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House of Representatives

The House met at 10 a.m.

The Reverend Dr. Ronald F. Christian, Director of Lutheran Social Services of Northern Virginia, Fairfax, Virginia, offered the following prayer:

Almighty God, we acknowledge Your presence this day in our own personal lives and in our corporate soul as a Nation.

Your steadfast love has been extended to all people for all time, especially those most in need of it.

Your gracious mercy has been meted out evenly and fairly throughout all generations.

Your nature of being righteous towards all is matched only by the demand from Your children for justice.

The clarion call by the prophets of old ''to return to the Lord'' is always apropos.

O God, may we be as free to give as we are desirous to receive the blessings of Your steadfast love and gracious mercy.

May we all seek to do right, be just, and always walk humbly before Your all-encompassing righteousness.

And, may we never turn a deaf ear to the trumpet call for an introspective look at who we are as persons and as a Nation.

Bless, O God, the efforts of all Your people this day, in this room and in the workplaces of our land.

Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER. 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.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair desires to make a statement. With the concurrence of the Minority Leader, the Chair would take this occasion to make an announcement regarding proper decorum during debate in the House, including one-minute and special-order speeches, specifically with regard to references to the President of the United States.

As indicated in section 17 of Jefferson's Manual, which under rule XLII is incorporated as a part of the Rules of the House, Members engaging in debate must abstain from language that is personally offensive toward the President, including references to various types of unethical behavior.

Rulings in this Congress, which will be annotated in the accompanying section 370 of the House Rules and Manual, include references to alleged criminal conduct. This documented restriction extends to referencing extraneous material personally abusive of the President that would be improper if spoken as the Member's own words.

Occupants of the Chair in this Congress and in prior Congresses have consistently adhered to this principle regarding the present and past Presidents.

While several rulings by the Chair in this Congress may have predated certain public acknowledgments by the President, and while the standard in Jefferson's Manual has been held not to apply in the other body, it is essential that the constraint against such remarks in ordinary debate continue to apply in the House.

On January 27, 1909, the House adopted a report in response to improper references in debate to the President. That report read in part as follows:

The freedom of speech in debate in the House of Representatives should never be denied or abridged, but freedom of speech in debate does not mean license to indulge in personal abuses or ridicule. The right of Members of the two Houses of Congress to criticize the official acts of the President and other executive officers is beyond question, but this right is subject to proper rules requiring decorum in debate. Such right of criticism is inherent upon legislative authority.

The right to legislate involves the right to consider conditions as they are and to contrast present conditions with those of the past or those desired in the future. The right to correct abuses by legislation carries the right to consider and discuss abuses which exist or which are feared.

It is * * * the duty of the House to require its Members in speech or debate to preserve that proper restraint which will permit the House to conduct its business in an orderly manner and without unnecessarily and unduly exciting animosity among its Members or antagonism from those other branches of the Government with which the House is correlated.

This is recorded in Cannon's Precedents, volume 8, at section 2497, and is quoted in section 370 of the House Rules and Manual.

In addition to relying on the precedents of the House, the Chair would comment on the importance of comity and integrity of debate in the House in an electronic age. Debates in the House were not broadcast by radio or television before 1978. There were correspondingly fewer occasions when Members were called to order for improper personal references to Presidents. In 1974, there were no allegations of personal misconduct on the part of the President called to order on the floor before or during proceedings in executive session of the Committee on the Judiciary.

Indeed, it is only during the actual pendency of proceedings in impeachment as the pending business on the

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Floor of the House that remarks in debate may include references to personal misconduct on the part of the President.

While an inquiry is under way in committee, the committee is the proper forum for examination and debate of such allegations. In the meantime, it is incumbent on the House to conduct its other business, again quoting from the action of the House in 1909, ''in an orderly manner and without unnecessarily and unduly exciting animosity among its Members or antagonism from those other branches of the Government with which the House is correlated.''

This is not to say that the President is beyond criticism in debate, or that Members are prohibited from expressing opinions about executive policy or competence to hold office. It is permissible in debate to challenge the President on matters of policy. The difference is one between political criticism and personally offensive criticism. For example, a Member may assert in debate that an incumbent President is not worthy of reelection, but in doing so should not allude to personal misconduct. By extension, a Member may assert in debate that the House should conduct an inquiry, or that a President should not remain in office. What the rule of decorum requires is that the oratory remain above personality and refrain from terms personally offensive.

When an impeachment matter is not pending on the floor, a Member who feels a need to dwell on personal factual bases underlying the rationale on which he might question the fitness or competence of an incumbent President must do so in other forums, while conforming his remarks in debate to the more rigorous standard of decorum that must prevail in this Chamber.

The Chair will enforce this rule of decorum with respect to references to the President, and asks and expects the cooperation of all Members in maintaining a level of decorum that properly dignifies the proceedings of the House.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain 15 one-minutes on either side.

IN SUPPORT OF PAUL MCHALE

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

Mr. BUYER. Madam Speaker, I rise today as a Republican in strong support of my Democrat colleague, my fellow veteran and my friend, the gentleman from Pennsylvania (Mr. MCHALE). I rise to defend the gentleman because as an individual who admires the virtues of honor, courage and commitment wherever they are found, in Congressman PAUL MCHALE they are found in abundance.

Last month, the gentleman from Pennsylvania (Mr. MCHALE) called for the President's resignation stating that, ''perjury is not excused by an apology compelled by overwhelming evidence and delivered under pressure.''

The gentleman from Pennsylvania (Mr. MCHALE) has served this country in uniform as a Marine and as public servant. He is a man of honor, courage and commitment who has stood fast to his convictions.

These convictions have led the gentleman from Pennsylvania to examine the course of conduct by the President and to reach a somber conclusion. As a member of the Committee on the Judiciary, I, like others in this body perhaps are still examining, soul searching and analyzing the case, and that is also appropriate. However, what is reprehensible is the vilification to which Congressman MCHALE has been subject for exercising his First Amendment rights and voicing the views of his constituents.

The gentleman from Pennsylvania (Mr. MCHALE) has had his military record slandered. Rumors and innuendos have been whispered about his reputation. All of this White House mudslinging, because Congressman MCHALE has put honor above party loyalty.

These are times when every ounce of wisdom and courage will be required by all. It is not a time for smears on character when voices of conscience are raised.

I admire the honor, courage and commitment of Congressman MCHALE. To the President, order and stop these character assassinations by your staff and the defense team.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mrs. EMERSON). The Chair would remind the Member not to refer to the words of others which refer to the personal conduct of the President.

NEW MORAL STANDARD TO REPLACE TRUTH AND JUSTICE

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

Mr. TRAFICANT. Madam Speaker, from the military to the Oval Office, America now has a new moral standard: Do not ask, do not tell. Do not ask, do not tell. What is next, Madam Speaker? Cannot ask, will not tell? Beam me up.

The First Amendment was never intended to hide truth. The First Amendment was intended to promote and preserve truth and justice.

□ 1015

No wonder that values and morals in America have gone to hell. Just think about it. Congress aided and abetted this whole process when they removed God from our schools. Now we face the test, the test of morals and values.

ELIMINATE THE MARRIAGE TAX PENALTY

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

Mr. WELLER. Madam Speaker, let me ask a basic question of fairness: Is it right, is it fair, that the average married working couple with two incomes pays higher taxes, just because they are married, than an identical couple living together outside of marriage? Is it right that 21 million married working couples pay on the average $1,400 more in taxes just because they are married? $1,400 in the south suburbs in Chicago, that is one year's tuition at Joliet Junior College, three months' worth of day care at a local day care center in Joliet.

In the remaining weeks of this session let us go about doing the people's business. Let us ask the President to work with us. Let us help the middle class with the Marriage Tax Penalty Elimination Act. Let us eliminate the marriage tax penalty. Let us do it now, and make it our top priority in the next few weeks.

URGING MEMBERS TO JOIN THE CONGRESSIONAL MINING CAUCUS, PRESERVE JOBS, AND BRIDGE THE KNOWEDGE GAP ON MINING

(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, whether it is just the pocket change in our purses or pockets, or our Nation's highways and bridges, or our personal computers, minerals are paving our Nation's way into the 21st century. Without the minerals and materials supplied by the mining industry, Americans could not have that small change in their pocket, bridges, roads, or that personal computer.

However, the mining industry yields more than just small change. In addition to acquiring metals for coinage, Uncle Sam reaps more than $57 million in annual receipts from the mining industry. This does not include the $27 million in State and local government collections from mining industry revenues.

Mining contributions to our Nation do not stop there. Mining in all forms pumps $524 billion into the American economy. That is equivalent, Madam Speaker, to $60 million an hour from mining.

Mining matters. It matters to each Member, it matters to Congress, and it matters to every American. I ask my congressional colleagues to join the Mining Caucus.

TIME TO PASS FURTHER TAX RELIEF AND HOLD THE LINE ON SPENDING

(Mr. HERGER asked and was given permission to address the House for 1

minute and to revise and extend his remarks.)

Mr. HERGER. Madam Speaker, last summer Congress passed the Taxpayer Relief Act. This legislation cuts taxes on every stage of life, providing for a $500 per child tax credit, a reduction on the family farm and family businesses at the same time of death, and a reduction in the tax on capital gains.

But Congress should go further. America is overtaxed. Not only is America overtaxed, but middle class families in particular are overtaxed. The economy is projected to produce a significant surplus over the next 5 to 10 years, and Congress should use some of that money for tax cuts.

There are many politicians in Washington who cannot wait to get their hands on that surplus so they can do what they always do with taxpayers' money, spend it. Washington is not careful with the taxpayers' money. It wastes too much, and it never seems to be held accountable for its failures.

It is time to change direction. We need to pass further tax relief, and we need to hold the line on spending. I urge my colleagues to support the Republican package of middle-class tax cuts.

CALLING FOR FURTHER TAX RELIEF FOR AMERICANS

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

Mr. SHIMKUS. Madam Speaker, we recently marked the first year anniversary of the Taxpayer Relief Act, the first major tax reduction since the Reagan tax cuts of the 1980s. Let us face it, there would have been no tax cut at all were it not for a Republican Congress.

In fact, the last time the Democrats controlled Congress they did what Democrats can be expected to do, raise taxes. The Republican Party is the party of tax cuts, the Democrat party is the party of bigger government and higher taxes; two different directions, two different visions of what the people's representatives in Washington should do with other people's money.

Last year tax cuts were only a first step. The Taxpayer Relief Act reduced the tax on capital gains, cut the estate tax, expanded IRAs for middle class savers, provided a $500 per child tax cut, and passed into law a host of other tax reductions. But this Congress would like to go further. We should eliminate the marriage tax penalty and pass more tax relief for middle class taxpayers.

THE ''SCARE ME AL'' DOLL

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

Mr. PETERSON of Pennsylvania. Madam Speaker, it seems each holiday season a hot new toy or doll takes the Nation by storm. Parents and kids line up and pay hefty prices for the item of the season. If it is not beany babies, it is a doll called Tickle Me Elmo.

If the Vice President has his way, this year's sensation will be a new doll called Scare Me Al. Scare Me Al is a carved wooden doll with one of those pull strings connected to prerecorded messages for our kiddies. It says things like, ''Today was the hottest day in the history of the world.'' Pull the string again and Scare Me Al will tell your kids that unless you get rid of that sport utility vehicle that mom uses to drive them to soccer practice, the ice caps will melt and raise the sea levels until we all drown.

Scare Me Al is the perfect companion for all of the EPA taxpayer-printed coloring books and other literature which relate the same frightening global warming scare stories to the children K through 12. As for me, Madam Speaker, I would rather take my chances with the Clinton Justice Department, and buy my grandkids a new game of monopoly.

URGING INDONESIAN GOVERNMENT TO INVESTIGATE CRIMES AGAINST MINORITIES

(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 express concern for the victims of the rapes and riots in Indonesia, and to stand with those victims, the Chinese ethnic community, the Christian, and the other religious minority communities.

Yesterday I was briefed by Indonesians themselves on what is happening in their country. In the last 3 months, 15 churches have been destroyed or burned since Habibie has been in power. I want to join with those Indonesians and the Chinese people worldwide in condemning these gross violations of human rights, in particular, the raping of ethnic Chinese women.

Reliable reports suggest that the attacks on ethnic and religious minorities were orchestrated. Unfortunately, individuals and organizations which are assisting these victims have been harassed, threatened with phone calls, explosives, and even death should they continue to help the victims.

Madam Speaker, I urge the Indonesian government immediately to proceed with a thorough investigation to promptly bring to justice all individuals who are associated with or who are perpetrators of these crimes against minorities.

REGARDING TAX REFORM AND SOCIAL SECURITY

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

Mrs. CUBIN. Madam Speaker, now that both Houses of Congress are back in session, I believe one of the primary goals that we should set our sights on is providing an across-the-board tax cut for all Americans. The Clinton administration has said that they do not support any tax cuts until Congress has made sure that Social Security is solvent for the so-called baby boomer generation, of which I am one.

Madam Speaker, I believe we can achieve both of these goals. With an anticipated budget surplus of $1.6 trillion over the next 10 years, there is no doubt in my mind that we can continue to have a balanced budget, begin paying down the national debt, provide tax relief for hard-working Americans, and maintain the solvency of our Social Security program.

Simply by paying off our $5 trillion national debt, which probably is not all that simple, and maintaining budgetary balance, the future of Social Security will be secure for Americans into the next century.

There is a plan being offered by the gentleman from Texas (Mr. SAM JOHNSON) and the gentlewoman from Connecticut (Mrs. NANCY JOHNSON) which will achieve these worthy goals. While their proposal is not everything I would envision in the way of tax reform, it is a good step in the right direction.

THE JONES ACT

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

Mr. SMITH of Michigan. Madam Speaker, I rise today to talk about an act known as the Jones Act. The Jones Act is an act passed by Senator Jones of Washington as a floor amendment in the Senate in 1920. It is a protectionist act that requires that any transportation of goods by ship between any two U.S. ports has to be on a ship made in the U.S.A., manned by U.S. sailors, paying U.S. taxes, et cetera.

I have legislation that is going to tremendously make a difference in helping farmers this fall and next year that says, let us allow these vessels to be built anyplace in the world to transport these agricultural commodities, still require that they be manned by U.S. crews, that they be American-owned, American-flagged, pay all American taxes, and comply with environmental laws.

Agriculture is going through a tremendously depressed time. We cannot afford to further depress those commodity prices by limiting the transportation to move these goods between U.S. ports.

MIGRATORY BIRD TREATY REFORM ACT OF 1998

Mr. DIAZ-BALART. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 521

and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 521

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2863) to amend the Migratory Bird Treaty Act to clarify restrictions under that Act on baiting, to facilitate acquisition of migratory bird habitat, and for other purposes. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Resources. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Resources now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII. Amendments so printed shall be considered as read. The chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

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

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

Madam Speaker, House Resolution 521 is an open rule providing for the consideration of H.R. 2863, the Migratory Bird Reform Act of 1998. The purpose of the bill is to codify a uniform standard to determine when someone is guilty of hunting migratory birds on a baited field.

The rule provides the customary 1 hour of debate, equally divided and controlled by the chairman and the ranking minority member of the Committee on Resources. The rule makes in order for the purposes of amendment the substitute recommended by the Committee on Resources now printed in the bill which shall be considered as read.

In addition, the rule permits the Chair to grant priority in recognition to members who have preprinted their amendments, and considers them as read. Further, as has become standard practice for open rules, the Chair is allowed to postpone recorded votes and reduce the time for electronic voting on postponed votes. Finally, the rule provides for one motion to recommit, with or without instructions.

Madam Speaker, I am pleased that the House is able to consider legislation today that enjoys wide bipartisan support. H.R. 2863 is needed to clarify baiting restrictions under the 1918 Migratory Bird Treaty Act, which is the United States law which implemented the convention for the protection of migratory birds signed in 1916 by the United States, and on behalf of Canada, by Great Britain.

□ 1030

A curious provision which has caused some controversy in the 80 years since Congress passed the Migratory Bird Act involves the hunting of birds over fields that have been illegally baited to attract these migratory birds.

I am not a hunter, but hunters are well aware that hunting migratory birds over bait is considered unsportsmanlike and is illegal. This is not in dispute and will remain illegal under this bill. The problem, however, arises when a hunter was truly unaware of the nearby bait. The current Fish and Wildlife regulations provide no possible defense for a hunter who may have been legitimately and completely unaware that someone else may have scattered corn, for example, in a nearby field. Simply possessing a loaded firearm in a nearby field is enough to convict a hunter of a crime in most States.

H.R. 2863 seeks to bring some common sense and uniformity to baiting regulations. The bill applies a single standard that make it unlawful for a person to hunt over a baited field if that person knows or reasonably should know that the area is baited, and also makes it unlawful for someone to place that bait in the field for the purpose of attracting migratory birds for hunters.

Madam Speaker, I urge my colleagues to support this rule. I guess it could be referred to as the House version of the Byrd rule.

Madam Speaker, I reserve the balance of my time.

Mr. HALL of Ohio. Madam Speaker, I yield myself such time as I may consume, and thank the gentleman from Florida (Mr. DIAZ-BALART) for yielding me this time.

Madam Speaker, this resolution is an open rule. It will allow for full and fair debate on H.R. 2863. As the gentleman from Florida has described, this rule will provide 1 hour of general debate to be equally divided and controlled by the chairman and the ranking minority member of the Committee on Resources.

The rule permits amendments under the 5-minute rule. This is the normal amending process in the House. All Members on both sides of the aisle will have the opportunity to offer amendments.

As my colleague said, this bill amends and clarifies a provision of the Migratory Bird Treaty Act which restricts the hunting of birds over fields that have been baited with food to attract them. The U.S. Fish and Wildlife Service has concerns about this bill because it will preempt the service's ability to issue regulations. Also some animal welfare advocates believe the bill would harm waterfowl populations.

Because the bill will be considered under an open rule, Members will have the opportunity, they will be able to offer improving amendments. This is an open rule, as I said before. It was adopted by the Committee on Rules by voice vote. I urge its adoption.

Madam Speaker, I have no further speakers, and I yield back the balance of my time.

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

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. DIAZ-BALART). Pursuant to House Resolution 521 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2863.

□ 1034

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2863) to amend the Migratory Bird Treaty Act to clarify restrictions under that Act on baiting, to facilitate acquisition of migratory bird habitat, and for other purposes, with Mrs. EMERSON in the chair.

The Clerk read the title of the bill.

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

Under the rule, the gentleman from New Jersey (Mr. SAXTON) and the gentleman from California (Mr. MILLER) each will control 30 minutes.

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

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

Madam Chairman, I rise in strong support of H.R. 2863, a bill introduced by the gentleman from Alaska (Chairman YOUNG) to reform the Migratory

Bird Treaty Act. He has been joined in this effort by a number of colleagues, including the gentleman from Michigan (Mr. DINGELL), the gentleman from Tennessee (Mr. TANNER), the gentleman from Florida (Mr. STEARNS), the gentleman from Pennsylvania (Mr. WELDON) and the gentleman from Minnesota (Mr. PETERSON).

Madam Chairman, it has been 80 years since Congress enacted this law to conserve migratory birds. It is a good law and it has worked. During this time, the U.S. Fish and Wildlife Service has issued many regulations dealing with the harvest of migratory birds. The vast majority of these regulations were proposed by the hunting community, and as such, they have worked.

The Federal courts, however, impose a rule which is referred to as the rule of strict liability on those accused of hunting migratory birds over bait. It is this rule of strict liability that this reform act seeks to change. I would like to say at this point that the basic bill, the law itself and the provisions it imposes, are not changed at all.

For example, the term ''baiting'' is defined in the current law and the definition remains the same. And just for the purpose of clarification, I would like to state what that rule is. Baiting is defined and it says, ''No person shall take migratory bird by the aid of baiting, which means the placement or scattering of corn, wheat, or other feeds so as to constitute a lure, attraction or enticement to any areas where hunters are attempting to take them,'' ''them'' referring of course to migratory waterfowl. That provision remains intact as it is and as it has been and as it has worked well.

However, the Federal court's imposition of a rule of strict liability of those accused of hunting migratory birds under bait as defined by the words I just read has not worked well, at least in the opinion of those of us who support this bill.

What this means is that if a hunter is there in a location and bait is there, the hunter is guilty. There is little opportunity for defense. The court rules the bait was there, the hunter was there. Whether or not the hunter knew the bait was there is irrelevant, and the guilty verdict applies.

Further, conviction under this act is a Federal criminal offense and penalties may include a fine of up to $5,000 and 6 months in jail. This is strict liability interpretation. ''If you are there, you are guilty'' is fundamentally wrong under our American system of laws, law enforcements, and jurisprudence. It violates one of our most basic constitutional protections, that a person is innocent until proven guilty. Strict liability has a chilling effect, therefore, on thousands and thousands of law-abiding citizens.

Let me just put forth a couple of examples about how unfair this rule is. Baiting is illegal. It will continue to be illegal. And unfortunately, there will be those who take part in the practice of baiting, I suppose thinking they will never be caught. So let us just assume for a moment that someone in the Midwestern part of the country decides they want to hunt for Canadian geese. As we know, Canadian geese love to eat corn. And if a flock of Canadian geese, Canada geese, become accustomed to feeding in a field every morning at 6:30 a.m., because somebody goes out and spreads corn around every afternoon at 6 p.m., the flock comes back again and again and again. And those who bait and who are illegally hunting there, I suppose, benefit from the fact that they are getting away with this baiting.

Now, let us just suppose for a moment that on their way home from school some 16- or 17-year-old boys who love to hunt notice that this is a prime spot for hunting. It is so because every morning on the way to school they see this hunting activity taking place and they say to themselves, tomorrow morning, on Friday, let us go to that field because it must be a wonderful place to hunt. So the teenagers show up, they get in a blind, and along come the snow geese followed by a game warden.

The teenagers are there doing their hunting which they think is totally legitimate because they had no idea that the baiting has taken place. The warden shows up, arrests the teenagers, and they go to court and they are found guilty with no reference whatsoever to whether or not they knew the baiting had occurred. They were there, the bait was there, and therefore they were guilty. There are many other examples like this that could be used, but I think that example makes the point.

At the full Committee on Resources markup, the gentleman from Alaska (Chairman YOUNG) offered an amendment that limited the scope of the bill to the two issues that can be resolved through this legislative process. The first is to replace this strict liability, if the hunter was there and the bait was there, the hunter is guilty, to replace this liability with the phrase that the person knew or should have known that the baiting had taken place.

The second provision improves the current law by making it unlawful to place or direct the placement of bait. This will allow the service to cite those commercial operators who intentionally bait a field without the knowledge of the hunter.

Madam Chairman, I believe that every American is innocent until proven guilty and that people should be entitled to offer evidence in their defense. I hope that others will agree with this provision. It is the right thing to do and the ''knows'' or ''reasonably should know'' standard will be effectively applied throughout this Nation. There is no justification for the strict liability doctrine in this case when it refers to these migratory birds, and I hope that my colleagues on both sides of the aisle will agree and vote ''yes'' on this measure.

Madam Chairman, I submit the following for the RECORD:

CALIFORNIA WATERFOWL ASSOCIATION,
Sacramento, CA, July 10, 1998.

Hon. DON YOUNG,
House of Representatives, Washington, DC.

DEAR CONGRESSMAN YOUNG: The California Waterfowl Association (CWA) is pleased to support HR 2863, your effort to obtain changes in federal migratory bird baiting regulations to provide hunters, wildlife managers, farmers, law enforcement officials, and the courts with enhanced clarity and guidance as to the restrictions on the taking of migratory birds.

CWA supports the intent of regulations aimed at preventing baiting for the purpose of increasing the vulnerability of waterfowl to the gun. However, our Association has long recognized that current regulations, if actively enforced, would likely result in negative impacts to California's critical remaining managed wetland base, as well as unwarranted prosecution of law abiding sportsmen and women. Of primary concern are ambiguities in the current regulations which conflict with traditional ''moist-soil'' wetland management practices which are intended to augment habitat values for waterfowl and other wetland-dependent wildlife. Because California has lost nearly 95% of its historic waterfowl habitat, it is critical that the wetland values and functions of the habitat base which remains be maximized. Currently, however, confusion over the meaning and enforcement of these regulations is compromising the willingness of many landowners to employ preferred waterfowl habitat management practices on their lands.

In an effort to address these concerns, for nearly three years, CWA and others have actively urged the U.S. Fish and Wildlife Service (Service) to consider changes in federal baiting regulations. As you are aware, this past March, the Service responded by offering for comment a variety of amendments to the existing rules. Our Association applauds the Service for this proposal which addresses many of our concerns regarding conflicts with preferred wetland management practices. Although the Service proposal needs further clarification, we believe our remaining concerns in this area can be addressed administratively during the proposal's public comment process.

The Service's proposal does not, however, address another area of concern to our Association—the issue of strict liability. Existing regulations are written in a ''guilty until proven innocent'' fashion which has, at times, resulted in law abiding hunters being unreasonably prosecuted for baiting. By proposing to amend the rule to install the ''knows or reasonably should know'' standard, your HR 2863 effectively addresses this concern by allowing those who believe they were unfairly cited to present their case in court.

Our Association appreciates your willingness to carefully address the outstanding issue of strict liability without weakening the important intent of current restrictions, or the protection they offer the waterfowl resource. As such, we are pleased to offer this legislation our support, and we look forward to working closely with you to secure its passage.

Sincerely,

BILL GAINES,
Director, Government Affairs.

THE GRAND NATIONAL WATERFOWL ASSOCIATION,
Cambridge, MD, May 13, 1998.

Hon. DON YOUNG,
Rayburn HOB, Washington, DC.

DEAR CONGRESSMAN YOUNG: The Grand National Waterfowl Association was chartered

in 1983 as a private, non-profit organization. The organization's purpose is to promote the conservation and wise use of our wildlife and natural resources and to promote a better understanding of our responsibilities to the land. Grand National has members both from the local community as well as across the United States and several from foreign countries.

We understand that the Resources Committee is reporting out H.R. 2863 amending the Migratory Bird Treaty Act, and that this legislation will provide some much needed clarification on the ''baiting'' issue. Over the past 50 or so years this has been one of the most vexing problems for the sportsman due to inconsistencies in enforcement and in court decisions.

Let me assure you we have no quarrel with the intent of the Migratory Bird Treaty Act, but the implementation has caused unnecessary confusion and resulting injustices for many sportsmen. We hope the ''strict liability'' and ''zone of influence'' issues are clarified in the legislation and that the legislation is acted upon before another waterfowl season of uncertainty.

Sincerely,

ROBERT GORMLEY,
President.

INTERNATIONAL ASSOCIATION OF FISH AND WILDLIFE AGENCIES,
Washington, DC, April 29, 1998.

Hon. DON YOUNG,
Chairman, House Resources Committee, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN YOUNG: I recently discussed with Harry Burroughs of your staff the recommendations of the International Association of Fish and Wildlife Agencies on the issue of baiting as it relates to waterfowl hunting. As you know, our concern with this matter goes back several years and eventually led to the Association's establishment in 1996 of an ad hoc Committee on Baiting. This committee completed its work with the submission of a final report on April 29, 1997 that presented recommended changes in federal waterfowl hunting regulations. The recommendations in this report were adopted by the Association's Executive Committee as the official position of the Association. On May 15, 1997, Brent Manning, Chairman of our ad hoc Committee and Director of the Illinois Department of Natural Resources, testified before your Committee on H.R. 741 and presented the recommendations of the Association's committee on baiting. I am enclosing a copy of this report for your ready reference.

I believe it is significant that the ad hoc committee recommended that consistency be brought to the application of hunter's liability by adoption of the Delahoussaye language from the federal Fifth Circuit. The Association's recommendations contained in the ad hoc committee's report are generally contained in your amendment in the nature of a substitute for H.R. 2863, which you recently introduced and which is consistent with the Association's position regarding liability.

We appreciate your leaving the detailed recommendations regarding agricultural crops and management of natural vegetation to the regulatory process. As Mr. Manning indicated in his testimony, it is likely that these will need to be modified and fine tuned to reflect changing agricultural practices.

As you are aware, the Fish and Wildlife Service recently published proposed regulations on baiting and baiting areas in the Federal Register. Those proposed regulations reflect a number of the recommendations of our ad hoc Committee regarding agricultural crops and management of natural vegetation. Unfortunately, the proposed regulations do not reflect changes recommended by the Committee regarding liability. Our Association has officially requested that the 60-day comment period be extended until October 1, 1998, so that we can have time to conduct and coordinate an adequate review. We were disappointed that the Service did not address the liability issue in their draft regulations, even though we had requested earlier that they do so. We will comment on the draft regulations based on our ad hoc Committee report. In the meantime, the report of the ad hoc Committee as adopted by the Association constitutes the official position of the Association.

I hope that the information I have provided is useful and look forward to working with you on this and other important issues that we face.

Sincerely,

R. MAX PETERSON,
Executive Vice President.

ILLINOIS DEPARTMENT OF NATURAL RESOURCES,
Springfield, IL, April 29, 1998.

Hon. DON YOUNG,
Chair, Committee on Resources, House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR CONGRESSMAN YOUNG: As the Chief Law Enforcement Officer for the Illinois Department of Natural Resources, I wish to go on record in support of H.R. 2863 (as amended). As a career Conservation Law Enforcement Officer, I know first hand the strengths and weaknesses of our current federal baiting regulations. If Congress adopts the Delahoussaye standard for waterfowl baiting regulations, a serious and longstanding weakness will have been remedied.

Some opponents of your bill object on the basis that law enforcement officers will have to work much harder to make good baiting cases. In my opinion, in a free society like ours, ease of enforcement should not be a standard that is applied when evaluating a law. Rather, we should seek to enact common sense laws that treat sportsmen fairly, and protect our precious natural resources first and foremost. I believe your amended bill meets all of these criteria.

I thank you for your support of waterfowl and wetland management and the hunting opportunities they provide.

Sincerely,

LARRY D. CLOSSON,
Chief, Office of Law Enforcement.

ILLINOIS DEPARTMENT OF NATURAL RESOURCES,
Springfield, IL, April 27, 1998.

Hon. DON YOUNG,
Chair, Committee on Resources, House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR CONGRESSMAN YOUNG: As Director of the Illinois Department of Natural Resources, I am writing to express my support specifically for the component of H.R. 2863 addressing the issue of strict liability for waterfowl hunting. I am a wildlife biologist, chairman of a committee reviewing federal baiting regulations, and an avid waterfowl hunter. In these capacities I have been exposed to a considerable amount of information regarding the application of strict liability in the enforcement of federal baiting regulations. It is my opinion that the so-called Delahoussaye standard should be adopted in place of the current strict liability regulation. This change will not put the waterfowl resource at risk, as some allege. I applaud your attempt to bring common sense and fairness to this aspect of waterfowl hunting. Please be assured of my support in this regard.

Sincerely,

BRENT MANNING,
Director.

MIGRATORY WATERFOWL HUNTERS, INC.,
Alton, IL, June 18, 1998.

Hon. JOHN SHIMKUS,
State Representative, Springfield, IL.

DEAR REPRESENTATIVE SHIMKUS: HB 2863 removes the ''strict liability'' clause from the migratory bird hunting regulations as proposed by the U.S. Fish and Wildlife Service in the Federal Register. Migratory Waterfowl Hunters, Inc. strongly urges you to vote in favor of this bill.

Far too many duck and goose hunters have been arrested and wrongly convicted of baiting waterfowl because the ''strict liability'' clause renders a sportsman guilty before proven innocent. H.R. 2863 will take the guess work out of this law enforcement issue and cause conservation police officers to focus on the real criminals.

Once again, please support H.R. 2863, Congressman Don Young's bill to remove the ''strict liability'' clause from migratory bird hunting regulations.

Sincerely,

GREG FRANKE,
Corresponding Secretary.

NATIONAL RIFLE ASSOCIATION OF AMERICA,
Fairfax, VA, May 5, 1998.

Hon. DON YOUNG,
Chairman, House Resources Committee, Longworth House Office Building, Washington, DC.

DEAR CHAIRMAN YOUNG: On behalf of the National Rifle Association of America (NRA), I would like to convey our appreciation to you for the commitment you have made to reforming the baiting rules governing the hunting of migratory birds.

We wish to congratulate you on the passage of your bill, HR2863, as amended, from the Resources Committee on April 29. The NRA has long been an active and enthusiastic supporter of legislative reform in this area. It has been our pleasure to work with your staff to meet your stated objective of providing clarity, simplicity and uniformity to the enforcement of the baiting rules.

While we anticipated having the legislation reported from your Committee last year, we supported your decision to give the US Fish and Wildlife Service one last opportunity to reform the baiting rules through the regulatory process. We were very disappointed to find that the publication of the proposed rule on March 25 gave truth to our suspicions that the Service will never step in where reform is most needed.

All of us, including the Service, have known from the beginning that the core of the issues surrounding enforcement of the baiting rules has been the application of the doctrine of strict liability. It is regrettable that the Service buckled under pressure from its law enforcement agents and refused to propose the *Delahoussaye* standard for public review and comment. As we stated in our comments to the Service on the proposed rule, ''the NRA can only surmise that the Service fully intends to have the Congress resolve the issue by codifying the *Delahoussaye* standard through the legislative process.''

HR 2863, as amended, not only acknowledges the work left uncompleted by the Service, but also acknowledges the fact that many of the reforms in the parent bill were adopted in the proposed rule. While the NRA has already stated that is supports HR 2863 as introduced, we are also supportive of the

narrower version that now awaits House Floor action.

Again, on behalf of the NRA, I extend the appreciation of our 2.8 million members for your efforts on behalf of the hunting community.

Sincerely,

SUSAN R. LAMSON,
Director, Conservation, Wildlife and Natural Resources.

SAFARI CLUB INTERNATIONAL,
Herndon, VA, April 28, 1998.

Chairman DON YOUNG,
Rayburn House Office Building, Washington, DC.

DEAR CONGRESSMAN YOUNG: Safari Club International urges you to pass without delay The Migratory Bird Treaty Reform Act.

Several recent incidents indicate that the ''strict liability'' language of the existing regulations has led to prosecution of sportsmen that are unfair and that do not aid the conservation of the migratory birds.

The Service had promised to administratively correct the situation, but to date they have failed to do so. As late as the end of March, the Chairman of the Resources Committee had urged the Service to provide Congress with a solution that would correct the unfiar components of the regulations. Despite repeated promises from the Service to address the inequities of the current regulations, their recent proposed amendment does not address the issue. It is evident that Congress must act.

Sportsmen and hunters are only asking that they be treated as fairly as all other Americans and that they only be found guilty if they knew or should have known that bait had been placed. The language of The Migratory Bird Treaty Reform Act assures that hunters will remain innocent until proven guilty.

Safari Club International requests that you change this unfair and punitive law.

Sincerely,

ALFRED S. DONAU, III,
President-elect.
HON. RON MARLENEE,
Consular.

THE WILDLIFE LEGISLATIVE FUND OF AMERICA,
Columbus, OH, May 8, 1998.

Hon DON YOUNG,
Chairman, Committee on Resources, House of Representatives, Rayburn House Office Bldg., Washington, DC.

DEAR MR. CHAIRMAN: The Wildlife Legislative Fund of America strongly endorses H.R. 2863 to eliminate strict liability as it relates to the baiting proscriptions of the Migratory Bird Treaty Act. Strict liability, which enables convictions against unknowing and innocent hunters, is wholly inconsistent with principles of American law. The need for this reform has long been recognized, but neither the U.S. Fish and Wildlife Service nor other Members of Congress have been willing to provide the requisite leadership. We applaud your effort and the leadership you have demonstrated.

We are committed to working with you and the Committee to assure favorable House action on this important measure.

Sincerely,

WILLIAM P. HORN,
Director, National Affairs and Washington Counsel.

Madam Chairman, I reserve the balance of my time.

Mr. MILLER of California. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, I rise in opposition to this legislation, H.R. 2863. This bill changes a 60-year-old standard of strict liability for hunting migratory birds over bait, a standard that has provided effective protection of migratory birds from the overkill that can result from baiting. The law places the burden of guarding against unsportsmanlike hunting practices where it properly lies, with the hunter.

This bill is a product of a few anecdotes, and we will likely hear some of them as we already have this morning. The real issue here is much broader. The important issue is whether or not in changing this law, as this bill proposes, will allow us to maintain the enforcement of the law against harming migratory birds. That is the purpose of this law. It is for the protection of the migratory birds, a protection that runs to the Nation generally, not just to the question of the activities of hunters.

Notwithstanding these few anecdotal pieces of evidence, the supporters of this bill have not made a convincing case that there is a crisis that needs addressing. The paramount public interest in protecting migratory birds for all the American public, not just hunters, has traditionally warranted a high standard of protection embodied in strict liability and, with one exception, the courts have upheld this standard.

In fact, when the Congress had an opportunity to review this in previous Congresses, they inserted the ''knowing'' standard with respect to felony activities under the Migratory Bird Treaty, but they did not do that with respect to the misdemeanor portions, which indicates clearly that Congress understood the importance of this provision of the law.

The bill before the House today is an improvement over the bill as it was introduced, which would have substantially weakened the protection of migratory birds. The amendment makes it a violation to place bait for migratory birds if one knows it will be hunted over. This will make it easier to prosecute the real bad actors, that small number of property owners guides, and hunt club personnel who unlawfully try to improve hunting through baiting.

However, a number of law enforcement personnel charged with protecting migratory waterfowl tell me that they think this bill is ill-advised and will seriously complicate their job of battling illegal hunting. I am very concerned that this bill ignores the views of the hard-working law enforcement people and makes sweeping changes in the law based on a few isolated cases.

The Fish and Wildlife Service is in the process of revising its baiting regulations to address legitimate concerns that have been raised by the hunting community. It strikes me that it would be appropriate to withhold action on this legislation to allow the service to promulgate those regulatory changes.

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For these reasons, and others, Madam Chairman, I oppose this legislation. I voted for this legislation as it has come out of the committee as it is presented here. I think it is an improved bill. But from discussions with those which are charged with enforcing this legislation, I think it has also become clear that there can be serious jeopardy attached to the passage of this legislation and the future of migratory birds. And that is certainly our first charge and our first concern.

Let me also say that, as suggested very often, that this is all about innocent, innocent people. If you look in the back of even some of the anecdotal evidence that was submitted to the Congress and one of the cases about individuals that were arrested and prosecuted under this law, these were not exactly innocent individuals. Many of them knew full well and it was so incredibly obvious what had taken place in this field for the purposes of these hunts.

I have hunted for many years, and let me say that people in the hunting community know very well those clubs that bait, those clubs that boast about it. Those clubs that have tried to increase their take by being responsible hunters do not go to those clubs. They do not participate in that activity.

One of the reasons they do not is because of this law. But if they can go there and claim that they are ignorant of everything the land owner did, the club owner did, or the guide did, then they are free to continue that practice and claim ignorance under the law.

Strict liability is not unconstitutional. It is not foreign to the Constitution. It has been upheld. In fact, it is a doctrine that we use very often. We use it with respect to this treaty. We use it with respect to governmental officials.

That is how the Kesterson Reservoir was shutdown when unsafe practices were there with respect to water pollution because people knew that people would be put in jeopardy if they continued those practices to harm migratory birds.

So I think, while this is a better piece of legislation than it was originally introduced, I think it interrupts a process that I think is more thoughtful and deliberative that the Fish and Wildlife Service is undertaking.

I expect the desire to undertake that has been prompted by the introducing of this legislation by the chairman of our committee having these hearings and reporting this bill, and I think that they will, in fact, be responsive to that effort.

At a minimum, I would think that this is the kind of legislation if we were to pass it we would want to provide for some kind of sunset so we had an ability to review the impact of this legislation.

For those reasons and others, Madam Chairman, I will be opposing this legislation.

Madam Chairman, I reserve the balance of my time.

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

Madam Chairman, I would just like to say to the gentleman, through the Chairman of course, that I think that a matter of fairness applies here and that it is crucial that the strict liability provision be replaced. I am not alone in feeling that way. As a matter of fact, I have here a letter from the Illinois Department of Natural Resources from their chief officer of law enforcement. I would just like to read a few lines from it.

The letter is addressed to the gentleman from Alaska (Mr. YOUNG). The letter reads, ''As the chief law enforcement officer of the Illinois Department of Natural Resources,'' and I point out and emphasize here that this is the chief law enforcement officer, and of course I am speaking to the objections that the gentleman from California raised relative to law enforcement. He says, ''I wish to go on record in support of the bill H.R. 2863. As a career conservation law enforcement officer, I know firsthand the strengths and weaknesses of our Federal baiting regulations. If Congress adopts the Delahoussaye standard for waterfowl baiting regulations, a serious and longstanding weakness will have been remedied.''

''Some opponents,'' he said, ''of your bill object on the basis that law enforcement officers will have to work much harder to make good baiting cases. In my opinion, in a free society like ours, ease of enforcement should not be a standard that is applied when evaluating a law. Rather, we should seek to enact common sense laws that treat sportsmen fairly and protect our precious natural resources first and foremost.''

So this is, I think, stated very succinctly. I believe that it goes a long way to answer the gentleman's questions or objections.

Secondly, the bill makes a major improvement, I believe, in terms of law enforcement, because under the current law, if one baits and is not there when the game warden shows up, he can only be brought into the case through a conspiracy theory. Under the new law, the baiter actually will assume direct responsibility for the baiting. Those provisions are written very clearly in section 3 on page 2, lines 6 through 20.

So we have tried very hard to provide for the continuation of a strong antibaiting law but to put a degree of fairness in the reform bill that simply does not exist in the current statutes.

Madam Chairman, I reserve the balance of my time.

Mr. MILLER of California. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, I too want to put a letter into the RECORD from the head of the Maryland Department of Natural Resources, which indicates his enforcement staff, unlike that from the gentleman from Illinois, in our dueling letters here, his enforcement staff tells him that this would have a detrimental impact in Maryland's and the Nation's migratory bird resources.

Finally, let me say, under current law, the baiter, if you will, can be prosecuted and, in fact, is prosecuted. But I do agree with the gentleman that that is an improvement, that is an improvement in the law.

If the gentleman is going to add more letters, I am going to have to add more letters. We can submit these for the record, and we can all go on our merry way. This should not delay us from coming to a vote on this matter.

Mr. MILLER of California. Madam Chairman, I have no further requests for time, and I yield back the balance of my time.

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

Madam Chairman, I would just conclude once again by saying as directly and as forthrightly as I can that we in no way change the provisions of the basic law, the antibaiting provisions remain in effect, and that no person shall take migratory birds by the aid of baiting in any way, but that we do replace the strict liability provision with the known or should have known provision.

I ask all Members on both sides of the aisle, with the exemption perhaps of my friend, the gentleman from California (Mr. MILLER), to support the bill.

Mr. STEARNS. Madam Chairman, I am pleased to join my good friend and colleague, Chairman YOUNG, in support of the Migratory Bird Treaty Reform Act.

I became involved in issue because I found it outrageous that almost ninety sportsmen were cited for violating the Migratory Bird Treaty Act during a charity dove hunt in Dixie County, Florida back in 1995. I had the privilege of representing that area when I first came to Congress and I take personal umbrage with how unfairly these individuals were treated.

It is not my intention to give you a blow by blow description about this incident, but I will tell you that many hunters were cited and fined almost $40,000 for ''allegedly'' hunting on a baited field.

The fact is that nearly all the hunting took place in an area which had never been inspected for baiting. What is even more perplexing is that the citations were delivered without any regard to the guilt or innocence of the hunters.

The purpose of this legislation is to clarify what we mean when we use the term ''baited field.'' Since Congress has never passed a law defining what qualifies as ''baiting'' a field, there is much confusion which results in federal courts acting inconsistently on such cases.

While this activity is justifiably illegal, there are various legal interpretations that should be clarified. Under current standards, a person is held liable for hunting on a baited field even though that person did not realize the field was baited. This is unfair, as many of my constituents found out the hard way.

Under current law, it is not illegal to bait a field or to feel migratory birds. However, it is strictly prohibited to hunt in such an area. This bill amends the Migratory Bird Treaty Reform Act of 1918 by eliminating strict liability for baiting by adding the following provision:

''It is unlawful for any person to take any migratory game bird by aid of baiting, or on or over any baited area, if the person knows or reasonably should know that the area is a baited area; or place or direct the placement of bait on or adjacent to an area for the purpose of causing, inducing, or allowing any person to take or attempt to take any migratory game bird by the aid of baiting on or over the baited area.''

Mr. Chairman, I believe this definition spells out precisely what we mean when we use term ''baiting'' a field, and will eliminate any possible future misinterpretation.

The sole purpose of this legislation is to clarify baiting restrictions to ensure that migratory birds and their habitats are preserved while protecting law-abiding citizens from unfair prosecution.

Unfortunately, passage of this legislation did not occur in time to assist the hunters in Dixie County, Florida, but it will prevent others from facing unfair repercussions for being at the wrong place at the wrong time.

Last year, I testified before Chairman YOUNG's committee on the problems associated with the need to define what we mean when we use the term ''baiting'' a field, I believe H.R. 2863 will achieve that goal and prevent the problems that many law-abiding hunter have experienced from occuring in the future.

Mr. YOUNG of Alaska. Madam Chairman, I rise in strong support of H.R. 2863, a bill I introduced to reform the Migratory Bird Treaty Act (MBTA). I have been joined in this effort by a number of our colleagues including JOHN DINGELL, JOHN TANNER, CLIFF STEARNS, CURT WELDON, and COLLIN PETERSON.

It has been 80 years since Congress enacted this law to conserve migratory birds. During this time, the U.S. Fish and Wildlife Service has issued many regulations dealing with the harvest of migratory birds. The vast majority of these regulations were proposed by the hunting community. The only exception has been the regulations dealing with hunting in a field that is ''baited'' to unfairly attract migratory game birds.

Congress has never passed a law that says—this is baiting and this practice is illegal. In fact, it is not illegal to ''bait'' a field or to feed migratory birds. It is strictly prohibited, however, to hunt in such an area.

Over the years, the Fish and Wildlife Service has modified its baiting regulations 17 times. In addition, the Service and many Federal courts impose strict liability on those accused of hunting migratory birds over bait. What this means is that if a hunter is there and the bait is there, they are guilty.

Regrettably, whether to cite someone for violating the MBTA is a subjective decision. Conviction under this act is a Federal criminal offense, and penalties may include up to a $5,000 fine and six months imprisonment.

Under strict liability, if you are hunting in a field that an agent determines is baited, whether you know it or not, you are guilty. There is no defense and any evidence you may have to support your position is irrelevant. It does not matter whether there was a ton of grain or three kernels, whether this feed served as an attraction to migratory birds, or even how far the ''bait'' is from the hunting site.

This interpretation—if you were there, you are guilty—is fundamentally wrong. It violates one of our most basic constitutional protections that a person is innocent until proven guilty. As a result of strict liability, thousands of law-abiding citizens have stopped hunting migratory game birds because they do not want to risk being convicted of a Federal crime for shooting a snow goose or a duck over a pond that may contain a handful of corn. Sadly, there are Fish and Wildlife Service agents who believe that all hunters are criminals and that it is their duty to cite them, even when they know the hunter is unaware of any baiting problem.

In fact, we had testimony before my committee where a former agent of the U.S. Fish and Wildlife Service stated that, and I quote: ''Have I ever charged someone for hunting over bait that I truly believed they did not know the area was baited? And I would say yes. I have in my career. I have probably charged people for hunting over bait that truly did not know.''

I had hoped that the Fish and Wildlife Service would administratively fix its baiting regulations. I was anxious to see them try and on March 25th, for the first time in 25 years, the Service did issue a proposed rule containing some modifications. While the Service deserves credit for redefining certain terms and allowing greater State input into what constitutes a normal agricultural activity, I am deeply disappointed that they have chosen to retain the strict liability standard. This is a terrible mistake and a complete reversal of their earlier support for this change.

At our full committee markup, I offered an amendment that limited the scope of the bill to the two issues that can only be resolved through the legislative process. The first is to replace strict liability with the ''knows or reasonably should know'' legal standard. This is not a new or radical idea.

In fact, this standard was first articulated for migratory birds in 1978 in the Federal 5th Circuit Court's decision known as *United States* v. *Delahoussaye.* In this case, the Court found that:

> At a minimum, the bait must have been so situated that its presence could have been reasonably ascertained by a hunter wishing to check the area of his activity.

For the past 20 years, this standards has worked effectively in the States of Louisiana, Mississippi, and Texas where migratory birds are hunted in great numbers.

In fact, between 1984 and 1997, the U.S. Fish and Wildlife Service issued 2,318 citations in these three States using the ''known or should have known'' legal standard. The Service obtained guilty pleas or payments of fines in 2,042 cases, which is a conviction rate of over 88 percent.

As these statistics clearly show, the *Delahoussaye* decision has been effectively used to protect migratory birds. No migratory bird population has been put at risk, there have been numerous convictions and it is, therefore, not surprising that the Service has never attempted to overturn or challenge the *Delahoussaye* decision.

While this legislation will allow a person to offer a defense in their baiting case, if the preponderance of evidence so demonstrates, a defendant will be found guilty. This standard is far less stringent than the ''beyond a reasonable doubt'' which is used in all other criminal cases.

I received a letter from the Chief Law Enforcement Officer for the Illinois Department of Natural Resources that states:

> Some opponents of your bill object on the basis that law enforcement officers will have to work harder to make good baiting cases. In my opinion, in a free society like ours, ease of enforcement should not be a standard that is applied when evaluating a law. Rather, we should seek to enact common sense laws that treat sportsmen fairly and protect our precious natural resources first and foremost. I believe your amended bill meets all of these criteria.

The elimination of strict liability under the Migratory Bird Treaty Act is strongly supported by a diverse group of conservation organizations including the California Waterfowl Association, the Grant National Waterfowl Association, the International Association of Fish and Wildlife Agencies, the National Rifle Association, Safari Club International, and the Wildlife Legislative Fund of America. In addition, it was supported by the Fish and Wildlife Service's Ad Hoc Committee on Baiting that included representatives from each of the Flyway Councils, Ducks Unlimited, National Wildlife Federation, and the Wildlife Management Institute.

My bill also improves current law by making it unlawful to place or direct the placement of bait. This will allow the Service to cite those commercial operators who intentionally bait a field without the knowledge of the hunter.

Mr. Chairman, if you believe that every American is innocent until proven guilty and that a person should be entitled to offer evidence in their defense, then you should vote for this legislation. It is the right thing to do and the ''knows or reasonably should know'' legal standard will be effectively applied throughout this nation.

There is no rationale, justification or defense for the strict liability doctrine for migratory birds. I urge an ''aye'' vote on H.R. 2863.

Mr. TANNER. Mr. Chairman, H.R. 2863 is about common sense and basic fairness.

It would replace the ''strict liability'' standard with the ''knew or should have known'' standard that is being enforced in the Fifth Circuit, which includes Mississippi, Louisiana, and Texas.

What it means is that anyone cited for an alleged baiting violation can put on a defense and present evidence to a judge in their case of alleged baiting violations. Both the Fifth Circuit and Fourth Circuit have both agreed this is not presently an option under the ''strict liability'' requirement.

Further, the bill clearly makes it unlawful for anyone who places or directs the placement of bait on or adjacent to an area where hunting for migratory game birds takes place.

That's just plain common sense to ensure that those involved in these cases have the same rights that are available throughout our system of justice. It also continues to recognize the stewardship responsibilities hunters share relative to the conservation of migratory game bird species.

Indeed, enforcement over the past decade in those states with the ''knew or should have known'' standard has been at least as successful as in those states where ''strict liability'' is the threshold. Nearly 90 percent of baiting cases prosecuted in Mississippi, Texas, and Louisiana during the 11-year period ending in 1996–97 resulted in convictions and fines.

This legislative solution is needed because while the Service has proposed other regulatory changes to existing baiting regulations and recognized as we have that some of those regulations need to be examined particularly in light of recommendations made by the International Association of Fish and Wildlife Agencies' Ad Hoc Committee on Baiting, it expressly omitted the ''strict liability'' issue saying in the Federal Register that ''no changes are proposed in the application of the strict liability to migratory game bird baiting regulations.

No one here today is advocating with this bill that season lengths and bag limits should be changed except by those in the Office of Migratory Bird Management working with their counterparts in state fish and wildlife agencies and input from the public. If someone illegally baited a field they should be punished, but they should also have the opportunity to present a defense when they go before a judge.

Indeed, the Law Enforcement Advisory Commission created by the Service in 1990 described the rules governing baiting as both ''confusing'' and ''too complex.''

This common sense change has been recommended by the International's Ad Hoc Committee on Baiting, whose members include:

Representatives of all four Flyway Councils, the Illinois Department of Natural Resources, the Tennessee Wildlife Resources Agency, the Alabama Game and Fish Division, the North American Wildlife Enforcement Officers Association, Ducks Unlimited, the National Wildlife Federation, the Wildlife Legislative Fund of America, and the Wildlife Management Institute.

The goal of this bill coupled with issues raised by the Service's regulatory proposal are aimed at addressing the very real concerns about fairness and confusion that many have raised over the past 10 to 15 years.

My colleague Representative GEORGE MILLER, who has done a little hunting himself, spoke articulately in support of the bill when it was marked-up and unanimously approved by the Resources Committee by voice vote. I was disappointed that he saw fit to change his mind, but that is certainly his prerogative.

You know, hunters provide more money for wildlife conservation than virtually any other single group and they deserve the same fairness we all expect as citizens when it comes to alleged violations of the law. It should be noted that hunters were and are among the strongest advocates of the implementation of these rules to prohibit baiting to attract migratory game bird species.

With that Mr. Chairman, I want to encourage my colleagues to support this common sense appeal to basic fairness. Vote for H.R. 2863.

MR. SAXTON. Madam Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the committee amendment in the nature of a substitute printed in the bill is considered as an original bill for the purpose of amendment under the 5-minute rule and is considered read.

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

H.R. 2863

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Migratory Bird Treaty Reform Act of 1998''.

SEC. 2. ELIMINATING STRICT LIABILITY FOR BAITING.

Section 3 of the Migratory Bird Treaty Act (16 U.S.C. 704) is amended—

(1) by inserting ''(a)'' after ''SEC. 3.''; and

(2) by adding at the end the following:

''(b) It shall be unlawful for any person to—

''(1) take any migratory game bird by the aid of baiting, or on or over any baited area, if the person knows or reasonably should know that the area is a baited area; or

''(2) place or direct the placement of bait on or adjacent to an area for the purpose of causing, inducing, or allowing any person to take or attempt to take any migratory game bird by the aid of baiting on or over the baited area.''.

The CHAIRMAN. During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

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

Are there any amendments?

If not, the question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. DIAZ-BALART) having assumed the chair, Mrs. EMERSON, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2863) to amend the Migratory Bird Treaty Act to clarify restrictions under that Act on baiting, to facilitate acquisition of migratory bird habitat, and for other purposes, pursuant to House Resolution 521, she reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

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

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

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 322, nays 90, not voting 22, as follows:

[Roll No. 420]

YEAS—322

Ackerman
Aderholt
Allen
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Bilbray
Bilirakis
Bishop
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Borski
Boswell
Boucher
Boyd
Brady (TX)
Brown (CA)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Capps
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clement
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeFazio
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Edwards
Ehlers
Ehrlich
Emerson
English
Ensign
Etheridge
Everett
Ewing
Fawell
Fazio
Foley
Forbes
Fossella
Fowler
Fox
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jefferson
Jenkins
John
Johnson (WI)
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaHood
Lampson
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lucas
Luther
Manton
Manzullo
Mascara
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
Menendez
Metcalf
Mica
Miller (FL)
Minge
Mink
Mollohan
Moran (KS)
Murtha
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Obey
Ortiz
Oxley
Packard
Pappas
Parker
Pastor
Paul
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Redmond
Regula
Reyes
Riggs
Riley
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Scott
Sensenbrenner
Sessions
Shaw
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Traficant
Turner
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wise
Wolf
Young (FL)

NAYS—90

Abercrombie
Andrews
Barrett (WI)
Becerra
Berman
Blagojevich
Blumenauer
Bonior
Brady (PA)
Brown (FL)
Brown (OH)
Campbell
Cardin
Clay
Clayton
Clyburn
Davis (IL)
DeGette
Delahunt
DeLauro
Dixon
Eshoo
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Gutierrez
Hastings (FL)
Hinchey
Jackson (IL)
Jackson-Lee (TX)
Johnson (CT)
Johnson, E. B.
Kennedy (RI)
Kildee
Kucinich
LaFalce
Lantos
Lee
Lewis (GA)
Lofgren
Lowey
Maloney (CT)
Maloney (NY)
Markey
Martinez
Matsui
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Millender-McDonald
Miller (CA)
Moran (VA)
Nadler
Neal
Oberstar
Olver
Owens
Pallone
Pascrell
Payne
Pelosi
Rivers
Rothman
Roybal-Allard
Sabo
Serrano
Shays
Sherman
Slaughter
Stark
Tauscher
Tierney
Torres
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Weygand
Woolsey
Wynn
Yates

NOT VOTING—22

Barcia
Berry
Dunn
Engel
Furse
Gonzalez
Hefner
Kennedy (MA)
Kennelly
McDade
Moakley
Morella
Paxon
Poshard
Pryce (OH)
Rush
Schumer
Shadegg
Stokes
Tauzin
Towns
Young (AK)

□ 1117

Messrs. PASCRELL, SERRANO, ANDREWS, HASTINGS of Florida, SHAYS, MEEHAN, MATSUI, and Ms. DEGETTE changed their vote from ''yea'' to ''nay.''

Mr. SCOTT and Ms. SANCHEZ changed their vote from ''nay'' to ''yea.''

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. BERRY. Mr. Speaker, on rollcall No. 420, I am unable to be present for voting as

I will be attending to official business in my congressional district.

Had I been present, I would have voted ''yes.''

PERSONAL EXPLANATION

Mr. CONYERS. Mr. Speaker, today on roll-call vote 420, I voted ''yes.'' I intended to vote ''no.''

GENERAL LEAVE

Mr. SAXTON. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H.R. 2863.

The SPEAKER pro tempore (Mrs. EMERSON). Is there objection to the request of the gentleman from New Jersey?

There was no objection.

GUADALUPE-HIDALGO TREATY LAND CLAIMS ACT OF 1998

Mr. HASTINGS of Washington. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 522, and I ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 522

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2538) to establish a Presidential commission to determine the validity of certain land claims arising out of the Treaty of Guadalupe-Hidalgo of 1848 involving the descendants of persons who were Mexican citizens at the time of the treaty. The first reading of the bill shall be dispensed with. Points of order against consideration of the bill for failure to comply with section 303(a) of the Congressional Budget Act of 1974 are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Resources. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Resources now printed in the bill, modified by striking the last two sentences of subsection (c) of section 6. Each section of that amendment in the nature of a substitute shall be considered as read. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII. Amendments so printed shall be considered as read. The Chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Washington (Mr. HASTINGS) is recognized for 1 hour.

Mr. HASTINGS of Washington. Madam Speaker, for purposes of debate only, I yield the customary 30 minutes to the distinguished gentlewoman from New York (Ms. SLAUGHTER), pending which I yield myself such time as I may consume.

Madam Speaker, during consideration of this resolution, all time yielded is for the purpose of debate only.

(Mr. HASTINGS of Washington asked and was given permission to revise and extend his remarks.)

Mr. HASTINGS of Washington. Madam Speaker, H. Res. 522 is an open rule providing 1 hour of general debate to be equally divided between the chairman and ranking minority member of the Committee on Resources.

The rule waives points of order against the consideration of the bill for failure to comply with section 303(a) of the Congressional Budget Act of 1974. The rule makes in order as an original bill for purposes of amendment the amendment in the nature of a substitute recommended by the Committee on Resources now printed in the bill, as modified, and considered as read.

The rule further permits the Chair to accord priority in recognition to Members who have preprinted their amendments in the CONGRESSIONAL RECORD and considers them as read.

In addition, the rule allows the Chair to postpone recorded votes and reduce to 5 minutes the minimum time for electronic voting on any postponed votes, provided voting time on the first in a series of questions shall be not less than 5 minutes.

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

Madam Speaker, H.R. 2538 establishes the Guadalupe-Hidalgo Treaty Land Claims Commission to review petitions from eligible descendants regarding the validity of certain land claims in New Mexico arising from the Treaty of Guadalupe-Hidalgo of 1848.

In order to be eligible for consideration under this act, petitions by eligible descendants must be filed within 5 years of the bill's enactment.

This legislation was reported by the Committee on Resources by voice vote on May 20, 1998. The Congressional Budget Office estimates that implementing the bill will cost approximately $1 million per year over the fiscal year 1999–2003 period. The bill may affect direct spending, so pay-as-you-go procedures will apply. However, CBO estimates that any such effects will total less than $500,000 per year.

Madam Speaker, this legislation is sponsored by our colleague the gentleman from New Mexico (Mr. REDMOND) representative and was originally introduced by our former colleague, the Honorable Bill Richardson. It is strongly supported by the New Mexico delegation and, accordingly, I encourage my colleagues to support both the rule and H.R. 2538.

Madam Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Madam Speaker, I yield myself such time as I may consume.

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

Ms. SLAUGHTER. Madam Speaker, I thank the gentleman from Washington (Mr. HASTINGS) for yielding me the customary 30 minutes.

Madam Speaker, I rise in support of this open rule and urge my colleagues to support it so that all potential improvements to this legislation may be considered.

The underlying bill establishes a presidential commission to make recommendations to resolve land claims in New Mexico by descendants of people who were Mexican citizens when the treaty ending the Mexican-American War was signed in 1848.

The bill also authorizes the establishment of a research center to assist the commission and authorizes $1 million annually in fiscal year 1999 through fiscal year 2007 for the purpose of carrying out the activities of the commission and the center.

Opponents of the bill argue that it contains numerous flaws and fails to deal with the substantive questions raised by the land claims and opens the door to numerous future land claims. The bill fails to specify exactly which lands in New Mexico are eligible for consideration, since portions of New Mexico were acquired in the Louisiana Purchase, the annexation of Texas, as well as the Treaty of Guadalupe-Hidalgo.

Furthermore, the treaty covered all or parts of several other Western States. Thus, the bill also opens the door to numerous potential land claims down the road in all of these other States.

The bill contains no legal standards or rules of evidence by which the commission is to judge any claim that is brought forth. As a quasi-judicial body, there are potential conflicts of interest in having eligible descendants serving as members of the commission, and with the commission being able to accept gifts, especially from those who may benefit from the commission's decisions.

Finally, the bill neglects existing legal precedent. Since the ratification of the Treaty of Guadalupe-Hidalgo in 1848, more than 200 Federal, State, and district court decisions have interpreted the treaty, with the Supreme Court deciding almost half the major cases. Several laws also were enacted in the 19th century to address such claims.

In addition, there have been subsequent agreements with Mexico that have addressed treaty claims. This bill ignores this body of law and legal decisions and reopens land grants to commission review.

Nevertheless, Madam Speaker, I will support this open rule to allow the full debate of the legislation.

Madam Speaker, I reserve the balance of my time.

Mr. HASTINGS of Washington. Madam Speaker, I yield 2 minutes to the gentleman from Texas (Mr. BONILLA).

Mr. BONILLA. Madam Speaker, I thank the gentleman from Washington (Mr. HASTINGS) for yielding.

Madam Speaker, I rise in support of the rule and in support of the Guadalupe-Hidalgo Treaty Land Claims Act. I want to commend my colleague the gentleman from New Mexico (Mr. REDMOND) for bringing this important matter to the attention of Congress. It is a remarkable accomplishment on his part, especially as a freshman Member of this body.

This bill rights a wrong, Madam Speaker. After annexing New Mexico from Mexico, our government failed to honor the commitments it made in the Treaty of 1848 to respect the property rights of landowners. Many Mexicans who became American citizens as a result of the treaty lost all right and title to much of their lands.

This bill takes the first step to right this wrong that was committed by the Government. It restores land the Federal Government had taken from individuals. This is a property rights issue in its most pure and simple form. Citizens should be compensated for property that is wrongfully taken from them.

The bill also protects the property rights of current landowners in New Mexico. Any compensation to affected parties will come from Federal lands.

This bill has been carefully crafted and will not allow for Federal land to be handed to any person who simply asks for it. The bill sets up a commission and any claims have to be presented to the commission and the legal claim must be proven. Then the commission will make recommendations to Congress for final consideration. The bill lays out a fair process for all claims to be heard.

This legislation represents what is best about America: fairness, equality, and opportunity. It seeks to right the wrongs of the past. It says the rule of law will prevail and prevail over us all equally.

I cannot count the number of times I have stood before my colleagues on the House floor and argued for property rights of landowners across this country. I stand here again in support of property rights and encourage my colleagues to do the same and support this important piece of legislation.

Once again, I want to commend my friend the gentleman from New Mexico (Mr. REDMOND) for working so diligently to ensure this bill is considered by Congress. He has worked every day since he has been elected to support this issue that is supported strongly by people in his congressional district and from areas that are outside his congressional district as well. It is very important to New Mexicans that we pass this rule and this bill, and I hope that the rest of my colleagues see fit to vote for the rule and for the bill.

□ 1130

Mr. HASTINGS of Washington. Madam Speaker, I yield two minutes to the gentleman from Iowa (Mr. GANSKE).

Mr. GANSKE. Madam Speaker, I rise in support of the open rule, but I rise in reluctant opposition to the legislation. I appreciate the hard work that my colleague from New Mexico has done on this bill, but I believe the bill creates a larger problem than it solves.

The Treaty of Guadalupe-Hidalgo between the United States and the Republic of Mexico was signed in 1848. Since then, over 150 years ago, more than 200 Federal and state decisions have interpreted the treaty. Even the highest court in the land, the U.S. Supreme Court, has had the opportunity to review multiple land claims related to the treaty. In fact, the large number of claims in new Mexico arising from the treaty led to the establishment of a court of private land claims in 1891. This bill disregards 150 years of case law history and empowers a quasi-judicial commission to revisit all land claims arising from the treaty, even if our own judicial system has thoroughly reviewed and adjudicated the claim.

What sort of precedent would this be setting? Maybe we should expand the commission's scope so that all land claims arising out of any treaty can be reopened by the commission. Should we, for example, provide an avenue for disgruntled Americans who feel the Louisiana Purchase violated their ancestors' rights? Where is the logical stopping point?

For Congress to best serve the potential claimants, we must demand those empowered to determine the merit of land claims utilize the tools already developed within the judicial branch.

For these reasons, I urge my colleagues to oppose this legislation.

Mr. HASTINGS of Washington. Madam Speaker, I yield two minutes to the gentleman from California (Mr. BILBRAY).

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

Mr. BILBRAY. Madam Speaker, I think that we have got to remember that the United States signed a treaty with the people of Mexico. This treaty specifically required that Mexican nationals who are in the territory to be annexed by the United States make a decision, a decision to either pack up and go to Mexico and retain their Mexican citizenship and to abandon their property in the U.S., or to stay in the United States and, as the treaty states, take on the embodiment of the people of the United States, take on the obligations of the culture and the citizenship of the United States.

With that responsibility, to take on the obligations of citizens of United States, came the rights that were vested by all American citizens, either born or nationalized or converted through the Treaty of Guadalupe-Hidalgo.

We are talking about the fact that we need to address the fact that with the responsibilities that the Treaty of Guadalupe-Hidalgo required these Mexican nationals to take on came the rights of American citizens, the right to be able to have property rights, to be able to have due process.

Let us be very frank about that: It was a very, very tough time to try to figure out how a nation could absorb such a huge area as the Mexican cessation. And let us be frank about that; justice and property rights were violated again and again, as it does in any country.

We are not immune from those problems. I would just ask that we support the gentleman from New Mexico's bill, but let us support this rule, let us address it and debate it, but also talk about the fact that with the responsibilities of citizenship comes the rights of property protection. Those rights were not always guaranteed, and need to be addressed.

This is a chance for this Congress to revisit this issue, to address it, and then to be able to say is it or is it not appropriate that we move on from now on. I think, Madam Speaker, this is an issue of property rights, but it is also an issue of human rights. If we expect those nationals and their ancestors to bear the responsibilities of citizenship, they should have the rights.

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

Mr. HASTINGS of Washington. Madam Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. HASTINGS of Washington). Pursuant to House Resolution 522 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2538.

□ 1136

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole

House on the State of the Union for the consideration of the bill (H.R. 2538) to establish a Presidential commission to determine the validity of certain land claims arising out of the Treaty of Guadalupe-Hidalgo of 1848 involving the descendants of persons who were Mexican citizens at the time of the Treaty, with Mrs. EMERSON in the chair.

The Clerk read the title of the bill.

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

Under the rule, the gentleman from Utah (Mr. HANSEN) and the gentleman from California (Mr. MILLER) each will control 30 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN)

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

Madam Chairman, H.R. 2538, introduced by the gentleman from New Mexico (Mr. REDMOND), would establish a commission to examine the validity of certain land grants in New Mexico arising under the Treaty of Guadalupe-Hidalgo.

H.R. 2538 is a very important piece of legislation. We have ample evidence that the United States has failed in its obligation to defend the property rights of a group of people in the State of New Mexico, yet the U.S. Government has ignored this grave injustice for over 150 years.

Hispanic descendants have been fighting for over 150 years to get the Federal Government to look into that matter, to get someone to bring this matter before Congress. Well, it has finally happened. Since he was elected last year, the gentleman from New Mexico (Mr. REDMOND) has worked tirelessly to restore the property rights to these people from New Mexico and to bring this matter to everyone's attention. So before I explain H.R. 2538, I would just like to commend the gentleman from New Mexico (Mr. REDMOND) for working so hard to finally bring this important matter to the floor of the United States Congress.

Madam Chairman, in 1848 the United States signed the Treaty of Guadalupe-Hidalgo with Mexico. Under this treaty, Mexico sold the United States the lands that now compromise California, Nevada, Utah, Arizona, New Mexico and parts of Colorado and Wyoming. At that time there were several communities of Mexican citizens living in what is now the State of New Mexico who were living on community land grants given to them by the King of Spain. The Treaty of Guadalupe-Hidalgo contained a provision that guaranteed that the United States would respect these people's property rights. Yet, over the next few years, this section of the treaty was totally ignored. Ultimately, most of these lands ended up in the hands of the Federal Government, the same government that signed the treaty and guaranteed the protection of these property rights.

H.R. 2538 would establish a five member commission to examine the validity of petition community land grant claims filed by eligible descendants. Once the commission finishes its research, it will submit its finding to the President and to Congress. Congress will then decide how to proceed.

I want to emphasize, this is only a commission. The only power this commission would have would be to look into the validity of these community land grant claims and then to make recommendations to the Congress. These recommendations would be nonbinding and would have no legal effect, unless Congress decides to act on them in subsequent legislation.

Madam Chairman, as I have said, H.R. 2538 is very important. There is substantial evidence that these people have been deprived of property rights that are by treaty rightfully theirs. We have an obligation to look into that matter. I think the provisions of this legislation are the best way to do this. I urge my colleagues to support H.R. 2538.

Madam Chairman, I reserve the balance of my time.

Mr. MILLER of California. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman I rise in strong opposition to H.R. 2538. This poorly-drafted piece of legislation does a disservice to the important issues involved here. This bill is also a very controversial measure which the administration strongly opposes.

No one can tell us how many potential land grants or claims there may be or what Federal, state or private lands would be affected by this bill. The Treaty of Guadalupe-Hidalgo covered all parts of present day California, Texas, New Mexico, Arizona, Colorado, Nevada, Wyoming and Utah. We are creating here a new standard for the consideration of treaty claims in every one of those states. Although this legislation is limited to New Mexico, clearly the standard here has potential to be exercised with respect to those states, and it is a very poor standard and could proliferate and affect current land ownership in every one of those states.

H.R. 2538 contains no legal standard or rules of evidence for the commission to apply. We have no idea as to the quality or the amount of evidence available in support of or to disprove these claims. This Congress certainly should be sensitive to the very real concerns about the conflict of interest involving who would serve on the commission charged with reviewing the claims. Should this quasi-judicial body include eligible descendants who might have issues before the commission? Should a commission charged with considering such sensitive and potentially inflammatory issues be allowed to receive gifts, especially from those who may benefit from the commission's decisions?

While the rule for H.R. 2538 includes a self-executing amendment to strike the provision on the taxability of gifts to the commission, this correction fails to address the underlying problems of such gifts and potential conflicts of interest and the beneficiaries of the rulings of the commission that those gifts raise.

Members should be aware that this bill deals not only with claims involving the Federal Government, but also claims involving actions of private parties and claims involving actions of a private party and a local government. This opens up the Federal Government to potentially hundreds of millions of dollars in liability for actions that we were never a part of. We were never a party to these actions, and yet this legislation is asking us to open up the Federal Treasury to those actions.

Why does this bill permit claims against Federal forest and other Federal assets to compensate for actions taken by state and local government or private parties? If state and local governments took actions which prejudice these individuals, which put these people at a disadvantage, then state and local governments ought to compensate these people, not the Federal Government. If private parties did this, then private parties ought to compensate these people, not the Federal Government.

We are Uncle Sam, we are not Uncle Sucker, and this legislation suggests that we are the latter.

This bill represents a very serious challenge to private property rights, which I find surprising coming from those who frequently assert the primacy of such rights when dealing with other legislation. In committee we attempted to limit the applicability of this act to public lands, but the majority defeated that amendment. So, under this bill, claims can be made against lands that are in private ownership, that have been in private ownership for generations. If claims against privately-held lands is upheld, once again the Federal Government is called upon to parcel out public resources to compensate the claimant, even though the Federal Government does not own the disputed land and may not have been involved in all of the actions that deprived the claimants' ancestors of the land.

So, once again, in a dispute between two private individuals, the remedy here is to reach your hand into the Federal treasury, into the taxpayers' pocket, and suggest that we compensate those individuals, even though we were not involved in those proceedings.

For those who do not think this bill will affect private property, I suggest you look again. Allowing land claim petitions to include private lands will cloud the title of those private properties. What will be the response of a title insurance company or a lending institution to private land that the commission has under review?

□ 1145

Who suggests for a moment that that property right is going to be insured or

the transfer of that land can take place or that money can be borrowed on that, given whatever the needs are of the owners of those lands?

Title insurance, lending institutions, insist upon clear title. Once the commission has made a determination that there is potentially a valid claim, that claim can languish for many years and that property owner can be prejudiced during that entire process awaiting the determination of Congress.

Let me say this, that these treaty claims are not new. There have been more than 200 court decisions involving the treaty, with the U.S. Supreme Court having decided almost half of the major cases. Nor has the Congress ignored the issue. In fact, Congress has dealt with these claims on several occasions, including passage of the 1891 Act that established the Court of Private Land Claims to deal specifically with land claims in New Mexico. As a result of these laws, 504 claims were confirmed by the Congress while hundreds of spurious, forged, antedated claims were dismissed.

H.R. 2538 ignores this body of law, ignores these legal decisions, ignores the determinations of the Congress and reopens hundreds of these claims, hundreds of these claims, to new review by this commission.

Madam Chairman, the interest of the public and many private parties, including any potential claimants, have been poorly served by this legislation. This is a politically inspired piece of legislation that is far from expediting the judicious review of legitimate claims. It will provoke a division and bias because the bill is so poorly drafted.

H.R. 2538 represents a threat to private property, contains unwarranted conflicts of interest provisions, will cost the Federal taxpayers potentially hundreds of millions, if not billions, of dollars for actions that were taken by others, including State and local officials.

Lastly, let me remind every Member that this legislation initially was written not to cover just New Mexico but also California, Texas, Arizona, Colorado, Nevada, Wyoming and Utah. If this flawed legislation is enacted, you can bet that the House will be called upon to pass similar legislation in these other States affecting millions of our constituents and raising justifiable concerns about their property rights and holdings.

So this is not a free vote. It is a precedent that will come back to haunt us and to haunt our constituents and to haunt the Federal Treasury. So I urge that the House reject this piece of legislation.

Finally, let me say this, that there is nothing that prevents people from filing these claims, from filing these claims against properties, and then simply waiting around for a financial settlement, because what you have done is you have impeded a person's ability to freely transfer their private property, to freely mortgage their private property, to pass it on to their heirs, to use it how they will, and then you simply wait for a financial settlement.

There is no shortage of people, as we have seen in every one of these efforts, there is no shortage of people that make that decision that this is just a matter of raising enough obstructions, filing enough lawsuits, and the minute there is success here, if in fact there is success, then we will move on to these other States and we will be called upon to set up similar commissions and make the Federal taxpayers and the Federal Treasury a party to proceedings, to perhaps injustices, that they were never a part to.

This is a Federal remedy for an action that the Federal Government was not involved in. I think we are about to repeat a very sad history and we are about to do a serious injustice to Federal taxpayers and a serious injustice to many private landowners that have believed, and properly so, that the title to their land was settled many, many generations ago. They once again now are all going to be exposed to this legal problem.

You will not be able to answer this by walking in and just putting down your claim and saying, this is my property, it was my father's property, my grandmother's property and so forth. You will have to go out, get yourself an attorney, start that process, and a lot of people are going to find themselves in a position of jeopardy through no fault of their own, through no fault of the Federal Government, through no fault of their ancestors, but they will simply have to remove that cloud from their property. I do not think that is an action that this Federal Government ought to sanction.

Madam Chairman, I reserve the balance of my time.

Mr. HANSEN. Madam Chairman, I yield 3 minutes to the gentleman from Florida (Mr. DIAZ-BALART).

Mr. DIAZ-BALART. Madam Chairman, I thank the gentleman for yielding time.

Madam Chairman, I have been very impressed, since the gentleman from New Mexico (Mr. REDMOND) arrived in this chamber, with his extraordinary perseverance and leadership on the issue of redress for what is, yes, a historic injustice but it is nevertheless an injustice.

One of the characteristics that I think speak very highly of the people of the United States of America is that Americans redress and rectify injustice, even when it is historic, and even when it is an injustice of generations ago. It is without doubt, it can be without doubt, that at the end of the war between the United States and Mexico, many of the rights that were given by the Treaty of Guadalupe-Hidalgo to the citizens who were previously Mexican citizens and then became American citizens, many of the rights that were given to them under that treaty were not complied with.

What the gentleman from New Mexico (Mr. REDMOND) is seeking to do in this historic legislation is not to give the Commission that this legislation is creating any judicial powers, but it is authorizing this commission to review and make recommendations to Congress with regard to precisely any historic injustices that have not been redressed and have not been remedied.

So I think we owe a debt of gratitude to this representative, the gentleman from New Mexico (Mr. REDMOND), who so courageously and with great leadership is bringing this matter to the floor. I commend him again.

This is an extremely important matter, Madam Chairman. The reality of the matter is that these citizens, these citizens who became Americans virtually overnight, many of them at the time, nearly 80,000, their rights were not always protected. And it is many of the descendents of those citizens who have long maintained that the United States did not fulfill the obligations under the treaty and that the Mexicans who became American citizens lost their rights and their titles to much of their property.

That is why an analysis of this situation, a thorough study has to be done. That is why this commission is an important idea, and that is why the gentleman from New Mexico (Mr. REDMOND) has to be congratulated and supported for his leadership, and we must all support this legislation today.

Mr. MILLER of California. Madam Chairman, I yield such time as he may consume to the gentleman from Minnesota (Mr. VENTO).

Mr. VENTO. Madam Chairman, I rise in opposition to this measure. It was stated on the floor that this issue has gone unresolved for 150 years, and in fact, of course, I think most of us recognize in the Mexican-American War that occurred in the middle of the last century that there was an issue here of equity and land claims that did persist after that conflict. But the fact is that in a letter from the Department of State, they point out, and did point out to the committee, that there had been a 1941 settlement between Mexico and the United States, and I would just quote from it:

> The United States of America and the United Mexican States reciprocally cancel, renounce and hereby declare satisfied all claims of whatever nature of nationals of each country against the government of the other which arose prior to the date of the signing of this convention, whether or not filed, or formally or informally presented to either of the two governments.

So the implication that this has not been addressed is not taking into consideration the fact that there has been this settlement based on the initial treaty.

There have been numerous questions raised with regard to this. Some of these claims would be as much as 150 years old. The fact is that this legislation before us that charges this responsibility to I believe a 5-member commission has no legal standards that

they need follow, rules of evidence for the commission to apply to the decisionmaking, rights to be afforded to third parties whose property rights might be affected, and finally, no judicial review of the court's decisions.

Now, some have suggested that this is only a study. The Commission is not only doing a study. We are giving them various types of subpoena power, various authorities and status. It does not take much of an understanding of law to recognize that once these findings are made, that they are going to establish legal clouded title over many lands in New Mexico. I think that once we do that, we set that up as a legal point, a point of argument that will be made and indeed will cloud title of public and private property in New Mexico and the other seven States.

I can speak of that particular problem, because it has occurred with regards to Native American lands in my own State of Minnesota. We had to pass legislation to try and rectify that after it occurred. That is exactly what this legislation does.

Now, of course, this legislation and the treaty apply to California, Texas, New Mexico, Arizona, Colorado, Nevada, Wyoming, and Utah. The legislation before us suggests only that it applies to New Mexico. Well, is there any doubt that what we are establishing here as standards will become precedent once this commission makes its findings? Are we going to deny the same sort of treatment to land claims that might arise in Texas or in other States? I mean we are setting and establishing standards.

The fact is that this is a flawed, a very flawed measure in terms of resolving this issue. If Congress has this interest and want to resolve this matter, then rather than delegating this to a commission, we ought to bring these matters to the Congress in terms of oversight and find greater substance to these matters before we send such long-term problem to a commission.

In terms of a sense of a solution, this is flawed and should not be acted on. Obviously the State Department has voiced concerns about it. There should be concerns because of the clouded titles that this would create, the precedent that it sets up, and a variety of other problems that arise with regards to this legislation. That there are feelings and concerns about what happened to various land claims that grew out of the Mexican-American War, there can be no doubt. But there has been an effort, an effort 57 years ago, to resolve that problem which is being resurrected in 1998 without any clear policy path that is established as to how this will be resolved in the end, as to what the obligation is and whose obligation.

This could expose the United States, at the very least, to exchanging lands, to greater uncertainty, and certainly to hundreds of millions, if not billions of dollars of liability that would grow out of a flawed system, a commission-type of system with judicial-types of significant powers to use the mail to do a variety of things that can, in fact, and would, in fact, be presented to Congress as a predicate for action.

I just think that this is the wrong way to go at this point. I think this needs a lot more study and review by the committee rather than the brief hearings that they have had, and then the perfunctory consideration on the floor here today when it has been put ahead of another bill which most of us thought was going to be considered first.

I think the bill deserves to be rejected. I will not offer the amendments on property rights and other amendments that were offered in committee today. I just do not think it is possible to improve this bill. The predicate for it is wrong. This is not the way to go. The Members ought to reject this. It will expose, and many in these States apparently have little regard for the Federal lands that might be in those States that would be used. I just think it is a very disruptive process. I think it could invite the same sort of precedent with regards to Native American issues, and certainly with regards to these other States that are excluded from this, and that we should really think twice before we vote on this.

Madam Chairman, this deserves to be defeated and brought back up and considered in a more deliberate manner.

□ 1200

Mr. HANSEN. Madam Chairman, I am proud to yield 2 minutes to my friend, the gentleman from California (Mr. BILBRAY).

Mr. BILBRAY. Madam Chairman, I thank the gentleman for yielding time to me.

Madam Chairman, the Treaty of Guadalupe-Hidalgo was not just a treaty between two nations, it was a treaty between the United States and individuals that we required to make a choice within a year either to be Mexican citizens or U.S. citizens.

In that contract that we signed called the Treaty of Guadalupe-Hidalgo, we said there were going to be certain rights that the Federal Government would uphold. One of those rights was the right to be able to retain their property based on appropriate deed evidence.

The trouble is, Madam Chairman, the fact is that there were a whole lot of false documents written up. Deeding was made right and left by the Mexican Governors while the U.S. occupational forces were coming on. Sadly about this, those who had a paper in their hand to be able to claim rights were usually those who had just gotten a deed from their buddy who happened to be the Governor, but those who were families like the family who owned Rancho at the Point had been there, the oldest ranch in one part of this territory, that had totally been forgotten because they did not have a deed because their father and grandfather had owned this property. They did not hold the deed, to have a piece of paper.

The fact is, as so often, in the process those who had been the scallywags, they had deeds given to them, technically illegally by a Governor in the last minutes of the retention of the Mexican government; they were given deeds, while those who had been long-term owners did not have that piece of paper that the American courts recognize. So those deeds and that evidence was not in hand by the descendants at that time.

Let me remind Members, this contract is not just those who owned property at that time. It states, ''* * * and with their heirs.'' And with their heirs, it is the fact that at that time they did not have a piece of paper. Today we have the ability to go into Seville, to go into Madrid, and find the original documents of deed that were not available historically in many ways. In fact, there are many historical documents we are just discovering now in the Mexican archives, or in the Spanish archives.

The fact is, there was another negative, Madam Chair. Many grants were not recognized strictly because they were along the frontier with Mexico, and there was a concern about what was perceived as a Mexican threat, that deeds were not granted Mexican or ex-Mexican citizens because of the proximity to the border. We need to rectify that. I support the bill.

Mr. MILLER of California. Madam Chairman, I yield such time as he may consume to the gentleman from Minnesota (Mr. VENTO).

Mr. VENTO. Madam Chairman, if the gentleman would continue to yield, I would just point out that if this is such an important bill that needs to be rectified, why are seven of the eight States that are affected being excluded from this particular bill?

This commission is going to be set up for 10 years, it is going to get $1 million a year and then it is going to make the recommendations to Congress. I think the idea is that we intend to place some credence in what it is doing. Yet, the procedures that are followed are flawed. The concept only addresses itself to one State.

The gentleman from California (Mr. BILBRAY) rose to talk about the injustices that are occurring here, but apparently they are only important as they apply to the treaty areas in New Mexico, not to Arizona, not to California, not to Texas, not to the other five states.

I understand there is some concern about it, but if we set up a procedure that is flawed, if we set up a commission with all sorts of dollars and with no procedure, well, can we trust, and it is it really a leap of faith in terms of saying this commission is going to provide the answer? There is no provision for conflict of interest for the members that belong to the commission, or would be appointed to it. That could very well be the case. I just think we have a bill that needs a lot more work.

Mr. MILLER of California. Madam Chairman, will the gentleman yield?

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

Mr. MILLER of California. Madam Chairman, it is interesting, because we set up a commission that is going to make these judgments. It is no skin off their tail, because all they are doing is handing out public lands and Federal assets to solve what they perceive to be a problem.

So whether or not the claim is valid or just or what have you, it really does not matter to them because it is not coming out of their pocket. They are just coming, and if private parties injured one another or local governments injured one another, if the commission finds that to be the case, they just hand out a Federal remedy. They hand out Federal assets. It is an incredible process. This is like if the gentleman from Utah (Mr. HANSEN) and I get into a fight, and whichever one of us loses, we pay them by dipping into your pocket. It does not make any sense. You were not a party to the fight.

I can understand if people want to limit this to where the Federal Government was a party to the situation here, but that is not what this bill does. This bill makes the Federal Government liable for the actions of a lot of other people and entities that the Federal Government was not a party to.

It is just incredible that we would allow people to go around and make a raid on the Treasury of the United States based upon actions that the Federal Government was not a party to. I thank the gentleman for raising that.

Mr. VENTO. Madam Chairman, we are giving this commission the dollars and I do not think the proper guidance. It is actually seven out of eight States that are not included in this, only the State of New Mexico is the focus. This is a 10-year commission we are setting up.

Fundamentally, this is $10 million in new spending. There are no additional dollars here being recognized that this is going to cost the State Department, this is going to cost the land management agencies, in order to try and deal with this. This is just the tip of the iceberg, the $10 million that is placed in this bill that is authorized by this bill. We can double or triple that particular amount, and we are basing it on a flawed supposition in terms of the charge we are giving to this particular commission.

Also, we are only dealing with one State, so we can probably multiply that number by eight or ten times in terms of the commissions that are going to have to be established based on this bill. We are looking at a bill that is going to cost hundreds of millions of dollars, just in terms of the judicial process, no doubt about that and that will just be for attorneys and legal redtape.

One of the ways to cut through this is by dealing with the clouded titles, but we do not have that solution. I think that proposition ought to be before the committee, before the Committee on Resources, before other committees of this body, not delegated to a commission that Congress will have little or no control over in the final analysis. These may be appointed by Clinton, they may be appointed by subsequent executives. We have little control over this type of commission in terms of what happens and what they might report. We do not even deal with the conflict of interest issues with regard to these individual Members that may have such conflicts of interest in some of these lands that affect themselves.

This is an invitation to problems. This bill, if it is such a wonderful bill, would apply to all eight of the States. They will not do that because they cannot, because the issue is the costs of this, the costs would be too wide, and the scope of the problem is too great. Why would this commission only be limited to New Mexico? I cannot understand that other than as a means of damage control.

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

Mr. HANSEN. Mr. Chairman, I am pleased to yield 2 minutes to the gentlewoman from New Mexico (Ms. HEATHER WILSON).

Ms. WILSON. Mr. Chairman, I think I can answer some of the questions put by my colleagues from California and Minnesota. The fact is that the reason that this applies to New Mexico is because the bulk, the vast bulk of these land grants are in New Mexico. That is where, for 150 years, there has been a simmering dispute and bad feeling among the citizens of the State of New Mexico about the taking of lands.

We are now celebrating this year the 400th anniversary of the settlement of the Southwest by Spain. It was only 250 years later that that part of what is now the United States became part of the United States. I believe that this bill is about justice, it is about saying to the people of the State of New Mexico that America keeps its promises, that we provide ways to redress grievances, and that we will consider the facts and the claims on the merits, and do what is right and what is just. It requires congressional action for any land to be transferred.

All this commission does is look at the facts, take the evidence, evidence which people from New Mexico, from my district and from my colleagues' districts, have been asking people to look at for over 100 years. That is fair and just, and I want to commend my colleague from northern New Mexico (Mr. REDMOND) for his persistence and diligence and determination to bring this bill to the floor of the House of Representatives.

Mr. MILLER of California. Mr. Chairman, I yield 6 minutes to the gentleman from American Samoa (Mr. FALEOMAVAEGA).

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

Mr. FALEOMAVAEGA. Mr. Chairman, I rise in opposition to H.R. 2583, a bill which establishes a presidential commission to make recommendations to resolve land claims in New Mexico, and quite possibly other States, by descendents of people who were Mexican citizens when the treaty ended the Mexican war. It was signed in 1848.

Mr. Chairman, H.R. 2538 sets up a presidential commission out of this Treaty of Guadalupe-Hidalgo, and obviously for the claimants and their supporters this is a matter of considerable interest. However, I believe we saw from our hearing that we held in the subcommittee this bill needs anything but a simple answer. There are many questions that need answering.

As we learned from the hearings that were held previously in the subcommittee, we do not know how many potential land grants or claims there may be. Since portions of New Mexico were acquired in the Louisiana Purchase, the annexation of Texas, and the Treaty of Guadalupe-Hidalgo, we do not know exactly what parts of the State are affected by this legislation.

Since, also, this bill deals solely with New Mexico, we do not know if there are claims in other States covered by the treaty. Further, the lands in question may include numerous tracts in private as well as public ownership, and may even include parts of some Indian pueblos or reservations.

Mr. Chairman, I have the greatest respect for the gentleman from New Mexico as the chief sponsor of this legislation, but given the fact that the administration does not support this legislation, the questions still abound concerning this piece of legislation. If we establish a commission for New Mexico, let us establish a commission for Texas, for Colorado, or other States that were formerly part of Mexico after this treaty was signed.

I believe there are still problems with this legislation, and we ought not to support it.

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

Mr. FALEOMAVAEGA. I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, this settlement of the treaty that is 57 years old I would just point out has never been successfully legally challenged in court. I am talking about the clouded titles that occurred with Native American lands, because there was a clouded title issue with regard to Native American lands. The courts found that. The courts did that. We came back.

The reason we did that, and I want the chairman of the subcommittee to listen to me, and others, is because we found that after the early 1900s, not 150 years back, just about 80 years back, we found all the money was going to be spent on attorneys in terms of subdividing these lands and the types of claims and processes that we have to go through. That is what the gentleman is funding here, they are funding that type of analysis.

I am sure there are inequities that have occurred, none that have successfully challenged the treaty. What the gentleman is setting in motion here is a situation where the attorneys and the various land management agencies are going to have to spend an extraordinary amount of money with regard to resolving this.

Instead of spending the money in terms of resolving the problem, if we discover there is a problem, it is going to be spending $1 million on this commission, and I would say an extraordinary amount of money just in establishing these, because the descendents from 150 years ago are going to be into the thousands today. They are going to be into the thousands of individuals that are going to be making claims in New Mexico and some of these other States. That is literally where we are spending the money.

As I said, there has never been a successful legal challenge for this, so what is the predicate for why we are doing this? There is none. There have been court cases after court cases that have tried to challenge this for the last 60 years and have not, but only the Congress can step in and screw things up this badly. That is why this bill ought to be defeated.

Mr. FALEOMAVAEGA. Mr. Chairman, the essence of my strongest reservation in opposition to this legislation is that given the fact that New Mexico is not the only State affected, and if we are going to set up a presidential commission for New Mexico, let us do it for other States that were part of Mexico when this treaty was signed in 1848.

The another concern I have is that the bill fails to specify which lands are eligible for consideration. There are no legal standards or rules of evidence by which the commission is to judge any claims presented. The members of the commission are not prohibited from accepting gifts, and the United States government could end up being involved in land claims between private parties.

While I am concerned also with any wrongs which may have been perpetuated by the United States government, these problems have been addressed many times in the past. I am not satisfied that this legislation could provide any new worthwhile information. At this time, Mr. Speaker, this bill would create expectations which I do not believe Congress has any intention of honestly considering.

Mr. VENTO. If the gentleman will yield further, I said there were a number of cases. Since 1948, more than 200 Federal, State, and district court cases occurred. There have been more than 200 Federal, State, and district court decisions that have interpreted the treaty. The U.S. Supreme Court has decided almost half of the major cases involving the treaty.

Several laws were enacted in the 19th century to address this, and of course we have talked about the treaty that was adopted some 57 years ago in the 1940s, so there have been 200.

I will place in the RECORD, Mr. Chairman, the letter from the State Department and this list of U.S. court cases interpreting the treaty. I would just point out, 200 court cases, and none of them have established this particular precedent that this Congress is apparently hellbent on establishing.

The material referred to is as follows:

U.S. DEPARTMENT OF STATE,
Washington, DC, May 4, 1998.

Hon. ENI F.H. FALEOMAVAEGA,
Subcommittee on National Parks and Public Lands, Committee on Resources, House of Representatives.

DEAR MR. FALEOMAVAEGA: I am writing in response to a letter of March 16, 1998 from Subcommittee Chairman James Hansen inviting a representative of the Department to testify at a hearing on H.R. 2538, the Guadalupe-Hidalgo Treaty Land Claims Act of 1997. We appreciate the Subcommittee's invitation and regret that Department officials were unable to attend the hearing. This letter provides the Department's views on H.R. 2538.

H.R. 2538 would create a Presidential commission to determine the validity of certain land claims of descendants of Mexican citizens. The claims in question assert that U.S. federal and/or state officials confiscated land from Mexican nationals or their descendants in violation of the 1848 Treaty of Guadalupe-Hidalgo.

The Department opposes H.R. 2538.

First, some or all of the claims at issue may already have been fully and finally settled as part of a 1941 Claims Settlement Agreement between the United States and Mexico. That agreement provides, with exceptions not relevant here, that

"The United States of America and the United Mexican States . . . reciprocally cancel, renounce, and hereby declare satisfied all claims, of whatever nature, of nationals of each country against the Government of the other, which arose prior to the date of the signing of this Convention, whether or not filed, formulated or presented, formally or informally, to either of the two Governments . . ."

This agreement discharged the United States of any liability it may have had with respect to any claims which arose prior to November 19, 1941 alleging infringement of the property of Mexican nationals referred to in the Treaty of Guadalupe-Hidalgo. To the extent that the claims at issue in H.R. 2538 were covered by the Claims Settlement Agreement, the United States has no further obligations to the claimants in question and further consideration of the claims by a commission is unnecessary.

Second, the age of the claims in question, some of which are as many as 150 years old, makes it unlikely that the amount and quality of available evidence will be sufficient to permit the commission rationally to determine the validity of individual claims. In particular, the bill does not specifically address legal standards or rules of evidence for the commission to apply to its decision making, rights to be afforded third parties whose property rights might be affected, or judicial review of the commission's decisions. Enactment, therefore, could exacerbate and renew land title disputes which have previously been adjudicated or which are barred by statutes of limitations. Such statutes of limitations are informed by important public policy concerns regarding finality and resource conservation.

Moreover, the Department is concerned that the creation of such a commission could result in a flood of requests from potential claimants seeking assistance in reconstructing claims over a century after they arose. The bill make no provision for the additional resources necessary to allow the Department of State and other affected agencies to meet the burden of responding to such inquiries.

In addition to the concerns stated above, federal land management agencies advise that H.R. 2538 could pose significant legal and practical problems, disrupt their land management activities, and profoundly affect public and private uses of federal lands, particularly environmentally sensitive and valuable resources. We defer to these agencies for their views on the bill.

I hope this information is of assistance to the Committee. Should you or other members of the Committee have questions about the Department's views on H.R. 2538, please feel free to contact us.

The Office of Management and Budget advises that, from the standpoint of the Administration's program, there is no objection to the presentation of this report to the Committee.

Sincerely,

BARBARA LARKIN,
Assistant Secretary,
Legislative Affairs.

STATEMENT OF ADMINISTRATION POLICY

H.R. 2538—Guadalupe-Hidalgo Treaty Land Claims Act

(Rep. Redmond (R) NM and 79 others)

H.R. 2538 would create a commission to address the validity of claims asserted by the descendants of Mexican citizens to land in New Mexico based on 19th century Spanish and Mexican community land grants. The Administration is sympathetic to those individuals who believe their land claims have been inappropriately or unfairly handled. However, the Administration opposes the bill because its approach is flawed and unworkable.

In summary, this bill would renew land title disputes that already have been resolved by an international agreement or operation of law, in many cases over 50 years ago. It would create a process that provides no legal standards or rules of evidence, no means for final resolution of these reopened claims, and no judicial review. In addition, this bill could disrupt Federal land managers' abilities to carry out their duties, including protection of natural resources and of existing uses and rights on Federal land including grazing, hunting, fishing, and mineral and water rights. A fuller explanation of these issues is presented below.

Consideration of these claims would renew land title disputes that have already been fully and finally resolved either by the 1941 Claims Settlement Agreement between the United States and Mexico, or through adjudication. Any claims not previously adjudicated are barred by relevant statutes of limitations, which are based on fundamental policy concerns of fairness, finality, and resource conservation.

In addition, the bill envisions that public lands, would be removed from Federal ownership to satisfy these claims, thus disrupting Federal land management activities. These activities include the conservation and preservation of national forests, monuments, parks, wilderness areas, wild and scenic rivers, and cultural and prehistoric sites. Further, recreation, hunting, and fishing on Federal lands would be adversely affected, and valid existing rights to, or interests in, water, timber, grazing, and mineral on Federal lands may be disturbed.

Further, H.R. 2538 would institute a flawed process. Although it is claimed that H.R. 2538 is modeled on the Indian Claims Commission Act (ICCA), the ICCA provided for

monetary compensation, not the reconstitution of land grants. Moreover, the ICCA provided for judicial determination of claims, according to certain legal standards and subject to the appellate process. H.R. 2538 does not appear to provide any legal standards or rules of evidence and does not allow for judicial review of the commission's recommendations before they are submitted to Congress.

Finally, H.R. 2538 could have several other problematic results for both land claimants and private landowners. The existence of the Commission will raise unrealistic expectations that land claims now closed will be addressed. Furthermore, although private land cannot be transferred under H.R. 2538, the commission's recommendations pertaining to claims to private lands could cloud private land titles. Although H.R. 2538 would affect only lands in New Mexico, 19th century land claims in many other states were resolved in a manner similar to those in New Mexico. This bill's passage would logically prompt calls for the creation of similar commissions in other States with the attendant problems outlined above.

Pay-As-You-Go Scoring: H.R. 2538 would affect receipts; therefore, it is subject to the pay-as-you-go requirement of the Omnibus Budget Reconciliation Act of 1990. OMB's preliminary scoring estimate of this bill is zero. Final scoring of this legislation may deviate from these estimates. If H.R. 2538 were enacted, final OMB scoring estimates would be published within seven working days of enactment, as required by OBRA. The cumulative effects of all enacted legislation on direct spending and receipts will be reported to Congress at the end of the congressional session, as required by OBRA.

APPENDIX 3

U.S. COURT CASES INTERPRETING THE TREATY OF GUADALUPE HIDALGO

(This is a list of selected cases. It does not include all the court cases)

Amaya et al. v. *Stanoline Oil and Gas Co. et al.* 158 F.2d 554 (1947).

Anisa v. *New Mexico and Arizona Rail Road* 175 U.S. 76 (1899).

Apapos et al. v. *United States* 233 U.S. 587 (1914).

Application of Robert Galvan for Writ of Habeus Corpus 127 F. Supp. 392 (1954).

Asociación de Reclamantes v. *The United Mexican States* 735 F.2d 1517 (1984).

Astiazaran et al. v. *Santo Rita Land and Mining Co. et al.* 148 U.S. 80 (1984).

Baker et al. v. *Harvey* 181 U.S. 481 (1901).

Baldwin v. *Goldrank* 88 Tex. 249 (1896).

Basse v. *Brownsville* 154 U.S. 168 (1875).

Borax Consolidated Ltd. et al. v. *City of Los Angeles* 296 U.S. 10 (1935).

Botiller et al. v. *Dominguez* 130 U.S. 238 (1889).

California Power Works v. *Davis* 151 U.S. 389 (1894).

Carpentier v. *Montgomery et al.* 80 U.S. 360 (1891).

Cartwright v. *Public Service of New Mexico* 66 N.M. 64 (1858).

Cessna v. *United States et al.* 169 U.S. 165 (1898).

Chadwick v. *Campbell* 115 F.2d 401 (1940).

City and County of San Francisco v. *Scott* 111 U.S. 768 (1884).

City of Los Angeles v. *Venice Peninsula Properties et al.* 31 Cal. 3d 288 (1913).

City of San Diego v. *Cuyamaca Water Co.* 209 Cal. 105 (1930).

Grant v. *Jaramillo* 6 N.M. 313 (1892).

Horner v. *United States* 143 U.S. 570 (1892).

Interstate Land Co. v. *Maxwell Land Co.* 139 U.S. 569 (1891).

Lockhart v. *Johnson* 18 U.S. 481 (1901).

Lockhart v. *Wills et al.* 54 S.W. 336 (1898).

Lopez Tijerina v. *Henry* 48 F.R.D. 274 (1969).

Lopez Tijerina et al. v. *United States* 396 U.S. 990 (1969).

McKinney v. *Saviego* 59 U.S. 365 (1856).

Merrion v. *Jicarilla Apache Tribe* 617 F.2d 537 (1980).

Minturn v. *Brower et al.* 24 Cal. 644 (1864).

Northwestern Bands of Shoshone Indians v. *United States* 324 U.S. 335 (1945).

Palmer v. *United States* 65 U.S. 125 (1857).

Phillips et al. v. *Mound City* 124 U.S. 605 (1888).

Pitt River Tribe v. *United States* 485 F.2d 660 (1973).

Pueblo of Zia v. *United States et al.* 168 U.S. 198 (1897).

Reynolds v. *West* 1 Cal. 322 (1850).

State of Texas v. *Balli et al.* 144 Tex. 195 (1945).

State of Texas v. *Gallardo* 135 S.W. 644 (1911).

Summa Corporation v. *State of California* 80 L.Ed. 2d 237 (1984).

Tameling v. *United States Freehold Land and Emigration Co.* 2 Colo. 411 (1874).

Tee-Hit-Ton Indians v. *United States* 348 U.S. 272 (1955).

Tenorio v. *Tenorio* 44 N.M. 89 (1940).

Texas Mexican Railroad v. *Locke* 74 Tex. 340 (1889).

Townsend et al. v. *Greenley* 72 U.S. 326 (1866).

United States v. *Abeyta* 632 F.Supp. 1301 (1986).

United States v. *Aguisola* 68 U.S. 352 (1863).

United States ex rel. Chunie v. *Ringrose* 788 F.2d 638 (1986).

United States v. *Green et al.* 185 U.S. 256 256 (1901).

United States v. *Lucero* 1 N.M. 422 (1869).

United States v. *Moreno* 68 U.S. 400 (1863).

United States v. *Naglee* 1 Cal. 232 (1850).

United States v. *O'Donnell* 303 U.S. 501 (1938).

United States v. *Reading* 59 U.S. 1 (1855).

United States v. *Rio Grande Dam and Irrigation Co. et al.* 175 U.S. 690 (1899).

United States v. *Rio Grande Dam and Irrigation Co. et al.* 184 U.S. 416 (1901).

United States v. *Sandoval et al.* 167 U.S. 278 (1897).

United States v. *Sandoval et al.* 231 U.S. 28 (1913).

United States v. *Santistevan* 1 N.M. 583 (1874).

United States v. *State of Louisiana et al.* 363 U.S. 1 (1960).

United States v. *Title Insurance and Trust Co. et al.* 265 U.S. 172 (1924).

United States v. *Utah* 238 U.S. 64 (1931).

Ward v. *Broadwell* 1 N.M. 75 (1854).

□ 1215

Mr. HANSEN. Mr. Chairman, may I inquire how much time each side has?

The CHAIRMAN pro tempore (Mr. SUNUNU). The gentleman from Utah (Mr. HANSEN) has 20 minutes remaining, and the gentleman from California (Mr. MILLER) has 4½ minutes remaining.

Mr. HANSEN. Mr. Chairman, I yield 3 minutes to the gentleman from New York (Mr. PAXON).

Mr. PAXON. Mr. Chairman, I rise in strong support of H.R. 2538, the Guadalupe-Hidalgo Treaty Land Claims Act. This legislation before us today is truly the culmination of the hard work and tenacious, never-say-die attitude of the gentleman from New Mexico (Mr. REDMOND), our good friend.

As a freshman Member of this body, I believe it is an unbelievable accomplishment that we are here debating this bill today after so many years of discussing this legislation. Having this before this body today I think is a real tribute to the gentleman's tireless efforts. It is also, I believe, a tribute to the leadership of the gentleman from Utah (Mr. HANSEN) and the Committee on Resources who has worked so hard moving this legislation forward.

Mr. Chairman, Congress is finally taking a step in the right direction to help the U.S. keep its word that resulted from the signed Treaty of Guadalupe-Hidalgo in 1848.

Let us be clear, this legislation will not settle any claims directly. Further action will be required for settlement. What this legislation does is do the right thing. It sets up a presidentially appointed commission to review claims. Numerous safeguards are provided in the legislation, such as the fact that claims must be filed within 5 years from date of enactment of the bill, and also by three or more descendants.

The establishment of this commission, the Guadalupe-Hidalgo Treaty Lands Claims Commission, is the right way to go in reviewing these claims of private property rights that were guaranteed by the treaty when it was signed well over 150 years ago.

Mr. Chairman, I want to make it very clear. This is a matter of civil rights. This is a matter of racial justice, and it is a matter of private property rights. I cannot think of one reason in the world why this legislation should not enjoy unanimous bipartisan support today as it moves forward to the President's desk for signature and moves this commission forward.

Mr. Chairman, I am pleased and proud to support the efforts of the gentleman from New Mexico (Mr. REDMOND) and the Committee on Resources.

Mr. MILLER of California. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, first of all, let me say that it was suggested here that the claims are in New Mexico. The claims are in New Mexico because of this legislation. The fact is, there are over 14 million acres of land in California that are subject to the same kind of contest. And my colleagues should not believe for a minute, if this commission starts going around and handing out valid land claims that are not paid by the people who theoretically stole the land, which are not paid by the local government to prove the stealing of the land, if that is the case, but are going to be paid by the Federal Government that uses the public lands of this country as a piggy bank for people who want to establish claims on these lands.

Do not think for a second that people are not going to ask that this be done in California, Arizona, Utah and elsewhere where millions of acres of lands and generations of historical ownership have been established.

To suggest that this has been ignored up to this very moment, it has not been ignored. The fact of the matter is that the Supreme Court has addressed it. The Congress has addressed it. These claims have been settled.

The suggestion is that also somehow this is about a lot of people who are Mexican, Mexican-American, Hispanics who have been thrown off of the land and this is a minority issue. Many of the people in these lands are Hispanic families that have been on these lands for many, many generations. That is true in the Central Valley of California and Southern California and elsewhere. But the notion that somehow we can come along and decide that we are going to reopen all of these claims and if this commission decides that it is going to be valid, that we are going to reach into the public land base of the United States of America, the public lands that belong to all the citizens of America, and the notion of justice is that they have to pay, even though they were not party to the injustice. That is not justice.

Justice is when people who are party to the injustice pay. But if the State of California created the injustice and the State of New Mexico created the injustice, and private landowners created the injustice by running people off of the land, why is that a Federal taxpayer problem? Why is the notion of justice over here the notion that we go into the Federal taxpayers' pocket and solve this problem? We just go into the national forests and the public lands and the BLM lands of this Nation and go in there to get justice. Why is that justice?

No, Mr. Chairman, claimants ought to go to the people who harmed them. Let the State of California or the State of New Mexico dig into their treasury and their land base to solve these claims that they created. Let the private landowners let their heirs solve these problems, if that is what they did.

Somehow now justice is being equated with the ability to get to the Federal land base or the Federal tax base. This commission, once they start handing out clouds on titles and making these determinations, when the Congress ever acts on them, there will be a host of people asking for commissions on California and the other western States that are affected by this and a whole host of attorneys that see it is pretty clear that it is no skin off of anybody's nose here because the way to settle this is to give the attorney 50 acres of public lands. Give them some forest lands. Make whatever settlement they want, because there are no rules of evidence here. No burden of proof. No established burden of proof.

That is why the administration has sent up its statement of administration policy today which is in strong opposition to this legislation.

Mr. HANSEN. Mr. Chairman, I yield 11 minutes to the gentleman from New Mexico (Mr. REDMOND), the sponsor of this bill.

Mr. REDMOND. Mr. Chairman, the Treaty of Guadalupe-Hidalgo begins with these words:

In the name of Almighty God, the United States of America and the United Mexican States, animated by a sincere desire to put an end to the calamities of the war which unhappily exists between the two Republics, and to establish upon a solid basis relations of peace and friendship which shall confer reciprocal benefits upon the citizens of both, and assure the concord, harmony and mutual confidence wherein the two peoples should live as good neighbors, there shall be firm and universal peace between the United States of America and the Mexican Republic, between their respective countries, territories, cities, towns, and people without exceptions of places or persons.

Mr. Chairman, those are the opening words to the Treaty of Guadalupe-Hidalgo, which is the treaty that settled the hostilities between the American Government in 1848 and the Government of Mexico. In America, as we study history, all too often we read history from East to West, as opposed to reading our history from West to East.

To my left here is a commemorative stamp that is now issued by the Post Office of the United States. Many people, when they see this stamp, they will be reminded that the first Europeans in North America, which is now a part of the United States of America, were not the British. They were not the Dutch. They were the Hispanics that first came with the Conquistadores and with the settlers.

This year in New Mexico we are celebrating what is called the ''Cuatro Centenario,'' the 400th anniversary of European settlement at a pueblo now called Santo Domingo, but it was once called Ohkay Owingeh, and the first seat of European government that is now in the United States is here in this Congressional district in the State of New Mexico on a land grant.

For 250 years, both the Spanish Government and the Mexican Government practiced what was the same practice as the Anglos had as they came across the frontier. We have President Martin Van Buren, President Andrew Jackson and many, many other presidents that granted homesteads or granted parcels of land for the purpose of settlement of the North American continent.

Nobody would think for one moment that anybody would dare introduce into this body a piece of legislation that would make it possible for the Federal Government to take away land that had been farmed by a family for more than 150, and in some cases 250 years, and claim it as eminent domain for the American people. This land was legally owned and we had agreed to in the Treaty of Guadalupe-Hidalgo that these people could keep their land.

When they settled the land, there were two kinds of land grants. One was individual land grants, which are not a part of this bill, which have been made reference to by the opposition, and then there were the community land grants. The community land grants of necessity required 10 families or more coming together to settle an area. If they stayed on the land, if they cleared the forest, if they built a home, if they built a barn, they built a corral, they could stay there and the land was theirs.

It is the same under Spanish law as what it was under American law, and that is the why the United States Senate, when they ratified this treaty, they were willing to honor the community land grants that had been so long a part of Spanish culture in New Mexico.

But very rapidly after the treaty was signed, there were people that came to New Mexico and, one by one, the community land grants were wrested from the people because they did not speak the language. And the community land grants were not only for Hispanic people, but they were the Pueblo land grants that the Pueblo people lost as well.

So when we read our history from West to East, we see the merging of three cultures in New Mexico: the Native American culture, the Hispanic culture, and the Anglo culture. And for 400 years, two cultures have lived in peace, and for 150 years, three cultures have lived in peace in spite of the fact that land was taken.

Now, in response to some of the questions that were raised, I appreciate the comments from the gentleman from Minnesota (Mr. VENTO), my good friend. He refers to a letter that came from the State Department that deals with a 57-year agreement between the Government of Mexico and the Government of the United States. I am very happy to say that I am glad that we are talking about who the parties are in this agreement. The parties that settled that particular agreement 57 years ago were the Government of the United States and the Government of Mexico.

The citizens of the United States who were the heirs of these land grants were never part of that discussion. That agreement dealt with something other than the community land grants. Many people might ask why are we interested in the heirs of the land grants? Article 8 is very, very clear. Article 8 says without a doubt that this treaty is not only for the original landowners, but it is also for their heirs.

Over to my left we have a copy of the final page of the treaty and the very first signature on this treaty is from Nicholas Trist. Nicholas Trist is the one who wrote the treaty. And then also we have those signing from the Government of Mexico. When the people in the area which was to become the Territory of New Mexico and, later, the State of New Mexico, they were there for many years and it was the agreement between those people and the American Government that the right to the land would not be violated.

In response to the question that the Treasury of the United States, or as my colleague from California said, ''Uncle Sucker'' would be doling out money, there is no money to be doled out. The people of New Mexico do not want favors. They want the land that was theirs to be returned.

The treaty is very specific because it says that they not only have the right to private property in the treaty, the

treaty also says that they have full rights as American citizens. That includes the Fifth Amendment right and that includes the 14th Amendment right.

So when individuals say this is not a civil rights issue, if we remember correctly, the first 10 amendments are the Bill of Rights. Those are the civil rights for all Americans.

□ 1230

So not only was the treaty violated, but also their 14th Amendment and their Fifth Amendment rights were violated.

To my left is a photograph, and these are the men and women and the children who are the heirs of what is known as the Chilili land grant in New Mexico. Much of their land was lost. They have only a very small portion of it remaining. Those are the people that my colleagues says are coming to ''Uncle Sucker'', these young boys, these young girls, this grandmother, this grandfather.

The treaty said that this was their land, but the government took their land away. If the land were held by the State of New Mexico, this debate would be held in the capital of Santa Fe; but because 95 percent of this land is now held by the Federal Government, this discussion must be held here.

Also, in response to one of the individuals from the opposition, the amendment that made this specific to New Mexico was offered and passed. It was offered by the gentleman from Minnesota (Mr. VENTO) in committee. He specifically asked that this be applied only to New Mexico, which was in concurrence with the desires of the people from the land grant.

This piece of legislation is important not only for the people of New Mexico but for the people across America. The gentleman is correct that this is not an issue unique only to New Mexico because if the Federal Government can come into my State of New Mexico and take away farms and ranches that had been a part of a family for 250 years, we can bet our bottom dollar that they can come into Illinois and Indiana and Missouri and Oklahoma and any other State where the farmers received a homestead grant from, not only the Spanish government, but also the American government.

I would like to thank my colleagues for their support, for the gentleman from Utah (Mr. HANSEN) and the gentleman from Alaska (Mr. YOUNG). I would like to thank Speaker NEWT GINGRICH who personally traveled to New Mexico to hear the pleas of the land grant heirs.

I would like to thank my staff Michael Quintana and Jennifer Hamann. But most of all, I would like to thank those members of the Land Grant Forum, State historian Robert Torres, Richard Nieto, Richard Ponse, Estephen Arellano for their tireless effort in working on this bill, former Lieutenant Governor Roberto Mondragon, and most of all the people of New Mexico who so long waited on justice.

The CHAIRMAN pro tempore (Mr. SUNUNU). The gentleman from Utah (Mr. HANSEN) has 7 minutes remaining. The gentleman from California (Mr. MILLER) has 1½ minutes remaining.

Mr. HANSEN. Mr. Chairman, who has the right to close on general debate?

The CHAIRMAN pro tempore. The gentleman from Utah (Mr. HANSEN) has the right to close.

Mr. MILLER of California. Mr. Chairman, I yield 1½ minutes to the gentleman from Minnesota (Mr. VENTO)

Mr. VENTO. Mr. Chairman, I thank the gentleman for yielding to me, and I thank the gentleman from New Mexico (Mr. REDMOND) for pointing out my efforts in committee to limiting this to New Mexico. Of course I do not favor it for New Mexico. I think it does have applications for the other States. In spite of the fact that we offered the amendment, we cannot prevent the standards and precedent. I think it would be a bigger problem if all of the eight States were involved as opposed to New Mexico with this five-member commission.

But I would point out also, he suggests what about the private individuals that, in good faith, bought the property in New Mexico or the Federal Government that has established a forest. I remember the controversy over the issue with regards to the Hopi-Navaho Conflict when, in fact, Secretary Lujan recommended a couple hundred thousand acres of forest be given to the Navaho in Arizona. That is the sort of issue that we are setting up here over the next 10 years.

Furthermore, if one has title to the property and one bought it in good faith, this legislation says that that property will go back to the individuals we recommended and that the Federal Government will do the compensation. That is dollars and cents.

So the suggestion that you can just simply avoid this by virtue of returning the land, that there is no money involved is, of course, not what the legislation proposes. It provides that the Federal Government will do the compensation.

Even though, as the gentleman from California pointed out, we may not have been the result of it, the good intentions of the treaty, the good intentions of the settlement act. What is to say that we are going to have perfect justice here, that no resolution or claim will go unresolved. This is an ongoing problem. We fight it in court, 200 cases, and we are establishing it again here.

Mr. HANSEN. Mr. Chairman, this is a very interesting debate we have had regarding this piece of legislation. I want to commend the gentleman from New Mexico (Mr. REDMOND) for coming up with something that probably should have been done for a long time.

It was interesting to hear the opponents of this bill talk about the various lawsuits that have come up. Of course they have come up. Why would they not come up. These people have been seeking redress and remedy for years and years and years. When one cannot get it through lawsuits and one cannot get it through other means, where do people normally come? They normally come to Congress to take care of it.

What do we do in an event like this? We just say, hey, let us ignore this. It happened in 1848. It did not turn out the way it was supposed to by the treaty and the provisions of the treaty that Mr. Redmond put in front of us at this time. It turned out a little differently. The Federal Government came in, and people came in and took that land.

There are a lot of treaties we have made. It is very interesting. Those of us who are interested in the west and come from the west like to read the treaties that happened with the Native Americans. For a while, that happened.

They had a group of smart attorneys who got together, and one lawsuit after another, it cost the American government big bucks. They were resolved. They are still doing that. They are still being litigated. Every year, we come up with something from the Bureau of Indian Affairs regarding these areas.

What do we want to do in this area, ignore it or to somewhat bring it to a conclusion? I am kind of shocked in a way that my good friends keep bringing up the idea that the money and land is going to change. It is not. It says this is a commission.

If you read the bill, the commission will give their recommendation to this body, to the United States Congress. Congress will determine what money is going to change hands. Congress will determine what to do with it. We are waiting for a recommendation from the commission. That is all this is.

It is a rather simple piece of legislation saying let us wait for the commission to do their work to go back and live up to something that this United States Government said they would do in 1848. They said, we will give it to these people who had a valid claim to that property from the King of Spain.

Can we negate that? Can we just throw it out, repudiate it because we feel that we are stronger and better than they are and we speak English and we have got more guns? I hope that is not the case. I hope somebody looks at it.

I think many of the arguments were very good brought up by our opponents. Those are the kinds of arguments that will come up when the commission brings it to us. This piece of legislation only does that.

I find it very interesting and love to hear my good friends from the other side talk about private property. That to me just made my whole day, probably my whole month, that I can go home and say people have been willing to walk right over private property regarding the Endangered Species Act, regarding the Wetlands Act, regarding the Wilderness Act, regarding the Wild

Horse and Burro Act, regarding the Scenic River Act, regarding the Mormon Trail Act are now sticking up for private property. This should be a red letter day to this Congress that we all feel so good to see that happen. I hope we keep that trend going.

Mr. Chairman, I am very grateful for my good friend the gentleman from New Mexico.

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

The CHAIRMAN pro tempore (Mr. SUNUNU). All time for general debate has expired.

The amendment in the nature of a substitute printed in the bill, modified by striking the last two sentences of subsection (C) of section 6, shall be considered by sections as an original bill for the purpose of amendment, and pursuant to the rule, each section is considered as read.

During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

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

The Clerk will designate section 1.

The text of section 1 is as follows:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Guadalupe-Hidalgo Treaty Land Claims Act of 1998''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Definitions and findings.
Sec. 3. Establishment and membership of Commission.
Sec. 4. Examination of land claims.
Sec. 5. Community Land Grant Study Center.
Sec. 6. Miscellaneous powers of Commission.
Sec. 7. Report.
Sec. 8. Termination.
Sec. 9. Authorization of appropriations.

The CHAIRMAN pro tempore. Are there any amendments to section 1?

Mr. HANSEN. Mr. Chairman, I ask for unanimous consent that the entire bill be printed in the RECORD and open to amendment at any point.

The CHAIRMAN pro tempore. Is there an objection to the request of the gentleman from Utah?

There was no objection.

The text of the remainder of the committee amendment in the nature of a substitute, as modified pursuant to House Resolution 522 is as follows:

SEC. 2. DEFINITIONS AND FINDINGS.

(a) DEFINITIONS.—For purposes of this Act:

(1) COMMISSION.—The term ''Commission'' means the Guadalupe-Hidalgo Treaty Land Claims Commission established under section 3.

(2) TREATY OF GUADALUPE-HIDALGO.—The term ''Treaty of Guadalupe-Hidalgo'' means the Treaty of Peace, Friendship, Limits, and Settlement (Treaty of Guadalupe Hidalgo), between the United States and the Republic of Mexico, signed February 2, 1848 (TS 207; 9 Bevans 791).

(3) ELIGIBLE DESCENDANT.—The term ''eligible descendant'' means a descendant of a person who—

(A) was a Mexican citizen before the Treaty of Guadalupe-Hidalgo;

(B) was a member of a community land grant; and

(C) became a United States citizen within ten years after the effective date of the Treaty of Guadalupe-Hidalgo, May 30, 1848, pursuant to the terms of the Treaty.

(4) COMMUNITY LAND GRANT.—The term ''community land grant'' means a village, town, settlement, or pueblo consisting of land held in common (accompanied by lesser private allotments) by three or more families under a grant from the King of Spain (or his representative) before the effective date of the Treaty of Cordova, August 24, 1821, or from the authorities of the Republic of Mexico before May 30, 1848, in what became the State of New Mexico, regardless of the original character of the grant.

(5) RECONSTITUTED.—The term ''reconstituted'', with regard to a valid community land grant, means restoration to full status as a municipality with rights properly belonging to a municipality under State law and the right of local self-government.

(b) FINDINGS.—Congress finds the following:

(1) New Mexico has a unique history regarding the acquisition of ownership of land as a result of the substantial number of Spanish and Mexican land grants that were an integral part of the colonization and growth of New Mexico before the United States acquired the area in the Treaty of Guadalupe-Hidalgo.

(2) Various provisions of the Treaty of Guadalupe-Hidalgo have not yet been fully implemented in the spirit of Article VI, section 2, of the Constitution of the United States.

(3) Serious questions regarding the prior ownership of lands in the State of New Mexico, particularly certain public lands, still exist.

(4) Congressionally established land claim commissions have been used in the past to successfully examine disputed land possession questions.

SEC. 3. ESTABLISHMENT AND MEMBERSHIP OF COMMISSION.

(a) ESTABLISHMENT.—There is established a commission to be known as the ''Guadalupe-Hidalgo Treaty Land Claims Commission''.

(b) NUMBER AND APPOINTMENT OF MEMBERS.—The Commission shall be composed of five members appointed by the President by and with the advice and consent of the Senate. At least two of the members of the Commission shall be selected from among persons who are eligible descendants.

(c) TERMS.—Each member shall be appointed for the life of the Commission. A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

(d) COMPENSATION.—Members shall each be entitled to receive the daily equivalent of level V of the Executive Schedule for each day (including travel time) during which they are engaged in the actual performance of duties vested in the Commission.

SEC. 4. EXAMINATION OF LAND CLAIMS.

(a) SUBMISSION OF LAND CLAIMS PETITIONS.—Any three (or more) eligible descendants who are also descendants of the same community land grant may file with the Commission a petition on behalf of themselves and all other descendants of that community land grant seeking a determination of the validity of the land claim that is the basis for the petition.

(b) DEADLINE FOR SUBMISSION.—To be considered by the Commission, a petition under subsection (a) must be received by the Commission not later than five years after the date of the enactment of this Act.

(c) ELEMENTS OF PETITION.—A petition under subsection (a) shall be made under oath and shall contain the following:

(1) The names and addresses of the eligible descendants who are petitioners.

(2) The fact that the land involved in the petition was a community land grant at the time of the effective date of the Guadalupe-Hidalgo Treaty.

(3) The extent of the community land grant, to the best of the knowledge of the petitioners, accompanied with a survey or, if a survey is not feasible to them, a sketch map thereof.

(4) The fact that the petitioners reside, or intend to settle upon, the community land grant.

(5) All facts known to petitioners concerning the community land grant, together with copies of all papers in regard thereto available to petitioners.

(d) PETITION HEARING.—At one or more designated locations in the State of New Mexico, the Commission shall hold a hearing upon each petition timely submitted under subsection (a), at which hearing all persons having an interest in the land involved in the petition shall have the right, upon notice, to appear as a party.

(e) SUBPOENA POWER.—

(1) IN GENERAL.—The Commission may issue subpoenas requiring the attendance and testimony of witnesses and the production of any evidence relating to any petition submitted under subsection (a). The attendance of witnesses and the production of evidence may be required from any place within the United States at any designated place of hearing within the State of New Mexico.

(2) FAILURE TO OBEY A SUBPOENA.—If a person refuses to obey a subpoena issued under paragraph (1), the Commission may apply to a United States district court for an order requiring that person to appear before the Commission to give testimony, produce evidence, or both, relating to the matter under investigation. The application may be made within the judicial district where the hearing is conducted or where that person is found, resides, or transacts business. Any failure to obey the order of the court may be punished by the court as civil contempt.

(3) SERVICE OF SUBPOENAS.—The subpoenas of the Commission shall be served in the manner provided for subpoenas issued by a United States district court under the Federal Rules of Civil Procedure for the United States district courts.

(4) SERVICE OF PROCESS.—All process of any court to which application is to be made under paragraph (2) may be served in the judicial district in which the person required to be served resides or may be found.

(f) DECISION.—On the basis of the facts contained in a petition submitted under subsection (a), and the hearing held with regard to the petition, the Commission shall determine the validity of the community land grant described in the petition. The decision shall include a recommendation of the Commission regarding whether the community land grant should be reconstituted and its lands restored.

(g) PROTECTION OF NON-FEDERAL PROPERTY.—The decision of the Commission regarding the validity of a petition submitted under subsection (a) shall not affect the ownership, title, or rights of owners of any non-Federal lands covered by the petition. Any recommendation of the Commission under subsection (f) regarding whether a community land grant should be reconstituted and its lands restored may not address non-Federal lands. In the case of a valid petition covering lands held in non-Federal ownership, the Commission shall modify the recommendation under subsection (f) to recommend the substitution of comparable Federal lands in the State of New Mexico for the lands held in non-Federal ownership.

SEC. 5. COMMUNITY LAND GRANT STUDY CENTER.

To assist the Commission in the performance of its activities under section 4, the Commission shall establish a Community Land Grant Study Center at the Onate Center in Alcalde, New Mexico. The Commission shall be charged with

the responsibility of directing the research, study, and investigations necessary for the Commission to perform its duties under this Act.

SEC. 6. MISCELLANEOUS POWERS OF COMMISSION.

(a) HEARINGS AND SESSIONS.—The Commission may, for the purpose of carrying out this Act, hold hearings, sit and act at times and places, take testimony, and receive evidence as the Commission considers appropriate. The Commission may administer oaths or affirmations to witnesses appearing before it.

(b) POWERS OF MEMBERS AND AGENTS.—Any member or agent of the Commission may, if authorized by the Commission, take any action which the Commission is authorized to take by this section.

(c) GIFTS, BEQUESTS, AND DEVISES.—The Commission may accept, use, and dispose of gifts, bequests, or devises of services or property, both real and personal, for the purpose of aiding or facilitating the work of the Commission.

(d) MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(e) ADMINISTRATIVE SUPPORT SERVICES.—Upon the request of the Commission, the Administrator of General Services shall provide to the Commission, on a reimbursable basis, the administrative support services necessary for the Commission to carry out its responsibilities under this Act.

(f) IMMUNITY.—The Commission is an agency of the United States for the purpose of part V of title 18, United States Code (relating to immunity of witnesses).

SEC. 7. REPORT.

As soon as practicable after reaching its last decision under section 4, the Commission shall submit to the President and the Congress a report containing each decision, including the recommendation of the Commission regarding whether certain community land grants should be reconstituted, so that the Congress may act upon the recommendations.

SEC. 8. TERMINATION.

The Commission shall terminate on 180 days after submitting its final report under section 7.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated $1,000,000 for each of the fiscal years 1999 through 2007 for the purpose of carrying out the activities of the Commission and to establish and operate the Community Land Grant Study Center under section 5.

The CHAIRMAN pro tempore. Are there any amendment?

Mr. TAYLOR of Mississippi. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I find myself in a situation where I will be voting against the bill that I have cosponsored. At this moment, I am not allowed to ask unanimous consent to have my name removed, but I do think it is important that I explain my actions.

When I was first asked to cosponsor this, it was to call for a commission. I now see this commission will cost the taxpayer $1 million for up to 7 years, which is up to $7 million.

When we look a little bit further into this, originally it was a few families that had been wronged, but as we heard in the debate, the entire States of California, Nevada, and Utah, were basically seized from the Government of Mexico, as well as portions of Arizona, Texas, and New Mexico, portions of Colorado and Wyoming. So we would be basically seeing a situation where just a few people would be compensated.

The second part that I think is important to state is, yes, we have to look at this historically. Yes, these people probably had claims given to them by the Government of Mexico, a government that, in effect, took the land from Spain. But who did the King of Spain take it from? He took it from the folks who lived there when the Conquistadors came over.

We are basically opening a can of worms and I do not think anyone has any idea where it ends. I think, at the end of 7 years, we will have spent $7 million of the American taxpayers' money and find ourselves in exactly the same situation we have right now.

If you want to go a little bit further, why do we not give Panama back to Colombia, because our Nation stole it fair and square from them in the first part of this century so we could build the Panama Canal.

Our Nation lately has been pretty good. As recently as Bosnia, we sent some troops over there, not to take their land, not to rape their people, not to take their wealth, but just to keep people from killing each other. It might be the most honorable thing this Nation has ever done.

But some years ago, when we had our manifest destiny and decided that we were going to have a Nation that ran from ocean to ocean, we did so, and we did not particularly care who got in our way. In this instance, the Mexican Government got in our way.

I do not think we serve the American people by going back and reopening this, causing no telling how many people in all of the States that I have mentioned to have the title to their property called into question in each of these States, including some huge States like California.

I think we are best letting the courts make these decisions and not a congressionally appointed commission at the cost of $1 million a year.

For those reasons, although I understand the gentleman is trying to redress what he perceives is a wrong, I think the greatest good is served by the defeat of this measure.

Mr. Chairman, I ask at this point that my name be removed.

Mr. REDMOND. Mr. Chairman, will the gentleman yield to me?

Mr. TAYLOR of Mississippi. I yield to the gentleman from New Mexico.

Mr. REDMOND. Mr. Chairman, I would like to respond to the idea that almost all of the Southwest is somehow under a community land grant. Just to put this into perspective, in the State of New Mexico—

Mr. TAYLOR of Mississippi. Mr. Chairman, reclaiming my time, the point that I made was that most of the Southwest was seized from Mexico and, as the gentleman pointed out, under duress. We were occupying their capital at the time.

We did it for what we thought was the best interest. Quite frankly, all of the people in all of those States are better off because we did it. But we seized the whole Southwest, not just this portion of the Southwest.

If we start looking back into each of these claims, I think we cause more harm than good. Again, we had make a gentleman's request to look into it. At the time, it seemed to make sense. But the more I have looked into the total repercussions of creating this commission at the cost of $7 million, I have decided to oppose it.

Mr. Chairman, I ask unanimous consent that my name be withdrawn as a cosponsor.

The CHAIRMAN pro tempore. While that permission is normally sought in the full House, the gentleman cannot have his name removed from a bill that has already been reported out of committee.

Mr. TAYLOR of Mississippi. Very good.

The CHAIRMAN pro tempore. Are there any amendments?

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

Mr. Chairman, it is time that we finally have Congress addressing this issue involving the Treaty of Guadalupe-Hidalgo because, for more than 150 years, we have allowed an injustice to continue in this country. This country, while it has made mistakes, has always been strong enough to come up and stand up and say when it has been wrong; and that is one of the things that makes me very proud to be able to serve in this legislative body for this country.

It is time to address the injustice caused by the theft that occurred years ago of property held by thousands of people in the Southwest that was taken from them as a result of our government's representations to these people.

□ 1245

Good faith representations to these people, through a treaty that these people would have rights and they would be treated in ways that accorded to law. And those folks depended on that contract, that treaty that was signed with the U.S. Government, and they did so in good faith.

But I look at H.R. 2538, and I ask myself, is this the right vehicle to try to redress those injustices? And I look within H.R. 2538 for something that tells me there are teeth in this bill that will allow us to actually redress the wrongs committed against many people and their offspring, and I see no teeth. What I do find is a procedural nightmare. I find a system that allows a commission to be created.

And by the way, we often know what happens with commissions. We can talk about all the commissions we have now that have nothing but vacancies and are doing no work. And we have a commission, if it should happen to get impaneled, that has no teeth to do anything. It could recommend to Congress that certain people be compensated, that redress be provided, but there is nothing in the bill that would require

Congress to do anything with that commission report.

So what does that do? It leaves those who were affected and left without redress in a position of hope, and it leaves those, many of whom today are innocent purchasers and holders of property in these affected areas, with now clouded title over that property. Because, see, that property that they purchased, and I am talking about those who are innocent purchasers, those who purchased that property not knowing that there was any problem with how it was acquired by a predecessor owner, now will say I have a deed to this land but there is a commission that says I really do not have a right to it. So what the heck do I get to do with this land? Can I sell it? Who will want to purchase property that may be taken away by a commission?

But yet those who seek the redress, who had the property through their forefathers taken from them, have no way to get redress, anything back, whether it is the land or some compensation because Congress is not required to do anything in this bill. So we leave not only those who for generations faced an injustice in limbo, but we leave also innocent purchasers of property in these areas without redress. There is no requirement for Congress to act on any claim, and that is perhaps the most egregious portion of this bill.

And by the way, I think the gentleman from Utah sort of made that point for me earlier in his remarks because he made it clear we do not have to worry about taking land from private landholders because we do not have anything in this bill that would require that that happen. So it proves the point that this bill does not have the teeth we need to truly provide the redress we need. I am here to fight for that redress. I think people who had things stolen from them deserve to have compensation if our Federal Government signed a document saying I promise I will treat you according to the law and we did not fulfill that. But that is not what this bill says.

Moreover, I do not believe that the Federal taxpayer should have to carry the burden for what local elected officials and State elected officials did in years gone by. Those injustices by State and local officials should be redressed by States and local governments. And if they are not willing to, then let us have a bill that says they must. Let us not make the Federal taxpayer in New York, in Alabama, in Maine, in Wisconsin pay for the misdeeds of local elected officials in New Mexico, Arizona, Colorado or anywhere else.

Another point. This bill deals only with New Mexico. What about the folks in California, Utah, Colorado, Arizona, Oklahoma? They also need redress. They are not there. There are many ways to handle this. Senator BINGAMAN in the Senate has a bill. But this, I do not believe, is a real meaningful effort to do this, and I would ask my colleagues to vote against it.

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

Mr. Chairman, I think that it is important that the bill be read in its entirety. I want to make one thing very, very clear; that this action was by the United States Government upon United States citizens who had formerly been citizens of the country of Mexico. This is not Nation to Nation. This is an act performed on the citizens of the United States who resided in the territory of New Mexico, performed on them by the Federal Government.

Secondly, this particular bill, in its original form, was written by former Congressman Bill Richardson. The bill was taken to the people of New Mexico, The Land Grant Forum, who have the entire history of the happenings in New Mexico. The people rewrote the bill themselves, with the understanding of settlement between the land grant heirs and the Federal Government. They took all the parties into consideration. This is a people's bill written by the people, though it was originally framed by the former congressman.

The other thing we need to point out very, very clearly is that it is the responsibility of the Federal Government, because at the time that this took place, New Mexico was a territory under Federal law, not local jurisdiction.

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

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

Mr. BECERRA. Mr. Chairman, I appreciate the effort of the gentleman, because I think there is a need, as I said before, to redress this issue for the people that were denied their rights and property, had those property rights stolen. But answer the question regarding the person who finds that a commission under this bill determines that property claimed by that individual is in fact property that fell under the land grants and, therefore, should revert back to the heirs of those owners of the land grant. What do we do if Congress takes no action on that claim, and what does that mean for the current holder of that property?

I do not want to affect the rights of current owners who innocently purchased at the same time I am trying to redress an injustice. I think we have to fight to redress that injustice, but let us not also embroil people who are innocent in this fight for justice, because then we do nothing more than cause a harm while we are trying to correct one.

Mr. REDMOND. Mr. Chairman, reclaiming my time, the people of New Mexico already thought about that before the gentleman thought about it, because they are very concerned about their neighbors. And if the gentleman will read the bill very carefully, the land that is now private land will be completely exempt from this.

So my colleagues need to remember that those who are current owners, that currently hold title, if they purchased that from the Federal Government, they are exempt. But if there is a claim on that land, the Federal Government will compensate the original heirs and the title will not be clouded.

Mr. BECERRA. If the gentleman will further yield on that point, my understanding is that they will be compensated by taking Federal land, which may be a way to resolve this, but my concern would then be what Federal land?

Mr. REDMOND. I am glad the gentleman raised the point. The first thing we need to understand is the context of the State of New Mexico. We can basically break New Mexico into three portions: One-third of the State is owned by the people, one-third of the State is owned by the State of New Mexico, and one-third of the State is owned by the Federal Government. The Federal Government owns 28 million acres of land in the State of New Mexico. If every single one of these was adjudicated in favor of the claimants, that would only total to somewhere between a million, to a million and a half acres, which would then leave the Federal Government with a total of 26½ million acres still in the State of New Mexico. So there is plenty of land there.

The thing we need to remember is that this was private land taken from American citizens who were of Mexican descent, Hispanic descent. They themselves were American citizens and their land was taken by the Federal Government.

Mr. BECERRA. If the gentleman will further yield, I appreciate that point, because he is right, the folks trying to make these claims are people who, in many cases, have not had access to our courts of justice nor our elected representatives. But my understanding is that it does not resolve the problem of now it appears that we are taking from Peter to give to Paul, and the last thing I want to do is start creating a difficulty with another American. We are all Americans, and I want these Americans to be redressed, but I do not want to do it at the expense of an innocent American.

The gentleman may say that the land that would be taken is Federal land, but I would like to know which Federal land? Is it land that is currently used by Americans?

The CHAIRMAN pro tempore (Mr. SUNUNU). Are there any amendments?

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

And to continue the thoughts our colleague from California has raised, the point was, and of course we went right by that, that somehow the Congress is going to come back and give away one of the national forests, apparently, or some portion of it in New Mexico or one of the other areas. But the fact is that we may very well not do that. I think there would be quite a debate here. And the issue is that we have created a cloud over the title of a Private Property. We have created a

cloud over the title, and generally what happens when there is an imperfect title is the value of the land is depreciated. So the answer to the gentleman's question is quite clear.

Now, some concern was raised about my views on property rights and takings. I would just point out that I do believe, and have advocated, regulation of lands with regards to wetlands and with regards to the Endangered Species Act, and with regard to its impact in terms of zoning and some of the Federal Government's effort, the national government's effort to deal with that.

The real issue here has been the debate over what constitutes an actual taking and the suggestion that they could not find redress in the courts with regards to takings. And that has been the case most often and there has been efforts in this Congress to change the definition of takings and define zoning as takings. But what we have here, of course, is a pretty well-established precedent in terms of how to cloud up a title. That is exactly what is going to happen here until this is resolved.

The fact of the matter is, and I misspoke, because they changed the amount of money in this bill, it is actually a bill that will be 10 years for this commission, with a million dollars a year rather than $1.5 or $10 million, so I wanted to clarify that for the record for this five-member commission. But in fact what we are creating here is, literally, whether we translate it into property that is transferred or land that is transferred, we are really setting up hundreds of millions of dollars of value of various claims that are going to be made. That is what this sets in motion, this commission will set in motion. In New Mexico I think it will amount to that type of dollar figure.

Now, we can transfer lands and suggest that has no value because it is national lands or State lands. But all of these property rights are related to what happened in the States, whether or not they be territories at the time. It is not necessarily the territorial authority that made these decisions. It could and most often was private interests. I know in the case, for instance, of the Native American lands, that very often Native Americans lost their lands. They did not understand the language; did not understand how to read or write. They lost their lands on an unfair basis.

My concern here is not with addressing it, it is that the system that is set up, the template in this bill, is deeply flawed. It is seriously flawed in terms of what is going to be produced. I would try to limit damage control by limiting it to New Mexico, but I can assure all of my colleagues who represent the other seven States are going to have the same problem. So if we want to base this on a flawed foundation, we can proceed.

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

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

Mr. BECERRA. I thank the gentleman for yielding to me. I am trying to make sure I have read this bill correctly, and I am reading now on page 11 under section 7, which deals with the report that is to be submitted to the Congress and to the President.

It reads, ''As soon as practicable, after reaching its last decision under section 4, the commission shall submit to the President and the Congress a report containing each decision, including the recommendation of the commission regarding whether certain community land grants should be reconstituted so that the Congress may act upon the recommendations.''

My concern again is this is all ''may'', ''might''. It is not a ''shall''. We know in this body if we want to do something we have to say ''you shall do it''. That commands. ''You must do it''. ''May'' says you decide what you want to do. There are a lot of things in law that say ''may'' that we never work on.

So to lead people to believe in New Mexico or any other State that this bill will give them redress is, I think, raising hopes to a higher expectation. And it is unfortunate because they will find themselves falling flat on the ground, and it will all be done while we are clouding the opportunity of those innocent purchasers of property to know whether or not they really can hold on to their land or even sell it in the future.

I think that is the worst mistake, to embroil innocent folks in a fight that involves the government, which did wrong, with the successors of those who were wrong. That we need to change. And I wish this were a bill that really did have the teeth, because I would love to be able to support something so we could finally close this ugly chapter in American history where we caused pain and we stole from people at the expense of our reputation as a government.

□ 1300

Mr. VENTO. Mr. Chairman, I mean, legally I think there is no substance and basis, and morally I think we do have a responsibility. But this is an open invitation, and if something is presented to Congress that is going to cost hundreds of millions of dollars transferring vast areas of land in New Mexico to compensate, it is going to hit this Congress and it is going to go nowhere.

We ought to be facing up to that at this time, at least anticipating. And I think that is the job of the Committee on Resources and the other committees of this Congress, not something to be sent to a commission.

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

Mr. Chairman, the gentleman from California talks about the idea of it not having any teeth in it. Well, when this thing came about, what procedure do we follow on something that happened in 1848? We are somehow establishing a procedure. If it was that way, we would not get any votes on this thing.

This is a procedure so we can come to the final position of having some teeth in it. And I agree with him. But at this point no one could figure out the hoops we go through, the paths we go down, the road map that is laid out because there are no road maps to go down. No one has given us one.

So I commend the gentleman from New Mexico (Mr. REDMOND) for giving us a road map to resolve this particular question.

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

Mr. HANSEN. I yield to the gentleman from New Mexico.

Mr. REDMOND. Mr. Chairman, I would like to point out in the bill, in section 4, part (g) concerning protection of non-Federal property. ''The decision of the commission regarding the validity of a petition submitted under subsection (a) shall not affect the ownership, title, or rights of owners of any non-Federal lands covered by the petition.''

And then in response to the idea that it does not have any teeth, the opposition cannot have it both ways. We have one view that we are raiding the Treasury for billions of dollars from one member of the opposition, and then another member of the opposition says that it is a pussy cat and it has absolutely no teeth at all. We cannot have it both ways. It either has teeth or it does not have teeth.

The CHAIRMAN pro tempore (Mr. SUNUNU). Are there any amendments?

If not, the question is on the committee amendment in the nature of a substitute, as modified.

The committee amendment in the nature of a substitute, as modified, was agreed to.

The CHAIRMAN pro tempore. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. BLUNT) having assumed the chair, Mr. SUNUNU, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2538) to establish a Presidential commission to determine the validity of certain land claims arising out of the Treaty of Guadalupe-Hidalgo of 1848 involving the descendants of persons who were Mexican citizens at the time of the treaty, pursuant to House Resolution 522, reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

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

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

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 223, nays 187, not voting 25, as follows:

[Roll No. 421]

YEAS—223

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Cox
Crane
Crapo
Cubin
Cunningham
Davis (IL)
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Dixon
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Foley
Forbes
Fossella
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Goodling
Goss
Graham
Granger
Greenwood
Gutknecht
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones
Kelly
Kim
King (NY)
Kingston
Klug
Knollenberg
Kolbe
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lucas
Manzullo
McCollum
McCrery
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Moran (KS)
Morella
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oxley
Packard
Pappas
Parker
Paul
Paxon
Pease
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Quinn
Radanovich
Rangel
Redmond
Regula
Riggs
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Ryun
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Serrano
Sessions
Shaw
Shays
Shimkus
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stump
Sununu
Talent
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Torres
Traficant
Visclosky
Walsh
Wamp
Waters
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wolf
Yates
Young (FL)

NAYS—187

Abercrombie
Ackerman
Allen
Andrews
Baesler
Baldacci
Barr
Barrett (WI)
Becerra
Bentsen
Berman
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Costello
Coyne
Cramer
Cummings
Danner
Davis (FL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Doggett
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Ford
Frank (MA)
Frost
Ganske
Gejdenson
Goode
Goodlatte
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastings (FL)
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Largent
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Mollohan
Moran (VA)
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Ramstad
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Royce
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Scott
Shadegg
Sherman
Skaggs
Skelton
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stenholm
Stokes
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson
Thurman
Tierney
Turner
Upton
Velazquez
Vento
Watt (NC)
Waxman
Wexler
Weygand
Woolsey
Wynn

NOT VOTING—25

Barcia
Berry
Brown (CA)
Cannon
Dingell
Dooley
Furse
Gephardt
Gonzalez
Hefner
Kasich
Kennedy (MA)
Kennelly
LaHood
McDade
Moakley
Poshard
Pryce (OH)
Rush
Schumer
Sisisky
Tauzin
Towns
Wise
Young (AK)

☐ 1323

The Clerk announced the following pair:

On this vote:

Mr. Young of Alaska for, with Mr. Berry against.

Ms. WOOLSEY, Ms. DELAURO, Ms. CARSON, Mr. MINGE, Ms. RIVERS, Ms. VELÁZQUEZ and Mr. OBERSTAR changed their vote from ''yea'' to ''nay.''

Mr. DIXON changed his vote from ''nay'' to ''yea.''

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. GOSS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 2538, the bill just passed.

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

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 3892, ENGLISH LANGUAGE FLUENCY ACT

Mr. GOSS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 516 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 516

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 3892) to amend the Elementary and Secondary Education Act of 1965 to establish a program to help children and youth learn English, and for other purposes. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Education and the Workforce. After general debate the bill shall be considered for amendment under the five-minute rule for a period not to exceed three hours and, thereafter, as provided in section 2 of this resolution. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Education and the Workforce now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. Before consideration of any other amendment it shall be in order to consider the amendment printed in the Congressional Record and numbered 1 pursuant to clause 6 of rule XXIII, if offered by Representative Riggs of California or his designee. That amendment shall be considered as read, be debatable for 10 minutes equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. If that amendment is adopted, the provisions of the amendment in the nature of a substitute as then perfected shall be considered as original text for the purpose of further amendment under the five-minute rule. After disposition of the amendment numbered 1, it shall be in order to consider the amendment printed in the Congressional Record and numbered 2 pursuant to clause 6 of rule XXIII, if offered by Representative Riggs of California or his designee, which shall be considered as read. That amendment and all amendments thereto shall be debatable for 30 minutes equally divided and controlled by the proponent and an opponent. During consideration of the bill

for further amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII. Amendments so printed shall be considered as read. The chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. After consideration of the bill for amendment under the five minute rule for three hours pursuant to the first section of this resolution, no further amendment to the amendment in the nature of a substitute made in order as original text shall be in order except those printed in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII. Each further amendment may be offered only by the Member who caused it to be printed or a designee and shall be considered as read. Each further amendment and all amendments thereto shall be debatable for 10 minutes equally divided and controlled by the proponent and an opponent.

□ 1330

The SPEAKER pro tempore (Mrs. EMERSON). The gentleman from Florida (Mr. GOSS) is recognized for one hour.

Mr. GOSS. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentlewoman from New York (Ms. SLAUGHTER), pending which I yield myself such time as I may consume. All time yielded is for the purposes of debate on this issue only.

Mr. Speaker, this is a fair and appropriate modified open rule. The rule provides 1 hour of general debate equally divided between the chairman and ranking member of the Committee on Education and the Workforce. The rule also provides a 3-hour time period for amendments, after which amendments preprinted in the CONGRESSIONAL RECORD may also be offered and debated for a period not to exceed 10 minutes.

The rule provides for consideration of a manager's amendment if offered by the gentleman from California (Mr. RIGGS), the chairman of the subcommittee.

Finally, the rule provides for a motion to recommit with or without instructions.

This rule provides ample opportunity for debate and amendment on this very important issue. There were no minority amendments, I am told, offered during committee consideration. The ranking member, the gentleman from California (Mr. MARTINEZ), testified to our Rules Committee that he had no intention of offering any amendments to the bill. In fact, the Rules Committee received only two amendments, both offered by the chairman of the subcommittee, the aforementioned gentleman from California (Mr. RIGGS).

Despite these clear considerations that interest in amending this bill is limited, the rule provides for 3 hours for amendments and even allows amendments preprinted in the CONGRESSIONAL RECORD to be offered after that time period of 3 hours has expired.

Given the very real time constraints we encounter in this body as we approach sine die adjournment, I think this is a very reasonable, appropriate and fair rule, and those who wish to take advantage of this subject certainly have ample opportunity.

Mr. Speaker, in some situations, bilingual education in our public schools has served its purpose very well. However, many of the current bilingual programs have not worked as well as we had hoped, both in teaching students our common language and in providing quality academic instructions, and this is a fact.

H.R. 3892, the English Language Fluency Act, block grants funds to States with the assurance that all local districts needing bilingual education programs will receive adequate funding.

This is an extremely important breakthrough. It then gives districts the flexibility to choose programs that work. As the chairman, the gentleman from Pennsylvania (Mr. GOODLING), correctly noted in his Rules testimony, and I quote, flexibility is the name of the game.

H.R. 3892 requires that parents consent to their children being placed in a bilingual program and allows parents to choose the type of instructional method their child will use, if more than one method is in fact available.

A weakness of the current system is that too often parents are simply ignored during this process. H.R. 3892 addresses that problem head on by putting parents in the driver's seat once again. I think it is something that will be welcome news to parents.

Another very real problem in my district and throughout the Nation is that bilingual programs are becoming a way of life rather than a swift and certain transition process.

Mr. Speaker, in order to ensure that students are making a quick transition into society, including the mastery of the English language, H.R. 3892 would require that federally funded bilingual programs aim to achieve English fluency within 2 years and would end Federal funding after 3.

Finally, H.R. 3892 recognizes that the money should follow the children. Under a new funding formula, States like Florida and California with a disproportionate number of children with bilingual needs would receive a larger share of the pie. That is where the problem is; that is where the money should go.

Mr. Speaker, the answers to our education problems do not reside in Washington, D.C. Instead of further empowering the D.C. education bureaucracy, we ought to be giving localities and parents the ability to choose successful bilingual programs. Our goal should be a smoother transition into American society for all children, and I think this legislation makes great strides in that direction.

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

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

Mr. Speaker, I thank my friend from Florida for yielding the customary 30 minutes.

Mr. Speaker, the House is scheduled to adjourn in less than a month and in that time we have important business to conduct, business that will require the cooperation of both parties. At the very least, we must finish appropriations bills, bills which are themselves complicated and contentious. Yet, today, the majority has chosen to bring before the House divisive legislation that will do nothing to advance the agenda that the Congress must address before we adjourn next month.

What this legislation does advance, however, is a misguided political agenda. This is an agenda that attempts to get rid of the Department of Education. The so-called English Language Fluency Act tramples on the rights of school children and their rights to an education that will allow them to become productive citizens of this country.

I should point out to my colleagues that the Republican governor of Texas, George W. Bush, recently addressed the National Convention of the League of United Latin American Citizens in advocating reviewing and repairing the bilingual education programs, rather than ending them, as this bill would do.

Mr. Speaker, this bill guts bilingual programs that have been designed to meet the needs and the rights of students. Let me read from the minority views in the report to accompany H.R. 3892. Those views state, and I quote: ''The language in H.R. 3892 which voids all the voluntary Compliance Agreements entered into by the Department of Education, the Office of Civil Rights and local school districts . . . is an unprecedented and shameful effort to gut enforcement of the Civil Rights Act of 1964 as it applies to the education of language to minority students.''

Those compliance agreements do not dictate how school districts design their bilingual education. Rather, Mr. Speaker, they are voluntary agreements reached with the Office of Civil Rights that ensure that school districts implement bilingual education instruction which results in the academic success of students with limited

English. Compliance agreements and the programs implemented under them seek to ensure that children can learn not just English, but that they can learn in English. That is an important distinction that I fear many of my colleagues might have missed.

By missing that distinction in the writing of this legislation, the effect of H.R. 3892 is to deny access to the best education that we can offer school children who are not yet English-language proficient. To do so is to deny over 3 million children access to the kind of education that they need in order to achieve social and economic success in America.

Mr. Speaker, the Supreme Court has established that it is a civil right for language-minority children to receive meaningful instruction that will allow them to fully participate in school. Much of that assurance has come since the decision in Lau v. Nichols, in the voluntary, yes, voluntary, Mr. Speaker, agreements that the school districts have reached with the Office of Civil Rights. Summarily dismantling those agreements may serve a political interest, but it is not in the interest of a single child.

Consequently, Mr. Speaker, I rise in strong opposition to this bill and rise in opposition to this rule simply because it provides for the consideration of this ill-considered and discriminatory legislation. In addition, Mr. Speaker, there are many groups who oppose this bill. Among them are the American Association of University Women, the Council of Chief State School Officers, the National Association of Elementary School Principals, the National Parent-Teachers Association, the National School Boards Association, the Mexican-American Legal Defense Fund, the National Council of La Raza, and the Leadership Conference on Civil Rights; and I might add, Mr. Speaker, countless thousands of parents who want only the best, perhaps a part of the American dream, for their children.

Mr. Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. BONIOR).

Mr. BONIOR. Mr. Speaker, I thank my colleague for yielding me this time.

Mr. Speaker, one of America's enduring strengths has always been its ability to embrace new people, new cultures, and new ideas. Part of our success in this has been the readiness of public schools to tackle the challenge of teaching children from all over the world.

Let me be very clear. We all want and we expect every new American to learn English and to learn it quickly. The question is, how do we best accomplish that.

Bilingual education is a vital teaching tool in this process, a means of communicating with students so that they can learn as much as they can as quickly as they can and integrate themselves into American society. Bilingual education is just that: bilingual. It does not mean that students do not learn English. Rather, they learn English while keeping up on all of their other subjects as well.

Now, this proven method of instruction has made an immeasurable difference, made a big difference in the lives of thousands and thousands of students, many of whom have gone on to become doctors and lawyers and teachers and members of the legislature and even the Congress.

So, in short, it works. But this Republican bill seeks to end bilingual education. It undermines established standards, and it actually, it actually imposes Federal mandates on local school districts, overriding local school education.

This Republican bill is a one-size-fits-all approach to a complicated problem. It strips the local school districts of autonomy and the flexibility that has always been theirs. In short, it is a bad idea. It is bad for education. It sends the wrong message to the diverse and talented school children that go to school every day in this country eager to learn.

So I rise, Mr. Speaker, to encourage my colleagues to oppose H.R. 3892. It is a bad bill.

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

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

Mr. RIGGS. Mr. Speaker, I thank the gentleman for yielding, just so I can clarify a point he just made, because I am very astounded to hear the gentleman say that our proposed reforms constitute a one-size-fits-all mandate imposed on State and local education agencies.

My question to the gentleman, whom I thank for yielding, is does he realize that under current Federal law, 75 percent of all Federal taxpayer funding for bilingual education instruction must go for native language instruction and does not that constitute a one-size-fits-all mandate with respect to 75 percent of the funding?

Mr. BONIOR. Mr. Speaker, I yield to the gentleman from Texas (Mr. RODRIGUEZ), my friend, to help answer that question.

Mr. RODRIGUEZ. Mr. Speaker, I would suggest that that is not the case. In fact, there are some beautiful programs that are labeled bilingual. One of them is dual-language instruction that allows non-English speaking youngsters to be able to participate and be able to enhance their language and learn other languages also.

Mr. GOSS. Mr. Speaker, I am pleased to yield 5 minutes to the distinguished gentleman from California (Mr. RIGGS).

Mr. RIGGS. Mr. Speaker, I thank the gentleman for yielding time to me. I thought he did an outstanding job in describing the rule under which this bill is brought to the House floor today.

Let me agree with the gentleman from Florida when he describes the rule as being somewhat complex, but fair. My colleagues will note that members of the Democratic minority have an opportunity to offer, I think, all of the substantive policy amendments that they requested be made in order through the Committee on Rules, number 1; and number 2, there is equal balance in amendments that are made in order under the rule. So let me turn my attention to the actual underlying legislation for just a moment.

Let me say that my friend from Texas, who was recognized a moment ago by the minority whip, is right when he says that a number and a variety of programs can be funded with Federal taxpayer funding under current law. But he ignored the fundamental point that I was making, which is that the mandate in current law that requires that 75 percent of Federal taxpayer funding go for native language instruction.

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

Mr. RIGGS. Mr. Speaker, perhaps when I have more time, although I would be happy to truly have a bipartisan debate across the center aisle, or the partisan aisle.

That mandate is embedded in current law, and what we are trying to do now by proposing reforms to the Federal Bilingual and Immigration Education Acts is to give local school districts more say, more flexibility, more discretion, more control in determining the bilingual instruction program, the bilingual instruction method that they feel is appropriate for children in that local community.

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

Mr. RIGGS. I yield to the gentleman from Texas on that point.

□ 1345

Mr. RODRIGUEZ. Mr. Speaker, I would ask the gentleman, by doing that, in restricting it to 2 years, how is he allowing that to occur when he is actually telling the individuals in the districts they can only offer it for 2 years, when there is no pedagogical basis, educational rationale? And we all recognize that the research says that you have to have a minimum of 7 years before you even grasp a language. In fact, all educators would disagree with the gentleman, that there is no reason whatsoever for limiting it for 2 years.

Mr. RIGGS. Reclaiming my time, Mr. Speaker, I would respond to the gentleman's very legitimate and I think sincere question by saying, first of all, it is the goal of the legislation to move all limited or non-English-speaking children, what we call under the bill ''English language learners,'' to English proficiency in 2 years. That is the overarching goal.

We really do believe that a child who enters the public schools should be able to read and write well in English, the official and commercial language of our country. That is the goal. However, the funding limitation in the bill is 3 years.

Furthermore, I would be happy, and I think the chairman of the full committee would be happy, to consider allowing a case-by-case exception to that, so that under exigent circumstances that 3-year funding limitation could be extended.

Let me make one other point, which is, despite the fact we have a 3-year funding limitation under our bill with respect to the Federal programs, there is nothing, of course, in our bill that prevents State and local school districts from using State and local taxpayer funding to continue the education of a non- or limited-English speaking student beyond the 3-year limitation contained in our bill. It only applies with respect to Federal taxpayer funding.

Mr. RODRIGUEZ. If the gentleman will continue to yield, Mr. Speaker, what rationale did the gentleman use to limit it to 2 and 3? Because it was not educational at all.

Mr. RIGGS. Reclaiming my time, yes, it in fact was. We heard expert testimony. I realize that people can differ. My response to this is we heard from many people who are concerned about the fact that our limited or non-English speaking students languish too long in native language instruction programs, in native language instruction classrooms, and that that may be a contributing factor to the unacceptably high dropout rate on the part of Hispanic American students. That is why we are attempting to address this concern with this legislation here and now.

I will further discuss later today a poll that just came out within the last few days, and this is a newspaper article dated August 26, that found that 88 percent, and I want to get the exact number here, 88 percent of immigrant children questioned preferred speaking English, and they are eager to embrace English and eager to make the transition to English proficiency and English fluency at the earliest possible date. I would argue that is the real key to their future academic and professional success in their adult lives.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON LEE).

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, let me thank the gentlewoman from New York, and let me acknowledge that I would like to listen to those 88 percent that my colleague has just announced to America; absolutely, who would say less? Americans, people who come to America, desire to be like Americans and they desire to speak English. What a ludicrous citation. But what this legislation does, it does not enhance that little one's opportunity to speak English, it detracts and denies. This legislation and the rule I oppose and the bill I oppose is accusatory, it is slanted, it is stigmatizing, and it undermines the premise of local control for school districts to educate our children.

We would not go anywhere in America and find people disagreeing with understanding and speaking and reading English, but in fact, there is something else to do. It is educating our children.

This bill jeopardizes our mission, number one, for all providers of primary education to give children a well-rounded education that will prepare them for life as adults. By forcing these children to focus all of their efforts on learning English, these immigrants will fall far behind in math and science, so someone can read but they cannot balance their checkbook.

By imposing a national and unitary standard, we automatically assume that every immigrant child in this country will learn English in the exact same way. If we still want this Nation to maintain the goal of giving every child an opportunity, we must have an individualized approach.

My school district in Houston has a predominantly Hispanic population. We have been cited throughout the State for having the highest performance in reading. That is because we understand, as educators and community, to leave education to educators who will help those children learn English, and my God, can Members believe it, be bilingual.

That is the insult of this bill, it denigrates what we have done in our own States. I would say that this is a bad rule, this is a bad bill, and it stigmatizes Americans, which we should not do.

Mr. Speaker, I rise to speak against the adoption of this bill, which changes the way that English is taught in schools throughout this country.

I oppose this bill because I fear that it will do substantially more harm than good. H.R. 3892 does nothing to improve education, and in fact, potentially hurts those people that it is supposed to help, children.

This bill places in jeopardy what should be ''mission–1'' for all providers of primary education—to give children a well-rounded education that will prepare them for life as adults. By forcing these children to focus all of their efforts on learning English, these immigrants will fall far behind in other important areas of development, such as math and science.

Currently, bilingual education programs are geared to teach immigrant children English, while at the same time making sure that they continue to improve in other academic areas. If this bill succeeds, we are potentially creating a substantial population of adults who may speak English well, but cannot balance their checkbooks. We must remember, language is but one of the skills necessary for people to survive in this world.

I am also opposed to this bill because it voids all of the ''consent decrees'' entered into by local schools, parents, and the Department of Education without adequate deliberation. These consent decrees have been carefully crafted by the proper authorities, with exacting and careful scrutiny, to meet the needs of these children, and to force compliance with our federal Civil Rights laws. We should not void them with the haste with which we are moving.

This bill is also deficient because it imposes a national standard where regional ones would be preferable. Language patterns in this country differ from region to region, and some languages have more in common with English than others. It is fundamentally impossible to paint a portrait of language in America, which requires delicate and careful strokes, with the clumsy and broad brush utilized by H.R. 3892.

By imposing a national and unitary standard, we automatically assume that every immigrant child in this country will be able to learn English in the same, limited amount of time. If we still want to maintain the goal of giving every child in this nation the individualized attention that they require to succeed in this world, then we ought to move away from hardline standards. We should instead allow our state and local governments to determine the most suitable language education policy for their needs.

Furthermore, not only must we reject this bill because it takes decision-making authority from local and state governments, but also because it takes discretion and choice away from the parents who send their children to school. If this bill is passed, parents no longer can select the manner in which their children will learn English. It is wholly inappropriate for the federal government to interject itself into the midst of what is essentially a family decision, and usurp parental authority, in order to control the manner in which a child should learn English.

Parents should be able to choose to enroll their children in some of the new, innovative language programs that are being conducted across the United States. For instance, in both California and Texas, some school districts have instituted voluntary ''two-way language immersion'' programs, which aim to teach children, regardless of their background, both Spanish and English as they make their way through school. These programs produce young children, fully fluent in two languages by the time they leave elementary school. We should not endanger these special programs, especially in light of the successes that they have already managed to achieve.

I strongly urge all of you to vote no on this bill, and protect our states, our parents, and most importantly, our children, from this terrible government intrusion.

Mr. GOSS. Mr. Speaker, it is my honor to yield 2 minutes to the gentleman from the Commonwealth of Pennsylvania (Mr. GOODLING), the distinguished chairman.

Mr. GOODLING. Mr. Speaker, I think I understood the gentlewoman correctly, and if I did, it was a total misinterpretation of the language that is in this bill. I thought she said that this legislation undermines the local school district's ability to teach our children.

This legislation does positively just the opposite. This legislation gives that local school district the opportunity to determine how they transition a student. Instead of Washington, D.C. saying for all these years that there is only one way to do it, it took us 10 years to ever get the 25 percent. The gentleman from Texas was able to move that legislation. He is no longer a member of the Congress, he later became a mayor. But nevertheless, it

took us all that time just to get people to understand that there is more than one way, there is more than one way in order to transition students.

Our whole goal is to make sure there is a quality education for every child. I want to make one other statement. We are not talking about Hispanic legislation today. Let us get that in our minds and keep it there. We are talking about 100-and-some languages in the city of Chicago, we are talking about 100-and-some languages in Virginia, right across the river. That is what we are talking about. So let us try to think about what is in the best interests of getting a quality education to every child. And who knows better than anybody? The local school district.

There are so few people that participate in this program now, we want to make sure, first of all, that more may participate if they wish; but secondly, we want to make sure that they have the flexibility to do it so they can accomplish a quality education for every child.

One size does not fit all, coming from Washington, D.C. I could not believe it when I heard what the whip, the minority whip, said, that we were trying to give a one-size from Washington. That is what we are trying to get away from once and for all.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. RODRIGUEZ).

Mr. RODRIGUEZ. Mr. Speaker, I thank the gentlewoman for yielding me the time.

Do not be fooled by the arguments of the proponents of this legislation, I say to the Members. This legislation does everything but provide an opportunity to learn. It begins to provide some restrictions to the local districts. They have those options to provide those opportunities.

Yes, my colleague is correct in saying that the bilingual programs that are out there are a variety of different types of programs. There are some beautiful programs that are there. I mentioned earlier the dual program approach, where it takes a mono-English child, and be able to participate with the mono-English speaking child in the same way, and they will be able to learn together and go forward.

This particular proposal, the only thing it does, it cuts and does not allow them to go beyond the 2-year period. That is restrictive. I do not know what they call it, but that is a government law that they want to pass that will restrict the local option for them to be able to go forward and be able to do the things that they are doing now.

I also would mention that the Governor of Texas has recognized the beauty of the bilingual program. At a time when we have the global economy, at a time when we are asking our youngsters in high school to have three to four different years so they will be able to learn a different language, we are now saying no, we are going to limit it to 2?

Let me ask the public, if they want to learn a language, do they think they can learn it in 2 years? No. Even the people, the educators, tell us that a minimum of 7 years is required to be able to grasp the language and be able to understand it. So that opportunity needs to be there for all Americans to be able to pick up, especially those youngsters as they move on in our particular schools.

This particular legislation, all it is is to restrict, and what I see, there is no logic to it. It is based on ignorance and apparently it is based on political motivations; also, in terms of racist attitudes, because it hits this, applying it just because of the elections that are coming up in November. That is the reality. It is not based on any kind of educational soundness.

Mr. GOSS. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Pennsylvania (Mr. GOODLING).

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

I merely wanted to ask the previous speaker, when he was saying, as I have heard him say on several occasions, that bilingual education is a beautiful program, I agree with that, but is the gentleman saying that the only beautiful bilingual program is transitional bilingual education? Is that the only beautiful one?

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

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

Mr. RODRIGUEZ. No. I am not saying that. In fact, if the gentleman heard me well, I am talking about the dual language instruction program that is a beautiful bilingual approach, where it also brings in the monolingual English-speaking child. That is part of that program. It is a beautiful program.

Mr. GOODLING. That is exactly what we are saying here. Taking back my time, what we are saying here is that they can design those programs locally. All we are saying here is do not say that we have to use a transitional bilingual education or we do not get help, because they have better programs.

I agree with the gentleman, there are beautiful bilingual programs out there. Let us give the local school district the opportunity to choose those that they want to use.

Mr. RODRIGUEZ. If the gentleman will yield further, Mr. Speaker, I ask Members to vote no.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. GREEN).

Mr. GREEN. Mr. Speaker, I thank my colleague on the Committee on Rules for yielding time to me.

Mr. Speaker, I rise not only in opposition to the bill, but also I am concerned a little bit about the rule, even though it is fairly flexible. I rise in opposition to the English Language Fluency Act because the bill makes bilingual education a political issue.

It seems to me that my colleagues on the Republican side have forgotten children should not be a political issue. The English Language Fluency Act is not only an assault on bilingual education, but it is an attack on the very openness and broadness that we have come to value in our country.

We have all come from somewhere. I am proud of my heritage, just like everyone is proud of theirs. We all come from somewhere. Bilingual education was designed on a national basis but enhanced by our local and State governments to provide for that diversity. It is our duty as Americans to make sure our children are educated, and our educational systems must be designed to provide for America's diverse population. This bill would make successful education impossible without destroying bilingual education. It is something our country simply cannot afford.

Let me talk from a Texas perspective, because the State of Texas has provided, since 1973, more money for bilingual education on the State level. We would like to be able to set our own standards, not 2 years or maybe an extra third year. Why should Washington know what the State of Texas or the city of Houston is already doing in our school districts? That is what is wrong with this bill.

The concern I have is that it is a political issue set up for this November 3 election. This bill will not see the light of day in the U.S. Senate after the vote of today.

Let me give some background. I grew up in the city of Houston, went to a majority Hispanic high school in the sixties, before we had a Federal bilingual program or a State program. I watched when students would come in to my high school when I was 16 and 17 years old and try to immerse. Those students did not stay more than a day or two. They dropped out, and that is why bilingual education is needed. It is a transition program, and it is important.

I strongly support bilingual education because it is an essential, transitional tool that allows students to become fluent in English while they progress in subjects like math and science. Eliminating bilingual education would create a society with no mechanism to integrate new citizens into reading and writing English.

Mr. Speaker, I urge a no vote on the bill.

□ 1400

Mr. GOSS. Mr. Speaker, may I inquire how much time remains on either side?

The SPEAKER pro tempore (Mr. SUNUNU). The gentleman from Florida (Mr. GOSS) has 17 minutes remaining, and the gentlewoman from New York (Ms. SLAUGHTER) has 16½ minutes remaining.

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

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. TRAFICANT).

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

Mr. TRAFICANT. Mr. Speaker, for some reason everybody is afraid to speak what they really feel. I am not opposed to all of the languages and the different ethnic heritages in our Nation, but I support the English language as our official language.

We are all immigrants. Some came with knapsacks on their backs. Some came in the belly of slave ships. Black, white, Christian, Jew, we all have one thing in common. We are all Americans. And the glue that binds us together is our Constitution, our Bill of Rights, and our language. The English language.

Mr. Speaker, it seems every time we have this debate, it is muddied with the politics of fear. The politics of separation. The politics of division. The politics of hate. The politics of ethnicity. One Nation under God. One Nation, not separate communities. Congress should ensure that America is a nation of one people, not separate communities, and we do that by fortifying our language.

Mr. Speaker, I support English as the official language. So be it. And I advise the Congress to look at it in that vein and remove the politics.

Ms. SLAUGHTER. Mr. Speaker, I yield 4 minutes to the gentleman from California (Mr. BECERRA).

Mr. BECERRA. Mr. Speaker, I thank the gentlewoman from New York (Ms. SLAUGHTER) for yielding me this time.

Mr. Speaker, it is unfortunate at this late date in the year when we have not yet had one of the 13 appropriations bills that must be passed in order for this government to function go through the process and when we still have not been able to deal with all of the significant national legislation that is before us, to find ourselves debating a bill that never got an appropriate amount of time to be heard, were never given an opportunity to bring on those who are experts in the area of bilingual education to testify, and never, never gave the minority in the House of Representatives the opportunity to participate in the drafting of this legislation.

This is a bill which affects Title 7 of the Elementary and Secondary Education Act. The Elementary and Secondary Education Act in 4 months is going to go through a total reauthorization, a revamping. Why, when that is 4 months from now, are we plucking out only one of the titles in that most important of bills that deals with education at the Federal level? We could only guess why. But to do it at a time when we are only 8 weeks away from an election, to do it at a time when there was an election in California in June that dealt with, in part, this issue of bilingual education leads a lot of us to be suspicious.

Mr. Speaker, why not have a full and fair opportunity to really air the issue of bilingual education? If my Republican colleagues really believe that we can make some changes that are meaningful, then let us discuss them. There is no reason why we cannot make changes, but let us do them in a way that will not impact negatively the 3.2 million children in America that are limited-English proficient and are yearning to learn English.

Mr. Speaker, as the poll we cited a moment ago showed, 88 percent of immigrant persons are who not yet proficient in English would love to learn it. Of course they would. Who would not want to be able to go to the playground and play with his or her peers? That is not the point. The point is to make those resources available to teach these kids. This bill does none of that.

Mr. Speaker, this bill does none of that. If we were truly trying to address the issues of educating our kids, and in this case the millions of our children who are yearning to learn English, we would not do this in a rushed way and we would not do it in a way that takes away the control that local districts have right now in how they educate their kids.

Certainly, if there was a sincere effort to do this, we certainly would not undo the 288 different consent decrees that we have across the Nation where school districts have come together with the Office of Civil Rights and the Department of Education and said, ''You are right. There is evidence that we were not properly educating children who are not English proficient. And you are right, we should do something and we agree voluntarily to do something.''

Mr. Speaker, they entered into consent decrees, written and now enforceable, that say that these districts will do certain things. Now, for this legislation to say all of those consent decrees voluntarily entered into by all of those school districts are null and void is shameful. Because what is to say that those of us here in Washington, D.C., know better than the folks that are in those 288 school districts, or any of the school districts in our Nation that have decided how best to educate their kids? It is unfortunate that my Republican colleagues have decided to completely take away that local control from those school districts to make those important decisions.

There is every opportunity for us to have meaningful debates on bilingual education, the merits, demerits, the same as we should have debates on public education, private education. But to say that because we have one single hearing in this body here in Washington, D.C., where only one of the witnesses, except for the two Members of Congress, one Member of Congress opposed to bilingual education, one Member supporting bilingual education, but all the other so-called expert witnesses, 11 witnesses, only one could speak on behalf of bilingual education, that is not meaningful. That is why procedurally we should defeat this rule.

Ms. SLAUGHTER. Mr. Speaker, I yield 4 minutes to the gentleman from Texas (Mr. HINOJOSA).

Mr. HINOJOSA. Mr. Speaker, I rise today to express my strong opposition to H.R. 3892, the English Language Fluency Act. Pure and simple, this bill is riddled with problems and does little in the way of promoting English fluency.

In my home State of Texas, there are almost half a million limited-English proficient children. Across the country, there are close to 3.5 million LEP students. What H.R. 3892 will do is severely hurt these millions of children who are well on their way to learning English. Let me tell my colleagues why.

Under the pretext of parental choice and flexibility, the gentleman from California (Mr. RIGGS) introduced H.R. 3892 on April 1, 1998 and scheduled a hearing on the bill 1 month later. Oddly enough, and I am a member of that committee, the panel of invited witnesses included only one individual who opposed the Riggs bill; a school superintendent from my own home State of Texas. The other eight witnesses the gentleman invited to testify included English-only proponents such as English First and the Center for Equal Opportunity.

After the hearing, the gentleman from California, my friend, substituted his initial bill for another H.R. 3892 which contains numerous flaws. Let me count them for my colleagues.

Problem number one: H.R. 3892 effectively eliminates Federal support to prepare, recruit and train qualified teachers to teach language-minority students.

Problem number two: This bill lowers standards and expectations for our limited-English proficient students. H.R. 3892 emphasizes mastering English as quickly as possible at the expense of academic and analytical skills. Under the gentleman's bill, schools would be required to focus solely on teaching LEP students to learn English. What about the essentials of the art of learning?

Problem number 3: H.R. 3892 repeals the Immigrant Education Act and replaces it with a loosely structured block grant to States based on the number of LEP immigrant children in their State. Under this proposal, needy school districts will receive even less money, as the bill does not require States to distribute funds in accordance with need nor merit.

Problem number 4: The bill violates the civil rights of language-minority children. Under this bill, Congress would void all past and current voluntary compliance agreements regarding bilingual education entered into by local schools, parents, children, and the Department of Education without even contacting the parties involved or reviewing individual agreements.

Problem number 5: This bill infringes on the ability of local schools to make critical decisions on appropriate curriculum and assessments.

Mr. Speaker, there are many more problems with this bill. For purposes of time, I will not elaborate.

In conclusion, I strongly urge all my colleagues to vote against this hastily drafted bill. Let us wait until next year when we do the reauthorization of K–12, and let us do it through the due process so we can bring in experts from throughout the country, that we can have field hearings and really do what is best for children. Because children can learn the art of learning in any language, be it English, German, Polish, Italian, whatever the language. But they need to hear it in a language that they can understand the teacher. We want the process to be followed and that the reauthorization be given this legislation.

Ms. SLAUGHTER. Mr. Speaker, I yield 2½ minutes to the gentleman from California (Mr. TORRES).

Mr. TORRES. Mr. Speaker, I thank the gentlewoman from New York (Ms. SLAUGHTER) for yielding me this time.

Mr. Speaker, I rise to state my strong opposition to H.R. 3892. This bill is simply shortsighted. It is politically motivated. It is a form of legislation to outlaw any form of bilingual education.

I am sure that the gentleman from California (Mr. RIGGS) hopes to restrict funding that would assist students as they transition to English fluency while simultaneously developing their learning skills. This anti-bilingual education legislation follows a misguided, poorly developed trend in my own home State of California.

Currently, a barrage of lawsuits and appeals have been filed in California to challenge the civil rights violations of the recently passed Proposition 227. This is not a wise direction for Congress to take until the courts and the States sort out who has emerged as a very serious violation of rights.

There is no doubt about it. There appears to be an anti-immigrant movement in this body, and the English-only movement appears to be the primary vehicle. This sentiment is not only un-American, it strikes at the core of cultural diversity that enriches our society. And I firmly stand opposed to any attempts to legislate English as our official language or to eliminate bilingual education programs.

English, my colleagues, is already the official language of the United States. There is no other language other than English. But bilingualism is a resource in our global economy. And I, as a person, have traveled and lived in the world and my experiences have been enriched by my ability to communicate in other languages.

Just like other educational programs, bilingual education works only if it is properly implemented. A quote from the New York Times on April 30 regarding the California proposition states that, ''replacing bad programs with a plan to destroy good programs makes no sense. (And the plan to eliminate bilingual education) . . . will not help bilingual students enter the mainstream any quicker.''

Education must be the number one domestic policy to prepare America's children for the 21st century. Bilingual education must be available to meet the demands of the fastest growing ethnic group in the country.

One of the greatest problems for our children is the shortage of skilled bilingual education teachers. The opportunity to improve bilingual education must focus on teacher recruitment and professional development. That is a goal that I and my colleagues will pursue. I urge my colleagues to vote against this terrible legislation.

Mr. GOSS. Mr. Speaker, I would like to advise the gentlewoman from New York (Ms. SLAUGHTER) that since my last statement on this fact we have had a speaker come forward and ask to speak for a minute. I wanted, in the interest of fair play, to advise her.

Mr. Speaker, I yield 1 minute to the distinguished gentleman from Pennsylvania (Chairman GOODLING).

□ 1415

Mr. GOODLING. Mr. Speaker, as I tried to point out earlier, we are not talking about a language, we are talking about more than 100 languages.

I would like to also point out at this particular time we are talking in this language about 583 grants. There are 16,000 school districts in this country, public school districts. There are 110,000 schools. We are talking about 583 grants, many of which do not even go to school systems. They go to other organizations.

So let us keep all of this in perspective. Most of the help that goes to LEP children comes from Title I, not from this program, from Title I.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentlewoman from Hawaii (Mrs. MINK).

Mrs. MINK of Hawaii. Mr. Speaker, I thank the gentlewoman from New York for yielding me this time.

Mr. Speaker, I rise in strong opposition to this legislation because I feel that it undermines the efforts that have been made in the past to provide this special service to LEP children. The chair of the subcommittee says that a great deal of assistance is already provided under Title I for limited-English proficient children. That is probably true.

But this is a special program which really stemmed from a lawsuit, the Lau v. Nichols lawsuit, which said that children cannot be expected to be able to have equal educational opportunity unless they understood the message that was being transmitted to them in a classroom; and if that language that was being used in the classroom was something they could not understand, then how could they be educated?

The thing that offends me the most about this legislation is the nullification of all of the consent decrees which have been put in place from hundreds of school districts in order to make sure that these children from limited-English backgrounds do, in fact, have in place these special programs.

It seems to me that this Congress is being asked in this bill absolutely extraordinary intervention, not only in a judicial decision, but in the ability of the local school districts to implement the requirements in those consent decrees. I do not believe that that is our business, nor should we be exercising any jurisdiction or authority in this regard.

The second thing that I find very offensive is the idea that ''one size fits all'' in that we have the wisdom to make a determination that a 2-year time limit is all that the program is to have. I do not think that takes into account some of the very, very difficult language situations that are confronted by many of our school districts.

I have a very large number of children that need this special assistance. So I urge this House to vote down this bill as not being one which properly subscribes to the idea of equal educational opportunity.

Mr. Speaker, I rise today in strong opposition to H.R. 1892, the English Language Fluency Act, which will undermine current efforts to provide bilingual education services to limited English proficient children.

The bill imposes an arbitrary time-limit for federal bilingual education assistance of two years. Proponents of this legislation clearly do not understand the nature of learning. Children learn at different speeds. To expect a child whose first language is not English to be able to understand scientific and mathematical terms after only one or two years of English is not realistic.

This arbitrary time limit will force local programs to utilize one particular instructional method—English Immersion. This takes away control from the local school system, administrators and teachers to decide what form of English instruction is best for a particular school system or a particular child.

The Majority has constantly preached the idea of local control of education, yet we have a bill before us that takes away local control and imposes strict federal requirements for bilingual education. There is no evidence that the English Immersion method is any better than other bilingual education methods. What is best may differ from community to community or from student to student. That is why we have always stood for local control over curriculum and teaching methods.

The bill does further damage to the current bilingual system, by eliminating the professional development program. One of the greatest needs in our schools are qualified, trained bilingual teachers. Many school systems have to deal with a myriad of languages. Having qualified teachers who can teach children who speak Spanish, Chinese, Vietnamese, Hmong, Filipino, Thai, Malaysian is essential to the future academic success of children who speak these languages. Teachers with knowledge of a student's native language can help that student make significant progress in learning English and in other academic areas. The professional development

program helps to train speakers of foreign languages and others to teach bilingual education. But under this bill federal support for this important purpose will be eliminated.

Mr. Speaker, I also oppose this legislation because it makes a significant change in the way programs are funded. The block grant structure of the bill ignores the fact that children who need bilingual education services are concentrated in certain areas of this country. Under current law, school districts in areas with high concentrations of bilingual students are able to apply directly to the U.S. Department of Education for bilingual education funds under a competitive grant program. Under the Riggs bill the funds will be distributed to each state based on the number of LEP children in each state. This structure diffuses the impact of limited federal dollars for this purpose.

Furthermore, the U.S. Department of Education states that there is currently no reliable data which would assure an equitable distribution of funds under the formula. Hawaii will lose $464,000 or 43% or our bilingual education funds under the funding formula in H.R. 3892, because Hawaii is estimated to have only 12,611 LEP students.

Finally, Mr. Speaker, the enactment of H.R. 3892 would jeopardize the civil rights of students of limited English proficiency by voiding all of the voluntary Compliance Agreements entered into by the Department of Education, Office of Civil Rights with school districts that were out of compliance with Title VI of the Civil Rights Act.

Schools with limited English proficient (LEP) children are required to assure equal educational opportunities for LEP children. This is required under a 1974 Supreme Court ruling which states that in order to provide equal educational opportunities to LEP children, school districts must take affirmative steps to rectify language deficiencies.

These Compliance Agreements help school districts comply with the Supreme Court ruling and Title VI of the Civil Rights Act to provide equal educational opportunities to LEP children. The unilateral nullification of these Compliance Agreements is an unprecedented effort to gut the enforcement of the Civil Rights Act.

Mr. Speaker, H.R. 3892 will take us back to a time when we did not protect the rights of limited English proficient children to receive equal educational opportunities. We must defeat this bill and look toward improvements in our bilingual education system that will allow us to reach more children, train more bilingual education teachers, and improve the academic achievement of limited English proficient children.

Ms. SLAUGHTER. Mr. Speaker, may I inquire how much time I have remaining?

The SPEAKER pro tempore (Mr. SUNUNU). The gentlewoman from New York (Ms. SLAUGHTER) has 2½ minutes remaining. The gentleman from Florida (Mr. GOSS) has 16 minutes remaining.

Ms. SLAUGHTER. Mr. Speaker, I yield 30 seconds to the gentleman from California (Mr. FARR).

Mr. FARR of California. Mr. Speaker, I thank the gentlewoman for yielding to me.

Mr. Speaker, I rise on behalf of the student I spoke to on Tuesday in Branceforte Middle School in Santa Cruz, Lisa Morelas. She said one thing. She said, kids are dropping out because they cannot get access to the transition of bilingual education.

It seems to me that our commitment here as Members of Congress is to keep that hope alive, not just political promises alive. We have got to measure student performance, not political performance. The student performance says, let them learn English through the bilingual program. Do not cut the program. Do not cut the safety net. Oppose this amendment.

Mr. GOSS. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. RIGGS).

Mr. RIGGS. Mr. Speaker, I just want to clarify a couple of points because I want to believe that my colleagues on the other side of the aisle are being sincere and not disingenuous in the arguments that they make against the legislation.

For purposes of having an informed debate when we move to general debate and debate on the amendments, let me again refer my colleagues to page 5 of the bill, the 3-year, not 2-year funding limitation in the bill. Just take a moment to glance at it, if you would.

Secondly, let me say to the gentlewoman from Hawaii (Mrs. MINK) and others who just spoke of court-ordered consent decrees, the bill does nothing with respect to court-ordered consent decrees. It only addresses administrative compliance agreements between the Federal Department of Education, Office of Civil Rights and local school districts. We do not in any way encroach on the prerogatives of the judicial branch of government.

Lastly, with respect to local control, my good friend, the gentleman from California (Mr. MARTINEZ), put out a ''Dear Colleague'' saying this somehow guts local control. This bill is all about local control, allowing local school district to select the bilingual instruction method that they deem most appropriate and then requiring them to get the formal written consent of parents before the child can be placed in the program.

Ms. SLAUGHTER. Mr. Speaker, I yield the remainder of my time to the gentleman from California (Mr. MARTINEZ).

The SPEAKER pro tempore. The gentleman from California (Mr. MARTINEZ) is recognized for 2 minutes.

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

Mr. MARTINEZ. Mr. Speaker, regardless of what we do here today, we as a nation are going to survive, and certainly English as a language is going to survive. But if we want to look at the motivation behind this by a lot of people on that side, and we talk about sincerity and believe it, we are sincere over here when we believe that this is going to do more harm than it does good, especially for those limited-English-proficient students.

My friend, the gentleman from Pennsylvania (Mr. GOODLING), whom I respect very much, states the idea that there are so many different languages spoken in different school districts. This is throughout the country. Nothing in the current law indicates to school districts how they will, unlike this law, will teach their children bilingual education. They just say that those children need to get a full and meaningful education and that language is a part of that education and that understanding that language is a part of that education.

My friend, the gentleman from Ohio (Mr. TRAFICANT), gives us a solid motivation why this bill is before us now when he says I believe in English. We all believe in English. I should have started this out by saying—(the gentleman from California, Mr. MARTINEZ, spoke in Spanish)—and I will bet my colleagues, almost every person in the United States understands what that is.

There is nothing wrong with knowing and speaking other languages. But more importantly, there is a very, very central issue here, that children need to learn English well enough to learn other subject matters in English. They cannot do that under this bill.

Two years is a time limit, the first yardstick by which these people are going to be measured. Then they are going to be tested not in Spanish so that you can determine adequately how well they learned English, but only in English where they may not have learned. If somebody deems that they are worthy of another year's extension, they will get another year's extension. But remember, the first measure, the first yardstick is 2 years.

I want to ask my colleague, how much language and what language could he learn in 2 years? I doubt if there is any language that he can become proficient in. The idea of this is LEP, limited English proficiency; that is the key.

Mr. GOSS. Mr. Speaker, I yield myself such time a I may consume. I will not use all of my remaining time. There are a couple of points that I would like to make.

First of all, I would like to start out and say this is actually a debate about the rule. We have not heard much about this rule, which I think is good, because I think it is a fair and appropriate rule for the matter at hand.

As sometimes happens when you have a reasonably good rule or a good rule, in the debate on the rule, the time allotted, the debate spills over into the merit of the issue; and that has clearly happened in this place. So I take it we have got a pretty good rule, and I will not talk anymore about that, and I hope everyone will support it.

But before I yield back all of my time and move the previous question, I would like to point out that I do not think there is anything in this bill, in fact I have been assured by the gentleman from California (Mr. RIGGS) and

the gentleman from Pennsylvania (Mr. GOODLING) that there is nothing in here, that this is an English-only bill. I don't know where that came from. The gentleman from California mentioned it as part of some kind of anti-immigrant plot. Not so. There is none of that in here.

What is in here is a good-faith effort to try and improve the fluency of people who do not speak English and allow them to transition into an English-speaking society, which we are in the United States of America; and I think it is a genuine and good effort.

We may disagree whether we have got the right way or the wrong way, but we have certainly provided ample time for debate to deal with that.

I note that several of our colleagues from the other side of the aisle are a little scared of the 3 years that this program enrollment period goes for, and it is 3 years, not 2. They are worried about meeting some kind of a standard or a merit or having any kind of a measure of performance applied.

I can tell my colleagues that I have youngsters in my district who have been in these programs for 4 or 5 years, and they are not learning English. They are stuck in their own community, not taking advantage of becoming English speakers, even though their parents wish them to be fluent and proficient in English because they understand how important that is for the future. Yet, these programs are not working.

I think it is fair to say that we do not have a complete success story or anything like it in the status quo. We are trying to find a way to move forward from the status quo.

I notice my colleagues on the other side have suggested that the status quo is better than what we are presenting, in their view; and in some cases, they have offered some gutting amendments or will offer some gutting amendments, I am told. But I have not heard about any great new programs or any great new ideas.

We have now carved out 3 hours of amendment time. This is a good time to bring forth some brave new ideas, if you have not been able to do it yet. I challenge my colleagues to do that.

I would suggest that my colleague, the gentleman from Pennsylvania (Mr. GOODLING), the chairman, and the gentleman from California (Mr. RIGGS), who is the author of much of this, have done a pretty good job of bringing forth some new ideas. I think it is extremely important that we debate these ideas in a fair way, and that is why we have so much time scheduled for the amendments and any thoughts that anybody has.

In fact, as we have seen, we have used a good part of our rule discussion dealing with trying to understand what the issue is here right now. We have heard all kinds of statements made several times, and it seems like it is getting to be a mantra that somehow or another we are taking away local control. On the contrary, this bill provides for more local control.

Everybody knows that that is one of the planks of the GOP policy is to go to local control for our education people back in the community. This is very consistent with that; otherwise, I do not think this legislation would have gotten this far.

So I think to try and mischaracterize this as any way taking away local control is not straightforward. The idea that perhaps we are trampling on some children's rights by trying to help them learn language and become proficient in the language of our country, which is primarily English, seems to me to be a little bizarre. I think trying to help out our youngsters is a very important thing.

I do note that one of the speakers on the other side mentioned that children are not a political issue. I quite agree that children should not become a partisan political issue. But I do believe children are very much part of our process, and I believe it is very important to legislate and look out for your youngsters.

That is why most of the people who have reached my age in life get out of bed in the morning and go to work, to make sure that what our kids have is a little better than what we started with if there is a way to do that.

So I think that we are trying to do something honorable and something useful and something beneficial for our Nation's children. I think we are trying to do it in a very, very reasonable way. I say that because I hate to see these debates hijacked and scare tactics.

I remember very well some years ago I went home to town meetings and was informed by people there that we were not going to have any longer a school lunch program, and mean-spirited people were going to take away children's school lunch program. That was bologna. That was hogwash. It was not true. It never was true. But it was a great story. It was partisan politics at election time.

This bill deserves better than that. This is a good bill, and it should be discussed for what it says, not what some people keep characterizing that it might say.

So I would urge my colleagues very much to pay attention to this debate, that we go forward now with this rule, that we get into this debate. I hope people will agree that this is a very honorable effort to improve the process of bringing those who do not speak English into the society that does speak English and in this place we call the United States of America.

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.

APPOINTMENT OF CONFEREES ON H.R. 3694, INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 1999

Mr. GOSS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 3694) to authorize appropriations for fiscal year 1999 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement Disability System, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida? The Chair hears none, and without objection, appoints the following conferees:

From the Permanent Select Committee on Intelligence, for consideration of the House bill and the Senate amendment, and modifications committed to conference:

Messrs. GOSS, YOUNG of Florida, LEWIS of California, SHUSTER, MCCOLLUM, CASTLE, BOEHLERT, BASS, GIBBONS, DICKS, DIXON, SKAGGS, Ms. PELOSI, Ms. HARMAN, Mr. SKELTON and Mr. BISHOP.

From the Committee on National Security, for consideration of the House bill and Senate amendment, and modifications committed to conference:

Mr. SPENCE, Mr. STUMP and Ms. SANCHEZ.

There was no objection.

□ 1430

ENGLISH LANGUAGE FLUENCY ACT

The SPEAKER pro tempore (Mr. SUNUNU). Pursuant to House Resolution 516 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 3892.

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3829) to amend the Elementary and Secondary Education Act of 1965 to establish a program to help children and youth learn English, and for other purposes, with Mr. LAHOOD in the chair.

The Clerk read the title of the bill.

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

Under the rule, the gentleman from Pennsylvania (Mr. GOODLING) and the gentleman from Missouri (Mr. CLAY) each will control 30 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. GOODLING).

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

Mr. Chairman, I want to make a couple of preliminary statements that I

made during the rules debate. First of all, I want to make sure that everybody understands we are talking about 16,000 public school districts, 110,000 public schools. That is just a small portion that may participate. And we are talking about 583 grants. That is what this whole debate is about, 583 grants, and we are talking about 16,000 school districts and 110,000 schools.

Second thing I want to make sure everybody understands is when we are talking about LEP students, the financial aid LEP students is in title I. That is where most of the money comes from in order to deal with the issue of making sure every child has an equal opportunity for a quality education.

As a former educator, I know how important it is for each and every child to receive a high quality education. And that is what the gentleman from California (Mr. RIGGS) is doing in this legislation, trying to make sure that every child has that opportunity.

The most frustrating experience I have had in 24 years in the Congress of the United States is this business of we will never admit that some programs do not work very well. We will never admit that there might be something we can do to make them better. It is always if we just have more money somehow or other poor programs will become better.

I have argued this on Head Start for years and years and years. And it was not until this secretary came when she finally closed 50 Head Start programs. Well, we had a lot more than 50 over the years that were not doing well, were not providing the kind of preschool education that children needed, were not putting quality people in those rooms in order to make sure that they would have a quality education.

And so here we are again. Even though the dropout rate does not change, does not go down, goes up, if anything, we are still going to say, but there is only one way to do this. And that is what the argument is all about. The argument is not about is bilingual beautiful, is bilingual education necessary. That is not the argument at all. The argument is are there other ways to do it. Should the Federal Government say that 75 percent of all this money must go to only one method in trying to improve the quality of education for LEP students. That is what the whole argument is about. And I say that, no, we have not done very well, so let us give local and State people a little more flexibility to see if they cannot design programs that will do something about reducing that dropout rate rather than increasing that dropout rate.

Then we get into the parent notification business. It is unbelievable to me that anyone could question whether the reason for identifying a child as being in need of English language instruction is not the responsibility of the school to the parent, or whomever put them in that particular program. Does the parent not have the right to know why their child was identified and placed in that program? Does the parent not have the right to know the child's level of English proficiency, how they assessed it, how they determined that? Do they not have the right to know the status of their child's academic achievement? Do they not have the right to know how the program will assist their child to learn English and meet appropriate standards for grade promotion and graduation?

That is what we say in this legislation; that, yes, a parent does have that right. The parent should have that right. Any other parent of a child who is not LEP certainly would want that right and certainly has that right. And so we say the parent has to be notified. The parent has to be told all of these things. The parent then makes a choice whether they believe this is the best program for their child. And if they do not believe their child is doing well in the program, and there are other programs available, they have the choice of saying, I want my child to try a different program.

So, again, let us get beyond this business of somehow or other we, in this language, are telling people exactly what they have to do as far as bilingual education is concerned. The opposite is true. Let us get beyond the idea that somehow or other this legislation will eliminate bilingual education. As a matter of fact, it will do the opposite. It will give locals an opportunity to say that, well, perhaps we have a better approach for these three children than what they say from the Federal level, and a different approach for these ten children rather than there is only one approach: Transitional bilingual education.

So I would hope that this debate will continue only upon the merit of how do we provide quality education for all children and admit that we have not done very well in many programs in the past. And that we are here in a bipartisan fashion to make sure that every child has an opportunity for a quality education.

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

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

Mr. Chairman, I oppose this bill because it attempts to destroy local bilingual education programs and it jeopardizes the civil rights of limited English proficient students.

This bill voids voluntary compliance agreements entered into by the Department of Education and local school districts that are out of compliance with title VI of the Civil Rights Act. This provision is an unprecedented and shameful effort to gut the enforcement of the Civil Rights Act of 1964 as it applies to students with limited English proficiency. The majority has never provided any justification for this assault on civil rights.

This bill also repeals the current requirement that LEP students meet strong academic and performance standards. While mastery of academic English is essential to future employment success, so is the mastery of math and science and the other disciplines, and this bill has no accountability or requirement to LEP students to meet challenging standards in the core curriculum. We should never allow bilingual education students to become second class citizens and second class students.

The bill also sets artificial and arbitrary time limits for completing bilingual education that would prevent teachers from doing what is best for that student. These time limits do not recognize that some children learn faster than others. I find it kind of strange that the majority would want those of us inside the beltway to dictate the duration of a school's bilingual education program rather than letting the local schools and teachers and parents decide.

This legislation, Mr. Chairman, also repeals the Emergency Immigrant Education program, which provides assistance to those localities which have large numbers of recently arrived immigrants. This program is essential in cities such as Miami and Los Angeles, New York and others. So I urge my colleagues to vote against this anti-education measure.

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

Mr. GOODLING. Mr. Chairman, I yield myself such time as I may consume, and before yielding to the subcommittee chairman, who was the workhorse on the legislation, I do want to point out, since it was mentioned, that the Equal Educational Opportunity and Nondiscrimination for Students with Limited Proficiency, Federal enforcement of title VI, and Lau versus Nichols, they stated in a report in 1997, ''The bilingual Education Act has placed restrictions on the types of programs that could be funded under the Act, and these restrictions have, in turn, limited school districts' options.''

Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. RIGGS), the subcommittee chairman.

Mr. RIGGS. Mr. Chairman, I thank the chairman of the full committee for his support of this legislation and his very active role in helping to bring it to the floor in a very timely manner. I think it is very important, for reasons that we will discuss during the course of debate today, that this legislation be considered by this Congress, not deferred sometime into the future.

I say that, in part, because of, but only in part, because of the strong mandate for reform of bilingual education in my home State of California. As I think most people know, voters there in the June primary election, California has its primary election in June, passed a ballot initiative, a popular referendum, called Proposition 227 by a 61–39 margin.

In fact, most of the, I guess what we would call trending polls leading up to

the election indicated that a majority, or slightly less, of Hispanic American surname parents in California, Hispanic American voters in California, supported Proposition 227. And the exit polls showed that, I believe, somewhere in the neighborhood of 40 percent of Hispanic American voters had supported Proposition 227. However, as I will point out as we get into the debate, our legislation coming out of the committee is much more reasonable, much more moderate and flexible than the voter approved mandate of Proposition 227 in California.

I just want to parenthetically make a quick point, which I think the chairman made earlier, that we should not limit this debate or focus this debate solely on Spanish language or traditional English-Spanish bilingual education. Because, in fact, if we are going to meet the needs of immigrant American children, bilingual education, by definition, has to encompass many, many more languages than just Spanish.

In fact, going back to California for just a moment, sitting there on the Pacific Rim, with California businesses and industries doing more and more business in the Orient, one could argue that as a second language it is probably as important, if not more important, that our children learn an Asian language, or Asian dialect, as it might be for them to learn Spanish. But that, again, is not really what this debate is about.

This debate, in my mind, while as the chairman says deals with a relatively small or limited amount of money, has larger overtones in part because of the tremendous dropout rate of nonEnglish speaking or limited English speaking students in our schools. In 1996, 55.2 percent of Hispanic students graduated from high school, and that was up just slightly from the 54.4 percent graduation rate in 1988. Considering that almost three-fourths of limited English or nonEnglish speaking students speak Spanish, our committee has a real concern that those children are being failed by the status quo; by current programs. They are being left behind.

If we are concerned about discrimination, my colleagues, this is causing them to effectively be segregated from their peers and, all too often, segregated from the rest of society, when our goal should be to hasten, to expedite their assimilation into the American society so that they can realize all of their God given potential as human beings and the opportunity to achieve the American dream.

So if we think that a dropout rate in the 50th percentile, 54, 55 percent for Hispanic American students, is acceptable, then by all means oppose this effort at reform, and any other effort at reform in this Congress or in the future.

□ 1445

Now, we talked a little bit about process. We have had an extensive debate in the last Congress on English as the official language. But this bill has nothing to do with English as the official language. It just again is focused on bilingual education.

We had hearings, a field hearing in San Diego, a committee hearing here in Washington, on the legislation. We had a very extensive debate during consideration of this bill in the full committee. We have aired out these issues. We have had ample opportunity to discuss them.

And in terms of process, let me assure my colleagues, particularly my friend the gentleman from California (Mr. BECERRA), that I made every effort to reach across the center aisle, the partisan aisle, to the gentleman from California (Mr. MARTINEZ), my very good friend and the ranking member of the subcommittee. And we have, wherever possible, worked together in a mutually cooperative, professional and, I think, bipartisan fashion.

We just had to, on this particular issue, agree early on to disagree. It was apparent to both of us I think that despite our best efforts, we were not going to be able to collaborate on this particular bill. That should not signal to my colleagues, and I think the gentleman from California (Mr. MARTINEZ) would attest to this, that should not signal to my colleagues that we did not have a debate or that I approached this issue with a closed mind. I am still open at this date to positive and constructive suggestions, and I will listen very carefully to the arguments that are made on behalf of the Democratic amendments during consideration of this bill today.

But I keep coming back to the concerns and the rights of parents. I think back to a gentleman by the name of George Louie who testified before our subcommittee at the field hearing in San Diego about his experiences with his son Travell, who was born and raised in the United States yet placed in a Chinese, actually a Cantonese, bilingual education program in his Oakland, California, school, which is under a court order consent decree.

Mr. Louie was horrified to find that his son had been placed in that class and made repeated attempts to try to get the permission and the cooperation of school authorities in transferring his son out of that class to another class.

He testified that he made over 75 contacts with the school district but was told, because of the court ordered consent decree, that his son, a native American, English-proficient, English-fluent son, could not be transferred into another classroom.

Now, what do we say to Mr. Louie under those circumstances? Would we not stand with Mr. Louie and say, we support your right to make sure that your child gets a good education? And the way that we can safeguard against the same thing happening to any other American child as happened to your son is to require local school districts driving that control, driving that decision-making right down to the local levels closest to the parents in that community, who are, after all, the consumers of public education, and make sure that parents have the right to decide whether their child will be placed in a native language, that is to say a non-English-speaking classroom, particularly again a young man such as Travell Louie, who is English speaking.

So what we have done here in this legislation is a couple of things. One is, we are saying to local school districts they can select the method of bilingual instruction that they deem most appropriate for their children in their community.

And let me tell my colleagues, show me in the legislation where we have inserted any language that would prevent that local school district if they so chose, if a majority of the governing board, the duly elected school board members from that community, if they chose to offer bilingual education through native language immersion, show me a provision in the bill that would prevent a local school district and local school board from doing that; and they will not be able to.

But I will acknowledge that the converse of that is true, that that local school district could decide, particularly in California, under the mandate of Prop 227, to offer bilingual education instruction in an English immersion program. But the flip side is true and any combination thereof.

What we are trying to do is take out the mandate in current law that again requires that 75 percent of Federal taxpayer funding go for traditional, transitional, bilingual education instruction, a mandate that a majority of the instruction time actually be in the native language.

We want more flexibility, and that again is in keeping with the longstanding American tradition of decentralized decision-making, local control in public education. And we are trying to improve on current law by requiring that local school and that local school district to go one step further and obtain, not just notify the parent that their child will be placed in a bilingual education class, a native language instruction class, but to actually get the formal, written permission or consent of the parent before the child can be placed in the class. That seems to me to be a very reasonable reform to address in part the concerns of parents like Mr. Louie.

Mr. Chairman, I will finish my remarks and then I will defer to the chairman and floor manager.

So, as the gentleman from Ohio (Mr. TRAFICANT) and others pointed out, English is the language of this Nation and the mastery of the English language is the key to success. It is the key to success in school, and it is the key to success later on in life.

We are consigning whole generations of young people to failure by passing them through 12 years, or in the case of kindergarten, 13 years of public education without giving them the proper

understanding and the proper foundation in English, the official common and commercial language of our country.

With this bill, I would hope we would send a message to school districts across the country that this practice of consigning kids to an inadequate public education that fails to prepare them for later in life and professional success in adult life, that all that stops with this legislation.

Now, some of the critics of this legislation have already and will in the next few hours, as we debate this bill, claim that this legislation is discriminatory. But I can think of nothing that discriminates against people who come to America with dreams of success more than making them permanent outsiders in American society, in American life, leaving them on the outside looking in at the American dream. That is what graduating the children of immigrants from public schools without a good, fundamental grasp of English guarantees.

Depriving immigrant children of the best, quickest method of learning to speak, write, read and genuinely understand English is discrimination at its worst. I hope my colleagues will just contemplate that when we get into the debate here.

Now, the chairman and the gentleman from Florida (Mr. GOSS) mentioned the whole debate on school lunch in the first session of the last Congress, the 104th Congress. And we all remember the more recent debate regarding reform of the Federal Welfare Act.

My colleagues will remember, certainly many of our constituents listening and watching this debate will remember that when we insisted on reforming America's failing welfare system, our political opponents and many of our media critics predicted that the sky would fall, the world would end, and we would be throwing millions of people out into the streets to be destitute.

Well, today one million former welfare recipients have made that transition from welfare to work, they are working at jobs, they are achieving financial independence and the self-respect and self-esteem that comes with financial independence. The taxpayers have saved $5 billion, which States and local communities are now using to meet other very legitimate human and social needs in those communities. And we have successfully reformed a Federal program that trapped millions of poor people in a cycle of poverty and failure. We took bold action and we have seen a sweeping turnaround, and that has been attested to by many, many articles in the mainstream media.

This is what we are going to do for bilingual education. This is what we should do for public education in general. And the critics are again saying, and we will hear one after another stand down here in this well or take the microphone on the other side of the aisle, and they will say that the sky will fall. But millions of students destined for failure in federally funded bilingual education programs will have a real chance to speak and master English under this bill.

So I strongly support the legislation. I urge my colleagues to take a bold stand, support this vitally needed legislation. Because I truly believe, as I have said all along, that reform of Federal bilingual education programs is overdue and inevitable.

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

Mr. RIGGS. Mr. Chairman, I am going to, as I said earlier, defer to the chairman of the full committee, who manages the time, to yield.

Mr. CLAY. Mr. Chairman, it is apparent that Chicken Little would have yielded. I yield 4 minutes to the gentleman from California (Mr. MARTINEZ).

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

Mr. MARTINEZ. Mr. Chairman, I rise in strong opposition to this bill. It is called the English Language Fluency Act. More appropriately, it should be called the anti-children civil rights bill.

This bill, in my estimation, would dismantle the civil rights protection that is now afforded to the language-minority children all over this country. The Supreme Court decision in Lau v. Nichols established that limited-English-proficient children have the constitutional right to meaningful access to education.

In enforcing this mandate, the Department of Education's Office of Civil Rights has worked with school districts to fashion voluntary compliance agreements to provide limited-English-proficient students with access to high, high-quality education.

This bill would unilaterally void all 276 current voluntary, voluntary compliance agreements with no consideration given to the protection of the civil rights of those children covered by them.

Tragically, the justification for this action has been based on ill-conceived notions based on biased and mythical information. In addition, this legislation would alter the nature of the Federal bilingual education program to one solely focused on English language acquisition, not on the fact that children need to learn more than just English.

That is why current law provides assistance to local school districts to help them teach English to LEP students, but it also fosters efforts to educate these children to high standards in other subjects in a language that they can understand. In other words, the object is not just to help children learn English, but to help them learn in English.

Mr. Chairman, in undermining the essential purpose of the current bilingual education program, this bill flies in the face of the Lau decision, which mandates that children be guaranteed access to complete education, not one that teaches them English at the expense of learning math, science, history, or the rest of the basics.

This bill would also prohibit States from administering assessments of educational achievement in LEP students in languages other than English. The only evaluations called for under this bill are those that would assess a child's acquisition of the English language, thus severing all ties in current law that work to ensure that LEP students are educated with the same high standards as their classmates. This is just plain wrong.

The legislation further constrains the educational quality afforded to language minority students by mandating that local programs be designed to push LEP students into the mainstream classrooms in 2 years. And if my colleagues would care, I would read the law to them that where the first two measure of standards are 2 years and the third year is only given in consideration that it is obvious to someone that they have not learned well enough.

And the crux of that is that this is under the penalty of termination of Federal assistance. And I want to know, what happens to the slower students? Do they just fall by the wayside?

Mr. Chairman, this bill also undermines the quality of education provided to LEP students by changing the entire structure of the bilingual education program from a competitive grant which awards funds directly to school districts based on the quality of local programs to a formula grant which sends funds to all States regardless of need or merit of their service.

Considering that there are limited Federal education dollars available and that there have been calls to ensure that we fund initiatives that work, I question the elimination of all targeting of Federal bilingual education spending.

This legislation even repeals the Emergency Immigration Education Act, which provides support to States with the greatest influx of immigrants to help them provide education to newly arrived immigrant children. It is amazing that this program would be completely eliminated, given the fact that appropriators have demonstrated their strong support by providing substantial increases. In fact, funding has tripled in recent years.

□ 1500

In addition, Members should be aware that presently nearly all states receive some allotment of immigration education funding. Under this bill, only a handful of states would receive those dollars.

Let me just set one thing clear in closing. Sixty-one percent voted for this bill, but 63 percent of the Latinos

voted against it. As far as I am concerned, the debate is not about 583 grants, it is about 900,000 children being served with this Federal bilingual education dollar.

Mr. GOODLING. Mr. Chairman, I yield myself such time as I may consume to merely point out that testimony would indicate that the word ''coerced'' would be a much better word to use than ''voluntary,'' since the heavy hand and arm of the Office of Civil Rights coerced many of those agreements, rather than voluntarily orchestrated them.

Mr. Chairman, I yield such time as he may consume to the gentleman from Nebraska (Mr. BARRETT).

Mr. BARRETT of Nebraska. Mr. Chairman, do opponents of the English language instruction want a Nation divided by our inability to speak a common language? I think not. I know not. But as the gentleman from Pennsylvania (Chairman GOODLING) has already stated, followed by the chairman of the subcommittee, the gentleman from California (Mr. RIGGS), this bill simply lets communities and parents decide what form of English language instruction is best for the community and best for the child; not some Federal mandate that may not fit their needs.

Let us take a quick look at my hometown as an example. During the farm crisis in the mid-eighties, our major employer closed down because of the farm economy. A few years later another major employer, a meat packing company, came in and brought in thousands of new workers, many of whom were immigrants from dozens of different countries.

Almost overnight our school system became overloaded, both in terms of numbers of students, but also in terms of new challenges, particularly English language instruction. There is no possible way my small town can hire scores of bilingual teachers to teach a variety of subjects. We have to use English language immersion.

I have been told of the success they have had in teaching parents and students in English, but under the Bilingual Education Act, their hands are tied. They cannot use an instruction method they know works, as much as they might like to use such a method.

We have been told that sometimes English language immersion may not help in all cases. Guess what? This bill lets my hometown and your hometown up for air, to have the liberty to provide that extra help, without being hamstrung by inflexible Federal mandates.

Mr. Chairman, the English Language Fluency Act is about helping children enjoy the American dream, and not relegating them to becoming second class citizens. The bill is about letting communities whose front line experience with immigrants make them the experts in knowing what does or does not work and helping children acquire English fluency. I encourage my colleagues to support H.R. 3892.

Mr. CLAY. Mr. Chairman, I yield two minutes to the gentleman from North Carolina (Mr. ETHERIDGE).

Mr. ETHERIDGE. Mr. Chairman, I rise in strong opposition to this anti-English education bill, and I urge my colleagues to defeat this misguided piece of legislation.

As most know, prior to my election to this body two years ago I served for eight years as the elected state superintendent of the schools of North Carolina. North Carolina has experienced tremendous growth in our Spanish-speaking population, and our professional educators, in my opinion, have done an outstanding job in providing these students with special attention to their educational needs, and this includes other students who have deficiencies in English.

This bill would destroy that progress and replace it with a one-size-fits-all Washington-knows-best approach. Do not forget that. You cannot impose an arbitrary time limit and expect children to learn. Anyone who knows anything about education knows children learn at different speeds, and it just does not work that way if you want to set an arbitrary limit.

This Congress should leave that decision to the professionals, the teachers. H.R. 3892 would jeopardize the progress that we have made and many other students have made with educational help by violating the agreement between the Department of Education and local school districts in their instruction of English.

When I first was elected superintendent of North Carolina in 1988, we had 3,000 students not proficient in English in our state. Last year that number was 25,000, and growth has been close to 30 percent in the last five years.

My state's English-as-a-second-language classes are taught in English. Students do not spend their entire day in these classes, but these classes provide them with the specialized attention they need to overcome the barriers to their learning, and they cannot do it in just two years and be cut off. Can North Carolina improve its education of limited English proficient students? Of course they can, and so can other states. But this bill does nothing to improve English education, and it deserves to be defeated. I urge a ''no'' vote.

Mr. CLAY. Mr. Chairman, I yield two minutes to the gentleman from California (Mr. BECERRA).

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

Mr. Chairman, let me try to clarify a couple of points. Some of the speakers on the other side of the aisle have said that this bill will not void current consent agreements, compliance agreements we have with about 288 different school districts, voluntarily agreed to. You may want to say they were coerced, but they still took a vote and voluntarily agreed to do this.

Section 7404 reads

Any compliance agreement entered into between a state, locality or local education agency and the Department of Education is void.

''Is void.'' It does void our compliance agreements that try to help these districts make sure that we are educating all of our children properly.

It is a cookie cutter, one-size-fits-all, because it tells those local districts how they must do things. It is an effort to undermine the ability of children to learn English because it does not take the best practices that we have seen from all the research and say this is the way that you can do it, but you do it how you see fit.

In San Francisco and San Jose they just finished taking, along with every other school district in the State of California, a standardized test to find out where California's kids are. The kids in San Jose and San Francisco who were graduates of bilingual education programs in those districts, guess what, scored higher than native English speaking children; higher.

When Governor Pete Wilson, who is an adamant opponent of bilingual education, when his spokesman was asked how do you react to this, the reaction by Mr. Shawn Walsh was, ''It is remarkable.'' While the Governor was never totally against different types of programs to help kids transition, it was too late by then, because by then he had been behind and spent hundreds of thousands of dollars to help pass Proposition 227.

All we are saying here is if we are real serious about trying to reform whatever it is, in this case bilingual education, let us do it in a meaningful way. Let us not do it in a rush way, that does not give everyone an opportunity to really provide input. Let us do it the way we would reauthorize any legislation.

Mr. CLAY. Mr. Chairman, I yield two minutes to the gentlewoman from California (Ms. LEE).

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

Mr. Chairman, I rise in strong opposition to H.R. 3892. The English Language Fluency Act is really a drastic misnomer. In the wake of Proposition 227 in California, this issue is vital to my district. In the Oakland Unified School District, for example, 18,000 students, or one-third of our students, are in Limited English Proficient Programs, a 61 percent increase over the past 10 years. Since school districts across the country are experiencing similar trends, we logically need to support increased resources for bilingual education.

This bill does just the opposite. Mandating all students to master the English language in just two years is a dangerous and restrictive policy. Although some exceptional children can survive in this sink or swim program, these artificial deadlines only set up the majority to fail. After two years in a foreign land, with a foreign language and culture, if we were required to pass

a test to get a job, to enter an education class or access other necessary opportunities, we would not be able to pass. I do not believe most Members of Congress could learn Greek or Russian in two years.

By turning existing bilingual programs into block grants, this bill does not require states to distribute funds to the most needy students. Without this protection, the students most in need become even more vulnerable to fail. By eliminating the emergency immigrant education program, this bill leaves no support or assistance for new immigrants, those who are most likely to have limited English language skills and require extensive programs to learn English.

Finally, in order to promote effective English education programs, we obviously need to increase resources for new teachers and teacher training, not eliminate them. This bill cuts bilingual teacher training programs. For these reasons, I urge a no vote on H.R. 3892. It is a disastrous anti-education bill.

Mr. CLAY. Mr. Chairman, I yield two minutes to the gentleman from New Jersey (Mr. MENENDEZ).

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

Mr. MENENDEZ. Mr. Chairman, I thank the distinguished ranking member for yielding me time.

Mr. Chairman, we want our children to learn English. Immigrant communities know that without English proficiency, there is no upward mobility, no chance to succeed in our society. We want our students to be able to comprehend and learn the language thoroughly so they will not be left behind academically. But, at the same time, with increased international commerce and global competition, we need our students to master multiple languages so they can provide a cutting edge advantage for America in Asia, in Europe, in Latin America.

Those who have advocated for greater trade on this floor will agree with me that we not only need to be ahead in product and technology development, but also in our capacity to have a work force that has the ability to effectively communicate worldwide. Ask Chevrolet, when they tried to sell the Chevy Nova in Latin America. ''Nova'' means ''does not move, won't go.'' I do not care what type of marketing program you have, language in that context made a big dent in Chevrolet's success.

This bill is not designed to empower or limit English proficient students to succeed. It does not provide more resources or more language teachers to deal with the growing number of today's students who require extra help to learn English. Rather, it in effect stunts our students' growth academically while they learn English as quickly as possible.

In today's global economy, the ability to be bilingual or multilingual is a precious commodity. Let us not destroy our country's bilingual education policy, one that is locally controlled and federally enforced, a policy that promotes civil rights and fights discrimination. Let us not undermine what is in our Nation's academic and economic interests. We should be voting against H.R. 3892.

Mr. CLAY. Mr. Chairman, I yield two minutes to the gentleman from Puerto Rico (Mr. RÓMERO-BARCELÓ).

Mr. RÓMERO-BARCELÓ. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, I want to express my strong opposition to H.R. 3892, the so-called English Language Fluency Act. This bill attempts to destroy the Bilingual Education Act, a law that has benefitted countless members of limited English proficiency, students, since its enactment in 1969. This bill is an unwise and ill-timed effort to dismantle this program, and will have an adverse effect on the students it is supposed to assist.

As the Member of Congress who represents the largest population of bilingual speakers, I am acutely aware of the importance of bilingual education programs and the positive effect they have had on students with limited language proficiency. In Puerto Rico we have not benefitted from this program until this year. We have a very small amount for this year. But, yet the teaching of both languages in Puerto Rico is necessary.

I was born speaking Spanish. My first language was Spanish, and I am bilingual. My wife is bilingual. Our four children are bilingual. We taught them to speak both languages at an early age, and at an early age you can learn, within six months, a different language.

□ 1515

The older you get, the longer it takes to learn another language, and to try to impose an amount of time on anyone, it is unwise. It goes against everything that we know about the way to learn a language.

I think that discrimination for racial reasons, discrimination for ethnic reasons is intolerable. So is discrimination for cultural and language reasons, and this attacks and affects the Hispanic speakers in a personal way because to say that you cannot speak English and be an American citizen, you cannot speak Spanish and be an American citizen, together with English, and to be able to teach Spanish and also to be able to learn Spanish, and be proficient in Spanish, as well as English, that is important not only to the individual, not only important to his community but also to the Nation, because we live in a continent from Alaska to Tierra del Fuego. The two most important languages are English and Spanish. To say that we should only speak one language, it goes against all of the national interests, the community interests and the personal interests.

Mr. CLAY. Mr. Chairman, I yield 2 minutes to the gentleman from Minnesota (Mr. VENTO).

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

Mr. VENTO. Mr. Chairman, I rise in opposition to this bill. I would point out that in Minnesota, I represent the St. Paul School District. Actually, I taught in Minneapolis many years ago. Today, the student population of those communities has changed. In St. Paul, I have nearly 9,000 students in St. Paul schools that are English-as-a-second-language recipients that need assistance that makes sense not political points for those who are so full of anti-immigrant slogans and panaceas. They are mostly Hmong, Southeast Asian students. In fact, 30 percent of the elementary classes in St. Paul are Southeast Asian students.

The fact is, what they are reporting to me is that these kids speaking in their first language and taking tests in their first language are 2 or 3 years ahead of where they would be taking tests in English. In other words, if the student is in the fourth grade, if you only teach him in English he will be learning at the first or second grade level. That is what he is capable of or she is capable of in the English instruction requirement mandated by this bill. In other words, they need this, they need this type of experience of learning in their native language for a period of time.

This measure, H.R. 3892, is a punitive, arrogant, top-down, Washington-knows-best approach, which tries to force-feed a diet of English language to a new and diverse U.S. student population that is already immersed and struggling in our culture.

In a sink-or-swim situation, this proposal chooses to throw a limited-English-speaking student an anchor. Are we so insecure and fearful that we can no longer tolerate the language differences and cultural diversity that defines America?

Mr. Chairman, I think it was said best by my friend Jim Morelli, from St. Paul, when he said that I would hope that today we would extend the same kindness, the same consideration, the same thoughtfulness and help that was extended to our grandparents when they came from Italy in the early part of this century.

Are we so limited and unwilling to extend that type of help to people that are culturally, ethnically, religiously different than us who need it now more than ever in the 1990's? These are Southeast Asian students that I represent, the others that I taught in Minneapolis, and half the black population in Minneapolis schools are Africans, from Africa that indeed speak and read English as their second language.

Mr. Chairman, I would urge the defeat of this ill-considered bill.

Mr. Speaker, I rise today in opposition to the English Language Fluency Act, H.R. 3892. This legislation will hinder, not help, America's

language-minority children learn both English as well as the myriad of topics that are taught in our schools today. Our nation is comprised of people from many diverse backgrounds. Providing opportunities for non-English speakers to learn the language is a prerequisite for ensuring that all citizens are able to fully participate in and become productive members of our society. While the current bilingual education efforts may not be the absolute perfect venue for accomplishing this goal, implementing H.R. 3892 would substantially undermine the program.

It makes good educational sense to teach a student in his or her native language while, at the same time, developing that student's English language capacity. There is no magical number of years for this transition; children come into the program with varied levels of proficiency. Setting an arbitrary limit to the amount of time a child may remain in a bilingual program is doing them a great disservice. While students are learning English, they should also be able to keep up with their peers in other subjects. In fact, students who spend a limited time in bilingual programs tend not to be as successful in their subsequent school years, because pushing them to master the language in such a short amount of time comes at the expense of mastering other academic and analytical skills.

This is indeed an inflexible mandated methodology that is being foisted upon non-English speaking students—one size does not fit all children. Where is the evidence that bilingual education isn't effective, and the evidence that mandated English-only education is the best approach? In fact, studies raise important questions regarding the proposed method, questions which have gone unaddressed by the emotional arguments of the proponents of this legislation.

Additionally, the proposed funding of this legislation is flawed. Block granting money to states is a method which has proven ineffective in delivering and targeting help to America's neediest students. H.R.3892 also eliminates financial support for preparing teachers to instruct language-minority students. This plan is unacceptable in light of the shortage of qualified teachers we face. Essentially, this appears to be yet another scheme which will undermine public education and short change America's children, by dictating to local schools the manner in which they should deal with students who have special needs. Our schools need to be user friendly and welcoming places, where a diverse group of Americans from different cultures, incomes and backgrounds are not threatened. What has happened to our national policy where we help, not intimidate, those who come to learn under such rigid circumstances? H.R. 3892 promotes a sink or swim philosophy, and I fear we will surely drown many fragile young minority students with an English only curriculum.

The opportunity to gain an education is a fundamental right and a value which should be shared by all Americans. Clearly, it is important for all of our citizens to be able to communicate in a common language in order to promote unity and understanding within our society. Again I would point out that, H.R. 3892 is a punitive, arrogant, top down Washington-knows-best approach which tries to force feed a diet of English language to a new and diverse U.S. student population who are already immersed and struggling in our culture. In a sink or swim situation, this proposal chooses to throw minority English speaking students an anchor. Are we so insecure and fearful that we can no longer tolerate the language differences and cultural diversity which defines America? I don't think so. I oppose the English Language Fluency Act, which actually does little to help and hurts those with limited English proficiency to learn the language, and I urge my colleagues to do the same.

Mr. CLAY. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois (Mr. DAVIS).

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

Mr. DAVIS of Illinois. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, contention between people who speak different languages is as old as the story of Babel. The ancient Greeks referred to those who spoke in other tongues as the babblers. Ancient Slavs called the Germans across their border the mute or unspeaking people.

Today, United States residents whose primary language is other than English, especially Spanish speakers, are being regarded as un-American. The English Language Fluency Act plans to un-Americanize people who so desperately want to be American. I am concerned that this bill would hinder those who by the bill's definition it should help.

The English Language Fluency Act has in it provisions that move language minority children out of specialized classes, cuts bilingual education funding to States with large immigrant populations and voids all voluntary compliance agreements made by State and local school districts to provide bilingual education.

This bill, as written, will reduce Federal funds used for teachers and learning materials while at the same time demand students to learn in an environment that does not promote or assist them in learning. In essence, this bill implies that America wants you to learn as long as you do not learn too much.

Mr. Chairman, I believe it is imperative that we make access to learning as easy as possible for people who must already overcome the language barrier. We will get the best results in education if we leave its management to people whose motives are to educate. I urge all Members to join me in opposing this bill because it will hinder, not help, the education of America's children.

Mr. GOODLING. Mr. Chairman, I yield 2 minutes to the gentlewoman from New Mexico (Mrs. WILSON).

Mrs. WILSON. Mr. Chairman, I rise in support of this bill and I do so representing the third most diverse city in the Nation, Albuquerque, New Mexico. It was a couple of years ago that there was an article in the newspaper that said, only New York and Los Angeles are more diverse than Albuquerque, New Mexico.

It is our culture, our rich and diverse culture, which makes New Mexico unique. Our art, our architecture, our cuisine, our literature, our dance, makes us what we are and, yes, our language, whether that be Tewa or English or Navajo or Spanish.

Something else I believe all of us can agree on is that all of our children must learn English in order to be given the tools to succeed in America and to achieve their dreams. That does not mean that we do not respect their culture, that they should not be proud of who they are and that they should not be multilingual, because let us face it, folks, being able to speak more than one language is a strength, not a weakness. So we should be talking about English plus and not English only.

This bill does not affect funding levels. There is a hold-harmless clause for all States, and I am very pleased to say that I am working with the Committee on Appropriations to expand multilingual education funds for the elementary school level.

What this bill is about is local control. It is about taking power from Washington and giving it back to local school boards to decide what is the best way to educate our children. It is about parental choice and parental consent, that no child should be in a program that their parents do not approve of just because somebody else says it is best for them.

It is about making sure that there are no dead ends for our children who do not arrive at school able to speak English. There is no separate but equal, there are no side tracks, and there is no second class. That is what this bill is about, and that is why I am supporting it.

Mr. CLAY. Mr. Chairman, I yield 2½ minutes to the gentlewoman from New York (Ms. VELÁZQUEZ).

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

Ms. VELÁZQUEZ. Mr. Chairman, it is amazing to me that a party that claims to be trying to win Hispanic votes attacks us time and time again. Worse yet, today they are attacking our children.

I hope that every Latino in this country hears this message loud and clear. We do not count with the Republicans, our children do not count, and our future does not count.

Why else would bilingual education come under attack year after year? Already, Republicans tried to slash $75 million for bilingual and immigrant education, 22 percent for fiscal year 1998 funding, and this is in a bill that provides disaster aid to flood victims. Today's move makes perfect sense for a party that plays politics with virtually every issue.

Well, I have news for my colleagues across the aisle. Your English Language Fluency Act will have the opposite effect. It will force children into illiteracy. It will ruin their futures. It will hold back their families, and it will hurt our country.

According to supporters of H.R. 3892, bilingual education does not work, it is a waste of money, and so on. The fact is, bilingual education does work. By teaching core classes like math and science in a child's native language, while effectively teaching English, we can make sure that children do not fall behind in basic skills. But Republicans will slash funding, eliminate training, weaken programs, and then say that the programs do not work.

Opponents of bilingual education are correct on one count: Without real support and commitment, children with limited English proficiency will not get the skills they need to succeed.

My colleagues, is this how a nation with over 3 million limited-English-proficient students, should treat those children? Just think of the message that we are sending these children. We are telling them that they are second-rate citizens. They do not even deserve to receive a decent education or the tools they need to have a bright future.

I urge all of my colleagues to stand up for our children and their future and vote no.

Mr. CLAY. Mr. Chairman, I have no further speakers, and I understand the gentleman only has a closing statement, so I yield back the balance of my time.

Mr. GOODLING. Mr. Chairman, I yield the balance of my time to the chairman of the subcommittee, the gentleman from California (Mr. RIGGS).

Mr. RIGGS. Mr. Chairman, I yield 1 minute to the gentleman from Florida (Mr. STEARNS).

Mr. STEARNS. Mr. Chairman, I rise in support of my colleague's English Language Fluency Act, and I believe in this age of communications it is extremely important and vital that English be the dominant language here in the United States. We in Congress should support any bill, any bill, that supports accelerating students' acquisition of English.

Studies in California have shown that only about 5 percent of English learning students a year can be classified as English proficient, so this bilingual education program is not doing the job it should be doing. Mastering the English language is the best formula for personal and professional success in America.

The late Senator Hayakawa said:

> America is an open society, more open than any other in the world. People of every race, of every color, of every culture are welcomed here to create a new life for themselves and their families. And what do these people who enter into the American mainstream have in common? English. English, our shared, common language.

It is imperative that we help our immigrant students to learn their new language as quickly as possible. We must help them to enter the mainstream and not ostracize them and limit them.

So, Mr. Chairman, I rise in support of this bill.

Mr. RIGGS. Mr. Chairman, reclaiming my time, let me say as we close general debate on this bill that if one of my colleagues on the other side of the aisle can point to language in this bill that mandates a particular form of bilingual education, I will ask unanimous consent to withdraw the bill, because the bill does exactly the opposite.

The bill removes the existing mandate in Federal law that 75 percent of Federal taxpayer funding for bilingual education must be used for innovative language instruction. So I have to believe that given the insistence, when talking about a 2-year time limit, when the funding limitation is 3 years, talking about mandates, I at this point in the debate now have to believe that the opponents of this bill have to rely on demagoguery and mischaracterization of the bill because they cannot win the debate based on the merits of the particular legislation.

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

Mr. RIGGS. Mr. Chairman, not as I close debate. The gentleman will have time, and I am not going to yield, in part because the last time we got into this discussion, the ranking minority member saw fit to refer to me as Chicken Little, which is a reference I do not appreciate and which is inappropriate for someone with his years of service in the House.

Mr. BECERRA. Mr. Chairman, if the gentleman would yield.

Mr. RIGGS. Mr. Chairman, I will not yield. I request regular order.

The CHAIRMAN. The gentleman from California (Mr. RIGGS) has the time and may proceed.

Mr. CLAY. Mr. Chairman, the gentleman is saying I referred to him as Chicken Little, and I did not refer to him as Chicken Little.

Mr. RIGGS. I request regular order, Mr. Chairman.

The CHAIRMAN. The Chair would ask the gentleman from California to proceed.

Mr. RIGGS. I thank the Chair.

Mr. Chairman, earlier I talked about a study, and I quote from the August 26 Santa Rosa Press Democrat in my congressional district, a study which says that most young immigrants prefer to speak English over their native language. In fact, the survey which focused on recent immigrant families says that the older children get, the more eager they are to embrace English. The study was produced by Michigan State University's Children of Immigrant Longitudinal study, and it says that 88 percent of immigrant children questioned prefer speaking English. Six years ago, the percentage was 73 percent.

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I do not believe that the opponents of this legislation, who represent largely ethnic American constituencies, are really speaking for those constituencies. I really question whether they have at heart the best interests of those constituencies.

I want to, at the appropriate time, also include in the RECORD a commentary from the Wednesday, July 1, Wall Street Journal by one of our former colleagues, a man by the name of Herman Badillo, who says, ''By the time I arrived in New York from Puerto Rico at age 11, I was brought up Democratic. And when I went into politics—as a U.S. Congressman, Bronx borough President, and deputy mayor—I did so as a Democrat. Last week, after more than 30 years in Democratic politics, I joined the Republican Party.

''In recent years I have found myself questioning inflexible Democratic policies. I have seen a disturbing lack of vision among local Democratic leaders. . .. Democratic leaders doggedly fought to preserve failed, anachronistic policies.

''This inertia has been most evident in their approach to schools, where students not even fluent in English have been awarded degrees. And when I challenge the practice of social promotion in elementary and secondary schools and call for academic standards, prominent Democrats attack me.

''This defense of low standards reflects a fundamental Democratic problem. Many Democrats believe that some ethnic groups, such as Hispanics, should not be held to the same standards as others. This is a repellent and destructive concept, a self-fulfilling prophecy of failure. Fortunately, the ethnic groups hurt by these patronizing policies are beginning to understand that low standards mean low results, a realization that will move people in these groups to the GOP.''

So do not be misled, colleagues. Members on the other side of the aisle speaking for, let us be honest about it, special interest groups and ethnic constituencies, purporting to represent all people with those viewpoints, are in fact expressing a monolithic viewpoint. There are other people such as our former colleague, Mr. Badillo, who agree with this legislation.

I urge passage of these amendments offered on this side of the aisle, and passage of the bill as amended.

Ms. HARMAN. Mr. Chairman, parents across America are rightly concerned about the continued viability of our system of public elementary and secondary education. Public schools are great equalizers, the entities we've created to help socialize all children and give them the skills necessary to take advantage of the social and economic opportunities our country affords them.

When schools fail to do their job, it's our children who suffer. To fix them we certainly need more resources, particularly textbooks, for children and teachers. But we also need standards and merit pay for teachers, the end of social promotion, the setting of goals for children, and most importantly, holding parents, teachers and administrators accountable for the performance of our school system. And until we begin looking seriously at these and other reforms, proposals like vouchers will continue to look attractive though, in my view, they are panaceas, if not anathema to public education itself.

While each of us who have had children in public schools can measure success in our children's development, one category of children who have been particularly hurt are those for whom English is not a primary language—children from non-English speaking families or who otherwise have limited English proficiency.

As I traveled across the State of California earlier this year, many parents told me of their dissatisfaction with California's bilingual education system. Indeed, the debate and vote for our state's Proposition 227, which required school districts to use immersion as the means of teaching English, demonstrated that many non-English speaking parents wanted change.

But, Mr. Chairman, I did not support Proposition 227 because it represented a ''one-size-fits-all'' approach to a complex problem—and as such it took away control over the education of our kids from our local school districts, where it belongs.

Similarly, I must oppose the English Language Fluency Act. While I believe this legislation is well intentioned, it will have the same unfortunate result across the country as Proposition 227 did in California: it will restrict the flexibility of our local districts to impart the best education possible on all our kids—the education that will prepare them to perform and succeed in our economy. Mainstreaming kids is the right goal, but the means should be left to the level of government with primary responsibility for education: local government.

Mr. Chairman, I oppose this legislation and urge my colleagues to do the same.

Mr. FARR of California. Mr. Speaker, I rise today on behalf of Lisa Gonzales. I met Lisa when I visited Branciforte Junior High School in Santa Cruz, California earlier this week.

Lisa told me that kids are dropping out, that they're losing hope. The students who are most at risk are the ones who need special help learning English. I want our schools to be able to help them.

Our children are our Nation's best hope for the future. They all bring special needs to our classrooms, and that includes language training for those who don't speak, read or write English. We are morally and constitutionally obligated to use the best methods possible to teach them the language of their new country. Parents, teachers and administrators all over the country know that our children need bilingual education in our schools.

This bill doesn't fix bilingual education. Its goal is divisiveness and rhetoric. We need to focus on student performance, not political controversy.

These programs keep hope alive for the children who need it most. Reject this legislation.

Mr. OWENS. Mr. Chairman, I rise in strong opposition to the so-called ''English Language Fluency Act'' (H.R. 3892). I find it deplorable that the Republican Majority has yet again mobilized their attack on the Department of Education, legal immigrants, and multiculturalism in general. However, what disturbs me about this particular piece of legislation is that it would ultimately harm our nation's most vulnerable, the children. They have been snared in a tangled web of political opportunism and grandstanding. H.R. 3892 takes a ''sledgehammer'' approach to reforming bilingual education without retaining the essence of this vital educational program. This bill loses sight of the purpose of bilingual education which is to help students master not only language skills but a plethora of subjects ranging from history to math.

This legislation is part of a larger misguided plot to strip America of her cultural richness. It is my sincere belief that this bill represents an attempt by extremists in the Republican party to revive the ''English Only'' debate. Proponents of this backwards movement wish to destroy and handicap the very thing that makes America wonderful, her diversity. I do not dispute that the mastery of the English language is an important component of attaining success in America. However, I can testify to that fact that most non-English speaking immigrants desperately want to learn English. As a matter of fact, the non-English speaking constituents of my district work tirelessly by day and night in schools and community centers trying to learn English.

And to the merits of this bill, I am sad to report that I have found few. All through the Committee process Republicans continued their pitiful legacy of stacking hearings with witnesses that I found to be misinformed. They either produced reports that had been statistically manipulated or reports that had been politically manipulated. H.R. 3892 would scale back limited-English-proficient (LEP) student's access to education services. Moreover, the two year predetermined time frame mandated by this bill is unreasonably short and would effectively kill proven bilingual programs. The bill will also overturn existing compliance agreements between the Office of Civil Rights of the Department of Education and local school districts that had not been providing LEP students with equal educational opportunities. The result may be massive civil rights violations. And this sad list goes on and on.

This preoccupation of the Republican Party with the destruction of bilingualism is also harmful to this nation's economic interests. In our present global economy diversity and the capacity to speak more than one language is a clear asset. Instead of harassing bilingual education programs we should be increasing their funding.

Mr. Chairman, let us turn back the clock to a time when immigrants were openly discouraged from embracing their heritage. Let us not turn our backs on America's children. We must not rob any of our youth of the opportunity to receive a decent education regardless of their diverse background. A ''no'' vote on H.R. 3892 is an affirmation of the right of every child in America to an equal and comprehensive education.

Mr. TOWNS. Mr. Chairman, I rise today in opposition to H.R. 3892, ''The English Language Fluency Act''. This legislation ''block grants'' Federal bilingual education programs and eliminates numerous protections contained in current law. I view this bill as a significant setback on bilingual education. Several educational agencies and organizations also believe this bill would harm current Federally-funded bilingual education programs. For example, the Council of the Great City Schools, the New York Board of Regents, and the New York State Board of Education all oppose this measure.

Let's examine just what kind of negative impact this legislation would really have on bilingual education programs. H.R. 3892 removes existing enforcement and compliance standards. For example, current bilingual education agreements between the Education Department's Civil Rights office and local school districts would be eliminated. The bill also would limit the ability of these agencies to negotiate future agreements. Additionally, the bill eliminates Civil Rights Act protections that ensure that students who are learning English continue to achieve high academic standards. In fact, it would force students to leave transitional education programs after two years, regardless of their proficiency in English. Moreover, the bill's total lack of attention to core subject matter, with all emphasis on English development only, is not sound education practice.

In the case of New York State, the bill would reduce overall funding as well as funding for planning, administration, and interagency cooperation within the State due to a change in the allocation formula. At the same time, New York State would be required to taken on added responsibility for the management of the funds with sufficient monies to do so.

Perhaps most significantly, this legislation overrides the tradition of local control on public education matters. Local school districts and states with a large percentage of students who are learning to speak English should be able to make their own decisions on how best to educate their students. H.R. 3892 is a ''one-size-fits-all'' approach to a complicated problem that requires autonomy and flexibility for local jurisdictions.

Finally, we should not lose sight of the fact that this bill repeals the Emergency Immigrant Education program and undermines Title VII funds, from the Elementary and Secondary Education Act, that have already been awarded to local school districts. This legislation is will hinder the advances made in bilingual education and I would urge my colleagues to oppose H.R. 3892.

Mr. DOOLITTLE. Mr. Chairman, we must end federal support for disastrous bilingual education programs. Federal complicity in stifling English learning in the name of politically correct multiculturalism is just one more example of elitist bureaucrats thinking they know what's best for local schools and parents. Bilingual education has been a grave injustice to people who immigrate to America and to their children.

The vast majority of immigrants who chose to leave their ancestral homelands did so in hopes of providing a better future for their children. Absolutely essential to realizing their dreams of success in America is for their children to learn, and master, the English language. Otherwise, they will be doomed to menial, unrewarding, and low-paying jobs for life. Additionally, they will be unable to fully enjoy mainstream American culture, including interaction with people of other ethnic groups through our common language—English.

These multiculturalists who would keep immigrant children in a linguistic ghetto are preventing them from enjoying the ethnic diversity the multiculturalists pretend to value so highly. A child who speaks only Spanish and a child who speaks only Vietnamese cannot communicate and learn about each other.

It is unrealistic to assume immigrant children can succeed in America if they only know the language of their parents. And, as people get older their ability to learn another language declines. Therefore, the highest priority for

educating non-English speaking children must be to learn English. Of course, I don't feel it's up to the U.S. Congress to set priorities in what is properly a decision of local schools and parents, but the federal government most certainly shouldn't be encouraging counterproductive measures.

Advocacy of bilingual education on the part of the teachers unions unfortunately fits the historical pattern of labor union disregard for the well-being of immigrants in the financial interest of the union's members and leadership. Just as unions in the past worked to restrict immigrants from the labor pool in order to artifically maintain their own wages, the teachers unions want to protect the salary bonuses given to bilingual-certified teachers. Never mind how effective bilingual education programs actually are in teaching these children English, say the teachers union bosses, we want to maintain the salaries they provide the instructors.

Enough with the corrupt labor unions and centralized bureaucratic power and feel-good multiculturalism that threatens to balkanize this country. Let's give power to parents and local schools and give opportunity to these immigrant children. Support the Riggs English Language Fluency Act.

Mr. ENGEL. Mr. Chairman, I rise today to state my strong opposition to H.R. 3892. I am a strong supporter of bilingual education, however, instead of bolstering federal efforts to help immigrant children, this bill penalizes them.

This bill also does not advance our national education policy. H.R. 3892 does not attempt to establish criteria for teachers and school districts, nor does it set realistic goals for our children. This bill instead restricts local school districts and jeopardizes successful bilingual education programs by cutting federal support for teacher training and virtually eliminating successful programs that currently help immigrant children.

In fact, this bill even lowers academic standards and expectations for immigrant children by focusing exclusively on English language proficiency rather than math, science and history. H.R. 3892 jeopardizes these children's futures by setting an arbitrary and unrealistic punitive two-year federal mandate on their ability to master English. This in effect becomes a two-year ''impediment'' to their educational future.

I urge my colleagues to vote against H.R. 3892 and join me in opposing this destructive and politically motivated bill.

Mr. PAYNE. Mr. Chairman, I rise in opposition to H.R. 3892, ''The English Language Fluency Act.'' While the supporters of this bill have argued that it will improve bilingual education for our Nation's children, all the evidence points in a different direction. In fact, this bill will make a number of changes to bilingual education that will harm children who need assistance the most. Language in the bill will require that all children have only two years of bilingual education regardless of their ability to master English. The bill will also violate the Civil Rights Act by voiding the current voluntary compliance agreements between schools, parents and the Department of Education, Office of Civil Rights. Finally, this bill will block grant bilingual competitive grants to the States therefore eliminating the structure this program currently has. In Newark, NJ, a city I represent here in Congress, close to 40 percent of all students come from homes where English is not the primary language spoken. In the city of Elizabeth, portions of which I also represent, the immigrant population is thriving and the schools need a structured bilingual education program to keep students in school. I recognize that many bilingual programs need improvement. However, there are many effective bilingual programs in place across the country that really do improve the language skills of children who are not yet English proficient. A new program at the Benjamin Franklin School in my district was just awarded funds from the Department of Education. This program called ''Project Two-Way'' will engage both English proficient students and limited English proficient (LEP) students in classes that will be taught in Spanish and English enabling both types of students to be bilingual by the time they are in the fourth grade. The need is to not pare down these programs but instead take the ones that work and educate school districts on how to replicate them. However, like many other issues on the majority's education agenda, this bill is not a remedy to the real problems that children face. It is for that reason that I will vote against passage of this bill.

Mr. PAUL. Mr. Chairman, I appreciate the opportunity to express my opposition to H.R. 3892, the English Language Fluency Act. Although I supported the bill when it was marked-up before the Education and Workforce Committee, after having an opportunity to study the Congressional Budget Office (CBO)'s scoring of H.R. 3892, I realized that I must oppose this bill because it increases expenditures for bilingual education. Thus, this bill actually increases the Federal Government's role in education.

I originally supported this bill primarily because of the provisions voiding compliance agreements between the Department of Education and local school districts. Contrary to what the name implies, compliance agreements are the means by which the Federal Government has forced 288 schools to adapt the model of bilingual education favored by the Federal bureaucrats in complete disregard of the wishes of the people in those communities.

The English Language Fluency Act also improves current law by changing the formula by which schools receive Federal bilingual funds from a competitive to a formula grant. Competitive grants are a fancy term for forcing States and localities to conform to Federal dictates before the Federal Government returns to them some of the moneys unjustly taken from the American people. Formula grants allow States and localities greater flexibility in designing their own education programs and thus are preferable to competitive grants.

Although H.R. 3892 takes some small steps forward toward restoring local control of education, it takes a giant step backward by extending bilingual education programs for three years beyond the current authorization and according to CBO this will increase Federal spending by $719 million! Mr. Chairman, it is time that Congress realized that increasing Federal funding is utterly incompatible with increasing local control. The primary reason State and local governments submit to Federal dictates in areas such as bilingual education is because the Federal Government bribes States with moneys illegitimately taken from the American people to confer to Federal dictates. Since he who pays the piper calls the tune, any measures to take more moneys from the American people and give it to Federal educrats reduces parental control by enhancing the Federal stranglehold on education. Only by defunding the Federal bureaucracy can State, local and parental control be restored.

In order to restore parental control of education I have introduced the Family Education Freedom Act (H.R. 1816), which provides parents with a $3,000 per child tax credit to pay for elementary and secondary education expenses. This bill places parents back in charge and is thus the most effective education reform bill introduced in this Congress.

Mr. Chairman, despite having some commendable features, such as eliminating consent decrees, the English Language Fluency Act, H.R. 3892, is not worthy of support because it authorizes increasing the Federal Government's control over education dollars. I therefore call on my colleagues to reject this legislation and instead work for constitutional education reform by returning money and control over education to America's parents through legislation such as the Family Education Freedom Act.

Mr. THOMAS. Mr. Chairman, I rise to address an issue of paramount and long-term importance to California and the nation—Official English legislation.

Nothing unites a people as effectively as a common language; it is especially important when members of society, often immigrants, do not necessarily share a common heritage. The common ground which language provides has led many nations to declare an official language. The fact that America does not have an official language makes us unique among the world's leading nations. At the same time, the United States does have a common language, English. This dichotomy results in today's Americans being subjected to a barrage of language issues.

For California, bilingual education is immensely important. There are 1½ million California school children whose primary language is not English. These children need to be equipped with the absolutely essential skill of English fluency while they are at a young age and are more naturally able to learn language. It is important that the education program functions efficiently and successfully to fully integrate non-English speaking children into an English-speaking society as quickly as possible. Without this basic skill, these children will most likely remain outside mainstream society, politics, and the economy.

The bilingual education policy began in the 1970's with good intentions but has become a failure. Only 6.7% of limited English students going to school in California have been mainstreamed into English Only classrooms. California voters passed Proposition 227 last June by an overwhelming ⅔ of the vote. Proposition 227 replaces the current system that allows a slow phasing in of English into one where the curriculum supports a faster one-year English immersion program. Such a program is designed to teach children English as quickly as possible in order to help them open doors of opportunity and reach their full potential in an English speaking society.

Besides failing students, the bilingual education program is also costly. The California Department of Education reports that limited English proficiency programs received nearly

$3 million in special funding, over and above the base funding amount of $5,000 per student in 1997. The same amount of public funds could have paid a year's tuition at UCLA for almost one thousand students!

With similar goals to fundamentally reform bilingual education programs on a federal level, H.R. 3892 is expected to be considered by the House this fall. This bill, known as the English Language Fluency Act, would give parents the authority to refuse enrollment or remove their child from a bilingual education program; give states, municipalities, and schools the power to create individualized English language instruction programs specific to community needs; and create accountability measures to ensure federal funding is given only to programs which are effective in teaching English to children. By these measures, H.R. 3892 hopes to reform a failing bilingual education program.

Bilingual Education has failed those it was intended to help. It has been costly to taxpayers, has hurt those children who want to be fully prepared to take part in America's economy, and has forced us to lower our standards in education. Official English legislation would provide a means to deal with these and other English issues. More importantly, establishing English as the official language of the United States sends a powerful message to all Americans and those wishing to become American citizens. Designating English as the nation's language makes it clear that proficiency in this common language is absolutely critical for those who wish to fully participate in America's unlimited economic and social opportunities. I believe this legislation may go a long way in helping us achieve these goals.

Mrs. McCARTHY of New York. Mr. Chairman, I don't think there is any doubt that we, as a nation, must make sure that all children learn English. English is our common language, and if we want young people to succeed, then they must be fluent in English.

Most people would agree that our federal bilingual education program can be improved. In fact, New York is working to improve its own program, as are many states. However, I am deeply concerned that H.R. 3892 will hurt many of the young people we want to help.

In particular, I believe that this legislation will place inflexible mandates on states and school districts. It will not allow children with limited English skills to excel in their other course work. And it will not guarantee that federal funds go to where they are most needed.

According to the New York State Board of Regents, this bill would directly contradict our state's laws on bilingual education. They say—and I quote:

> Enactment of H.R. 3892 would effectively remove limited-English proficient students from the overall reform effort underway nationwide and in New York State—where our reforms focus on improving education and achievement for all students.

In addition, this bill would severely limit funds needed to prepare bilingual teachers. As the sponsor of the America's Teacher Preparation Improvement Act, I do not believe we should reduce support for our students, including those with limited English skills. All young people deserve a qualified teacher.

Congress will have an excellent chance to reform the bilingual education programs when we re-authorize the ESEA next year. I am strongly committed to working with my colleagues on both sides of the aisle to draft a common-sense bilingual education bill that will ensure that no child is left behind.

We should not let that opportunity slip away, but we also should not rush through a bill this year that may end up denying many children the best education possible.

Mrs. ROUKEMA. Mr. Chairman, I rise in strong support of the English Language Fluency Act. In many ways this bill typifies what it means to be an American. Traditionally, our language unites us and defines our citizenship.

This bill would allow localities to decide how to teach English to their immigrants. It would stress the goal of transitioning within two years, and leave it up to the locality to decide which method is most effective.

Further, the school would lose federal funding for their bilingual education program after 3 years. This does not prevent localities from using their own funds to continue such a program—it just means that federal funds cannot be used.

English proficiency is essential to immigrant success.

English proficiency helps one's family, which in turn would help their neighborhood, which in turn would help their communmity.

English proficiency is good for the overall well-being of our society. For more than 100 years it was the core of America as the melting pot, the melting pot that was the uniting hope and ideal of our nation.

My support for this legislation stems from the experience of my family. My husband is the first member of his Dutch large family to be born in the United States. My grandparents emigrated from Italy.

Our families made the conscious decision to assimilate into American society as quickly as possible. Assimilation and being Americanized was the goal and the principle of being an American. They knew instinctively that English proficiency was absolutely essential to their success.

It is true that this is a nation of immigrants. But this is not a nation of nations. We are one country, not just an endless set of ethnic enclaves. We have one language that unites us and defines citizenship. And that language is English! This bill will underscore that goal.

Mr. BARR of Georgia. Mr. Chairman, I rise today in support H.R. 3892, the English Language Fluency Act.

Every child in the United States deserves a change to learn the English language so they may take advantage of the extraordinary opportunities this nation has to offer.

Our schools are now overwhelmed by the high number of immigrant enrollments.

The current Federal Bilingual Education Act is too restrictive and extremely ineffective.

The current law's lack of proper tracking and accountability has led to some perverse incentives.

Rather than developing programs that teach English effectively so that students are quickly able to move into mainstream classes, schools have an incentive to keep as many students in bilingual education for as long as possible, in order to receive extra funding.

H.R. 3892 is committed to the goal of English fluency.

H.R. 3892 is a responsible and sound piece of legislation which will correct the problems the current Federal Bilingual Education Act has caused.

Unfortunately, the federal government currently earmarks 75 percent of its bilingual education funding for programs that teach children in their native language. This simply perpetuates dependency and effectively guarantees many children will not learn English for a long period of time; and perhaps not at all.

It is time for legislation which will enhance and provide opportunity for success. This Congress must send funds back to our local school communities so they may choose a program that will suit their area best, for they are ones that know the best.

Instead of making it easier for people to avoid learning English, we should be empowering them economically and socially by forging a common language.

Mr. Chairman, I ask my colleagues to support the English Language Fluency Act.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule for 3 hours and thereafter as provided in section 2 of House Resolution 516.

The committee amendment in the nature of a substitute printed in the bill is considered as an original bill for the purpose of amendment and is considered as having been read.

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

H.R. 3892

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

SECTION 1. ENGLISH LANGUAGE EDUCATION.

Part A of title VII of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7401 et seq.) is amended to read as follows:

''PART A—ENGLISH LANGUAGE EDUCATION

''SEC. 7101. SHORT TITLE.

''This part may be cited as the 'English Language Fluency Act'.

''SEC. 7102. FINDINGS AND PURPOSES.

''(a) FINDINGS.—The Congress finds as follows:

''(1) English is the common language of the United States and every citizen and other person residing in the United States should have a command of the English language in order to develop to their full potential.

''(2) States and local school districts need assistance in developing the capacity to provide programs of instruction that offer and provide an equal educational opportunity to immigrant children and youth and children and youth who need special assistance because English is not their dominant language.

''(b) PURPOSES.—The purposes of this part are—

''(1) to help ensure that children and youth who are English language learners master English and develop high levels of academic attainment in English; and

''(2) to assist eligible local educational agencies that experience unexpectedly large increases in their student population due to immigration to help immigrant children and youth with their transition into society, including mastery of the English language.

''SEC. 7103. PARENTAL NOTIFICATION AND CONSENT TO PARTICIPATE.

''(a) IN GENERAL.—A parent or the parents of a child participating in an English language instruction program for English language learners assisted under this Act shall be informed of—

''(1) the reasons for the identification of the child as being in need of English language instruction;

''(2) the child's level of English proficiency, how such level was assessed, and the status of the child's academic achievement; and

''(3) how the English language instruction program will specifically help the child acquire English and meet age-appropriate standards for grade promotion and graduation.

''(b) PARENTAL CONSENT.—

''(1) IN GENERAL.—A parent or the parents of a child who is an English language learner and is identified for participation in an English language instruction program assisted under this Act—

''(A) shall sign a form consenting to their child's placement in such a program prior to such time as their child is enrolled in the program;

''(B) shall select among methods of instruction, if more than one method is offered in the program; and

''(C) shall have their child removed from the program upon their request.

''(2) EFFECT OF LAU DECISION.—A local educational agency shall not be relieved of any of its obligations under the holding in the Supreme Court case of Lau v. Nichols, 414 U.S. 563 (1974), because any parent chooses not to enroll their child in an English language instruction program using their native language in instruction.

''(c) RECEIPT OF INFORMATION.—A parent or the parents of a child identified for participation in an English language instruction program for English language learners assisted under this Act shall receive, in a manner and form understandable to the parent or parents, the information required by this section. At a minimum, the parent or parents shall receive—

''(1) timely information about English language instruction programs for English language learners assisted under this Act; and

''(2) if a parent of a participating child so desires, notice of opportunities for regular meetings for the purpose of formulating and responding to recommendations from such parents.

''(d) SPECIAL RULE.—An individual may not be admitted to, or excluded from, any federally assisted education program solely on the basis of a surname, language-minority status, or national origin.

"Subpart 1—Grants for English Language Acquisition

"CHAPTER 1—GENERAL PROVISIONS

"SEC. 7111. FUNDING.

''(a) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this subpart, there are authorized to be appropriated such sums as may be necessary for fiscal year 1999 and each of the 4 succeeding fiscal years.

''(b) RESERVATION FOR ENTITIES SERVING NATIVE AMERICANS AND ALASKA NATIVES.—From the sums appropriated under subsection (a) for any fiscal year, the Secretary shall reserve not less than .5 percent to provide Federal financial assistance under this subpart to entities that are considered to be a local educational agency under section 7112(a).

"SEC. 7112. NATIVE AMERICAN AND ALASKA NATIVE CHILDREN IN SCHOOL.

''(a) ELIGIBLE ENTITIES.—For the purpose of carrying out programs under this subpart for individuals served by elementary, secondary, and postsecondary schools operated predominately for Native American or Alaska Native children and youth, the following shall be considered to be a local educational agency:

''(1) An Indian tribe.

''(2) A tribally sanctioned educational authority.

''(3) A Native Hawaiian or Native American Pacific Islander native language educational organization.

''(4) An elementary or secondary school that is operated or funded by the Bureau of Indian Affairs, or a consortium of such schools.

''(5) An elementary or secondary school operated under a contract with or grant from the Bureau of Indian Affairs, in consortium with another such school or a tribal or community organization.

''(6) An elementary or secondary school operated by the Bureau of Indian Affairs and an institution of higher education, in consortium with an elementary or secondary school operated under a contract with or grant from the Bureau of Indian Affairs or a tribal or community organization.

''(b) SUBMISSION OF APPLICATIONS FOR ASSISTANCE.—Notwithstanding any other provision of this subpart, an entity that is considered to be a local educational agency under subsection (a), and that desires to submit an application for Federal financial assistance under this subpart, shall submit the application to the Secretary. In all other respects, such an entity shall be eligible for a grant under this subpart on the same basis as any other local educational agency.

"CHAPTER 2—GRANTS FOR ENGLISH LANGUAGE ACQUISITION

"SEC. 7121. FORMULA GRANTS TO STATES.

''(a) IN GENERAL.—In the case of each State that in accordance with section 7122 submits to the Secretary an application for a fiscal year, the Secretary shall make a grant for the year to the State for the purposes specified in subsection (b). The grant shall consist of the allotment determined for the State under section 7124.

''(b) PURPOSES OF GRANTS.—

''(1) REQUIRED EXPENDITURES.—The Secretary may make a grant under subsection (a) only if the State involved agrees that the State will expend at least 90 percent of the amount of the funds provided under the grant for the purpose of making subgrants to eligible entities to provide assistance to children and youth who are English language learners and immigrant children and youth in accordance with section 7123.

''(2) AUTHORIZED EXPENDITURES.—Subject to paragraph (3), a State that receives a grant under subsection (a) may expend not more than 10 percent of the amount of the funds provided under the grant for one or more of the following purposes:

''(A) Professional development and activities that assist personnel in meeting State and local certification requirements for English language instruction.

''(B) Planning, administration, and interagency coordination related to the subgrants referred to in paragraph (1).

''(C) Providing technical assistance and other forms of assistance to local educational agencies that—

''(i) educate children and youth who are English language learners and immigrant children and youth; and

''(ii) are not receiving a subgrant from a State under this chapter.

''(D) Providing bonuses to subgrantees whose performance has been exceptional in terms of the speed with which children and youth enrolled in the subgrantee's programs and activities attain English language proficiency.

''(3) LIMITATION ON ADMINISTRATIVE COSTS.—In carrying out paragraph (2), a State that receives a grant under subsection (a) may expend not more than 2 percent of the amount of the funds provided under the grant for the purposes described in paragraph (2)(B).

"SEC. 7122. APPLICATIONS BY STATES.

''For purposes of section 7121, an application submitted by a State for a grant under such section for a fiscal year is in accordance with this section if the application—

''(1) describes the process that the State will use in making subgrants to eligible entities under this chapter;

''(2) contains an agreement that the State annually will submit to the Secretary a summary report, describing the State's use of the funds provided under the grant;

''(3) contains an agreement that the State will give special consideration to applications for a subgrant under section 7123 from eligible entities that describe a program that—

''(A)(i) enrolls a large percentage or large number of children and youth who are English language learners and immigrant children and youth; and

''(ii) addresses a need brought about through a significant increase, as compared to the previous 2 years, in the percentage or number of children and youth who are English language learners in a school or school district, including schools and school districts in areas with low concentrations of such children and youth; or

''(B) on the day preceding the date of the enactment of this section, was receiving funding under a grant—

''(i) awarded by the Secretary under subpart 1 or 3 of part A of the Bilingual Education Act (as such Act was in effect on such day); and

''(ii) that was not due to expire before a period of one year or more had elapsed;

''(4) contains an agreement that, in carrying out this chapter, the State will address the needs of school systems of all sizes and in all geographic areas, including rural and urban schools;

''(5) contains an agreement that the State will coordinate its programs and activities under this chapter with its other programs and activities under this Act and other Acts, as appropriate; and

''(6) contains an agreement that the State will monitor the progress of students enrolled in programs and activities receiving assistance under this chapter in attaining English proficiency and withdraw funding from such programs and activities in cases where—

''(A) students enrolling when they are in kindergarten are not mastering the English language by the end of the first grade; and

''(B) other students are not mastering the English language after 2 academic years of enrollment.

"SEC. 7123. SUBGRANTS TO ELIGIBLE ENTITIES.

''(a) PURPOSES OF SUBGRANTS.—A State may make a subgrant to an eligible entity from funds received by the State under this chapter only if the entity agrees to expend the funds for one of the following purposes:

''(1) Developing and implementing new English language instructional programs for children and youth who are English language learners, including programs of early childhood education and kindergarten through 12th grade education.

''(2) Carrying out locally designed projects to expand or enhance existing English language instruction programs for children and youth who are English language learners.

''(3) Assisting a local educational agency in providing enhanced instructional opportunities for immigrant children and youth.

''(b) AUTHORIZED SUBGRANTEE ACTIVITIES.—

''(1) IN GENERAL.—Subject to paragraph (2), a State may make a subgrant to an eligible entity from funds received by the State under this chapter in order that the eligible entity may achieve one of the purposes described in subsection (a) by undertaking one or more of the following activities to improve the understanding, and use, of the English language, based on a child's learning skills:

''(A) Developing and implementing comprehensive preschool or elementary or secondary school English language instructional programs that are coordinated with other relevant programs and services.

''(B) Providing training to classroom teachers, administrators, and other school or community-based organizational personnel to improve the instruction and assessment of children and youth who are English language learners, immigrant children and youth, or both.

''(C) Improving the program for children and youth who are English language learners, immigrant children and youth, or both.

''(D) Providing for the acquisition or development of education technology or instructional materials, access to and participation in electronic networks for materials, providing training

and communications, and incorporation of such resources in curricula and programs, such as those funded under this subpart.

''(E) Such other activities, related to the purpose of the subgrant, as the State may approve.

''(2) MOVING CHILDREN OUT OF SPECIALIZED CLASSROOMS.—Any program or activity undertaken by an eligible entity using a subgrant from a State under this chapter shall be designed to assist students enrolled in the program or activity to move into a classroom where instruction is not tailored for English language learners or immigrant children and youth—

''(A) by the end of the first grade, in the case of students enrolling when they are in kindergarten; or

''(B) by the end of their second academic year of enrollment, in the case of other students.

''(3) MAXIMUM ENROLLMENT PERIOD.—An eligible entity may not use funds received from a State under this chapter to provide instruction or assistance to any individual who has been enrolled for a period exceeding 3 years in a program or activity undertaken by the eligible entity under this section.

''(c) SELECTION OF METHOD OF INSTRUCTION.—To receive a subgrant from a State under this chapter, an eligible entity shall select one or more methods or forms of English language instruction to be used in the programs and activities undertaken by the entity to assist English language learners and immigrant children and youth to achieve English fluency. Such selection shall be consistent with the State's law, including State constitutional law.

''(d) DURATION OF SUBGRANTS.—The duration of a subgrant made by a State under this section shall be determined by the State in its discretion.

''(e) APPLICATIONS BY ELIGIBLE ENTITIES.—

''(1) IN GENERAL.—To receive a subgrant from a State under this chapter, an eligible entity shall submit an application to the State at such time, in such form, and containing such information as the State may require.

''(2) REQUIRED DOCUMENTATION.—The application shall describe the programs and activities proposed to be developed, implemented, and administered under the subgrant and shall provide an assurance that the applicant will only employ teachers and other personnel for the proposed programs and activities who are proficient in English, including written and oral communication skills.

''(3) REQUIREMENTS FOR APPROVAL.—A State may approve an application submitted by an eligible entity for a subgrant under this chapter only if the State determines that—

''(A) the eligible entity will use qualified personnel who have appropriate training and professional credentials in teaching English to children and youth who are English language learners and immigrant children and youth;

''(B) in designing the programs and activities proposed in the application, the needs of children enrolled in private elementary and secondary schools have been taken into account through consultation with appropriate private school officials;

''(C) the eligible entity has provided for the participation of children enrolled in private elementary and secondary schools in the programs and activities proposed in the application on a basis comparable to that provided for children enrolled in public school;

''(D) the eligible entity has based its proposal on sound research and theory; and

''(E) the eligible entity has described in the application how students enrolled in the programs and activities proposed in the application will be taught English—

''(i) by the end of the first grade, in the case of students enrolling when they are in kindergarten; or

''(ii) by the end of their second academic year of enrollment, in the case of other students.

''(4) QUALITY.—In determining which applications to select for approval, a State shall consider the quality of each application.

''(f) EVALUATION.—

''(1) IN GENERAL.—Each eligible entity that receives a subgrant from a State under this chapter shall provide the State, at the conclusion of every second fiscal year during which the grant is received, with an evaluation, in a form prescribed by the State, of—

''(A) the programs and activities conducted by the entity with funds received under this chapter during the two immediately preceding fiscal years; and

''(B) the progress made by students in learning the English language.

''(2) USE OF EVALUATION.—An evaluation provided by an eligible entity under paragraph (1) shall be used by the entity and the State—

''(A) for improvement of programs and activities;

''(B) to determine the effectiveness of programs and activities in assisting children and youth who are English language learners to master the English language; and

''(C) in determining whether or not to continue funding for specific programs or projects.

''(3) EVALUATION COMPONENTS.—An evaluation provided by an eligible entity under paragraph (1) shall include—

''(A) an evaluation of whether students enrolling in a program or activity conducted by the entity with funds received under this chapter—

''(i) are mastering the English language—

''(I) by the end of the first grade, in the case of students enrolling when they are in kindergarten; or

''(II) by the end of their second academic year of enrollment, in the case of other students; and

''(ii) have achieved a working knowledge of the English language that is sufficient to permit them to perform, in English, regular classroom work; and

''(B) such other information as the State may require.

"SEC. 7124. DETERMINATION OF AMOUNT OF ALLOTMENT.

''(a) IN GENERAL.—Except as provided in subsections (b) and (c), from the sum available for the purpose of making grants to States under this chapter for any fiscal year, the Secretary shall allot to each State an amount which bears the same ratio to such sum as the total number of children and youth who are English language learners and immigrant children and youth and who reside in the State bears to the total number of such children and youth residing in all States (excluding the Commonwealth of Puerto Rico and the outlying areas) that, in accordance with section 7122, submit to the Secretary an application for the year.

''(b) PUERTO RICO.—From the sum available for the purpose of making grants to States under this chapter for any fiscal year, the Secretary shall allot to the Commonwealth of Puerto Rico an amount equal to 1.5 percent of the sums appropriated under section 7111(a).

''(c) OUTLYING AREAS.—

''(1) TOTAL AVAILABLE FOR ALLOTMENT.—From the sum available for the purpose of making grants to States under this chapter for any fiscal year, the Secretary shall allot to the outlying areas, in accordance with paragraph (2), a total amount equal to .5 percent of the sums appropriated under section 7111(a).

''(2) DETERMINATION OF INDIVIDUAL AREA AMOUNTS.—From the total amount determined under paragraph (1), the Secretary shall allot to each outlying area an amount which bears the same ratio to such amount as the total number of children and youth who are English language learners and immigrant children and youth and who reside in the outlying area bears to the total number of such children and youth residing in all outlying areas that, in accordance with section 7122, submit to the Secretary an application for the year.

''(d) USE OF STATE DATA FOR DETERMINATIONS.—For purposes of subsections (a) and (c), any determination of the number of children and youth who are English language learners and reside in a State shall be made using the most recent English language learner school enrollment data available to, and reported to the Secretary by, the State. For purposes of such subsections, any determination of the number of immigrant children and youth who reside in a State shall made using the most recent data available to, and reported to the Secretary by, the State.

''(e) NO REDUCTION PERMITTED BASED ON TEACHING METHOD.—The Secretary may not reduce a State's allotment based on the State's selection of the immersion method of instruction as its preferred method of teaching the English language to children and youth who are English language learners or immigrant children and youth.

"SEC. 7125. CONSTRUCTION.

''Nothing in this chapter shall be construed as requiring a State or a local educational agency to establish, continue, or eliminate a program of native language instruction.

"Subpart 2—Research and Dissemination

"SEC. 7141. AUTHORITY.

''The Secretary may conduct, through the Office of Educational Research and Improvement, research for the purpose of improving English language instruction for children and youth who are English language learners and immigrant children and youth. Activities under this section shall be limited to research to identify successful models for teaching children English and distribution of research results to States for dissemination to schools with populations of students who are English language learners. Research conducted under this section may not focus solely on any one method of instruction.''.

SEC. 2. REPEAL OF EMERGENCY IMMIGRANT EDUCATION PROGRAM.

Part C of title VII of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7541 et seq.) is repealed.

SEC. 3. ADMINISTRATION.

Part D of title VII of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7571 et seq.) is redesignated as part C of such title and amended to read as follows:

"PART C—ADMINISTRATION

"SEC. 7301. REPORTING REQUIREMENTS.

''(a) STATES.—Based upon the evaluations provided to a State under section 7123(f), each State receiving a grant under this title annually shall report to the Secretary on programs and activities undertaken by the State under this title and the effectiveness of such programs and activities in improving the education provided to children and youth who are English language learners and immigrant children and youth.

''(b) SECRETARY.—Every other year, the Secretary shall prepare and submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Labor and Human Resources of the Senate a report on programs and activities undertaken by States under this title and the effectiveness of such programs and activities in improving the education provided to children and youth who are English language learners and immigrant children and youth.

"SEC. 7302. COMMINGLING OF FUNDS.

''(a) ESEA FUNDS.—A person who receives Federal funds under subpart 1 of part A may commingle such funds with other funds the person receives under this Act so long as the person satisfies the requirements of this Act.

''(b) STATE AND LOCAL FUNDS.—Except as provided in section 14503, a person who receives Federal funds under subpart 1 of part A may commingle such funds with funds the person receives under State or local law for the purpose of teaching English to children and youth who are English language learners and immigrant children and youth, to the extent permitted under such State or local law, so long as the person satisfies the requirements of this title and such law.''.

SEC. 4. GENERAL PROVISIONS.

Part E of title VII of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7601 et seq.) is redesignated as part D of such title and amended to read as follows:

''PART D—GENERAL PROVISIONS

''SEC. 7401. DEFINITIONS.

''For purposes of this title:

''(1) CHILDREN AND YOUTH.—The term 'children and youth' means individuals aged 3 through 21.

''(2) COMMUNITY-BASED ORGANIZATION.—The term 'community-based organization' means a private nonprofit organization of demonstrated effectiveness or Indian tribe or tribally sanctioned educational authority which is representative of a community or significant segments of a community and which provides educational or related services to individuals in the community. Such term includes a Native Hawaiian or Native American Pacific Islander native language educational organization.

''(3) ELIGIBLE ENTITY.—The term 'eligible entity' means—

''(A) one or more local educational agencies;

''(B) one or more local educational agencies in collaboration with—

''(i) an institution of higher education;

''(ii) a community-based organization;

''(iii) a local educational agency; or

''(iv) a State; or

''(C) a community-based organization or an institution of higher education which has an application approved by a local educational agency to enhance an early childhood education program or a family education program.

''(4) ENGLISH LANGUAGE LEARNER.—The term 'English language learner', when used with reference to an individual, means an individual—

''(A) aged 3 through 21;

''(B) who—

''(i) was not born in the United States; or

''(ii) comes from an environment where a language other than English is dominant and who normally uses a language other than English; and

''(C) who has sufficient difficulty speaking, reading, writing, or understanding the English language that the difficulty may deny the individual the opportunity—

''(i) to learn successfully in a classroom where the language of instruction is English; or

''(ii) to participate fully in society.

''(5) IMMIGRANT CHILDREN AND YOUTH.—The term 'immigrant children and youth' means individuals who—

''(A) are aged 3 through 21;

''(B) were not born in any State; and

''(C) have not attended school in any State for more than three full academic years.

''(6) INDIAN TRIBE.—The term 'Indian tribe' means any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village or regional corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.), which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

''(7) NATIVE AMERICAN; NATIVE AMERICAN LANGUAGE.—The terms 'Native American' and 'Native American language' have the meanings given such terms in section 103 of the Native American Languages Act (25 U.S.C. 2902).

''(8) NATIVE HAWAIIAN OR NATIVE AMERICAN PACIFIC ISLANDER NATIVE LANGUAGE EDUCATIONAL ORGANIZATION.—The term 'Native Hawaiian or Native American Pacific Islander native language educational organization' means a nonprofit organization—

''(A) a majority of whose governing board, and a majority of whose employees, are fluent speakers of the traditional Native American languages used in the organization's educational programs; and

''(B) that has not less than five years of successful experience in providing educational services in traditional Native American languages.

''(9) NATIVE LANGUAGE.—The term 'native language', when used with reference to an individual who is an English language learner, means the language normally used by such individual.

''(10) OUTLYING AREA.—The term 'outlying area' means any of the following:

''(A) The Virgin Islands of the United States.

''(B) Guam.

''(C) American Samoa.

''(D) The Commonwealth of the Northern Mariana Islands.

''(11) STATE.—The term 'State' means any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, or any outlying area.

''(12) TRIBALLY SANCTIONED EDUCATIONAL AUTHORITY.—The term 'tribally sanctioned educational authority' means—

''(A) any department or division of education operating within the administrative structure of the duly constituted governing body of an Indian tribe; and

''(B) any nonprofit institution or organization that is—

''(i) chartered by the governing body of an Indian tribe to operate a school described in section 7112(a) or otherwise to oversee the delivery of educational services to members of the tribe; and

''(ii) approved by the Secretary for the purpose of carrying out programs under subpart 1 of part A for individuals served by a school described in section 7112(a).

''SEC. 7402. LIMITATION ON FEDERAL REGULATIONS.

''The Secretary shall issue regulations under this title only to the extent that such regulations are necessary to ensure compliance with the specific requirements of this title.

''SEC. 7403. LEGAL AUTHORITY UNDER STATE LAW.

''Nothing in this title shall be construed to negate or supersede the legal authority, under State law, of any State agency, State entity, or State public official over programs that are under the jurisdiction of the agency, entity, or official.

''SEC. 7404. RELEASE FROM COMPLIANCE AGREEMENTS.

''Notwithstanding section 7403, any compliance agreement entered into between a State, locality, or local educational agency and the Department of Health, Education, and Welfare or the Department of Education, that requires such State, locality, or local educational agency to develop, implement, provide, or maintain any form of bilingual education, is void.

''SEC. 7405. RULEMAKING ON OFFICE OF CIVIL RIGHTS GUIDELINES AND COMPLIANCE STANDARDS.

''(a) IN GENERAL.—In accordance with subchapter II of chapter 5 of part I of title 5, United States Code, the Secretary—

''(1) shall publish in the Federal Register a notice of proposed rulemaking with respect to the enforcement guidelines and compliance standards of the Office of Civil Rights of the Department of Education that apply to a program or activity to provide English language instruction to English language learners that is undertaken by a State, locality, or local educational agency;

''(2) shall undertake a rulemaking pursuant to such notice; and

''(3) shall promulgate a final rule pursuant to such rulemaking on the record after opportunity for an agency hearing.

''(b) EFFECT OF RULEMAKING ON COMPLIANCE AGREEMENTS.—The Secretary may not enter into any compliance agreement after the date of the enactment of this section pursuant to a guideline or standard described in subsection (a)(1) with an entity described in such subsection until the Secretary has promulgated the final rule described in subsection (a)(3).

''SEC. 7406. REQUIREMENT FOR STATE STANDARDIZED TESTING IN ENGLISH.

''(a) REQUIREMENT.—In the case of a State receiving a grant under this title that administers a State standardized test to elementary or secondary school children in the State, the State shall not exempt a child from the requirement that the test be administered in English, on the ground that the child is an English language learner, if the child—

''(1) has resided, throughout the 3-year period ending on the date the test is administered, in a geographic area that is under the jurisdiction of only one local educational agency; and

''(2) has received educational services from such local educational agency throughout such 3-year period (excluding any period in which such services are not provided in the ordinary course).

''(b) IN GENERAL.—Notwithstanding any other provision of this title, if a State fails to fulfill the requirement of subsection (a), the Secretary shall withhold, in accordance with section 455 of the General Education Provisions Act, all funds otherwise made available to the State under this title, until the State remedies such failure.''.

SEC. 5. CONFORMING AMENDMENTS.

(a) TITLE HEADING.—The title heading of title VII of the Elementary and Secondary Education Act of 1965 is amended to read as follows:

''TITLE VII—ENGLISH LANGUAGE FLUENCY AND FOREIGN LANGUAGE ACQUISITION PROGRAMS''.

(b) ELEMENTARY AND SECONDARY EDUCATION ACT.—The Elementary and Secondary Education Act of 1965 is amended—

(1) in section 2209(b)(1)(C)(iii) (20 U.S.C. 6649(b)(1)(C)(iii)), by striking ''Bilingual Education Programs under part A of title VII.'' and inserting ''English language education programs under part A of title VII.''; and

(2) in section 14307(b)(1)(E) (20 U.S.C. 8857(b)(1)(E)), by striking ''Subpart 1 of part A of title VII (bilingual education).'' and inserting ''Chapter 2 of subpart 1 of part A of title VII (English language education).''.

(c) DEPARTMENT OF EDUCATION ORGANIZATION ACT.—

(1) IN GENERAL.—The Department of Education Organization Act is amended by striking ''Office of Bilingual Education and Minority Languages Affairs'' each place such term appears in the text and inserting ''Office of English Language Acquisition''.

(2) CLERICAL AMENDMENTS.—

(A) SECTION 209.—The section heading for section 209 of the Department of Education Organization Act is amended to read as follows:

''OFFICE OF ENGLISH LANGUAGE ACQUISITION''.

(B) SECTION 216.—The section heading for section 216 of the Department of Education Organization Act is amended to read as follows:

''SEC. 216. OFFICE OF ENGLISH LANGUAGE ACQUISITION.''.

(C) TABLE OF CONTENTS.—

(i) SECTION 209.—The table of contents of the Department of Education Organization Act is amended by amending the item relating to section 209 to read as follows:

''Sec. 209. Office of English Language Acquisition.''.

(ii) SECTION 216.—The table of contents of the Department of Education Organization Act is amended by amending the item relating to section 216 to read as follows:

''Sec. 216. Office of English Language Acquisition.''.

SEC. 6. EFFECTIVE DATE.

The amendments made by this Act shall take effect on the date of the enactment of this Act, or October 1, 1998, whichever occurs later.

The CHAIRMAN. Under the rule, before consideration of any other amendment, it shall be in order to consider the amendment printed in the CONGRESSIONAL RECORD numbered 1 if offered by the gentleman from California (Mr. RIGGS) or his designee. That

amendment shall be considered read, shall be debatable for 10 minutes, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

If that amendment is adopted, the bill, as amended, shall be considered as an original bill for the purpose of further amendment.

After disposition of amendment No. 1, it shall be in order to consider the amendment printed in the CONGRESSIONAL RECORD numbered 2, if offered by the gentleman from California (Mr. RIGGS) or his designee. That amendment shall be considered read. That amendment and all amendments thereto shall be debatable for 30 minutes, equally divided and controlled by the proponent and an opponent.

During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered as read.

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

The Chair understands that amendment No. 1 will not be offered by the gentleman from California.

Pursuant to House Resolution 516, it is now in order to consider amendment No. 2 printed in the CONGRESSIONAL RECORD.

AMENDMENT NO. 2 OFFERED BY MR. RIGGS

Mr. RIGGS. Mr. Chairman, pursuant to the rule, I offer amendment No. 2.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. RIGGS:

Page 16, line 16, strike ''and''.

Page 17, line 3, strike ''students.'' and insert ''students; and''.

Page 17, after line 3, insert the following:

''(F) the eligible entity is not in violation of any State law, including State constitutional law, regarding the education of English language learners.''

The CHAIRMAN. Pursuant to House Resolution 516, the gentleman from California (Mr. RIGGS) and a Member opposed each will control 15 minutes of debate on the amendment and all amendments thereto.

The Chair recognizes the gentleman from California (Mr. RIGGS).

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

Mr. Chairman, I would explain this very, very straightforward amendment. As we completed consideration of this bill in committee, we realized that additional language would be necessary to make sure that there was no conflict or inconsistency between this legislation, new Federal law, and existing State law with respect to bilingual educational, so I am offering an amendment here which will permit States to approve applications from eligible entities, that is to say, from local school districts, only if that local school district is not in violation of any provision in State law with respect to bilingual education, including State constitutional law.

Again, I am doing that to make sure that we attempt to anticipate any potential problem or conflict between new provisions in Federal law and existing State law. We want to make sure that both State and Federal law are compatible with respect to the education of limited or non-English-speaking proficient students and immigrant children and youth.

The amendment still respects a State's right to determine how to educate limited English proficient students, and it penalizes eligible entities, local school districts by withholding Federal funding only if that local school district, again, is not in compliance or refuses to comply with State law.

We strongly believe that Federal funding should not be used to support local school districts that refuse to comply with State laws governing the education of children, and again, particularly with respect to limited English proficient students and bilingual programs for immigrant children and youth.

So it is a very straightforward, commonsense amendment. It is one that I hope the minority will accept. Just before yielding the floor, I want to go back to one point, so that Members are not confused or further confused as debate proceeds here, because we have used, up until this point, the terms ''consent decree'' and ''compliance agreement'' interchangeably.

I want to again make very, very clear that in part because of what I felt was the legitimate, constructive criticism of the draft legislation offered by my Democratic colleagues, and specifically the ranking member of our subcommittee, the gentleman from California (Mr. MARTINEZ), we dropped the provision, the earlier provision in the bill, that would have, by passage of this legislation and enactment into law of this legislation, effectively terminated or vacated court-ordered consent decrees.

I thought the gentleman from California (Mr. MARTINEZ), the gentleman from Virginia (Mr. SCOTT), and others made very legitimate arguments that if we attempted to, if you will, impose such a mandate on the courts, we would very definitely be encroaching upon the prerogative of the judicial branch of government, so we deleted those provisions from the bill.

The bill is now completely silent on court-ordered consent decrees with respect to the civil rights of non-English or limited English speaking students to get a quality public education.

It does still, and this would be legitimate, valid criticism with which I would respectfully disagree, it does effectively void or, again, terminate the administratively-issued, by the Federal Department of Education Office of Civil Rights, compliance agreements between the Federal Government and a particular school district at the local level.

It vacates those because in the bill we require the Office of Civil Rights to publish new guidelines for compliance agreements, and then we allow for a review period when interested members of the public, certainly interested members of the education profession, the education community, and the respective committees of the Congress with authorizing and oversight responsibilities can comment on those guidelines before they would then go into effect.

Again, I want to make sure that our colleagues are very clear, here, that we are in no way attempting to infringe on the legitimate prerogative and authority of the judicial branch of government, and we in no way tamper, modify, or undo the existing court-ordered consent decrees that are in place in many local school districts around the country.

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

The CHAIRMAN. Is the gentleman from Missouri (Mr. CLAY) opposed to the amendment?

Mr. CLAY. Yes, I am, Mr. Chairman.

The CHAIRMAN. The gentleman from Missouri (Mr. CLAY) is recognized for 15 minutes.

Mr. CLAY. Mr. Chairman, I yield the time to the gentleman from California (Mr. MARTINEZ).

The CHAIRMAN. Is the gentleman from Missouri (Mr. CLAY) yielding 15 minutes to the gentleman from California (Mr. MARTINEZ)?

Mr. CLAY. Yes, I am, Mr. Chairman.

The CHAIRMAN. The gentleman from California (Mr. MARTINEZ) is recognized.

AMENDMENT OFFERED BY MR. MARTINEZ TO AMENDMENT NO. 2 OFFERED BY MR. RIGGS

Mr. MARTINEZ. Mr. Chairman, I offer an amendment to amendment No. 2.

The Clerk read as follows:

Amendment offered by Mr. MARTINEZ to amendment No. 2 offered by Mr. RIGGS:

In the matter proposed to be inserted by the amendment on page 17, after line 3, of the bill, strike ''learners.'' and insert ''learners, except if necessary for the eligible entity to comply with Federal law (including a Federal court order).''.

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

I offer this amendment on behalf of the gentlewoman from California (Ms. PELOSI).

As I said earlier, the bill today is based more on myth than exceptions to the rule, and polling numbers rather than sound policy. The Riggs amendment that he was just addressing requires adherence to State laws above all else, and it further creates a problem by singling out school districts

that have expressed their commitment to the comprehensive education of LEP children.

San Francisco in particular has operated its bilingual program education under a court order since the Lau decision. In addition, Chicago, Denver, New York, and others are operating under similar court-ordered arrangements.

The school districts in these cities continue to take the steps necessary to ensure that the language minority children in their communities are provided with meaningful access to the general education curriculum. In San Francisco's case, this includes not implementing California's Proposition 227, which would compel them to cease instruction in any language but English, a practice that landed them in court over two decades ago.

The subcommittee chairman has argued that no one approach to bilingual education is mandated in H.R. 3892. His amendment that we are currently considering would clearly mandate immersion in all California schools as a condition of maintaining Federal aid.

This amendment would reaffirm that Federal law and the U.S. Constitution are primary concerns. As such, schools should not be forced to deny services to students and deprive them of full access to the general curriculum in direct conflict with the civil rights of those children.

In the case of San Francisco, they should not be forced to give up over $1 million in Federal aid because they work to ensure the civil rights of their students. To make it clear that the constitutional guarantee of equal access to education supersedes all other educational mandates, I urge my colleagues to support the amendment.

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

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

Mr. Chairman, on first blush, I think we would have to oppose the amendment offered by the gentleman from California (Mr. MARTINEZ) as overly broad. Let me say to the gentleman that I think I understand his intent, and that we might be able to accept a modification of his amendment that would add the end of my amendment.

I would propose this now, and I quote, ''. . . learners, except if necessary for the eligible entity to comply with a Federal court order.'' In other words, we would be deleting, ''to comply with Federal law.'' That is overly broad, but I think it would still go to his concern and the concern of the gentlewoman from California (Ms. PELOSI), which is that if a Federal court issued a court order, if you will, stymying or delaying the implementation of Proposition 227, that would be a court order. So I would have no problem narrowing the scope of his amendment along those lines, but would have to oppose the amendment as it is currently drafted as, again, overly broad.

I would ask the gentleman, would not that modification, as I just proposed, address his concern or the concern of the gentlewoman from California (Ms. PELOSI) and still satisfy the intent of his proposed amendment?

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

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

Mr. MARTINEZ. Not really, because of the gentleman's restriction on the ability of them to get Federal dollars simply because they are actually complying with a Federal law, they are complying with a Federal law under the language the gentleman suggests. I do not think the bill as it was drafted by the gentlewoman from California (Ms. PELOSI) is that broad.

□ 1545

It is very definite in stating that what we are trying to do here is prevent people from being punished who are complying with a court order.

Mr. RIGGS. Mr. Chairman, reclaiming my time, as I just said to the gentleman, that would be fine as he describes it with a court order.

Mr. MARTINEZ. Mr. Chairman, if the gentleman would continue to yield, but also Federal law. There are two things, first the court order and then Federal law.

Mr. RIGGS. Mr. Chairman, reclaiming my time with the purpose of yielding to the gentleman again, what specific Federal law or laws does the gentleman have in mind?

Mr. MARTINEZ. The Civil Rights Act.

Mr. RIGGS. I see. I think we might have some potential to work something out here, but I need to give it a little bit further thought and reflection and would propose that our staffs have a chance to perhaps huddle on this particular amendment.

Mr. Chairman, let me also, while I still control the time, just point out our concern. Our concern is that we do not want Federal law to necessarily override State law with respect to the day-to-day administration of bilingual education programs. I think the gentleman from California (Mr. MARTINEZ) would acknowledge that bilingual education is first and foremost a responsibility of State and local government, and that is the concern that we have on this side.

I am very open to the suggestion that we make sure that a Federal court order would have the highest priority and would override State and local law. I think that is consistent with what I said earlier about the reason for our deleting the language in the bill dealing with court ordered consent decrees. I will leave that with the gentleman.

Mr. MARTINEZ. Mr. Chairman, if the gentleman would again yield, in the gentleman's revision of the bill, he did go to some degree to doing that. But in his published bill now, he has reverted back to the same position that he had before.

Now, I think our staffs are willing to work with the gentleman's staffs in trying to work something out so that we might come to a mutual agreement where we can thereby protect especially the County of San Francisco who must comply both with the court order and the Federal law.

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

Mr. MARTINEZ. Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. BECERRA).

Mr. BECERRA. Mr. Chairman, I thank the gentleman from California (Mr. MARTINEZ) for yielding me this time.

Mr. Chairman, this is a perfect example of why this legislation is premature. We are trying to craft legislation on the floor of the House. That is why we have committee processes and that is why we take deliberative time and witnesses' testimony to know where we go with this legislation.

We are not there yet. That has been the complaint of a number of us. Not that we do not want to see changes, but let us do them right. We are about to enact law. We do not have time to say we just passed the law, can we just tweak it a little bit more? You cannot do that. That is not the way a deliberative body works.

Secondly, this amendment offered by the gentleman from California (Mr. RIGGS) actually tries to impose upon the local school districts, usurp local control by telling a local school district, which went to court and found that the court agreed with it, that it must continue its current programs. This amendment would say to that local school district: ''You cannot do that. We high and mighty up here in Washington, D.C. have decided you cannot do that.''

That is not in the current bill, but the gentleman from California (Mr. RIGGS) wants to put it in the bill to take that local guidance, that local opportunity to decide what to do, away from that local school district after a court has agreed with it. That does not to me seem like local control.

Mr. Chairman, I would hope that we would take a look at what the gentleman from California (Mr. RIGGS) is trying to do. He is trying to say that because a court found that a school district should be entitled to continue its program to try to educate its kids, he wants to enact an amendment that would stop that school district that has been found by a court to be correct in its administration of its educational programs.

Mr. Chairman, if Members want to talk about usurping local control, this amendment is it because it is telling one or two local school districts, of the several thousand that the chairman and the committee noted that we have in this country, that because they have a court order, they should not go forward. That is how egregious we have gotten in these amendments and that is why this bill is such a denial of local opportunities to make decisions for the education of our kids.

Somehow the Members of this House of Representatives know better than all the elected school officials on the school boards of our Nation; all the principals of our schools and all the administrators. And by the way, that is probably why the National PTA, the School Administrators Association, the school board associations nationally, all of those organizations oppose this legislation, because it truly does strip away local control and it tells them: This is the way to do. If they do not like the shape of this cookie, too bad, because that is the way all of the cookies will be shaped.

We should reject this amendment offered by the gentleman from California (Mr. RIGGS), certainly accept the second degree amendment offered by the gentleman from California (Mr. MARTINEZ). But still we are talking about trying to improve a monster. A monster is still a monster. No matter how much you comb its hair, it is still a monster.

Mr. Chairman, I would hope we would oppose this legislation at the end of the day. I urge my colleagues to pass the Martinez second degree amendment, defeat the Riggs amendment, and ultimately defeat the bill.

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

The CHAIRMAN. The gentleman from California (Mr. RIGGS) has 6 minutes remaining, and the gentleman from California (Mr. MARTINEZ) has 10 minutes remaining. The gentleman from California (Mr. MARTINEZ) has the right to close.

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

Mr. Chairman, it is simply this, that under the bill's present language, school districts who did not comply with State law will lose Federal dollars. And the County and City of San Francisco would lose over a million dollars, which is hardly something it can afford, simply because, simply because they are required by a court order to provide this education for these children.

I think that is a terrible thing to do for an entity as large as San Francisco with as many children as they serve. I think it is inappropriate. I would insist on my amendment.

Mr. RIGGS. Mr. Chairman, will the gentleman yield before he closes debate?

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

Mr. RIGGS. Mr. Chairman, again, I just wanted to make the point one more time. It does not sound like we are going to be able to work something out on this, but I want to say one more time that I am very comfortable with language that would say that a court order, Federal court order would take precedence over State and local law with respect to bilingual education or State local policy.

But, Mr. Chairman, I cannot support an amendment that appears to be intended to create an escape hatch, an ''out clause'' for local school districts in California that do not want to comply with a voter-approved ballot initiative that passed by a margin of 61 to 39 percent.

Mr. MARTINEZ. Mr. Chairman, reclaiming my time, if I understand the gentleman right, what it is is that the language in there, ''complying with Federal law,'' is what the gentleman considers too broad and covers too many bases. In other words, what the gentleman thinks is that gives school districts all over the country an escape hatch of not having to comply with Federal law. That would only occur if they were under a court order.

Mr. RIGGS. Mr. Chairman, if the gentleman would continue to yield, I think then we are moving in the same direction again. It seems if we take the San Francisco Unified School District, or any school district, if they want to go to a Federal court for relief from Proposition 227, and they are successful in obtaining a court order that says that they do not need to comply with Proposition 227, I can live with that. That is why I am suggesting that the gentleman change his amendment.

Mr. MARTINEZ. Mr. Chairman, again reclaiming my time, I cannot see that a school district of its own volition would go to the court to get relief in order to put themselves under a court order. As it has been in most cases, those court orders that were issued were because the school districts fought, fought to have to comply with a Federal law. The voluntary ones were when they were approached about violation of the Federal law, they then complied voluntarily, and the gentleman has already eliminated those.

So in this instance I cannot see, I cannot envision a school district who does not want to comply or who automatically would want to comply would then put themselves in the Federal court process in order to be able to get out of the laws as the gentleman has written it in this bill.

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

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

Mr. Chairman, as I understand, we are winding down debate on the Martinez amendment to my amendment No. 2. I want to make this point again. Again, I do not sense that we are that far apart and this may just be a matter of semantics. But as I understand what the gentleman is saying, if there is a legitimate legal or policy dispute in the eyes of a local school district and ultimately its governing board and its top administrators, and if that dispute is between Federal and State law, it seems to me by definition that is an issue that has to be adjudicated in the courts.

That is why I am saying to the gentleman that if the court does adjudicate that matter, and if the court does issue an order that says for all intents and purposes Federal law supersedes State law, takes precedence over any provisions in the State law or the State Constitution, I could live with that decision and I would be happy to reflect that in the bill.

Mr. Chairman, I cannot go along with a provision that is so broad as to say ''Federal law generally.'' Again, it seems to me that the very purpose of the judicial branch, the third branch of government, is to adjudicate a dispute between Federal and State law. That is why I am suggesting to the gentleman that he narrow his amendment so that it would say except as necessary for the general entity, in other words the local school district, to comply with a Federal court order. Because I still think that accomplishes the same purpose, but would not be so broad as to create confusion in the minds of local school districts, should this legislation become law.

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

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

Mr. MARTINEZ. Mr. Chairman, in the scenario the gentleman just laid out, what he is envisioning is if there were a conflict between let us say the PTA or the citizens who have children in the school would be in conflict with their board, that they would go to court to get a court order that they teach bilingual education? Is that what the fear is?

Mr. RIGGS. Mr. Chairman, reclaiming my time, I do not know that it is a fear. I want to go back to the gentleman's position.

Mr. MARTINEZ. Maybe fear is the wrong word, but is that the concept, that that would be a possibility?

Mr. RIGGS. Mr. Chairman, yes, and my opinion is that that local school district should have to go to court to adjudicate an unclear or conflicting provision between Federal and State law. And then if a Federal court order results, then obviously that local school district should have to comply with the ultimate decision and interpretation or decision and ruling of the Federal court.

Mr. MARTINEZ. Mr. Chairman, if the gentleman would continue to yield, if it were members of the community who were in disagreement with the school board, they elect that school board so they are their bosses. And if they want that school board to teach bilingual education, who are we to tell them that they cannot go to court to get that court order in order that they be able to get that program there?

I would think that the gentleman would want that, because he has repeatedly, coming from a school board himself, being elected by the local constituencies, that he would understand that the constituent is the controller of what our actions are and what we do. They elect us to represent them. Why would the gentleman be in conflict with that?

Mr. RIGGS. Mr. Chairman, I would say to the gentleman, I am not sure I

am. I would reverse the gentleman's argument and ask him if he is suggesting, going back to our home State of California, that in every community where a majority of the electorate supported Proposition 227, that that decision should be binding on the local school district?

As the gentleman knows, my legislation does not go that far. It allows the local school district to determine the bilingual instructional method most appropriate for that school, whether it is English language immersion, native language immersion, or dual immersion. So, it does not go nearly as far as Proposition 227.

Again, Mr. Chairman, think the gentleman is on the right track. I think he makes a valid point that there could be a potential for conflict between Federal and State law. That should be, by definition, adjudicated and decided by the judicial branch of government and than that court order should be binding. That is why I am suggesting that his amendment should apply only to Federal court orders and not so broadly as to apply to Federal law.

□ 1600

Mr. MARTINEZ. Mr. Chairman, the whole thing is that you ought to be able to give constituencies in different areas the right to select what they want for their school district. You have said that repeatedly.

Mr. RIGGS. I think we do that.

Mr. MARTINEZ. If there is a school constituency that wants bilingual programs, and their school board will not give it to them, and they do not want to wait until the next election to vote these people out and vote people in that will give it to them, then they ought to be able to go to court and get a court order.

That is where I cannot see where my colleague is in conflict with that terminology that says that it comply with Federal law. Federal law does supersede State law, and they ought to be able to take advantage of that.

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

Mr. MARTINEZ. Mr. Chairman, may I inquire as to how much time is remaining.

The CHAIRMAN. The gentleman from California (Mr. MARTINEZ) has 6½ minutes remaining.

Mr. MARTINEZ. Mr. Chairman, I yield 6½ minutes to the gentleman from California (Mr. BECERRA).

Mr. BECERRA. Mr. Chairman, let me see if I can try to capture what the gentleman from California (Mr. RIGGS) was trying to do. It seems to me that the gentleman from California is encountering resistance on our part to accept his offer on the amendment to accept language that limits the provisions of the amendment of the gentleman from California (Mr. MARTINEZ) to court order, because if we limit the application of this amendment to a Federal court order, in essence, we are saying all Federal laws and all Federal constitutional laws would not be grounds to allow these school districts to maintain their programs.

Ultimately, we cannot deny someone a constitutional right. But my colleagues are trying to almost explicitly exclude other Federal protections, like our civil rights laws, 1964 Civil Rights Act. By not including that, my colleagues have implicitly excluded them from consideration.

That is the reason the gentleman from California (Mr. MARTINEZ) and those of us here would be resistant to that amendment that my colleague has to the amendment of the gentleman from California (Mr. MARTINEZ) because it would overly limit the application of the amendment of the gentleman from California (Mr. MARTINEZ).

So I would hope that we would not want to try to exclude a local school district, that school board members, its principals, its teachers from saying we believe that the constitutional rights of the children in our schools or of the parents or of the educational body in San Francisco, in this case, is being violated by current State law, and we would like to test that in Federal court. They apparently tested it, and they have a Federal court order. They are allowed to continue teaching.

I would like to, I think, end with this: The school district we are talking about, which is in jeopardy of losing more than $1 million under the Riggs amendment is also the school I cited about an hour ago as having had very remarkable results when its children took the standardized testing and reporting exam offered by the State of California, the State's standardized test.

Third graders from a San Francisco school district who had graduated from a bilingual education program scored 40 percentage points higher than their native English speaking counterparts on math.

On language, bilingual fourth graders, or fourth graders who had graduated from bilingual programs, I should say, scored 25 percentage points higher than native English speakers.

A program which is showing success, and I suspect that you can point to some programs which are not doing so well, some of these kids, but a program that is demonstrating ample success for kids that are limited English proficient to, not only score well, but score better than their native English speaking peers is now placed in jeopardy by the amendment of the gentleman from California (Mr. RIGGS) because the amendment of the gentleman from California (Mr. RIGGS) would prohibit that school district from continuing to operate a program which has shown such dramatic success, so much success that Governor Wilson's spokesperson even said it is remarkable. That alone would be enough reason to oppose this amendment.

But because it also would limit the application of other Federal laws, I think there is good reason to say we should go with the secondary amendment of the gentleman from California (Mr. MARTINEZ) and, ultimately, as I said before, put this to bed, put this to rest, and let us move on to those things that we need to do this year and move next year to try to, all in a bipartisan fashion, work on bilingual education.

Ms. PELOSI. Mr. Chairman, I rise in support of the Martinez Amendment to the Riggs Amendment. I appreciate Rep. MARTINEZ offering the Amendment in my absence. I was unable to leave the Appropriations Committee mark up.

The Riggs Amendment denies funding to school districts because they are out of compliance with State Law or State Constitutional Law, even if compliance is not possible given federal court mandates. This amendment will punish school districts, and the students they are responsible for, merely because these districts are caught in a bind between conflicting laws.

The San Francisco Unified School District is currently under a federal court decree to provide access to English as a Second Language classes and bilingual education. Though the District has pledged to comply with state law to the greatest extent possible, the District is acting appropriately and legally by obeying a federal court decree.

The Martinez amendment to the Riggs amendment simply provides an exception for school districts, like San Francisco, which are caught between state and federal legal mandates. The Martinez amendment states that funding will not be denied if violation of state law is ''necessary for the eligible entity to comply with Federal law (including a Federal court order).''

If the Riggs Amendment passes without the Martinez amendment, the San Francisco Unified School District stands to lose over $1 million in fideral funds used to provide services to over 21,000 children. At least five other school districts—including Chicago, Denver, New York City, San Jose, and St. Paul—are under court-ordered consent decree regarding bilingual education.

The Congress should not force school officials in these districts to choose between resources for children and compliance with a federal court order. The Martinez Amendments to the Riggs Amendment protects school districts that are simply trying to comply with the law.

I urge my colleagues to vote for this amendment to the amendment.

Mr. LANTOS. Mr. Chairman, I rise in strong opposition to the amendment of Mr. RIGGS and in equally strong support of the amendment offered by Mr. MARTINEZ to the Riggs Amendment. The amendment being offered by Mr. MARTINEZ is the result of thoughtful hard legislative work by my distinguished colleague Congresswoman PELOSI, who together with me represents the City of San Francisco. I thank her for her important efforts in this regard.

Under the Riggs Amendment, school districts—such as the San Francisco Unified School District—would lose Federal funding if they do not comply with State Law, even if those school districts were adhering to a Federal court order that conflicts with state law.

The Riggs Amendment puts responsible, functioning school districts in an untenable situation. If the Riggs Amendment passes,

school districts would be asked to choose between compliance with Federal law as mandated by United States courts and with receiving Federal funding. Is this the message we in the Federal Government wish to send the American people? Should we penalize American school-children simply because their school district has acted properly to observe the laws of the United States as interpreted by Federal courts? Our Constitution provides that federal law takes precedence over state law, and clearly school districts acting in accordance with Federal law should not loose Federal funding because there is a conflicting state law.

Mr. Chairman, the Riggs Amendment specifically attacks school districts in cities such as Chicago, Denver, New York City, San Jose, and St. Paul—each of which is following a court-ordered mandate regarding bilingual education. The San Francisco Unified School District could lose nearly $1 million in federal funding if the Riggs Amendment is adopted.

Mr. Chairman, it is an outrage that Mr. RIGGS' Amendment would enact legislation that would harm school districts in this manner. The Riggs Amendment will hurt rather than help our school children. The Riggs Amendment will subordinate the quality of our children's education to politics. This amendment is a poison whose only antidote is the Martinez Amendment.

Mr. Speaker, I urge my colleagues to oppose the Riggs Amendment and support the Martinez Amendment.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from California (Mr. MARTINEZ) to amendment No. 2 offered by the gentleman from California (Mr. RIGGS).

The question was taken; and the Chairman announced that the ayes appeared to have it.

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

The CHAIRMAN. Pursuant to House Resolution 516, further proceedings on the amendment offered by the gentleman from California (Mr. MARTINEZ) will be postponed and the subsequent vote on the amendment No. 2 offered by the gentleman from California (Mr. RIGGS) will also be postponed.

Are there further amendments?

PARLIAMENTARY INQUIRY

Mr. RIGGS. Mr. Chairman, parliamentary inquiry. Under the rule, is this the appropriate juncture where I am to offer another preprinted amendment, or can I yield to the gentleman from Texas (Mr. BONILLA) who also has an amendment?

The CHAIRMAN. Any Member may offer an amendment.

Mr. RIGGS. Mr. Chairman, I will defer to the gentleman from Texas (Mr. BONILLA).

AMENDMENT NO. 3 OFFERED BY MR. BONILLA

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. BONILLA:

Page 30, line 10, strike ''(a)(3).'' and insert ''(a)(3).'.''.

Beginning on page 30, strike line 11 through page 31, line 8.

Mr. BONILLA. Mr. Chairman, I grew up in a neighborhood where over 90 percent of the people growing up in my neighborhood and in my school district spoke Spanish as their first language. I thank my lucky stars every day that my mother had the wisdom at the time to teach me and my two brothers and two sisters English when we were very young so that we would be better prepared for school and better prepared to achieve other goals in our lives.

Back then, there was no bilingual education. I understand that, over the years, bilingual education has helped many students in this country. But somehow the situation that we have now has gotten out of control in some areas with too much Federal control.

That is why I applaud the gentleman from California (Mr. RIGGS) for his effort today in trying to return more power to the people in neighborhoods across this country where it belongs so that parents and administrators and teachers can decide for themselves what is right for the curriculum in their own neighborhoods.

My amendment specifically addresses a portion of the bill of the gentleman from California (Mr. RIGGS) that addresses any national testing. My amendment would eliminate any effort of national testing undertaken as part of this reform.

In my view, after this amendment is passed, if it is passed, the bill would be an excellent bill to move forward on because it would go even one step further in taking Federal control away from local school districts. The requirement for Federally mandated testing is now part of this bill.

My understanding is the gentleman from California (Mr. RIGGS) is accepting my amendment to give States, and not Washington bureaucrats, content with the status quo and know-how, and let the locals decide how to administer tests.

This bill is about moving from the status quo in bilingual education toward real opportunity for students. This bill does not abolish bilingual education. I hope that we do not get sidetracked in rhetoric among some Members here that somehow this is an attack on bilingual education.

Bilingual education can still serve a purpose in this country, but, again, it should be administered by the people in communities to serve their children as they see fit. This bill gives American students the chance they deserve to achieve the American dream.

Again, I looked at the students that I grew up with in the south side of San Antonio and notice that those who were given the choice of learning English as quickly as possible tended to be those who achieved faster.

We have had revolutions in some parts of the country, some in California and other parts in the west from parents who want to have that local control and would like to have a say in whether or not their kids are part of a bilingual education program. That is what this bill tries to do, to give them a helping hand in establishing that parental decision and choice about their own children's education.

Again, my amendment simply deals with any effort to impose any kind of national testing related to bilingual education, and I would hope that my colleagues on both sides of the aisle would support my amendment.

Mr. CLAY. Mr. Chairman, will the gentleman yield to me?

Mr. BONILLA. I am happy to yield to the gentleman from Missouri.

Mr. CLAY. Mr. Chairman, we, of course, do not intend to oppose the amendment. We will accept it. But I think we ought to point out that this shows the deficiency in this bill when we try to correct it piecemeal, in a piecemeal fashion.

So that is why we are opposed to the bill. There are too many deficiencies in this bill that my colleagues are not correcting on that side in the piecemeal fashion. But we will accept this. We have no objection to this amendment.

Mr. BONILLA. I appreciate the support of the gentleman from Missouri (Mr. CLAY), my friend, of my amendment.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. BONILLA).

The amendment was agreed to.

The CHAIRMAN. Are there further amendments?

AMENDMENTS OFFERED BY MR. RIGGS

Mr. RIGGS. Mr. Chairman, I offer Amendments No. 5, 7, 8 and 9, and I ask unanimous consent that they be considered en bloc.

The CHAIRMAN. The Clerk will designate the amendments.

The text of the amendments is as follows:

Amendments No. 5, 7, 8, and 9 offered by Mr. RIGGS:

AMENDMENT NO. 5: Page 24, line 21, strike ''or''.

Page 25, line 2, strike ''program.'' and insert ''program; or''.

Page 25 after line 2, insert the following:

''(D) a State educational agency, in the case of a state educational agency that also serves as a local educational agency.

AMENDMENT NO. 7: Page 13, after line 18, insert the following:

''(E) Developing tutoring programs for English language learners that provide early intervention and intensive instruction in order to improve academic achievement, to increase graduation rates among English language learners, and to prepare students for transition as soon as possible into classrooms where instruction is not tailored for English language learners or immigrant children and youth.

Page 13, line 19, strike ''(E)'' and insert ''(F)''.

AMENDMENT NO. 8: Page 17, line 17, strike ''and''

Page 17, line 19, strike the period at the end and insert ''; and''.

Page 17, after line 19, insert the following:

''(C) the number and percentage of students in the programs and activities mastering the English language by the end of each school year.

Page 19, after line 2, insert the following:

''(4) EVALUATION MEASURES.—In prescribing the form of an evaluation provided by an entity under paragraph (1), a State shall approve evaluation measures for use under paragraph (3) that are designed to assess—

''(A) oral language proficiency in kindergarten;

''(B) oral language proficiency, including speaking and listening skills, in first grade; and

''(C) both oral language proficiency, including speaking and listening skills, and reading and writing proficiency in grades two and higher.

AMENDMENT NO. 9: Page 19, line 5, strike ''(b) and (c),'' and insert ''(b), (c), and (d),''.

Page 20, after line 13, insert the following:

''(d) MINIMUM ALLOTMENT.—

''(1) IN GENERAL.—Notwithstanding subsections (a) through (c), the Secretary shall not allot to any State, for fiscal years 1999 through 2003, an amount that is less than 100 percent of the baseline amount for the State.

''(2) BASELINE AMOUNT DEFINED.—For purposes of this subsection, the term 'baseline amount', when used with respect to a State, means the total amount received under parts A and C of this title for fiscal year 1998 by the State, the State educational agency, and all local educational agencies of the State.

''(3) RATABLE REDUCTION.—If the amount available for allotment under this section for any fiscal year is insufficient to permit the Secretary to comply with paragraph (1), the Secretary shall ratably reduce the allotments to all States for such year.

Page 20, line 14, strike ''(d)'' and insert ''(e)''.

Page 20, line 24, strike ''(e)'' and insert ''(f)''.

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

There was no objection.

Mr. RIGGS. Mr. Chairman, let me very quickly do something I do not normally do or like to do, and that is just respond to the amendment of the gentleman from Texas (Mr. BONILLA), which has already passed, just to make sure that Members are clear, because I know the gentleman from Missouri (Mr. CLAY) just cited the amendment of the gentleman from Texas (Mr. BONILLA) as evidence that the bill was hastily crafted.

I just wanted to make it clear that on this side of the aisle that what we were trying to do in the original bill is ensure that, again, Federal and State law, to the extent possible, are consistent and making sure that the Federal taxpayer funding and Federal bilingual education programs do not create a loophole in States where the State and local elected decision makers have decided that State standardized tests and assessments will be administered only in English. We were just trying to make that consistent.

But the gentleman from Texas (Mr. BONILLA) had concerns. He had concerns that the bill was even addressing State testing in any fashion. I understood those concerns, understood his desire that our bill be silent with respect to State testing and agree with him that, in the end run, by the bill being silent, State and local decision makers can still make a decision that they will administer State and local standardized tests only in English for all students, and that would include those students who are limited-English proficient.

I now turn my attention to the en bloc amendments. It is again very simple, straightforward. First of all, a provision providing a 100 percent hold harmless so the States do not experience any dramatic decrease in funding as a result of changing or transitioning these two programs, the Federal bilingual education and the Federal immigrant education programs into a single block grant.

The new formula would obviously, as a result of the 100 percent hold harmless, only apply to new funding, that is to say, annual appropriations over and above the current spending levels for these two programs.

Secondly, we add to the list of approved local activities, tutoring programs for limited-English proficient and immigrant children and youth, that would provide early intervention services to help prevent these children from dropping out of school.

I have already spoken earlier about the alarmingly high dropout rate for Hispanic American students hovering in the 54 to 55 percent range. What we are trying to do is focus more services earlier on helping these young people provide the kind of intensive educational services through tutoring so that, hopefully, they will remain in school and at least obtain a high school degree.

I think every Member of this body would agree particularly, you know, as an extension, if you will, of our committee hearings over the last 2 years, that all the evidence suggests that a young person today has to have some degree or some amount of postsecondary education, college education, hopefully a college degree if they want to go out and successfully compete in the adult work force.

□ 1615

So it is just critically important that we do a better job at all levels of government, by the way, Federal, State and local, in helping limited or non-English speaking students. And that is what we are attempting to do here by expanding the list and the scope of allowable local activities.

We also make two changes to the evaluation section to clarify that academic progress be determined by both the number and percentage of children having attained mastery in English at the end of the school year, and we outline the suggested design for measures to evaluate the English language skills of students based on the grade of the child.

I think there was a suggestion earlier in the debate that we were somehow lowering or removing standards all together for the Federal bilingual education program. And, in fact, I think that is one of the main arguments or criticisms that the gentleman from California (Mr. MARTINEZ) made of the bill, judging from his ''Dear Colleague''. And, again, nothing could be further from the truth.

We do have, I think, a very sound methodology incorporated into the bill for evaluating the academic progress and, hopefully, the academic success of English language learners.

The CHAIRMAN. Does any Member wish to debate the amendments?

The question is on the amendments offered by the gentleman from California (Mr. RIGGS).

The amendments were agreed to.

AMENDMENT NO. 4 OFFERED BY MR. HAYWORTH

Mr. HAYWORTH. Mr. Chairman, pursuant to the rule, I offer amendment No. 4.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. HAYWORTH:

Page 30, after line 10, insert the following (and redesignate any subsequent sections accordingly):

''SEC. 7406. RULE OF CONSTRUCTION.

''Nothing in this Act shall be construed to limit the preservation or use of Native American languages as defined in the Native American Languages Act or Alaska Native languages.''.

Mr. HAYWORTH. Mr. Chairman, my amendment simply clarifies that nothing in this bill will limit the preservation or the use of Native American or Native Alaskan languages.

As many Members of this body know, nearly one in four of my constituents are Native American. I represent eight tribes, including the largest sovereign tribe, the great Navajo Nation. Through constitutional and treaty obligations, Native Americans are guaranteed certain rights and protections, and I can think of no more important protection than the preservation of the languages and cultures of the first Americans.

While it is important that every American learn English to succeed, it is also important that we ensure that native languages and cultures continue to thrive. Indeed, these unique cultures provide a deeper understanding of our country's history. It is also important that we preserve these languages because, unlike immigrants who came to our country by choice or circumstance, Native Americans have always inhabited the land we now call the United States of America.

Mr. Chairman, my point is simple: Native American languages are an important part of our country's heritage and must be protected and preserved. My amendment ensures that these indigenous languages will not be affected by this legislation.

Mr. Chairman, I would like to thank the chairman of the Subcommittee on Early Childhood, Youth and Families of the Committee on Education and the

Workforce, my friend, the gentleman from California (Mr. RIGGS), for his support of my amendment. As vice chair of the Native American Caucus, I know he is deeply concerned about Native American issues.

Mrs. MINK of Hawaii. Mr. Chairman, will the gentleman yield?

Mr. HAYWORTH. I yield to the gentlewoman from Hawaii.

Mrs. MINK of Hawaii. Mr. Chairman. I thank the gentleman for yielding. I have a very great concern about the whole area of native languages, and I commend the gentleman for offering this amendment.

We have immersion programs where young children are encouraged to use the Native American language, which in our case is Native Hawaiians. We have special provisions in this legislation that have an acceptance of our unique situation, both Native Hawaiian and Native Alaskans. But I am also advised by counsel that that notwithstanding these special provisions that have been included for Native Hawaiians and Native Alaskans, that we are bound under the 2-year limit, which would completely nullify the whole idea which we are starting in Hawaii, which is to have an immersion program which permits, or encourages the revitalization of our native culture through language.

So I have a question to ask the chairman of the subcommittee as to whether the interpretation of the amendment offered by the gentleman from Arizona would mean that the 2-year limit would not apply to the Native American concerns that the offeror of the amendment has just suggested. Because that would be key to the continuance of our program and extremely vital to the survival of this whole idea of a Native American language preservation concept which we have adopted.

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

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

Mr. RIGGS. Mr. Chairman, I thank the gentleman from Arizona for yielding and also rise in support of his amendment.

With respect to the gentlewoman's inquiry, first of all, the funding limitation again is 3 years, not 2 years; 2 years is the goal, 3 years is the funding level.

Mrs. MINK of Hawaii. The length of time a child could be in a program is a 2-year limit under the gentleman's bill.

Mr. RIGGS. No, it is actually 3 years, the funding limitation. And I attempted to clarify that earlier and will be happy to refer the gentlewoman to that provision of the bill.

That said, I think the gentleman's amendment is extremely straightforward. It is very short: ''Nothing in this act shall be construed to limit the preservation or use of Native American languages as defined in the Native American Languages Act or the Alaskan Native Languages,'' which I understand may also address the concern of our colleague, the gentleman from Alaska (Mr. YOUNG).

And it was never the intent of this legislation to prevent the preservation or use of the Alaska Native or Native American languages. It is the intent of the legislation to ensure individuals living in the United States have a fluid command of the English language so that they may do well in school and in later adult life. And I know the gentlewoman supports that goal.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona (Mr. HAYWORTH).

The amendment was agreed to.

AMENDMENT NO. 6 OFFERED BY MR. SMITH of michigan

Mr. SMITH of Michigan. Mr. Chairman, pursuant to the rule, I offer amendment No. 6.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. SMITH of Michigan:

Page 13, after line 18, insert the following:

''(E) Providing family literacy services to English language learners and immigrant children and youth and their families to improve their English language skills and assist parents in helping their children to improve their academic performance.

Page 13, line 19, strike ''(E)'' and insert ''(F)''.

Page 25, after line 21, insert the following (and redesignate any subsequent paragraphs accordingly):

''(4) FAMILY LITERACY SERVICES.—The term 'family literacy services' means services provided to participants on a voluntary basis that are of sufficient intensity in terms of hours, and of sufficient duration, to make sustainable changes in a family (such as eliminating or reducing welfare dependency) and that integrate all of the following activities:

''(A) Interactive literacy activities between parents and their children.

''(B) Equipping parents to partner with their children in learning.

''(C) Parent literacy training, including training that contributes to economic self-sufficiency.

''(D) Appropriate instruction for children of parents receiving parent literacy services.''

Mr. SMITH of Michigan. Mr. Chairman, the amendment I am offering today would allow funds under this act to be used for family literacy services. The objective is to provide more cooperation and partnership between parent and child.

In other programs, such as the Bilingual Education Act, funds are permitted to be used for both the children and their parents. I believe H.R. 3892 will be even more effective in helping our Nation's English language learners if we allow local communities to use these funds for family literacy services. Oftentimes, both English language learners and their parents are in need of assistance in obtaining the English language skills they need for success. Family literacy programs have already provided successful results with immigrant populations and their families of limited English proficiency.

While in Michigan, in the Michigan Senate in the 1980's, I started a program called Home Instruction Program for Preschool Youth. That program worked with parents and helped them work with their children for at-risk families. The results of that program were exceptionally encouraging because not only were the youth, when they went to school, much more successful compared to a test group of those students that had not had those services, but the parents themselves increased their reading proficiency by 200 and 300 percent and went on to finish school.

Over the years, we have accumulated a great deal of evidence that working with children and their parents at the same time is a highly successful method of helping families improve their skills. Now, at the same time, these programs provide parents with the assistance they need to make sure that their child's success is going to be most successful because they are that child's most important teachers. These programs do empower parents.

In addition, family literacy programs provide parents and children with time to interact for the purpose of enhancing the child's learning and developing a relationship of reciprocal learning and teaching.

Mr. Chairman, my amendment also includes a definition of family literacy that is consistent with the recently passed Adult Education and Family Literacy Act, which was part of the Workforce Investment Act of 1998. If my colleagues will allow me to define the way I have defined family literacy in this act, (a) consistent with the Workforce Investment Act, it is that parents and children work together; (b) equipping parents to partner with their children in learning; (c) parent literacy training, including training that contributes to economic self-sufficiency; and (d) appropriate instruction for children of parents receiving parent literacy services.

Mr. Chairman, family literacy programs provide valuable literacy service to our Nation's families, and I encourage my colleagues to adopt this amendment and allow funds under this act to be used for these effective programs.

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

Mr. SMITH of Michigan. I yield to the gentleman from Missouri.

Mr. CLAY. I thank the gentleman for yielding, and I would like to inform him that we have no objections to the amendment on this side.

I would like to point out that, once again, here we are amending a bill that was hastily drafted, with no input, no bipartisan input whatsoever. Because all of this could have been corrected had we had an opportunity to give out views. We had a hearing on the bill, but the witnesses were eight-to-one picked by the gentleman's side, only one by our side, and then there was even no cooperation at the staff level.

So I think that we support what the gentleman is doing because it is

present law. It was taken out by this bill.

Mr. SMITH of Michigan. Mr. Chairman, reclaiming my time, I appreciate the comments from the gentleman from Missouri, and if I can be a surrogate in helping him improve the bill, I am glad to do that.

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

Mr. SMITH of Michigan. I yield to the gentleman from California.

Mr. MARTINEZ. Mr. Chairman, I support the gentleman's amendment. I think it is a good one. But I want to clear something up, because several times it has been debated here, or one side suggested it is a 2-year limit and the other side suggested there is a 3-year. Let me say that it is a very confusing thing in the bill because in a State plan it is required for a grant.

Mr. GOODLING. Mr. Chairman, I rise in support of the amendment offered by Mr. SMITH. As the father of the Even Start Family Literacy Program, I know the power of family literacy programs.

It has been demonstrated over and over again that efforts to assist families with literacy problems are more successful when they work with children and their parents at the same time. Parents participate longer than they would in normal adult education classes and children receive the extra assistance they need to make sure they are ready to enter school or to overcome any difficulties they may currently be experiencing in school.

These programs have been proven to be effective in families where children and their parents are of limited English proficiency. In fact, many Even Start programs successfully work with immigrant families, migrant families, and other families of limited English proficiency.

I want to thank Congressman SMITH for his strong support of family literacy programs. His efforts to improve the quality of such programs in meeting the literacy needs of families should not go unnoticed.

I encourage my colleagues to support this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan (Mr. SMITH).

The amendment was agreed to.

The CHAIRMAN. Are there further amendments?

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

Mr. Chairman, I rise in opposition to H.R. 3892. This bill represents bad education policy because it hurts limited-English-proficient students by placing an arbitrary time limit on services without regard to the individual needs of the student.

In addition to our discussions about the education policy involved, we should also discuss the bill's impact on fundamental civil rights protections for LEP students. This bill seeks to void all voluntary compliance agreements between the Federal Office for Civil Rights and the school districts that protect the meaningful access to effective education programs.

Now, let us remember that the Office for Civil Rights in the Department of Education is charged with the responsibility of ensuring that school districts provide LEP students with an equal educational opportunity in compliance with Title VI of the Civil Rights Act of 1964 and the U.S. Supreme Court's 1974 ruling in Lau v. Nichols.

Often, when a district is found to be in violation of the law, school districts and the Office of Civil Rights enter into compliance agreements. Those agreements reduce litigation expenses needed to ensure compliance with the law, and in addition, they ensure the schools will be protected from other lawsuits by parents, students and the Department of Justice.

□ 1630

They even protect the schools from additional administrative enforcement provisions by the Office of Civil Rights. But by seeking to void all 276 compliance agreements, we will leave school districts vulnerable to a barrage of lawsuits by private individuals and the Department of Justice and subject them to other means of enforcement actions by the Office of Civil Rights.

Perhaps what is most egregious about voiding the existing agreements is that we will be doing nothing, absolutely nothing, to address the underlying violations of the school districts affected.

Now, let us not pretend that those violations will simply disappear because we have eliminated the compliance agreement. OCR will still have the responsibility to ensure that those school districts are taking appropriate steps to be in compliance with the law.

Mr. Chairman, let me close by citing the bipartisan U.S. Civil Rights Commission in 1997, when they said that ''The OCR's current policy does not disturb the traditional State and local autonomy and flexibility in fashioning education programs to assist students with limited English proficiency in addressing their language barriers. Schools remain free to choose between a wide variety of instructional methodologies and approaches, including bilingual education, English as a second language, and an array of other language assistance programs.

Overall, OCR has shown exemplary restraint in respecting State and local prerogatives in that it has not sought to place limits on State and local discretion by proposing requirements that in any way limit that discretion.''

So, Mr. Chairman, this legislation represents not only poor education policy but also poor policy from a legal process perspective; and, therefore, I urge my colleagues to vote no on this legislation.

Mr. RIGGS. Mr. Chairman, I move to strike the last word. I will try to be as brief as possible.

I just, first of all, want to thank the gentleman from Virginia (Mr. SCOTT) for what I think is a good-faith decision on his part to raise this issue for debate but perhaps not to pursue an amendment.

We disagree on, if you will, the origin and the mechanism by which so many of these compliance agreements have come into being. We have heard testimony from a variety of people, including local school board members. We had a particular witness who was galvanized by the clash between the Federal Department of Education Office of Civil Rights in the Denver school district to ultimately run successfully for the local school board. She testified at our hearing.

But we heard from other witnesses as well, a long-time employee of the Office of Civil Rights, that they felt the Office of Civil Rights used coercive tactics to force local school districts into entering into these compliance agreements or else face the alternative of very costly, extensive, and time-consuming litigation.

As we have heard earlier today, during the period between 1975 and 1980, some 500-plus agreements were initiated by the Office of Civil Rights, and today there are 228 in force.

One of the main areas of contention here is that the internal guidelines that the Office of Civil Rights has used in extracting these agreements were developed internally by the Office of Civil Rights staff and have never been open to public comment or scrutiny. And we are proposing to do that now by requiring the department and the office to publish for comment new compliance agreement guidelines, or guidelines for compliance agreements.

There also is confusion because the Office of Civil Rights is currently using at least three internal enforcement memoranda that have never really been subject to proper public scrutiny or congressional oversight.

We feel that there is no basis for OCR's policy of pushing bilingual education as opposed to English as a second language or English immersion as a preferable method of bilingual instruction. The Lau v. Nichols decision in 1974, which the gentleman from Virginia (Mr. SCOTT) as a constitutional lawyer, an expert in this area, is very conversant with, is the basis of OCR's activities in this area.

But while that decision did require school systems enrolling native-language students or native-origin students who were deficient in English to take affirmative steps to open their instructional programs, it did not specify which instructional programs schools should use.

Instead, the Supreme Court deliberately left that up to State and local authorities, again consistent with the whole idea of State and local control in decision-making in public education.

The Lau remedies, as developed by the Office of Civil Rights, required schools to implement transitional bilingual education; and that has become the de facto compliance standard that is still in effect today.

Schools wanting to implement alternatives such as English language immersion are told that they are not acceptable unless they are equally effective as bilingual education. And, again, we think this is a form of coercing schools to accept transitional bilingual education unless they can prove that their preferred method is superior.

The Denver public schools I alluded to earlier refused to accept all of OCR's demands. And as a result, they have been referred to the Federal Department of Justice for litigation. The Department of Justice, on the referral from the Office of Civil Rights, is still pursuing litigation against the San Juan, Utah School District, primarily again because the department does not feel that that district offers the appropriate type of bilingual education.

So we think the OCR staff that negotiated these agreements lacked the proper educational expertise. This is a timely juncture to review these agreements. We need to start over. That is why we are suggesting with this legislation that we vacate the existing agreements and, as a result, we release schools from these compliance agreements and we empower them and provide them with true local control over the type of English language instruction program that they deem is the best and most appropriate for their students.

And I submit to my colleagues, because that is what this legislation all boils down to, we trust local schools and we trust locally elected decision-makers to do what is right for the children of that community and to act in the best interest of those particular children.

So I appreciate, again, the gentleman from Virginia (Mr. SCOTT) deciding to hold off on his amendment. I hope we have now concluded just about all debate on this.

Mr. Chairman, bilingual education is hurting minority children, keeping them from learning English at an early age, and ultimately slowing their ability to assimilate into mainstream America.

The "English Language Fluency Act" proposes a number of innovative steps to help students with limited English skills attain early fluency. Its cornerstones, parental choice and flexibility for state and local policymakers, are designed so that children are taught English as soon as possible once they enter school. The act allows them to participate in English language instruction programs funded with federal dollars for three years.

As we end our debate on this important issue, I wanted to bring to your attention an important article from the Washington Times on bilingual education by Don Soifer of the Lexington Institute. The essay follows:

[From the Washington Times, July 1, 1998]

AN OBSTACLE TO LEARNING

(By Don Soifer)

Earlier this month, California voters soundly rejected bilingual education. Proposition 227, the "English for the Children Initiative," won widespread support among white and Hispanic voters despite being opposed by President Clinton, all four major candidates for governor, the state's large and powerful teachers' unions and the education bureaucracy. As a result, the state with 1.3 million students classified as "Limited English Proficient" will be teaching them almost entirely in English when the new school year starts this fall.

What impact does the California proposition's stunning victory hold for the rest of the country? California's massive and largely ineffectual bilingual establishment, born of a social experiment 30 years ago, is being dismantled virtually overnight, barring intervention from the courts. But what about the rest of the nation? Bilingual education programs can be found in all 50 states. It would be wrong to assume that the problems of such a widespread approach are limited to California, or the costs.

The Clinton administration sought $387 million in federal spending for bilingual education in its 1999 budget request, a drop in the bucket compared with the estimated $8 billion spent annually by state and local governments prior to the recent vote, according to Linda Chavez of the Center for Equal Opportunity.

But as vastly rooted as bilingual education has become in the nation's schools and with such a troubled record, its real costs are even greater. Children in bilingual programs generally learn English slower, later, and less effectively than their peers. The bilingual approach delays for years the time when students can graduate to "mainstream" classrooms. Many children are in bilingual programs for five to seven years and do not even learn to write English until the fourth or fifth grade.

Furthermore, an article in Education Week pointed out that a number of New York City students in bilingual classrooms actually scored lower on English-proficiency tests at the end of the school year than at the beginning.

Prominent economists Richard Vedder and Lowell Galloway of Ohio University recently studied the costs to the American economy resulting from poor English fluency among immigrants and estimated the costs of lost productivity to be approximately $80 billion annually. How could bilingual education have become so vast and yet so ineffective in the 30 years since its inception? The answer may reside in large part with the fact that those responsible for its administration have lost sight of its initial goals.

Rep. Claude Pepper, a sponsor of the 1967 Bilingual Education Opportunity Act, explained during the discussion on the bill that, "By about third grade, when concepts of reading and language have been firmly established, they (children) will begin the shift to broadened English usage."

The only reason children are segregated out of mainstream classrooms in the first place is because they lack the English skills they need. But much of the bilingual establishment has lost sight of this, often inventing their own goals. A 1995 report by the Office of Bilingual Education of the U.S. Department of Education advises teachers that "maintaining primary language proficiency is a key long-term goal."

The report adds, "To help students overcome the obstacles presented by an English-dominated educational system without losing the resource of fluency in a second language . . . Teachers must be able to recognize the cultural origins of their own behavior and to respond reflectively to students who might be acting under the influence of an alternative, culturally based expectation."

The current movement to end bilingual education began when Hispanic parents in Los Angeles began keeping their children at home in protest because they weren't learning English at school. Those parents and others are far less concerned about an "English-dominated educational system" than they are with simply having their children learn English. Spanish can often be maintained and spoken at home, making intensive English instruction in school that much more important.

Now California has shown the way to removing the obstacles of bilingual education. But for the rest of the country, as long as the diffuse and obscure goals of the education bureaucrats continue to take precedence over parents who just want their children to learn English in school, bilingual education will continue to stand in the way of progress.

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

I will not take the 5 minutes. I know we want to wrap this up. But I do want to make a couple of things clear. I wish that we would trust the locals enough to let them determine how long it would take for a young person to be able to master language sufficiently so that they could be academically qualified and learn the rest of their subjects while they are doing it.

But we are not trusting them to do that. We are saying that we know best, that they have got to do it within 2 years. That has been the question here that has come up time after time is whether it is 2 years or not.

But in section 7121, and that is what I want to clarify, in section 7121, the Formula Grants to States, where it outlines the authority for the grants, then subsequently in 1722, the Application by States, the applications they must make for the grants, it starts out and says, "For purposes of section 7121, an application submitted by a State for a grant under such subsection for a fiscal year is in accordance with this section, if the application," understand, "'if the application' contains all these things." And it goes down to (A) and (B) of paragraph 6, and here is what it says.

"Students enrolling in," understand this, that is in the application for the grant that the grant proposal must have this information, "students enrolling when they are in kindergarten are not mastering the English language by the end of the first grade; and other students are not mastering the English language after 2 academic years of enrollment." They would not receive funds. Because right before that, in section 6, it says the grant must contain an agreement that the State must "monitor the progress of the student enrolled in programs and activities receiving assistance under this chapter in attaining English proficiency and withdraw funding from such programs."

In other words, the State would withdraw funding from those programs, and those local school districts in those local communities would withdraw funding from such programs and activities where the students enrolling when they are in kindergarten are not mastering the English language by the end of the first grade; and other students not mastering the English language

after the second academic year of enrollment.

Now, there becomes a conflict in the bill itself, because in the next section, in the Subgrants to Eligible Entities, it goes on to say, that, yes, in fact, they may. Down in the last paragraph on page (3) it says Maximum Enrollment Period. ''An eligible entity may not use funds received from a State under this chapter to provide instruction or assistance to any individual who has been enrolled for a period exceeding 3 years in a program or activity undertaken by the eligible entity under this section.''

Well, how do they get to the 3 years if they cut them off at 2 years prior to that by the previous section? And that is where the bone of contention comes in.

My contention is, if they were really interested in kids and how they benefit to the highest degree, they would say, we keep them in these programs as long as is necessary and do what it takes to get these kids up to speed with the rest of their classmates. We are not doing that.

Now, it earlier was said, the other side does not want reform, we want status quo. I have for years wanted reform of the bilingual education program. And in the beginning, where the gentleman from California (Mr. RIGGS) did offer to talk about this and we agreed to disagree on this particular section, it was because it would be fruitless because of the notion that these should be grant programs to the State when right now the programs are receiving the monies directly from the Federal Government.

When the State gets the money, even with this hold-harmless act, we do not know if the same programs that are existing now are going to receive funds because that is up to the State, and the State, not the locals, but the State will determine whether or not those programs get those grants. Therein lies another fallacy in the bill, and that is why I oppose the bill and I urge my colleagues to vote against it.

AMENDMENT OFFERED BY MR. MARTINEZ TO AMENDMENT NO. 2 OFFERED BY MR. RIGGS

The CHAIRMAN (Mr. LAHOOD). The pending business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. MARTINEZ) to the amendment No. 2 offered by the gentleman from California (Mr. RIGGS), on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. Pursuant to clause 2(c) of rule XXIII, the Chair will reduce to a minimum of 5 minutes the period of time in which a vote by electronic device, if ordered, will be taken on the Riggs amendment, as amended or not by the Martinez amendment.

The vote was taken by electronic device, and there were—ayes 205, noes 208, not voting 21, as follows:

[Roll No. 422]

AYES—205

Abercrombie
Ackerman
Allen
Andrews
Baesler
Baldacci
Barrett (WI)
Becerra
Bentsen
Berman
Bilirakis
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (CA)
Brown (FL)
Brown (OH)
Campbell
Capps
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Ford
Frank (MA)
Frost
Gejdenson
Gordon
Green
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Horn
Houghton
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson (WI)
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McHale
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran (VA)
Morella
Murtha
Nadler
Neal
Ney
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Ramstad
Rangel
Redmond
Reyes
Rivers
Rodriguez
Roemer
Ros-Lehtinen
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Scott
Serrano
Sherman
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stenholm
Stokes
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson
Thurman
Tierney
Torres
Traficant
Turner
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Weygand
Woolsey
Wynn
Yates

NOES—208

Aderholt
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Crane
Crapo
Cubin
Cunningham
Davis (VA)
Deal
DeLay
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Ensign
Everett
Ewing
Fawell
Foley
Forbes
Fossella
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Hostettler
Hulshof
Hutchinson
Hyde
Inglis
Istook
Jenkins
Johnson, Sam
Jones
Kasich
Kelly
Kim
King (NY)
Kingston
Klug
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Lazio
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lucas
Manzullo
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Moran (KS)
Myrick
Nethercutt
Neumann
Northup
Norwood
Nussle
Oxley
Packard
Pappas
Parker
Paul
Paxon
Pease
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Quinn
Radanovich
Regula
Riggs
Riley
Rogan
Rogers
Rohrabacher
Roukema
Royce
Ryun
Salmon
Sanford
Saxton
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stump
Sununu
Talent
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wolf
Young (FL)

NOT VOTING—21

Archer
Barcia
Berry
Burr
Ehrlich
Furse
Gephardt
Gonzalez
Hunter
Johnson, E. B.
Kennelly
Largent
McGovern
Poshard
Pryce (OH)
Scarborough
Schumer
Tauzin
Towns
Wise
Young (AK)

□ 1705

The Clerk announced the following pair:

On this vote:

Mr. Berry for, with Mr. Scarborough against.

Messrs. BACHUS, KIM, BEREUTER, DAVIS of Virginia and Mrs. KELLY changed their vote from ''aye'' to ''no.''

Mrs. MCCARTHY of New York and Ms. MCKINNEY changed their vote from ''no'' to ''aye.''

So the amendment to the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. RIGGS).

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 230, noes 184, not voting 20, as follows:

[Roll No. 423]

AYES—230

Aderholt
Archer
Armey
Bachus
Baesler
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Boyd
Brady (TX)
Bryant
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Cramer
Crane
Crapo
Cubin
Cunningham
Danner
Davis (VA)
Deal
DeLay
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Ensign
Everett
Ewing
Fawell
Foley
Forbes
Fossella
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King (NY)
Kingston
Klug
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lucas
Manzullo
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McIntyre
McKeon
Metcalf
Mica
Miller (FL)
Moran (KS)
Myrick
Nethercutt
Neumann
Northup
Norwood
Nussle
Packard
Pappas
Parker
Paul
Paxon
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Quinn
Radanovich
Ramstad
Redmond
Regula
Riggs
Riley
Rogan
Rogers
Rohrabacher
Roukema
Royce
Ryun
Salmon
Sanford
Saxton
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Sisisky
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stenholm
Stump
Sununu
Talent
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wolf
Young (FL)

NOES—184

Abercrombie
Ackerman
Allen
Andrews
Baldacci
Barrett (WI)
Becerra
Bentsen
Berman
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Brady (PA)
Brown (CA)
Brown (FL)
Brown (OH)
Capps
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Filner
Ford
Frank (MA)
Frost
Gejdenson
Gordon
Green
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (WI)
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McHale
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran (VA)
Morella
Murtha
Nadler
Neal
Ney
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pelosi
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Ros-Lehtinen
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Scott
Serrano
Sherman
Skaggs
Skelton
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stokes
Strickland
Stupak
Tanner
Tauscher
Thompson
Thurman
Tierney
Torres
Turner
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Weygand
Woolsey
Wynn
Yates

NOT VOTING—20

Barcia
Berry
Burr
Ehrlich
Etheridge
Furse
Gephardt
Gonzalez
Johnson, E. B.
Kennelly
Largent
McGovern
Poshard
Pryce (OH)
Scarborough
Schumer
Tauzin
Towns
Wise
Young (AK)

□ 1712

The Clerk announced the following pair:

On this vote:

Mr. Scarborough for, with Mr. Berry against.

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. Are there any further amendments?

There being no other amendments, under the rule, the Committee rises.

□ 1715

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. GUTKNECHT) having assumed the chair, Mr. LAHOOD, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3892) to amend the Elementary and Secondary Education Act of 1965 to establish a program to help children and youth learn English, and for other purposes, pursuant to House Resolution 516, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

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

RECORDED VOTE

Mrs. MINK of Hawaii. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 221, noes 189, not voting 24, as follows:

[Roll No. 424]

AYES—221

Aderholt
Archer
Armey
Bachus
Baesler
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Cramer
Crane
Cubin
Cunningham
Danner
Deal
DeLay
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Ensign
Everett
Ewing
Fawell
Foley
Forbes
Fossella
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
John
Johnson, Sam
Jones
Kasich
Kelly
Kim
King (NY)
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lucas
Manzullo
McCollum
McDade
McHugh
McInnis
McIntosh
McIntyre
McKeon
Metcalf
Mica
Miller (FL)
Moran (KS)
Myrick
Nethercutt
Neumann
Northup
Norwood
Oxley
Packard
Pappas
Parker
Paxon
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Quinn
Radanovich
Regula
Riggs
Riley
Rogan
Rogers
Rohrabacher
Roukema
Royce
Ryun
Salmon
Sanford
Saxton
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stump
Sununu
Talent
Taylor (MS)

Taylor (NC)	Walsh	White
Thomas	Wamp	Whitfield
Thornberry	Watkins	Wicker
Thune	Watts (OK)	Wilson
Tiahrt	Weldon (FL)	Wolf
Traficant	Weldon (PA)	Young (FL)
Upton	Weller	

NOES—189

Abercrombie	Hamilton	Oberstar
Ackerman	Harman	Obey
Allen	Hastings (FL)	Olver
Andrews	Hefner	Ortiz
Baldacci	Hilliard	Owens
Barrett (WI)	Hinchey	Pallone
Becerra	Hinojosa	Pascrell
Bentsen	Holden	Pastor
Berman	Hooley	Paul
Bishop	Hoyer	Payne
Blagojevich	Jackson (IL)	Pelosi
Blumenauer	Jackson-Lee (TX)	Pomeroy
Bonior	Jefferson	Price (NC)
Borski	Johnson (CT)	Rahall
Boswell	Johnson (WI)	Ramstad
Boucher	Kanjorski	Rangel
Boyd	Kennedy (MA)	Redmond
Brady (PA)	Kennedy (RI)	Reyes
Brown (CA)	Kildee	Rivers
Brown (FL)	Kilpatrick	Rodriguez
Brown (OH)	Kind (WI)	Roemer
Capps	Kleczka	Ros-Lehtinen
Cardin	Klink	Rothman
Carson	Kucinich	Roybal-Allard
Clay	LaFalce	Rush
Clayton	Lampson	Sabo
Clement	Lantos	Sanchez
Clyburn	Lee	Sanders
Condit	Levin	Sandlin
Conyers	Lewis (GA)	Sawyer
Costello	Lofgren	Scott
Coyne	Lowey	Serrano
Crapo	Luther	Sisisky
Cummings	Maloney (CT)	Skaggs
Davis (FL)	Maloney (NY)	Skelton
Davis (IL)	Manton	Slaughter
DeFazio	Markey	Smith, Adam
DeGette	Martinez	Snyder
Delahunt	Mascara	Spratt
DeLauro	Matsui	Stabenow
Deutsch	McCarthy (MO)	Stark
Diaz-Balart	McCarthy (NY)	Stenholm
Dicks	McDermott	Stokes
Dingell	McHale	Strickland
Dixon	McKinney	Stupak
Doggett	McNulty	Tanner
Dooley	Meehan	Tauscher
Doyle	Meek (FL)	Thompson
Edwards	Meeks (NY)	Thurman
Engel	Menendez	Tierney
Eshoo	Millender-McDonald	Torres
Evans	Miller (CA)	Turner
Farr	Minge	Velazquez
Fattah	Mink	Vento
Fazio	Moakley	Visclosky
Filner	Mollohan	Waters
Ford	Moran (VA)	Watt (NC)
Frank (MA)	Morella	Waxman
Frost	Murtha	Wexler
Gejdenson	Nadler	Weygand
Gilman	Neal	Woolsey
Green	Ney	Wynn
Gutierrez		Yates
Hall (OH)		

NOT VOTING—24

Barcia	Gonzalez	Pryce (OH)
Berry	Johnson, E.B.	Scarborough
Burr	Kaptur	Schumer
Davis (VA)	Kennelly	Smith (TX)
Ehrlich	McCrery	Tauzin
Etheridge	McGovern	Towns
Furse	Nussle	Wise
Gephardt	Poshard	Young (AK)

□ 1731

The Clerk announced the following pairs:

On this vote:

Mr. Scarborough for, with Mr. Berry against.

Mr. Ehrlich for, with Mr. McGovern against.

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, due to official business in the 30th Congressional District, I was unable to record my vote on H.R. 3892, the English Language Fluency Act. Had I been present, I would have voted "nay" on final passage on this measure. In addition, I would have voted "nay" on both the Martinez and Riggs Amendments to H.R. 3892.

COMMUNICATION FROM THE HONORABLE TED STRICKLAND, MEMBER OF CONGRESS

The Speaker pro tempore laid before the House the following communication from the Honorable TED STRICKLAND, Member of Congress:

AUGUST 6, 1998.

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

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule L (50) of the Rules of the House that I have been served with a subpoena issued by the United States District Court for the Southern District of Ohio.

After consultation with the General Counsel, I will make the determinations required by Rule L.

Sincerely,

TED STRICKLAND,
Member of Congress.

COMMUNICATION FROM STAFF MEMBER OF HONORABLE JOHN E. PETERSON, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from Shannon Jones, staff member of the Honorable JOHN E. PETERSON, Member of Congress:

4AUGUST 12, 1998.

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

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule L (50) of the Rules of the House that I have been served with a subpoena for testimony and documents issued by the Centre County Court, Commonwealth of Pennsylvania, in the case of *Commonwealth of Pennsylvania* v. *Barger.*

After consultation with the Office of General Counsel, I have determined that the subpoena relates to my official duties, and that compliance with the subpoena is consistent with the privileges and precedents of the House.

Sincerely,

SHANNON JONES.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 3892, ENGLISH LANGUAGE FLUENCY ACT

Mr. GOODLING. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill H.R. 3892, the Clerk be authorized to make technical corrections and conforming changes to the bill.

The SPEAKER pro tempore (Mr. GUTKNECHT). Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

GENERAL LEAVE

Mr. GOODLING. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 3892, the bill just passed.

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

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3396

Mr. NUSSLE. Mr. Speaker, I ask unanimous consent to withdraw my name as a cosponsor of H.R. 3396.

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

There was no objection.

COMMUNICATION FROM STAFF MEMBER OF HON. JOHN E. PETERSON, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from Susan Gurekovich, staff member of the Honorable JOHN E. PETERSON, Member of Congress:

AUGUST 12, 1998.

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

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule L (50) of the Rules of the House that I have been served with a subpoena for testimony and documents issued by the Centre County Court, Commonwealth of Pennsylvania, in the case of Commonwealth of Pennsylvania v. Barger.

After consultation with the Office of General Counsel, I have determined that the subpoena relates to my official duties, and that compliance with the subpoena is consistent with the privileges and precedents of the House.

Sincerely,

SUSAN GUREKOVICH.

COMMUNICATION FROM STAFF MEMBER OF HONORABLE FRANK D. RIGGS, MEMBER OF CONGRESS

The Speaker pro tempore laid before the House the following communication from Rhonnda Pellegrini, staff member of the Honorable FRANK D. RIGGS, Member of Congress:

AUGUST 17, 1998.

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

DEAR MR. SPEAKER: This is to formally notify you, pursuant to Rule L (50) of the Rules of the House of Representatives, that I have been served with a subpoena ad testificandum issued by the United States District Court for the Northern District of California in the case of Headwaters v. County of Humboldt, No. C–97–3989–VRW.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with

the precedents and privileges of the House and, therefore, that I should comply with the subpoena.

Sincerely,

RHONNDA PELLEGRINI.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. CONYERS) is recognized for 5 minutes.

(Mr. CONYERS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

EXCHANGE OF SPECIAL ORDER TIME

Mr. MINGE. Mr. Speaker, I ask unanimous consent that I be allowed to speak in the time of the gentleman from Michigan (Mr. CONYERS).

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

There was no objection.

WHERE IS THE BUDGET?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. MINGE) is recognized for 5 minutes.

Mr. MINGE. Mr. Speaker, it is now September 10, and we still do not have a budget resolution which is available to guide this body or Congress in the allocation of our Nation's resources. That budget resolution was due April 15. We are now approaching 5 months, 5 months overdue, and the question is how can we responsibly make decisions in the appropriations process? How can we plan to use what might possibly be a surplus, even if we back out what we are borrowing from the Social Security trust fund here in this 1997–1998 fiscal year and the next fiscal year? How can we responsibly determine what our Nation's priorities are when we are proceeding on an ad hoc basis?

Mr. Speaker, we have proceeded under the Budget Act for many years, and to the best of my knowledge this is the first time. Mr. Speaker, the question is how can we responsibly proceed when we are almost 5 months past the due date for a budget resolution?

I think that this is a tragic situation. It is a situation that cries out for action. It cries out for leadership.

Several of us have been active in what is known as the Blue Dog Coalition. We introduced a budget. We attempted to have that budget made in order so that it could be debated on this floor so that we could vote on this budget. We were denied that opportunity.

We were told that there was a good budget that was coming to the floor. Vote for the good budget. Where is the good budget? It is like where is the beef?

We do not have a conference committee that is appointed that is proceeding to reconcile House and Senate budgets. Instead, we are just sort of freelancing. The House does a budget resolution, the Senate does a budget resolution, but never the twain shall meet.

Mr. Speaker, I urge that the leadership, both in this body and the body at the other end of the building, promptly act to have a conference committee empaneled and direct that conference committee to reconcile the differences between the House and the Senate budget resolutions so that we indeed do have a road map, so that we are acting responsibly.

Mr. Speaker, I urge at the same time that we recognize that we have a number one duty and obligation to not just the seniors in this country, but to children, to grandchildren, to plan for how we responsibly adjust the Social Security program so it is financially secure for the indefinite future.

We cannot do that unless we have a responsible budget resolution that is in place that recognizes the primacy of our obligation to make this Social Security trust fund one that is both inviolate and one that is secure and financially stable.

We are being tempted weekly, if not daily, with appropriations bills that can do all types of wonderful things for many important causes, individuals, communities across our country. We are deeming that the 1997 budget levels and 1998 budget levels are appropriate for 1999. This may be a way to finesse the question of how we deal with the budget, but it is not a responsible way to deal with the budget.

I know that if this were 5 years ago and my friends on the other side of the aisle were faced with this condition where the leadership on this side of the aisle had not brought a budget resolution home, they would rightfully criticize us for being irresponsible in that respect. I think that we should have a parallel recognition of the responsibility of our leadership in this body to forthrightly make sure that we have a budget resolution and, hopefully, if we do that we can avoid some of the turmoil that could well occur at the end of this month without the guidance of a budget resolution and the prospect of continuing resolutions, vetoes of appropriations bills, and worst of all, a shutdown of the Federal Government.

We cannot afford that. I urge that a budget resolution be forthwith considered on the floor of this House that has been approved by a conference committee.

□ 1745

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 218

Mr. BILBRAY. Mr. Speaker, I ask unanimous consent to withdraw my name as a cosponsor of H.R. 218.

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

There was no objection.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. PETERSON) is recognized for 5 minutes.

(Mr. PETERSON of Pennsylvania addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. STUPAK) is recognized for 5 minutes.

(Mr. STUPAK addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

(Mr. JONES addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from the District of Columbia (Ms. NORTON) is recognized for 5 minutes.

(Ms. NORTON addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. RAMSTAD) is recognized for 5 minutes.

(Mr. RAMSTAD addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

WORLDWIDE FINANCIAL CRISIS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. PAUL) is recognized for 5 minutes.

Mr. PAUL. Mr. Speaker, the largest of all bubbles is now bursting. This is a worldwide phenomenon starting originally in Japan 9 years ago, spreading to East Asia last year, and now significantly affecting U.S. markets.

All financial bubbles are currency driven. When central banks generously create credit out of thin air speculation, debt, and malinvestment result. Early on the stimulative effect is welcomed and applauded as the boom part of the cycle progresses. But illusions of wealth brought about by artificial wealth creation end when the predictable correction arrives. Then we see the panic and disappointment as wealth is wiped off the books.

These events only occur when governments and central banks are given arbitrary authority to create money and credit out of thin air. Paper money systems are notoriously unstable; and the longer they last, the more vulnerable they are to sudden and sharp downturns.

All countries of the world have participated in this massive inflationary bubble with the dollar leading the way. Being a political and economic powerhouse, U.S. policy and the dollar has

had a major influence throughout the world and, in many ways, has been the engine of inflation driving world financial markets for years.

But economic law dictates that adjustments will be made for all the bad investment decisions based on erroneous information about interest rates, the money supply, and savings.

The current system eventually promotes overcapacity and debt that cannot be sustained. The result is a slump, a recession, or even a depression. When the government makes an effort to prevent a swift, sharp correction, the agony of liquidation is prolonged and deepened. This is what is happening in Japan and other Asian countries today. We made the same mistake in the 1930s.

A crisis brought on by monetary inflation cannot be aborted by more monetary inflation or the IMF bailouts favored by the American taxpayer. It may at times delay the inevitable, but eventually, the market will demand liquidation of the malinvestment, excessive debt, and correction of speculative high prices as we have seen in the financial markets.

All this could have been prevented by a sound monetary system, one without a central bank that has monopoly power over money and credit and pursues central economic planning. My concern is profound. The retirement and savings of millions of Americans are jeopardized. Economic growth could be reversed sharply and quickly as it already has in the Asian countries. Budget numbers will need to be sharply revised.

The Federal Reserve hints at lower interest rates which means more easy credit. This may be construed as a positive for the market, but it only perpetuates a flawed monetary system.

Protecting the dollar is our job here in the Congress, and we are not paying much attention. Although turmoil elsewhere in the world has given a recent boost to the dollar, signs are appearing that the dollar, unbacked by anything of real value, is vulnerable. Setting a standard for the dollar with real value behind it can restore trust to the system and will become crucial in solving our problems, soon to become more apparent.

The sooner we understand the nature of the problem and start serious discussions on how to restore soundness to our money the sooner we can secure the savings, investments, and retirements of all Americans.

FARM CRISIS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oklahoma (Mr. LUCAS) is recognized for 5 minutes.

Mr. LUCAS of Oklahoma. Mr. Speaker, in the next several weeks, we in this body will consider the fate of our Nation's President. This undertaking will be balanced with our continued efforts to do the people's business on this floor. It is imperative that we do not lose site of this as we enter the waning days of the 105th Congress.

I have come to the floor this evening, not to discuss the White House crisis, but to discuss the agricultural crisis plaguing rural America. Today will be the first of a series of floor appearances that I plan on making to try and educate my colleagues on the severity of the crisis now facing our Nation's producers.

As a cow/calf operator from western Oklahoma, I can tell you firsthand that the crisis in the country is real. Our producers are plagued by weak grain prices, drought, bugs, wildfire, and dwindling forage and hay supplies. Good farmers, good farmers are losing equity and millions of dollars are being lost to our economy.

The 1996 Farm Bill was a bold step. In farmer's terms, it can be likened to the purchase of a new farm truck. We expect it to be reliable and dependable. It should have all of the tools to get us through the harvest, and it must be flexible enough to allow us to use our ingenuity to conquer unexpected tasks.

In these trying times, I believe it is time to assess whether the farm bill is running right. There are those who would advocate trading the whole thing in for an older model that did not run all that well in the years gone by. I do not think this is the proper route to take. We must diagnose the problem and fine tune the farm bill to make it better.

In mid July, the presidents of Oklahoma's major farm groups came to Washington to ask our delegation to come up with short-term and long-term steps to help producers.

I asked this group what the number one need was for Oklahoma producers. The number one answer was a quick infusion of cash in producers' hands to help them put in a crop this fall.

In response, we passed legislation to speed up the disbursement of $5.5 billion in 1999 market transition payments. This is a good but limited step that must be built upon.

Mr. Speaker, the farmers of this country have been hit by what could be likened to the 7 plagues of Egypt: drought, bugs, fire disease, the Asian financial crisis, and low prices. Any one of these is bad, and right now we are being hit by all seven.

Over the next several weeks, it is imperative that we in Congress work with the USDA to develop a package of relief for our Nation's producers.

This is a must pass issue. We cannot close this session of Congress without responding in some fashion.

AMERICAN PEOPLE ON THE SIDE OF FREEDOM AND DEMOCRACY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. ROHRABACHER) is recognized for 5 minutes.

Mr. ROHRABACHER. Mr. Speaker, the crisis that we are now facing here in the Nation's Capital is unfortunately obstructing the view of a historic struggle that is now going on in southeast Asia and China.

So I believed tonight to be the night that I should, instead of getting up and talking about some of the problems and some of the crises and challenges we face here, point to this historic event that is taking place in Southeast Asia so people will understand that, yes, the forces of democracy are on the move, and there are positive things happening around the world as well as some things that may cause us great concern.

Asia is at a turning point. Asia will have tyranny and deprivation in the long run, or it will have democracy and free markets. The people in various countries in Southeast Asia and also in China understand that they are at this turning point, and the choices that are being made today will impact on their countries and on this planet for decades to come.

We can be grateful here in the United States that what we believe in, a democratic government, free enterprise, individual rights, are the type of ideals that are inspiring young people and are inspiring those folks who would change their systems in Southeast Asia.

Although those folks are up against some incredible odds, people in various countries are showing admirable courage as we speak and as we meet. They are confronting dictatorship and cronyism in their countries and putting their lives on the line by doing it.

In Indonesia, for example, young people are still in the streets, still facing off with the power structure. And Soeharto himself, the dictator, at long last may be gone, a man whose family looted that country of tens of billions of dollars, he may be gone, but his power structure remains, and the young people of that country are trying to eliminate cronyism and establish democracy for that country.

In Cambodia, ordinary people, street vendors, taxi cab drivers, Buddhist monks, people of every stripe and from every walk of life are joining together to sit in front of the American embassy and also in the town square, reminiscent of what happened in the Philippines under Marcos, and telling the dictator Hun Sen, a man who was a trigger man for Pol Pot that he will not rob them of their free elections.

This confrontation in Cambodia should have the attention of every freedom-loving person in the world, especially here in the United States. The United States stands with the people who are struggling for democracy in Cambodia, and they should understand that we are on the side of the people, democracy, and free enterprise, and we are opposed to Hun Sen and crooked elections and the use of force and violence.

These young people in Cambodia are admirable. These Buddhist monks are people who deserve our admiration and deserve our applause.

Similarly, in Burma, Aung San Suu Kyi and her democratic movement is at long last standing up to the SLORC dictatorship.

Both in Cambodia and in Burma, those ruthless gangsters who run those countries who are tied in with drug lords and have made international deals with the Communist Chinese should understand that, if they commit murders in order to maintain their power, if Aung San Suu Kyi is hurt or hundreds of people are murdered in Cambodia, those individuals in those governments, like Mr. Hun Sen and the military leaders in Burma, will be held accountable, and they will be treated as war criminals in the United States and the other democracies.

Because the struggle for freedom in Southeast Asia is reaching a crescendo, the Burmese people could free themselves. The people of Cambodia, if they remain courageous, could free themselves from Hun Sen and his dictatorship and his iron-fisted rule.

The United States, those of us in Congress, while we are going through our own crisis at home, have not lost site of our ideals. And as we speak, we should send a message to the people in Southeast Asia struggling for freedom and the people in China struggling for freedom we are on their side. Have courage. The American people will not let you down. We are on the side of freedom and democracy and opposed to dictatorship just like you.

QUALIFICATIONS FOR SITTING IN JUDGMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. RIGGS) is recognized for 5 minutes.

Mr. RIGGS. Mr. Speaker, I take the floor tonight because I think it is very important that a Member of this body speak out with respect to some of the inferences or suggestions that have been made that are in a way somewhat related, although I would suggest very immaterial and extraneous, to the allegations that have been made against the President.

I do not think that any Member of Congress could possibly relish the tremendous responsibility of potentially sitting in judgment on the President of the United States, but it appears in the coming days, the coming weeks, the coming months that will be the case with this Congress and potentially the next Congress.

As each of us struggles to uphold our constitutional responsibility to define what constitutes a high crime and misdemeanor and to decide whether or not the material, the evidence amassed in the independent counsel's report to the House which presumably will be made public tomorrow, constitutes impeachable offenses.

□ 1800

But the reason I wanted to stand up and speak tonight on this particular issue is because I noticed, I have noticed in recent days, and with increasing concern, that there are Members of this body that would endeavor to lower the very solemn and dignified tone that I think is necessary to have a debate on these momentous issues by inferring that ''everyone does it''.

Everyone does not do it. I am here tonight to flatly say that most Members of Congress take very seriously the responsibilities of their office, and are honorable, decent men and women who also take very seriously their marital vows.

What caught my eye was a remark made by Tim Russert, the Washington Bureau Chief for the NBC News Network, when he said, a lot of Congress people I have talked to over the last few days are talking about the MAD doctrine, M-A-D doctrine, mutual assured destruction, and they do not want any part of this.

Now, Mr. Russert goes on to quote the gentleman from Michigan (Mr. JOHN CONYERS), the ranking member of the Committee on the Judiciary and the principal member of the minority party who will be involved in the deliberations at the committee level over the independent counsel's report. Tim Russert quotes the gentleman from Michigan as saying, in effect, that if every Member who has lied about his or her sex life had to recuse themselves from voting on the President, they would not have a quorum.

Well, I think that completely misses the point. This is not just about sex or a sexual relationship, it is all about potential, and I underscore potential, perjury and obstruction of justice. It is about 7 months of concealing the truth from prosecutors and the American people.

But I take real offense at the suggestion implicit in the statement of the gentleman from Michigan.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. GUTKNECHT). The Chair would advise the gentleman from California (Mr. RIGGS) that he should not allude to charges against the President.

Mr. RIGGS. I will do that.

As I was saying, though, I think someone has to challenge the statement of the gentleman from Michigan (Mr. CONYERS). Everyone does not do it. And for him to suggest that, I believe, is degrading and insulting.

And the point, again, that I wanted to make here on the floor tonight is that most of us recognize that we have to be exemplary in our personal lives; that our personal lives are, to a very large extent, simply an extension of our public lives and the public offices that we hold. We realize that we are in the public eye, that we are highly visible, and that we have to, to the extent humanly possible, by our every word and action, try to uphold the trust that has been placed in us. We realize that the office that we hold carries with it a very special responsibility to be a role model and to be a moral exemplar for the people of our country, our constituents, and especially our children.

So, again, I simply wanted to take the floor tonight to encourage my colleagues not to make suggestions that ''everyone does it,'' and to remind Members, as well as our constituents, that most Members of Congress, again, take very seriously the responsibilities of their office and seek at all times to honor their marital vows as well.

JOB CORPS: ONE OF THE MOST WASTEFUL, LEAST EFFECTIVE PROGRAMS IN FEDERAL GOVERNMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee (Mr. DUNCAN) is recognized for 5 minutes.

Mr. DUNCAN. Mr. Speaker, in a few days we will be asked to vote for the annual Labor-HHS appropriations bill. I have voted for this bill every year because it contains some very good programs. However, one of its programs has become one of the most wasteful and inefficient in the entire Federal Government and should either do much, much better or be abolished. Yet this agency, because on the surface it appears to be one for young people, seems to believe it should be immune from criticism and simply get one increase after another.

I am speaking of the Job Corps. Today, it costs over $26,000 per year per Job Corps student, according to the GAO. We could give each Job Corps student an allowance of $1,000 a month, send them to some expensive private school and still save money. If we did, these young people would probably think they had gone to heaven or hit some type of lottery. These Job Corps students would probably be shocked if we told them we were spending $26,000 per year on them, because the people who get the big bucks out of this are the fat cat contractors and the bureaucrats who run the program.

Programs like the Job Corps are really, in the end, harmful to young people, because they just take more money from parents and children and give it instead to bureaucrats and contractors. And we are not talking about small change here. This year's proposed appropriation is $1.246 billion, an increase of $61 million over last year, $1.246 billion for one of the most wasteful, least effective programs in the entire Federal Government.

According to a 1995 GAO report, the Job Corps is the most expensive program that the Labor Department administers, spending on average four times as much per student as the JTPA. In fact, the Workforce and Career Development Act of 1996, which passed the House by a vote of 345 to 79, included report language calling for five Job Corps centers to be closed by September 30, 1997, and five more to be closed by September of 2000.

Yet the number of Job Corps centers has actually gone up since 1996 from 112

to 118. This is because the Federal bureaucracy really tries in every way possible to do what it wants regardless of what the majority of the Congress votes for. This might be all right if the Federal bureaucracy did not waste so much money, but the taxpayers are really being ripped off by many Federal programs and especially this wasteful Job Corps program.

The GAO reported in testimony before the Committee on Government Reform and Oversight this past July 29 that only 14 percent of program participants completed the requirements of their vocational training. An earlier report found that only 4 percent end up in jobs for which they were trained, unless one does, as the Job Corps has at times done, and grossly distorts and exaggerates the figures and counts as a success about any former student who has gotten any type of job.

The GAO found that the Department of Labor considered a student to have obtained a job which matched their training if a student was trained as a heavy equipment operator, but got a job as a ticket seller. The Department of Labor also considered it a match if a student was trained as an auto mechanic and obtained a job attaching wristbands to watches.

Mr. Speaker, the Job Corps itself admits that the average length of stay of a Job Corps student is only 6 months. Mark Wilson of the Heritage Foundation has pointed out that it costs more to send someone to the Job Corps for 1 year than to a regular public school for 4 years. It now costs more for a student to go to the Job Corps for 1 year than to go to Yale, Vanderbilt, Emory, and many other of the most expensive and finest colleges and universities in the Nation.

So I repeat, Mr. Speaker, $26,000 per year per Job Corps student is simply too much, especially since it is producing such extremely poor results. As I said a moment ago, we could give each Job Corps student a $1,000 a month allowance, send them to some expensive private school, and still save money, and these students would just not believe it. And yet we are giving this money to fat cat government contractors and bureaucrats, who are the real beneficiaries of this program.

We should really do something good for the students and the young people of this country by doing away with the Job Corps program or cutting back drastically on it. And yet, because there are 118 Job Corps centers around the country, I know that that cannot be done unless we start the education process and let people know how poor and wasteful this program really is. I hope we can at least start the process of doing that tonight.

LOW PRICES ARE WRECKING AGRICULTURAL ECONOMY IN OUR COUNTRY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from South Dakota (Mr. THUNE) is recognized for 5 minutes.

Mr. THUNE. Mr. Speaker, this evening I would like to just very briefly discuss with fellow Members some of the things I discovered while traveling in my State of South Dakota over the August recess. It seemed like every place I went in the State, whether it was in the southeastern corner, where we grow corn and soybeans; or whether it was in the wheat producing section, the middle of our State; or whether it was in the ranching area, in western South Dakota, from which I come, the message was the same over and over and over: Low prices are wrecking the agricultural economy in our State and across this country.

It did not matter where I went or what the subject was. We had meetings on Social Security, we had meetings on other subjects through the August recess, but the focus shifted back to the same subject, and that is that low prices are strangling our agricultural producers in South Dakota.

We do have an economic disaster in our State. When we look at where prices are today versus where they have been, the prices are at the lowest levels that we have seen, historically low levels both when it comes to grains and livestock. Fat cattle trading below $60 a head, or a hundredweight, and hogs trading down in the quarter range per pound.

So we have got just a tremendous problem out there, and it has been complicated this year by a number of factors. And, frankly, I do not think anybody knows that there is a silver bullet that will be one solution that will solve this problem. There are a number of things. We have had a collapse in Asia, the economy there. We have economic problems around the world, from South Korea, to Indonesia, to Thailand, to Malaysia, and that continues to dampen the demand for our agricultural products. And those are some of our biggest trading partners.

Those are things we do not have a lot of control over. To the degree we do, we need to address it by bringing on additional funding for the International Monetary Fund so that we can help stabilize those parts of the world that serve as the biggest customers, the biggest markets for agricultural products.

The other thing we heard over and over and over again is that our people are frustrated. They are disgusted by the fact that we are seeing these trade agreements trampled on that we have agreed to, the issue with Canada in particular and the dumping of wheat. We have seen the laundering of cattle coming in from Australia through Mexico and into our country, and producers are frustrated that the trade agreements that are there, the sanctions that are there, the remedies that are there are not being utilized by our government. I think we have a responsibility to address this.

As a matter of fact, there is a group that has been formed out there called the R-CALF group, which is a group of ranchers who have decided to take matters into their own hands, and they are going to bring legal action against the International Trade Commission because they do not believe it is doing their job. And I happen to agree with them.

I read in the Wall Street Journal the other day a story about how we are imposing penalties, sanctions, in effect, on Italy because they are dumping wire rods in America. And we have something that is fundamental to the existence of our country, and that is the food that we produce, and we have Canadian cattle coming in across the border and also coming in through Mexico that are being transshipped or laundered across the border, and it is not being addressed. And they are saying that the frustration they are experiencing is causing them to take matters into their own hands.

I think we have a responsibility as a government to sit down in an honest way and challenge and engage these countries in border-to-border discussions to figure out what to do. Our governor, starting Monday, is going to start stopping Canadian trucks at the border of South Dakota to inspect them. That is what we have had to do. We have forced the States to take matters into their own hands.

So I believe this Congress, before we go home this year, as we look at how we can address the problems of agriculture, needs to get its arms around this issue, needs to address some of the concentration issues, the vertical integration that we are seeing in agriculture that really is taking the lifeblood right out of our small producers.

I also believe that our producers, in visiting with them, are hard-working people. They are people who have a history, a tradition, of the family farm. They have been close to the ground. They have a great work ethic. And they can compete with anybody in the world. We have the best technology. We have the finest farming techniques. But what they cannot compete with is the German taxpayer, the French taxpayer or the British taxpayer. We have countries that continue to subsidize their farm economies, and we do not have a level playing field.

This Congress and our government have a responsibility, I believe, to ensure that our producers, those people who are producing food and fiber for this country, can continue to make a living until we do what we need to do, and that is tear down those barriers around the world that are causing our producers to be on an unlevel playing field and putting them at a distinct disadvantage, on a level they will never be able to compete.

This is a crisis. It is a very, very serious crisis. And we do not have to go far in agricultural country around the various States, and it is not just my State of South Dakota, we are hearing it all over, in Kansas and Oklahoma and others have been on the floor today discussing that. But if our producers are

going to be able to make a living and to do what they do best, and that is produce the food that feeds our country, that feeds the world, we have to allow them to do it on a level playing field.

We are going to have a meeting tomorrow in the House Committee on Agriculture to discuss what we can do to respond, but one thing is clear, and that is before we adjourn this Congress, we need to respond to the crisis that is out there in a way that will allow our farmers and ranchers to get their legs under them and get back on their feet and make it through this year and on to a better year. And we need to do the job that we have to do, and that is to continue to expand exports and improve trade so they can compete on a level playing field.

□ 1815

VETERANS OF FOREIGN WARS NATIONAL YOUTH ESSAY COMPETITION

The SPEAKER pro tempore (Mr. BLUNT). Under a previous order of the House, the gentleman from New Mexico (Mr. REDMOND) is recognized for 5 minutes.

Mr. REDMOND. Mr. Speaker, I would like to take this time to read the winning essay in the Veterans of Foreign Wars National Youth Essay Competition. It was written by Heather Hull of Los Alamos, New Mexico.

Heather writes about patriotism, and she says:

> Patriotism, to me, is the spirit and soul of a country. It is what keeps a country together not only through war and hardships, but also through victory and triumph. What else could keep a soldier from losing hope in battle, a disheartened country from losing the burning desire to rebuild itself, a nation of divided citizens from dueling each other?
>
> It is patriotism that keeps our love of freedom alive. It is not money or wealth; it is not social acceptance. It is the pure goodwill of every true American that keeps our Nation's dream alive.
>
> Every day we show our patriotism in large and small ways: by proudly saluting the flag, by saying the Pledge of Allegiance, by celebrating the Fourth of July with its bursts of fireworks. Americans show their patriotism when soldiers give their lives serving our country and when citizens cast a vote in support of a candidate whose ideals represent their own.
>
> Behind our many freedoms, including the freedoms of speech and religion, stand all the men and women who, through dedication to their dreams and perseverance, through their struggles, have made so many opportunities ours. Although we may only recognize their sacrifices and suffering on certain holidays such as Memorial Day and Veterans Day, their legacy is all around us every day. In every military cemetery, the gravestones there represent hundreds of other patriots who have served our country and who continue to do so.
>
> To me, patriotism is a kind of heroism. When I saw my face reflected in the shiny granite of the Vietnam Veterans Memorial, The Wall, in Washington D.C., I was reminded of the valor of those whose names are etched there and of the courage of their loved ones.
>
> We Americans have always shown patriotism by honoring our values and by envisioning freedoms for all. To me, patriotism is the optimistic spirit and the deep-rooted soul of our country, the United States of America.

I would like to thank Heather Hull of Los Alamos, New Mexico, for allowing me the honor of reading her essay on patriotism in this time of need for our Nation. Thank you, Heather.

SEEKING SOLUTIONS ON BEHALF OF AMERICAN AGRICULTURE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas (Mr. MORAN) is recognized for 5 minutes.

Mr. MORAN of Kansas. Mr. Speaker, I am pleased to join the gentleman from South Dakota and the gentleman from Oklahoma to talk about what we heard in the farm belt during our August recess.

I used the 4 weeks of August and early September to travel the 66 counties of the First District of Kansas, holding 66 town hall meetings; and at every stop, the primary concern of the folks who came to see their Congressman was the price of farm commodities, the price of oil and gas. Everything that we produce and raise in our State has depressed prices; it has significant impact upon the people of our State, the people of this region, and now the people of the country.

The stories were sad. I can remember the past president of the State Future Farmers of America who has had every intention of returning to the family farm, but now cannot see how that can be done with the current state of agricultural economics. We need that next generation to be able to afford the ability to return to the family farm and to provide food and fiber to this country.

I can envision at the other end the senior citizen, the senior farmer, the wife, the spouse who comes with tears and a choked voice to say, ''Congressman, what can my husband and I do to keep our family farm? We have fought this fight for over 30 years and we cannot afford to do so any longer.''

And I think it is accurate to say that many farmers who have fought the fight in the past will decide that they no longer can afford to do so, and as a result, we will see more farms on the market, we will see larger farms, we will see fewer family farms, and we will see great difficulties in rural communities across the State of Kansas and across the country.

This has significant impact on not just farmers and ranchers, but on all Kansans and upon all Americans. In my State alone, revenue from the wheat crop and the tremendous harvest we have had 2 years in a row, this is not because of lack of production but this is because of a dramatic decline in the price of foreign commodities. In Kansas alone we see $750 million less in revenue to farmers as a result of the price of wheat, $190 million less in revenue to farmers in Kansas because of the reduction in the price of corn, a $290 million reduction in the State of Kansas to family farmers because of reduction in the grain sorghum price.

Soybeans reduce farm income another $250 million in the State of Kansas. And cattle revenues are down over $400 million this year alone.

And when we add that to the oil and gas economy of my State, another reduction of $260 million, we are talking about a reduction in farm and rural income of more than $2 billion in 1 year alone.

Mr. Speaker, these issues matter to the survival of not only the farmer but the small towns of the State of Kansas. It is a story to be told by the grocery store clerk, by the car dealer, by the implement dealer. All of us are impacted, and ultimately we pay a tremendous price as Americans in our food supplies.

So tonight I rise to ask for assistance from my urban colleagues, from my colleagues from other rural States, from Republicans and Democrats, to see if in the remaining days of the 1998 session of Congress, if we cannot come together to seek solutions, to preserve a way of life and to fight on behalf of the cattleman and the farmer across the United States.

Mr. Speaker, I appreciate the opportunity of raising this issue and joining my colleagues in seeking solutions on behalf of American agriculture.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 4006

Mr. LATOURETTE. Mr. Speaker, I ask unanimous consent to have my name withdrawn as a cosponsor of H.R. 4006.

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

There was no objection.

FARM CRISIS IN AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. KINGSTON) is recognized for 5 minutes.

Mr. KINGSTON. Mr. Speaker, I want to speak also on this farm crisis.

I represent coastal Georgia, 18 southeast Georgia counties. But to the entire State of Georgia, the farm crisis has been devastating. The coastal area that I represent, Savannah, Brunswick, and Hinesville, often get hit by hurricanes. And when they get hit by hurricanes, it is easy to get FEMA, the Federal Emergency Management Association, to come in, or GEMA, the Georgia Emergency Management Association, people to come in; because we have visual images, trees that have crashed through the roofs of houses, people who have lost their homes, businesses that are wiped out and then have power shortages for days at a time or refrigeration equipment that closes down and a product that goes rotten. They have boats that have been washed ashore and landed on Main Street.

We have that kind of visual image when a hurricane hits, and so it is a little bit easier to get help. People come

in. They send ice. They send chain saws. They send bulldozers. They write checks. The Red Cross comes in, the Salvation Army.

We have been hit by such a crisis, but it is not quite as visible, and it is the farm crisis. We have lost $700 million in crop damage to the State of Georgia alone.

I believe, listening to colleagues from all over the country, Democrats and Republicans alike, that the damage nationally may be as high as $3-, $4-, $5-, potentially $6 billion. It is tremendous. What our farmers in southeast Georgia have told me in a series of farm meetings that I had over the last couple of weeks is that they need, right now, a lifeline. And they do not really want to see Congress get in a big debate about how the lifeline gets to them.

If they are a drowning man and somebody throws them an inner tube, a life preserver, a floating piece of log, anything to cling to is sufficient; and that is what they are. If the relief comes in crop insurance liberalization, if the relief comes in disaster loans, that is fine. Low-interest, no-interest loans, loans with little or flexible collateral; they need it and they need it now.

They need market relief of prices. Prices are lower now than they were 2 years ago. They are cyclical by nature, but they are worse than ever. It seems like their foreign counterparts are heavily subsidized, and they do not have to comply with the EPA standards that we make our farmers comply with in terms of fertilizer and pesticides and herbicides and so forth. And that is fine.

Our farmers are not bellyaching about complying with our environmental and regulatory and labor laws. But what they are saying is, their foreign competitors are not; and then on top of that, they are subsidized. It is very difficult for a Georgia farmer to produce oats to compete against imported oats. And we heard this message over and over again.

We on the Committee on Agriculture on the appropriations side and on the authorizing side, we are trying to work for solutions. We need the Secretary of Agriculture to submit his disaster plan so that we can immediately start working with the Senate and the House Members to try to do something for them.

Putting this in perspective, Mr. Speaker, imagine being a young farmer named Roy Collins. Roy is 35 years old. His farm was started by his grandfather, handed down to him from his mother and dad, and he has been a farmer now for 12 years. And at this point, if we cannot do something, he is wiped out. A third-generation family farmer will be gone forever. He will move off to Atlanta. He will sell real estate. He will go to work for a bank or something. We will lose his talent. We will lose his generation of farmers.

The average age of a farmer in Georgia right now is 56. We cannot afford to skip a generation of farming. It becomes at that point an issue of national security, not just making a good vocation for people. But America does not and should not be dependent on foreign producers for our food.

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

Mr. KINGSTON. I yield to the gentleman from Hawaii.

Mr. ABERCROMBIE. Mr. Speaker, I just wanted to indicate to the gentleman from Georgia (Mr. KINGSTON) that I have been listening to the very eloquent, I think ''plea'' is a fair word to say. In other words, that we are trying to get across what the difficulties are not only for the family farmer but for farming in general.

I simply want to say that I believe another speaker had said that there was an appeal being made to individuals who may represent urban areas to understand what the implications are.

AMERICAN FAMILY FARMERS

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

Mr. ABERCROMBIE. Mr. Speaker, I merely want to indicate that coming, as I do, from a State in which rural and urban constituencies meld into one another in ways that may not always be fully appreciated by the public at large, and representing the urban part of the State of Hawaii, I want to indicate that I am in full sympathy with that and want to express not only to the gentleman from Georgia (Mr. KINGSTON), but to all others who are finding themselves in this circumstance, that those of us who are working with sugar producers in the State of Hawaii fully understand what the implications are from foreign workers who are exploited and being utilized against American workers and against American growers, coming into the picture under adverse circumstances such as the gentleman has just outlined.

And I want to assure my colleague that those of us from urban areas who understand that this is a necessity for an integrated approach on behalf of Americans, both rural and urban, it being necessary not just for their survival, but for the prosperity of the country are in full sympathy with him and want to work with him on it.

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

Mr. ABERCROMBIE. I yield to the gentleman from Georgia.

Mr. KINGSTON. Mr. Speaker, I want to say, from Georgia to Hawaii, we are happy to work for the American family farmer; and at this point, if we do not help them, we will not have a family farmer left.

□ 1830

So we are unified in party and geography on this.

MANAGED CARE REFORM

The SPEAKER pro tempore (Mr. BLUNT). Under the Speaker's announced policy of January 7, 1997, the gentleman from New Jersey (Mr. PALLONE) is recognized for 15 minutes as the designee of the minority leader.

PARLIAMENTARY INQUIRY

Mr. PALLONE. Mr. Speaker, can I just clarify again, is that because it is understood that the other 45 minutes of the hour will be dedicated to the gentleman from Iowa (Mr. GANSKE)?

The SPEAKER pro tempore. That is the Chair's understanding.

Mr. PALLONE. Mr. Speaker, tonight I want to talk about the prospects of passing a managed care reform bill in the time Congress has left before it adjourns for the year in October. Last evening, I mentioned how over the August break I had many town meetings and outreach programs throughout my district and continually the issue of managed care reform was the number one concern that my constituents had.

I know, having talked to many of my colleagues since we returned this week, that many of them say the same thing; that this is the issue that the average American or that most Americans want this Congress to address before we adjourn in October. Although there is not much time left, I am hopeful that we can reach an agreement with our Republican colleagues and send the President a managed care reform bill that he can sign.

Now, we know that the full House took up the issue of managed care reform before the August recess and the Republican leadership's bill narrowly passed and the bipartisan Patients' Bill of Rights, which I support, unfortunately was narrowly defeated.

I want to stress again how important it is to pass the bipartisan Patients' Bill of Rights or at least something very much like it because of the valuable patient protections that are included therein, such as the return of medical decision-making to patients and health care professionals, not insurance company bureaucrats; access to specialists, including access to pediatrics specialists for children; coverage for emergency room care; the right to talk freely with doctors and nurses about every medical option; an appeals process and real legal accountability for insurance company decisions and, finally, an end to financial incentives for doctors and nurses to limit the care that they provide.

If Congress is going to get a bill to the President that is like the Patients' Bill of Rights, then the Senate must act very swiftly. We passed the Republican leadership bill, which I think was a bad bill, in the House but now it is up to the Senate to pass a strong bill so that we can go to conference and get something to the President's desk that both Houses agree on. The House Republican bill, I would point out, is considerably different from the Senate Republican bill, for one thing, but more importantly both Republican bills fail to address a number of provisions that the President and congressional Democrats believe must be part of any managed care reform legislation.

Just as an example, both the House and Senate Republican bills let HMOs, not health professionals, define medical necessity. They both fail to guarantee access to specialists. They both fail to assure continuity of care and they both weaken the standards for emergency care which needs to be strengthened. Both Republican bills allow financial incentives to jeopardize patient care. They both fail to hold HMOs accountable when the decisions harm patients, and they both are loaded with poison pills. Issues such as medical malpractice reform, expanding medical savings accounts, expanding health insurance pools, whether or not we agree or disagree on these issues, they are just issues that are very controversial that are going to kill the legislation because they take away from the issue of managed care reform.

I just wanted to say this evening, because I want to yield some time to my colleague, the gentleman from Ohio (Mr. STRICKLAND), that the President has already said that he would veto the House bill if it was sent to him in its current form.

In a letter which I have here, and I would like to introduce into the RECORD dated September 1, that the President sent to Senate Majority Leader TRENT LOTT, he reiterates that he would veto a bill that does not address the serious flaws that I have just mentioned in these Republican bills.

The text of the letter is as follows:

[Transmitted from Moscow.]

THE WHITE HOUSE,
WASHINGTON, DC,
September 1, 1998.

Hon. TRENT LOTT,
Majority Leader, Senate,
Washington, DC.

DEAR SENATOR LOTT: Thank you for your letter regarding the patients' bill of rights. I am pleased to reiterate my commitment to working with you—and all Republicans and Democrats in the Congress—to pass long overdue legislation this year.

Since last November, I have called on the Congress to pass a strong, enforceable, and bipartisan patients' bill of rights. During this time, I signed an Executive Memorandum to ensure that the 85 million Americans in federal health plans receive the patient protections they need, and I have indicated my support for bipartisan legislation that would extend these protections to all Americans. With precious few weeks remaining before the Congress adjourns, we must work together to respond to the nation's call for us to improve the quality of health care American are receiving.

As I mentioned in my radio address this past Saturday, ensuring basic patient protections is not and should not be a political issue. I was therefore disappointed by the partisan manner in which the Senate Republican Leadership bill was developed. The lack of consultation with the White House or any Democrats during the drafting of your legislation contributed to its serious shortcomings and the fact it has failed to receive the support of either patients or doctors. The bill leaves millions of Americans without critical patient protections, contains provisions that are more rhetorical than substantive, completely omits patient protections that virtually every expert in the field believes are basic and essential, and includes ''poison pill'' provisions that have nothing to do with a patient's bill of rights. More specifically, the bill;

Does not cover all health plans and leaves more than 100 million Americans completely unprotected. The provisions in the Senate Republican Leadership bill apply only to self-insured plans. As a consequence, the bill leaves out more than 100 million Americans, including millions of workers in small businesses. This approach contrasts with the bipartisan Kassebaum-Kennedy insurance reform law, which provided a set of basic protections for all Americans.

Let HMOs, not health professionals, define medical necessity. The External appeals process provision in the Senate Republican Leadership bill makes the appeals process meaningless by allowing the HMOs themselves, rather than informed health professionals, to define what services are medically necessary. This loophole will make it very difficult for patients to prevail on appeals to get the treatment doctors believe they need.

Fails to guarantee direct access to specialists. The Senate Republican Leadership proposal fails to ensure that patients with serious health problems have direct access to the specialists they need. We believe that patients with conditions like cancer or heart disease should not be denied access to the doctors they need to treat their conditions.

Fails to protect patients from abrupt changes in care in the middle of treatment. The Senate Republican Leadership bill fails to assure continuity-of-care protections when an employer changes health plans. This deficiency means that, for example, pregnant women or individuals undergoing care for a chronic illness may have their care suddenly altered mid course, potentially causing serious health consequences.

Reverses course on emergency room protections. The Senate Republican Leadership bill backs away from the emergency room protections that Congress implemented in a bipartisan manner for Medicare and Medicaid beneficiaries in the Balanced Budget Act of 1997. The bill includes a watered-down provision that does not require health plans to cover patients who go to an emergency room outside their network and does not ensure coverage for any treatment beyond an initial screening. These provisions put patients at risk for the huge costs associated with critical emergency treatment.

Allows financial incentives to threaten critical patient care. The Senate Republican Leadership bill fails to prohibit secret financial incentives to providers. This would leave patients vulnerable to financial incentives that limit patient care.

Fails to hold health plans accountable when their actions cause patients serious harm. The proposed per-day penalties in the Senate Republican Leadership bill fail to hold health plans accountable when patients suffer serious harm or even death because of a plan's wrongful action. For example, if a health plan improperly denies a lifesaving cancer treatment to a child, it will incur a penalty only for the number of days it takes to reverse its decision; it will not have to pay the family for all the damages the family will suffer as the result of having a child with a now untreatable disease. And because the plan will not pay for all the harm it causes, it will have insufficient incentive to change its health care practices in the future.

Includes a ''poison pill'' provisions that have nothing to do with a patients' bill of rights. For example, expanding Medical Savings Accounts (MSAs) before studying the current demonstration is premature, at best, and could undermine an already unstable insurance market.

As I have said before, I would veto a bill that does not address these serious flaws. I could not sanction presenting a bill to the American people that is nothing more than an empty promise.

At the same time, as I have repeatedly made clear, I remain fully committed to working with you, as well as the Democratic Leadership, to pass a meaningful patients' bill of rights before the Congress adjourns. We can make progress in this area if, and only if, we work together to provide needed health care protections to ensure Americans have much needed confidence in their health care system.

Producing a patients' bill of rights that can attract bipartisan support and receive my signature will require a full and open debate on the Senate floor. There must be adequate time and a sufficient number of amendments to ensure that the bill gives patients the basic protections they need and deserve. I am confident that you and Senator Daschle can work out a process that accommodates the scheduling needs of the Senate and allows you to address fully the health care needs of the American public.

Last year, we worked together in a bipartisan manner to pass a balanced budget including historic Medicare reforms and the largest investment in children's health care since the enactment of Medicaid. This year, we have another opportunity to work together to improve health care for millions of Americans.

I urge you to make the patients' bill of rights the first order of business for the Senate. Further delay threatens the ability of the Congress to pass a bill that I can sign into law this year. I stand ready to work with you and Senator Daschle to ensure that patients—not politics—are our first priority.

Sincerely,

BILL CLINTON,
President.

He goes on to say, however, that as he has repeatedly made clear, he remains fully committed to working with the Republicans, as well as the democratic leadership, to pass a meaningful Patients' Bill of Rights before Congress adjourns. What the President is saying, and I will say again, is that this issue should not be viewed as a partisan issue. That is why I was, and the President states that he was, disappointed by the partisan manner in which the Senate Republican and the House Republican leadership were developed.

We need to have bipartisan support. We cannot have that if the President and the House Democrats are not involved, if you will, in the final bill that goes to the President's desk.

I just want to say that probably the best way that we can illustrate why the flaws that the President and the Democrats have identified in the House and Senate Republican bills need to be addressed is through real life examples. One of the things that we have done many times on the floor of this House, over the last 6 months, is the Democrats and some of our Republican colleagues, like the gentleman from Iowa (Mr. GANSKE), who is going to speak after me tonight, we are yielding the time to him that the Democrats have because we know that he supports this bipartisan Patients' Bill of Rights. In fact, he is the chief sponsor of the bipartisan Patients' Bill of Rights.

The best way that we can illustrate the problems that we have now and

how we can correct them with a good bill, like the Patients' Bill of Rights, is by giving some real life examples.

Mr. Speaker, I yield to the gentleman from Ohio (Mr. STRICKLAND), who would like to give us some examples of the problems that we face. After that, we are going to have the gentleman from Iowa (Mr. GANSKE) go on and explain why we need real form.

Mr. STRICKLAND. Mr. Speaker, I thank my colleague for yielding.

Mr. Speaker, it is true that patients in this country are being deprived of essential and necessary health care, oftentimes resulting in their death, because managed care companies are placing profits above the needs of patients. I would like to share with my colleagues two stories, two real-life stories from my district. One involved a long-time friend of mine, and I will use his name, because before his death he gave me permission to talk about his situation on the floor of this House. His name was Jim Bartee.

He was a person younger than I am, someone that I had known for many, many years. Jim grew up in Portsmouth, Ohio. He went to Florida and became a publisher of a small newspaper. He developed leukemia, and he came back home for treatments. While he was in the hospital, getting chemotherapy, he called his managed care case manager and he was talking about his situation.

She said to him, ''How are you doing, Jim?''

He said to her, ''Well, I am feeling a little sick now because of the chemotherapy.''

She said, ''Well, if you need a couple of more days in the hospital, I can approve that for you.''

He said, ''Well, what I really needed to talk with you about was a conversation I had with my doctor this morning.'' He said, ''My doctor came in and told me that I have perhaps as little as 3 weeks to live, and that my only hope for survival may be a bone marrow transplant.''

She responded, this managed care case manager responded, by saying, ''Oh, we could never get it approved that quickly.''

He said to her, ''How much would it cost?''

She said, ''Probably somewhere in the vicinity of $120,000.'' She said, ''Jim, we just could not get it approved that quickly.''

So, my friend, who had been a newspaper publisher, called his newspaper in Florida and told them what his managed care case manager had said to him. They said to him, ''Jim, whatever you need, medically, do not worry about the cost. We will make sure it is paid for.''

As it turned out, a bone marrow transplant was not indicated, according to his doctor, eventually, and so Jim passed away. I spoke at his funeral. He was one of the bravest, one of the kindest people I have ever known in my life.

I would say to my colleague, the gentleman from New Jersey, my reason for sharing this story is this: No one facing a death threatening medical set of circumstances should be told by an insurance bureaucrat, we cannot approve this treatment in time. That is a decision that ought to be made by a physician and the patient.

I share this story because before Jim Bartee died, he told me that he would like for me to share with others what his experience had been.

Then a second circumstance that occurred in my district was a young man who grew up in one of my counties and went to California to go to college, and he affiliated with a managed care organization out there. He came back home for a visit and went hiking and fell some 80-some feet and damaged his brain, and he has been in a coma ever since.

After the fall, he was immediately taken to surgery in Cincinnati, Ohio, and a few days after surgery the managed care company informed his parents that they would no longer provide medical coverage unless he was in one of their facilities. So the patients allowed this young man to be air transported to California. The mother took a leave of absence. She is a schoolteacher. She took a leave of absence to go to California to be near her son.

The week before Christmas, they contacted my office and they told me the care that he had received there: Lack of physical therapy, his teeth rarely being brushed, his body not being turned every two hours as it needed to be turned in order to keep him from getting bed sores. When they contacted me, they told me that the managed care company told them that his coverage would expire on January 1, and that thereafter they would be responsible for his medical costs.

At that point, they asked if he would be returned to Ohio. They said it is against our company policy. It was not until my office got involved and we literally threatened to make this the Christmas story of 1997 that on Christmas Eve day they finally relinquished and told his parents that they would fly him back to Ohio.

He is now in Ohio in a nursing home and he remains in a coma.

I talked to the father recently, and he said while his son was in California, a large swollen area developed on his skull and that they tried to get the managed care company to have him seen by a specialist, and it was put off and put off and put off until his coverage expired. Once he got back to Ohio and the physician saw him in Ohio, they said, this needs immediate attention.

They discovered that he had an existing serious infection that had been neglected for a long, long time. The father believes that that managed care company refused to evaluate his condition simply because they did not want to bear the cost of the necessary treatment.

These are the things that are happening to my constituents and to real Americans, and every Member of this House, Republican and Democrat alike, should stand together to say, we are no longer going to tolerate American citizens being abused in these kinds of ways. That is why I am really proud of the gentleman from Iowa (Mr. GANSKE).

Many people may not know that the gentleman from Iowa (Mr. GANSKE) is himself a physician. He has joined with some of the rest of us to fight this fight to make sure that patients come first, and that profits, while essential and necessary for any corporation or any business, should not be put first and patient needs put second or third or fourth.

So I am pleased that you have given me the time to talk about my constituents and the problems they have had. I encourage you, my colleague, the gentleman from New Jersey, to continue your fight for all of us.

Mr. PALLONE. Mr. Speaker, we have very little time left, but I want to thank the gentleman from Ohio (Mr. STRICKLAND) for giving us those two examples. All I can say again, and I am sure that the gentleman from Iowa (Mr. GANSKE) will say the same, is that this is happening on a regular basis. These are not isolated instances. We are getting these kinds of problems on a daily basis in our districts, and that is why it is so important that we pass the Patients' Bill of Rights.

□ 1845

MAJOR DIFFERENCES EXIST IN HEALTH CARE LEGISLATION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from Iowa (Mr. GANSKE) is recognized for 45 minutes as the designee of the majority leader.

Mr. GANSKE. Mr. Speaker, I am glad to join my colleagues this evening to discuss managed care legislation. Yesterday the House returned from the August district work period when Members were scattered across the Nation for the past month, and yesterday Judge Starr delivered his report to Congress. I would hope that we will be able to get some work done in this Congress besides just dealing with the Starr report before we leave for the year.

When Members were back in their districts, they had the opportunity to speak with constituents at countless county and state fairs, town hall meetings and other gatherings, both formal and informal. It was an opportunity for us to communicate what we have done and for the voters to tell us what they would like Congress to do.

I suspect that my colleagues had experiences similar to mine. It was almost impossible to pick up a newspaper or hold a town meeting without hearing another story about how a managed care plan had denied someone lifesaving treatment. No public opinion

poll can convey the depth of emotion about this issue as well as movie audiences around the country, who spontaneously clapped and cheered Helen Hunt's obscenity-laced description of her HMO.

Mr. Speaker, I rise today to offer some thoughts on what sorts of meaningful managed care reforms Congress must pass before adjourning for the year. At the end of July, the House approved a Republican bill which was advertised as addressing consumer complaints about HMOs. But, Mr. Speaker, I think an examination of the fine print is in order, particularly when we compare it to the Patients' Bill of Rights, a bipartisan proposal that I and the gentleman from New Jersey (Mr. PALLONE) support, which has been endorsed by close to 200 national groups of patients and providers, including now the Patient Access to Responsible Care Act Coalition, the PARCA coalition, as well.

A year ago, Congress and the President were able to reach agreement on a plan to save Medicare from bankruptcy. Included in that package were several provisions to protect seniors enrolled in Medicare HMOs. One of the most important parts was language to ensure that health plans pay for visits to emergency rooms.

We had heard frequent complaints that health plans were denying payment if the individual was found after the evaluation not to have a serious condition. The best example is a man who experiences crushing chest pain. The American Heart Association says that is a sign of a possible heart attack and urges immediate medical attention. Fortunately, there are other causes of crushing chest pain besides a heart attack. But seniors, whose EKG tests were normal, were then being stuck with a bill for the emergency care, since in retrospect the HMO said, ''See, the EKG was normal. You did not need the treatment after all.''

Well, the Medicare law that we passed last year took care of that problem by ensuring that plans paid for emergency room services if a ''prudent layperson'' would have thought a visit to the ER was needed. This prevented the sort of 20–20 hindsight coverage denials that consumers had complained about from their HMOs.

The Patients' Bill of Rights that I support would have extended the same protections to consumers in all HMO's that we passed for senior citizens. Instead, the Republican bill passed by the House contains a watered-down version of the prudent layperson rule.

Last month, the New York Times published an excellent article by their noted health reporter, Robert Pear. In it Mr. Pear outlined just how different the protections in the Republican bill are from those we passed last year for Medicare and Medicaid. A key difference is exactly how much patients will have to pay for emergency care.

The Patients' Bill of Rights, which I and my colleague, the gentleman from New Jersey supported, provides that patients could not be charged more money if they seek care in a non-network emergency room. By contrast, the Republican bill allows the health plan to impose higher costs on those who are so careless as to allow emergencies to befall them in places not close to a network hospital.

Mr. Speaker, consider what this means: HMOs require enrollees to use certain hospitals because the plan has a financial arrangement with those hospitals. But when a young child splits open his head by falling down a flight of stairs, I fail to see that any good is served by requiring that little child to delay timely care until his parents can get him to one of the HMO's emergency rooms.

Consider the case of James Adams, age six months. At 3:30 in the morning his mother, Lamona, found James hot, panting and moaning. His temperature was 104 degrees. Lamona phoned her HMO and was told to take James to the Scottish Rite Medical Center. ''That is the only hospital I can send you to,'' said the HMO nurse.

''How do I get there,'' Lamona asked? ''I don't know,'' the nurse said. ''I am not good at directions.'' Well, about 20 miles into their ride they passed the Emory Hospital, a renowned pediatric center. They passed two more of Atlanta's leading hospitals, Georgia Baptist and Grady Memorial, but they did not have permission to stop there.

So they drove on. They had 22 more miles to travel to get to the Scottish Rite Hospital. And while searching for Scottish Rite, James's heart stopped.

When James and Lamona finally got to Scottish Rite, it looked like the little boy would die. But he was a tough little guy, and, despite his cardiac arrest due to the delay in treatment by his HMO, he survived. However, the doctors had to amputate both of his hands and both of his feet because of resulting gangrene. All of this is documented in this book, ''Health Against Wealth.'' As the details of baby James' HMO's methods emerged, the case suggests that the margins of safety in HMOs can be razor thin. In James' case, they were almost fatal, leaving him without hands and without feet for the rest of his life.

Think of the dilemma that places on a mother struggling to make ends meet. In Lamona's situation, under the Republican bill if she rushes her child to the nearest emergency room, she could be at risk for charges that average 50 percent more than what the plan would pay for for in-network care; or she could hope that her child's condition will not worsen as they drive past other hospitals, an additional 20 miles, to get to the nearest ER affiliated with their plan. And woe to any family's fragile financial condition if this emergency occurs while they are visiting relatives in another state.

Mr. Speaker, the other bill, the Patients' Bill of Rights, would ensure that consumers would not have to make that potentially disastrous choice.

A second key difference between the Republican bill and the protections already enacted for Medicare is that the Republican bill does not require any payment for services other than an initial screening. After that, payment must be made only for additional emergency services if ''a prudent emergency medical professional'' would deem them necessary. Moreover, the GOP bill added a new burden on emergency room doctors, requiring them to certify in writing that such services are needed.

Talk about bureaucracy. Robert Pear's New York Times article quoted John Scott of the American College of Emergency Physicians. Mr. Scott's comments bear repeating, because I think they illuminate the weakness in the Republican bill. ''We have more than a century of common law and court decisions interpreting the standard of a prudent layperson, or reasonable man, as it used to be called. But this new standard of a prudent emergency medical professional was invented out of thin air. It creates new opportunities for HMOs to second-guess the treating physician and to deny payment for emergency services.''

Mr. Pear's article also takes a hard look at the difficult issue of medical records privacy and concludes that, ''On this issue too, the details have provoked a furor'' in the Republican bill. He noted that privacy advocates were amazed to learn that the Republican task force bill authorizes the disclosure of information without an individual's consent for a broad range of purposes, including risk management, quality assessment, disease management, underwriting and more.

The Republican bill considers disclosure for ''health care operations'' as permissible. This is a term so broad that many critics say it would allow the transfer of patient information to companies marketing new drugs.

Commenting on these flaws in the Republican bill, noted privacy act expert Robert Gellman said the Republican bill ''gives the appearance of providing privacy rights, but it may actually take away rights that people have today under state law or common practice.''

Mr. Speaker, I will include the entire text of the Robert Pear article for the RECORD at this point.

[From the New York Times, Aug. 4, 1998]

COMMON GROUND ON PATIENT RIGHTS HIDES A CHASM

(By Robert Pear)

WASHINGTON, AUG. 3.—It has been clear that there are major differences to be worked out between the Democratic and Republican bills on patient rights.

But a look at the details of the House Republican plan shows that there are also major differences in important areas on which the two sides had seemed to agree.

The disagreements are illustrated in two areas: emergency medical services and the privacy of patients' medical records.

At first, it appeared that members of Congress agreed that health maintenance organizations should be required to pay for emergency medical care. And they seemed to agree on a standard, promising ready access to emergency care whenever ''a prudent lay person'' would consider it necessary. After all, that was the standard set by Congress last year for Medicare, the Federal health program for 38 million people who are elderly or disabled.

But the consensus dissolved when emergency physicians read the fine print of the House Republicans' bill, the Patient Protection Act, which was introduced on July 16 by Speaker Newt Gingrich and passed eight days later by a vote of 216 to 210.

Since 1986, the Government has required hospitals to provide emergency care for anyone who needs and requests it. But the question of who should pay for such care has provoked many disputes among insurers, hospitals and patients.

The Democratic bill would require H.M.O.'s and insurance companies to cover emergency services for subscribers, ''without the need for any prior authorization,'' regardless of whether the doctor or hospital was affiliated with the patient's health plan. Emergency services, as defined in the bill, include a medical screening examination to evaluate the patient and any further treatment that may be required to stabilize the patient's condition.

The H.M.O. would have to cover these services if ''a prudent lay person, who possesses an average knowledge of health and medicine, could reasonably expect the absence of immediate medical attention'' to cause serious harm.

By contrast, the House and Senate Republicans bills would establish a two-step test. An H.M.O. or an insurance company would have to cover the initial screening examination if a prudent lay person would consider it necessary. But the health plan would have to pay for additional emergency services only if ''a prudent emergency medical professional'' would judge them necessary. And under the House Republican bill, the need for such services must be certified in writing by ''an appropriate physician.''

Mr. Gingrich said the Republicans' bill would guarantee coverage for ''anybody who has a practical layman's feeling that they need emergency care.''

But Representative Benjamin L. Cardin, Democrat of Maryland, said the bill ''is not going to do what they are advertising.''

One reason, Mr. Cardin said, is that the bill was rushed through the House. ''There have been no hearings on the Republican bill,'' he said. ''It did not go through any of the committees of jurisdiction for the purpose of markup or to try to get the drafting done correctly.''

Under the Democratic bill, H.M.O. patients who receive emergency care outside their health plan—whether in a different city or close to home—may be charged no more than they would have to pay for using a hospital affiliated with the H.M.O. There is no such guarantee in the Republican bills. And the cost to patients could be substantial.

The Congressional Budget Office estimates that the Democratic bill would require H.M.O.'s to pay for emergency room visits in half the cases where they now deny payment. And it says that the charge for emergency care outside the H.M.O. is typically 50 percent higher than at hospitals in the H.M.O. network.

John H. Scott, director of the Washington office of the American College of Emergency Physicians, said the protections for patients were much weaker under the Republican bills than under the Democratic bill or the 1997 Medicare law.

''We have more than a century of common law and court decisions interpreting the standard of a prudent lay person, or reasonable man, as it used to be called,'' Mr. Scott said. ''But this new standard of a prudent emergency medical professional was invented out of thin air. It creates new opportunities for H.M.O.'s to second-guess the treating physician and to deny payment for emergency services. It would introduce a whole new level of dispute.''

Dr. Charlotte S. Yeh, chief of emergency medicine at the New England Medical Center in Boston, said, ''The Republicans performed some unnecessary surgery on the 'prudent lay person' standard, to the point that it's hardly recognizable as the consumer protection we envisioned.''

The Senate adjourned on Friday for its summer vacation without debating the legislation, but leaders of both parties said they hoped to take it up in September. Senate Republicans intend to take their bill directly to the floor, bypassing committees, which normally scrutinize the details of legislation.

There was, and still is, plenty of common ground if Republicans and Democrats want to compromise. Both parties' bills would, for example, require H.M.O.'s to establish safeguards to protect the confidentiality of medical records.

But on this issue too, the details have provoked a furor. When privacy advocates read the fine print of the House Republican bill, they were surprised to find a provision that explicitly authorizes the disclosure of information from a person's medical records for the purpose of ''health care operations.'' In the bill, that phrase is broadly defined to include risk assessment, quality assessment, disease management, underwriting, auditing and ''coordinating health care.''

Moreover, the House Republican bill would override state laws that limit the use or disclosure of medical records for those purposes.

The House Republican bill says patients may inspect and copy their records. But it stipulates that the patients must ordinarily go to the original source—a laboratory, X-ray clinic or pharmacy, for example—rather than to their health plan for such information.

Representative Bill Thomas, the California Republican who is chairman of the Ways and Means Subcommittee on Health, said the bill ''prohibits health care providers and health plans from selling individually identifiable patient medical records.''

Still, privacy advocates say the bill would allow many uses of personal health care data without the patients' consent.

Robert M. Gellman, an expert on privacy and information policy said: ''The House-passed bill gives the appearance of providing privacy rights. But it may actually take away rights that people have today under state law or common practice.''

Mr. Speaker, these are but two examples of flaws that may not be apparent on a quick read of the Republican bill, but which become apparent on closer examination. I wish I could say that those are the only two provisions in the House-passed Republican managed care reform bill, which, to borrow from an old TV ad, may taste great, but it is certainly less filling.

I think every Member would agree that the best health care bill is one that allows people to get the services they need, when they need them. Remedies such as internal and external appeals and access to the courts are needed backdrops, but our first goal should be to require that HMOs provide needed care. On that count, there is no comparison between the two bills.

Here is a partial list of protections contained in the Patients' Bill of Rights which are not included in the Republican bill. First and foremost, the Republican bill could actually make the situation worse by creating what are called association health plans, which would be beyond the reach of state regulation.

For years, states have shown themselves able to craft workable consumer protections for health insurance, but thanks to a 25-year-old Federal law known as ERISA, millions of Americans are in health plans that are beyond the reach of state consumer protections.

Instead of giving consumers more control over health care, the Republican bill actually places more people into ERISA regulated health plans. Does this solve our health care problems? Certainly not. Does it add to them by denying people the protections of state law? Definitely.

Instead of improving access to insurance, these proposals would have the exact opposite effect. By exempting multiple employer welfare arrangements, otherwise known as MEWAS, from a range of state insurance regulations, the Republican bill makes it more difficult for states to fund high risk pools and other programs that actually help keep health insurance more affordable.

The National Association of Insurance Commissioners and the National Conference of State Legislatures are concerned that these GOP provisions could ''undermine recent efforts undertaken by states to ensure that their small business communities have access to affordable health insurance.''

Take a look at this little boy, born with a cleft lip. In many states, HMOs are required to pay for coverage to give this little boy a normal face. But, Mr. Speaker, I would guess that many of my Republican colleagues would be very surprised to learn that because a cleft lip is considered a condition, rather than a disease, plans serving these HealthMarts in the Republican bill would not be required to cover needed treatments for this deformity.

This is not just my interpretation of the Republican bill. The Committee on Commerce staffer who helped draft this provision confirmed to me that HealthMarts would not be bound by state laws to require coverage of cleft lips and pallets and similar birth defects. If the Republican bill becomes law, I think it will be very difficult for Members to explain to parents of a child like this why Congress exempted HealthMarts from that state law protection.

Second, the Republican bill does not help doctors and nurses to serve as advocates for their patients. Both bills ban what are known as gag rules for some health plans that some health plans have used to limit discussions between patients and their health care

providers. But the Patients' Bill of Rights recognizes that doctors and nurses need to be advocates for their patients as well. It prevents health plans from taking action against those doctors and nurses for speaking up for their patients at internal and external reviews or for alerting public health authorities to safety concerns.

□ 1900

These protections are not present in the Republican bill, and they should be.

A third key difference between the Republican bill and the bipartisan Patients' Bill of Rights relates to the way in which they deal with drug formularies. For reasons which may have more to do with financial discounts than quality medical care, many health plans have limited their coverage of prescription drugs to those on a formulary. For many conditions and diseases, patients can be given different formulations of a drug, whether brand names or generic, without harm. But that is not always the case. A patient may need a particular formulation of a drug. That is especially true for drugs for which there is a very narrow window between that which works and that which harms, and switching patients from brand name to generic drugs or vice versa can have serious health consequences.

The bill I support, the Patients' Bill of Rights, recognizes that by ensuring that physicians and pharmacists have input into the creation of that plan's, that HMO's formulary. Moreover, the bill ensures that there is a way for patients to get a drug that is not on the formulary if their physician determines that it is medically indicated.

By contrast, the Republican bill merely provides enrollees with information of the extent to which a drug formulary is used, and a description of how the formulary is developed. More specific information as to whether a particular drug is on the formulary is available only to those who ask.

A fourth key difference is that the Patients' Bill of Rights guarantees access to clinical trials, something that the Republican bill does not do. For patients with some diseases, the only hope for a cure lies in cutting edge clinical trials. The Patients' Bill of Rights would allow individuals with serious or life-threatening illnesses for which no standard treatment is effective to participate in clinical trials if participation offers a meaningful potential for significant benefit. This does not require the health plan to pay all of the costs of those clinical trials. In fact, all that the Patients' Bill of Rights requires is that a plan cover the routine costs they would otherwise be required to pay. They are not forced to assume any of the added costs of participation in a clinical trial.

The Republican managed care bill, by contrast, contains no similar protections. That can be a major difference for somebody with a life-threatening illness who would rather use his strength to battle his cancer, not to battle the insurance company for coverage of the clinical trial that might save his life.

A fifth important distinction between the competing proposals is that the Republican proposal does not provide for ongoing access to specialists for chronic conditions. Many chronic conditions, such as multiple sclerosis or arthritis, require routine care from specially trained physicians like neurologists or rheumatologists. It is one thing to ask an enrollee to get a referral for an isolated visit to a specialist, but those with chronic conditions need a standing referral to those specialists, or to be able to designate the specialist as their primary care provider. This protection is not in the Republican bill.

A sixth distinction between the 2 is that the Patients' Bill of Rights does more to ensure that individuals are able to see the doctor of their own choice. Both bills have a point-of-service provision that allows individuals to see health care providers not in their plan's closed panel. But the Republican bill contains a loophole that renders that protection a hollow one for millions of Americans.

Under the Republican bill, a health plan would not have to offer employees a point-of-service option if they could demonstrate that the separate coverage would be more than 1 percent higher than the premium for a closed panel, and this needs only to be a theoretical increase. The bill allows HMOs to provide only actuarial speculation that the costs would increase, and then they are relieved of having to offer employees the option. Perhaps even more amazing is the fact that that exemption is triggered even if employees selecting a point of service option would pay all of the costs of the improved coverage themselves.

Under the Republican bill, employees who are willing to pay the entire added cost for the ability to obtain out-of-network care can be denied access to this benefit if the employer is able to speculate that the costs might be higher. That is the ultimate in paternalism. The bipartisan bill I support, the Patients' Bill of Rights, lets the employees decide for themselves if they want to purchase that enhanced coverage.

A seventh key difference between the 2 bills is that the Patients' Bill of Rights ensures that health plans not place inappropriate financial incentives on providers to withhold care. Medicare regulations very explicitly limit the type of financial arrangements that HMOs can have with providers and protect seniors from providers who may get a financial windfall by delivering less care. That was in the bill that we passed for Medicare. The Patients' Bill of Rights would extend that protection to other HMOs and other health plans, because patients should never have to wonder if their doctor might lose money by giving additional medical services. The Republican bill is silent on that point. It does not even extend that Medicare protection to other Americans.

An eighth key difference exists in the external appeals process. Virtually everyone who has looked at the problems in managed care recognizes the need to ensure a nonbiased, external review of decisions to deny care, and both bills have external appeals provisions, but they differ on key details. The Republican bill does not make external appeals decisions binding on the plan. If an outside body agrees that the plan should pay for care, it is not binding on the HMO. The bill I support, the Patients' Bill of Rights, has a binding external appeal.

An additional and more troubling difference is the scope and conduct of the external review. The Republican bill does not have any provision for the enrollee to participate or to have experts testify on their behalf. The better bill, the Patients' Bill of Rights, ensures that the enrollee has an opportunity to testify and to have witnesses appear on his behalf if he appeals a denial. And this dovetails with an issue that I raised earlier about gag rules and disclosing safety issues to appropriate authorities.

The Patients' Bill of Rights prevents health plans from taking action against providers who advocate for their patients in the grievance and appeals process. There is no similar protection under the Republican bill. But I guess since they are not even guaranteed an opportunity to testify, I suppose they do not need that protection in the first place.

Another distinction in the appeals process is that the Patients' Bill of Rights guarantees a review on the merits by outside experts as to whether a service or treatment is medically necessary. Under the Republican bill, the outside review is limited to determining whether the plan followed its own definition of medical necessity. That is an enormously important point.

During testimony before the Committee on Commerce 2 years ago, a former medical reviewer for an HMO described how health plans can monkey with the definition of ''medical necessity'' in order to exclude virtually any expensive treatment. She called that medical necessity issue the ''smart bomb'' of care denials. I think it is exceedingly troubling that the Republican bill would prevent the external appeal from being a real review on the merits. In fact, that limited review could actually preempt more protective State laws.

Finally on the issue of external reviews, the Republican bill actually throws up a hurdle to working families. Under the Republican bill, HMOs can require that enrollees pony up as much as $100 just to obtain the limited external appeal. That could pose an unreasonable burden on many Americans most in need of care and should not be in the legislation.

A ninth key difference in the bills is timing. The Patients' Bill of Rights would have to be considered superior to the Republican bill because its protections are effective immediately. By contrast, the Republican bill delays the effective date until at least January 1, the year 2000, and if the bill is not signed into law until early next year, the protections are not effective until the year 2001.

Finally, the bill I support, the Patients' Bill of Rights, establishes State ombudsmen to help consumers better understand and obtain care from their health plans. They can help prospective enrollees make meaningful comparisons of their options and they can help patients navigate through the plan's utilization review system as well as internal and external appeals.

How important is it to have someone knowledgeable on your side? Well, ask this young woman, Jackie Lee. She fell off a 40-foot cliff while hiking in the Shenandoah mountains. She fractured her pelvis, her skull, her arm; she was airlifted to a nearby hospital for care. After getting first class medical care, she also got a first class runaround from her health plan, from her HMO, who refused to pay her hospital bills. They said she had not phoned ahead for prior authorization. I mean, what was she supposed to do after she fell off this 40-foot cliff, wake up from her coma, pull her cellular phone out of her pocket with her nonbroken arm, phone the HMO on a 1–800 number and say hey, guess what, I just fell off a cliff? I mean, come on. At wit's end, she contacted the Maryland State Insurance Commissioner, and that office was able to help Jackie get the coverage to which she was entitled.

Today this young woman is in an ERISA regulated plan. If the same accident would befall her today, the HMO would be beyond the reach of State insurance commissioners, and that is why the Patients' Bill of Rights creates a health insurance ombudsman. The Republican bill, sadly, has no comparable provision.

In summary, Mr. Speaker, the GOP bill is not even half a step forward. In fact, it may be a full step backwards in that it would negate many States' efforts to fix HMO problems.

So I am going to make a few suggestions to make the Republican bill live up to its claims, and here they are. The bill should be amended to include the emergency room protections that we have already enacted for Medicare and Medicaid. The privacy protection should be tightened to prevent inappropriate disclosures of medical records and to leave intact stronger State laws. The provisions on association health plans, which expand the pool of people in ERISA health plans, should be removed. The same is true of health marts which would deny people the protections of some State benefit laws. The bill should prevent health plans from punishing providers who speak up for patients in the appeals process, or who raise safety concerns to appropriate regulatory authorities.

□ 1915

The bill should give providers input into the plan's drug formulary and ensure that drugs not on the list can be prescribed when medically necessary. The bill should be amended to allow patients access to clinical trials when it offers them the best hope for a cure.

The Republican bill should not allow those with chronic conditions like cancer or arthritis to not have a standing referral to a specialist. It should allow them to have a standing referral to a specialist who can treat that chronic condition.

The point-of-service provision should be strengthened, particularly by deleting the ability of plans to cancel coverage if they speculate that the premium to employees might increase by more than 1 percent.

The bill should have language, like in Medicare, to ensure providers are not given inappropriate financial incentives by HMOs to deny medical care.

The appeals process should be strengthened to allow a new review on the merits, not on whether the plan followed its own definition of medical necessity. Patients and providers should be able to testify without fear of retribution. The outcome of the external review should be binding on the plan, and employees should not have to pay up to $100 for that review.

The bill should include an ombudsman program to help consumers understand their rights. These protections should be made available as soon as possible, and group health plans must be made more accountable for the consequences of their negligence. This is an important point.

Because of a Federal law known as ERISA, patients injured because their HMO delayed or denied treatment have very limited remedies. The Patient Bill of Rights would permit States to set their own rules for such actions.

The Republican bill passed by the House tinkers with but does not really fix this problem. The desperate need for legislation to fix ERISA was outlined in the decision of Federal District Court Judge for the Southern District of Mississippi, Judge Charles Pickering, Senior, in the 1994 case Suggs v. Pan American Life Insurance Company.

Judge Pickering's opinion contained an exhaustive review of the history and interpretation of the ERISA statute: ''Despite this clearly stated objective of ERISA to protect employees from abuse, with so many State laws and/or remedies having been preempted, employees obviously have less protection in the field of health insurance today than they had before ERISA was passed in 1974. It cannot be said that congressional intent has been followed when the results are so clearly to the contrary.''

Judge Pickering went on to observe that ERISA ''has preempted from application to most group health insurance policies a volume of State laws and remedies developed over many years of experience that protected insureds. ERISA has not been interpreted to replace preempted State remedies.''

In a section of the opinion entitled ''Part VII. Frustration,'' Judge Pickering lamented, ''Something is wrong when the law designed to protect employees leaves victims of fraud without a remedy. Either Congress is incapable of writing legislation to accomplish what they plainly say is their intent, or the courts lack the ability to interpret the statute to do what Congress plainly says it intended to do, or both, or a mixture. In any event, the system fails.''

Judge Pickering went on to remark that, ''There is no way of knowing how many Americans today are without health insurance, or have had to take bankruptcy, or how many have simply given up trying to enforce their health insurance policy because they do not want to or cannot afford to come to Federal court to litigate claims that involve so little, and that, by all reason, should be resolved in the lowest State forum available, where costs and expenses and time do not equal that of the Federal judiciary.''

Summing up his consternation over the operation of the ERISA statute, Judge Pickering noted that the history of cases before his court shows that ERISA has not protected employees, but has, instead, denied them a remedy for valid grievances.

''There has not been a single case that has been filed before this court by an employee coming into Federal court saying, 'I want to protect my pension or my benefits under the broad terms of ERISA.' Every single case brought before this court has involved insurance companies using ERISA as a shield to prevent employees from having the legal redress and remedies they would have had under longstanding State laws existing before the adoption of ERISA. It is indeed an anomaly that an act passed for the security of employees should be used almost exclusively to defeat their security and leave them without remedies for fraud and overreaching conduct.''

Judge Pickering's thoroughly researched and well-reasoned opinion demonstrates the compelling need for Congress to fix the problems created by ERISA. I was disappointed that this was not included in the rule, and hope this will be addressed in a positive way in whatever managed care reform bill finally gets passed by the House and Senate and sent to the President.

If these changes are eventually made to the Republican bill, then it will begin to deserve its name: The Patient Protection Act. If not, then the bill is a fig leaf. I look forward to working with my colleagues to help make the final bill one which gives all Americans the protections they need.

Mr. Speaker, a large number of Republicans want to pass meaningful legislation. Ninety Republicans were cosponsors of a much stronger patient protection bill than that that passed the House in July. Most of these Republicans did not have sufficient time to examine the GOP bill before voting on it because it was rushed to the floor to provide political cover.

But Mr. Speaker, those Republicans who want to see signed into law a bill that is really a step forward should demand of our leadership the type of changes I have outlined. If there is a will, there is still plenty of time to get a bipartisan agreement on HMO reform.

However, Mr. Speaker, opponents of strong patient protection legislation may succeed in preventing reform legislation from passing this year. But I guarantee Members, Mr. Speaker, this issue will only get hotter in coming years if Congress does not act to truly curb the abuses of some HMOs.

Mr. Speaker, as Abe Lincoln said, ''You can't fool all of the people all of the time.''

SOCIAL SECURITY, TAXES, AND WHERE WE ARE GOING AS A NATION

The SPEAKER pro tempore (Mr. SNOWBARGER). Under the Speaker's announced policy of January 7, 1997, the gentleman from Wisconsin (Mr. NEUMANN) is recognized for 60 minutes as the designee of the majority leader.

HEALTH CARE IN AMERICA

Mr. NEUMANN. Mr. Speaker, I rise tonight to first address just briefly what my colleagues have been talking to me about, or have been talking about here on the floor in advance of me, and that is health care in America.

We hear so much about HMOs that are not doing their job for their patients, and we think about what kind of solutions we could come up with. There is a very naturally tendency in Washington, D.C. to say Washington needs to solve the problems. One thing Washington might consider doing is empowering the people in this country to have a choice of which HMO they go to and which health care coverage they would like.

Today that is not possible, because if you work at the General Motors plant in Janesville, Wisconsin, General Motors offers you as an employee one of several health care plans. But if you choose not to take the one offered by General Motors in Janesville, Wisconsin, and you instead go and buy some other health care plan, you first lose the benefit through your place of employment, and second, you have to take after tax dollars and go and purchase that other coverage.

One thing I think we should be thinking about as it relates to health care coverage is empowering all Americans to have the option of choosing the health care coverage that they want.

If General Motors could simply say to the employees in Janesville, Wisconsin, where I am from, ''Here is the money that is available for your health care package, now you choose which health care coverage you would like,'' what would happen is the HMOs that are no good, some of those we have been hearing about here from my colleagues as I sat and listened here tonight, those HMOs that are no good and that are treating their patients wrongly and poorly, they would go out of business, because people would choose not to go to those HMOs because of the poor quality of the health care and their coverage.

At the same time, some of the good health care plans, some of the good HMOs, or maybe people do not want HMOs, maybe they want a policy like some of the medical savings accounts, where they take a large deductible and save some of that extra money for themselves, but at any rate, it would be their choice because they would have the choice of where they are going to go for their health care, and we would certainly expect the good health care plans to thrive and provide good coverage. Just like when I was in the homebuilding business, service to our customers was our top priority, because I knew my customers were going to talk to other people about the homes we built for them.

Similarly, if people have choices in health care programs, if people can go anywhere they want for those health care programs, service to the customer becomes the top priority, because if they do not do a decent job people are going elsewhere for their health care coverage.

When we think about that as a solution, as opposed to here in Washington somehow knowing what is best for everybody all across America, I sure like the idea of empowering the people as opposed to making us more in control of more parts of the people's lives.

That is not really what I rose to talk about tonight, but I listened to the gentleman before me and I thought we should throw out another suggestion as to how to move America forward as it relates to health care.

I want to say tonight that it is a very solemn mood here in Washington, D.C., to the folks that are watching from all around the country, Mr. Speaker. They should know that the mood here in Washington, D.C. is a very solemn situation. We here in the House take our responsibility that we have been given very, very, very seriously. It is not about Republicans or Democrats at all out here. We understand that we are at an important time in America's history.

What happens over the next few months as it relates to the matter that is currently before us is certainly going to take up the news, but there is something else that is real important here. As the Starr report is being discussed, and as the potential impeachment proceedings go forward and all that stuff dominates the news out there, the normal business of Congress is still going on behind the scenes.

There are some very, very significant things happening right here in Washington right now behind the scenes and below the level of the news because of the Starr report and what is happening there that are going to affect things that are as important to Americans as Social Security and taxes, and whether or not we stay in balance and pay down our debt. Things that are extremely important to the future of this country are still going on over the next 4 or 5 months in addition to the other very serious responsibility that we, as all Americans, have.

For that reason I rise tonight to talk about, in particular, Social Security and taxes and where we are going as a Nation, a little bit about how far we have come, but where we are at right now.

If we look at numbers today, for the first 11 months of our fiscal year we are running a surplus that is very, very substantial for the first time since 1969. It is not a little, tiny surplus, it is almost $100 billion a year. We have been projecting between $80 and $106 in my office for quite some time. It appears now that the numbers will come in someplace in between there.

Let me put that in perspective so it makes more sense, because out here in Washington we talk about these billions all the time. It does not always make sense to all my colleagues and all the people all across America.

A $100 billion surplus means that the United States government has collected $400 for every man, woman, and child in the United States of America more than what it needed in taxes. Let me say that again. A $100 billion surplus is approximately $400 for every man, woman, and child in the United States of America. We are talking about a huge amount of money.

I want to just talk about how that surplus relates back to debt, to deficit, to Social Security, and to tax cuts as we move forward, because there is a very significant debate going on right now as to how that surplus should be used. It relates specifically to the Social Security issue.

First, let me start by pointing out that we still have a very serious problem facing this country. This debt chart, and I notice tonight it is actually worn out, because I think I start most every presentation by showing this debt chart. It shows the growing debt facing America.

If we start down here, we can see from 1960 to 1980 there was very little growth in the debt, but from 1980 forward, this thing has just grown right off the wall. When I am out in public and I point out 1980 as where it really started growing, or 1978, 1979, I can see all the Democrats in the audience nodding their heads, going, ''That was Ronald Reagan,'' and I can see all the Republicans nodding their heads and saying, ''That was that Democrat Congress.'' The point is, whether we were Democrat or Republican, it did change in 1980 or thereabouts. We are about up

here in this chart right now. It is a very, very serious problem facing our country.

Since 1969, every year our government has borrowed and added to this debt. It was in 1980 they started borrowing lots and adding to that debt. For the folks who have not seen this number and how big it is, we are currently $5.5 trillion in debt.

Again, let me translate that into something that makes a little more sense. If we divide the debt by the number of people in the United States of America, our government has borrowed $20,400 on behalf of every man, woman, and child in the United States of America. Put into perspective for a family of five like mine, our government has literally borrowed $102,000, basically, over the last 15 years.

□ 1930

The real kicker in this thing is down here. A lot of people think, well, that is kind of Washington jargon. That is Washington talk. And $5.5 trillion, what does that really mean?

Let me translate it into what it actually means to an average family of five in the United States of America. We are paying, an average family of five pays $580 a month every month to do absolutely nothing but interest on this Federal debt. See, even though the number is too big and it is Washington jargon, the facts are it is real debt. And since it is real debt, we are paying interest on it. That interest for an average family of five, or any group of five people in America, is 580 bucks a month.

Mr. Speaker, for anyone who thinks they are not paying $580 a month, I suggest they think about walking into a store and doing something as simple as buying a pair of shoes. The store owner makes a profit on selling that pair of shoes and part of that profit gets paid to the United States Government in the form of taxes. When the government gets it, one dollar out of every six that this government spends does absolutely nothing but is used to pay interest on the Federal debt. I think it is reasonable to ask how in the world did we get to this point?

I see my good friend, the gentleman from Michigan (Mr. HOEKSTRA) has joined me. I am sure he has seen this portion before, but trust me, I have some additional charts that are a little bit new out here tonight.

Mr. Speaker, how did we get to this point? I think it is important that we remember Gramm–Rudman-Hollings. If my colleagues are like me, in 1985, Gramm–Rudman-Hollings came out and our government told us that they were going to balance the budget and stop spending our kids' money, and I cheered and I said, yes, our government is going to do the right thing at last and quit spending our kids' money.

Well, 2 years went by and it was 1987. They said, that promise we made back in 1985, we cannot really keep that promise, but here is a new promise. They gave us Gramm–Rudman-Hollings of 1987. Three years went by, and they said we cannot keep that 1987 promise, but here is a new one; and in 1990 they raised our taxes. And then it got to 1993, and of course we all remember the huge tax increase of 1993.

Mr. Speaker, I brought just one of those along. I brought Gramm–Rudman-Hollings of 1987, but all four of those broken promises are really the same. This blue line shows how we were supposed to get to a balanced budget and how the deficit was supposed to get to zero and they were supposed to quit spending our kids' money by 1993. The red line shows what actually happened out here. The deficit exploded instead of going to zero.

Well, things have changed. I am happy to say that. We got to 1993, this year, and the deficit was still very, very large. The people that were in Washington at that point made a very bad decision. This needs to be said. It passed without a single, solitary Republican vote, but in 1993 what they did is they decided that the only answer to this problem, this debt and deficit problem——

Mr. HOEKSTRA. Mr. Speaker, would the gentleman yield?

Mr. NEUMANN. Mr. Speaker, I would be happy to yield to the gentleman from Michigan.

Mr. HOEKSTRA. Mr. Speaker, I believe the gentleman said it passed by a single solitary Republican vote.

Mr. NEUMANN. I apologize. It passed without a single, solitary Republican vote. Thank you. I stand corrected, if that slipped. It passed without a single, solitary Republican vote.

I am sure the gentleman from Michigan remembers what I am talking about here. It is the biggest tax increase in American history. The gentleman might want to explain parts of it.

Mr. HOEKSTRA. Mr. Speaker, I think the gentleman is absolutely correct. I came here in 1993, and getting to the chart that the gentleman is going to be talking about next is the one that we were shooting for. We wanted to get to a balance, or more appropriately a surplus budget, and we wanted to get there as soon as possible.

In 1993, and we face these choices each and every year and we have been facing them every year since then, are we going to get to a surplus budget? Are we going to match revenues with expenses by increasing revenues with higher taxes or by reducing or actually just slowing down the growth of spending? In 1993, we made the very serious mistake, because we said we are not taking in enough money from the American people. We have some things that we would like to do here. And Congress passed a huge tax increase.

At the same time, it was looking at significant new spending programs. We were going to nationalize health care. Government was going to stimulate the economy. We were going to go on a $15 billion stimulus package. So in 1993, the framework was very clearly set that we are going to increase revenues by increasing taxes, and at the same time we are going to increase spending and we are going to promise the American people that we are going to balance the budget.

We tried that formula in the past and it did not work. In 1995, the gentleman from Wisconsin (Mr. NEUMANN) came with, I think, 72 other new freshmen on the Republican side of the aisle, and we broke the old mold and we created a new mold.

Mr. NEUMANN. Mr. Speaker, I think it is real important to understand that the tax increase of 1993 did not lead to a balanced budget. In fact, higher taxes simply means more Washington spending.

I brought a chart with me to help show that tonight. In 1993, they had gotten down to a growth rate of government spending of 2 percent. What is a growth rate of government spending? If we spend $100 one year and spend $102 the next year, that is a 2 percent growth rate of government spending. They had gotten it down in 1993 to a 2 percent growth rate of government spending.

When they raised taxes in 1993, what happened immediately is, government spending went up. We can see that so clearly in this chart. We had a 2 percent growth rate of government spending in 1993. They raised taxes and what happened is immediately higher spending in 1994. That is really what led to the new elections in 1994, the new people that came out here in 1994, because in 1993 they got the wrong answer. They just did not get it. The American people did not want higher taxes.

Mr. Speaker, the American people wanted less wasteful Washington spending. They expected us to get this job done, but not by raising taxes and raising government spending. They expected us to get this job done by controlling wasteful government spending.

Mr. HOEKSTRA. Mr. Speaker, if the gentleman would yield, I believe this is one of the gentleman's new charts.

Mr. NEUMANN. This is one of my new charts, yes.

Mr. HOEKSTRA. Mr. Speaker, the gentleman from Wisconsin has been working during our recess. But the gentleman is exactly right. Some of us came in 1993 and really believed that we had to control the growth in spending. Actually, the gentleman has other charts, probably back in the office, but they show that if we would have just for a number of years controlled the growth of Federal spending, kept it down to the 2 percent level, grown it at the rate of inflation, we probably would have reached a surplus budget a long time ago. But the people in Washington just could not control their desire to spend. So we went back up to 3.5, 4 percent and there we go.

We are working off a big number. When we are talking about increasing spending by 3.5 to 4 percent we are talking not about $100; we are talking

about increasing a number that is $1.6 trillion. So the difference between a 2 percent growth rate and a 4 percent growth rate is real money.

Mr. NEUMANN. Mr. Speaker, reclaiming my time, I just had town hall meetings all over the State of Wisconsin, and one question I asked in Wisconsin was how many in this room think government spending should increase faster than the rate of inflation? We didn't get anybody who thought that. But look at what was going on out here, government spending going up at twice the rate of inflation.

When we came in 1995, and we became the majority at that point, we had one idea. The idea was that instead of raising taxes on people we were going to get government spending under control. We were going to go after wasteful programs. Just one example my colleague from Michigan, I know, is very familiar with. We were spending $35 million of the taxpayers' money to Russia to launch monkeys into space to do research on the monkeys. We get here and find these sorts of programs, hundreds and hundreds of these sorts of programs, that were going on out here.

We understood that if we could get to that waste and get government spending under control that we would both be able to balance the budget and lower taxes. That was the theory we came with. We came with the understanding that the 1993 solution of higher taxes was the wrong idea. We understood that the people did not want higher taxes; they wanted less wasteful government spending.

Now we are 3 years into this, and my colleague can see from this chart that the growth rate of government spending since we took over in 1995–1996 is the first fiscal year budget we worked with, the growth rate of government spending is on the way down.

I think it is reasonable to ask what has happened over these 3 years and what has that led to in our budgetary process? When we got here, just like they had a blue line what they were supposed to do, we got here in 1995 and laid out a plan to get to a balanced budget. This blue line shows how the deficit was supposed to go to zero by the year 2002. And virtually all Americans will remember the promise we are going to balance the budget by 2002. I remember it because when I said that groups that we were going to balance the budget by 2002, they all snickered. After all, the promise had been broken in 1985 and in 1987 and in 1990 and in 1993, so they were looking at us like, ''Why would we believe that you are any different than the last group?''

Mr. HOEKSTRA. Mr. Speaker, if the gentleman would yield, I actually had an interesting case in my district last year. I visited a number of plants in my district, and I remember the date because it was the date we started the Teamsters investigation. Talk about waste. That is $20 million that the taxpayers paid to run the Teamsters election in the U.S. and in Canada. The taxpayers paid for it.

I was at a plant the day that that election got thrown out, and I was taking them through some of the numbers and explaining to them that by 2002 we were going to reach balance or surplus. It was a small plant and one of the guys just started laughing and said, ''Sure.''

Well, I went back. I went back the first week of September of this year and told them that by the end of the month, by September 30 when we close our fiscal year, he was right. He should have laughed in 1997, because we did not balance it in 2002; we are actually going to get there in 20 days. In 20 days, we will reach that point where we cross the line, and we are probably past that point already.

Mr. NEUMANN. We are actually well past it. The facts are here is our plan and here has what actually happened. We are not only on track; we are significantly ahead of schedule. For the first time since 1969 for the last 12 months running, this government spent less money than they had in their checkbook. That is just a monumental change in the way things have been done. I should say it again because it is that significant. For the first time since 1969, this government spent less money than they had in their checkbook for the last 12 months running.

Mr. HOEKSTRA. Mr. Speaker, if the gentleman would yield, I do not think we can lose sight of how important that is. I mean, we hear, and I was just reading one of the newspapers, it is kind of like it is a do-nothing Congress. Have not gotten anything done. If we would have told people 2, 3, 4 years ago that by 1998 we were going to reach surplus, they laughed, they said no way. And this Congress has already will have done something that no Congress has done for 30 years.

Not only that, and the gentleman may have some other charts that will get to that later on, but I believe we are at the threshold of creating a generation of surpluses that actually enable us to move, that this will not be a blip. But if we keep on track and go after wasteful spending, restructure and work on Social Security and other entitlement programs, we will have a generation of surpluses that will enable us to pay down the debt and reduce taxes and get a government that actually works better and more effectively and is more efficient at serving our constituents.

So we have fundamentally changed the debate here in Washington in the last 24 months. We have moved from a debate about how we are going to get to balance to a debate about how we are going to pay down the debt, how we are going to lower taxes, how we are going to free up more money for investments in jobs for our generation and the next generation.

We have fundamentally changed the debate and the outlook for America. Huge strides. But they are saying, it is like ''What have you done for me lately?'' What we have done for them lately is we have balanced the budget.

Mr. NEUMANN. Mr. Speaker, I would like to translate this into what it means for an average American out there. When I look at this chart and I see the spending growth rate going down, this distance from here to here not only means a balanced budget. It means something in families all across America. Because since we did not spend this money in the government, we were able to take that extra money and lower taxes with it.

For a family out there in America today if they are a middle-income family with kids under the age of 17, next year when they do their tax return they are going to get a $400 tax refund for each child under the age of 17. If they have a college student, they are going to get up to $1,500 in a tax refund.

This is not a tax deduction. This is not fiction. This is not a political promise. This has been passed into law. They are going to get $400 per child in a tax refund in a check back from the United States Government and up to 1,500 to help pay for college tuition.

It does not stop there. Stocks and bonds. If Americans bought investments, and the stock market has gone up dramatically. Even with the recent decline, we are still significantly ahead are where we were 3 years ago. If they sell some of that stock and make a profit, they used to pay 28 cents on the dollar to the government. Now they pay 20; that reduction of capital gains is very significant for all kinds of folks.

A lot of times I talk to groups, and seniors in the group go, ''What did you do for us?'' I go, well, stop and think about this. Most seniors own a home. In Wisconsin, at least it is in the 70 percent range.

□ 1945

We eliminated all tax on the sale of all homes in America for all intents and purposes. Unless your home is a very, very large mansion type, worth $500,000 or more, there is no tax when you sell your house anymore. What a significant change.

A senior citizen who took the one-time age 55 deduction or exclusion bought another house and now sells that other house, there is no taxes on it anymore. That is what this is about.

This chart, it is a nice chart to show the red to the blue and then down, but it really needs to be translated into what that really means for Americans all across this country.

I want to jump from there into another very important discussion and that is Social Security.

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

Mr. NEUMANN. I am happy to yield to the gentleman.

Mr. HOEKSTRA. Mr. Speaker, if you take a look at spending growth, I just want to point out we are still, I think, growing faster than what you and I might think is necessary.

Mr. NEUMANN. And faster than the rate of inflation.

Mr. HOEKSTRA. Still faster than the rate of inflation. Let me give you just a couple of examples. We are going to vote on a bill tomorrow, I believe, on dollars to the classroom, our colleague from Pennsylvania. And for the last 18 months, we have been taking a look at Federal education, our role and the impact that we in Washington are having on K through 12 education.

We are taking a look at what happens when a dollar comes from the local level, goes to Washington, and since it is about educating kids, the kids are back at the local level, we have got to get the money back there. We are taking a look and saying, when we get a dollar from the local level, what actually happens to it.

We find out that it goes through 39 different agencies, hundreds of different programs, and we find out that we lose about 30 to 40 cents of every dollar. We lose it because of the bureaucracy here in Washington. We lose it because we get the money, so then we have to communicate back to a school district that we have got these programs available. They then have to apply for it. We then have to review the applications and decide who gets the money and who does not.

Mr. NEUMANN. Mr. Speaker, reclaiming my time for just a minute on this discussion, help me understand why it is that, as a taxpayer sends their money to Washington, and Washington decides how to best provide education for those kids back home, what exactly is it in the water out here or what is out here that makes us smarter than the local parents and teachers and community? Why would we think that anybody in Washington knows better how to educate our kids in our home communities than the people in those communities do? Is it something out here that makes people brighter or able to better provide the education? Why would parents not be best prepared and best able to make decisions for the education for their own children? Why are we taking those dollars in the first place is the question?

Mr. HOEKSTRA. Mr. Speaker, if the gentleman will yield, you know the process that we have gone through. We have held hearings here in Washington to outline, figure out this process.

The other thing we did was we went to the local level. We have held hearings in 16 different States. We asked that basic question. We asked them, what value is Washington adding to your educating your kids locally? The answer came back, we like your money, but other than that, you are not doing much for us. As a matter of fact, in some cases, you are hurting us because what is happening is you are sending us some money that we need, and we are spending it the way you are telling us to.

But if we really looked at the kids in our classroom, if we looked at the kids in our community and identified what we really wanted to do with that money, we might spend it on something else.

So what we are going to do tomorrow with dollars in the classroom is two things. We are going to not increase Washington spending, but what we are proposing is saying, instead of 60 to 70 cents of every dollar getting back to the classroom, let us get that to 95 cents of every dollar getting back to the classroom. That is a 25 percent increase in Federal spending without us spending anymore because we are just being more effective and more efficient in how we get that money down there.

Mr. NEUMANN. Reclaiming my time, I just want to bring out one story on this because it is so important. I was in Augusta, Wisconsin, and the superintendent of schools came to one of the meetings we were at there. Obviously the person was extremely interested in education and working very hard to provide a good quality education for the people and for their kids there.

He said to me, MARK, how can I get Washington to free up this money that is supposed to get to our school system? And immediately a light bulb went on inside my head. I am thinking here is a person who is genuinely interested in the education of his kids in his community, and he is at this meeting talking to me about how he can get Washington out of his hair so he can just do his job.

Why should this superintendent in schools be worried about a fight in Washington as opposed to being able to dedicate himself full time to the education of those kids. If we can get 95 cents of every dollar back to the classroom, and, by the way, I would prefer dollar for dollar, but if we even get 95 that means a dramatic reduction in the bureaucracy.

It means almost $9,000 per school is going out there in the form of a check, and instead of a superintendent like this one having to fight with Washington for the money, since we have no longer the bureaucracy to tell them exactly what to do with the money and fill out the papers and so on, they are going to have to make the decisions themselves in their own local community as to how to best spend their money.

It is $9,000 more per school, every school on average just by eliminating this bureaucracy on the bill we are going to pass tomorrow. I think it is a tremendous bill.

Mr. HOEKSTRA. If the gentleman will yield, because the other destructive thing, you have touched on it, the other destructive thing that happens when we send this money to the local school district, we send it with all the strings attached. We now get school boards, superintendants, and school administrators who serve two masters. They serve the master in Washington who tells them what to do, who does not know where Augusta, Wisconsin does not know whether it is near Green Bay or near Madison or whatever.

Mr. NEUMANN. Eau Claire, near Eau Claire.

Mr. HOEKSTRA. So they are serving two masters. Really the school administrators should be not serving a master but should be working with the parents and the community leaders and their community designing school programs that are most appropriate for the specific needs and the special challenges and the special opportunities for kids in their community.

They do not need to be looking to Washington or trying to figure out, you know, this is what Washington wants me to do, but I know this is what we want to do in this community. How do I reconcile these things. They ought to be solely focused on building their schools with their local community leaders and their local parents.

Mr. NEUMANN. Reclaiming my time again, I would like to ask my friend from Michigan that all important question, have you seen anything in your years here in Washington that would lead you to believe that somehow because we are here in Washington we know better for that school system out in Wisconsin what is best for their kids and how to best education their kids?

Is there any good reason that we should ask these people to spend their time filling out requests for money and grant proposals as opposed to just simply sending it to them and saying, okay, gang, it is your kids, it is your community, it is your parents, why do you not all make the decision in what is best for your kids.

Mr. HOEKSTRA. Mr. Speaker, if the gentleman will yield, that is the reason we have went around the country. We have been in L.A. We have been in Phoenix. We have been in Chicago. We had the hearing in Milwaukee. We have been in Cleveland. We have been in Milledgeville, Georgia, a small, little town. We have just been in Tennessee.

What you find, we do not know anything about what needs to happen in those schools compared to the parents and the teachers and the administrators who have come in and have testified. And they are passionate about their kids.

We have seen success stories. All of the success stories, all the great things that are happening in these kinds of schools are where the focus is on the kids. And the focus effort is between the school administrators and the parents and other people in that community and the business leaders all taking a look at their community and understanding what is going on in their community and putting together a program for their community.

They kind of scratch their heads, and they ask the same question that you asked, why are you in Washington trying to tell us what to do in our community? We know our kids. We know our population. We know the special needs that we have. We know the opportunities that we have. Why do we have to try to fit, you know, our peg into your round hole when there is a disconnect.

Because in Washington what do we try to do, I will give us credit. It is not good credit. But I mean we recognize that there are different means out there. So we have created 760 different programs.

Mr. NEUMANN. With 760 different bureaucracies to run the 760 programs.

Mr. HOEKSTRA. That is right.

Mr. NEUMANN. All of them getting money that should be in the classroom helping the kids.

Mr. HOEKSTRA. That is right. That is why there is a tremendous opportunity to increase spending or to increase the effectiveness of our current spending without spending any more money.

The issue here for so many of our programs, I want to give you one example, you will love this one. Today we had a hearing on the labor department, a program called trend setters. Remember that word. This is trend setters. This was where the labor department was trying to identify apparel companies that were meeting certain criteria and these types of things.

We questioned whether the labor department actually had the authority to put together this type of trend setter list. Well, to be a trend setter or to make sure that the labor department was a trend setter in how they communicated this information to the public, they created a web page. All right. So they are on the net.

They stopped the program, they said, because of some criticism. They stopped the program in March of 1997. The program went dormant 1997. We had a copy of their web page from March of 1998, and we ran off their web page this morning. This is a program that was dormant. So supposedly they had done no work from March of 1997 until today. They had done nothing to update or modify this list.

Now, I was looking at the list. There was the web page from March of 1998, a year after they stopped the program, to September, and the list of trend setting companies had changed. I asked the question, I said, can you explain to me, if you have done nothing to this program, how the list of companies has changed from March of this year to September of this year.

They said, well, you know, maybe it took us that long to update our list. And it is kind of like, excuse me, you are on the net. You are in the information age. You have a trend setter list. You have trend setting companies. The last time you updated your list was March of 1997, and it took you at least 12, and it maybe took you 15 months to update your web page.

Mr. NEUMANN. With all due respect.

Mr. HOEKSTRA. And we are paying for this.

Mr. NEUMANN. With all due respect, it only took 15 months? Is that a new accomplishment?

Mr. HOEKSTRA. It only took them 15 months to update the web page of trend setter companies. I just want to know how much money we are spending on a program like that. The gentleman and I both know there are tremendous opportunities here in Washington to find additional savings to build up a surplus, increase efficiency, and move on to what you want to talk about, which is saving Social Security.

Mr. NEUMANN. Right. Again, I think we have to go back to this understanding that, when people out here talk about cutting spending, they do not actually mean they are cutting spending. They mean, instead of letting the growth rate be double the rate of inflation, they are cutting it back to just the rate of inflation. Again, when I talk to folks out there in America, I cannot find people that think government should grow faster than the rate of inflation.

Mr. Speaker, I do want to move on to Social Security.

Mr. HOEKSTRA. Mr. Speaker, one minute. The reason they do not believe that government should grow at the rate of inflation is that, when they get their paycheck at the end of every week, they find that 40 percent of it is going to government at one level or another, and if we are growing it faster than inflation, it means that that number is going to keep going up. They want that number to go down.

Mr. NEUMANN. Right.

Mr. HOEKSTRA. They want it to go down significantly. We can make it happen just by making government more efficient.

Mr. NEUMANN. Let me jump from there into Social Security. You mention their paychecks. At the end of each week, people do get a paycheck. Part of that money goes into Social Security. I would like to just talk through what is happening in Social Security so we understand how this relates to that overall picture we start talking about, which is surpluses and a balanced budget.

Social Security this year is going to collect $480 billion out of the paychecks of workers all across America. It is paying back out to senior citizens and benefits $382 billion.

If you think about this for a minute and think about your own checkbook, forget about the billions for just a minute, if you have got 480 bucks in your own checkbook, and you write out a check for 382 bucks, your checkbook is fine. If you have $480, and you write out a $382 check, as a matter of fact, you have got $98 billion left over.

That is exactly what is happening in Social Security right now. It is collecting $480 billion. It is paying $382 billion back out to seniors in benefits, and that in fact leaves a Social Security surplus of $98 billion.

It is funny, when I am out of town in meetings, I say, does anybody want to take a shot in the dark of what our government has seen fit to do with that $98 billion? They all just start laughing around the room, and then somebody will say it. They spent it.

The reality is that we have been, the government, before we got here, had been collecting this extra money for years. In fact they have been spending it on other government programs and putting IOUs, technically they are called nonnegotiable Treasury bonds, into that trust fund instead of real money.

Let me be very specific on how this works. That $98 billion extra that is collected for Social Security, they put it into, and think of this middle circle as the big government checkbook. So take the $98 billion and put it into the big government checkbook.

Now, remember, since 1969, they have been overdrawing that big government checkbook every year. So $98 billion goes into the checkbook. At the end of the year, there is no money left in the checkbook. So since there is no money left in the checkbook, they cannot really put real money in Social Security, so, instead, they simply write an IOU down here to the Social Security Trust Fund. It is technically called a nonnegotiable Treasury bond. Nonnegotiable means cannot be marketed, cannot be sold.

Now the problem with this occurs, of course, if we look back at that other chart with those numbers on it, today we have got more money coming in than what we have going back out to seniors in benefits. But people like my friends from Michigan and I, the baby boom generation, we are getting old fast, and there are lots of us. As we age, what happens is there is not enough money coming in and too much money going out.

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When we get to that point where there is not enough money coming in and too much money going out, and we look down here to our trust fund, that is the savings account, and if we think about our own checkbooks again, if we have been saving money in the savings account for a period of years, then all of a sudden we get to this point where we are writing more checks than what we have coming in, that is we overdraw our checkbook, when we get to that point, we might go to our savings account and get our money.

The problem with having IOUs down in the Social Security trust fund is when we get to the point where there is not enough money coming in and too much money going out, where is the government going to get the money to pay back those IOUs? That is a question we need to be asking. Because this turnaround in the income, that is the time when there is more money going out and not enough coming in, that is going to occur in the next 15-year period of time. And it will affect young people, because one choice to solve that problem is to raise taxes. It is going to affect senior citizens, because another choice will be to lower benefits so the IOUs do not come due.

The bottom line is it is a problem we need to be addressing now. So in our office we wrote a bill called the Social Security Preservation Act. This may

not seem like a genius bill to most people watching and most of my colleagues out there tonight, but the Social Security Preservation Act simply says that the $98 billion coming in from Social Security ought to go into the Social Security trust fund in real money.

Now, how do we do that? We put it down there in something called a negotiable treasury bond, something any person in America can go to their local bank and buy. I did this myself personally because I wanted to be able to stand in front of groups and say here is how we are going to make this thing work. So I went to the bank, and they took a thousand bucks out of my checkbook and gave me a treasury bond. Now, when I overdraw my checkbook, I will give them back the treasury bond, they will give me back the thousand dollars, and I will put it in my checkbook and everything is going to work. That is how we want Social Security to work, and that is exactly how we wrote the Social Security Preservation Act.

We wrote the Social Security Preservation Act that we put real money, negotiable, marketable, salable treasury bonds, so when the numbers turn around and there is not enough money coming in and too much going out, we go down here to our savings account and we get the money. We cash in those bonds, or sell those bonds, we get the money and we make good on Social Security. That is how the Social Security Preservation Act would work. It is bill number H.R. 851.

Now, I brought something extra along here tonight to help understand the difference between surpluses in Social Security and other general fund government surpluses.

I would be happy to yield to my friend from Michigan.

Mr. HOEKSTRA. Before I leave, I would just like to thank the gentleman for leading this discussion tonight. We really now are at the threshold of putting in place a real plan to ensure that future generations will not have to increase taxes to maintain the Social Security benefit levels, and we will not have to reduce benefits for seniors.

As we are getting the surplus and getting to balance, we really have the opportunity to start addressing this, and I think this Congress has laid the framework for it and we are going to move forward on this debate and I think come up with some real positive solutions.

The gentleman has been instrumental in doing two things: Instrumental in getting us a surplus and instrumental in getting us and keeping us focused on what we need to do to ensure the long-term life of Social Security. I thank the gentleman for the time that he has shared with me tonight.

Mr. NEUMANN. I thank the gentleman for joining us.

As we return to this chart we had up here before, when we talked about the Social Security money actually going into the Social Security trust fund, I have added a line in this chart, a black line. And what that does is wall off this Social Security money and forces it to go into Social Security instead of into the general fund.

So, now, let us talk through these surpluses one more time that everybody keeps hearing about in America today. Part of those surpluses is this Social Security surplus, but there is another fund, it is called the general fund. Think about it again as the big government checkbook. This general fund is now going into surplus as well. So when we get done writing checks at the end of the year, if we have money left over in that general fund, we need to start asking the question what gets done with that portion of the surplus.

First, the Social Security surplus actually goes into Social Security. That should not be touched. There are proposals out here, right now, today, as I speak, and this is why I said it is so important to understand that even as the rest of this is going on in Washington, the Starr report and the potential impeachment of a President, those are very, very significant issues for the United States of America, but there are also other things happening simultaneously with that and it is important that we do not so focus on one that we forget something else that has happened and, in fact, wind up getting Social Security money spent on new government spending.

Today I had a proposal laid in my hands that was going to spend $16 billion of this Social Security money on new spending. And they have a very unique method of getting around the spending caps to spend this new money. And I had another proposal laid in my hands that effectively went into the Social Security money and said, okay, we are going to use the Social Security surpluses to cut taxes. Neither one of those are okay. The Social Security money belongs in the Social Security trust fund, period.

But when we get to a surplus in the general fund, this other account, we should be asking ourselves, what are we going to do when we are in surplus in the general fund. I have two suggestions: First, I think it is important that we make payments on the Federal debt. After all, our generation has run this debt up primarily over the last 15 years, and it seems reasonable to me that we should make payments on the Federal debt and pay it off, much like we would pay off a home mortgage, so that we can give America to our children debt free.

Just think about this as a goal for a generation. Would it not be nice if we could pay off the debt so we could give our Nation to our children absolutely debt free? There is a significant benefit of paying off that debt. As that debt is paid off, this money that is left over from the big government checkbook, some of it goes down here to Social Security, because part of that debt is the Social Security IOUs. So as we make payments from the surplus, from the general fund, part of the money goes directly back into Social Security.

I want to say that again, because that is so important. Social Security money is set aside. When we reach surplus in the general fund, part of the surplus should be used to repay the Federal debt. Part of the Federal debt is the Social Security IOUs. So as we start paying down the debt, those IOUs in the Social Security trust fund get traded in for real money and Social Security becomes solvent at least to the year 2030.

What about the rest of that surplus over there? Well, I think it is clear to most Americans that the tax rate is still too high. I think we should be talking seriously about significant real tax cuts. We have laid a proposal on the table that assumes revenue keeps going at approximately the rate it has been growing, maybe a little slower, and assumes we hold spending in line. If we do that, we can be looking at repaying all of the IOUs in the Social Security trust fund over the next 10 years and reducing taxes by as much as $1.5 trillion. That is $1,500 billion. It is a huge sum of money available for tax cuts.

Now, as we talk about these tax cuts, again funded out of surpluses from the general fund that accumulate because we have spending under control, let us just talk about some things we might do. Let me start for seniors.

I think we should be looking at eliminating the earnings limit. What happens under the earnings limit is, if a senior citizen voluntarily decides to stay working, after they have earned $15,500 the government starts decreasing their Social Security by $1 for every $3 that they earn over $15,500. I think we should immediately raise that earnings limit that seniors are not penalized for voluntarily staying in the work force.

Secondly, and again for seniors, as most people know, in 1993 the taxes on Social Security benefits were raised from paying taxes on 50 percent to 85 percent. I would like to go a couple of steps here. First, I would like to roll back the 1993 tax increase on seniors, and then I would like to get rid of paying taxes on Social Security benefits all together. After all, people have paid into this account for all of these years. Why, now that they are getting this money back out, should they be paying taxes on the amount they get back out?

If this does not seem reasonable, think about the Roth IRA. The Roth IRA is set up exactly that way, that we put our money in now, and when we take that money back out later on, we pay no taxes on it. So why can we not provide that same benefit for senior citizens today? And as we start looking at these surpluses materialize because we have controlled government spending, roll back that tax on Social Security all together.

Let us talk about another one that I think is extremely important. This one

is not as much for seniors as it is for some of our younger folks. In America today, if four people work at exactly the same job and earn exactly the same money, and two of them are married to each other and two of them are living together, and without passing any social judgments, which we might do, but without doing that it seems totally unfair that the two that are married to each other pay more taxes than the two that are living together. It almost seems backwards in the society we live in today.

So I think we should end the marriage tax penalty. It does not seem reasonable in our society today that we should penalize people for being married. Instead, we should maybe think about doing just the opposite. But certainly we should eliminate the marriage tax penalty.

Let us talk about another one. We have a hard working friend. They have worked hard all their life, they have saved money and, as a matter of fact, they have made investments and the investments have done well. This is America. And by the way, there are lots of folks out there like that, and I sincerely hope that those opportunities remain available in this country. I hope that is what our service to this country is all about, that those sorts of opportunities remain available.

So they have gone all through their life, they have saved money, and they have this nice estate. Today, when they pass away, that estate is passed on, a significant portion is passed on to the United States Government. Why exactly should people work hard all their lives, save up money, and pass a good portion of their estate on to the United States Government instead of to their children? That does not make any sense.

So as we start looking at additional tax reductions as we go forward, let us roll back that estate tax so that if somebody does work hard all their life and accumulate assets, that they can pass those assets on to their children or heirs instead of giving them to the United States Government.

Let us talk about one more, and I think this is perhaps the most important of all. Why do we not look at across-the-board lowering the overall tax rate on American people. The government is collecting more money today than what it is actually spending out of its checkbook, so why can we not roll back the excessive tax burden that is out there?

About a generation ago, when I was just born, or a year or two old, the tax rate on Americans was about 25 cents out of every dollar they earned. This included State, Federal, local, the whole shooting match. It was about 25 cents. Today, that number is in the range of 37 cents, maybe as high as 40 cents. So what exactly is it that government is doing today that they did not do a generation ago? Just think about this for a second.

We had defense a generation ago. We had education a generation ago. We were concerned about our environment a generation ago. We had many of these programs. We had Social Security a generation ago. What exactly is it that government is doing today that we want government taking an extra 12 cents out of every dollar that we earn for what government does? Why can we not roll back that tax burden and at least get it back to where it was a generation ago so our government does not collect more than 25 cents out of anyone's pocket for taxes? Why can we not get these sorts of things to happen as we keep this government spending under control?

It comes back to that one central theme. When we were first elected in 1995, and we looked at that 1993 tax increase, we all understood that raising taxes was the wrong answer. We understood the American people did not want a bigger government that spent more and more of their money and took more and more out of their pockets. We understood that the American people wanted us to get that government spending under control, go after wasteful government spending and get rid of it and get this government back to a point where it allowed the American people to keep more of their own money in their own homes to decide how they are going to spend it on their families. And that is what has really been going on here.

That is probably a good way to sum up my hour this evening. It is so important, as we look forward to the next generation, first, that we make sure Social Security is safe and secure for our senior citizens. Every senior should be allowed to get up in the morning knowing that their Social Security is safe.

Second, as we look for another goal for a generation, pay off this debt so we get to a point where our children could inherit a debt-free America instead of being saddled with the burden of a $5.5 trillion debt and $580 a month interest payments on that debt. So as we look at this goal, let us pay down the Federal debt much like we would pay off a home mortgage and give America to our children debt free.

And, third, on the economic side here of our goals as we look forward, let us do everything we can to get the waste out of government so that we do not need the money from the pockets, the hard-earned money from our workers out there across America. Let us get that tax burden back down to where it was a generation ago.

That is really what I think we should be working on and where we should be going, even in the face of what we are dealing with right now. We need to keep in mind these central goals: Social Security, pay down the debt, lower the tax burden on Americans, and at the same time as that, we will, in a very solemn way, do what is the responsible thing to do, do what is right for the future of this country as we take great pains to do it properly, as we review the Starr report over the next few days. But we cannot let that dominate us to a point where we lose track of all of these other things that are so important to so many Americans over the course of the next few days and the next few months.

Mr. Speaker, I yield to the gentleman from Florida.

Mr. WELDON of Florida. Mr. Speaker, I just wanted to commend the gentleman for the leadership he has provided in the House ever since we came to Washington together. We were elected in 1994, a part of that freshman class that turned the majority over to the Republican Party. And as a member of our class, I think the gentleman has been one of the most articulate and outspoken Members on the critical issues of cutting wasteful spending, restoring honest budgeting to our government and, most importantly, protecting and preserving Social Security.

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And the reason why that last issue is an issue that is of tremendous interest to me is, I represent a district in Florida, it is the east central coast of Florida, and I have a lot of senior citizens in my district, many of whom are dependent on their Social Security check; and I think it is critical as we approach the close of this fiscal year that we look at the proposals that my colleague has on the table. And I am a cosponsor of the Social Security Preservation Act that my colleague have introduced.

And I just wanted to ask the gentleman from Wisconsin (Mr. NEUMANN) a couple of questions if time allows. This process of taking the money that is in the surplus and how that is borrowed out as a non-negotiable Treasury note, was that the way the original Social Security Act was written under FDR back in the 1930s?

Mr. NEUMANN. Mr. Speaker, reclaiming my time, the laws changed in 1983. In 1983 they increased the amount of money that was withheld from workers' paychecks because they knew the baby-boom generation was going to get to retirement. And the idea was, by increasing the amount withheld in 1983, they would start accumulating these things.

But in answer to the question of how they do this, they were doing it the same way since the beginning, or since 1983 at least, but it was not until the early 1990s that the surpluses started to get very large. And see, that is where the real problem has come in is that the surpluses are now in the range of $100 billion a year. We are now in that part of the bubble, so to speak, where we are supposed to be putting lots of money aside into the savings account so that when we get to 2012 or 2014 and there is not enough money coming in, that we can go and get that money out of our savings account.

So what kind of bonds they put in before 1983, I cannot tell my colleague. I can tell him that since 1983 they have been putting in these non-negotiable

Treasury bonds. And had they not taken the money, had they put real money in there instead of IOUs, there would be about $750 or $800 billion in Social Security right now today.

Mr. WELDON of Florida. Mr. Speaker, if the gentleman would yield again, in addition to speaking out in support of preserving the Social Security program and establishing honest budgeting and I think taking the Social Security Trust Fund off budget and stopping the process of borrowing the money out each year is part of what I consider honest budgeting, I think my colleague's speaking out in support of reducing the tax burden on working families and middle-class families is very important.

And one of the items that my colleague mentioned I think is a particularly important issue, and that is getting rid of the death tax, the so-called death tax or inheritance tax.

And another issue in my district is, I represent the east central coast of Florida, and I have a lot of suburban communities along the coast, but I have a lot of ranchlands, and I have a lot of these orange groves and citrus planters and cattle ranchers; and they are having a terrible time when they want to pass essentially the family farm, in Florida we call it the family grove or the family ranch on to the kids, the tax burden sometimes is so prohibitively bad that they literally have to sell the farm in order to be able to pay the tax bill because it frequently gobbles up a third of the land or a third of the valuation of the land.

And this is just wrong. This is not the way our American tax code is supposed to work, where we are forcing family businesses to have to sell to pay a tax bill, a family ranch to have to be sold off or farm or orange grove or grapefruit grove.

And I thoroughly support, and I was very pleased to hear my colleague bring up this issue of getting rid of the death tax, along with some of the other things he mentioned, the marriage penalty. And again, I just want to commend him.

I was sitting in my office doing some paperwork, and I was listening to what my colleague was saying about Social Security, and I wanted to come down and personally commend him for the leadership and the direction that he has provided not only our class, the class of 1994 but, as well, the whole Republican Conference.

My colleague has had an impact on these issues, in my opinion, far above any of the other Members, and I congratulate him for that.

Mr. NEUMANN. Mr. Speaker, reclaiming my time, I want to make sure this is clear. This is not about me and it is not me that did this. We did this. A lot of new Members that came in in 1994 feel very strongly about this and we have done this together.

But it is not even us that is doing it. It is the American people that understood in 1993 the idea of raising taxes was wrong. They understood that the problem here was not that government was not getting enough money out of their pockets. They understood that government spending was growing out of control on all sorts of wasteful programs.

It was really the American people that made a decision to make that change that led to people like my colleague and I being here that has resulted in these changes that are now just starting to take hold and really brought about this change for America. So I do not think it is us. I think it is the American people that deserve the credit for this.

STATUS OF CONDITIONS IN RUSSIA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from Pennsylvania (Mr. WELDON) is recognized for 60 minutes as the designee of the majority leader.

Mr. WELDON of Pennsylvania. Mr. Speaker, I rise this evening to take some time to discuss a major crisis that this country is going to have to deal with. And I know the topic of discussion all across America tonight is the delivery of the report by Kenneth Starr involving potential allegations against the President of the United States. But I am not here to discuss that, Mr. Speaker. Actually, I am here to discuss another issue that is simmering and potentially could cause not just problems internationally, but severe problems here in America as well, and that is the status of conditions in Russia and actions that this body is going to have to take involving the Russian people and the Government of Russia before the end of this month, before we adjourn.

Mr. Speaker, this past Tuesday evening I returned from what I believe is my sixteenth visit to Russia during the course of my lifetime of interest in Russia, the country and its people. This trip was one that was requested of me by my counterparts in the Russian State Duma, the equivalent to our Congress.

They had asked me to come a week earlier to discuss ways that perhaps we could assist in further understanding the problem that Russia is experiencing now in terms of their economic instability, the political instability, and my own personal interest, the potential military instability within the boundaries of Russia. I went there with those three ideas in mind.

As the chairman and founder of the Duma-Congress Initiative, which for 2 years has been the formal relationship between the Congress of our country and the State Duma and the Federation Council of Russia.

In arriving in Moscow, Mr. Speaker, I was amazed to see the lines of Russian people who were gathering at banks all over the city attempting to go in and receive and remove their savings, in many cases their life savings; and the frustration of those people was that they could not take their own money out because in the banks in Russia today their accounts have been frozen.

And at the same time their assets have been frozen all over Russia and they cannot remove the rubles they need, the costs of just living in Russia are increasing dramatically as the ruble has been devalued and the cost of goods and services in Russia has increased dramatically.

In fact, during the 6 days I was in Moscow, when I checked my hotel bill on checking out, I saw that the cost of my room went up each evening because of the problems with the ruble. In fact, in one comparison, I had eaten breakfast in the hotel, which was a buffet breakfast, a standard fee charged to everyone who went into the hotel, and on one day it was 500 rubles; the next day the exact same breakfast was 750 rubles.

Now, I was able to absorb the increased cost for the short period of time that I was there. But, Mr. Speaker, you could imagine what is happening all across Russia as literally thousands and millions of Russian people today are very much concerned about whether or not they are going to be able to buy the goods and the services to allow them to maintain their quality of life.

And then when they add to that the impact this current economic crisis is having on the Russian military, it presents real problems not just for Russia, but for America and people around the world. Because the people in the military who have seen significant cutbacks in their funding base have particular problems because they do not have decent housing, many of the senior leaders of the former Soviet military feel betrayed because they have not been given their pensions and, therefore, the situation has led to a real morale problem, problems which jeopardize in some cases the security of Russian nuclear materials, nuclear arms, and conventional weapons.

In fact, just in the past several months and years, we have seen increasing incidences of Russians illegally transferring technology to other nations. Over the past several years, we have seen very sophisticated guidance systems for long-range missiles being transferred from Russia to Iraq.

We just this past summer saw evidence of Russian cooperation with Iran to build a new medium-range missile, which now threatens all of Israel. And we have seen continued cooperation in some cases with rogue states to allow technology involving chemical or biological weapons to leave Russia because the right price has been paid. So the problems of Russia economically are problems we have to face up to and problems that we have to deal with.

Now, because of the current crisis and instability within the banking system and the instability of the ruble, there have basically been aggressive efforts by the central government and

Moscow to put some temporary holds on the slide the ruble has taken over the past several months. And that has not really worked. In fact, at this very moment, the ruble continues to be devalued in terms of the international community.

The problem is that this country has basically supported over the past several years $22 billion in IMF funding that has gone into Russia that was supposed to help stabilize the ruble, that was supposed to stabilize the economy of Russia, that was supposed to provide jobs for Russian people, that was supposed to help the Russian people improve their quality of life.

But as we have just learned during the past summer and even more tragically by the accounts of the comments of Anatoly Chubais in today's newspapers, Russia has largely squandered that money. $400 million that was supposed to go to the Russian coal industry to help stabilize the jobs of coal miners and stabilize that industry largely went into a hole, ended up in Swiss bank accounts, large properties being bought along the Riviera, in some cases U.S. investments.

In fact, Mr. Speaker, what we are learning more and more each day is that much of the significant dollars that the IMF and the World Bank have put into Russia have not accomplished their intended purpose. And, in fact, in many cases there has been outright corruption, there has been theft by international financial dealers, by the oligarchs who run the seven major banks in Russia, to the point that this help that we and other nations have provided has not been beneficial to the Russian people and there is currently a state of severe frustration.

Now, our problem in the Congress, Mr. Speaker, is that the President is asking us this month to approve replenishment of IMF funds that have gone into Russia. That replenishment amounts to approximately $6 billion.

The Congress has not acted on this replenishment for almost a year because of the concerns of many of us, including myself, that the IMF money going into Russia has not been used for the right purpose, that in fact many of the institutions supported by the Yeltsin administration, and in fact supported by the Clinton administration because of its support for the Yeltsin administration, have ended up having that money being ripped off and not benefiting stability in Russia's economy.

And so, with that in mind, and wanting to see Russia succeed, as someone who spends a great deal of time working proactively to assist Russia in stabilizing itself, but who is also probably Russia's toughest critic when it comes to proliferation and when it comes to our military relationship and lack of control of arms that are being shipped out of Russia, I decided that it was time to look at a new way of engaging Russia.

So during the month of August, I sat down and laid out a series of eight principles, principles that this body could pass as a part of any IMF funding replenishment to send a new signal to the IMF, the International Monetary Fund, and the World Bank, as well as to the administration of this government that we are not going to tolerate business as usual, that while we want to see Russia succeed and stabilize for obvious reasons, we are not going to continue to support IMF dollars which in the end are American taxpayer dollars because we replenished the IMF to go down a virtual black hole, to allow those oligarchs in Russia and those wealthy individuals to rip off more money to be used for their own private purposes at the expense of stability in this very huge nation, which still has, by the way, over 6,000 nuclear weapons which could very easily be pointed at America at any time and a whole host of additional, probably in excess of 10,000, tactical nuclear weapons, which also could be made available on the marketplace if in fact the right price would be paid.

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These 8 principles were simple, Mr. Speaker. They were designed to lay out a strategy that would allow this body to support the President and his request for additional IMF replenishment, but it would say to the President that we are going to provide this funding support but we are going to do it in a new way, a new direction. We are no longer going to tolerate the way that President Clinton and President Yeltsin have allowed dollars in Russia to flow that should have been used for stability in the Russian economy.

The interesting premise, as I get into this, in August was that I knew all along that the leadership in the Russian Duma also opposes IMF funding. Now, one might say why in the world would elected leaders in Russia oppose more IMF funding for their nation, especially with the economic crisis? Well, there are two simple reasons. The first is the same reason that many of us have been very concerned about IMF funding for Russia, and that is the Russian Duma officials and the members of the Federation Council have sat along the sidelines and watched the Yeltsin government allow IMF dollars and World Bank dollars and in some cases U.S. dollars to go into corrupt institutions, to not be used for the proper purpose that those dollars were allocated, and have watched those monies not benefit the Russian people but, rather, a few very, very wealthy individuals, who have unfortunately taken money that should have gone for economic stability in Russia.

The Duma deputies have said why should we support a continued effort for a western bailout of these failed banks and institutions that we, as a nation, are going to have to pay back sometime, because these are, in fact, loans? So the Duma has been opposed and continues to oppose the IMF funding just as many of our colleagues in this body oppose it.

There is a second reason why the Duma opposes IMF funding, and that is because they understand that there are some very difficult and tough decisions and reforms that they have to make. The World Bank, in talking about the release of this most recent tranche of money for Russia, said that Russia has to impose some very tough reforms. They have to stabilize their tax system so it is coherent and so that it is consistent, one that everyone can understand, that will encourage and promote additional business investment.

They have to control the growth of the central government and the regional governments so that inflation is kept under control. They have to provide mechanisms that allow for private property and for land use reform, so that investors can come in to Russia as a free market system and be able to invest their money and enjoy the benefits of free and open markets. These are reforms that in some cases the Duma has been reluctant to support.

Now, back in July, when the first crisis occurred this year, the Duma, in fact, did pass some of the recommendations that were put forth by the Yeltsin government by then Prime Minister Kiriyenko and by the IMF, and those reforms were a partial solution to a problem that continued to grow out of control, but the Duma has been reluctant to support additional IMF dollars because they don't want to make the changes necessary in terms of reforms.

Mr. Speaker, I can understand to some extent why the Duma is reluctant. They see the Yeltsin government not controlling the extent of where these IMF dollars are going and how they are being used, and so, therefore, they are reluctant to come in and make the tough decisions of reform that are so necessary for Russia's economy to stabilize.

Yet, the Duma also wants to see investment come into Russia to encourage the kinds of reforms that have been taking place in the regions. Russia is a very large country. In fact, it has about 89 krais and oblasts and independent republics that are a part of the Russian territory. So in effect you have 89 separate, smaller governments and in many of those smaller governments they are making significant reforms. They are providing for private property. They are controlling their budgets. They are making the tough decisions involving tax policy, and yet they are not being recognized by the international financial community and by this government in the form of support financially.

In fact, over the past year, Mr. Speaker, the gentleman from North Carolina (Mr. TAYLOR), a very successful banker, and I have traveled to Russia four times to work with them on what we think will be one of Russia's key points of success out of these current doldrums they are in, and that is a mortgage financing system.

In fact, Mr. Speaker, this document is the culmination of the meetings, extensive meetings, we have had with the leadership of the Russia Duma and in some cases portions of the Yeltsin government, talking to them about establishing a mortgage financing system similar to our Freddie Mac and Fannie Mae in America.

The idea here is that the Russian people don't want hand-outs. They don't want to be always on the end of the receiving line. In fact, there are many Russians who want to be able to buy a home, buy an apartment or buy a flat, but to do that they have got to be able to borrow the money at realistic interest rates, for terms of up to 20 or 30 years, as we do in this country.

Now, the problem in Russia has been that the 7 oligarchs who run the 7 largest banks in Russia who determine the bulk of economic activity in that nation have been ripping off the Russian people. Now, that's a strong word but I have no other word for it. It is ripping off the Russian people.

The interest rates they have been charging over the past 4 and 5 years have averaged between 15, 25, 50, in some cases 75, percent, and they have not been willing to loan money for housing for more than 2 to 3 to 4 years. No family can afford to buy a property under those conditions.

What we have proposed is a program initially controlled by the U.S., with Russian involvement, that would set parameters that are very similar to the mortgage financing mechanisms in this country.

Mr. Speaker, in the meetings we have had with the Russian Duma and the regional governors who are members of the Federation Council, without exception, they have accepted our ideas. The problem has been an interesting one. The battle has not been with the Russian leaders to agree to this program. It has been with the Clinton administration that hasn't been willing to support this initiative and it has been with the Yeltsin administration that hasn't been willing to put forth support for the initiative as well.

So here we have the two parliaments working together on some novel ideas to help the Russian people and yet because we have this Clinton-Yeltsin relationship focusing on failed, corrupt Moscow-based institutions, the Russian people have not been able to benefit.

So in going to Russia last week, I took 8 principles with me, 8 principles that I told my Russian counterparts and all the factions of the state Duma, if you enact, following your enactment perhaps we can change directions in terms of the way that we relate to Russia and its economy.

I am here tonight to announce, Mr. Speaker, that my key counterpart in the Russian Duma, Deputy Valentin Tsoy, who is a leader in the regional fraction, and a key ally of Duma Speaker Seleznyov came back with a Russian version, which I have just had translated, that, in fact, has Russia agreeing to 8 major principles, 8 major principles that they have now told me they will pass in the state Duma that we, in fact, can pass in this body to chart a new course in our relationship with Russia.

The concept of this administration dealing with Russia over the past 7 years has been heavily relying on Clinton to Yeltsin and that worked when both presidents were strong and both presidents had the commanding support of their populous. That doesn't exist in Russia today. In fact, most of the polls I have seen show that Boris Yeltsin would be lucky to get 20 percent of the vote if he were up for reelection. He is a very unpopular president.

This President, likewise, has some problems with the Congress, not just because of the current situation involving Ken Starr. We can, in fact, Mr. Speaker, move in a new direction under the leadership of the two parliaments.

Let me go through the 8 principles that the Russian state Duma, in an official document presented to me, have proposed as their response to my initiative, to reform the way international money goes into Russia. Number one, it will be the policy of both this Congress and the Russian state Duma that any additional western monies coming from the U.S., the World Bank or the IMF, should be used on programs such as mortgage credits, such as the one that we have worked on for the past year, and housing construction which will enable the development of a middle class in Russia.

The reason why this is so important is the same reason why what FDR did after the great depression was so important. By establishing financial institutions like Freddie Mac and Fannie Mae, he gave the American people the chance to buy homes at low interest rates over long periods of time, and by creating funds that allow Russian people under very strict guidelines, where reforms have been made in the regions and nationally, reforms involving eviction, and the ability to have mortgages and our real estate industry, we can help Russia create that middle class that has been the key component of a strong America.

Mr. Speaker, as we know, in this country, the middle class is what drives our economy. It is what makes America strong. Russia, largely, has no middle class today.

So the first principle says that any money going into Russia should be aimed at those institutional programs that ultimately benefit the middle class, such as mortgage financing programs.

The second principle deals with the regions, and it simply says that money going into Russia should not just go to central institutions in Moscow. Russia is a huge nation, 89 smaller subordinate governments. Where those governments are making reforms, international monetary funds should be used to encourage continued success in those reforms. That's not been the case under the current administration, under the current IMF policies.

In fact, the second principle deals specifically with that issue and it says that where these real economic reforms are taking place in the region, tax reform, privatization, and land reform, that, in fact, all the international monetary organizations should be looking to support that reform by helping create additional programs that will encourage more of that activity. That principle further goes on to state that the criteria for evaluating the effectiveness of regional economic reform programs should be clearly defined. This will allow the regions to be sure that they will be objectively evaluated and guarantee them the necessary incentives for the establishment of effective economic reform programs.

Now, Mr. Speaker, this comes to the Duma, that this administration and the Russian Yeltsin government have said doesn't want to work with them to help reform the Russian economy. The second principle clearly states a refutation of that fact.

The third principle is a very important one, because it says, and remember this is being proposed to me in response to my initiatives to the Russians, that after a complete auditing, the international financial community and the U.S. Government should stop any and all funding to those institutions ever again. So when we do audits and determine that corrupt banks in Moscow have abused the IMF and the World Bank, they should not be entitled to any additional funding support from any international or U.S. organization, but that principle goes on to further state that not only should those institutions not receive financial resources in the future, but we further state in this particular principle, and I quote, the return of allocated funds from unscrupulous partners needs to be achieved through joint efforts and these funds that are collected need to be redirected toward specific programs that are, in fact, covered by these principles.

So the Duma, in fact, wants to state with us that not only should we cut off funds to corrupt institutions in Russia, but we should go after those corrupt institutions and attempt to collect those dollars that have been misused and allocated in an improper manner.

The fourth principle, Mr. Speaker, is one that we should have done in the past. It calls for the creation of a joint Russian American oversight commission, to monitor all allocated expenditures by the U.S. Government and by the international financial organizations so that the IMF and the World Bank, so that the American funds going into Russia which average about $600 million a year through programs like cooperative threat reduction or Nunn-Lugar, so that every one of those dollars is monitored in a formal, structured way, by a joint interparliamentary commission, made up of the staffs

of the Congress and the Russian Duma, the Federation Council and the U.S. Senate; not that we stop those funds because we can't stop IMF dollars, we are only one nation involved in the IMF, but so that we can tell our constituents that we are sure that every dime of money going into Russia in the end is going to the right purpose.

□ 2045

It is going to help the intended problem for which that money was intended. Right now there is no such oversight responsibility, there is no capability for the Congress and the Duma and the Federation Council and the Senate to monitor the ultimate use of these dollars. And that is why the corruption in Russia has allowed hundreds of millions of dollars to disappear and end up in U.S. real estate investments or in other places that benefit those oligarchs and other wealthy individuals who have raped the Russian people and then raped the international financial institutions supporting it.

The fifth reform deals with the IMF, the fifth principle. This principle acknowledges that the IMF is not working right now, Mr. Speaker; something many of us in this body have talked about. But instead of abolishing the IMF, what we say in this joint statement of principles is that the IMF should, within one year, have completed an external study of the way the IMF operates.

An international blue ribbon task force should be convened, made up of some of the world's top financial scholars, so they look at the IMF and the way it operates, issues involving transparency and the way it sends money into countries and comes back and makes specific recommendations for reforming the IMF, and those recommendations then should be acted on by the IMF board.

The sixth principle, Mr. Speaker, is a very important one and one that we have heard over and over again in this body, and it is one that we have heard Boris Yeltsin complain about in Russia that the Duma would never enact, and that says that any case of investment in Russia must first of all be preceded by the passing of reform legislation; that both the Federal Government and the Regents must continue to enact reforms involving the kinds of issues raised by President Clinton when he was in Moscow last week and by Members of this body, so that we know that the dollars that are going into Russia are preceded by the reforms that are necessary to stabilize that country's economy and those reforms that are necessary to make sure that we have an accurate accounting for every dollar going into both the national and the regional governments.

The seventh principle says that within 180 days the Congress and the Duma will work together to bring in American business interests and leaders and international financial experts who will work with the industrial leaders in Russia who are having difficult problems. Companies in Russia that are bankrupt or that are uncompetitive will be looked at in a one-on-one relationship with specific recommendations being made to those entities about how they need to reform, so they then can qualify for some of the kinds of programs that are available from the international financial community.

The final point, Mr. Speaker, or the final principle, is one that deals with the long-term success of the Russian economy and the free market system. We have to understand, America has been working with a free market system for over 200 years. While we are doing things fairly well, we still have not solved all of our problems. Russia has only been working at this for seven years. They have a long way to go. After having been controlled by a very autocratic, authoritarian central government, they are now being faced with trying to understand how free markets work, and that is not easy.

So our eighth principle is a simple one, and that is a principle that says that the state Duma in Russia and the U.S. Congress believe that a program needs to be established that would, within three years, bring 15,000 young Russian students to American business schools.

If every business school in this country took one Russian student as an undergraduate or graduate student and trained them in financial services, in economic activity, in planning and budgeting, in the business ways that we conduct our businesses, we would create a next generation of young people who would be forced under this program to go back to Russia and live, not stay in the U.S., and help develop a totally free market system.

Mr. Speaker, these principles are in writing. They have been sent to me by my friend and counterpart in the Russian Duma, Deputy Tsoy, and I now challenge this institution and our leaders to rise to the task and challenge Russia to work with us to really reform the Russian economic system. And I propose that we pass these reforms on the same day, what a historic day that would be, for the first time, to have the Russian parliament and the U.S. Congress pass very tough reform principles that would say to both administrations, you have had it all wrong. You have had six and seven years to help that country get its act together, and you failed miserably. Hundreds of millions and billions of dollars have gone down black holes and disappeared. And while we want to see Russia stabilize itself, you are now going to abide by our principles. You are now going to allow us to play a responsible role in determining the end result of those dollars that are intended to help Russia stabilize itself, to help the Russian economy grow, to help create more jobs, to help improve the quality of life for the Russian people. I think we have a historic opportunity.

I would be happy to yield to my friend and distinguished colleague, the gentleman from Florida, (Mr. WELDON), no relative, by the way.

Mr. WELDON of Florida. I thank the gentleman for yielding. I want to commend the gentleman for the work he has done on behalf of U.S.-Russian relations. I know that many of our colleagues are not fully aware that the gentleman speaks Russian and that he has gone over there, and in particular his interest in applying fundamental market principles and economic principles to the Russian system.

I would agree with the gentleman wholeheartedly that the Clinton administration's policies in this arena have been a failure, and that the administration's pursuit of economic reforms has been very, very misdirected and very, very poorly handled.

I was particularly interested in this issue because of the relationship between what goes on in Russia and the success of a program that is very important to the people in my district, and that is the International Space Station program. I know the gentleman sits on the Committee on Science with me and the gentleman has been a supporter of the Space Station program as well.

We are really at a very, very critical stage in this program. The U.S. elements are being completed and are ready to be launched. The Japanese elements are nearing completion. Our colleagues in Europe, the French and Italians and Germans, have spent billions of dollars on their element. And the Clinton Administration, as part of its overall policy towards Russia, put the Russians in what is referred to as the critical pathway, where the whole success of the program is dependent on the Russians delivering to space their elements.

Their performance to date on this program has been sorrowful indeed. It has actually been pathetic. They have repeatedly delayed their performance. They have not had the tax revenues to fund their elements for the Space Station, and it is driving the program into the red, it is causing the program to run behind, and these economic problems that the Russians are facing are seriously hampering the government's ability to collect taxes and to be able to afford to be a key player in this program.

It is just absolutely truly amazing. Here we are today in 1998, where what was formerly one of the world's leaders in space now looks like they are going to be out of the picture completely if they do not financially turn their problems around. And I agree with the gentleman wholeheartedly that the administration's policies on dealing with the Russian economic problems have been very poor indeed, very bad, and that there really is no thriving domestic policy.

I was wondering if the gentleman would just yield for a question, and that is what are the fundamental tax

policies in the Soviet union or Russia now? As I understand it, they are suffering from the same problems in Russia that this country was facing in the late 1970's, before Ronald Reagan got elected, and that is the tax rates are very high. Indeed, it is actually much worse in their case, because the tax rates are so high that, whereas in the United States high tax rates in the late seventies played a role in dampening economic growth, in the case of Russia not only has it done that, but as well it has driven billions of dollars of the economy into the black market, and by some estimates more than 50 percent of the economic activity in Russia actually is occurring in the black market.

In your course of going over there, were tax rates discussed? What are the tax rates? Are they punishingly high? Is it playing a role? Would indeed the Russian government collect more money in taxes, as the United States government did when it lowered taxes in the early 1980's under Ronald Reagan, stimulating economic growth and, therefore, though the rate was down, the amount of money that came into the Treasury was much greater because the economy grew dramatically, and so it was a win-win situation, the government had more money.

Could that be applied? Could those principles be applied in Russia? Would the Russian government be well-served to try to lower rates substantially and get more of the economy out of the black market and into the taxable market?

Mr. WELDON of Pennsylvania. I understand the gentleman's question. Let me first all applaud him for his work on the Space Station and space research. He had been the leading advocate in the Congress on that issue, and I applaud your performance on the committee. It is second to none on that issue. I applaud you personally.

In terms of Russia and its tax policy, the problem has been they have not had a fair, coherent tax policy at all up until this year. They just in fact passed a new tax code this year which they are in the process of attempting to implement.

In Russia in the past, they have had a myriad of taxes. In fact, in some cases American businesses who are attempting to do joint ventures in Russia may have to pay as many as 15 or 20 different taxes to all kinds of different levels of government with no coordination. In some cases an American company would get involved in a joint venture, only to have the tax structure change while they are in the process of completing that venture, thereby causing companies to not want to invest in Russia.

In fact, we did a comparison between western investment in China and Russia over the past six years, and the difference is unbelievable: $350 billion of western investment in China, and during the same period of time, about $10 billion of western investment in Russia. A lot of that was due to an inconsistent, unfair tax code. That now is being changed and the tax code is now being implemented.

The problem Russia has is not necessarily the rate itself, it is the collection of taxes. Everyone in Russia does not pay taxes. There is not a uniform way of collecting taxes, and the wealthier few in Russia who have largely benefitted from the outside dollars coming in from international monetary organizations, in some cases have paid no taxes at all.

Gasprom, arguably the most successful corporation in Russia, which was a private state entity that has now been allowed to operate as a free market institution, was just recently hit by former Prime Minister Kiriyenko because they owe $2 billion in back taxes. Here you had one of the most successful companies in all of Russia, the leading energy company in Russia. They were not paying their taxes. So the Russian government has not done a good job in collecting taxes, especially from those people and companies who have the ability to pay taxes.

In the end, I think your point is well taken, and that is that lower taxes will eventually allow the economy to grow, but at this point in time it is a more fundamental notion. It is an established tax system that is fair, that is equally applied to everyone, that has tax rates that the wealthiest will pay similar to what the poorer people will pay.

Mr. WELDON of Florida. If the gentleman will yield for another question, as I understand it, another critical problem in Russia is the problem of corruption. I have been a student of this for years, and I have long been of the opinion that one of the things that has caused Latin America, Central and South America to lag behind the West in economic growth for decades is this very problem. In particular, it creates a problem for somebody who wants to go into business, whether it be a foreign investor or even a domestic entity. Not only do they have to deal with all these myriad levels of government and their various taxes, but, in addition to that, layered on top of that, is the unpredictable nature of demands for bribery and payoffs in order to be allowed to do business.

In the course of going over there, does that issue come up in discussions? I personally think that is a major impediment in many countries towards economic growth. For a business to succeed, they need stability. You were alluding to that in the tax code. They need to know what their taxes are going to be.

A key element of that stability is honest government. They cannot have government officials shaking them down and members of organized crime syndicates shaking them down in an unpredictable nature, because it obviously can have dramatic implications in terms of a business's profitability, their ability to reinvest profits into their business, to be able to grow their business, thus creating new jobs and prosperity.

□ 2100

Did this issue come up? Was it discussed in the course of the gentleman's trips to Russia? Does the gentleman think, from what he has seen going over there as many times as he has, does the gentleman think they are taking appropriate steps in terms of dealing with the problem?

Mr. WELDON of Pennsylvania. Mr. Speaker, corruption is a major problem. It comes up all the time in discussions with both elected officials and with our companies who are doing business in Russia and who want to do business there. It is a problem that has been caused by a country that was for decades very centrally controlled by a very well established Communist hierarchy. When that basically fell apart, unfortunately, there were some who took advantage of the situation and some who established criminal elements. Criminal activity does exist in Russia and in some cases it is a severe problem.

Now, what has happened, on a positive note, is that our law enforcement community, Louie Freeh from the FBI and others, have, in fact, taken a very proactive role to assist Russia in learning the kinds of techniques that we use in America to deal with the criminal element, both in the corporate setting as well as in the general populous. In fact, in one of my trips last year, Louie Freeh had a significant portion of his FBI establishment in Moscow for meetings with the senior law enforcement officials throughout Russia. So we are attempting, as well as are other western nations, to assist Russia in getting control of criminal activity. But I would be less than candid if I did not tell the gentleman that it still exists and it still is an impediment to future investment.

In the meeting I had with the State Duma and with the Federal Council members, I raised this issue; they are aware of it. They want to move forward. Part of the problem is until they get the economy solidified, people are going to go out and they are going to raise money any way they can to feed their families and take care of their personal needs, and if that means in some cases resorting to criminal activity, it is going to happen.

A case in point is a meeting I had last year with General Alexander Lebed. I had dinner with him this past week in Moscow, but I met with him 4 or 5 times prior to that. As the gentleman probably knows, General Lebed is now the governor of Krasnoyarsk. He and his brother now are the governors of 2 republics which represent one-third of the land mass of Russia. He was a very decorated military leader in the Russian army.

He told me a year ago in May, he said Curt, you have to understand one very important fact. He said, the most capable Russian admirals and generals from

the Soviet military have, for the most part, left the service, because of the lack of pay and because of the cutbacks in the size of our military, and he said unfortunately, because of our economic problem, they have not been given their back pay. In some cases they have not been given their pensions. In other cases they have not been given any housing assistance.

So here we have senior military leaders who at one time commanded one of the top 2 militaries in the world when they were a superpower who had access to the most capable nuclear technology, which Russia has today, sophisticated weapons, chemical, biological, nuclear capability, and who now feel betrayed by their motherland. General Lebed said to me, what do you expect them to do. If they feel betrayed by their homeland, they are going to go and raise money any way they can in order to take care of their families. Which means in some cases, these foreign military leaders are the very ones selling off technology to raise money to take care of their own personal needs.

That is why those who say we should not worry about Russia have to understand. We have no choice. We have no choice unless we want to see Iraq and Iran and Libya and Syria continue to get chemical weapons, biological weapons, missiles like we just saw Iran test on July 22nd that have a medium range that can hit any place in Israel that eventually will be able to hit portions of the U.S.; unless we want to see continued development of nuclear programs by rogue nations because Russians will sell off that technology. The alternative to not helping Russia stabilize is to basically say we are going to turn our back and let them sell off whatever they need to sell that eventually is going to come back to haunt us. We have no choice but to be engaged with Russia.

But the point is, to be engaged with Russia does not mean we take the policy of this administration and basically work only with the President and basically not be willing to discuss the tough issues that confront our 2 countries, and that is a key, fundamental difference.

But the point the gentleman raises is a significant one. Crime is a continuing problem, but I would say that there are aggressive efforts underway to try to assist Russia in getting control of that situation.

Mr. WELDON of Florida. Mr. Speaker, I thank the gentleman for yielding. I again want to commend the gentleman for his efforts in this arena. It is an irony today to be in a situation as a Nation the United States is where our former Cold War adversary is essentially becoming an economic basket case, and I do believe that we as a body are going to have to wrestle with this issue, and the gentleman's comments at the onset of his Special Order tonight I thought were very, very well taken in that we are not going to be able to avoid trying to deal with this.

The Russians still have a huge amount of nuclear capability, and obviously it is a large Nation with a large number of people, and to have the resurgence of a totalitarian form of government like they previously had under the Marxist-Leninist dictatorship totalitarian type of state would be potentially very, very bad for not only U.S. interests, but as well global interests, because as we all know, that government funded all kinds of revolutions and terrorist activities all over the globe for a period of 70 years.

So there is a tremendous amount at stake for the United States to see to it that there is stability in Russia, and because of that, I think we as a Nation and we as a body, the United States Congress, the House and Senate, are going to have to deal with this issue.

Obviously, from my perspective, representing the east central coast of Florida which includes Kennedy Space Center and home to the shuttle program and where we have many people working on the space station program, this issue is very, very critical to what is going on. Russia now has the ability to affect jobs in my congressional district, and the failure of the Russians to perform on the space station could seriously set back the program, which in turn can affect people's lives in Cape Canaveral and Merritt Island and places like Titusville, all of those communities that are around the space center where literally hundreds and thousands of space center workers work and raise their kids and go to school, their kids go to school.

So I think it is very, very critical that we take leadership and to see the leadership role that the gentleman is taking on this issue, and I commend the gentleman for it and his willingness to try to make a difference.

Let me just close with one other question for the gentleman. The gentleman's assessment of the President's visit over there, the impact, I made some inquiries and discovered that the space station program really was not discussed very much. It came up at the last meeting, and the extent of the conversation was, well, we will leave this problem to the experts in that area. I was very disappointed to hear that that was the extent of the President's discussion with Mr. Yeltsin, considering that this is claimed to be a priority for the administration, claimed to be a program that the administration wants to see succeed, obviously, as a cornerstone of our manned space flight program in the United States, but nonetheless it gets an ''also mentioned'' at the end of a series of meetings and turned over to others to try to work through the problem, when it is obviously a critical problem and it is not being dealt with.

Mr. WELDON of Pennsylvania. Mr. Speaker, the gentleman raises another very valid point. I arrived in Moscow the same day the President was leaving Moscow, and while I did support the President's visit to Russia because we had made the announcement and I thought it would be very ill-timed for him not to go, it would send a very wrong signal that America was abandoning Russia at a time of economic chaos, I do not think much at all was discussed of substance. The agreements that were reached were certainly not earth-shattering agreements in the arms control arena, they were relatively minor additions to a regime that we already have in place, working with the Russians. The space station should have been a major topic because, as my colleague has pointed out, it is a very emotional issue in this body about whether or not we are going to have the ability to continue and complete that project.

I think part of our problem is, and this is something the Russian people may have to deal with, and that is the effectiveness of their President. They are eventually going to have to deal with that issue. I know that is being discussed by many Russians right now, and perhaps that was part of the problem with President Clinton. But I would agree that Russia needs to understand that our continued commitment to their involvement in the space station is very seriously in question right now. We understand the economic problems they are having, but the fact is that we are putting U.S. dollars on the mark, in some cases I think more than perhaps what we originally anticipated, and that Russia is going to have to live up to its part of the bargain, and that should have been a serious topic for discussion by the White House. Why the President did not make that a key issue I just do not understand. It was a very short trip. He was only there for 2 days.

But I thank my colleague for joining with me in this Special Order.

Mr. Speaker, just to sum up, I want to again reiterate that this document was the Russian response to my 8 principles that I took over. It is a solid document.

One point that I did not mention which is worth mentioning to our colleagues because it is significant, in the document and contained within principle 7 is that we should also, through the Commission between the U.S. Congress and the Duma, we also should, and I quote, ''prohibit financing of military industrial complex enterprises from investment funds which have been attracted to accomplish social programs for the Russian population.'' It is another very important principle that we do not use U.S. money and IMF and World Bank money to build more offensive weapons systems, but rather, we use the money to create programs that help people: Housing, mortgages, roads, hospitals, schools. They are the primary intended uses for international assistance to help the Russian economy grow and prosper.

So while the situation in Russia, Mr. Speaker, today is gloomy, being portrayed as being very gloomy by the western media, I think we have an opportunity to chart a new direction. I

think this Congress and the Senate and the Duma and the Federation Council can be the catalysts to chart a new beginning in our relationship with Russia.

But I would be remiss if I did not mention one other concern, an issue that I addressed on my trip to Moscow last week. In the 26 meetings that I had in 5 days, I met with over a dozen Duma deputies from all of the various factions; I met with Governor Lebed; with the mayor of Moscow, Mayor Luzhkov on 2 occasions; met with ministers of the Russian government, Minister Kokoshin, defense minister of housing; the minister of northern regions, and was actually in the Duma on the day that they voted down the nomination of Chernomyrdin.

But one other task that was somewhat troubling to me, and I have to mention again today, if for no other reason that this administration is not even talking about this issue. Our relationship with Russia again has been one that I feel has been too heavily dependent on the 2 Presidents personal feelings towards each other. While that is important, we must build stability beyond just the offices of the President.

In addition, it is my contention that in this country, the administration has been unwilling to confront Russia when problems occur that need to be addressed candidly and openly with a great deal of transparency. In the area of arms control, we have not been willing to confront Russia, and we have evidence of transfers taking place.

Something happened in July that is very troubling to me that this administration should be raising with the administration in Russia. It involved the assassination of one of the senior leaders in the Russian State Duma. I spoke about this issue on the floor of the House the second week of July when we returned from the July 4th break. I spoke about it because the individual who was assassinated had been a friend and a colleague of mine. Lev Rokhlin was the Chairman of the Duma Committee on National Security, the highest elected official in the Russian parliament working defense issues.

□ 2115

He was a very respected Russian, had served in the Russian military, had retired as a two-star general, and had been given the highest award Russia gives to its military personnel, the Hero of Russia award.

In fact, to demonstrate Rokhlin's integrity, he refused to accept the award because at that time the defense minister in Russia was Pavel Grachev, and Lev felt that Pavel Grachev was not an honest individual, was not someone of honor that he felt was appropriate to give him that award, so he actually refused to accept the Hero of Russia award because of who would have had to give it to him.

But Lev served his country well. He ran for the Duma as a member of Yeltsin's own party, Chernomyrdin's party, Naschdom, Our Home is Russia. He won on that ticket. And because the Naschdom party is the second largest faction in the Russian Duma, there are certain committee assignments that they are allowed to fill in terms of the chairmanships. One of those was the chairmanship of the Duma defense committee. Lev Rokhlin assumed that role as a member of Yeltsin's and Chernomyrdin's party.

But in my meetings with Lev Rokhlin, he would always raise the issue of his concern about instability in the Russian military, soldiers not being paid, not being fed. He would say to me, CURT, you have to understand, if they are not paid, these soldiers may do things that cause problems down the road for your country. They may sell off technology. They may get involved in illegal operations.

So he said, you have to understand, it is very important for us to downsize our military in a logical, constructive way. We must maintain the morale of our troops if we are going to continue to downgrade our military, downsize our military in a peaceful process.

Lev Rokhlin was the leading and most outspoken critic of Boris Yeltsin for not providing the adequate funding for that military. Lev Rokhlin a year ago this summer called for the public resignation of Boris Yeltsin. In the fall, he called for the impeachment of Boris Yeltsin, the first elected official in Russia to call for Boris Yeltsin's impeachment. That sent shock waves throughout Russia, because here was one of Yeltsin's own party leaders calling for his impeachment.

I met with Rokhlin in Moscow in November and again in February. I said, Lev, you are making some very provocative statements. Are you not fearful for your safety? He said, CURT, don't worry, they are not going to do anything to me. After all, I am a retired military leader. For 6 months they attempted to remove Lev Rokhlin from the chairmanship of the Duma defense committee. Finally, in June, they accomplished that.

As Lev was keeping his role as a Duma member, but no longer chairman of the defense committee, he was involved in investigating illegal arms sales to Armenia and to other nations from Russia, illegal activity. On July 3rd, three people entered Lev Rokhlin's home and shot him in the head.

When Lev Rokhlin's daughter was called by her mother on the night that he was assassinated, Lev Rokhlin's wife told his daughter that three people came into the house and assassinated her father. The mother further told Lev Rokhlin's daughter, Tamara, that the mother was told she had to accept the blame for the murder or they would murder her, her daughter, their son, and all the family members.

Tamara Rokhlin told her mother, don't worry, I will come over and I will comfort you, and we will find out who killed father. When she got to the home, Mrs. Rokhlin was not there. She was at the local police station. Tamara went to the police station and she saw her mother bruised all over her body, imprisoned. When she talked to her mother, her mother had changed her story. She said, Tamara, I killed your father. I shot him in the head with a pistol in our house.

Tamara said, mother, you didn't. You told me that three people came into our house. You didn't do this. The mother said, I did it. I was the one who killed your father. Tamara then went back and, with a lawyer, assessed the home, looked at the bullet holes, and realized through the evidence that there is no way that her mother could have killed her father, especially in light of the fact that there was a bodyguard in the home for Lev Rokhlin on that night who claimed he heard no shots.

In the ensuing days after the murder of Lev Rokhlin three bodies were found in the vicinity of the Rokhlin household, but before those bodies could be identified, they were cremated by the Moscow governmental authorities. When I went to Moscow this past week on Saturday I met for one and one-half hours with Tamara Rokhlin. I sat there and listened to her and her family tell the story of how her father, awarded the highest award in Russia for service to his country, had been murdered.

The Russian people do not believe the statements of the Russian government, the central government that maintains that Lev Rokhlin was killed by his wife. On the day of Lev Rokhlin's funeral, 10,000 Moscow residents came out in the streets to attend his funeral. The newspaper was filled with stories of people saying there was no way that Lev Rokhlin was killed by his wife.

So my final plea tonight, Mr. Speaker, is not just for these principles involving the IMF and world funding and U.S. funding in Russia, but it is a plea to this administration to live up to its rhetoric. When this administration talks about human rights abuses in China, when it talks about human rights abuses in third world nations, it should also talk about a human rights abuse in a democracy, where an elected leader in their parliament is shot down, I think because of statements he made about the need to impeach the leader of the Russian government. That is unacceptable for any democracy, and it is unacceptable for this country not to talk about this incident openly.

When I went to Moscow, I talked about Lev Rokhlin's murder to everyone that I met. Mr. Speaker, everyone that I met unofficially, off the record, told me the same thing: CURT, we have no doubts. Lev Rokhlin was not murdered by his wife. Lev Rokhlin was murdered by people who did not like what Lev Rokhlin was saying.

The message is simple, Mr. Speaker. If we are going to have a stable, lasting relationship with Russia, we cannot continue to follow the pattern of this

administration. Candor and transparency have to be our cornerstone. These principles in our relationship with Russia are the future way to provide stability for that once great Nation.

FACTS AND PROCEDURES CONCERNING REPORT TO HOUSE OF REPRESENTATIVES OF INDEPENDENT COUNSEL KEN STARR

The SPEAKER pro tempore (Mr. WELDON of Florida). Under a previous order of the House, the gentleman from New York (Mr. SOLOMON) is recognized for 5 minutes.

Mr. SOLOMON. Mr. Speaker, in a few minutes I will file a report with the House of Representatives dealing with information that was delivered to us by the independent counsel, Judge Starr, earlier.

The resolution before us tomorrow will enable the House, through the deliberations of the Committee on the Judiciary, to responsibly review the important materials and to discharge its duty, particularly with respect to the availability of the contents of this communication to Members of Congress, to the public, and to the media.

It is important that the American people learn the facts regarding this matter. As directed by the Speaker, no one, no Member or congressional staff, has seen the communications transmitted yesterday, and they will not until successfully passing this resolution tomorrow.

However, it is the understanding of the Committee on Rules, as outlined in the letter of transmittal from Judge Starr, that the communication contains the following: 445 pages of communications, which is divided into an introduction section, a narrative section, and a so-called ''grounds'' section; another 2,000 pages of supporting material is contained in the appendices, which may contain grand jury testimony, telephone records, videotaped testimony, and other sensitive material; and 17 other boxes of supporting material.

The method of dissemination and potential restrictions on access to this information is outlined in the resolution that will be before the House tomorrow.

The resolution provides the Committee on the Judiciary with the ability to review the communication to determine whether sufficient grounds exist to recommend to the House that an impeachment inquiry be commenced.

The resolution provides for an immediate release of the approximate 445 pages comprising the information I just mentioned before. This will be printed as a House document the minute that this resolution passes the House tomorrow, and will be available to the Members of Congress, the media, and to the public.

As to the receipt of the transcripts and other records protected by the rules of grand jury secrecy, committees of the House have received such information on at least five other occasions, all in the context of impeachment actions. This precedent dates all the way back to 1811, and as recently as the impeachment of two Federal judges in the late 1980s.

The resolution further provides that additional material compiled in the Committee on the Judiciary during the review will be deemed to have been received in executive session, unless it is received in an open session of the Committee on the Judiciary.

Also, access to that executive session material would be restricted to members of the Committee on the Judiciary and such employees of the committee as may be designated by the chairman, after consultation with the ranking minority member.

Finally, the resolution provides that each meeting, each hearing, or disposition of the Committee on the Judiciary will be in executive session unless otherwise determined by the committee. The executive sessions may be attended only by Committee on the Judiciary members and employees of the committee designated by the chairman, again after consultation with the ranking minority member.

The resolution before us tomorrow attempts to strike an appropriate balance between House Members' and the public's interest in reviewing this material, and the need to protect innocent persons.

I might add, Mr. Speaker, that to show how times are changing, at the beginning of our hearing at 5 o'clock we posted this resolution and my opening statements on the website of the Committee on Rules. As of about half hour ago, there had been over 20,000 access requests to that website. That is amazing, and it shows how communications are changing throughout this country.

It is anticipated that the Committee on the Judiciary may require additional procedures or investigative authority to adequately review the communications in the future. It is anticipated that those authorities will be the subject of another resolution coming out of my Committee on Rules next week, midweek, and brought to the floor later on in the week.

It is very important to note that this resolution does not authorize or it does not direct an impeachment inquiry. It is not the beginning of an impeachment process in the House of Representatives. It merely provides the appropriate parameters for the Committee on the Judiciary, the historically proper place to examine these matters, to review this communication and to make a recommendation to the House as to whether to commence an impeachment ''inquiry.''

If this communication from the Independent Counsel should form the basis for future proceedings, it is important for this Committee on Rules to be mindful that Members may need to cast public, recorded, and extremely profound votes in the coming weeks or months. It is our responsibility to ensure that Members have enough information about the contents of the communication to cast informed votes and explain their decision based on their conscience to their constituents.

In summation, let me just say that Democrats and Republicans disagree about many things in this institution, and that is probably the way it should be, but no one disagrees about the honor and the integrity of our friend, the gentleman from Illinois (Mr. HENRY HYDE). He is one of the most judicious members in this body in his role as the chairman of the Committee on the Judiciary, and I have said on many occasions that he would make an excellent Supreme Court Justice. As a matter of fact, I recommended that to former President Ronald Reagan and former President George Bush on a number of occasions.

We are fortunate, however, that he has not been elevated to that position as yet, as he is very much needed at this trying time for the House and for our country.

Likewise, the gentleman from Michigan (Mr. CONYERS) has many years of experience in the Committee on the Judiciary, including service there in the 1974. He is extremely knowledgeable and tenacious, and we look forward to his service and his leadership in this very important matter.

This is a very grave day for the House of Representatives. Indeed, it is a solemn time, I think, for our Nation.

□ 2130

Today we will do what we are compelled to do under the Constitution, not because we desire it but because it is our duty as Members of Congress.

In order to most judiciously fulfill these constitutional duties, I would urge all Members to approach this sensitive matter with the dignity and decorum which befits the most deliberative body in the entire world.

Mr. Speaker, I wanted to bring this to the attention of this body and to the American people. Hopefully, around 10:30 tomorrow morning this resolution will be on the floor. Once it passes, it then will be made available to Members and to the public and to the media as soon as technologically possible.

The chairman and the minority leader today wrote a letter to the independent counsel asking them to make available the computerization of the material which will allow us to immediately, upon passage of this resolution, to then be able to reproduce in both hard copies and over the Web sites the actual resolution that will be passed.

Mr. Speaker, I just might again point out that we have done everything in our power to make sure that this is a bipartisan resolution that is agreed to by an overwhelming number of the Members of this House. I think that it will be tomorrow, and we look forward to having this debate.

EXTENSION OF TIME FOR DEBATE ON HOUSE RESOLUTION 525, PROVIDING FOR DELIBERATIVE REVIEW BY COMMITTEE ON THE JUDICIARY OF COMMUNICATION FROM INDEPENDENT COUNSEL

Mr. SOLOMON. Mr. Speaker, with the concurrence of the gentleman from Massachusetts (Mr. MOAKLEY), the ranking minority member of the Committee on Rules, I ask unanimous consent that when we take up the preferential resolution tomorrow, which contains under the rules of the House only 1 hour of debate, that we extend that period for an additional hour so that the entire debate will be consecutive and will be covered in a 2-hour period.

Mr. Speaker, again, I do have the concurrence of the minority leader and the ranking minority member of the Committee on Rules.

The SPEAKER pro tempore (Mr. WELDON of Florida). Is there objection to the request of the gentleman from New York?

There was no objection.

REPORT ON RESOLUTION PROVIDING FOR DELIBERATIVE REVIEW BY COMMITTEE ON THE JUDICIARY OF COMMUNICATION FROM INDEPENDENT COUNSEL

Mr. SOLOMON, from the Committee on Rules, submitted a privileged report (Rept. No. 105–703) on the resolution (H. Res. 525) providing for a deliberative review by the Committee on the Judiciary of a communication from an independent counsel, and for the release thereof, and for other purposes, which was referred to the House Calendar and ordered to be printed.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BERRY (at the request Mr. GEPHARDT), for today, on account of official business in the district.

Ms. EDDIE BERNICE JOHNSON of Texas (at the request of Mr. GEPHARDT), after 1:30 p.m. today and for the balance of the week, on account of business in the district.

Mr. MCGOVERN (at the request of Mr. GEPHARDT), after 2 p.m. today, on account of attending a funeral.

Mr. SCARBOROUGH (at the request of Mr. ARMEY), after 1:30 p.m. today and for the balance of the week, on account of family obligations.

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. HEFNER) to revise and extend their remarks and include extraneous material:)

Mr. CONYERS, for 5 minutes, today.
Mr. STUPAK, for 5 minutes, today.
Ms. NORTON, for 5 minutes, today.
Mr. MINGE, for 5 minutes, today.
Mr. PALLONE, for 60 minutes, today.
Mr. OWENS, for 60 minutes, today.

(The following Members (at the request of Mr. BILBRAY) to revise and extend their remarks and include extraneous material:)

Mr. JONES, for 5 minutes, today.
Mr. RAMSTAD, for 5 minutes, today.
Mr. PAUL, for 5 minutes, today.
Mr. LUCAS, for 5 minutes, today.
Mr. REDMOND, for 5 minutes, today.
Mr. MORAN of Kansas, for 5 minutes, today.
Mr. ROHRABACHER, for 5 minutes, today.
Mrs. MORELLA, for 5 minutes, on September 11.
Mr. RIGGS, for 5 minutes each, today and September 11.
Mr. DUNCAN, for 5 minutes, today.
Mr. THUNE, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. SOLOMON, for 5 minutes today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. HEFNER) and to include extraneous matter:)

Mr. KIND.
Mrs. MALONEY of New York.
Mr. COYNE.
Mr. RAHALL.
Ms. JACKSON-LEE of Texas.
Mr. LEVIN.
Mr. ETHERIDGE.
Mr. LANTOS.
Mr. CUMMINGS.
Mr. BERRY.
Mrs. CAPPS.
Mr. LIPINSKI, in two instances.
Mr. BARCIA.
Mr. KUCINICH.
Mr. KILDEE.
Mr. WAXMAN.
Mr. OBERSTAR.

(The following Members (at the request of Mr. BILBRAY) and to include extraneous matter:)

Mr. PAPPAS.
Mr. HUNTER.
Mr. DOOLITTLE.
Mr. KING.
Mr. ARCHER.
Mr. PAUL.
Mrs. ROUKEMA.
Mr. TAYLOR of North Carolina.
Mr. SMITH of Oregon.

(The following Members (at the request of Mr. SOLOMON) and to include extraneous matter:)

Mr. SCHAFFER of Colorado.
Mr. BAESLER.

BILLS PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Oversight, reported that that committee did on this day present to the President, for his approval, bills of the House of the following titles:

H.R. 4059. An act making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 1999, and for other purposes.

H.R. 629. An act to grant the consent of the Congress to the Texas Low-Level Radioactive Waste Disposal Compact.

ADJOURNMENT

Mr. SOLOMON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 34 minutes p.m.), the House adjourned until tomorrow, Friday, September 11, 1998, at 9 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

10813. A letter from the Administrator, Grain Inspection, Packers and Stockyards Administration, Department of Agriculture, transmitting the Department's final rule—Official/Unofficial Weighing Service (RIN: 0580–AA55) received September 2, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10814. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; Commonwealth of Kentucky [KY–104–9818a; FRL–6152–9] received August 27, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10815. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision; Yolo-Solano Air Quality Management District [CA 102–0091a; FRL–6150–9] received August 27, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10816. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Maryland; Conditional Limited Approval of Major VOC Source RACT and Minor VOC Source Requirements [MD003–3024a, MD025–3024a, MD066–3024a; FRL–6148–9] received August 27, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10817. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Emergency Revision of the Land Disposal Restrictions (LDR) Treatment Standards for Listed Hazardous Wastes from Carbamate Production [EPA # F–96–P32F-FFFFF; FRL–6134–5] (RIN: 2050–ZA00) received August 28, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10818. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Lead; Fees for Accreditation of Training Programs and Certification of Lead-based Paint Activities Contractors [OPPTS–62158A;FRL–6017–8] (RIN: 2070–AD11) received August 28, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10819. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Public Water System Program; Removal of Obsolete Rule [FRL–6121–7] received August 25, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10820. A letter from the AMD-Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Forbearance from Applying Provisions of the Communications Act to Wireless Telecommunications Carriers [WT Docket No. 98–100] received August 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10821. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Old Forge and Newport Village, New York) [MM Docket No. 97–179 RM–9064] received August 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10822. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments FM Broadcast Stations (Redwood, Mississippi) [MM Docket No. 96–231 RM–8903] received August 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10823. A letter from the AMD-Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Review of the Commission's Rules regarding the main studio and local public inspection files of broadcast television and radio stations [MM Docket No. 97–138, RM–8855, RM–8856, RM–8857, RM–8858, RM–8872] received August 25, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10824. A letter from the AMD—Performance Evaluation and Records Management, Federal Trade Commission, transmitting the Commission's final rule —Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Warrenton and Enfield, North Carolina and La Crosse and Powhatan, Virginia) [MM Docket No. 97–229, RM–9100, RM–9231] received August 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10825. A letter from the Secretary, Federal Trade Commission, transmitting the Commission's final rule—Guides for the Feather and Down Products Industry [16 CFR Part 253] received August 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10826. A letter from the Policy and Regulations Specialist, Fish and Wildlife Service, transmitting the Service's final rule—Subsistence Management Regulations for Public Lands in Alaska, Subpart C & Subpart D—1998–1999 Subsistence Taking of Fish and Wildlife Regulations; Correcting Amendments (RIN: 1018–AE12) received August 25, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10827. A letter from the Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Whiting Closure for the Catcher/Processor Sector [Docket No. 971229312–7312–01; I.D. 072798A] received August 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10828. A letter from the Assistant Administrator, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule— National Marine Sanctuary Program Regulations; Florida Keys National Marine Sanctuary Regulations; Anchoring on Tortugas Bank [Docket 971014245–8190–03] (RIN: 0648–AK45) received August 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10829. A letter from the Assistant Administrator, National Oceanic and Atmospheric Adminstration, transmitting the Administration's final rule— Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Technical Amendment [Docket No. 980716182–8182–01; I.D. 062298C] received August 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10830. A letter from the Assistant Secretary of Commerce and Commissioner of Patents and Trademarks, Department of Commerce, transmitting the Department's final rule—Miscellaneous Changes to Trademark Trial and Appeal Board Rules [Docket No. 970428100–8199–03] (RIN: 0651–AA87) received August 28, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

10831. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Notice 98–41 received August 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10832. A letter from the Senior Attorney, Copyright Office, The Library of Congress, transmitting Activities under the Freedom of Information Act for calendar year 1997, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform and Oversight.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. COBLE: Committee on the Judiciary. H.R.2921. A bill to amend the Communications Act of 1934 to require the Federal Communications Commission to conduct an inquiry into the impediments to the development of competition in the market for multichannel video programming distribution; with amendments (Rept. 105–661, Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

Mr. COBLE: Committee on the Judiciary. H.R.3789. A bill to amend title 28, United States Code, to enlarge Federal Court jurisdiction over purported class actions; with an amendment (Rept. 105–702). Referred to the Committee of the Whole House on the State of the Union.

Mr. SOLOMON: Committee on Rules. House Resolution 525. Resolution providing for a deliberative review by the Committee on the Judiciary of a communication from an independent counsel, and for the release thereof, and for other purposes (Rep. 105–703). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of Rule X and clause 4 of Rule XXII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. NEY (for himself, Mr. BOEHNER, Ms. PRYCE of Ohio, Mr. OXLEY, Mr. HOBSON, Mr. LATOURETTE, Mr. CHABOT, Mr. GILLMOR, Mr. TRAFICANT, Mr. HALL of Ohio, and Mr. STRICKLAND):

H.R. 4537. A bill to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to continue payment of monthly educational assistance benefits to veterans enrolled at educational institutions during periods between terms if the interval between such periods does not exceed eight weeks; to the Committee on Veterans' Affairs.

By Mr. MATSUI (for himself, Mrs. KENNELLY of Connecticut, Ms. MCCARTHY of Missouri, Mrs. THURMAN, Mr. PALLONE, Mr. VENTO, Mr. NEAL of Massachusetts, Ms. DELAURO, Mr. BERMAN, Mrs. LOWEY, Ms. FURSE, Mr. LEWIS of Georgia, Mr. WAXMAN, Mr. HINCHEY, Mr. GUTIERREZ, Mr. BECERRA, and Mr. FARR of California):

H.R. 4538. A bill to amend the Internal Revenue Code of 1986 to provide incentives to reduce energy consumption; to the Committee on Ways and Means.

By Mr. FRANK of Massachusetts:

H.R. 4539. A bill to amend the Immigration and Nationality Act to establish a Board of Visa Appeals within the Department of State to review decisions of consular officers concerning visa applications, revocations and cancellations; to the Committee on the Judiciary.

By Mr. GRAHAM (for himself, Mr. ANDREWS, Mr. HILLEARY, Mr. GEKAS, Mr. BARR of Georgia, and Mr. HOBSON):

H.R. 4540. A bill to amend the Fair Labor Standards Act of 1938 to exempt licensed funeral directors from the minimum wage and overtime compensation requirements of that Act; to the Committee on Education and the Workforce.

By Mr. HOUGHTON:

H.R. 4541. A bill to amend the Internal Revenue Code of 1986 to repeal the limitation on the use of foreign tax credits under the alternative minimum tax; to the Committee on Ways and Means.

By Mrs. JOHNSON of Connecticut (for herself, Mr. SAM JOHNSON of Texas, Mrs. CHENOWETH, Ms. GRANGER, Mr. HOSTETTLER, Mr. LEWIS of Kentucky, Mr. GIBBONS, Mr. HALL of Texas, Mrs. KELLY, Mr. UPTON, Mr. POMBO, Mr. KNOLLENBERG, Mr. COBLE, Mr. RIGGS, Mr. ENGLISH of Pennsylvania, Mr. KINGSTON, Mr. SHAW, Mr. BASS, Mr. PETERSON of Pennsylvania, Mr. PITTS, Mr. SKEEN, Mr. LEWIS of California, Mr. MCKEON, Mr. SESSIONS, Mr. ROHRABACHER, Mr. PACKARD, Mrs. WILSON, Mr. MANZULLO, Mr. REDMOND, Mr. STEARNS, Mr. QUINN, Mr. GILMAN, Mr. HORN, Mr. CASTLE, Mr. LEACH, Mr. CAMP, Mr. BOEHLERT, Mr. LOBIONDO, Mr. SHAYS, Mr. KOLBE, Mr. FOSSELLA, and Mr. FOLEY):

H.R. 4542. A bill to amend the Internal Revenue Code of 1986 to reduce the marriage penalty, to encourage health coverage, to allow the nonrefundable personal credits against the alternative minimum tax, and to extend permanently certain expiring provisions, and to amend the Social Security Act to increase the earnings limitation; to the Committee on Ways and Means.

By Mr. KENNEDY of Rhode Island:

H.R. 4543. A bill to amend section 16 of the United States Housing Act of 1937 to require owners of federally assisted housing to establish standards to prohibit occupancy in such housing by drug and alcohol abusers in the same manner that public housing agencies are required to establish such standards for public housing; to the Committee on Banking and Financial Services.

By Mr. KENNEDY of Rhode Island (for himself and Mr. STUPAK):

H.R. 4544. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to

increase the amount paid to families of public safety officers killed in the line of duty; to the Committee on the Judiciary.

By Ms. MCKINNEY (for herself, Mr. ROHRABACHER, Mr. SMITH of New Jersey, Ms. PELOSI, Mr. PORTER, Mrs. LOWEY, Mr. KENNEDY of Massachusetts, Mr. WOLF, Mr. CAMPBELL, Mr. LEACH, Mr. LANTOS, Mr. BERMAN, Mr. FALEOMAVAEGA, Mr. ENGEL, Mr. MENENDEZ, Mr. PAYNE, Mr. BROWN of Ohio, Mr. HASTINGS of Florida, Mr. HILLIARD, Mr. LUTHER, Mr. ROTHman, Mrs. MORELLA, Mr. RIGGS, Mr. LOBIONDO, Mr. MORAN of Virginia, Mr. DEFAZIO, Ms. FURSE, Mr. ABERCROMBIE, Mr. ALLEN, Mr. ANDREWS, Mr. BARRETT of Wisconsin, Mr. BLUMENAUER, Mr. BLAGOJEVICH, Mr. BONIOR, Mr. BROWN of California, Mr. CARDIN, Mr. CLAY, Mr. CLEMENT, Mr. CLYBURN, Mr. CONYERS, Mr. DELAHUNT, Mr. DIXON, Mr. FARR of California, Mr. FATTAH, Mr. FILNER, Mr. HINCHEY, Ms. NORTON, Ms. HOOLEY of Oregon, Mr. LEWIS of Georgia, Mrs. MALONEY of New York, Mr. MARKEY, Mr. MARTINEZ, Mr. MCDERMOTT, Mr. MCGOVERN, Mr. MEEHAN, Mrs. MEEK of Florida, Mr. MILLER of California, Mr. MINGE, Mr. NADLER, Mr. OLVER, Mr. OWENS, Mr. PASCRELL, Mr. RANGEL, Ms. RIVERS, Ms. ROYBAL-ALLARD, Mr. SERRANO, Ms. SLAUGHTER, Mr. STARK, Mr. STRICKLAND, Mr. STUPAK, Mrs. TAUSCHER, Mr. TIERNEY, Mr. TOWNS, Mr. UNDERWOOD, Mr. VENTO, Ms. WATERS, Mr. WATT of North Carolina, Ms. WOOLSEY, and Mr. WAXMAN):

H.R. 4545. A bill to prohibit United States military assistance and arms transfers to foreign governments that are undemocratic, do not adequately protect human rights, are engaged in acts of armed aggression, or are not fully participating in the United Nations Register of Conventional Arms; to the Committee on International Relations, and in addition to the Committee on National Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. NORWOOD:

H.R. 4546. A bill to provide for the creation of an additional category of laborers or mechanics known as helpers under the Davis-Bacon Act; to the Committee on Education and the Workforce.

By Mr. OBERSTAR:

H.R. 4547. A bill to amend title 49, United States Code, to limit sales of air carrier certificates; to the Committee on Transportation and Infrastructure.

By Mrs. LINDA SMITH of Washington:

H.R. 4548. A bill to make a technical correction to the Columbia River Gorge National Scenic Area Act of 1986; to the Committee on Resources.

By Mr. SOLOMON:

H. Res. 525. A resolution providing for a deliberative review by the Committee on the Judiciary of a communication from an independent counsel, and for the release thereof, and for other purposes; to the Committee on Rules.

By Mr. KIM:

H. Res. 526. A resolution condemning the launching by the Democratic People's Republic of Korea of a ballistic missile in violation of Japanese air space, and for other purposes; to the Committee on International Relations.

By Mr. BLAGOJEVICH:

H. Res. 527. A resolution honoring the centennial of the founding of DePaul University in Chicago, Illinois; to the Committee on Education and the Workforce.

By Mr. DEUTSCH (for himself, Mr. PETERSON of Minnesota, Mr. CONDIT, and Ms. ESHOO):

H. Res. 528. A resolution ordering the immediate printing of the entire communication received on September 9, 1998, from an independent counsel; to the Committee on Rules.

By Mr. NADLER (for himself and Mr. SOLOMON):

H. Res. 529. A resolution to amend the Rules of the House of Representatives to require a bill or joint resolution which amends a law to show the change in the law made by the amendment, and for other purposes; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII,

Mr. PAUL introduced A bill (H.R. 4549) for the relief of the family of H. W. Hawes; which was referred to the Committee on Resources.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 12: Mr. MORAN of Virginia.

H.R. 18: Mrs. MCCARTHY of New York, Mrs. CAPPS, Mr. DIXON, Mr. FOSSELLA, Mr. CHRISTENSEN, Mr. BENTSEN, and Mr. BOB SCHAFFER.

H.R. 27: Mr. SPENCE.

H.R. 40: Mr. PASTOR.

H.R. 44: Mrs. MINK of Hawaii and Mr. SESSIONS.

H.R. 59: Mr. STOKES.

H.R. 65: Mr. ADAM SMITH of Washington.

H.R. 76: Mrs. CAPPS.

H.R. 107: Mr. KUCINICH.

H.R. 145: Mrs. MALONEY of New York and Mr. GUTKNECHT.

H.R. 322: Mr. HAYWORTH.

H.R. 519: Mr. DAVIS of Florida.

H.R. 598: Mr. BILBRAY.

H.R. 612: Mr. TAUZIN.

H.R. 759: Mr. SANDERS.

H.R. 836: Mr. CAMP, Mr. ALLEN, Mr. DIAZ-BALART, Ms. GRANGER, Mr. GREENWOOD, Mr. WALSH, Mr. SKAGGS, and Mr. CRAMER.

H.R. 979: Mr. BOEHLERT, Mr. GILMAN, Mr. BRYANT, Mr. BOYD, Mr. FORBES, and Mr. NUSSLE.

H.R. 1241: Mrs. CAPPS and Mrs. BONO.

H.R. 1289: Ms. LOFGREN.

H.R. 1382: Mr. SANDLIN.

H.R. 1608: Ms. NORTON, Mr. MARKEY, Mr. UNDERWOOD, and Mr. GIBBONS.

H.R. 1628: Mr. MALONEY of Connecticut.

H.R. 1748: Mr. GEJDENSON and Mr. STOKES.

H.R. 1995: Mr. GONZALEZ.

H.R. 2397: Mrs. THURMAN, Mr. ADAM SMITH of Washington, Ms. PRYCE of Ohio, Mr. STENHOLM, Mr. WELDON of Pennsylvania, Mr. HANSEN, Mr. COOK, Mr. MCCOLLUM, Mr. TURNER, Mr. MCINTOSH, Mr. FRANKS of New Jersey, Mr. TRAFICANT, Mr. PAPPAS, Ms. RIVERS, Mr. KLECZKA, Mr. SANDERS, Mr. CAMPBELL, Mr. BARRETT of Wisconsin, Mr. SESSIONS, Mr. HALL of Texas, Mr. DIXON, Mr. MCHALE, Mr. HINCHEY, Mr. ACKERMAN, Mr. COOKSEY, Ms. CARSON, Mr. REDMOND, Mrs. LOWEY, Mr. RILEY, and Mr. ROTHMAN.

H.R. 2524: Ms. PELOSI, Ms. SANCHEZ, Mr. SANDLIN, and Mr. KENNEDY of Rhode Island.

H.R. 2715: Mr. CHRISTENSEN.

H.R. 2721: Mr. GOODE.

H.R. 2819: Mr. DELAHUNT and Mr. CAMPBELL.

H.R. 2821: Mr. MATSUI and Mrs. MORELLA.

H.R. 2912: Mr. HOOLEY of Oregon.

H.R. 2941: Mr. BARTON of Texas.

H.R. 2951: Ms. PELOSI.

H.R. 2955: Mr. SANFORD, Mr. HINOJOSA, Mr. STOKES, Ms. LEE, and Mr. THOMPSON.

H.R. 2990: Mr. HANSEN, Mr. HASTERT, Mr. ROGAN, Mrs. MCCARTHY of New York, Mr. SOLOMON, Mr. CHABOT, Mr. MCCOLLUM, Mr. SMITH of Michigan, Mr. KINGSTON, Mr. MINGE, and Mr. MCNULTY.

H.R. 2995: Mr. RAMSTAD and Mr. JEFFERSON.

H.R. 3077: Mr. BISHOP, Mr. MILLER of California, Mr. DEFAZIO, and Mr. STUPAK.

H.R. 3081: Mr. DICKS, Mr. FALEOMAVAEGA, Mr. SHERMAN, Mr. ALLEN, and Mr. SAWYER.

H.R. 3121: Mr. MCNULTY.

H.R. 3125: Mr. HEFLEY and Mr. INGLIS of South Carolina.

H.R. 3126: Mr. BISHOP.

H.R. 3160: Mr. SHAYS.

H.R. 3177: Mr. OXLEY.

H.R. 3435: Mr. MINGE.

H.R. 3503: Ms. SLAUGHTER, Mr. MORAN of Virginia, Mr. FRANK of Massachusetts, Mr. PAUL, Mr. MARTINEZ, Mr. MATSUI, and Ms. DANNER.

H.R. 3514: Mr. BAESLER, Mr. TIERNEY, Mr. ANDREWS, and Mr. PETERSON of Minnesota.

H.R. 3572: Ms. ROS-LEHTINEN and Mr. TRAFICANT.

H.R. 3636: Mr. FORD.

H.R. 3641: Mr. SAM JOHNSON of Texas and Ms. PRYCE of Ohio.

H.R. 3759: Mr. BROWN of California, Mr. FROST, Mr. OBERSTAR, and Mr. GUTIERREZ.

H.R. 3774: Mr. ALLEN and Mr. NETHERCUTT.

H.R. 3783: Mr. BLUNT and Mr. SANDLIN.

H.R. 3792: Mr. KASICH.

H.R. 3795: Mr. DELAHUNT and Mr. ACKERMAN.

H.R. 3814: Mr. CONDIT and Mr. SERRANO.

H.R. 3835: Mr. GORDON, Mr. BLUNT, Mr. HULSHOF, Mr. MANZULLO, Mr. ACKERMAN, Mr. RUSH, Mrs. TAUSCHER, Mr. GREEN, Mr. BURR of North Carolina, Mr. ENGEL, Mr. DELAHUNT, Mr. HAMILTON, Mr. EHRLICH, Mr. BORSKI, Mr. YATES, Mr. BISHOP, Mr. BOUCHER, Mrs. EMERSON, Mr. COYNE, Mr. CANADY of Florida, Mr. TURNER, Mr. KUCINICH, and Mr. SANDERS.

H.R. 3844: Ms. PRYCE of Ohio.

H.R. 3870: Ms. LOFGREN and Mr. CANADY of Florida.

H.R. 3879: Mrs. FOWLER.

H.R. 3946: Mr. CLAY, Mr. WEXLER, Ms. ROYBAL-ALLARD, Mr. MALONEY of Connecticut, Mr. THOMPSON, Ms. MCCARTHY of Missouri, and Ms. NORTON.

H.R. 3949: Mr. MCKEON.

H.R. 3962: Mr. BAKER.

H.R. 3991: Mr. HYDE AND MR. HILLEARY.

H.R. 4019: Mr. SMITH of Texas.

H.R. 4028: Mr. ENGLISH of Pennsylvania, Mr. HALL of Texas, Mr. HULSHOF, Ms. DEGETTE, Mr. SNYDER, Mr. SHERMAN, Mr. HORN, Mr. SANDERS, Ms. CHRISTIAN-GREEN, Mr. SANDLIN, Mr. TURNER, and Mr. LAFALCE.

H.R. 4030: Mr. SKAGGS.

H.R. 4035: Mr. PASTOR, Mr. TURNER, Mr. BRADY of Pennsylvania, Mr. FOLEY, Mr. DELAHUNT, Ms. CHRISTIAN-GREEN, Mr. ENSIGN, Mr. MALONEY of Connecticut, Mr. MENENDEZ, Mr. LIVINGSTON, Mr. MARTINEZ, Mr. PAYNE, Mrs. ROUKEMA, Mr. KILDEE, Mr. JEFFERSON, Mr. YATES, Mr. MINGE, Ms. SANCHEZ, Mr. GOODLING, Mr. DINGELL, Mr. PETERSON of Minnesota, Mr. DIXON, Mr. RAHALL, Mr. SENSENBRENNER, Mr. TAYLOR of North Carolina, Mrs. MYRICK, Mr. OLVER, Mr. COBURN, Mr. WALSH, Ms. LOFGREN, Mr. WATTS of Oklahoma, Mr. EDWARDS, and Mr. PETRI.

H.R. 4036: Mr. PASTOR, Mr. TURNER, Mr. BRADY of Pennsylvania, Mr. FOLEY, Mr. DELAHUNT, Ms. CHRISTIAN-GREEN, Mr. ENSIGN, Mr. MENENDEZ, Mr. MARTINEZ, Mr. PAYNE, Mrs. ROUKEMA, Mr. KILDEE, Mr. JEFFERSON, Mr. YATES, Mr. MINGE, Ms. SANCHEZ, Mr. DINGELL, Mr. PETERSON of Minnesota,

Mr. DIXON, Mr. RAHALL, Mr. SENSENBRENNER, Mr. TAYLOR of North Carolina, Mrs. MYRICK, Mr. OLVER, Mr. COBURN, Mr. WALSH, Ms. LOFGREN, Mr. EDWARDS, and Mr. PETRI.

H.R. 4039: Mr. SOUDER.

H.R. 4067: Mr. NEY.

H.R. 4093: Ms. CHRISTIAN-GREEN and Mr. SERRANO.

H.R. 4125: Mr. BURTON of Indiana, Mr. HYDE, Mr. JONES, Mr. BACHUS, Mr. GREENWOOD, and Mr. PAXON.

H.R. 4126: Mr. DICKEY.

H.R. 4134: Mr. SANDLIN.

H.R. 4141: Mr. LEWIS of Georgia.

H.R. 4204: Mr. NETHERCUTT and Mr. PORTMAN.

H.R. 4213: Mr. CRANE and Mr. BARTON of Texas.

H.R. 4219: Mr. SNYDER and Ms. STABENOW.

H.R. 4220: Mr. ROTHMAN.

H.R. 4224: Ms. DANNER.

H.R. 4233: Mr. CUMMINGS, Ms. DELAURO, Mr. MORAN of Virginia, and Mr. BERMAN.

H.R. 4240: Mr. ROHRABACHER.

H.R. 4257: Mr. PICKERING, Mr. ADERHOLT, and Mr. KIND of Wisconsin.

H.R. 4275: Mr. CLAY, Mr. KIND of Wisconsin, Ms. MCKINNEY, Mr. DICKEY, Mr. EVANS, Mr. PEASE, Ms. ESHOO, Mr. NORWOOD, Mr. KANJORSKI, Mr. GEJDENSON, Mr. DINGELL, Mr. FATTAH, and Mr. MURTHA.

H.R. 4283: Mr. FRANKS of New Jersey, Mr. FATTAH, Mr. LEVIN, Mr. NADLER, Mr. WYNN, Mr. BISHOP, Mr. FORD, Mr. CLAY, Ms. LEE, Mr. HYDE, and Mr. STOKES.

H.R. 4291: Mr. DELAHUNT, Mr. DIXON, Mr. FARR of California, Mr. FILNER, Mr. KENNEDY of Rhode Island, Mrs. KENNELLY of Connecticut, Mr. KING of New York, Mr. OBERSTAR, Mr. PASTOR, Mr. SAWYER, Mr. UNDERWOOD, and Mr. WAXMAN.

H.R. 4321: Mrs. ROUKEMA.

H.R. 4323: Mr. FALEOMAVAEGA, Ms. PELOSI, Mr. BECERRA, Mr. HINOJOSA, Ms. ROYBAL-ALLARD, Mr. FRANK of Massachusetts, Mr. GUTIERREZ, and Mr. SERRANO.

H.R. 4324: Mr. SKEEN, Mr. CANNON, Mr. MCINNIS, Mr. BLUNT, Mr. FOSSELLA, Mr. CHABOT, Mr. BOB SCHAFFER, Mr. SAM JOHNSON of Texas, Mr. METCALF, Mr. REGULA, Mr. GOODLATTE, Mr. ENSIGN, and Mr. CHRISTENSEN.

H.R. 4339: Mr. CONYERS, Mr. JENKINS, Mr. MALONEY of Connecticut, Mr. NEY, Mrs. MINK of Hawaii, Mr. GEJDENSON, Ms. NORTON, Mr. SANDLIN, Mr. POSHARD, Mr. PETERSON of Minnesota, Mr. BROWN of Ohio, Mr. MARTINEZ, Ms. PELOSI, Mr. DEFAZIO, Mr. BAKER, Mr. DUNCAN, Mr. ANDREWS, Mr. ROMERO-BARCELO, Ms. CARSON, Ms. MCCARTHY of Missouri, Mr. ORTIZ, Mr. CONDIT, and Mr. CALLAHAN.

H.R. 4340: Ms. CARSON, Mr. HILLIARD, Ms. MILLENDER-MCDONALD, and Mr. OLVER.

H.R. 4352: Mr. DEFAZIO, Mr. BOUCHER, and Mr. MCHUGH.

H.R. 4353: Mr. GILLMOR, Mr. GREENWOOD, Mr. WHITE, Mr. DEUTSCH, and Mr. SAWYER.

H.R. 4358: Mr. WATKINS, Mr. MCDERMOTT, Mr. WALSH, Ms. DUNN of Washington, Mr. HINCHEY, Mr. LEVIN, Mr. ENGLISH of Pennsylvania, Mr. ENSIGN, and Mr. BOEHLERT.

H.R. 4391: Mr. NORWOOD.

H.R. 4404: Mr. CANNON, Mr. CLYBURN, Mr. HILLIARD, Mr. SISISKY, and Mr. SPRATT.

H.R. 4433: Mr. MCGOVERN.

H.R. 4446: Mr. INGLIS of South Carolina, Mr. BATEMAN, Mr. BEREUTER, Mr. TANNER, Mr. OXLEY, and Mr. ADAM SMITH of Washington.

H.R. 4447: Mr. DEFAZIO.

H.R. 4455: Mr. EHRLICH, Mrs. MYRICK, Mr. CAMPBELL, Mr. ROGAN, Mr. ROHRABACHER, Mr. BLUNT, Mr. LIVINGSTON, Mr. WAMP, and Mr. OXLEY.

H.R. 4472: Mr. HOUGHTON, Mrs. KELLY, and Mr. TANNER.

H.R. 4476: Mr. MCGOVERN, Mr. DOOLEY of California, Mr. KILDEE, Mrs. MALONEY of New York, Mr. CUMMINGS, Mr. SANDLIN, Mr. HORN, Mr. LAFALCE, and Ms. STABENOW.

H.R. 4480: Mr. BLUMENAUER.

H.R. 4522: Mr. PETERSON of Pennsylvania, Mr. BLILEY, Mr. PACKARD, Ms. GRANGER, Mrs. KELLY, Mr. CAMP, Mr. PORTMAN, and Mr. STUMP.

H. Con. Res. 41: Mr. MCINNIS.

H. Con. Res. 52: Mr. RODRIGUEZ, Mr. FILNER, Mr. NETHERCUTT, Mr. POSHARD, Mr. MURTHA, Mr. COYNE, Mr. RAMSTAD, Ms. LEE, Mr. WAXMAN, Mr. PALLONE, Mr. BOSWELL, and Mr. EVANS.

H. Con. Res. 224: Mr. GILMAN and Mr. SMITH of New Jersey.

H. Con. Res. 229: Mr. BOEHLERT, Mr. CARDIN, Mr. HYDE, Mr. MCCOLLUM, Mrs. MINK of Hawaii, Mrs. MORELLA, Mrs. NORTHUP, Ms. NORTON, Ms. SANCHEZ, and Mr. WICKER.

H. Con. Res. 267: Mr. KENNEDY of Rhode Island and Mr. TALENT.

H. Con. Res. 295: Mr. WALSH, Mr. ENGLISH of Pennsylvania, Mr. SHERMAN, Mr. ROTHMAN, Mr. SMITH of New Jersey, Mr. LANTOS, and Mr. WAXMAN.

H. Con. Res. 315: Mr. FROST, Mr. TRAFICANT, and Mr. FRANK of Massachusetts.

H. Con. Res. 317: Mr. ACKERMAN, Mr. BACHUS, Mr. BALDACCI, Mr. BOYD, Mr. BRADY of Texas, Mr. CALLAHAN, Mr. CLEMENT, Ms. DELAURO, Mr. FARR of California, Mr. FRANK of Massachusetts, Mr. FROST, Mr. HORN, Mr. KENNEDY of Rhode Island, Ms. LEE, Mr. LEWIS of California, Ms. LOFGREN, Mr. LUTHER, Mr. MCDERMOTT, Mr. NEAL of Massachusetts, Ms. NORTON, Mr. OLVER, Mr. SHIMKUS, Mr. SKELTON, Mr. SPRATT, Mr. TRAFICANT, Mr. WALSH, Mr. WATKINS, Mr. WATTS of Oklahoma, Mr. WOLF, Mr. MCNULTY, and Mr. METCALF.

H. Res. 381: Mr. MARTINEZ and Mr. BRADY of Texas.

H. Res. 479: Ms. KILPATRICK, Mrs. MINK of Hawaii, Mr. MARKEY, and Mr. DEFAZIO.

H. Res. 494: Mr. TORRES.

H. Res. 505: Mr. UNDERWOOD, Mr. ABERCROMBIE, Mr. MATSUI, Mrs. MINK of Hawaii, and Mr. KIM.

H. Res. 519: Mr. DIAZ-BALART.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 218: Mr. BILBRAY.

H.R. 3396: Mr. NUSSLE.

H.R. 4006: Mr. LATOURETTE.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 4274

OFFERED BY: MR. GRAHAM

AMENDMENT NO. 6: Page 53, lines 17 and 18, after the dollar amounts, insert the following: ''(reduced by $100,000,000)''.

Page 57, line 17, after each dollar amount, insert ''(increased by $100,000,000)''.