage the politics of the American theater as far as politics is concerned.

Mr. CAMPBELL has a legitimate concern. He is a very astute man. That could be worked out in conference, but the concept of illegal votes not in elections must be determined. If we do not do it this way, how the hell do we do it?

Mr. MEEHAN. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, this amendment has nothing to do with campaign finance reform, absolutely nothing to do with campaign finance reform. This bill, as we are on the verge of passing, is not an excuse for anyone who has any idea about anything to come into this House floor and try to defeat this bill. This has nothing to do with campaign finance reform. We are on the verge of making history with the most significant campaign finance reform bill in 20 years. Let us get on and pass this bill.

Mr. Chairman, I yield 4½ minutes to the gentleman from New Jersey (Mr. MENENDEZ).

Mr. MENENDEZ. Mr. Chairman, I thank the gentleman for yielding me this time. I thank him for all of his hard work on this issue.

Mr. Chairman, the gentleman from Ohio (Mr. TRAFICANT), my friend, says that in America people govern, and that is true. All of the people govern, including those who have surnames such as mine, and who were born in this country. And they do not deserve the right to be discriminatorily applied against, which is in essence what this amendment does.

I heard before the suggestion of the fact that what is wrong with the pilot program? Well, nothing is wrong with a pilot program, but even abridging rights in a pilot program does not make it constitutionally firm, it makes it constitutionally infirm.

I also heard the discussion about cancelling out of a vote, but what happens to the American citizen who, through your process, is denied the ability to vote because of some problem with the INS, some problem with Social Security; is not their cancellation of their vote equal to the cancellation we are so worried about?

For members of my family who live in Cuba and others throughout the world who do not have the right to vote for this, basic freedom is only a cherished dream. Well, what the author of this amendment, however, forgot about is that in America, voting is not a dream, it is not just another government benefit or program to be means tested, it is a constitutional guarantee, what all who came to this Chamber were sworn to uphold.

□ 2000

Americans should not be subjected to a government background check when they register to vote. But that is just what this amendment does, it turns the ballot box into an interrogation zone, where Americans are guilty until they have proven themselves innocent.

Imagine going to vote, myself going to vote, having been born in this coun-

try, a member of the United States Congress, and having to be interrogated at the ballot box to try to prove that I should be able to vote. Particularly, I would urge some of my colleagues to look at the history of what has happened in different States where ballot security squads were created to disenfranchise minority voters. The application at that table by those election judges will be discriminatorily applied, if they wish to do so.

What will be the guarantee? How will Members ensure that my vote is not annulled, as the gentleman is concerned about his being annulled? And to show they are citizens, Republicans want the Social Security Administration and the Immigration and Naturalization Service to run background checks and share private information on American voters.

If it is not to be discriminatorily applied, everyone who seeks to register would have all of their private information given to electoral officials. Is that what they want, Big Brother? I have heard so many of them rail against that.

Now, where is this test going to take place? This test of this security check-out program will take place in California, Florida, Texas, New York, and Illinois, States with large minority populations, especially Americans with Hispanic descent.

We already know the problems with identical names and dates of birth, especially among minority voters, that caused many legal voters to be targeted by what is now the discredited Dornan investigation. If this new program goes forward, many, many other innocent Americans may find government officials targeting them, too.

Clearly, the right to vote in this Nation should not be subject to government intrusion, and I say specifically that Hispanic American voters will not forget Members' continuing persecution of their rights. Vote against the Peterson amendment and keep Shays-Meehan in order.

Mr. MEEHAN. Mr. Chairman, I yield 1 minute to the gentlewoman from New Jersey (Mrs. ROUKEMA), a leader in our bipartisan effort.

(Mrs. ROUKEMA asked and was given permission to revise and extend her remarks.)

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

Mr. Chairman, as a person who was one of the strong supporters of the pilot program of the gentleman from California (Mr. HORN), and I not only voted for it, I promoted it back in March, that would deal with the eligibility of voters and the reforms that the gentleman from New Jersey (Mr. MENENDEZ) was just referring to, and to the essence of the proposal of the gentleman from Pennsylvania (Mr. PETERSON), here, I have to say that this is only an effort to really sabotage this bill.

We are so close. I am not going to let us take victory from the jaws of defeat,

or defeat from the jaws of victory, either way that you want to say it. We must stick with Shays-Meehan. This is the golden opportunity in this Congress to get genuine campaign finance reform. The other issue is entirely separate, and we can take that up in a separate matter. I will be strongly supportive of that. But for now, we cannot sabotage Shays-Meehan. We must defeat the Peterson amendment.

Mr. Chairman, I rise in reluctant—yet clear-eyed opposition—to the amendment offered by my Colleague from Pennsylvania, Mr. PETERSON.

I want my Colleagues to know that I support the substance of this amendment. The events of the past several years have uncovered a disturbing trend in elections.

Without referring to a specific election or a specific state or a specific region, there is more than anecdotal evidence that more than a few of our elections are being tainted.

Tainted by voters who should not be voters. As Mr. PETERSON has reported—but this is not new. That's why we have had these legal actions.

Voters who have no right to participate in our electoral process.

My Colleagues, the very foundation of our representative democracy is "one man-one vote." We—in this body—have a solemn responsibility to preserve that foundation by protecting the integrity of the electoral process.

In this regard, I think it is a worthwhile exercise that we test new methods to verify the eligibility of all voters in all elections. Indeed, I voted for Rep. HORN's pilot program back in March.

And I have never been an enthusiastic supporter of the various motor-voter programs. I think they present an engraved invitation for fraud and abuse.

So I would support this legislation. But not here, Not now. Not on this bill. The clear purpose of this amendment is to undermine and divide support for this major reform that goes to the heart of abuses.

As you know, I have been an original co-sponsor of the Shays-Meehan campaign finance reform bill—in all of its various iterations. I think the lack of comprehensive campaign reform has been one of the most glaring failures of this Congress . . . the last Congress . . . the Congress before that . . . and several Congresses before that.

It just reinforces the cynicism of the American people about our motives and our actions.

We have here in the Shays-Meehan substitute a golden opportunity to snatch victory from the jaws of defeat. We have a real opportunity to pass genuine campaign reform.

Unfortunately, the Peterson amendment threatens our efforts here.

I support the goals of the Peterson amendment and would pledge to work with the gentleman from Pennsylvania to pass this amendment as a free-standing bill. But I cannot support it as an amendment to Shays-Meehan.

Defeat the Peterson amendment.

Mr. MEEHAN. Mr. Chairman, I yield 1 minute to the gentleman from Connecticut (Mr. SHAYS).

Mr. SHAYS. Mr. Chairman, I oppose this amendment on two grounds. I first oppose this amendment on the logic that says, because when you go to the

supermarket and pay money, you sometimes have to show your license; and I oppose it on the logic that says when we go to get an airplane ride and we pay money, we have to show our license. Good grief, this is a constitutionally protected right. We do not have to pay money to vote, and why should we have to show a picture to vote?

On that ground, the logic of comparing this to airline traffic, or when we go to supermarkets, is beyond me. This is a constitutionally protected right. We should not have to pay money and we should not have to show our picture.

But I oppose it on other grounds, as well. The bottom line is, this is campaign finance reform we are debating. This legislation does not deal with campaign finance reform, it deals with motor voter. We are in the majority as Republicans, and we are pushing this proposal, this amendment. Just bring it out on its own separate merit and vote it up-or-down. Do not tie it in with campaign finance reform.

Mr. MEEHAN. Mr. Chairman, I yield 30 seconds to another leader in our bipartisan effort, the gentleman from Tennessee (Mr. WAMP).

Mr. WAMP. Mr. Chairman, the operative word is "finance." This is about campaigns, this amendment. I agree, frankly, with the intent of the author of this amendment. I agree so many times with my friend, the gentleman from Ohio (Mr. TRAFICANT). But campaign finance is about raising money and spending money and reelecting Federal candidates. That is what we have been working on here.

This actually is a legitimate issue. It is like combining school vouchers with a higher education bill. They are both education, but they do not belong together. This issue does not belong in this bill. We need to pass this bill clean, and we need to vote down this amendment, even though I agree with the intent of the author, the gentleman from Pennsylvania (Mr. PETERSON).

Mr. PETERSON of Pennsylvania. Mr. Chairman, I yield 1 minute to the gentlewoman from Kentucky (Mrs. NORTHUP).

Mrs. NORTHUP. Mr. Chairman, the people that come before us and say they are for campaign finance changes say it will protect the integrity of elections. What about protecting the integrity of elections? Why do they want to so narrowly define it that they only stick to the subject areas they want to?

Kentucky is one of the States where we have to have a Social Security number to register. We did not do that to discriminate, we did that with a Democratic Party legislature, because we had such fraud in our voting process. We did it to protect the integrity of the election.

What the people who oppose this today say is that, we would rather make our bed and pass a law with people who do not want to protect certain

portions of the integrity of the election process in order to pass our own version. This is exactly what I fear about campaign finance reform, that we will pass laws that certain people will not want enforced, they will not pursue, they will not really protect the election process.

If they are not willing to protect the laws that say only citizens can vote, I would never want to be on their team to pass any other laws.

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

I would point out that the gentlewoman has no intentions of supporting campaign finance reform, Mr. Chairman.

Mr. Chairman, I yield the balance of my time to the gentleman from California (Mr. BECERRA).

The CHAIRMAN pro tempore. The gentleman from California (Mr. BECERRA) is recognized for 3½ minutes, the balance of time.

Mr. BECERRA. Mr. Chairman, I thank the gentleman for yielding time to me, but more, I thank him for his efforts to get this to the floor and finally get it passed. I think we are going to get there.

Mr. Chairman, this is truly a poison pill, but it is a poison bill for a number of different reasons. Perhaps the most important to a number of people is the fact that it poisons the well to people who wish to become for the first time ever participants in our democracy, because they have just become U.S. citizens.

Let us make no mistake, this is not an effort to try to make sure that only American citizens vote. This is an effort to try to exclude those who are our newest American citizens from participating. Because if it were an effort to try to address the issue of all of our citizens, all of the people who live in this country being eligible to vote, then it would not target just the States where the most new citizens happen to reside, States like mine in California.

If we look at page 2 of the bill, there it is, States of California, New York, Texas, Florida, and Illinois. If I were to name the five States with the highest Latino population in the Nation, they would be States like California, New York, Texas, Florida, Illinois. What a coincidence that this bill goes after those States where the most Hispanics happen to reside. That is where there are a lot of new Hispanic voters.

What else does this bill do? It tells us that somehow, through the Social Security Administration and the INS, we are going to be able to determine the citizenship of the 267 some-odd million people who live in this country.

Wake up. Social Security has never been able to determine citizenship for anyone. Wake up, the INS cannot determine the citizenship for even all the folks who have immigrated into this country. Wake up, they are targeting only those who were not born in this country, and somehow in their mind they are not eligible to vote. Wake up,

how will someone determine if this individual should or should not be checked in terms of citizenship?

Tell me how a county registrar of voters is supposed to determine which individual to ask, "Can I get your Social Security number?" How will someone at the Motor Vehicle Department, when someone is filling out an application for registration for voting, say, "Wait a minute, you have passed your license test to drive, but can I see your Social Security number? Because I need to check to find out if you are a citizen"?

What will determine when someone gets asked whether or not they are citizens or not? Will it be the way they speak or the way they look, or will it be by the spelling on the last name? When that official tries to check with the INS and SSA and finds out that they cannot do this, what happens to that person's eligibility to vote? This is a targeted effort, unfortunately, at people who are beginning to participate. It scares some people. I am sorry that it does. The intentions may be good, but the mechanics of this amendment are totally wrong.

Someone said, let us protect the integrity of elections. Absolutely, let us do that. Let us do so. But let us protect the integrity of the Bill of Rights. Let us protect the integrity of the right to privacy. Let us protect the integrity of the right to freedom. Let us protect the integrity of this effort to reform our campaign finance laws.

Let us not get involved in this whole debate about how we tell which of the 267 million people who reside in this country are or not citizens through a process that we know cannot work, because the Social Security Administration and the INS have told us they cannot give us that information.

Please defeat this amendment. This is not the way to do it, and certainly we send the wrong message to our newest citizens who are trying to live in this greatest of democracies.

Mr. PETERSON of Pennsylvania. Mr. Chairman, I yield myself such time as I may consume.

I want to respond to two issues first. Someone talked about safeguards. It says right in the bill, to have reasonable safeguards against the pilot program resulting in unlawful discriminatory practices based on national origin or citizenship status, including the selective or unauthorized use of this pilot program.

Someone else said a national ID card. Nothing in this section shall be construed to authorize, directly or indirectly, the issuance or use of national identification cards, or the establishment of a national identification card. Those are false, bogus arguments against this bill.

Is Shays-Meehan perfect? We are being told it is perfect. I get mail every day that says it is not perfect. I get phone calls every day that say it is not perfect. This is only a pilot program. If it works, we expand it. If it does not

work in 2001, we throw it away. Why are we afraid about stopping voter fraud?

In my view, the two worst problems we face about elections are illegal foreign money and noncitizen voting, and Shays-Meehan does not do anything about either of them. The States that we have listed, many of them are asking for help. Local registrars are asking for help. How do they know if people are citizens when they register them? They are begging for us to help.

Mr. Chairman, this is an argument, and those who think we should not stop voter fraud, those who think we should not require citizenship, then should stand up and support a bill that does away with it, that you do not have to be a citizen to vote, that you just have to be here.

Mr. Chairman, this is a simple pilot project that makes sense, that can work. I urge all the Members to support it.

The CHAIRMAN pro tempore. All time has expired.

The question is on the amendment offered by the gentleman from Pennsylvania (Mr. PETERSON) to the amendment in the nature of a substitute No. 13 offered by the gentleman from Connecticut (Mr. SHAYS).

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

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

The CHAIRMAN pro tempore. Pursuant to House Resolution 442, further proceedings on the amendment offered by the gentleman from Pennsylvania (Mr. PETERSON) will be postponed.

SEQUENTIAL VOTES POSTPONED IN THE COMMITTEE OF THE WHOLE

The CHAIRMAN pro tempore. Pursuant to House Resolution 442, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: amendment No. 9 offered by the gentleman from Virginia (Mr. GOODLATTE), amendment No. 10 offered by the gentleman from Mississippi (Mr. WICKER); amendment No. 13 offered by the gentleman from California (Mr. CALVERT); an amendment offered by the gentleman from Washington (Mrs. LINDA SMITH); amendment No. 16 offered by the gentleman from California (Mr. ROHRBACHER); amendment No. 17 offered by the gentleman from Texas (Mr. PAUL); amendment No. 18 offered by the gentleman from Texas (Mr. PAUL); amendment No. 19 offered by the gentleman from Texas (Mr. DELAY); amendment No. 21 offered by the gentleman from Pennsylvania (Mr. PETERSON).

AMENDMENT NO. 9 OFFERED BY MR. GOODLATTE TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE NO. 13 OFFERED BY MR. SHAYS

The CHAIRMAN pro tempore. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Virginia (Mr. GOODLATTE) to the amendment in the nature of a substitute No. 13 of-

ferred by the gentleman from Connecticut (Mr. SHAYS) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

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

Amendment No. 9 offered by Mr. GOODLATTE to the amendment in the nature of a substitute No. 13 offered by Mr. SHAYS:

Add at the end the following new title:

TITLE —VOTER REGISTRATION REFORM

SEC. —01. REPEAL OF REQUIREMENT FOR STATES TO PROVIDE FOR VOTER REGISTRATION BY MAIL.

(a) IN GENERAL.—Section 4(a) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg-2) is amended—

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

(2) by striking paragraph (2); and

(3) by redesignating paragraph (3) as paragraph (2).

(b) CONFORMING AMENDMENTS RELATING TO UNIFORM MAIL VOTER REGISTRATION FORM.—(1) The National Voter Registration Act of 1993 (42 U.S.C. 1973gg et seq.) is amended by striking section 9.

(2) Section 7(a)(6)(A) of such Act (42 U.S.C. 1973gg-5(a)(6)(A)) is amended by striking “assistance—” and all that follows and inserting the following: “assistance a voter registration application form which meets the requirements described in section 5(c)(2) (other than subparagraph (A)), unless the applicant, in writing, declines to register to vote;”.

(c) OTHER CONFORMING AMENDMENTS.—(1) The National Voter Registration Act of 1993 (42 U.S.C. 1973gg et seq.) is amended by striking section 6.

(2) Section 8(a)(5) of such Act (42 U.S.C. 1973gg-6(a)(5)) is amended by striking “5, 6, and 7” and inserting “5 and 7”.

SEC. —02. REQUIRING APPLICANTS REGISTERING TO VOTE TO PROVIDE CERTAIN ADDITIONAL INFORMATION.

(a) SOCIAL SECURITY NUMBER.—

(1) IN GENERAL.—Section 5(c)(2) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg-3(c)(2)) is amended—

(A) by striking “and” at the end of subparagraph (D);

(B) by striking the period at the end of subparagraph (E) and inserting “; and”; and

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

“(F) shall require the applicant to provide the applicant’s Social Security number.”.

(2) CONFORMING AMENDMENT.—Section 5(c)(2)(A) of such Act (42 U.S.C. 1973gg-3(c)(2)(A)) is amended by inserting after “subparagraph (C)” the following: “, or the information described in subparagraph (F)”.

(3) EFFECTIVE DATE.—The amendments made by this section shall take effect January 1, 1999, and shall apply with respect to applicants registering to vote in elections for Federal office on or after such date.

(b) ACTUAL PROOF OF CITIZENSHIP.—

(1) REGISTRATION WITH APPLICATION FOR DRIVER’S LICENSE.—Section 5(c) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg-3(c)) is amended by adding at the end the following new paragraph:

“(3) The voter registration portion of an application for a State motor vehicle driver’s license shall not be considered to be completed unless the applicant provides to the appropriate State motor vehicle authority proof that the applicant is a citizen of the United States.”.

(2) REGISTRATION WITH VOTER REGISTRATION AGENCIES.—Section 7(a) of such Act (42 U.S.C.

1973gg-5(a)) is amended by adding at the end the following new paragraph:

“(8) A voter registration application received by a voter registration agency shall not be considered to be completed unless the applicant provides to the agency proof that the applicant is a citizen of the United States.”.

(3) CONFORMING AMENDMENT.—Section 8(a)(5)(A) of such Act (42 U.S.C. 1973gg-6(a)(5)(A)) is amended by striking the semicolon and inserting the following: “, including the requirement that the applicant provide proof of citizenship;”.

(4) NO EFFECT ON ABSENT UNIFORMED SERVICES AND OVERSEAS VOTERS.—Nothing in the National Voter Registration Act of 1993 (as amended by this subsection) may be construed to require any absent uniformed services voter or overseas voter under the Uniformed and Overseas Citizens Absentee Voting Act to provide any evidence of citizenship in order to register to vote (other than any evidence which may otherwise be required under such Act).

SEC. —03. REMOVAL OF CERTAIN REGISTRANTS FROM OFFICIAL LIST OF ELIGIBLE VOTERS.

(a) IN GENERAL.—Section 8(d) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg-6(d)) is amended—

(1) by redesignating paragraph (3) as paragraph (4); and

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

“(3)(A) At the option of the State, a State may remove the name of a registrant from the official list of eligible voters in elections for Federal office on the ground that the registrant has changed residence if—

“(i) the registrant has not voted or appeared to vote (and, if necessary, correct the registrar’s record of the registrant’s address) in an election during the period beginning on the day after the date of the second previous general election for Federal office held prior to the date the confirmation notice described in subparagraph (B) is sent and ending on the date of such notice;

“(ii) the registrant has not voted or appeared to vote (and, if necessary, correct the registrar’s record of the registrant’s address) in any of the first two general elections for Federal office held after the confirmation notice described in subparagraph (B) is sent; and

“(iii) during the period beginning on the date the confirmation notice described in subparagraph (B) is sent and ending on the date of the second general election for Federal office held after the date such notice is sent, the registrant has failed to notify the State in response to the notice that the registrant did not change his or her residence, or changed residence but remained in the registrar’s jurisdiction.

“(B) A confirmation notice described in this subparagraph is a postage prepaid and pre-addressed return card, sent by forwardable mail, on which a registrant may state his or her current address, together with information concerning how the registrant can continue to be eligible to vote if the registrant has changed residence to a place outside the registrar’s jurisdiction and a statement that the registrant may be removed from the official list of eligible voters if the registrant does not respond to the notice (during the period described in subparagraph (A)(iii)) by stating that the registrant did not change his or her residence, or changed residence but remained in the registrar’s jurisdiction.”.

(b) CONFORMING AMENDMENT.—Section 8(i)(2) of such Act (42 U.S.C. 1973gg-6(d)) is amended by inserting “or subsection (d)(3)” after “subsection (d)(2)”.

SEC. — 04. PERMITTING STATE TO REQUIRE VOTERS TO PRODUCE ADDITIONAL INFORMATION PRIOR TO VOTING.

(a) PHOTOGRAPHIC IDENTIFICATION.—Section 8 of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg-6) is amended—

(1) by redesignating subsection (j) as subsection (k); and

(2) by inserting after subsection (i) the following new subsection:

“(j) PERMITTING STATES TO REQUIRE VOTERS TO PRODUCE PHOTO IDENTIFICATION.—A State may require an individual to produce a valid photographic identification before receiving a ballot (other than an absentee ballot) for voting in an election for Federal office.”

(b) SIGNATURE.—Section 8 of such Act (42 U.S.C. 1973gg-6), as amended by subsection (a), is further amended—

(1) by redesignating subsection (k) as subsection (l); and

(2) by inserting after subsection (j) the following new subsection:

“(k) PERMITTING STATES TO REQUIRE VOTERS TO PROVIDE SIGNATURE.—A State may require an individual to provide the individual’s signature (in the presence of an election official at the polling place) before receiving a ballot for voting in an election for Federal office, other than an individual who is unable to provide a signature because of illiteracy or disability.”

SEC. — 05. REPEAL OF REQUIREMENT THAT STATES PERMIT REGISTRANTS CHANGING RESIDENCE TO VOTE AT POLLING PLACE FOR FORMER ADDRESS.

Section 8(e)(2) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg-6(e)(2)) is amended—

(1) by striking “(2)(A)” and inserting “(2)”; and

(2) by striking “election, at the option of the registrant—” and all that follows and inserting the following: “election shall be permitted to correct the voting records for purposes of voting in future elections at the appropriate polling place for the current address and, if permitted by State law, shall be permitted to vote in the present election, upon confirmation by the registrant of the new address by such means as are required by law.”

SEC. — 06. EFFECTIVE DATE.

The amendments made by this title shall apply with respect to elections for Federal office occurring after December 1999.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 165, noes 260, not voting 9, as follows:

[Roll No 358]

AYES—165

Aderholt	Bryant	Cox
Archer	Bunning	Crane
Armey	Burr	Cubin
Bachus	Burton	Cunningham
Baker	Buyer	Davis (VA)
Ballenger	Callahan	Deal
Barr	Calvert	DeLay
Bartlett	Camp	Dickey
Barton	Canady	Doolittle
Bateman	Cannon	Dreier
Bereuter	Chambliss	Duncan
Billirakis	Christensen	Dunn
Bliley	Coble	Ehlers
Blunt	Coburn	Ehrlich
Boehner	Collins	Emerson
Bonilla	Combest	Ensign
Bono	Cooksey	Everett

Ewing	Latham	Salmon
Fawell	Lewis (CA)	Scarborough
Foley	Lewis (KY)	Schaefer, Dan
Fossella	Lipinski	Sensenbrenner
Fowler	Livingston	Sessions
Gallegly	Lucas	Shadegg
Gekas	McCollum	Shaw
Gibbons	McCrery	Shimkus
Goodlatte	McHugh	Shuster
Goodling	McInnis	Skeen
Goss	McIntosh	Smith (MI)
Graham	McKeon	Smith (OR)
Granger	Mica	Smith (TX)
Gutknecht	Miller (FL)	Snowbarger
Hansen	Moran (KS)	Solomon
Hastert	Myrick	Spence
Hastings (WA)	Nethercutt	Stearns
Hayworth	Neumann	Stump
Hefley	Ney	Talent
Hерger	Norwood	Tauzin
Hilleary	Nussle	Taylor (NC)
Hobson	Oxley	Thomas
Hoekstra	Packard	Thornberry
Horn	Paxon	Thune
Hostettler	Pease	Tiahrt
Hulshof	Peterson (PA)	Trafficant
Hunter	Pickering	Upton
Hyde	Pitts	Wamp
Inglis	Pombo	Watkins
Jenkins	Pryce (OH)	Watts (OK)
Johnson, Sam	Radanovich	Weldon (FL)
Jones	Redmond	Weldon (PA)
Kasich	Riley	Weller
Kingston	Rogan	Whitfield
Knollenberg	Rogers	Wicker
Kolbe	Rohrabacher	Wilson
LaHood	Royce	Wolf
Largent	Ryun	Young (AK)

NOES—260

Abercrombie	Dixon	Kennedy (MA)
Ackerman	Doggett	Kennedy (RI)
Allen	Dooley	Kennelly
Andrews	Doyle	Kildee
Baesler	Edwards	Kilpatrick
Baldacci	Engel	Kim
Barcia	English	Kind (WI)
Barrett (NE)	Eshoo	King (NY)
Barrett (WI)	Etheridge	Kleczkka
Bass	Evans	Klink
Becerra	Farr	Klug
Bentsen	Fattah	Kucinich
Berman	Fazio	LaFalce
Berry	Filner	Lampson
Bilbray	Forbes	Lantos
Bishop	Ford	LaTourette
Blagojevich	Fox	Lazio
Blumenauer	Frank (MA)	Leach
Boehlert	Franks (NJ)	Lee
Bonior	Frelinghuysen	Levin
Borski	Frost	Lewis (GA)
Boswell	Furse	LoBiondo
Boucher	Ganske	Lofgren
Boyd	Gejdenson	Lowey
Brady (PA)	Gephardt	Luther
Brady (TX)	Gilchrist	Maloney (CT)
Brown (CA)	Gillmor	Maloney (NY)
Brown (FL)	Gilman	Manton
Brown (OH)	Goode	Manzullo
Campbell	Gordon	Markey
Capps	Green	Martinez
Cardin	Greenwood	Mascara
Carson	Gutierrez	Matsui
Castle	Hall (OH)	McCarthy (MO)
Chabot	Hall (TX)	McCarthy (NY)
Chenoweth	Hamilton	McDermott
Clay	Harman	McGovern
Clayton	Hastings (FL)	McHale
Clement	Hefner	McIntyre
Clyburn	Hill	McKinney
Condit	Hilliard	McNulty
Conyers	Hinchev	Meehan
Cook	Hinojosa	Meek (FL)
Costello	Holden	Meeks (NY)
Coyne	Hooley	Menendez
Cramer	Houghton	Metcalf
Crapo	Hoyer	Millender-
Cummings	Hutchinson	McDonald
Danner	Jackson (IL)	Miller (CA)
Damp	Jackson-Lee	Minge
Davis (FL)	(TX)	Mink
DeFazio	Jefferson	Mollohan
DeGette	John	Moran (VA)
DeLahunt	Johnson (CT)	Morella
DeLauro	Johnson (WI)	Murtha
Deutsch	Johnson, E. B.	Nadler
Diaz-Balart	Kanjorski	Neal
Dicks	Kaptur	Northrup
Dingell	Kelly	Oberstar

Obyer	Rothman	Stenholm
Olver	Roukema	Stokes
Ortiz	Roybal-Allard	Strickland
Owens	Rush	Stupak
Pallone	Sabo	Sununu
Pappas	Sanchez	Tanner
Parker	Sanders	Tauscher
Pascrell	Sandlin	Taylor (MS)
Pastor	Sanford	Thompson
Paul	Sawyer	Thurman
Payne	Saxton	Tierney
Pelosi	Schaffer, Bob	Torres
Peterson (MN)	Schumer	Turner
Petri	Scott	Velazquez
Pickett	Serrano	Vento
Pomeroy	Shays	Visclosky
Porter	Sherman	Walsh
Portman	Sisisky	Waters
Poshard	Skaggs	Watt (NC)
Price (NC)	Skelton	Waxman
Quinn	Slaughter	Wexler
Rahall	Smith (NJ)	Weygand
Ramstad	Smith, Adam	White
Regula	Smith, Linda	Wise
Reyes	Snyder	Woolsey
Rivers	Souder	Wynn
Rodriguez	Spratt	Yates
Roemer	Stabenow	
Ros-Lehtinen	Stark	

NOT VOTING—9

Gonzalez	McDade	Riggs
Istook	Moakley	Towns
Linder	Rangel	Young (FL)

□ 2035

Messrs. CRAPO, LAZIO of New York, WAXMAN, MCGOVERN, and HALL of Texas changed their vote from “aye” to “no.”

Messrs. HILLEARY, WAMP, and LEWIS of California changed their vote from “no” to “aye.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore. Pursuant to House Resolution 442, 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. The chair would request Members to remain in the chamber and to vote in the allotted time.

AMENDMENT OFFERED BY MR. WICKER TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE, NO. 13 OFFERED BY MR. SHAYS

The CHAIRMAN pro tempore. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Mississippi (Mr. WICKER) to the amendment in the nature of a substitute No. 13 offered by the gentleman from Connecticut (Mr. SHAYS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment to the amendment in the nature of a substitute.

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

Amendment offered by Mr. WICKER to the amendment in the nature of a substitute No. 13 offered by Mr. SHAYS:

Add at the end the following new title:

TITLE —PHOTO IDENTIFICATION REQUIREMENT FOR VOTERS

SEC. 01. PERMITTING STATE TO REQUIRE VOTERS TO PRODUCE PHOTOGRAPHIC IDENTIFICATION.

Section 8 of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg-6) is amended—

(1) by redesignating subsection (j) as subsection (k); and

(2) by inserting after subsection (i) the following new subsection:

“(i) PERMITTING STATES TO REQUIRE VOTERS TO PRODUCE PHOTO IDENTIFICATION.—A State may require an individual to produce a valid photographic identification before receiving a ballot for voting in an election for Federal office.”.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 192, noes 231, not voting 11, as follows:

[Roll No. 359]

AYES—192

Aderholt	Gekas	Nussle
Archer	Gibbons	Oxley
Armey	Gillmor	Packard
Bachus	Goode	Pappas
Baker	Goodlatte	Paul
Ballenger	Goodling	Paxon
Barr	Goss	Pease
Bartlett	Graham	Peterson (PA)
Barton	Granger	Petri
Bereuter	Gutknecht	Pickering
Bilirakis	Hall (TX)	Pitts
Bliley	Hansen	Pombo
Blunt	Hastert	Portman
Boehner	Hastings (WA)	Pryce (OH)
Bonilla	Hayworth	Radanovich
Bono	Hefley	Redmond
Boswell	Herger	Regula
Brady (TX)	Hill	Riley
Bryant	Hilleary	Rogan
Bunning	Hobson	Rogers
Burr	Hoekstra	Rohrabacher
Burton	Horn	Royce
Buyer	Hostettler	Ryun
Callahan	Hulshof	Salmon
Calvert	Hunter	Saxton
Camp	Hyde	Schafer, Dan
Canady	Inglis	Schaffer, Bob
Cannon	Jenkins	Sensenbrenner
Chabot	Johnson, Sam	Sessions
Chambliss	Jones	Shadegg
Chenoweth	Kasich	Shaw
Christensen	Kim	Shimkus
Coble	King (NY)	Shuster
Coburn	Kingston	Skeen
Collins	Klug	Smith (MI)
Combest	Knollenberg	Smith (NJ)
Condit	Kolbe	Smith (OR)
Cooksey	LaHood	Smith (TX)
Cox	Largent	Snowbarger
Crane	Latham	Solomon
Crapo	Lazio	Spence
Cubin	Lewis (CA)	Stearns
Cunningham	Lewis (KY)	Stump
Davis (VA)	Linder	Sununu
Deal	Livingston	Talent
DeLay	Lucas	Tauzin
Dickey	Manzullo	Taylor (MS)
Doolittle	Martinez	Taylor (NC)
Dreier	McCollum	Thomas
Duncan	McCrery	Thornberry
Dunn	McHugh	Thune
Ehlers	McInnis	Tiahrt
Ehrlich	McIntosh	Trafficant
Emerson	McKeon	Upton
English	Mica	Wamp
Ensign	Miller (FL)	Watkins
Everett	Moran (KS)	Watts (OK)
Ewing	Myrick	Weldon (FL)
Fawell	Nethercutt	Weldon (PA)
Foley	Neumann	Weller
Fossella	Ney	
Fowler	Northup	
Galleghy	Norwood	

White	Wicker	Wolf
Whitfield	Wilson	Young (AK)
NOES—231		
Abercrombie	Gilman	Nadler
Ackerman	Gordon	Neal
Allen	Green	Oberstar
Andrews	Greenwood	Obey
Baessler	Gutierrez	Olver
Baldacci	Hall (OH)	Ortiz
Barcia	Hamilton	Owens
Barrett (NE)	Harman	Pallone
Barrett (WI)	Hastings (FL)	Parker
Bass	Hefner	Pascrell
Becerra	Hilliard	Pastor
Bentsen	Hinchev	Payne
Berman	Hinojosa	Pelosi
Berry	Holden	Peterson (MN)
Bilbray	Hooley	Pickett
Bishop	Houghton	Pomeroy
Blagojevich	Hoyer	Porter
Blumenauer	Hutchinson	Poshard
Boehert	Jackson (IL)	Price (NC)
Bonior	Jackson-Lee	Quinn
Borski	(TX)	Rahall
Boucher	Jefferson	Ramstad
Boyd	John	Reyes
Brady (PA)	Johnson (CT)	Rivers
Brown (CA)	Johnson (WI)	Rodriguez
Brown (FL)	Johnson, E. B.	Roemer
Brown (OH)	Kanjorski	Ros-Lehtinen
Campbell	Kaptur	Rothman
Capps	Kelly	Roukema
Cardin	Kennedy (RI)	Roybal-Allard
Carson	Kennelly	Rush
Castle	Kildee	Sabo
Clay	Kilpatrick	Sanchez
Clayton	Kind (WI)	Sanders
Clement	Klecza	Sandlin
Clyburn	Klink	Sanford
Conyers	Kucinich	Sawyer
Cook	LaFalce	Schumer
Costello	Lampson	Scott
Coyne	Lantos	Serrano
Cramer	LaTourette	Shays
Cummings	Leach	Sherman
Danner	Lee	Sisisky
Davis (FL)	Levin	Skaggs
Davis (IL)	Lewis (GA)	Skelton
DeFazio	Lipinski	Slaughter
DeGette	LoBiondo	Smith, Adam
Delahunt	Lofgren	Smith, Linda
DeLauro	Lowey	Snyder
Deutsch	Luther	Souder
Diaz-Balart	Maloney (CT)	Spratt
Dicks	Maloney (NY)	Stabenow
Dingell	Manton	Stark
Dixon	Markey	Stenholm
Doggett	Mascara	Stokes
Dooley	Matsui	Strickland
Doyle	McCarthy (MO)	Stupak
Edwards	McCarthy (NY)	Tanner
Engel	McDermott	Tauscher
Eshoo	McGovern	Thompson
Etheridge	McHale	Thurman
Evans	McIntyre	Tierney
Farr	McKinney	Torres
Fattah	McNulty	Turner
Fazio	Meehan	Velazquez
Filner	Meek (FL)	Vento
Forbes	Meeks (NY)	Visclosky
Ford	Menendez	Walsh
Fox	Metcalf	Waters
Frank (MA)	Millender-	Watt (NC)
Franks (NJ)	McDonald	Waxman
Frelinghuysen	Miller (CA)	Wexler
Frost	Minge	Weygand
Furse	Mink	Wise
Ganske	Mollohan	Woolsey
Gejdenson	Moran (VA)	Wynn
Gephardt	Morella	Yates
Gilchrist	Murtha	

NOT VOTING—11

Bateman	McDade	Scarborough
Gonzalez	Moakley	Towns
Istook	Rangel	Young (FL)
Kennedy (MA)	Riggs	

□ 2042

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

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. CALVERT TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE NO. 13 OFFERED BY MR. SHAYS

The CHAIRMAN pro tempore (Mr. BLUNT). The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. CALVERT) to the amendment in the nature of a substitute No. 13 offered by the gentleman from Connecticut (Mr. SHAYS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment to the amendment in the nature of a substitute.

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

Amendment offered by Mr. CALVERT to the amendment in the nature of a substitute No. 13 offered by Mr. SHAYS:

TITLE —RESTRICTIONS ON NONRESIDENT FUNDRAISING

SEC. 01. LIMITING AMOUNT OF CONGRESSIONAL CANDIDATE CONTRIBUTIONS FROM INDIVIDUALS NOT RESIDING IN DISTRICT OR STATE INVOLVED.

(a) IN GENERAL.—Section 315 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a) is amended by adding at the end the following new subsection:

“(i)(1) A candidate for the office of Senator or the office of Representative in, or Delegate or Resident Commissioner to, the Congress may not accept contributions with respect to an election from persons other than local individual residents totaling in excess of the aggregate amount of contributions accepted from local individual residents (as determined on the basis of the information reported under section 304(d)).

“(2) In determining the amount of contributions accepted by a candidate for purposes of this subsection, the amounts of any contributions made by a political committee of a political party shall be allocated as follows:

“(A) 50 percent of such amounts shall be deemed to be a contributions from local individual residents.

“(B) 50 percent of such amounts shall be deemed to be contributions from persons other than local individual residents.

“(3) As used in this subsection, the term ‘local individual resident’ means—

“(A) with respect to an election for the office of Senator; an individual who resides in the State involved; and

“(B) with respect to an election for the office of Representative in, or Delegate or Resident Commissioner to, the Congress, an individual who resides in the congressional district involved.”.

(b) REPORTING REQUIREMENTS.—Section 304 of such Act (2 U.S.C. 434) is amended by adding at the end the following new subsection:

“(d) Each principal campaign committee of a candidate for the Senate or the House of Representatives shall include the following information in the first report filed under subsection (a)(2) which covers the period which begins 19 days before an election and ends 20 days after the election:

“(1) The total contributions received by the committee with respect to the election involved from local individual residents (as defined in section 315(i)(3)), as of the last day of the period covered by the report.

“(2) The total contributions received by the committee with respect to the election involved from all persons, as of the last day of the period covered by the report.”.

(c) PENALTY FOR VIOLATION OF LIMITS.—Section 309(d) of such Act (2 U.S.C. 437g(d)) is amended by adding at the end the following new paragraph:

“(4)(A) Any candidate who knowingly and willfully accepts contributions in excess of any limitation provided under section 315(i) shall be fined an amount equal to the greater of 200 percent of the amount accepted in excess of the applicable limitation or (if applicable) the amount provided in paragraph (1)(A).

“(B) Interest shall be assessed against any portion of a fine imposed under subparagraph (A) which remains unpaid after the expiration of the 30-day period which begins on the date the fine is imposed.”.

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 147, noes 278, not voting 9, as follows:

[Roll No. 360]

AYES—147

Archer	Gekas	Norwood
Arney	Gibbons	Nussle
Bachus	Gillmor	Oxley
Baker	Goode	Paxon
Balleger	Goodlatte	Pease
Barcia	Goodling	Peterson (PA)
Barr	Goss	Petri
Barrett (NE)	Graham	Pombo
Bartlett	Gutknecht	Portman
Barton	Hansen	Pryce (OH)
Bereuter	Hastert	Quinn
Blunt	Hastings (WA)	Radanovich
Boehner	Hayworth	Regula
Bono	Herger	Rohrabacher
Brady (TX)	Hill	Royce
Burr	Hilleary	Salmon
Burton	Hoekstra	Saxton
Callahan	Horn	Scarborough
Calvert	Hulshof	Schaffer, Bob
Camp	Hunter	Sensenbrenner
Canady	Inglis	Sessions
Cannon	Jenkins	Shadegg
Chabot	Jones	Shaw
Chambliss	Kingston	Shuster
Chenoweth	Klug	Smith (MI)
Coble	Knollenberg	Smith (TX)
Coburn	Kolbe	Snowbarger
Collins	LaHood	Souder
Combest	LaTourette	Spence
Condit	Lewis (CA)	Stearns
Cook	Linder	Stump
Costello	Lipinski	Stupak
Crane	Livingston	Talent
Crapo	Lucas	Tauzin
Cunningham	Luther	Taylor (MS)
Davis (VA)	Maloney (CT)	Taylor (NC)
Deal	Manzullo	Thomas
DeLay	McCollum	Thune
Dickey	McCrery	Tiahrt
Duncan	McHugh	Upton
Dunn	McKeon	Walsh
Ehlers	Mica	Wamp
Ehrlich	Miller (FL)	Watkins
English	Moran (KS)	Weldon (FL)
Everett	Moran (VA)	Weldon (PA)
Ewing	Myrick	Weller
Fawell	Nethercutt	White
Gallegly	Neumann	Wolf
Ganske	Ney	Young (AK)

NOES—278

Abercrombie	Bishop	Bunning
Ackerman	Blagojevich	Campbell
Aderholt	Bliley	Capps
Allen	Blumenauer	Cardin
Andrews	Boehert	Carson
Baesler	Bonilla	Castle
Baldacci	Bonior	Christensen
Barrett (WI)	Borski	Clay
Bass	Boswell	Clayton
Bateman	Boucher	Clement
Becerra	Boyd	Clyburn
Bentsen	Brady (PA)	Conyers
Berman	Brown (CA)	Cooksey
Berry	Brown (FL)	Cox
Bilbray	Brown (OH)	Coyne
Bilirakis	Bryant	Cramer

Cubin	Kasich	Porter
Cummings	Kelly	Poshard
Danner	Kennedy (MA)	Price (NC)
Davis (FL)	Kennedy (RI)	Rahall
Davis (IL)	Kennelly	Ramstad
DeFazio	Kildee	Rangel
DeGette	Kilpatrick	Redmond
Delahunt	Kim	Reyes
DeLauro	Kind (WI)	Riley
Deutsch	King (NY)	Rivers
Diaz-Balart	Klecza	Rodriguez
Dicks	Klink	Roemer
Dingell	Kucinich	Rogan
Dixon	LaFalce	Rogers
Doggett	Lampson	Ros-Lehtinen
Dooley	Lantos	Rothman
Doolittle	Largent	Roukema
Doyle	Latham	Roybal-Allard
Dreier	Lazio	Rush
Edwards	Leach	Ryun
Emerson	Lee	Sabo
Engel	Levin	Sanchez
Ensign	Lewis (GA)	Sanders
Eshoo	Lewis (KY)	Sandlin
Etheridge	LoBiondo	Sanford
Evans	Lofgren	Sawyer
Farr	Lowe	Schaefer, Dan
Fattah	Maloney (NY)	Schumer
Fazio	Manton	Scott
Filner	Markey	Serrano
Foley	Martinez	Shays
Forbes	Mascara	Sherman
Ford	Matsui	Shimkus
Fossella	McCarthy (MO)	Sisisky
Fowler	McCarthy (NY)	Skaggs
Frank (MA)	McDermott	Skeen
Franks (NJ)	McGovern	Skelton
Frelinghuysen	McHale	Slaughter
Frost	McInnis	Smith (NJ)
Furse	McIntosh	Smith (OR)
Gejdenson	McIntyre	Smith, Adam
Gephardt	McKinney	Smith, Linda
Gilchrist	McNulty	Snyder
Gilman	Meehan	Solomon
Gordon	Meek (FL)	Spratt
Granger	Meeks (NY)	Stabenow
Green	Menendez	Stark
Greenwood	Metcalf	Stenholm
Gutierrez	Millender-	Stokes
Hall (OH)	McDonald	Strickland
Hall (TX)	Miller (CA)	Sununu
Hamilton	Minge	Tanner
Harman	Mink	Tauscher
Hastings (FL)	Mollohan	Thompson
Hefley	Morella	Thornberry
Hefner	Murtha	Thurman
Hilliard	Nadler	Tierney
Hinchey	Neal	Torres
Hinojosa	Northup	Trafficant
Hobson	Oberstar	Turner
Holden	Obey	Velazquez
Hooley	Olver	Vento
Hottel	Ortiz	Visclosky
Houghton	Owens	Waters
Hoyer	Packard	Watt (NC)
Hutchinson	Pallone	Watts (OK)
Hycus	Pappas	Waxman
Jackson (IL)	Parker	Wexler
Jackson-Lee	Pascrell	Weygand
(TX)	Pastor	Whitfield
Jefferson	Paul	Wicker
John	Payne	Wilson
Johnson (CT)	Pelosi	Wise
Johnson (WI)	Peterson (MN)	Woolsey
Johnson, E. B.	Pickering	Wynn
Johnson, Sam	Pickett	Yates
Kanjorski	Pitts	
Kaptur	Pomeroy	

NOT VOTING—9

Buyer	Istook	Riggs
Fox	McDade	Towns
Gonzalez	Moakley	Young (FL)

□ 2050

Mr. PICKERING changed his vote from “aye” to “no.”

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

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. FOX of Pennsylvania. Mr. Chairman, on rollcall No. 360, I was unavoidably detained. Had I been present, I would have voted “no.”

AMENDMENT OFFERED BY MRS. LINDA SMITH OF WASHINGTON TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE NO. 13 OFFERED BY MR. SHAYS

The CHAIRMAN pro tempore (Mr. BLUNT). The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Washington (Mrs. LINDA SMITH) to the amendment in the nature of a substitute No. 13 offered by the gentleman from Connecticut (Mr. Shays) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mrs. LINDA SMITH of Washington to the amendment in the nature of a substitute No. 13 offered by Mr. SHAYS:

In Section 301(20) of the Federal Election Campaign Act of 1971, as added by section 201(a) of the substitute, strike subparagraph (b) and add the following:

“(B) Voting Record and Voting Guide Exception—The term “express advocacy” does not include a communication which is in printed form or posted on the Internet that—

“(1) presents information solely about the voting record or position on a campaign issue of 1 or more candidates, provided however, that the sponsor of the voting record or voting guide may state its agreement or disagreement with the record or position of the candidate and further provided that the voting record or voting guide when taken as a whole does not express unmistakable and unambiguous support for or opposition to 1 or more clearly identified candidates,

(ii) is not made in coordination with a candidate, political party, or agent of the candidate or party, or a candidate's agent or a person who is coordinating with a candidate or a candidate's agent; provided that nothing herein shall prevent the sponsor of the voting guide from directing questions in writing to candidates about their position on issues for purposes of preparing a voter guide, and the candidate from responding in writing to such questions, and

“(iii) does not contain a phrase such as ‘vote for,’ ‘re-elect,’ ‘support,’ ‘cast your ballot for,’ (name of candidate) for Congress,’ (name of candidate) in 1997.’ ‘vote against,’ ‘defeat,’ or ‘reject,’ or a campaign slogan or words that in context can have no reasonable meaning other than to urge the election or defeat of 1 or more clearly identified candidates.”

In Section 301(8) of the Federal Election Campaign Act of 1971, as added by section 205(a)(1)(B) of the substitute, strike paragraph (D) and insert:

“(D) For purposes of subparagraph (C), the term ‘professional services’ means polling, media advice, fundraising, campaign research or direct mail (except for mailhouse services solely for the distribution of voter guides as defined in section 431(20)(B)) services in support of a candidate's pursuit of nomination for election, or election, to Federal office.”

In Section 301(8)(C)(v) of the Federal Election Campaign Act of 1971, as added by section 205(a)(1)(B) of the substitute, add at the end thereof,

“, provided however that such discussions shall not include a lobbying contact under the Lobbying Disclosure Act of 1995 in the case of a candidate holding Federal office or consisting of similar lobbying activity in the case of a candidate holding State or elective office.”

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 343, noes 84, not voting 7, as follows:

[Roll No. 361]

AYES—343

Abercrombie	Ehlers	Kolbe
Ackerman	Emerson	Kucinich
Allen	Engel	LaFalce
Andrews	English	LaHood
Archer	Ensign	Lampson
Bachus	Eshoo	Lantos
Baesler	Etheridge	Largent
Baldacci	Evans	Latham
Ballenger	Everett	LaTourette
Barcia	Ewing	Lazio
Barrett (NE)	Farr	Leach
Barrett (WI)	Fattah	Lee
Bass	Fawell	Levin
Becerra	Fazio	Lewis (GA)
Bentsen	Filner	Lewis (KY)
Bereuter	Foley	Linder
Berman	Forbes	Lipinski
Berry	Ford	Livingston
Billbray	Fossella	LoBiondo
Bishop	Fowler	Loftgren
Blagojevich	Fox	Lowe
Bliley	Frank (MA)	Lucas
Blumenauer	Franks (NJ)	Luther
Blunt	Frelinghuysen	Maloney (CT)
Boehlert	Frost	Maloney (NY)
Boehner	Furse	Manton
Bonilla	Gallely	Markey
Bonior	Ganske	Mascara
Borski	Gejdenson	Matsui
Boswell	Gekas	McCarthy (MO)
Boucher	Gibbons	McCarthy (NY)
Boyd	Gilchrest	McCrery
Brady (PA)	Gillmor	McDermott
Brady (TX)	Gilman	McGovern
Brown (CA)	Goodlatte	McHale
Brown (OH)	Gordon	McHugh
Bunning	Goss	McIntosh
Buyer	Graham	McIntyre
Calvert	Granger	McKeon
Campbell	Green	McKinney
Canady	Greenwood	McNulty
Capps	Gutierrez	Meehan
Cardin	Gutknecht	Meeks (NY)
Carson	Hall (OH)	Menendez
Castle	Hall (TX)	Metcalf
Chabot	Hamilton	Mica
Christensen	Harman	Millender-
Clay	Hayworth	McDonald
Clayton	Hefner	Miller (CA)
Clement	Hill	Miller (FL)
Clyburn	Hilleary	Minge
Coble	Hilliard	Mink
Coburn	Hinchee	Moran (VA)
Collins	Hinojosa	Morella
Combest	Hobson	Myrick
Condit	Holden	Nadler
Conyers	Hooley	Neal
Cook	Horn	Nethercutt
Cooksey	Hostettler	Neumann
Costello	Houghton	Ney
Coyne	Hoyer	Nussle
Cramer	Hunter	Oberstar
Crane	Hyde	Olver
Crapo	Inglis	Ortiz
Cubin	Jackson (IL)	Owens
Cummings	Jackson-Lee	Pallone
Cunningham	(TX)	Parker
Danner	Jefferson	Pascarell
Davis (FL)	Jenkins	Pastor
Davis (IL)	John	Paul
Davis (VA)	Johnson (CT)	Payne
DeFazio	Johnson (WI)	Pease
DeGette	Johnson, E. B.	Pelosi
Delahunt	Kanjorski	Peterson (MN)
DeLauro	Kaptur	Petri
Deutsch	Kasich	Pickett
Diaz-Balart	Kelly	Pomeroy
Dickey	Kennedy (MA)	Porter
Dicks	Kennedy (RI)	Portman
Dingell	Kennelly	Poshald
Dixon	Kildee	Price (NC)
Doggett	Kilpatrick	Pryce (OH)
Dooley	Kim	Quinn
Doyle	Kind (WI)	Rahall
Duncan	Klecзка	Ramstad
Dunn	Klink	Rangel
Edwards	Klug	Redmond

Regula	Shuster	Thune
Reyes	Sisisky	Thurman
Rivers	Skaggs	Tiahrt
Rodriguez	Skelton	Tierney
Roemer	Smith (OR)	Torres
Rogan	Smith (TX)	Trafficant
Rohrabacher	Smith, Adam	Turner
Ros-Lehtinen	Smith, Linda	Upton
Rothman	Snowbarger	Velazquez
Roukema	Snyder	Vento
Roybal-Allard	Souder	Visclosky
Rush	Spence	Walsh
Sabo	Spratt	Wamp
Salmon	Stabenow	Watkins
Sanchez	Stark	Watt (NC)
Sanders	Stenholm	Watts (OK)
Sandlin	Stokes	Waxman
Sanford	Strickland	Weldon (PA)
Sawyer	Stupak	Weller
Saxton	Talent	Wexler
Schumer	Tanner	Weygand
Scott	Tauscher	White
Serrano	Tauzin	Wilson
Shadegg	Taylor (MS)	Wise
Shaw	Taylor (NC)	Wolf
Shays	Thomas	Wynn
Sherman	Thompson	Yates
Shimkus	Thornberry	Young (AK)

NOES—84

Aderholt	Hastert	Paxon
Armey	Hastings (FL)	Peterson (PA)
Baker	Hastings (WA)	Pickering
Barr	Hefley	Pitts
Bartlett	Herger	Pombo
Barton	Hoekstra	Radanovich
Bateman	Hulshof	Riley
Bilirakis	Hutchinson	Rogers
Bono	Johnson, Sam	Royce
Brown (FL)	Jones	Ryun
Bryant	King (NY)	Scarborough
Burr	Kingston	Schaefer, Dan
Burton	Knollenberg	Schaffer, Bob
Callahan	Lewis (CA)	Sensenbrenner
Camp	Manzullo	Sessions
Cannon	McInnis	Skeen
Chambliss	McCollum	Slaughter
Chenoweth	McInnis	Smith (MI)
Cox	Meek (FL)	Smith (NJ)
Deal	Mollohan	Solomon
DeLay	Moran (KS)	Stearns
Doolittle	Murtha	Stump
Dreier	Northup	Sununu
Ehrlich	Norwood	Waters
Gephardt	Obey	Weldon (FL)
Goode	Oxley	Whitfield
Goodling	Packard	Wicker
Hansen	Pappas	Woolsey

NOT VOTING—7

Gonzalez	Moakley	Young (FL)
Istook	Riggs	
McDade	Towns	

□ 2057

Mr. KINGSTON, Mr. SCARBOROUGH and Mrs. NORTHUP changed their vote from "aye" to "no."

Mr. BLAGOJEVICH changed his vote from "no" to "aye."

So the amendment to the amendment in the nature of a substitute was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. ROHRABACHER TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE NO. 13 OFFERED BY MR. SHAYS

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. ROHRABACHER) to the amendment in the nature of a substitute No. 13 offered by the gentleman from Connecticut (Mr. SHAYS) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 155, noes 272, not voting 7, as follows:

[Roll No. 362]

AYES—155

Abercrombie	Gekas	Paul
Aderholt	Gibbons	Paxon
Archer	Gillmor	Pease
Armey	Goode	Peterson (PA)
Bachus	Goodlatte	Petri
Baker	Goodling	Pickering
Bartlett	Granger	Pombo
Bateman	Gutknecht	Pryce (OH)
Bilirakis	Hall (TX)	Radanovich
Bliley	Hansen	Redmond
Blunt	Hastings (WA)	Regula
Boehner	Hayworth	Riley
Bonilla	Hefley	Rogan
Bono	Herger	Rogers
Boucher	Hilleary	Rohrabacher
Brady (TX)	Hobson	Royce
Bryant	Holden	Ryun
Bunning	Hostettler	Sabo
Burton	Hyde	Salmon
Callahan	Inglis	Saxton
Calvert	Jenkins	Scarborough
Cannon	Johnson, Sam	Schaefer, Dan
Chabot	Jones	Schaffer, Bob
Chambliss	Kasich	Sensenbrenner
Chenoweth	King (NY)	Sessions
Christensen	Klink	Shadegg
Clay	Kolbe	Shaw
Coble	Kucinich	Shimkus
Coburn	Largent	Shuster
Collins	LaTourette	Skeen
Combest	Lewis (CA)	Snowbarger
Conyers	Lewis (KY)	Solomon
Cooksey	Lipinski	Souder
Cox	Livingston	Spence
Crane	Lucas	Stump
Crapo	Manzullo	Sununu
Cubin	Martinez	Talent
Cunningham	McCollum	Taylor (NC)
Davis (VA)	McCrery	Thomas
Deal	McInnis	Thornberry
DeLay	McIntosh	Thune
Diaz-Balart	McKeon	Tiahrt
Dickey	Mica	Trafficant
Doolittle	Miller (FL)	Watkins
Dreier	Mink	Watts (OK)
Duncan	Moran (KS)	Weldon (FL)
Dunn	Moran (VA)	Weldon (PA)
Ehrlich	Murtha	White
Ensign	Myrick	Wicker
Everett	Nethercutt	Wilson
Fossella	Norwood	Young (AK)
Gallely	Packard	

NOES—272

Ackerman	Campbell	English
Allen	Canady	Eshoo
Andrews	Capps	Etheridge
Baesler	Cardin	Evans
Baldacci	Carson	Ewing
Ballenger	Castle	Farr
Barcia	Clayton	Fattah
Barr	Clement	Fawell
Barrett (NE)	Clyburn	Fazio
Barrett (WI)	Condit	Filner
Barton	Cook	Foley
Bass	Costello	Forbes
Becerra	Coyne	Ford
Bentsen	Cramer	Fowler
Bereuter	Cummings	Fox
Berman	Danner	Frank (MA)
Berry	Davis (FL)	Franks (NJ)
Billbray	Davis (IL)	Frelinghuysen
Bishop	DeFazio	Frost
Blagojevich	DeGette	Furse
Blumenauer	Delahunt	Ganske
Boehlert	DeLauro	Gejdenson
Bonior	Deutsch	Gephardt
Borski	Dicks	Gilchrest
Boswell	Dingell	Gilman
Boyd	Dixon	Gordon
Brady (PA)	Doggett	Goss
Brown (CA)	Dooley	Graham
Brown (FL)	Doyle	Green
Brown (OH)	Edwards	Greenwood
Burr	Ehlers	Gutierrez
Buyer	Emerson	Hall (OH)
Camp	Engel	Hamilton

Harman
Hastert
Hastings (FL)
Hefner
Hill
Hilliard
Hinchey
Hinojosa
Hoekstra
Hooley
Horn
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Jackson (IL)
Jackson-Lee
(TX)
Jefferson
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
Kingston
Klecza
Klug
Knollenberg
LaFalce
LaHood
Lampson
Lantos
Latham
Lazio
Leach
Lee
Levin
Lewis (GA)
Linder
LoBiondo
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Mascara
Matsui

McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McHugh
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Millender-
McDonald
Miller (CA)
Minge
Mollohan
Morella
Nadler
Neal
Neumann
Ney
Northrup
Nussle
Oberstar
Obey
Oliver
Ortiz
Owens
Oxley
Pallone
Pappas
Parker
Pascarell
Pastor
Payne
Pelosi
Peterson (MN)
Pickett
Pitts
Pomeroy
Porter
Poshard
Price (NC)
Quinn
Rahall
Ramstad
Rangel
Reyes
Rivers
Rodriguez
Roemer
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard

Rush
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Schumer
Scott
Serrano
Shays
Sherman
Sisisky
Skaggs
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snyder
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stupak
Tanner
Tauscher
Tauzin
Taylor (MS)
Thompson
Thurman
Tierney
Torres
Turner
Upton
Velazquez
Vento
Visclosky
Walsh
Wamp
Waters
Watt (NC)
Waxman
Weller
Wexler
Weygand
Whitfield
Wise
Wolf
Woolsey
Wynn
Yates

RECORDED VOTE
The CHAIRMAN pro tempore (Mr. BLUNT). A recorded vote has been demanded.

A recorded vote was ordered.
The vote was taken by electronic device, and there were—ayes 62, noes 363, not voting 9, as follows:

[Roll No. 363]
AYES—62

Abercrombie
Arney
Bartlett
Bilirakis
Boswell
Campbell
Chenoweth
Coble
Cook
Cooksey
Crane
Cunningham
Davis (IL)
Deal
Doggett
Doyle
Ehlers
Filner
Foley
Fox
Goodling

Hill
Hilleary
Hoekstra
Hostettler
Hulshof
Largent
LaTourrette
Leach
McIntosh
Metcalf
Mica
Mink
Moran (KS)
Moran (VA)
Murtha
Nadler
Nethercutt
Norwood
Pastor
Paul
Pombo

LaFalce
LaHood
Lampson
Lantos
Latham
Lazio
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
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-
McDonald
Miller (CA)
Miller (FL)
Minge
Mollohan
Morella
Myrick
Neal
Neumann
Ney
Northrup
Nussle
Oberstar
Obey

Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascarell
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Ramstad
Rangel
Regula
Reyes
Riley
Rivers
Rodriguez
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Rush
Ryun
Sabo
Salmon
Sanchez
Sandlin
Sawyer
Saxton
Scarborough
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Shuster
Sisisky

Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Thomas
Thompson
Thornberry
Thune
Thurman
Tierney
Turner
Upton
Velazquez
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Waxman
Weldon (FL)
Weldon (PA)
Wexler
Weygand
White
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wynn
Yates

NOES—363

Ackerman
Aderholt
Allen
Andrews
Archer
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Barton
Bass
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehrlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Christensen
Clay
Clayton
Clement
Clyburn
Coburn
Collins

Combest
Condit
Conyers
Costello
Cox
Coyle
Cramer
Crapo
Cubin
Cummings
Danner
Davis (FL)
Davis (VA)
DeFazio
DeGette
DeLahunt
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrist
Gillmor
Gilman
Goode

Rahall
Redmond
Roemer
Rogan
Royce
Sanders
Sanford
Schaefer, Dan
Sessions
Sherman
Shimkus
Smith, Linda
Sununu
Taylor (NC)
Tiahrt
Torres
Traficant
Watts (OK)
Weller
Young (AK)

Goodlatte
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Hilliard
Hinchey
Hinojosa
Hobson
Holden
Hooley
Horn
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
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
Klecza
Klink
Klug
Knollenberg
Kolbe
Kucinich

NOT VOTING—9
Istook
McDade
Moakley
Riggs
Towns
Young (FL)

NOT VOTING—7

Gonzalez
Istook
McDade

Moakley
Riggs
Towns

Young (FL)

□ 2105

Mr. CONYERS changed his vote from "no" to "aye."

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

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. PAUL TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE NO. 13 OFFERED BY MR. SHAYS

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on Amendment No. 17 offered by the gentleman from Texas (Mr. PAUL) to the amendment in the nature of a substitute No. 13 offered by the gentleman from Connecticut (Mr. SHAYS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

□ 2112

Mr. DICKEY changed his vote from "aye" to "no."

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

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. PAUL TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE NO. 13 OFFERED BY MR. SHAYS

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on Amendment No. 18 offered by the gentleman from Texas (Mr. PAUL) to the amendment in the nature of a substitute No. 13 offered by the gentleman from Connecticut (Mr. SHAYS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 88, noes 337, not voting 9, as follows:

[Roll No. 364]

AYES—88

Abercrombie	Hobson	Regula
Barcia	Hoekstra	Rivers
Bartlett	Hooley	Royce
Bilirakis	Hulshof	Salmon
Camp	Hunter	Sanders
Campbell	Jackson-Lee	Sanford
Chambliss	(TX)	Scarborough
Chenoweth	Kasich	Schaefer, Dan
Coble	LaTourette	Sessions
Coburn	Leach	Shadegg
Collins	Luther	Sherman
Conyers	Maloney (CT)	Shimkus
Cook	McCarthy (MO)	Shuster
Cooksey	McHugh	Smith, Linda
Crane	McIntosh	Snowbarger
Cubin	Metcalf	Sununu
Cunningham	Mink	Taylor (NC)
Davis (IL)	Moran (KS)	Thune
Deal	Nethercutt	Tiahrt
DeFazio	Neumann	Torres
DeGette	Ney	Trafficant
Doolittle	Norwood	Visclosky
Duncan	Pappas	Walsh
Ensign	Pastor	Wamp
Filner	Paul	Watkins
Foley	Pease	Watts (OK)
Gibbons	Pombo	Weller
Hayworth	Pryce (OH)	Whitfield
Hill	Rahall	Young (AK)
Hilleary	Redmond	

NOES—337

Ackerman	Clement	Gilman
Aderholt	Clyburn	Goode
Allen	Combust	Goodlatte
Andrews	Condit	Goodling
Archer	Costello	Gordon
Armey	Cox	Goss
Bachus	Coyne	Graham
Baesler	Cramer	Granger
Baker	Crapo	Green
Baldacci	Cummings	Greenwood
Balenger	Danner	Gutierrez
Barr	Davis (FL)	Gutknecht
Barrett (NE)	Davis (VA)	Hall (OH)
Barrett (WI)	Delahunt	Hall (TX)
Barton	DeLauro	Hamilton
Bass	DeLay	Hansen
Bateman	Deutsch	Harman
Becerra	Diaz-Balart	Hastert
Bentsen	Dickey	Hastings (FL)
Bereuter	Dicks	Hastings (WA)
Berman	Dingell	Hefley
Berry	Dixon	Hefner
Bilbray	Doggett	Herger
Bishop	Dooley	Hilliard
Blagojevich	Doyle	Hinchey
Bliley	Dreier	Hinojosa
Blumenuauer	Dunn	Holden
Blunt	Edwards	Horn
Boehlert	Ehlers	Hostettler
Boehner	Ehrlich	Houghton
Bonilla	Emerson	Hoyer
Bonior	Engel	Hutchinson
Bono	English	Hyde
Borski	Eshoo	Inglis
Boswell	Etheridge	Jackson (IL)
Boucher	Evans	Jefferson
Boyd	Everett	Jenkins
Brady (PA)	Ewing	John
Brady (TX)	Farr	Johnson (CT)
Brown (CA)	Fattah	Johnson (WI)
Brown (FL)	Fawell	Johnson, E. B.
Brown (OH)	Fazio	Johnson, Sam
Bryant	Forbes	Jones
Bunning	Ford	Kanjorski
Burr	Fossella	Kaptur
Burton	Fowler	Kelly
Buyer	Fox	Kennedy (MA)
Callahan	Frank (MA)	Kennedy (RI)
Calvert	Franks (NJ)	Kennelly
Canady	Frelinghuysen	Kildee
Cannon	Frost	Kilpatrick
Capps	Furse	Kim
Cardin	Gallegly	Kind (WI)
Carson	Ganske	King (NY)
Castle	Gejdenson	Kingston
Chabot	Gekas	Klecza
Christensen	Gephardt	Klink
Clay	Gilchrest	Klug
Clayton	Gillmor	Knollenberg

Kolbe	Nadler
Kucinich	Neal
LaFalce	Oxley
LaHood	Northup
Lampson	Nussle
Lantos	Oberstar
Largent	Obey
Latham	Olver
Lazio	Ortiz
Lee	Owens
Levin	Packard
Lewis (CA)	Pallone
Lewis (GA)	Parker
Lewis (KY)	Pascrell
Linder	Paxon
Lipinski	Payne
Livingston	Pelosi
LoBiondo	Peterson (MN)
Lofgren	Peterson (PA)
Lowey	Petri
Lucas	Pickering
Maloney (NY)	Pickett
Manton	Pitts
Manzullo	Pomeroy
Markey	Porter
Martinez	Portman
Mascara	Poshard
Matsui	Price (NC)
McCarthy (NY)	Quinn
McCollum	Radanovich
McCrery	Radanovich
McDermott	Rangel
McGovern	Reyes
McHale	Rothman
McInnis	Rodriguez
McIntyre	Roemer
McKeon	Rogan
McKinney	Rogers
McNulty	Rohrabacher
Meehan	Ros-Lehtinen
Meek (FL)	Rothman
Meeks (NY)	Roukema
Menendez	Roybal-Allard
Mica	Rush
Millender-	Ryun
McDonald	Sabo
Miller (CA)	Sanchez
Miller (FL)	Sandlin
Minge	Sawyer
Mollohan	Saxton
Moran (VA)	Schaffer, Bob
Morella	Schumer
Murtha	Scott
Myrick	Sensenbrenner

NOT VOTING—9

Gonzalez	Moakley	Wexler
Istook	Riggs	Yates
McDade	Towns	Young (FL)

□ 2119

Mr. KASICH and Mr. SCARBOROUGH changed their vote from "no" to "aye."

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

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. DELAY TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE NO. 13 OFFERED BY MR. SHAYS

The CHAIRMAN pro tempore (Mr. BLUNT). The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr. DELAY) to the amendment in the nature of a substitute No. 13 offered by the gentleman from Connecticut (Mr. SHAYS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore (Mr. BLUNT). A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 185, noes 241, not voting 8, as follows:

[Roll No. 365]

AYES—185

Aderholt	Gallegly	Oxley
Archer	Gekas	Packard
Army	Gibbons	Pappas
Baker	Goode	Paul
Ballenger	Goodlatte	Paxon
Barcia	Goodling	Pease
Barr	Goss	Peterson (MN)
Bartlett	Graham	Peterson (PA)
Barton	Granger	Pickering
Bateman	Gutknecht	Pitts
Bereuter	Hall (TX)	Pombo
Bilirakis	Hansen	Portman
Bliley	Hastert	Pryce (OH)
Blunt	Hastings (WA)	Radanovich
Boehner	Hayworth	Redmond
Bonilla	Hefley	Regula
Bono	Herger	Riley
Brady (TX)	Hill	Rogan
Bryant	Hilleary	Rogers
Bunning	Hobson	Rohrabacher
Burr	Hoekstra	Ros-Lehtinen
Burton	Hostettler	Royce
Buyer	Hulshof	Ryun
Callahan	Hunter	Salmon
Calvert	Hyde	Saxton
Camp	Inglis	Scarborough
Canady	Jenkins	Schaefer, Dan
Cannon	Johnson, Sam	Schaffer, Bob
Chabot	Jones	Scott
Chambliss	Kasich	Sensenbrenner
Chenoweth	Kim	Sessions
Christensen	King (NY)	Shadegg
Coburn	Kingston	Shaw
Collins	Klink	Shimkus
Combust	Kolbe	Shuster
Cook	LaHood	Skeen
Cooksey	Largent	Smith (NJ)
Costello	Latham	Smith (OR)
Cox	LaTourette	Smith (TX)
Crane	Lewis (CA)	Snowbarger
Crapo	Lewis (KY)	Solomon
Cubin	Linder	Spence
Cunningham	Livingston	Stearns
Davis (VA)	Lucas	Stump
Deal	Manzullo	Sununu
DeLay	McCollum	Talent
Diaz-Balart	McCrery	Tauzin
Dickey	McHugh	Taylor (NC)
Doolittle	McInnis	Thomas
Dreier	McIntosh	Thornberry
Duncan	McKeon	Thune
Dunn	Mica	Tiahrt
Ehlers	Miller (FL)	Trafficant
Ehrlich	Mollohan	Watkins
Emerson	Moran (KS)	Watts (OK)
English	Murtha	Weldon (FL)
Ensign	Myrick	Weller
Everett	Nethercutt	Whitfield
Ewing	Neumann	Wicker
Fawell	Ney	Wilson
Fossella	Northup	Young (AK)
Fowler	Norwood	

NOES—241

Abercrombie	Brown (CA)	Deutsch
Ackerman	Brown (FL)	Dicks
Allen	Brown (OH)	Dingell
Andrews	Campbell	Dixon
Bachus	Capps	Doggett
Baesler	Cardin	Dooley
Baldacci	Carson	Doyle
Barrett (NE)	Castle	Edwards
Barrett (WI)	Clay	Engel
Bass	Clayton	Eshoo
Becerra	Clement	Etheridge
Bentsen	Clyburn	Evans
Berman	Coble	Farr
Berry	Condit	Fattah
Bilbray	Conyers	Fazio
Bishop	Coyne	Filner
Blagojevich	Cramer	Foley
Blumenuauer	Cummings	Forbes
Boehlert	Danner	Ford
Bonior	Davis (FL)	Fox
Borski	Davis (IL)	Frank (MA)
Boswell	DeFazio	Franks (NJ)
Boucher	DeGette	Frelinghuysen
Boyd	Delahunt	Frost
Brady (PA)	DeLauro	Furse

Ganske
Gejdenson
Gephardt
Gilchrest
Gillmor
Gilman
Gordon
Green
Greenwood
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Horn
Houghton
Hoyer
Hutchinson
Jackson (IL)
Jackson-Lee
(TX)
Jefferson
John
Johnson (CT)
Johnson (WI)
Johnson, E.B.
Kanjorski
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Klecza
Klug
Knollenberg
Kucinich
LaFalce
Lampson
Lantos
Lazio
Leach
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren

NOT VOTING—8

Gonzalez
Istook
McDade

Moakley
Riggs
Towns
Yates
Young (FL)

□ 2127

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

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. PETERSON OF PENNSYLVANIA TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE NO. 13 OFFERED BY MR. SHAYS

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Pennsylvania (Mr. PETERSON) to the amendment in the nature of a substitute No. 13 offered by the gentleman from Connecticut (Mr. SHAYS) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 165, noes 260, not voting 9, as follows:

[Roll No. 366]

AYES—165

Aderholt
Archer
Baker
Ballenger
Barr
Bartlett
Barton
Bateman
Bereuter
Billbray
Bilbrakis
Bilely
Blunt
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Chambliss
Christensen
Coble
Coburn
Collins
Combest
Cooksey
Cox
Crane
Cubin
Cunningham
Davis (VA)
Deal
DeLay
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Fawell
Fossella
Fowler
Gallegly

NOES—260

Abercrombie
Ackerman
Allen
Andrews
Armey
Bachus
Baesler
Baldacci
Barcia
Barrett (NE)
Barrett (WI)
Bass
Becerra
Bentsen
Berman
Berry
Bishop
Blagojevich
Blumenauer
Boehlert
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (CA)
Brown (FL)
Brown (OH)
Bunning
Campbell
Capps
Cardin
Carson
Castle

Hoyer
Hutchinson
Inglis
Jackson (IL)
Jackson-Lee
(TX)
Jefferson
John
Johnson (CT)
Johnson (WI)
Johnson, E.B.
Kanjorski
Kaptur
Kelly
Kenny (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Klecza
Klink
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Leach
Lee
Levin
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott

NOT VOTING—9

Fox
Gonzalez
Istook

McDade
Moakley
Riggs
Towns
Yates
Young (FL)

□ 2134

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

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. FOX of Pennsylvania. Mr. Chairman, on rollcall No. 366, I was inadvertently detained. Had I been present, I would have voted "no."

Mr. THOMAS. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. LAHOOD) having assumed the chair, Mr. BLUNT, 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. 2183) to amend the Federal Election Campaign Act of 1971 to reform the financing of campaigns for elections for Federal office, and for other purposes, had come to no resolution thereon.

PERSONAL EXPLANATION

Mr. BURN of North Carolina. Mr. Speaker, earlier today, I missed rollcall votes 356 and 357 because I was unavoidably detained in my district. Had I been present, I would have voted "no" on rollcall vote 356 and "aye" on rollcall vote 357.

NOTICE

Incomplete record of House proceedings. Except for concluding business which follows, today's House proceedings will be continued in the next issue of the Record.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. ISTOOK (at the request of Mr. ARMEY) for today, July 31 and August 3 on account of personal reasons.

Mr. BURR of North Carolina (at the request of Mr. ARMEY) for today until 6 p.m. On account of official 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. WEYGAND) to revise and extend their remarks and include extraneous material:)

Ms. NORTON, for 5 minutes, today.

Mr. CONYERS, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

(The following Members (at the request of Mr. METCALF) to revise and extend their remarks and include extraneous material:)

Mr. COLLINS, for 5 minutes, today.

Mr. HORN, for 5 minutes, today.

Mr. THOMAS, 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. METCALF) and to include extraneous material:)

Mr. BEREUTER.

Mr. WOLF.

Mr. RADANOVICH.

Mr. DAVIS of Virginia.

Mr. TAYLOR.

Mr. BLILEY.

Mr. BUYER.

Mr. HOUGHTON.

Mr. BRYANT.

Mr. OXLEY.

(The following Members (at the request of Mr. WEYGAND) and to include extraneous material:)

Mr. NEAL of Massachusetts.

Mr. KIND.

Mr. TURNER.

Mr. VENTO.

Mr. PALLONE.

Mr. POSHARD.

Mr. BERMAN.

Mr. LANTOS.

Ms. ESHOO.

Mr. DOYLE.

Mr. CONYERS.

Mr. CLEMENT.

Mr. MCDERMOTT.

Mr. ROEMER.

Mr. KUCINICH.

Mr. SKELTON.

Mr. SANDERS.

Ms. JACKSON-LEE of Texas.

Mr. BARCIA.

Mr. DAVIS of Illinois.

**SENATE CONCURRENT
RESOLUTION REFERRED**

A Concurrent resolution of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. Con. Res. 97. Concurrent resolution. Expressing the sense of Congress concerning the human rights and humanitarian situation facing the women and girls of Afghanistan; to the Committee on International Relations.

ADJOURNMENT

Mr. METCALF. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 29 minutes a.m.), under its previous order, the House adjourned until today, Friday, July 31, 1998, at 1 p.m.

**EXECUTIVE COMMUNICATIONS,
ETC.**

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

10394. A letter from the Secretary of Housing and Urban Development, transmitting notification that it is estimated that the limitation on the Government National Mortgage Association's ("Ginnie Mae's") authority to make commitments for a fiscal year will be reached before the end of that fiscal year, pursuant to 12 U.S.C. 1721 nt.; to the Committee on Banking and Financial Services.

10395. A letter from the Managing Director, Federal Housing Finance Board, transmitting the Department's final rule—Authority to Approve Federal Home Loan Bank Bylaws [No. 98-32] (RIN: 3069-AA70) received July 27, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

10396. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Petroleum Refining Process Wastes; Land Disposal Restrictions for Newly Identified Wastes; and CERCLA Hazardous Substance Designation and Reportable Quantities [SWH-FRL 6122-7] (RIN: 2050-AD88) received July 21, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10397. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Identification of Additional Ozone Areas Attaining the 1-Hour Standard and to Which the 1-Hour Standard is No Longer Applicable [FRL—

6126-8] received July 21, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10398. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Revision of Part 2 of the Commission's Rules Relating to the Marketing and Authorization of Radio Frequency Devices [ET Docket No. 94-45 RM-8125] received July 24, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10399. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Fowler, Indiana) [MM Docket No. 98-38 RM-9223] received July 23, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10400. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed Manufacturing License Agreement with Israel [DTC 78-98] received July 29, 1998, pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

10401. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed Manufacturing License Agreement with Belgium [RSAT 3-98] received July 17, 1998, pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

10402. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting copies of the original report of political contributions by nominees as chiefs of mission, ambassadors at large, or ministers, and their families, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on International Relations.

10403. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting copies of the original report of political contributions by nominees as chiefs of mission, ambassadors at large, or ministers, and their families, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on International Relations.

10404. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting copies of the original report of political contributions by nominees as chiefs of mission, ambassadors at large, or ministers, and their families, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on International Relations.

10405. A letter from the Assistant Secretary for Land and Minerals Management, Department of the Interior, transmitting the Department's final rule—Helium Contracts [WO-130-1820-00-24 1A] (RIN: 1004-AD24) received July 23, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10406. A letter from the Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries Off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Restrictions on Frequency of Limited Entry Permit Transfers; Sorting Catch by Species; Retention of Fish Tickets [Docket No. 971208294-8154-02; I.D. 103097B] (RIN: 0648-AJ20) received July 21, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10407. A letter from the Deputy Assistant Administrator For Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries Off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Compensation for Collecting Resource Information [Docket No. 980501115-8160-02; I.D. 032498A] (RIN: 0648-AK86) received July 21, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10408. A letter from the Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Trip Limit Changes [Docket No. 971229312-7312-01; I.D. 062698A] received July 21, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10409. A letter from the Assistant Secretary of Commerce and Commissioner of Patents and Trademarks, Department of Commerce, transmitting the Department's final rule—Revision of Patent Fees for Fiscal Year 1999 [Docket No. 980713170-8170-01] (RIN: 0651-AA96) received July 21, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

10410. A letter from the Secretary, Naval Sea Cadet Corps, transmitting the Annual Audit Report of the Naval Sea Cadet Corps for the fiscal year ending 31 December 1997, pursuant to 36 U.S.C. 1101(39) and 1103; to the Committee on the Judiciary.

10411. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Amendments to the Effluent Limitations Guidelines, Pretreatment Standards, and New Source Performance Standards for the Organic Pesticide Chemicals Manufacturing Industry—Pesticide Chemicals Point Source Category [FRL-6126-6], pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10412. A letter from the Deputy Associate Administrator for Procurement, National Aeronautics and Space Administration, transmitting the Administration's final rule—Revisions to Part 1813 of the NASA FAR Supplement [48 CFR Parts 1801, 1812, 1813] received July 27, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

10413. A letter from the Director, Office of Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule—Provision of Drugs and Medicines to Certain Veterans in State Homes (RIN: 2900-AJ34) received July 21, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

10414. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Determination of Issue Price in the Case of Certain Debt Instruments Issued for Property [Revenue Ruling 98-36] received July 21, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10415. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Reduction in Certain Deductions of Mutual Life Insurance Companies [Revenue Ruling 98-38] received July 24, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10416. A letter from the Executive Director, District of Columbia Financial Responsibility and Management Assistance Authority, transmitting the report providing an itemized accounting of all non-appropriated funds obligated or expended by the Authority for the quarter, pursuant to Public Law

105—100; jointly to the Committees on Government Reform and Oversight and Appropriations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DREIER: Committee on Rules. House Resolution 513. Resolution Providing for consideration of the bill (H.R. 3736) to amend the Immigration and Nationality Act to make changes relating to H-1B nonimmigrants (Rept. 105-660). Referred to the House Calendar.

Mr. BLILEY: Committee on Commerce. H.R. 2921. A bill to amend the Communications Act of 1934 to require the Federal Communications Commission to conduct an inquiry into the impediments to the development of competition in the market for multichannel video programming distribution; with an amendment (Rept. 105-661, Pt. 1). Ordered to be printed.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

H.R. 2921. Referral to the Committee on the Judiciary extended for a period ending not later than September 11, 1998.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of Rule X and clause 4 of Rule XXII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. BLILEY (for himself and Mr. OXLEY):

H.R. 4353. A bill to amend the Securities Exchange Act of 1934 and the Foreign Corrupt Practices Act of 1977 to improve the competitiveness of American business and promote foreign commerce, and for other purposes; to the Committee on Commerce.

By Mr. GINGRICH (for himself, Mr. ARMEY, Mr. DELAY, Mr. HASTERT, Mr. BOEHNER, Ms. DUNN of Washington, Ms. PRYCE of Ohio, Mr. THOMAS, Mr. GEPHARDT, Mr. BONIOR, Mr. FAZIO of California, Mrs. KENNELLY of Connecticut, Mr. GEJDENSON, Mr. DAVIS of Virginia, and Mr. WYNN):

H.R. 4354. A bill to establish the United States Capitol Police Memorial Fund on behalf of the families of Detective John Michael Gibson and Private First Class Jacob Joseph Chestnut of the United States Capitol Police; to the Committee on House Oversight, and in addition to the Committee on Ways and Means, 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. BURTON of Indiana (for himself, Mr. HORN, Mrs. MORELLA, Mr. DAVIS of Virginia, Mr. SANFORD, Mr. KUCINICH, Mr. WAXMAN, Mr. SENSENBRENNER, Mr. BARCIA of Michigan, Mr. DINGELL, Mr. LEACH, Mr. LAFALCE, Mr. BOUCHER, Mr. GORDON, Ms. MCCARTHY of Missouri, Mr. BLUMENAUER, Mr. LUTHER, Mr. BROWN of California, Ms. DELAURO, Mr. CUMMINGS, Mr. MORAN of Vir-

ginia, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. DEGETTE, Mrs. CAPPS, Ms. LOFGREN, Mr. DOYLE, and Mr. LAMPSON):

H.R. 4355. A bill to encourage the disclosure and exchange of information about computer processing problems and related matters in connection with the transition to the Year 2000; to the Committee on the Judiciary.

By Mr. ENGLISH of Pennsylvania:

H.R. 4356. A bill to amend the Surface Mining Control and Reclamation Act of 1977 to assure that the full amount deposited in the Abandoned Mine Reclamation Fund is spent for the purposes for which the Fund was established; to the Committee on Resources.

By Mr. ENGLISH of Pennsylvania:

H.R. 4357. A bill to establish the Fort Presque Isle National Historic Site in Erie, Pennsylvania; to the Committee on Resources.

By Mr. HOUGHTON (for himself and Ms. SLAUGHTER):

H.R. 4358. A bill to amend the Harmonized Tariff Schedule of the United States to provide for equitable duty treatment for certain wool used in making suits; to the Committee on Ways and Means.

By Mr. LEACH (for himself, Mr. LAFALCE, Mr. CASTLE, and Ms. WATERS):

H.R. 4359. A bill to amend the Federal Reserve Act to broaden the range of discount window loans which may be used as collateral for Federal reserve notes; to the Committee on Banking and Financial Services.

By Mr. POMBO (for himself and Mr. PETERSON of Minnesota):

H.R. 4360. A bill to amend the Agricultural Adjustment Act to require the Secretary of Agriculture to establish a pilot program under which milk producers and cooperatives will be permitted to enter into forward price contracts with milk handlers; to the Committee on Agriculture.

By Mr. SHAW (for himself, Mr. BILLRAKIS, Mr. BOYD, Mr. CANADY of Florida, Mr. DEUTSCH, Mrs. FOWLER, Mr. GOSS, Mr. HASTINGS of Florida, Mr. MCCOLLUM, Mrs. MEEK of Florida, Mr. MICA, Mr. MILLER of Florida, Ms. ROS-LEHTINEN, Mr. STEARNS, Mrs. THURMAN, Mr. WELDON of Florida, and Mr. WEXLER):

H.R. 4361. A bill to amend the Internal Revenue Code of 1986 to provide that an organization shall be exempt from income tax if it is created by a State to provide property and casualty insurance coverage for property for which such coverage is otherwise unavailable; to the Committee on Ways and Means.

By Mr. VENTO:

H.R. 4362. A bill to authorize the Secretary of Veterans Affairs to conduct Stand Down events and to establish a pilot program that will provide for an annual Stand Down event in each State; to the Committee on Veterans' Affairs.

By Mr. WATT of North Carolina (for himself and Mr. BERMAN):

H.R. 4363. A bill to provide for the restructuring of the Immigration and Naturalization Service, and for other purposes; to the Committee on the Judiciary.

By Mr. ENGEL (for himself, Mr. KING of New York, Mr. MORAN of Virginia, and Mrs. KELLY):

H. Con. Res. 313. Concurrent resolution expressing the sense of the Congress with respect to self-determination for the people of Kosovo, and for other purposes; to the Committee on International Relations.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 23: Mr. BRADY of Pennsylvania, Mr. STRICKLAND, Mr. SMITH of New Jersey, and Ms. MILLENDER-MCDONALD.
 H.R. 164: Mr. DOYLE.
 H.R. 457: Mr. HILLIARD and Mr. PETRI.
 H.R. 754: Mr. TOWNS.
 H.R. 986: Mr. WAMP.
 H.R. 1050: Mr. STARK.
 H.R. 1063: Mr. BONIOR, Mrs. CUBIN, Mr. COOK, and Ms. STABENOW.
 H.R. 1126: Mr. BRADY of Texas, Mrs. LINDA SMITH of Washington, and Ms. EDDIE BERNICE JOHNSON of Texas.
 H.R. 1173: Mr. LEVIN.
 H.R. 1283: Mr. ENSIGN.
 H.R. 1321: Mr. LUTHER.
 H.R. 1382: Mr. MATSUI and Mr. BALDACCI.
 H.R. 1401: Mr. SALMON.
 H.R. 1525: Mr. ALLEN, Mr. MORAN of Kansas, and Mr. LATHAM.
 H.R. 1712: Mr. SUNUNU.
 H.R. 1995: Mr. ALLEN, Mr. PORTER, and Mr. LUTHER.
 H.R. 2224: Mrs. KELLY.
 H.R. 2275: Ms. NORTON and Ms. MILLENDER-MCDONALD.
 H.R. 2504: Ms. BROWN of Florida.
 H.R. 2701: Mr. KILPATRICK.
 H.R. 2723: Mr. FOSSELLA.
 H.R. 2733: Ms. BROWN of Florida, Mr. MARKEY, Mr. NUSSLE, Mr. NEAL of Massachusetts, Mr. THORNBERRY, Ms. ESHOO, Mr. KNOLLENBERG, and Mr. MEEHAN.
 H.R. 2849: Mrs. MEEK of Florida, Ms. CARSON, Mr. ADAM SMITH of Washington, Mr. YATES, and Mr. UPTON.
 H.R. 2921: Mr. EVANS.
 H.R. 2955: Mr. JACKSON and Mr. PASTOR.
 H.R. 3001: Mr. ENGEL, Mr. FRANK of Massachusetts, Mr. DEAL of Georgia, Mr. MARTINEZ, Mrs. THURMAN, and Mr. MANTON.
 H.R. 3031: Mr. MARKEY, Mr. CUMMINGS, Mr. WAXMAN, Mr. McNULTY, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. FILNER, Mr. FROST, Mr. FORD, Mr. ENGLISH of Pennsylvania, Mr. ACKERMAN, Ms. DANNER, Mr. BERMAN, Mr. TALENT, and Mr. RANGEL.
 H.R. 3077: Mr. FROST, Mr. GOODE, Mr. KILDEE, and Mr. RAHALL.
 H.R. 3248: Mr. JENKINS.
 H.R. 3251: Mr. MALONEY of Connecticut and Mr. LANTOS.
 H.R. 3320: Mr. POSHARD.
 H.R. 3622: Ms. LEE, Mrs. MALONEY of New York, Ms. KILPATRICK, and Mrs. MINK of Hawaii.
 H.R. 3629: Mr. BENTSEN.
 H.R. 3632: Mr. FOSSELLA.
 H.R. 3684: Mr. LA TOURETTE.
 H.R. 3688: Mr. SMITH of Texas.
 H.R. 3774: Ms. STABENOW and Mr. WATKINS.
 H.R. 3790: Mr. BECERRA, Mr. BEREUETER, Mr. BILIRAKIS, Mr. BONIOR, Mr. BORSKI, Mr. BOWWELL, Mr. BROWN of Ohio, Mr. BUNNING of Kentucky, Mr. CLYBURN, Mr. COLLINS, Mr. CUMMINGS, Mr. CUNNINGHAM, Ms. DEGETTE, Mr. DOOLEY of California, Mr. EDWARDS, Ms. ESHOO, Mr. FAWELL, Mr. FILNER, Mr. FOX of Pennsylvania, Mr. GALLEGLEY, Mr. GORDON, Mr. HANSEN, Mr. HASTERT, Mr. HASTINGS of Florida, Mr. HILLIARD, Mr. HINOJOSA, Ms. HOOLEY of Oregon, Ms. KAPTUR, Mr. KASICH, Mr. KIND of Wisconsin, Mr. KLECZKA, Mr. LAFALCE, Mr. LAHOOD, Mr. LAMPSON, Mr. LEVIN, Mr. LEWIS of California, Mr. LEWIS of Kentucky, Mr. LUTHER, Mrs. MCCARTHY of New York, Mr. McDERMOTT, Mr. MCHUGH, Mr. MCINTYRE, Mr. McKEENE, Ms. MCKINNEY, Mr. McNULTY, Mr. MATSUI, Mr. MENENDEZ, Mr. MORAN of Virginia, Mrs. MORELLA, Mrs. NORTHUP, Mr. NORWOOD, Mr. OBEY, Mr. PACKARD, Mr. PALLONE, Mr. PASTOR, Mr. PETRI, Mr. PRICE of North Carolina, Mr. QUINN, Mr. RAMSTAD, Mr. REYES, Mr. RODRIGUEZ, Mr. ROEMER, Mr. RUSH, Mr. SAWYER, Mr. SHAW, Mr. SKEEN, Ms. STABENOW, Mr. STUPAK, Mr. SUNUNU, Mrs. TAUSCHER, Mr. TAYLOR of North Carolina, Mr. THOMPSON, Mr. TOWNS,

Mr. WYNN, Mrs. JOHNSON of Connecticut, Mr. SHAYS, Ms. PELOSI, Mr. FARR of California, Mr. LIVINGSTON, Mr. STARK, Mr. SOLOMON, Mr. WHITFIELD, Mr. BILBRAY, Mrs. CHENOWETH, Mrs. ROUKEMA, Mr. TAUZIN, Mr. WATKINS, Mr. GOODLATTE, Mr. WELLER, Mr. GUTKNECHT, Mr. TALENT, Mr. CRAPO, Mr. YOUNG of Alaska, Mr. OXLEY, Ms. ROSELEHTINEN, Mr. BURTON of Indiana, Mr. PETERSON of Pennsylvania, Mr. NETHERCUTT, Mr. ARMEY, Mrs. CUBIN, Mr. MILLER of Florida, Mr. METCALF, Mr. ROGAN, Mr. HEFLEY, Mr. GOSS, Mr. MCCRERY, Mr. ROGERS, Mr. BRYANT, Mr. LATHAM, Mr. TIAHRT, Mr. WELDON of Florida, Mr. HASTINGS of Washington, Mr. CAMP, Mr. EHRlich, Ms. PRYCE of Ohio, Mr. DIAZ-BALART, Mrs. FOWLER, Mr. COX of California, Mr. COOKSEY, Mr. FORBES, Mrs. EMERSON, Mr. SMITH of New Jersey, Mr. FRANKS of New Jersey, Mrs. WILSON, Mr. GEKAS, Mr. BARTON of Texas, Mr. PORTMAN, Mr. BARR of Georgia, Mr. DAVIS of Virginia, Mr. DICKEY, Mr. KNOLLENBERG, Mr. PAXON, Mr. SCARBOROUGH, Mr. BUYER, Mr. HERGER, Mr. HOBSON, Mr. LEACH, Mr. SMITH of Oregon, Mr. BARTLETT of Maryland, Mr. SALMON, Mr. HOEKSTRA, Mr. KOLBE, Mr. KIM, Mr. THUNE, Mr. LUCAS of Oklahoma, Mrs. KELLY, and Mr. POMBO.
 H.R. 3792: Mr. COLLINS and Mr. SHIMKUS.
 H.R. 3815: Mrs. THURMAN and Mr. HULSHOF.
 H.R. 3831: Mr. SHERMAN and Mrs. LOWEY.
 H.R. 3879: Mr. Paxon and Mr. THOMPSON.
 H.R. 3956: Mr. HOYER and Ms. WOOLSEY.
 H.R. 3976: Mr. THORNBERRY.
 H.R. 3995: Mr. ENGEL.
 H.R. 4031: Mr. COYNE and Ms. KILPATRICK.
 H.R. 4037: Mr. PETERSON of Pennsylvania.
 H.R. 4053: Mr. COYNE.
 H.R. 4121: Mrs. CAPPS, Mr. KIND of Wisconsin, Mrs. KELLY, and Mr. MATSUI.
 H.R. 4132: Mr. CAMPBELL.
 H.R. 4175: Mr. CUMMINGS, Mr. PAYNE, and Mr. ENGEL.
 H.R. 4188: Mr. ENGLISH of Pennsylvania.
 H.R. 4196: Mr. WELDON of Florida and Mr. BACHUS.
 H.R. 4197: Mrs. LINDA SMITH of Washington and Mr. CALLAHAN.
 H.R. 4209: Ms. CARSON.
 H.R. 4220: Mr. BISHOP.
 H.R. 4224: Mr. STARK.
 H.R. 4232: Mr. INGLIS of South Carolina, Mr. HEFLEY, Mr. BARRETT of Nebraska, Mr. GOODLATTE, Mr. ROGAN, and Mr. WELDON of Florida.
 H.R. 4235: Mr. HILLIARD, Mr. BOEHLERT, and Mr. ABERCROMBIE.
 H.R. 4246: Mr. BLUNT and Mr. EWING.
 H.R. 4283: Mr. LAMPSON and Mr. WAXMAN.
 H.R. 4298: Mrs. FOWLER.
 H.R. 4302: Mr. HILLIARD and Mr. STARK.
 H.R. 4308: Mr. McGOVERN and Mr. MILLER of California.
 H.R. 4309: Mr. McGOVERN and Mr. MILLER of California.
 H.R. 4339: Mr. FROST and Mr. MURTHA.
 H.R. 4344: Mr. HINOJOSA, Mr. CUMMINGS, Ms. PELOSI, Mr. FRANKS of New Jersey, and Mr. FORBES.
 H. Con. Res. 52: Mr. SANDLIN, Mr. BACHUS, and Mr. LAMPSON.
 H. Con. Res. 251: Mr. GEJDENSON.
 H. Con. Res. 295: Mr. PALLONE, Mr. WEXLER, Mr. BERMAN, Mr. HAMILTON, Mr. FROST, Mr. ENGEL, and Ms. KILPATRICK.
 H. Con. Res. 304: Mr. GILMAN.
 H. Res. 171: Mr. RANGEL.

H.R. 2801: Mr. STABENOW.
 H.R. 3000: Mr. FORD.
 H.R. 3396: Mr. DAVIS of Illinois and Mr. MORAN of Virginia.
 H. Res. 375: Mr. FAZIO of California.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 3736

OFFERED BY: Mr. WATT OF NORTH CAROLINA

AMENDMENT No. 2: Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Workforce Improvement and Protection Act of 1998".

SEC. 2. TEMPORARY INCREASE IN SKILLED FOREIGN WORKERS; TEMPORARY REDUCTION IN H-2B NONIMMIGRANTS.

Section 214(g) of the Immigration and Nationality Act (8 U.S.C. 1184(g)) is amended—

(1) by amending paragraph (1)(A) to read as follows:

"(A) under section 101(a)(15)(H)(i)(b), subject to paragraph (5), may not exceed—

"(i) 95,000 in fiscal year 1998;
 "(ii) 105,000 in fiscal year 1999;
 "(iii) 115,000 in fiscal year 2000; and
 "(iv) 65,000 in fiscal year 2001 and any subsequent fiscal year; or";

(2) by amending paragraph (1)(B) to read as follows:

"(B) under section 101(a)(15)(H)(ii)(b) may not exceed—

"(i) 36,000 in fiscal year 1998;
 "(ii) 26,000 in fiscal year 1999;
 "(iii) 16,000 in fiscal year 2000; and
 "(iv) 66,000 in fiscal year 2001 and any subsequent fiscal year.";

(3) in paragraph (4), by striking "years," and inserting "years, except that, with respect to each such nonimmigrant issued a visa or otherwise provided nonimmigrant status in each of fiscal years 1998, 1999, and 2000 in excess of 65,000 (per fiscal year), the period of authorized admission as such a nonimmigrant may not exceed 4 years."; and

(4) by adding at the end the following:
 "(5) The total number of aliens described in section 212(a)(5)(C) who may be issued visas or otherwise provided nonimmigrant status during any fiscal year (beginning with fiscal year 1999) under section 101(a)(15)(H)(i)(b) may not exceed 5,000.".

SEC. 3. PROTECTION AGAINST DISPLACEMENT OF UNITED STATES WORKERS.

(a) IN GENERAL.—Section 212(n)(1) of the Immigration and Nationality Act (8 U.S.C. 1182(n)(1)) is amended by inserting after subparagraph (D) the following:

"(E)(i) Except as provided in clause (iv), the employer has not laid off or otherwise displaced and will not lay off or otherwise displace, within the period beginning 6 months before and ending 90 days following the date of filing of the application or during the 90 days immediately preceding and following the date of filing of any visa petition supported by the application, any United States worker (as defined in paragraph (3)) (including a worker whose services are obtained by contract, employee leasing, temporary help agreement, or other similar means) who has substantially equivalent qualifications and experience in the specialty occupation, and in the area of employment, for which H-1B nonimmigrants are sought or in which they are employed.

"(ii) Except as provided in clause (iii), in the case of an employer that employs an H-1B nonimmigrant, the employer shall not place the nonimmigrant with another employer where—

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

(Omitted from the Record of July 29, 1998)

H.R. 1515: Mr. DAVIS of Illinois.

“(I) the nonimmigrant performs his or her duties in whole or in part at one or more worksites owned, operated, or controlled by such other employer; and

“(II) there are indicia of an employment relationship between the nonimmigrant and such other employer.

“(iii) Clause (ii) shall not apply to an employer's placement of an H-1B nonimmigrant with another employer if the other employer has executed an attestation that it satisfies and will satisfy the conditions described in clause (i) during the period described in such clause.

“(iv) This subparagraph shall not apply to an application filed by an employer that is an institution of higher education (as defined in section 1201(a) of the Higher Education Act of 1965), or a related or affiliated nonprofit entity, if the application relates solely to aliens who—

“(I) the employer seeks to employ—

“(aa) as a researcher on a project for which not less than 50 percent of the funding is provided, for a limited period of time, through a grant or contract with an entity other than the employer; or

“(bb) as a professor or instructor under a contract that expires after a limited period of time; and

“(II) have attained a master's or higher degree (or its equivalent) in a specialty the specific knowledge of which is required for the intended employment.”.

(b) DEFINITIONS.—

(1) IN GENERAL.—Section 212(n) of the Immigration and Nationality Act (8 U.S.C. 1182(n)) is amended by adding at the end the following:

“(3) For purposes of this subsection:

“(A) The term ‘H-1B nonimmigrant’ means an alien admitted or provided status as a nonimmigrant described in section 101(a)(15)(H)(i)(b).

“(B) The term ‘lay off or otherwise displace’, with respect to an employee—

“(i) means to cause the employee's loss of employment, other than through a discharge for cause, a voluntary departure, or a voluntary retirement; and

“(ii) does not include any situation in which employment is relocated to a different geographic area and the employee is offered a chance to move to the new location, with wages and benefits that are not less than those at the old location, but elects not to move to the new location.

“(C) The term ‘United States worker’ means—

“(i) a citizen or national of the United States;

“(ii) an alien lawfully admitted for permanent residence; or

“(iii) an alien authorized to be employed by this Act or by the Attorney General.”.

(2) CONFORMING AMENDMENTS.—Section 212(n)(1) of the Immigration and Nationality Act (8 U.S.C. 1182(n)(1)) is amended by striking “a nonimmigrant described in section 101(a)(15)(H)(i)(b)” each place such term appears and inserting “an H-1B nonimmigrant”.

SEC. 4. RECRUITMENT OF UNITED STATES WORKERS PRIOR TO SEEKING NON-IMMIGRANT WORKERS.

Section 212(n)(1) of the Immigration and Nationality Act (8 U.S.C. 1182(n)(1)), as amended by section 3, is further amended by inserting after subparagraph (E) the following:

“(F)(i) The employer, prior to filing the application, has taken, in good faith, timely and significant steps to recruit and retain sufficient United States workers in the specialty occupation for which H-1B nonimmigrants are sought. Such steps shall have included recruitment in the United States, using procedures that meet industry-

wide standards and offering compensation that is at least as great as that required to be offered to H-1B nonimmigrants under subparagraph (A), and offering employment to any United States worker who applies and has the same qualifications as, or better qualifications than, any of the H-1B nonimmigrants sought.

“(ii) The conditions described in clause (i) shall not apply to an employer with respect to the employment of an H-1B nonimmigrant who is described in subparagraph (A), (B), or (C) of section 203(b)(1).”.

SEC. 5. LIMITATION ON AUTHORITY TO INITIATE COMPLAINTS AND CONDUCT INVESTIGATIONS FOR NON-H-1B-DEPENDENT EMPLOYERS.

(a) IN GENERAL.—Section 212(n)(2)(A) of the Immigration and Nationality Act (8 U.S.C. 1182(n)(2)(A)) is amended—

(1) in the second sentence, by striking the period at the end and inserting the following: “, except that the Secretary may only file such a complaint respecting an H-1B-dependent employer (as defined in paragraph (3)), and only if there appears to be a violation of an attestation or a misrepresentation of a material fact in an application.”; and

(2) by inserting after the second sentence the following: “Except as provided in subparagraph (F) (relating to spot investigations during probationary period), no investigation or hearing shall be conducted with respect to an employer except in response to a complaint filed under the previous sentence.”.

(b) DEFINITIONS.—Section 212(n)(3) of the Immigration and Nationality Act (8 U.S.C. 1182(n)(3)), as added by section 3, is amended—

(1) by redesignating subparagraphs (A), (B), and (C) as subparagraphs (B), (C), and (E), respectively;

(2) by inserting after “purposes of this subsection:” the following:

“(A) The term ‘H-1B-dependent employer’ means an employer that—

“(i) has fewer than 21 full-time equivalent employees who are employed in the United States; and

(ii) employs 4 or more H-1B nonimmigrants; or

“(iii) has at least 21 but not more than 150 full-time equivalent employees who are employed in the United States; and

(IV) employs H-1B nonimmigrants in a number that is equal to at least 20 percent of the number of such full-time equivalent employees; or

“(v) has at least 151 full-time equivalent employees who are employed in the United States; and

(VI) employs H-1B nonimmigrants in a number that is equal to at least 15 percent of the number of such full-time equivalent employees.

In applying this subparagraph, any group treated as a single employer under subsection (b), (c), (m), or (o) of section 414 of the Internal Revenue Code of 1986 shall be treated as a single employer. Aliens employed under a petition for H-1B nonimmigrants shall be treated as employees, and counted as nonimmigrants under section 101(a)(15)(H)(i)(b) under this subparagraph.”; and

(3) by inserting after subparagraph (C) (as so redesignated) the following:

“(D) The term ‘non-H-1B-dependent employer’ means an employer that is not an H-1B-dependent employer.”.

SEC. 6. INCREASED ENFORCEMENT AND PENALTIES.

(a) IN GENERAL.—Section 212(n)(2)(C) of the Immigration and Nationality Act (8 U.S.C. 1182(n)(2)(C)) is amended to read as follows:

“(C)(i) If the Secretary finds, after notice and opportunity for a hearing, a failure to

meet a condition of paragraph (1)(B) or (1)(E), a substantial failure to meet a condition of paragraph (1)(C), (1)(D), or (1)(F), or a misrepresentation of material fact in an application—

“(I) the Secretary shall notify the Attorney General of such finding and may, in addition, impose such other administrative remedies (including civil monetary penalties in an amount not to exceed \$1,000 per violation) as the Secretary determines to be appropriate; and

“(II) the Attorney General shall not approve petitions filed with respect to that employer under section 204 or 214(c) during a period of at least 1 year for aliens to be employed by the employer.

“(ii) If the Secretary finds, after notice and opportunity for a hearing, a willful failure to meet a condition of paragraph (1), a willful misrepresentation of material fact in an application, or a violation of clause (iv)—

“(I) the Secretary shall notify the Attorney General of such finding and may, in addition, impose such other administrative remedies (including civil monetary penalties in an amount not to exceed \$5,000 per violation) as the Secretary determines to be appropriate; and

“(II) the Attorney General shall not approve petitions filed with respect to that employer under section 204 or 214(c) during a period of at least 1 year for aliens to be employed by the employer.

“(iii) If the Secretary finds, after notice and opportunity for a hearing, a willful failure to meet a condition of paragraph (1) or a willful misrepresentation of material fact in an application, in the course of which failure or misrepresentation the employer also has failed to meet a condition of paragraph (1)(E)—

“(I) the Secretary shall notify the Attorney General of such finding and may, in addition, impose such other administrative remedies (including civil monetary penalties in an amount not to exceed \$25,000 per violation) as the Secretary determines to be appropriate; and

“(II) the Attorney General shall not approve petitions filed with respect to that employer under section 204 or 214(c) during a period of at least 2 years for aliens to be employed by the employer.

“(iv) It is a violation of this clause for an employer who has filed an application under this subsection to intimidate, threaten, restrain, coerce, blacklist, discharge, or in any other manner discriminate against an employee (which term, for purposes of this clause, includes a former employee and an applicant for employment) because the employee has disclosed information to the employer, or to any other person, that the employee reasonably believes evidences a violation of this subsection, or any rule or regulation pertaining to this subsection, or because the employee cooperates or seeks to cooperate in an investigation or other proceeding concerning the employer's compliance with the requirements of this subsection or any rule or regulation pertaining to this subsection.”.

(b) PLACEMENT OF H-1B NONIMMIGRANT WITH OTHER EMPLOYER.—Section 212(n)(2) of the Immigration and Nationality Act (8 U.S.C. 1182(n)(2)) is amended by adding at the end the following:

“(E) Under regulations of the Secretary, the previous provisions of this paragraph shall apply to a failure of an other employer to comply with an attestation described in paragraph (1)(E)(iii) in the same manner as they apply to a failure to comply with a condition described in paragraph (1)(E)(i).”.

(c) SPOT INVESTIGATIONS DURING PROBATIONARY PERIOD.—Section 212(n)(2) of the Immigration and Nationality Act (8 U.S.C.

1182(n)(2)), as amended by subsection (b), is further amended by adding at the end the following:

“(F) The Secretary may, on a case-by-case basis, subject an employer to random investigations for a period of up to 5 years, beginning on the date that the employer is found by the Secretary to have committed a willful failure to meet a condition of paragraph (1) or to have made a misrepresentation of material fact in an application. The preceding sentence shall apply to an employer regardless of whether the employer is an H-1B-dependent employer or a non-H-1B-dependent employer. The authority of the Secretary under this subparagraph shall not be construed to be subject to, or limited by, the requirements of subparagraph (A).”.

SEC. 7. PROHIBITION ON IMPOSITION BY IMPORTING EMPLOYERS OF EMPLOYMENT CONTRACT PROVISIONS VIOLATING PUBLIC POLICY.

Section 212(n)(2) of the Immigration and Nationality Act (8 U.S.C. 1182(n)(2)), as amended by section (6), is further amended by adding at the end the following:

“(G) If the Secretary finds, after notice and opportunity for a hearing, that an employer who has submitted an application under paragraph (1) has requested or required an alien admitted or provided status as a nonimmigrant pursuant to the application, as a condition of the employment, to execute a contract containing a provision that would be considered void as against public policy in the State of intended employment—

“(i) the Secretary shall notify the Attorney General of such finding and may, in addition, impose such other administrative remedies (including civil monetary penalties in an amount not to exceed \$25,000 per violation) as the Secretary determines to be appropriate; and

“(ii) the Attorney General shall not approve petitions filed by the employer under section 214(c) during a period of not more than 10 years for H-1B nonimmigrants to be employed by the employer.”.

SEC. 8. COLLECTION AND USE OF H-1B NON-IMMIGRANT FEES FOR STATE STUDENT INCENTIVE GRANT PROGRAMS AND JOB TRAINING OF UNITED STATES WORKERS.

(a) IMPOSITION OF FEE.—Section 214(c) (8 U.S.C. 1184(c)) is amended by adding at the end the following:

“(9)(A) The Attorney General shall impose a fee on an employer (excluding an employer described in subparagraph (A) or (B) of section 212(p)(1)) as a condition for the approval of a petition filed on or after October 1, 1998, and before October 1, 2002, under paragraph (1) to grant an alien nonimmigrant status described in section 101(a)(15)(H)(i)(b). The amount of the fee shall be \$500 for each such nonimmigrant.

“(B) Fees collected under this paragraph shall be deposited in the Treasury in accordance with section 286(t).

“(C)(i) An employer may not require an alien who is the subject of the petition for which a fee is imposed under this paragraph to reimburse, or otherwise compensate, the employer for part or all of the cost of such fee.

“(ii) Section 274A(g)(2) shall apply to a violation of clause (i) in the same manner as it applies to a violation of section 274A(g)(1).”.

(b) ESTABLISHMENT OF ACCOUNT; USE OF FEES.—Section 286 (8 U.S.C. 1356) is amended by adding at the end the following:

“(t) H-1B NONIMMIGRANT PETITIONER ACCOUNT.—

“(1) IN GENERAL.—There is established in the general fund of the Treasury a separate account which shall be known as the ‘H-1B Nonimmigrant Petitioner Account’. Not-

withstanding any other section of this title, there shall be deposited as offsetting receipts into the account all fees collected under section 214(c)(9).

“(2) USE OF HALF OF FEES BY SECRETARY OF EDUCATION FOR HIGHER EDUCATION GRANTS.—Fifty percent of the amounts deposited into the H-1B Nonimmigrant Petitioner Account shall remain available until expended to the Secretary of Education for additional allotments to States under subpart 4 of chapter 8 of title IV of the Higher Education Act of 1965 but only for the purpose of assisting States in providing grants to eligible students enrolled in a program of study leading to a degree in mathematics, computer science, or engineering.

“(3) USE OF HALF OF FEES BY SECRETARY OF LABOR FOR JOB TRAINING.—Fifty percent of amounts deposited into the deposits into such Account shall remain available until expended to the Secretary of Labor for demonstration programs described in section 104(d) of the Temporary Access to Skilled Workers and H-1B Nonimmigrant Program Improvement Act of 1998.”.

(c) CONFORMING MODIFICATION OF APPLICATION REQUIREMENTS FOR STATE STUDENT INCENTIVE GRANT PROGRAM.—Section 415C(b) of the Higher Education Act of 1965 (20 U.S.C. 1070c-2(b)) is amended—

(1) in paragraph (9), by striking “and” at the end;

(2) in paragraph (10), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(11) provides that any portion of the allotment to the State for each fiscal year that derives from funds made available under section 286(t)(2) of the Immigration and Nationality Act shall be expended for grants described in paragraph (2)(A) to students enrolled in a program of study leading to a degree in mathematics, computer science, or engineering.”.

(d) DEMONSTRATION PROGRAMS AND PROJECTS TO PROVIDE TECHNICAL SKILLS TRAINING FOR WORKERS.

(1) IN GENERAL.—Subject to paragraph (3), in establishing demonstration programs under section 452(c) of the Job Training Partnership Act (29 U.S.C. 1732(c)), as in effect on the date of enactment of this Act, or demonstration programs or projects under a successor Federal law, the Secretary of Labor shall establish demonstration programs or projects to provide technical skills training for workers, including both employed and unemployed workers.

(2) GRANTS.—Subject to paragraph (3), the Secretary of Labor shall award grants to carry out the programs and projects described in paragraph (1) to—

(A)(i) private industry councils established under section 102 of the Job Training Partnership Act (29 U.S.C. 1512), as in effect on the date of enactment of this Act; or

(ii) local boards that will carry out such programs or projects through one-stop delivery systems established under a successor Federal law; or

(B) regional consortia of councils or local boards described in subparagraph (A).

(3) LIMITATION.—The Secretary of Labor shall establish programs and projects under paragraph (1), including awarding grants to carry out such programs and projects under paragraph (2), only with funds made available under section 286(t)(3) of the Immigration and Nationality Act, and not with funds made available under the Job Training Partnership Act or a successor Federal law.

SEC. 9. IMPROVING COUNT OF H-1B AND H-2B NONIMMIGRANTS.

(a) ENSURING ACCURATE COUNT.—The Attorney General shall take such steps as are necessary to maintain an accurate count of the number of aliens subject to the numeri-

cal limitations of section 214(g)(1) of the Immigration and Nationality Act who are issued visas or otherwise provided nonimmigrant status.

(b) REVISION OF PETITION FORMS.—The Attorney General shall take such steps as are necessary to revise the forms used for petitions for visas or nonimmigrant status under clause (i)(b) or (ii)(b) of section 101(a)(15)(H) of the Immigration and Nationality Act so as to ensure that the forms provide the Attorney General with sufficient information to permit the Attorney General accurately to count the number of aliens subject to the numerical limitations of section 214(g)(1) of such Act who are issued visas or otherwise provided nonimmigrant status.

(c) REPORTS.—Beginning with fiscal year 1999, the Attorney General shall provide to the Congress not less than 4 times per year a report on—

(1) the numbers of individuals who were issued visas or otherwise provided nonimmigrant status during the preceding 3-month period under section 101(a)(15)(H)(i)(b) of the Immigration and Nationality Act;

(2) the numbers of individuals who were issued visas or otherwise provided nonimmigrant status during the preceding 3-month period under section 101(a)(15)(H)(ii)(b) of such Act; and

(3) the countries of origin and occupations of, educational levels attained by, and total compensation (including the value of all wages, salary, bonuses, stock, stock options, and any other similar forms of remuneration) paid to, individuals issued visas or provided nonimmigrant status under such sections during such period.

SEC. 10. GAO STUDY AND REPORT ON AGE DISCRIMINATION IN THE INFORMATION TECHNOLOGY FIELD.

(a) STUDY.—The Comptroller General of the United States shall conduct a study assessing age discrimination in the information technology field. The study shall consider the following:

(1) The prevalence of age discrimination in the information technology workplace.

(2) The extent to which there is a difference, based on age, in promotion and advancement; working hours; telecommuting; salary; and stock options, bonuses, or other benefits.

(3) The relationship between rates of advancement, promotion, and compensation to experience, skill level, education, and age.

(4) Differences in skill level on the basis of age.

(b) REPORT.—Not later than October 1, 2000, the Comptroller General of the United States shall submit to the Committees on the Judiciary of the United States House of Representatives and the Senate a report containing the results of the study described in subsection (a). The report shall include any recommendations of the Comptroller General concerning age discrimination in the information technology field.

SEC. 11. GAO LABOR MARKET STUDY AND REPORT.

(a) STUDY.—The Comptroller General of the United States shall conduct a labor market study. The study shall investigate and analyze the following:

(1) The overall shortage of available workers in the high-technology, rapid-growth industries.

(2) The multiplier effect growth of high-technology industry on low-technology employment.

(3) The relative achievement rates of United States and foreign students in secondary school in a variety of subjects, including math, science, computer science, English, and history.

(4) The relative performance, by subject area, of United States and foreign students

in postsecondary and graduate schools as compared to secondary schools.

(5) The labor market need for workers with information technology skills and the extent of the deficit of such workers to fill high-technology jobs during the 10-year period beginning on the date of the enactment of this Act.

(6) Future training and education needs of companies in the high-technology sector.

(7) Future training and education needs of United States students to ensure that their skills at various levels match the needs of the high-technology and information technology sectors.

(8) An analysis of which particular skill sets are in demand.

(9) The needs of the high-technology sector for foreign workers with specific skills.

(10) The potential benefits of postsecondary educational institutions, employers, and the United States economy from the entry of

skilled professionals in the fields of engineering and science.

(11) The effect on the high-technology labor market of the downsizing of the defense sector, the increase in productivity in the computer industry, and the deployment of workers dedicated to the Year 2000 Project.

(b) REPORT.—Not later than October 1, 2000, the Comptroller General of the United States shall submit to the Committees on the Judiciary of the United States House of Representatives and the Senate a report containing the results of the study described in subsection (a).

SEC. 12. EFFECTIVE DATE.

The amendments made by this Act shall take effect on the date of the enactment of this Act and shall apply to applications filed with the Secretary of Labor on or after 30 days after the date of the enactment of this Act, except that the amendments made by section 2 shall apply to applications filed

with such Secretary before, on, or after the date of the enactment of this Act.

H.R. 4276

OFFERED BY: MR. CALLAHAN

AMENDMENT No. 36: Page 52, line 13, after the dollar amount, insert the following: "(reduced by \$29,000,000)".

Page 52, line 25, after the dollar amount, insert the following: "(reduced by \$29,000,000)".

Page 53, line 1, after the dollar amount, insert the following: "(reduced by \$29,000,000)".

Page 53, line 6, after the dollar amount, insert the following: "(reduced by \$29,000,000)".

H.R. 4276

OFFERED BY: MR. SANDERS

AMENDMENT No. 37: Page 101, line 21 insert "(increased by \$4,000,000)" after the dollar amount.

Page 76, line 3 insert "(decreased by \$4,000,000)" after the dollar amount.