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, will examine the J ournal of the last day's proceedings and announces to the House his approval thereof. Pursuant to clause 1, rule 1, the J ournal 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.

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 gambling 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.

Printed on recycled paper.
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 we 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

(Mrs. 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, 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 Marxis regime. It has honored 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 their children.

The Education Savings Account Bill would have offered parents the opportunity to save money in accounts that earn tax-free interest 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 I.D. can help us to take steps 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 attention from their teachers, that classroom rooms 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 places 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 reads 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 funds by Government agencies, including the Departments of Labor and Justice, concerning the International Brotherhood of 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 reads as follows: Committee amendment:
Mr. HALL of Ohio. Madam Speaker, I yield myself such time as I may consume.

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

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

Mr. HALL of Ohio. 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 investigations into abuses of 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 in place. I am 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 in place. It disturbs me 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 committees, such as the education of our children.

There is a question 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 me repeat that, ‘‘and other related matters.’’

Madam Speaker, the 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 this authority, and it is my belief that they will exercise it judiciously. We have a great deal of faith in the gentlemen of the House, and the authority we have given the committee 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.

Mr. HALL of Ohio. Madam Speaker, I want to thank the gentleman from New York (Mr. SOLOMON), chairman of the Committee on Education and the Workforce, for 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 assign 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.

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 Congress that they are encountering resistance to their legitimate inquiry from some potential targets of the investigation.

Madam Speaker, attorneys for the Teamsters, and other potential witnesses as well as 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.

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 this authority, and it is my belief that they will exercise it judiciously. We have a great deal of faith in the gentlemen of the House, and the authority we have given the committee 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. 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, 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 Ohio (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 the improprieties associated with the Teamsters investigation to unravel therotary of the IBT. Subpoenas have been issued to seven witnesses to provide information to the subcommittee at direction of the IBT. Subpoenas have also been issued to seven witnesses to secure their attendance at the subcommittee's public hearing.

Furthermore, the IBT has steadfastly refused on numerous occasions over the last 4 months to allow interviews of relevant witnesses. We have been forced to issue subpoenas for documents to organizations many 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 attendance at the subcommittee's public hearing.

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 former IBT employees are being interrogated, or wishful thinking will have to do anything about it.

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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 Republican's proposal in a fair historical context, I would remind the Members that the 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 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.

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 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 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 chairperson of the committee already has unilateral authority.

Madam Speaker, I appreciate Chairwoman 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.

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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 dragged 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 at the 1996 election of the United States, the International Brotherhood of Teamster's 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 interview. 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 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 can 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 am 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, attorneys on board, but I am told that there are at least five or six attorneys who 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 have no desire to discuss 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.

I yield myself such time as I may consume.

Instead of the resolution read, 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 this resolution reads. That is what it 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 the 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 mistake it as an invasion into their 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 thing to do 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, but 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.
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Mr. NORWOOD. Madam Speaker, 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 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.” Edelstein told Weich.

“Can you 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 is occurring in federal court. It 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, reiterating my time, rise in strong support of H. Res. 507. I would say to my friend from California when it comes to being abused, 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 $355 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 the first time that 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. They do have a lot of gall.

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, 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 point out to the gentlewoman that, yes, the right 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.
July 30, 1998

CONGRESSIONAL RECORD – HOUSE

H6759

(Open court)

The Court: Good afternoon, ladies and gentlemen.

Mr. W. Eich: Your Honor, I'm quite confident that an unsupervised election would not be chaotic. Almost every union in the country has been unsupervised under federal 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. W. Eich: It's a very difficult question to answer under current circumstances. I can only say, your honor, that the IBT supports this support the supervision process. We have said in every public statement and reiterated again today that we would like to see supervision. If the United States were 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. W. Eich: I do understand that.

The Court: And I thought the only way I could deal with that problem on your behalf was to come here and say to the government, We 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. W. Eich: I understand that.

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

Mr. W. Eich: Let's go on.

Ms. Koningberg: Your Honor—

The Court: The Court has made conference with 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 to do something. And if they say no, what is my next step? Dealing with an old truism, that no court can deal with that problem on your behalf and I will send to the government, 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. W. Eich: 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? Who would I drag into court? The United States 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?

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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 obstructiveness 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? Do you beg the question? You are a lawyer. I have asked you a question. Give me some help. Do you beg the question?

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

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

Mr. SEVER. Your Honor, in due respect, you may not have them. And you must ask another judge to hold in contempt?

Mr. WEICH. If contempt were necessary—

The COURT. Contempt is always necessary if an officer 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 not only in direct violation of the law, it would be the hysteric's 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. A number of times, 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 of a law officer of the government, 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 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 had three meals a day. 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 certainly did not hurt me, but the documents were never produced and there was really nothing that he could do. That was my own personal experience.

I am still, you see, 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 whether or not it could be perceived as a breach of fiduciary duty. I would have 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.

Mr. WEICH. If the Court agrees there was a breach of fiduciary duty, or if the Court would support 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 take for 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.

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. I would like to know from the IBT what they project that cost to be. I mean, I would like to know from the IBT what costs it would be the best to pay, to assess, 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 of law 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?

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The COURT. Has anybody an estimate of what that cost would be?
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 leeway, but not too much of it. Just to do it, I do not know how we can urge them to come forward with a yes-or-no answer, but perhaps they will.

Ms. KONIGSBERG: Yes, your Honor.

The Court: You know their argument about this and you suggested. This is just a disguise, using rhetoric, but to accomplish exactly the same thing that would occur in the hands of the supervised election. Is that your argument, Mr. WEICH?

Mr. WEICH: Yes, your Honor.

Ms. KONIGSBERG: I am 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. 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 argues 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 have to baby out with the bath water and that all of the learning under the consent decree about how to have a democratized 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 certainly know 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 make its own decision 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 poll each one of the different locals and have a weighting voting process which could be done very quickly, very efficiently, and very inexpensively, so that it is a very quick and simple method 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 on how we 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 problems to make, 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 sanctions, 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 consent decree and the tenant decree. I really think that as a matter of logic and timing, the United States should begin to conclude, particularly given that the IBT is insinuating that this is merely a camouflage of their making a contribution or not.

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

Mr. WEICH: We will do our best.

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

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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: We would see an estimate of what the cost would be?

Mr. WEICH: We would 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?

Mr. WEICH: Nothing, your Honor.

The Court: Please come up with some thing. I think after ten years on this case I will reserve a decision. 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 nonattorney 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 to 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, 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 modification of substantive matters would require travel to China and experienced staff must be allowed to pursue those matters when Members’ schedules might preclude their attendance.

The Subcommittee on Oversight and Investigation has severely interfered with the committee, we believe, with the pursuit. The 6-month duration of the committee will obviously be hired with the appropriate skills for taking depositions. In contrast, this investigation in 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.

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tion 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 com-
mittee of the Congress to do an in-
vestigation. I think it is important to
get to the bottom of the issues at
stake. I also think in theory it is some-
times appropriate to have deposition
authority. But when you look how this
authority has been abused by the Re-
publican majority in this very Con-
gress, I think you have to step back
and ask whether this is a wise thing to
do.

If a committee is doing an investiga-
tion and they want to hear from a wit-
ness, bring a witness before the com-
mittee. If the witness won't come, sub-
depute 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 tick-
ing and the costs are going up.

I can tell Members that in the Com-
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Oversight, the staff has deposed 158 in-
dividuals. One-third of these people
were compelled to give testimony
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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 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 no additional pressure to be applied 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 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. And he wrote 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, and he raised a concern that when the Southern District 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 would not proceed along that direction.

The letter in its entirety is as follows:

U.S. DEPARTMENT OF JUSTICE,
OFFICE OF LEGISLATIVE AFFAIRS,

Hon. Peter Hoekstra,
Chairman, Subcommittee on Oversight and Investigations, Committee on Education and the Workforce, House of Representatives, Washington, D.C.

Dear Mr. Chairman: This responds to your letter, dated July 15, 1998, regarding the Subcommittee's oversight investigation into the International Brotherhood of Teamsters (IBT) and our Committee's subpoena to the Department for tapes relating to an ongoing law enforcement action regarding IBT. As you know, the tapes were produced unconditioned 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 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 complaint reflects 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 legitimate oversight responsibilities. 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 properly belies 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. However, we do not believe that this government supported, and if he has done something wrong in respect to elections, he deserves to be punished. 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 no additional pressure to be applied 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 process of the criminal investigation and to start interfering with what we are trying to accomplish.

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 purely bipartisan purposes. This is not what 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 Ollie 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 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. BURTON. 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 sit 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 am I privy to the 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. MAXWAM) spoke so eloquently about the abuses on that committee.

I would caution my good 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) in all matters 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 were 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.

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. (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 by 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.

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 Committee on Oversight and Investigation (the "Subcommittee") to request that the Subcommittee not seek to question Brad Burton and Susan Mackie concerning involvement by individuals affiliated with the fund raising for the 1996 Ronal Carey campaign for re-election as President of the International Brotherhood of Teamsters ("IBT"), a subject which is under 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 derive 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 not heard 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 my 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 of the questions 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. Ms. 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 in the ongoing investigation. 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 substance of interviews or testimony become public, the substance of interviews or testimony become public, the substance of interviews or testimony become public, the substance of interviews or testimony become public, the substance of interviews or testimony become public, the substance of interviews or testimony become public, the substance of interviews or testimony become public, the substance of interviews or testimony become public, the substance of interviews or testimony become public, the substance of interviews or testimony become public, the substance of interviews or testimony become public, the substance of interviews or testimony become public, the substance of interviews or testimony become public, the substance of interviews or testimony become public, the substance of interviews or testimony become public, the substance of interviews or testimony become public, the substance of interviews or testimony become public, the substance of interviews or testimony become public, the substance of interviews or testimony become public, the substance of interviews or testimony become public.

I urge you to respect the integrity of the criminal investigation and the ability to conduct fair and thorough investigations.

Thank you for your consideration.

Respectfully,

MARY J. WHITE,
U.S. Attorney.

Mr. BURTON. Madam Speaker, I yield such time as he may consume to the gentleman from Illinois (Mr. DAVIS).
Madam Speaker, a million dollars on this investigation already; now they want to go $20 million. It is not necessary because the House has authority by unanimous consent to admit documents when they are inserted.

Mr. SOLOMON. Madam Speaker, do I have 2 1/2 minutes remaining?

Mr. BONIOR. Madam Speaker, I yield 6 1/2 minutes to my good friend, the gentleman from Michigan (Mr. HOEKSTRA).

Mr. HOEKSTRA. Madam Speaker, I thank the gentleman for leading off.

I urge that the minority be united and defeat this irresponsible resolution.

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

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

Mr. HOEKSTRA. Madam Speaker, I would like a copy as soon as they ever get delivered to the House.
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 employed to do what he was being paid to do. The outlines are needed by an outline, the outline is not needed. 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? What are we going to do? We are going to hold the witnesses accountable, the minority will have the opportunity to review all the testimony and the transcripts. The minority will be adversarial, the Committee will be adversarial. They will be attacking the witnesses. The witnesses are not going to have the protection of the rules of our committee. The witnesses are not going to have the protection of the protections built into the rules of our committee. The witnesses will not have the protection that they deserve.

Mr. JOHNSON. Let us remember that it should be. The intervention is not working the way it should be. This is a witch-hunt. 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 previous 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 and due process rights 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 needed because the Teamsters Union has been cooperative. The Teamsters have complied with Committee requests and have 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 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.
There was no objection.

Mr. CRANE. Madam Speaker, I yield myself this time to Mr. Moran.

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, which contains emigration criteria that must be met or waived by the President before a country subject to a waiver 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.

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 Vietnam's reform.

Madam Speaker, I would at this time insert in the Record a letter I received from 26 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 his current colleague, the gentleman from Virginia (Mr. Moran) in support of this waiver.


Dear Representative Crane: The American business community supports pursuing a policy of economic normalization with Vietnam. We endorse the decision of the U.S. government to resume commercial relations based on 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 would also 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, the potential of that market to competitors in Europe, Japan, and elsewhere in Asia will be tapped by our competitors.

Finally, 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 favorably on approval 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,

Trade Organization.

Dear 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. We believe that Vietnam is a strategic partner for the United States and a key player in the Asia-Pacific region. Overturning the Jackson-Vanik waiver would send a harmful message to Vietnam and other countries in the region.

We urge all members of Congress to support H.J. Res. 120 and to ensure that the Jackson-Vanik waiver is maintained. A strong U.S.-Vietnam relationship is essential for regional stability and prosperity.

Sincerely,

Chairman of the House Committee on Foreign Affairs.

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We urge all members of Congress to support H.J. Res. 120 and to ensure that the Jackson-Vanik waiver is maintained. A strong U.S.-Vietnam relationship is essential for regional stability and prosperity.

Sincerely,

Chairman of the House Committee on Foreign Affairs.
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 majorities opposed the immediate termination 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, it was changed in 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 instead of the front 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 right 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 permit at the back end 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 begins the arduous 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 fight such a battle.

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 1, along with the gentlewoman from California (Ms. LOFGREN), I chaired a rights caucus briefing on Vietnam. We heard from representatives of 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 decisions and policies of our government.

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 we are here 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, religious 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 organizations, poets, etc., cetera, whose only crime 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 today 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 about 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 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. And I hope that other 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 used 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, who want the business in Vietnam, who want to make money by investing in a Communist dictatorship. This is a moral travesty, as well as bad business.

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, we make the 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 allows 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 with Vietnam; only when Vietnam concludes a bilateral agreement on trade approved by the Congress will it be eligible for normal trade relations.

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 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 cooperation 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 in this relationship. In addition, many of my colleagues who have served in Vietnam support extending the waiver: Senator JOHN MCAIN, 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 veterans, 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 inconsistent 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 these 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 strongly urge a no vote on 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 commitments.

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. By 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 for freedom, but also for freedom to worship.

On July 15 Vietnam imposed prison sentences of 10 months to 2 years 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
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.

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. The gentleman from California for 1½ minutes.

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.

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 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 Ngen 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. Gorman) 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 reversal and a massive improvement in 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 re-serve the balance of my time.

Mr. MATSUI. 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 12 years 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 and 62 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 Rohrabacher motion.

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 Re-turnees (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 administration 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 Government for ROVR eligibility. Of those, 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 programs.

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. Berman), 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 would 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 United States 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 mean that 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 to 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 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-Vanik 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 Vietnam and are 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, Mr. Speaker, 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
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/MIA's, 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 start up to the Vietnam Government today and say: Give us information on our missing. 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. BERREUTER), chairman of the Subcommittee on Asia and the Pacific of the Committee on International Relations.

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

Mr. BERREUTER. 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 rest of my green, point-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 the vote.

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 400,000 Vietnamese have emigrated to the United States under the Orderly Departure Program. And, despite some unwishe things done in this House, October Vietnam 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 ago, only about 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 also certain factors 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 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 resolution 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, as the 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 USAID, 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 gentleman 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 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. Corporations 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 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.

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 Vietnamese 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. 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 Vietnamese allies for 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 H.J. Res. 120.

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. Corporations 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 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.

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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.

They are looking to America for a new relationship. This decision today is about whether we on this floor can exemplify our spirit of the late colleague, Walter Capps, about learning and reconciliation. It is about equipping our friend, Pete Peterson, in his mission 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 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. Americans? 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 Vietnamese government: American taxpayer subsidized trade benefits. And we should all realize that the Vietnamese government very much wants the 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 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 all of its support for 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 banned this station from the beginning of RFAs 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. Mr. 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 creating 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.

As Vietnam is not the time to send in government agencies, OPIC and the Ex-Im Bank, which is the practical affect of the Jackson-Vanik amendment to the Trade Act of 1974 for Vietnam. Serious issues remain in our relationship with Vietnam. 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 basic human rights and disregard for 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.

Thank you Madam Speaker.

Mr. Speaker, I rise in support of this 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 basic human rights and disregard for 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.
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 status of the Melbourne Convention, or the enforcement con- tradiction 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, to respond. We must 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 not met the requirements 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 should meet 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 does not meet even the most basic 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 government 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 consider the oppression of their own people an acceptable tradeoff for 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 wrong. Speaking out in condemnation 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. VANE. Mr. Speaker, I yield 1 ½ minutes to the gentleman from Maryland (Mr. Gilchrest).

Mr. GILCHREST. 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. 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 American 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 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 saw 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 doing the thresholds 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.

I am in a sense a very good friend of the 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, when 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 an amendment.

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 Democratic Republic of Vietnam. I say to my friends who are here, I think they are woefully short of the kinds of problems. The Vietnamese want to be engaged in those relations that arise 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. It has not come 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 policies or loosened its restrictions on free emigration. Unlike China, which has made slow but measured progress in the area of human rights witness 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 religious rights. Both Dr. 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. 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.

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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.-Vietnamese 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. Our 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 restrictions in 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. 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 in which we reach out to. We make the greatest difference advancing human rights, the greatest difference in advancing the issue of religious freedom, the greatest impact in advancing the concept of democracy when we choose to economically and socially and culturally engage with a country. That is what it is all about, when we continue with the waiver for Jackson-Vanik.

I urge all 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 Veterans' Affairs, Pete Peterson, ambassador to Vietnam.

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 the best possible signal to the Vietnamese people, 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 is what our commitment to 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 make difficult 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 policies 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 1 1/2 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. ROHRABACHER) 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 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 that Dumbledore since to 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 Mr. Peterson the opportunity to carry through on the program that he has put forward. If that is accomplished, I can assure Mr. ROHRABACHER 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 the resolution because it will not accomplish goals we all seek, such as greater accounting for POWs/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 30, 1998, Vietnamese have 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 and other objectives.

I urge a "no" vote on the resolution.

Mr. CRANE. Mr. Speaker, I yield 1 1/2 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 Senate Trade and40nt and 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 there is not going to be no support.

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 countereducational, 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 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 urge my colleagues to extend it as well.

Mr. CRANE. Mr. Speaker, I yield 1 1/2 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 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 he had been given 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 (Mr. EVANS), a distinguished member of the Committee on Veterans' Affairs.

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 was 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.

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 tasked with searching 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 and jungles to 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 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. Instead we should be focused on human rights by using this tool to increase performance.

Mr. Speaker, I yield the balance of my time to the gentleman 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 with Vietnam. 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 staff who will help them. I get to hear the stories.

Please vote for this resolution.

Mr. ROHRABACHER. Mr. Speaker, I yield the balance of my time. Mr. Speaker, this resolution is about disapproving the waiver 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 is he doing this? Why are we replacing those standards? So that our businesses can go over, with government guarantees and government guarantees through 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 demilitarization.

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 knows this because it is in our Nation's interests.

And the Vietnamese governments have 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 has 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 Mohter 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 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 Mohter brazenly informed the President that his company 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 conscientious 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 economic issues.

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 our 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 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, 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 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 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 September 18, 1984.

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 a period of 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 to 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.” The Congressional Dialogue was founded by the gentle women 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 some concern about 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 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

J July 30, 1998

CONGRESSIONAL RECORD – HOUSE

H6779
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-Vanik 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-Vanik 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 undertaking market-oriented reforms of its state-controlled economy.

It is also true that Vietnam violates human rights and reneges on 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. 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 a particular country if he determines that the non would appear 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. Evidence a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yes 163, nays 260, not voting 11, as follows:

[Roll No. 356]

YEAS—163

Brown (OH)  
Bryant  
Bunning  
Barton  
Bilirakis

YEAS—163

Baker  
Ehlers  
Engel  
Eshoo  
Etheridge

Barr  
Blunt  
Bonilla  
Bono

Bartlett  
Bilirakis  
Bilirakis  
Bono

Barton  
Bilirakis  
Bilirakis  
Bono

Bilirakis  
Bilirakis  
Bilirakis  
Bono
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[Roll No. 357]

A cerehill

Avothen was passed.

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 (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 Appropriations Act, FY 1999.

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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 be limited to one hour equally divided and controlled by the chairman and ranking 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 are waived. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may, if the Member offering an amendment has not called for a recorded vote on the question in the House or in the Committee of the Whole, postpone 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 time specified a further amendment considered 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 vote on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments as passed without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. Shimkus). The gentleman from Colorado (Mr. McNinch) is recognized for 1 hour.

Mr. McNinch. 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 of the House, it 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, 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 XI, requiring 9-day delay before report of committee of report, and clause 7 of rule XXI, 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 on the above bill. The amendments printed in the report are waived. The rule waives points of order against provisions in the bill for failure to comply with clause 2 of rule XXI, prohibiting unauthorized appropriations and legislative provisions in an appropriations bill, and clause 6 of rule XXI, 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 in the traditional 15 minutes. The rule specifies that 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 in order an amendment to be offered by the gentleman from West Virginia (Mr. Mollohan) dealing with the Census. In due course, the gentleman from West Virginia (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 risk our ability to conduct a successful 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. 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 denote 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 Program, 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 the government fail to count, to lose the official Census count. We will fulfill our constitutional duty to count the people in full. We must make sure we count every American.
Mr. Speaker, I ask unanimous consent that the following amendment be adopted to the House version of H.R. 4276, pursuant to House Resolution 508, debate on the amendment offered by the gentleman from West Virginia (Mr. MLOHAN) printed in House Report 105–641 be extended to 2 hours.

Two hours. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. MCI NNIS. Mr. Speaker, it is our understanding that this 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. I yield to the gentleman that is my understanding, Mr. Speaker.

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

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

Mr. MCI NNIS. 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 date, 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 administration. 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 opportunity 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. MLOHAN) which will remove these restrictions on funding, to allow planning for the 2000 Census project 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. HEFLY). 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 briefings. 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 placed 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 to be used for 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 earmarks.

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 or suspended 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 uniformed 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.

"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. ROGERS. 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 an important 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 1900 was far less than the way we did in 1790, 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 Americans. 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 1900, 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 America’s 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 theMarshall 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, but it was too many people in too many households. 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 we wanted had halved.

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 knew how to do it wrong, 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. SAWYER. 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. 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 and expansion 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 leadership of the Majority Speaker and the full Committee on Appropriations, but most importantly the Congress, over the last several years we have fundamentally 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 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 such 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.
Mr. Speaker, I rise in support 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), 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, Mr. Solomon, explained. The gentleman from New York (Mr. MOLLOHAN) is entitled to that open 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).

Mr. MCINNIS. Mr. Speaker, I yield 2 minutes to 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.

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 debate 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 Pennsylvania (Mr. MOLLOHAN) 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.

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.
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 particularly proud of is the funding for the Census Bureau. The funding for 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.

Unfortunately, it is a 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 when there were not, the Castro regime would not be obsessed with its demise. If it were not effective, Castro officials would not be preventing 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 its 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 York (Ms. Maloney).

Mr. MENEZ. 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 gentleman 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 every- one living in this country. We have to 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 Latins, 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.

Unfortunately, it is a history of supporting decision-making of 100 Federal programs that dispense 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 disenfranchisement and political empowerment. Undercounts negatively affect business decisions, where to invest, what markets to pursue. The lasting effects of undercounts are not limited to counting 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 Bureau to carry out 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. MCKINNIS. 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 his leadership in bringing forth this amendment and also the gentleman from Ohio (Mr. Sawyer) for his work on the Census Bureau. The Census Bureau is partly because we have that much money. We are providing $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 will spend $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 Gingrich census. This has to be done in a bipartisan fashion.

It is very unfortunate that the President interjected politics on this to 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, 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 (M. Mollohan) has proposed is that we vote to make 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 do it by March 1 of next year. So let us make the decision together.

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 because it 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, 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 is going to be trusted by the American people.
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. MILLER of Florida. I yield to the gentleman from Kentucky.

Mr. MILLER of Florida. I yield to the gentleman from Kentucky.

Mr. MILLER of Florida. Well, I taught at Georgia State University Atlanta, taught statistics for many years. It was the Department of Quantitative Methods under 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 could 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. MILLER of Florida. 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?

Mr. MILLER of Florida. We need to have actual counts. We should not use polling to work the problem. We need to actually count the people 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 the food stamps? We can provide the resources to do that. We can come together and get a good census.

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We cannot use Medicaid records? We can provide the resources to do that. We can come together and get a good census.

Mr. MILLER of Florida. 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?

Ms. MILLER of Florida. That is right.

Ms. MILLER of Florida. I yield 1 1/2 minutes to the gentleman from New Jersey.

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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 simplest definition to understand what 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. It is your benefit. You do not benefit the 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 the past census tests and we can do that. But polling or sampling 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. PASCARELL).

Mr. PASCARELL. 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, 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 the process 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 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 say that is not work. 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

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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 18 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 why we 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 vote.

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 ended up counting 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 has been 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 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 food stamps 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 unfortunately, colleagues do not seem to get the message. Instead, they declare war against accuracy.

These tactics are not surprising. They have played politics with campaign 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 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 issues, 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 and asking 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 puzzled 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 the 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. 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.

Ms. SLAUGHTER. 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 doing.

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 yield to that.

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 together, Republic 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. MCI NNIS. 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 bill, Mr. Speaker, 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 national endeavor, and I think 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 to 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. MCI NNIS, from the Committee on Rules, submitted a privileged report (Rept. No. 105-560) 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. MCI NNIS). 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.

Mr. SHAYS. Mr. Chairman, I have a parliamentary inquiry.

Mr. SHAYS. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN pro tempore (Mr. MILLER). 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?

Mr. MOLLOHAN. The Chair. 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?

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Mr. SHAYS. Right. Do we have that order available so that we could see what that order is?
GORE created a new use for Air Force planes in 1963. The Chair understood that the gentleman from Arizona (Mr. SALMON) was offering the amendment. 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.

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 B. 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 natural disaster, or a nuclear attack.

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 their special interests.

According to the Boston Globe, President Clinton flew aboard Air Force One with 56 major contributors between 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 names 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 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.

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, I urge my colleagues to support this amendment. I cast 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 who are 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 completely understandable.

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, 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 of 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, the name of any individual or 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 taken into account, 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. 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 amendment in the nature of a substitute is as follows:

AMENDMENT OFFERED BY MR. ROHRABACHER TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE NO. 13 OFFERED BY MR. SALMON

Mr. ROHRABACHER. Mr. Chairman, I offer an 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. ROHRABACHER to the amendment by Mr. SALMON. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore. Pursuant to the order of the House of Friday,
Mr. ROHRABACHER. Mr. Chairman, how much time is remaining?

The CHAIRMAN pro tempore. The gentleman from California (Mr. ROHRABACHER) has 2½ minutes remaining.

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 bill will kill our coalition. On that basis, I have to encourage defeat of it.

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 1 minute remaining; the gentleman from Massachusetts (Mr. MEEHAN) has 1 minute remaining.

Mr. MEEHAN. Mr. Chairman, I yield 1 minute to the gentleman from Connecticut (Mr. ROHRABACHER).

Mr. ROHRABACHER. 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 is 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 unions, labor unions, and other interest groups that go to the political parties and then get rerouted right back down to individual candidates.

Secondly, it calls the sham issue ads that 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, election 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.

Mr. SHAYS. Mr. Chairman, I yield 1 minute to the gentleman from Connecticut (Mr. ROHRABACHER) and a Member opposed, the gentleman from Connecticut (Mr. SHAYS) each will control 5 minutes.

The CHAIRMAN pro tempore. The amendment of the gentleman from California (Mr. ROHRABACHER) is going 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.

Mr. SHAYS. Mr. Chairman, I yield 1 minute to the gentleman from Connecticut (Mr. SHAYS) and a Member opposed, the gentleman from California (Mr. ROHRABACHER) and a Member opposed, the gentleman from California (Mr. ROHRABACHER) has 2½ minutes remaining; the gentleman from California (Mr. ROHRABACHER) has 1½ minutes remaining.

Mr. SHAYS. Mr. Chairman, I yield 1 minute to the gentleman 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.

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

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

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 the support of millionaires and 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 party and other interest groups. We ban soft money, and our amendment would correct that.

The CHAIRMAN pro tempore. The gentleman has 15 seconds remaining.

Mr. ROHRABACHER. Mr. Chairman, I yield myself the balance of my time.

Mr. SHAYS. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to House Resolution 442, further proceedings are now ordered to be made 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. The 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. . (a) FINDINGS AND PURPOSES.

(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 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." Norm v. Reed, 502 U.S. 279, 121 S. Ct. 699 (1992).

It is the duty of the Federal Government to ensure 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.


(7) In 1996, 34 States required nonmajor party candidates for President to qualify for the ballot before the second major party candidate.

(8) In 1996, 34 States required nonmajor party candidates for President to qualify for the ballot before the second major party candidate.

Mr. SHAYS. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to House Resolution 442, further proceedings are now ordered to be made 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. The 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
to qualify before the first major party national convention (Arizona, California, Colorado, Connecticut, Delaware, Florida, Georgia, Hawaii, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Carolina, North Dakota, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Virginia, Washington). Thirteen States required additional signatures to list a nonmajor party candidate for Senate or Congress. (1) Nine States required 5,000 signatures and 25 signatures, respectively, to list a nonmajor party candidate for President or Senator. (2) Five States specified a number of signatures equal to one-half of one percent of the number of persons qualified to vote for such office in the State, or 1,000 signatures, whichever is greater.

(14) Under present law, in 1996, three States required nonmajor party candidates to reside in the District of Columbia—28 times more signatures than the 2,500 required of a major party candidate for Congress. (15) In two States (Georgia and Louisiana), only three of these States impose a like requirement on major party candidates for President. (16) In two States (Louisiana and Maryland), each of the two major party candidates to the county or congressional district where the circulator lives was required to sign a petition for the candidate or party (New Jersey). (17) In two States (Georgia and Louisiana), the only other provisions of the Constitution of the United States in sections 4 and 8 of article I, section 2, which are applicable to this sub-section, are—

(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 such individual presents a petition stating in substance that its signers desire such individual's name and political party, body, or group affiliation in connection with such candidacy placed on, a ballot or similar voting materials to be used in the Federal election with respect to which such rights are to be exercised.
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 a 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. 93. RULEMAKING.

The Attorney General shall make rules to carry out this title.

SEC. 94. 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 92(a)(1) and upon which signers’ addresses and/or printed names are required to be placed;

(5) the term “signer” means a person whose name 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 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.

(8) (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.

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 redesignated it as an amendment to the amendment to the nature of a substitute.

Mr. PAUL. Mr. Chairman, both amendments that I have should be perfecting amendments, and if permissible, I think it is consistent that they both be accepted as such.

The CHAIRMAN pro tempore. It is an amendment to the amendment to 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 many States, 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 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 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 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 challenge candidates. If 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 increased 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 the 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.

Turnout is at an all-time low. Alienation from the political system is at an all-time 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. SHAYES) 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 least painful.

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. 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 increase discussion, 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 Senators, and House candidates. In addition, it would set ballot petition time limitations.

Protections are important, but individual States should be allowed to control their own 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 independent commission to discuss and discuss 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 the ballot, an average of 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. 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 tie vote carried.

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 MR. SHAYS.

Mr. PAUL. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute.

Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute as follows:
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. Perot was a gallant but only a very few candidates 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 kick 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. This is the wrong place. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. FARR of California. 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 inside 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. It was a Christmas tree on all of the bills 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, 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 successful in their efforts to clarify and to improve the 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 these 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 dropped off 50 percent from 1992. In 1992, there was more interest. It is because we happened to have a billionaire interested, and he would 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 interested 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 not going to 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 access 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. I think it is a good place to start. Mr. Chairman, 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. I think it should be up to the independent candidate. It might actually stimulate a 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.

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 candidate 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
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 unambiguous-consent request I am withdrawing completely amendments No. 27 and 28. Then I am taking Nos. 25 and 26 and moving them up to this point in time. 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 point out in the rules, and submitting that language 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?

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:

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:

(II) encourages an individual to contact an elected representative 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 which is or may be the subject of a vote in the Senate or House of Representatives; and

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. MEEHAN. Mr. Chairman, I apologize for confusing the Committee. 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 groups 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, Mr. 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 "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 be represented in the American electoral process. They have a right to be heard. They have a right to be informed of political issues and to express their opinions. These citizens have a first amendment right to express the right protected under the first amendment.

Mr. SHAYS. Mr. Chairman, I yield 4 minutes to the gentleman from Maryland (Mr. BLUNT).

Mr. BLUNT. Mr. Chairman, I thank the gentleman for yielding me the time.

If I heard the previous speaker correctly, and Shays-Meenehan 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 Congress about this issue. 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, vote no on an 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 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 shams ads, whenever they are produced, whether 60 days in advance or not. If you read section C, it applies to subsection A, 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 get 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, how do you 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 the architect 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 I am correct that the inclusion 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. There are 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 others. 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 raise a 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, 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 major campaign'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 a clearly identified Federal candidate 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 this.

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.

Mr. WHITFIELD. 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 you 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 of the name of the candidate. That is for radio and TV.

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. All the time. Telling an individual that he should vote for something or vote against 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 an advantage by disclosure. We 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 swallowing 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 tell them that 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 confused the issue. First off, 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 ex- presses 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 gentleman 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 face- tionally 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 pro- posal. But frankly to pass it would allow some very pernicious political behavior to continue. This proposal in- cludes loopholes, and the gentleman from Michigan did mention this to some extent. But I want to be very clear. The provision that the majority whip proposals 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 conceiv- ably could be put in front of a legis- lative body should fall within this par- ticular 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. Be- cause 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 fin- ished up by saying, even though there was no vote scheduled in the New York legislature on taxes, “Call Representa- tive 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 try- ing to stop. We are trying to make the rules clear and we are trying to make sure that those who follow them. If you are attempting to elect or defeat a can- didate, 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, and that is what this bill is about.

The amendment 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 side- track reform. We have the power to change that today by passing and vot- ing for Shays-Meehan, voting down ab- solutely every single amendment. We have a commission that is attached to that which can review all of these. The Shays-Meehan have their legal bans and it also prevents the so-called independent groups from run- ning sham issue advocacy ads whose true aim is to elect or defeat a particu- lar candidate. This particular amend- ment really would create a sham legis- lative 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 paying for it, not with the huge loophole of soft money but with hard money.

I think that all of us have been at- tacked 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.

What I find particularly troubling is that I suspect that many of the Mem- bers 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 cre- ated.

Vote for Shays-Meehan. Vote against all amendments.

Mr. SHAYS, Mr. Chairman, I yield 2 minutes to the gentleman from Penn- sylvania (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 alert. I do not quar- rel with the gentleman. 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 ex- press advocacy does not include printed communique that presents informa- tion in an educational manner solely about the voting record or positions on a campaign issue. I think that the gent- leman’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 iden- tify who stands for which issue, partic- ularly 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 mask these ads as information when in fact they are the most clever and deceptive and nonproductive 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 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 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 me, I would like 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?

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 and 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 we ask what 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 vote for or vote against, they might say, "Vote for or vote against, but we have a right to speak out." We believe that 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 because my 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. How 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 or allows 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 an issue of law or 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 ads.

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 just arbitrarily say we gather people 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 our freedom of 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 television must be done 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 issue 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 in 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 without prejudice, and that I have 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, 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 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. 301. 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--

(i) 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

(ii) 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 first must submit to the Commissioner an inquiry against such information maintained by the Commissioner, in order to confirm (or not confirm) the correspondence of such records. If such records show that the individual is 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 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 social security information maintained by the Commissioner, in order to confirm (or not confirm) the correspondence of the records. If such records show that the individual is a citizen of the United States on the records maintained by the Commissioner (including whether the individual is a citizen of the United States) the Commissioner shall not disclose or release social security information (other than such confirmation or nonconfirmation).
(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, 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).

(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.

(4) Actions by Election Officials Unable to Confirm Citizenship.—

(i) In General.—If an election official receives a notice of 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 correction of erroneous information in the pilot program; or

(ii) any other process for establishing eligibility to vote provided under State or Federal law.

(ii) 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 any other source (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)).

(iii) Ineligible Voter Removal Programs.—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 with its social security account numbers issued by the Commissioner of Social Security, and may, for such purpose, require any individual who is eligible to vote to appear before a voter registration official under a voter registration law of such State (or political subdivision thereof) to furnish to such State (or political subdivision 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) Authority to Use Social Security Account Numbers.—

(1) In General.—The Commissioner of Social Security shall, in consultation with the Commissioner of 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 eligibility 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 evaluation 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
Mr. FAZIO. Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. Fazio).

Mr. FAZIO. Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. Fazio). 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 get 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. Loreta Sanchez, attempting to get a Social Security card 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 mobile 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 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, and the bit specified 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 totally, as this bill, 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 birthplace 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 finance 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 some sorrowful 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 yield 10 seconds to the gentleman from California (Mr. Campbell).

Mr. CAMPBELL. Mr. Chairman, I yield 10 seconds to the gentleman from California.

Mr. BLUNT. Mr. Chairman, I yield 10 seconds to the gentleman from Missouri.

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 verification. 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, is 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 the bill and 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 majority of States already require that if we are going to get at campaign finance reform, let us reach campaigns. 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.

So in Georgia, in Hawaii, in Kentucky, in New Mexico, in South Carolina, and Tennesse 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 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 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, remov[e] 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, for some reason, one is 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 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 gentlewoman from California (Ms. WOOLSEY).

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, or 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 tremendous 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 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.

Mr. PETERSON of Pennsylvania. I yield back my time to the gentleman from Missouri (Mr. BLUNT).

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

Mr. PETERSON of Pennsylvania. I yield to the gentleman from Missouri (Mr. BLUNT).

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’ve tried that 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 literally vote on an amendment that did not say; we cancel out the vote of voters who had a right to vote. That is every bit as big a problem as

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 $50 for each 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. PETERSON of Pennsylvania. Mr. Chairman, I yield.

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

Mr. PETERSON of Pennsylvania, I yield to the gentleman from Missouri (Mr. BLUNT).

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 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 literally vote on an amendment that did not say; 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 adopted 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. Mr. Chairman, I yield to the gentleman from Pennsylvania.

Mr. GREENWOOD. Mr. Chairman, I would like to convey to the gentleman that I also 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 and the special 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 30 seconds to the gentleman from California.

Mr. MEEHAN. Mr. Chairman, I think the gentleman from California for that warning to all of the libertarians and others. I appreciate that very articulate presentation.

Mr. CAMPBELL. 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 gentleman 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 if Turkey is dead in the future, 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 will 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 finance 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. WOOLSI). 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 gut-wrenching tonight.

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, the 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 legitimate 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 nothing but 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 there is one person—government, 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.

Also heard the discussion about canceling out of a vote, but what happens to the American citizen who, through your process, is denied the ability to vote because of the 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.

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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 interrogatory zone, where people guilty until they have proven themselves innocent.

Imagine going to vote, myself going to vote, having been born in this country, 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 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, should not be subject to government 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 checkout 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 was directed 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, to cast one's ballot, the essence of this amendment is to undermine and attack the integrity of the electoral process. 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

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Mr. SHAYS. Mr. Chairman, I oppose the gentleman's amendment to undermine and attack the integrity of the electoral process. 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.
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 should 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. I just bring it out of its own separate form if I may, 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, “Yes” 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 the 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 pill 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 or for the first time participate 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 participants in our democracy, every participant in our democracy for the first time in our history being told they are not citizens.

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 mine in California.

If we look at page 2 of the bill, there it is, States of California, New York, Texas, Florida, and 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 people who have immigrated into this country. Wake up, there 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? Because I want 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 the 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 wrong to be wrong.

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 and 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 Shay's amendment is not doing 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? If 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 Connecticut (Mr. SHAYS).

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 California (Mr. CALVERT) 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 California (Mr. CALVERT); an 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.

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 redesigning paragraph (3) as paragraph (4); and

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

"(3) 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 second day after the date 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; or

(ii) 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 second day after the date 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; or

(iii) during the period beginning on the date the confirmation notice described in subparagraph (B) is sent and ending on the date of the general election for Federal office held after the date the confirmation notice described in subparagraph (B) 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 has registered as a 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 register to vote (and, if necessary, correct the registrar's record of the registrant's address) in an election during the period beginning on the second day after the date the second previous general election for Federal office held after the date the confirmation notice described in subparagraph (B) is sent; and

"(C) the registrar did not vote 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 second day after the date the second previous general election for Federal office held after the date the confirmation notice described in subparagraph (B) is sent; or

"(D) 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 register to vote (and, if necessary, correct the registrar's record of the registrant's address) in an election during the period beginning on the second day after the date the second previous general election for Federal office held after the date the confirmation notice described in subparagraph (B) is sent; and

"(C) the registrar did not vote 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 second day after the date the second previous general election for Federal office held after the date the confirmation notice described in subparagraph (B) is sent; or

"(D) 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 register to vote (and, if necessary, correct the registrar's record of the registrant's address) in an election during the period beginning on the second day after the date the second previous general election for Federal office held after the date the confirmation notice described in subparagraph (B) is sent; and

"(C) the registrar did not vote 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 second day after the date the second previous general election for Federal office held after the date the confirmation notice described in subparagraph (B) is sent; or

"(D) the registrant did not change his or her residence, or changed residence but remained in the registrar's jurisdiction.
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### 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), as amended by subsection (j), is amended—

(1) by redesignating subsection (j) as subsection (k); and

(2) by inserting after subsection (i) the following new subsection:

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(j) PERMITTING STATES TO REQUIRE VOTERS TO PROVIDE SIGNATURE.—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.
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(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:

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(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.
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### SEC. — 05. REPEAL OF REQUIREMENT THAT STATES PERMIT REGISTRANTS CHANGING RESIDENCE TO VOTE AT APPROPRIATE POLLING PLACE FOR FORMER ADDRESS.

Section 8(e)(2) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg±6)(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 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:

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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:
The CHAIRMAN pro tempore. A record vote has been 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

White
Blackwell
Abernathy
Bonham
Cordes
Whitehouse
Aderholt
Archer
Armey
Baucus
Baker
Ballenger
Barrett
Barrett
Bart
Bartlet
Barton
Belenzer
Berkowitz
Bilirakis
Bonilla
Bono
Boswell
Brady (TX)
Bryan
Bunning
Burr
Burton
Buyer
Callehain
Calvert
Camp
Canady
Canon
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Conditt
Cooksey
Cox
Crane
Crapo
Cuinn
Cunningham
Deal
Delay
Dicks
Dooley
Doolittle
Drier
Duncan
Dunn
Ehlers
Erlenbach
Emerson
English
Ensign
Ewing
Fawell
Foley
Fossella
Fowler
Gallegly

Whitefield
Wicker
Wilson
Nader
Oberstar
Ozarks
Owens
Palone
Parker
Pastrel
Payne
Pelosi
Peterson (MN)
Pigott
Porter
Portwood
Price (NC)
Quinn
Rauf
Ramstad
Reyes
Rodriguez
Roemer
Ross
Rothman
Roukema
Royal-Albal
Rush
Sabato
Sanchez
Sanders
Sanford
Sander
Sawyer
Schaffer
Schor
Seddock
Sellers
Shady
Shay
Sherrill
Simon
Siskakis
Skelly
Slaughter
Smith
Smith
Smith
Smith
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Smith
Smith
Smith, Linda
Smith
Smulian
Sogard
Snyder
Sprat
Stabenow
Stark
Stark
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Stefanik
Stirling
Stupak
Tanner
Tauscher
Thompson
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Velasquez
Vento
Visclosky
Walsh
Waters
Watt (NC)
Waxman
Wexler
Weygand
Weyman
Wynn
Yates

Not Voting—11

Abercrombie
Ackerman
Adams
Bailey
Baldacci
Baird
Barrett (NE)
Barrett (WI)
Becerra
Bentz
Berman
Berry
Blair
Blagg
Blumenauer
Boehlert
Bonior
Borski
Boucher
Boyce
Brady (PA)
Brown (CA)
Brown (FL)
Brown (OH)
Campbell
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Cardin
Carson
Clay
Clayton
Cleaver
Cook
Costello
Coyne
Cramer
Dannen
Davis (FL)
Davis (GA)
Decano
DeFazio
DeGauge
Delahunt
Dingell
Dixon
Doggett
Dolezal
Doyle
Etheridge
Evans
Fatou
Feingold
Filer
Ford
Fox
Frank (MA)
Frank (NJ)
Frelinghuysen
Frost
Furse
Ganske
Gephardt
Ghilarducci

Gallegly

Norwood

Weller

Weller

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.
Mr. PICKERING changed his vote from "aye" to "no."

So the amendment to the substitute in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

Mr. FOX of Pennsylvania. Mr. Chairman, on behalf of Mr. MILLER of Washington, I was unavoidably detained.

Mr. FOX of Pennsylvania. Mr. Chairman, on rollcall No. 360, I was unavoidably detained.

Mr. FOX of Pennsylvania. Mr. Chairman, on rollcall No. 360, I was unavoidably detained.

Mr. FOX of Pennsylvania. Mr. Chairman, on rollcall No. 360, I was unavoidably detained.

The vote was taken by electronic device, and there were—aye 147, noes 278, with one not voting, 9 as follows:

Mr. FOX of Pennsylvania. Mr. Chairman, on rollcall No. 360, I was unavoidably detained.

Mr. FOX of Pennsylvania. Mr. Chairman, on rollcall No. 360, I was unavoidably detained.

Mr. FOX of Pennsylvania. Mr. Chairman, on rollcall No. 360, I was unavoidably detained.

Mr. FOX of Pennsylvania. Mr. Chairman, on rollcall No. 360, I was unavoidably detained.

The vote was taken by electronic device, and there were—aye 147, noes 278, with one not voting, 9 as follows:

The vote was taken by electronic device, and there were—aye 147, noes 278, with one not voting, 9 as follows:

The vote was taken by electronic device, and there were—aye 147, noes 278, with one not voting, 9 as follows:

The vote was taken by electronic device, and there were—aye 147, noes 278, with one not voting, 9 as follows:
Mr. KINGSTON, Mr. SCARBOROUGH and Mrs. NORTHUP changed their vote from "aye" to "no".

So the amendment to the substitute was included.

The result of the vote was announced as above recorded.

Mr. BLAGOJEVICH changed his vote from "no" to "aye".

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

The vote was taken by electronic device, and there were—ayes 343, noes 84, not voting 7, as follows:

\[\text{AYES} = 343\]

\[\text{NOES} = 84\]

\[\text{NOT VOTING} = 7\]

The CHAIRMAN pro tempore. A recorded vote has been demanded.
Mr. DICKEY, as recorded, voted to recommit the pending business to the Committee on Rules. 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 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 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.
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. The vote was taken by electronic device, and there were—ayes 88, noes 337, not voting 9, as follows:

A recorded vote was ordered.
Ganske
Gejdenson
Gephardt
Gilchrest
Gillmor
Gilman
Gordon
Green
Greenwood
Gutierrez
Hall
Hammond
Harmann
Hastings (FL)
Hefner
Higgins
Hinojosa
Hodgen
Horn
Houghton
Hoyer
Hutchinson
Jackson (IL)
Jackson-Lee
Jackson (WI)
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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. CURRIN 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. WEGYAND) 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) to include extraneous material:)
Mr. BERREUTER.
Mr. WOLF.
Mr. RADANOVICH.
Mr. DAVIS of Virginia.
Mr. TAYLOR.
Mr. BLILY.
Mr. BUYER.
Mr. HOUGHTON.
Mr. BRYANT.
Mr. Oxley.
(The following Members (at the request of Mr. WEGYAND) 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. CLEMMINS.
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.

ADJOINT ORNAMENT

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:
10994. A letter from the Secretary of Housing and Urban Development, transmitting notification that it is estimated that the National Capital 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. 1416(b) to the Committee on Banking and Financial Services.
10999. 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.
10000. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting copies of the original report of political contributions by nominees and chiefs of mission, ambassadors at large, or ministers, and their families, pursuant to 22 U.S.C. 279A(b)(2); to the Committee on International Relations.
10001. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting copies of the original report of political contributions by nominees and chiefs of mission, ambassadors at large, or ministers, and their families, pursuant to 22 U.S.C. 279A(b)(2); to the Committee on International Relations.
10002. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting copies of the original report of political contributions by nominees and chiefs of mission, ambassadors at large, or ministers, and their families, pursuant to 22 U.S.C. 279A(b)(2); to the Committee on International Relations.
10003. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting copies of the original report of political contributions by nominees and chiefs of mission, ambassadors at large, or ministers, and their families, pursuant to 22 U.S.C. 279A(b)(2); to the Committee on International Relations.
10004. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting copies of the original report of political contributions by nominees and chiefs of mission, ambassadors at large, or ministers, and their families, pursuant to 22 U.S.C. 279A(b)(2); to the Committee on International Relations.
10005. 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.
10006. 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; Revisions on Frequency of Limited Entry Permit Transfers; Sorting Catch by Species; Retention of Fish Tickets [Docket No. 97120894-0154-02; I.D. 103078] (RIN: 0648-AJ) received July 24, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

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.
H. Res. 435. 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. ENGLIS of Pennsylvania:
H. Res. 436. A bill to amend the 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. LA FALCE, Mr. CASTLE, and Mr. WATERS):
H. Res. 439. A bill to amend the Federal Reserve Act to broaden the range of discount window loans which may be extended and 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. Res. 440. 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. BUL RAKIS, Mr. BOYD, Mr. CANADY of Florida, Mr. DEUTSCH, Mrs. FOWLER, Mr. G OSS, 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. WELCH):
H. Res. 441. 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 and maintain casualty insurance coverage for property for which such coverage is otherwise unavailable; to the Committee on Ways and Means.

By Mr. VENTO:
H. Res. 442. 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. Res. 443. 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 of the people of Kosovo and for other purposes; to the Committee on International Relations.
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. Cleaver and Mr. Petri.
H.R. 754: Mr. Towns.
H.R. 986: Mr. Wamp.
H.R. 1530: Mr. Stark.
H.R. 2003: Ms. Bono, 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. 1320: Mr. Mica and Mr. Baldacci.
H.R. 1401: Mr. Salmon.
H.R. 1525: Mr. Allen, Mr. Moran of Kansas, and Mr. Latham.
H.R. 1712: Ms. Sununu.
H.R. 1995: Mr. Allen, Mr. Porter, and Mr. Lusher.
H.R. 2224: Mrs. Kelly.
H.R. 2701: Mr. Kilpatrick.
H.R. 2723: Mr. Fossella.
H.R. 2733: Ms. Brown of Florida, Mr. Markey, Mr. Walsh of Massachusetts, Mr. Thornberry, Ms. Eshoo, Mr. Knollenberg, and Mr. Meehan.
H.R. 2849: Mr. Meek of Florida, Ms. Carson, Mr. Adams 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. Berman, Ms. Eshoo, Mr. Knollenberg, and Mr. Meehan.
H.R. 3294: Mr. Meek of Florida, Ms. Carson, Mr. Mica, Mr. Berman, Mr. Pelosi, Mr. Farr of California, and Mr. Heath.
H.R. 3792: Mr. Collins and Mr. Shimkus.
H.R. 3815: Mrs. Thurman and Mr. Hulshof.
H.R. 3831: Mr. Lowey.
H.R. 3879: Mr. Paxon and Mr. Thompson.
H.R. 3956: Mr. Hooyer and Ms. Woolsey.
H.R. 3976: Mr. Thornberry.
H.R. 3996: Mr. Baca.
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. 4172: 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: Mr. Carson.
H.R. 4222: Mr. Stark.
H.R. 4232: Mr. Inglis of South Carolina, Mr. Heffley, Mr. Barrett of Nebraska, Mr. Goodlatte, Mr. Rogan, and Mr. Weldon of Florida.
H.R. 4239: 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. 4288: Mr. Fowler.
H.R. 4302: Mr. Hilliard and Mr. Stark.
H.R. 4330: Mr. McGovern and Mr. Miller of California.
H.R. 4339: Mr. Frost and Mr. Muthra.
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. 206: Mr. Pallone, Mr. Weckler, Mr. Berman, Mr. Hamilton, Mr. Frost, Mr. Engel, and Ms. Kilpatrick.
H. Con. Res. 304: Mr. Gilman.
H. Res. 171: Mr. Rangel.

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. 3081: Mr. Stabenow.
H.R. 3090: 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. 1154(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 (B), may not exceed—

(ii) 95,000 in fiscal year 1998; and

(iii) 115,000 in fiscal year 2000; and

(iv) 66,000 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—

(ii) 36,000 in fiscal year 1998;

(iii) 26,000 in fiscal year 1999;

(iv) 16,000 in fiscal year 2000; and

(v) 66,000 in fiscal year 2001 and any subsequent fiscal year; and

(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:

(9) The total number of immigrants 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 1998) with respect to each such nonimmigrant issued 101(a)(15)(H)(i)(b) may not exceed 5,000.’’.

SEC. 3. PROTECTION AGAINST DISPLACEMENT OF UNITED STATES WORKERS.

(a) In General—Section 214(g)(2)(B) of the Immigration and Nationality Act (8 U.S.C. 1154(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 the 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, there shall be no displacement of the nonimmigrant with another employer where—
"(i) the nonimmigrant performs his or her duties in whole or in part at one or more work sites owned, operated, or controlled by such other employer; and"

"(ii) any indication of an employment relationship between the nonimmigrant and such other employer;"

"(iii) Clause (ii) shall not apply to an employee of an employer that is an institution of higher education (as defined in section 120(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 theessor 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 that the specific knowledge of which is required for the intended employment.'"."

"DEFINITIONS.ÐSection 212(n)(2) of the Immigration and Nationality Act (8 U.S.C. 1182(n)) is amended by adding at the end the following:

"(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), no investigation or hearing shall be conducted with respect to an employer except in response to a complaint filed under the previous sentence.’’.

"(b) D EFINITIONS.ÐSection 212(n)(3) of the Immigration and Nationality Act (8 U.S.C. 1182(n)), as added by section 3, is amended—

"(1) in the first sentence, by striking the number that is equal to at least 20 percent of the number of such full-time equivalent employees; or

"(ii) the nonimmigrant performs his or her duties at a worksite owned, operated, or controlled by such employer; and"

"(ii) the nonimmigrant performs his or her duties at a worksite owned, operated, or controlled by such employer; and"

"(ii) 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 Attorney General determines to be appropriate; and"

"(ii) 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 Attorney General determines to be appropriate; and"

"(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)—"

"(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)—"

"(iv) the employer has executed an attestation that it satisfies the conditions described in paragraph (1)(E); and

"(v) the Secretary finds, after notice and opportunity for a hearing, a willful failure to meet a condition of paragraph (1)(E) or (1)(F), 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; and

"(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 Attorney General determines to be appropriate; and"

"(ii) 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 Attorney General determines to be appropriate; and"

"(iii) 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 Attorney General determines to be appropriate; and"

"(ii) 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 Attorney General determines to be appropriate; and"

"(iii) 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 Attorney General determines to be appropriate; and"

"(ii) 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 Attorney General determines to be appropriate; and"

"(iii) 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 Attorney General determines to be appropriate; and"

"(ii) 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 Attorney General determines to be appropriate; and"

"(iii) 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 Attorney General determines to be appropriate; and"

"(ii) 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 Attorney General determines to be appropriate; and"

"(iii) 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 Attorney General determines to be appropriate; and"

"(ii) 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 Attorney General determines to be appropriate; and"

"(iii) 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 Attorney General determines to be appropriate; and"

"(ii) 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 Attorney General determines to be appropriate; and"

"(iii) 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 Attorney General determines to be appropriate; and"

"(ii) 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 Attorney General determines to be appropriate; and"

"(iii) 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 Attorney General determines to be appropriate; and"

"(ii) 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 Attorney General determines to be appropriate; and"

"(iii) 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)—"
SEC. 6. COLLECTION AND USE OF H-1B NONIMMIGRANT FEES FOR STATE STUDENT INCENTIVE GRANT PROGRAMS AND JOB TRAINING PROGRAMS OF UNITED STATES WORKERS.

(a) Imposition of fee.—Section 212(c)(8 U.S.C. 1344(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(c)(8)) 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)(ii)(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 8(a) of the Job Training Partnership Act (29 U.S.C. 1732(c)), as in effect on the date of enactment of this Act, or, if that section is amended, as amended by section 102 of the Job Training Partnership Act (29 U.S.C. 1732(c)), as in effect on the date of enactment of this Act."

SEC. 7. PROHIBITION ON IMPOSITION BY EMPLOYERS OF EMPLOYMENT CONTRACT PROVISIONS VIOLATING PUBLIC POLICY.

Section 212(n)(2) of the Immigration and Nationality Act (8 U.S.C. 1184(c)), as amended by section (6), is further amended by adding at the end the following:

"(2) The multiplier effect growth of high-technology industry on low-technology employment (B) regional consortia of councils or local boards described in subparagraph (A)."

"(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) 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, or other benefits) paid to, individuals 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"

SEC. 10. GAO LABOR MARKET 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 Committee on the Judiciary of the United States Senate and the House of Representatives and the Senate a report containing the results of the study described in subsection (a) (a). The report shall include any recommendations of the Comptroller General concerning age discrimination in the information technology field.
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.