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House of Representatives

The House met at 10 a.m.

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

We affirm in the ancient Psalm of David ''The Lord is my shepherd, I shall not want.'' Oh gracious God, as You are the shepherd of our souls and are with us in all the concerns of life, we ask Your blessing on all who are sick or infirm and who desire to find wholeness and health. Either for ourselves or those who are near and dear to us, we pray that Your healing power will visit all those in need and that our hearts and minds will be open to Your redeeming love. May Your strong arm, O God, give fortitude and strength and assure us always of that peace that passes all human understanding. In Your name we pray. 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.

Mr. GIBBONS. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

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

Mr. GIBBONS. 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. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Colorado (Mr. SCHAFFER) come forward and lead the House in the Pledge of Allegiance.

Mr. SCHAFFER led the Pledge of Allegiance as follows:

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

MESSAGE FROM THE SENATE

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

H.R. 2465. 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, 2000, and for other purposes.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 2465) ''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, 2000, and for other purposes,'' requests a conference with the House on the disagreeing votes of the two Houses thereon and appoints Mr. BURNS, Mrs. HUTCHISON, Mr. CRAIG, Mr. KYL, Mr. STEVENS, Mrs. MURRAY, Mr. REID, Mr. INOUYE, and Mr. BYRD, to be the conferees on the part of the Senate.

The message also announced that the Senate has passed a bill of the following title in which concurrence of the House is requested.

S. 604. An act to direct the Secretary of Agriculture to complete a land exchange with Georgia Power Company.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will receive 15 one-minute speeches on each side.

TRIBUTE TO AIR FORCE SERGEANTS ASSOCIATION

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

Mr. GIBBONS. Mr. Speaker, today I rise with great honor to pay tribute to the Air Force Sergeants Association, a private, not-for-profit organization that diligently represents this Nation's active and retired enlisted men and women of the United States Air Force and their families.

I would like to commend the Air Force Sergeants Association for their extraordinary efforts informing Congress on key personnel and readiness issues and also for promoting programs and policies which recognize the sacrifices of our ''Sierra Hotel'' Air Force enlisted members.

This year, from August 29 through September 3, the Air Force Sergeants Association will convene its annual international convention at the Silver Legacy and Eldorado Hotels in Reno, Nevada. As an Air Force veteran, who knows firsthand the outstanding contributions of our enlisted force, I will be proud and honored to celebrate this occasion with them.

Mr. Speaker, for 38 years, the Air Force Sergeants Association has been an outspoken advocate for Air Force enlisted members, and I thank them for their wonderful efforts. I also want to thank the enlisted men and women from every service who truly are the backbone and soul of our fighting forces.

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REPUBLICANS DOING WRONG IS WORSE THAN DOING NOTHING

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

Mr. DOGGETT. Mr. Speaker, the willingness of House Republicans to jeopardize our economic prosperity, to jeopardize Medicare and Social Security is truly shocking.

Last night, the Republicans on the House Committee on Ways and Means approved a tax bill that is really based on the following principles: First, they will never pay down the over $5 trillion of national debt and will continue to saddle American taxpayers with hundreds of millions of dollars of interest payments each year, the second largest item in the Federal budget.

Second, they will continue taking money that Americans have paid into the Social Security Trust Fund to use for other nonSocial Security purposes.

House Republicans have made an art form this year of doing nothing in this House. But there is one thing worse, and that is doing wrong, doing wrong by Social Security, doing wrong by Medicare, and doing wrong that will interfere with our economic expansion.

Let us say no to this outrageous tax bill that the Republicans are promoting on America.

APA SAYS PRESENCE OF FATHERS IN FAMILIES IS NOT ESSENTIAL

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

Mr. PITTS. Mr. Speaker, the APA has done it again. An article published in the current journal of the American Psychology Association reports that the presence of fathers in families is ''not essential'' and that fathers actually ''may be detrimental to the child and the mother.''

Can you believe this absurdity? Dads are dangerous. So I say to dads, do not bother about running home to play ball or read with your child. According to these psychologists, you will not be missed.

This report is on the heels of the national outrage the APA caused when they published another report stating sexual abuse does not harm children. First, praising pedophilia, now dumbing down dads.

Mr. Speaker, two decades of research support the fact that children who are raised without fathers are at greater risk than children raised with fathers and mothers. In fact, studies of over 25,000 children found that kids who grow up without a father are twice as likely to drop out of school, they are two and a half times as likely to become teen moms, and also the likelihood that a young male will engage in criminal activity doubles.

These studies and hundreds of others uphold that dads do make a difference. When will the APA ever learn?

NEW SURPLUS AND FISCAL DISCIPLINE

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

Mr. LUCAS of Kentucky. Mr. Speaker, the people sent us here to do a job. They sent us here to preserve Social Security and Medicare. We must save Social Security and Medicare first before squandering any of the Social Security surplus or any other government surplus.

Paying down the Federal debt is truly the greatest gift we can give to our children and our grandchildren. Paying down the Federal debt means lower interest rates for a working family, more capital available for small businesses, and a brighter future for our children.

Let us not get carried away with this budget surplus feeding frenzy. Let us remain disciplined, focused, and fiscally conservative. The time to fix the roof is now, while the sun is shining.

WHAT A DIFFERENCE A REPUBLICAN CONGRESS MAKES

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

Mr. BARTLETT of Maryland. Mr. Speaker, what a difference a Republican Congress makes. For 40 years, Congress debated ways to expand government, promising more benefits in exchange for a bit less freedom.

Few, if any, candidates ran on tax increases, but somehow taxes kept getting higher and higher.

Welfare assistance was so broke that even those on welfare knew that the system was seriously wrong, counterproductive, and harmful. Yet, nothing was done.

Then the American people said enough and elected Republicans to the majority in 1994 for the first time in 40 years.

Now we are debating ways to cut taxes, not raise them. Perhaps the most significant achievement is the historic welfare reform bill signed into law in 1996. For millions and millions of families who have moved from welfare to work, they now have hopes for a brighter future, a seemingly impossible dream when despair filled their days and nights. The children in those families now have productive and fulfilling lives to look forward to.

What a difference the Republican Congress makes.

HOW MANY AMERICANS MUST BE VICTIMIZED BEFORE BORDERS ARE SECURE?

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

Mr. TRAFICANT. Mr. Speaker, two Texas women were beaten to death in their own home. They were two of nine victims supposedly killed by the infamous railroad killer from Mexico. The border is wide open. From narcotics to terrorists, the border is wide open.

Tell me, Mr. Speaker, how many more Americans must be murdered in their own home? How many more Americans must die of drug overdoses? How many more Americans must be victimized and live in fear of terrorists? Tell me, Mr. Speaker, how many more Americans must be abused before Congress secures our border? Beam me up.

I yield back a massive problem that can and will not be solved.

TRIBUTE TO VIKKI BUCKLEY

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

Mr. SCHAFFER. Mr. Speaker, I rise today to recognize the life and contributions of Vikki Buckley, Colorado's Secretary of State, who passed away yesterday after suffering an apparent heart attack on Tuesday.

Quoting a friend of hers, ''Vikki's no longer in the hands of doctors. She's now in the arms of God.''

Vikki proudly proclaimed herself to not be a hyphenated American. She held the distinction of being the first black Secretary of State and the first female black candidate elected as a Republican for a statewide constitutional office.

She is an outspoken conservative. Vikki served as the States chief election official and traveled around the State and country speaking out on various issues of importance to her.

Most recently, she gave the opening remarks at the National Rifle Association's annual meeting in Denver. Her speech has been acknowledged nationwide as among the most insightful concerning the heart of humanity and preserving the entire Constitution of the United States, including the second amendment.

I for one got to know Vikki quite well. In 1994, I was a statewide candidate Republican nominee for Lieutenant Governor, and I spent almost the whole year on the campaign trail with Vikki. She is one who cares passionately about her country. She is an inspiration to all who knew her. She was deeply devoted to her family.

Although she is gone and away from us now, her inspiration and memory will inspire Americans for generations to come. I pray that God receives her openly into his heavenly kingdom and that her soul and all of the souls of those who have departed in faith rest in peace.

REPUBLICAN TAX CUT PLAN IS FISCALLY IRRESPONSIBLE

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

Mr. MENENDEZ. Mr. Speaker, the Republican tax cut plan of a trillion dollars is fiscally irresponsible and will leave a legacy of debt and deficit for the next generation of taxpayers, and that is why they only show us charts for the first 5 years of their tax cut plan. They do not show us the last 5 years where the tax cuts will explode and leave us with an enormous gap in the budget.

Their tax cut plan will create higher deficits and, therefore, create higher interest rates for American families and businesses.

That is not a value we Democrats share. Democrats believe that we have to pay down the national debt, and Republicans want a massive tax cut. Democrats value the contribution of seniors who have helped build families and community and who should be able to retire with dignity and health security. That is why we want to pay the debt, extend the life for Social Security and Medicare.

Republicans want to go on a wild tax cut spree that leaves nothing for Medicare, nothing for Social Security, and nothing for our prescription drug program. That is fiscal irresponsibility we cannot have. It is a value we do not share.

DEMOCRATS AND REPUBLICANS DIFFER ON TAX PHILOSOPHIES

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

Mr. BALLENGER. Mr. Speaker, a lot of people say there is not much difference between Democrats and Republicans. But when it comes to taxes, it is clear that there are two quite different philosophies at work which guide the thinking of each side.

Democrats believe that the tax system is primarily a way to redistribute wealth; that is to say, take what belongs to one person and give it to someone else.

□ 1015

Republicans, on the other hand, believe that the tax system is merely what is necessary to raise revenues for the constitutionally required functions of the Federal Government, which is principally to provide the common defense.

Democrats believe that a system that redistributes wealth is more fair than a system whereby people are entitled to the fruits of their labors to the maximum extent possible.

Democrats speak constantly of the fact that the wealthy, never defined, do not need a tax cut. Of course, by that logic a rich person does not need to be paid for any work that he performs. But they fail to recognize that the money earned by the wealthy or the middle class or whomever belongs to them. After all, they earned it.

REPUBLICANS THROW IN THE TOWEL ON SAVING SOCIAL SECURITY, MEDICARE AND PAYING DOWN DEBT

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

Mr. GEORGE MILLER of California. Mr. Speaker, yesterday was a sad day for our Nation, a sad day because the Republicans threw in the towel. They gave up and they capitulated.

Rather than make the tough choices to save Social Security, to save Medicare, and to pay down a $5 trillion debt, Republicans simply gave up and did what they thought was the easy thing to do, provide for an irresponsible tax cut that forecloses the financial future for many, many, many Americans who must rely on Social Security, who must rely on Medicare, and to the next generation that is hoping to have low interest rates, hoping to have a good economy so they can buy a house and form families and raise their children.

But, no, rather than pay down the debt, the Republicans would rather risk high interest rates for the whole Nation and for small businesses. We tried this once in 1980. It has taken us 20 years, I repeat, it has taken us 20 years to dig out of that debt that the Republicans gave us in 1980.

Now, for the first time in history, we have an opportunity to save Social Security, to save Medicare and to pay down the debt. But the Republicans have given up and thrown in the towel. How little courage they have.

REPUBLICANS BELIEVE IN TAX CUTS

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

Mr. CHABOT. Mr. Speaker, there are a lot of Americans who believe that there is not much difference between Democrats and Republicans. Well, there certainly is here in the U.S. House of Representatives.

For example, let us consider taxes. The Democrats, under President Clinton, passed the largest increase in U.S. history back in 1993. The liberals have not stopped praising that tax increase ever since. The liberals are actually happy to raise taxes because that means more revenues for big government and more money to spend on their special interests.

Republicans believe that the government is too big and that Washington politicians have too much power. Republicans passed tax cuts last time and it is our goal to pass additional tax cuts this year. Let us get rid of the unfair marriage penalty, for example. Let us get rid of the death tax. Let us reduce taxes on all Americans.

The difference between Democrats and Republicans here in the House: The Democrats believe that the bureaucrats here in Washington know best how to spend taxpayers' money. Republicans think that the American people are smart enough to know how to spend their own money.

WHEN WE PAY DOWN THE DEBT, AMERICANS GET A REAL BONUS

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

Mr. WYNN. Mr. Speaker, every summer, particularly in election years, Republicans run down to the well and they give us their usual, a big tax break, as though that were the answer to all the problems. They insult the intelligence of many American people.

First, as usual, when we look behind the rhetoric, what we see is a tax break that basically benefits the very wealthy. But this year it is even worse because this is a fiscally irresponsible tax break that undermines our economy and creates higher deficits.

We on the Democratic side of the aisle have an alternative. We believe, number one, we need long-term solutions, not short-sighted and short-thinking solutions. We need solutions that, number one, protect Social Security. We need solutions that, number two, can pay down the debt.

When we pay down the debt the American people get a real bonus, they get lower interest rates, which helps them with buying houses and buying cars. That is what really matters. We need to pay down the debt, help families, help small businesses.

And, third, we need to strengthen Medicare. Now, we will not hear the Republicans say a thing about Medicare. We can strengthen Medicare and provide a prescription drug benefit for our senior citizens. That is the long-term solution, not the short-sighted solution the Republicans are offering.

REPUBLICANS WANT TO GIVE BACK MONEY TO TAXPAYERS; DEMOCRATS WANT TO SPEND IT

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

Mr. WELDON of Florida. Mr. Speaker, the liberal Democrats, the liberal editorial pages, the President, they are all singing off the same sheet of music with remarkable harmony these last few days. They have called the Republican tax cut proposal ''risky.'' I am not surprised.

But for Republicans, what is far riskier is keeping the Federal budget surplus in Washington, D.C. ''Trust us,'' these liberal politicians will say. ''We won't spend it.'' ''Really,'' they say, ''we will use it for debt reduction. Trust us, we won't spend it. Trust us, we won't spend it.''

Now, I really do not know what to say to people who think that politicians in Washington can be trusted not

to spend this pot of money. If the choice is between giving the money back to the people who earned it or spending it, the Democrats will spend it. Republicans will not spend it. They want to give it back to the people who earned it. It is their money in the first place.

DEMOCRATS WANT TO PAY OFF THE DEBT

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

Mr. RANGEL. Mr. Speaker, it is interesting that the last Speaker would say that if the money from the so-called surplus is left in Washington that Americans should not trust us because ''we'' would spend it. The last I heard, the Republicans were the ''we''. The Republicans are in the majority.

If the Republicans are so fractionalized, if they are so disorganized that basically they are saying we should take the surplus and get it out of here as quick as we can and stop us before we hurt the Nation any further, then I understand the argument.

But if it is that no matter what economist we might listen to, no matter what American we might talk to, the whole idea of the surplus is that the President says that we are close to $4 trillion, we now have the ability to pay off some of that debt, and we should do that. And that is what we are talking about on our side.

BIPARTISAN WORKING GROUP TO TAKE COMPREHENSIVE LOOK INTO YOUTH VIOLENCE

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

Mr. WAMP. Mr. Speaker, I am not a fan of these 1-minute speeches. Usually I do not do this. As we can all see, it devolves sometimes into a partisan food fight.

I come today to praise a bipartisan approach to the number one domestic issue, in my opinion, and that is youth violence. At the initiative of the Speaker of the House, working with the gentleman from Missouri (Mr. GEPHARDT), the minority leader, they have appointed a bipartisan working group, 10 Republicans, 10 Democrats, co-chaired by the gentlewoman from Washington (Ms. DUNN) and the gentleman from Texas (Mr. FROST), and I am the vice chairman of this group.

For the next 2 months we will look in a bipartisan way at a comprehensive approach to youth violence. Guns, school security, breakdown of the family, influence of the mass media, a comprehensive approach to do what we can in the Congress to address this critical issue in a bipartisan way.

We need more approaches like this one where we can work together, because we are all serving the same people.

COLLABORATIVE EFFORTS BY ALL LAW ENFORCEMENT AGENCIES PRODUCE RESULTS

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, the suspect for the heinous railroad killings has been caught. Resendez-Ramirez turned himself in to the INS installation in El Paso.

Let me applaud the collaboration of the Federal Bureau of Investigation, with Don Clark leading the effort in Houston, Texas, along with U.S. Marshal Contreras, the Texas Rangers, and, of course, the INS. Collaboration among law enforcement agencies is extremely important.

It is extremely important to recognize that while this alleged perpetrator and killer will probably be indicted for murder, he is not representative of the hard-working, taxpaying immigrants who live in our communities.

Mr. Speaker, I wanted to acknowledge the importance of collaboration between our law enforcement entities and to encourage the continuation of such collaboration which will, hopefully, correct the initial problem that allowed this gentleman, this person, to get away after crossing the border. We must fight illegal immigration but we must recognize the value of those hard-working immigrants.

I want to applaud again the collaborative work of our law enforcement agencies for a job well done.

FAIRNESS IN TAX CODE SHOULD BE ADDRESSED AS WELL AS TAX CUTS

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

Mr. BAIRD. Mr. Speaker, like my colleagues, I want to insist that as we look towards tax changes and towards the budget, we set first and foremost the priority of paying down the debt and of protecting Social Security and Medicare.

But, Mr. Speaker, if we are going to address tax cuts, there is one which we should address first and foremost, and that has to do with restoring fairness to the tax code. Currently, a small number of States subsidize the rest of the Federal Government. Those States in which we have sales tax but no income tax pay higher taxes than those in other States with an income tax. The reason is that those with sales taxes are not allowed to deduct their sales tax from their Federal income tax returns. Some of the States include Washington State, my own, Tennessee, Nevada, Texas, and Florida.

Mr. Speaker, hard-working men and women and their families deserve the same tax break in those States as in the rest of the country. And if we are going to make changes to the tax code, let us begin by restoring fairness, by allowing a simple change to the code and allowing people to deduct either their State income tax or the amount they pay in State sales tax from their Federal tax return.

REPUBLICANS AND DEMOCRATS DIFFER IN CORE BELIEFS

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

Mr. FOSSELLA. Mr. Speaker, today we are hearing the debate as to what we are going to do with the projected taxpayers' surplus. As Americans follow this debate, I think they should just be concerned with where we are going in our core principles.

In the way I view it, we have one side that agrees with personal freedom and the other side that wants more government control; one that says lower taxes, another that says we need higher taxes; limited government versus big government; economic growth versus bureaucratic growth here in Washington; more jobs across America or more red tape that will only stifle growth, stifle inhibition, stifle creativity and decrease the number of jobs.

So as we debate the taxpayers' surplus that the Americans have generated each and every day, let us remind ourselves of what the core principles are: Do we believe in the American people; do we believe in the American spirit; do we believe in economic growth? Or do we believe that total faith on how to spend the taxpayers' money should be made here in Washington?

WE SHOULD CONTINUE DOWN THE PATH OF FISCAL RESPONSIBILITY

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

Mr. LEVIN. Mr. Speaker, I am glad I am coming right after that last 1-minute. It is pure nonsense.

This $864 billion bill that was reported out of the Committee on Ways and Means last night is fiscally irresponsible. It sacrifices the future of Social Security and also of Medicare on the altar of that kind of political hype from the Republicans.

Let me read from a Republican, his comment, the gentleman from Delaware. ''I am not exactly sure in all of this,'' and I quote, ''how Medicare is going to be solved. And there is no consideration for debt retirement; virtually no consideration for emergency spending. This is all very problematical. The size of it creates some real problems.'' And then he goes on to say that it is a political statement.

It is indeed a political statement. It gambles with the future of Social Security and it gambles with the future of Medicare. Look, that is not conservatism, it is fiscal radicalism. We need

to continue on the path of fiscal responsibility.

H.R. 2439, PREVENTING EXHAUSTION OF TELEPHONE NUMBERS AND SAVING MONEY

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

Mr. KUCINICH. Mr. Speaker, for all Americans who are struggling with new telephone area codes, I have introduced a bill, H.R. 2439, to prevent the exhaustion of telephone numbers and save the economy about $150 billion in emergency remedial measures.

If the rate at which new telephone area codes are being introduced continues, we may run out of area codes as soon as the year 2007. If that occurs, we would be forced to add one more digit to all U.S. phone numbers. The FCC and other reliable sources estimates that the cost to the economy of adding an extra digit to all telephone numbers and reprogramming all computer networks and databases to recognize the expanded numbering format could be as high as $150 billion, which is about the same cost as fixing the Y2K bug.

□ 1030

But unlike the Y2K problem, the coming crisis in telephone number allocation is entirely preventable. My bill requires the telephone company to stop wasting potential telephone numbers. It promotes competition by ensuring that consumers can take their telephone numbers with them if they choose to switch carriers. It restores the ability of consumers to dial only seven digits and reach anyone in their area code. And it will save the economy $150 billion in unproductive emergency and preventable remedial action.

AMERICA SCREAMS OUT FOR US TO PROTECT OUR YOUTH

(Ms. EDDIE BERNICE JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, it is troubling, and there is a difference between the two parties. The Democrats want to try to solve Social Security, improve Medicare, and try to secure our youth from guns.

Each day in America 14 kids age 19 and under are killed by guns. In 1996, almost 5,000 juveniles were killed with a firearm. In 1997, 84 percent of the murder victims age 13 to 19 were killed with guns.

Mr. Speaker, 59 percent of the students in grades six through twelve know where to get guns if they want one. And it seems that no one cares about how many they get. Two-thirds of these students say they can acquire a firearm within 24 hours.

It is time, Mr. Speaker, that we address this issue and get on with the concerns of the American people. Kids and guns do not mix, yet Republicans refuse to consider common sense gun safety measures that would only serve to protect kids. It is time for us to do it, Mr. Speaker. America screams out for us to protect our youth.

NO REASON FOR DEMOCRATS TO VOTE DOWN GUN CONTROL BILL

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

Mr. SMITH of Michigan. Mr. Speaker, I would like to follow up the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) on the gun issue.

Many of us felt that it was important to close the loophole at gun shows. The question and the argument centered around the question—Is 24 hours reasonable to have a criminal history check?

I am from Michigan. In Michigan we have required a criminal history check to purchase a hand gun for the last 50 years. So the reasonableness of keeping guns out of the hands of felons is something I think most of us should agree on.

To close the loophole, at gun shows where individuals that are not licensed gun dealers sell guns to other individuals at the show, a law change is necessary. The suggestion that came from the Democratic side of the aisle to require 24 hours for a criminal history check.

I called the FBI. They reported that with the current 3 days, sometimes they miss that an individual has committed a felony. But what happens is the FBI immediately call the ATF, the local law enforcement, because they have committed two felonies. Once in their certification and once taking possession of a gun. They immediately go after them. They prosecute them. They confiscate the gun.

There was no reason for the Democrats to have voted down this gun control bill that would have closed this gun show loop-hole.

REPUBLICAN TRILLION-DOLLAR TAX BILL IS A DISGRACE

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

Mr. LEWIS of Georgia. Mr. Speaker, the Republican trillion-dollar tax bill is a disgrace. It is the height of irresponsibility. It is a trillion-dollar giveaway to the special interests and the high-rollers.

The Republican plan does nothing to protect Social Security. The Republican plan does nothing to strengthen Medicare. The Republican tax scheme does nothing to reduce our national debt.

We are at a crossroads in America. We have an historic opportunity to preserve and protect Social Security, to strengthen Medicare, and to pay down this awful national debt. We should not, we cannot, and we must not let this historic opportunity pass us by.

We have balanced our national budget. We have put our economic house in order. The Republican tax scheme is irresponsible. It does not address our needs, and it will lead us down the road to economic disaster. The Republican plan is a dangerous and dark step backwards. It should be and it must be defeated, Mr. Speaker.

REPUBLICANS BELIEVE AMERICANS CAN BEST DECIDE HOW TO SPEND THEIR MONEY

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

Mr. HAYES. Mr. Speaker, I rise today to simply say, my colleague is wrong. My colleague is questioning the motives of his friends and mine on the other side of the aisle.

We simply say this is the American people's money. They deserve to have it back. It is a very simple story. It is not about motives. It is about the fact that it is their money, they should have it back. It is not where it goes. It is whose it is. It is the American people's money. We have taken it from them.

We firmly believe on our side of the aisle that the American people can best decide how to spend their money, not the Government, not a group of bureaucrats in Washington.

HMO REFORM

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

Mr. LAMPSON. Mr. Speaker, I rise this morning to ask my colleagues to stop lollygagging around and to pass meaningful HMO reform as quickly as possible.

Hundreds of Medicare beneficiaries have been dumped by their Medicare HMOs in Texas. Three healthcare plans that I know of, and there could easily be more, have decided not to renew their contracts with the Healthcare Financing Administration.

This is why Medicare HMO reform is needed ASAP. Congress needs to step up to the plate and enact legislation that ensures quality healthcare coverage for all our Nation's elderly. We need to make sure that treatment decisions are made by doctors, like my brother, not insurance company bureaucrats. Plus, we need to hold HMOs accountable for healthcare decisions that people or their doctors disagree with. We must keep Medicare HMOs at the forefront of this Congressional agenda.

LET US NOT GO OVERBOARD WITH IRRATIONAL TAX CUTS

(Mr. MORAN of Virginia asked and was given permission to address the

House for 1 minute and to revise and extend his remarks.)

Mr. MORAN of Virginia. Mr. Speaker, our message today is really directed at the majority. We are asking them not to shoot themselves in the foot, not to let this wonderful economy be dissipated by policies that are contrary to the public interest, tax cut policies that are counterproductive at best and severely damaging to our economy at worst.

We know that we are enjoying the finest economy that this country has ever experienced. And it can be a sustainable economy. We have had a decade of unprecedented profits and productivity with low inflation and high employment.

The only thing that could kill that prosperity now is a tax cut that was too deep, that was irrational, that gave relatively small amounts of benefit to a lot of people who need them the least. The fact is that too deep a tax cut will arrest the kind of controlled inflation and low unemployment that we are now experiencing. An $800-billion tax cut is too deep.

We can responsibly target our tax cuts and achieve more at ⅓ the revenue cost. We can keep this economy going. We can keep inflation low. Do not give Mr. Greenspan reason to increase interest rates. We have got a good thing going. Let us keep it going. Do not go overboard with an irrational tax cut.

THE JOURNAL

The SPEAKER pro tempore (Mr. HEFLEY). Pursuant to clause 8 of rule XX, the pending business is the question of agreeing to the Speaker's approval of the journal.

The question is on the Speaker's approval of the Journal of the last day's proceedings.

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

Mr. HAYES. 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 346, nays 53, answered ''present'' 2, not voting 33, as follows:

[Roll No. 297]

YEAS—346

Abercrombie
Ackerman
Allen
Andrews
Armey
Bachus
Baird
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Castle
Chabot
Chambliss
Clayton
Clement
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Cox
Coyne
Cramer
Crowley
Cubin
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeGette
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gejdenson
Gekas
Gilchrest
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Kelly
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kuykendall
LaHood
Lampson
Lantos
Largent
Larson
LaTourette
Lazio
Leach
Lee
Levin
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McHugh
McInnis
McIntosh
McIntyre
McKeon
Meehan
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Nethercutt
Ney
Northup
Norwood
Nussle
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pascrell
Paul
Payne
Pease
Pelosi
Peterson (PA)
Petri
Pickering
Pitts
Pomeroy
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Rangel
Reyes
Reynolds
Riley
Rodriguez
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Ryan (WI)
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stark
Stearns
Stenholm
Stump
Stupak
Sununu
Talent
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Upton
Velazquez
Vento
Vitter
Walden
Walsh
Wamp
Watkins
Watt (NC)
Waxman
Weiner
Weldon (FL)
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NAYS—53

Aderholt
Bilbray
Bilirakis
Bonior
Borski
Clay
Clyburn
Costello
Crane
DeFazio
Fattah
Filner
Gephardt
Gibbons
Gillmor
Gutknecht
Hill (MT)
Hilleary
Hilliard
Hinchey
Hulshof
Hutchinson
Kucinich
LaFalce
LoBiondo
McGovern
McKinney
Moran (KS)
Neal
Oberstar
Pallone
Pastor
Peterson (MN)
Phelps
Pickett
Pombo
Ramstad
Rogan
Sabo
Schaffer
Slaughter
Strickland
Sweeney
Tanner
Taylor (MS)
Thompson (CA)
Thompson (MS)
Udall (CO)
Udall (NM)
Visclosky
Waters
Weller
Wu

ANSWERED ''PRESENT''—2

Carson
Tancredo

NOT VOTING—33

Archer
Baldwin
Brown (CA)
Burr
Capuano
Chenoweth
Cummings
Delahunt
Dingell
Dixon
English
Frost
Gutierrez
Hunter
Johnson (CT)
Jones (OH)
Kasich
Kennedy
Latham
Lewis (CA)
McDermott
McNulty
Meek (FL)
Miller, George
Porter
Regula
Rivers
Rush
Ryun (KS)
Stabenow
Thurman
Watts (OK)
Weldon (PA)

□ 1101

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

So the Journal was approved.

The result of the vote was announced as above recorded.

RELIGIOUS LIBERTY PROTECTION ACT OF 1999

Mrs. MYRICK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 245 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 245

Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the bill (H.R. 1691) to protect religious liberty. The bill shall be considered as read for amendment. The amendment recommended by the Committee on the Judiciary now printed in the bill shall be considered as adopted. The previous question shall be considered as ordered on the bill, as amended, and on any further amendment thereto to final passage without intervening motion except: (1) one hour of debate on the bill, as amended, equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary; (2) a further amendment printed in the Congressional Record pursuant to clause 8 of rule XVIII, if offered by Representative Conyers of Michigan or his designee, which shall be considered as read and shall be separately debatable for one hour equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. HEFLEY). The gentlewoman from North Carolina (Mrs. MYRICK) is recognized for 1 hour.

Mrs. MYRICK. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman

from Ohio (Mr. HALL), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Yesterday, the Committee on Rules met and granted the structured rule for H.R. 1691, the Religious Liberty Protection Act.

The rule provides for 1 hour of debate to be equally divided between the chairman and ranking minority member of the Committee on the Judiciary.

The rule waives all points of order against consideration of the bill.

The rule makes in order an amendment in the nature of a substitute if printed in the CONGRESSIONAL RECORD and if offered by the gentleman from Michigan (Mr. CONYERS) or his designee, debatable for 1 hour, equally divided between the proponent and an opponent.

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

Mr. Speaker, this is a fair rule which will permit a thorough discussion of all the relevant issues. In fact, the Committee on the Judiciary considered one amendment during its markup of H.R. 1691, and that amendment is made in order under this rule.

Prior to 1990, Mr. Speaker, the Supreme Court vigorously protected our first amendment freedoms. A State or local government could not impede religious expression unless its laws were narrowly tailored to protect a compelling government interest. In 1990, this all changed. In the case of Employment Division v. Smith, the Supreme Court ruled that churches are subject to all generally applicable and civil laws as long as the laws were not enacted in a blatant attempt to suppress religious expression.

The potential impact of the Smith case is frightening. Now police can arrest a Catholic priest for serving communion to minors in violation of a State's drinking laws. Local officials can force an elderly lady to rent her apartment to an unwed or homosexual couple in violation of her Christian beliefs. Our law enforcement officials can conduct an autopsy on an Orthodox Jewish victim in violation of the family's religious beliefs.

Mr. Speaker, this is wrong, and it has to be changed. The Religious Liberty Protection Act would essentially overturn the Smith decision and return religious expression to its rightful place.

Under H.R. 1691, State and local officials must narrowly draft their commerce regulations so they do not penalize religion. In addition, under the bill anyone who receives Federal grant moneys cannot then turn around and discriminate against religion, and State and local governments cannot adopt land use laws that treat religious organizations differently than secular organizations. There are legitimate health and safety reasons for local governments to make zoning decisions, but religious discrimination is not one of them.

I urge my colleagues to support this rule and to support the underlying legislation.

Again I repeat:

The Committee on the Judiciary considered only one amendment during its markup of H.R. 1691, and that amendment is made in order under this rule.

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

Mr. HALL of Ohio. Mr. Speaker, I yield myself such time as I may consume, and I want to thank my colleague, the gentlewoman from North Carolina (Mrs. MYRICK), for yielding me the time.

Mr. Speaker, this is a structured rule. It will allow for consideration of H.R. 1691, which is called the Religious Liberty Protection Act. As my colleague from North Carolina has explained, this rule provides 1 hour of general debate to be equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. The rule permits only one amendment which may be offered by the ranking minority member of the Committee on the Judiciary or his designee.

The bill restricts States or local governments from passing laws that impose a substantial burden on an individual's rights to practice his or her religion. The bill attempts to reverse the effects of a Supreme Court decision which made it easier for States to interfere with religious freedom. This bill balances the right of individuals to practice their religion against the need of the States to regulate the conduct of their citizens. The bill attempts to give the right to practice religion the same kind of protected status as the right of free speech.

I want to call attention to the enormous support this bill has received from the religious community. It is supported by more than 70 religious and civil liberty groups including Protestant, Catholic, Jewish and Muslim groups. I do not think I have ever seen one piece of legislation unite so many different religious organizations as this bill has done.

America was founded by people who wanted to practice their religion free from government interference, and I am pleased to be a cosponsor of this bill because I think it will protect the basic American right, freedom of religion.

Mr. Speaker, the bill has broad bipartisan support and was adopted in an open committee process. I urge adoption of the rule and the bill.

Mrs. MYRICK. Mr. Speaker, I yield 3½ minutes to the gentleman from Texas (Mr. PAUL).

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

Mr. PAUL. Mr. Speaker, I rise in support of this rule but in opposition to the bill.

Mr. Speaker, as a legislature of enumerated powers, Congress may enact laws only for constitutionally authorized purposes. Despite citing the general welfare and commerce clause, the purpose of H.R. 1691 is obviously to ''protect religious liberty.'' However, Congress has been granted no power to protect religious liberty. Rather, the first amendment is a limitation on congressional power. The first amendment of the United States Constitution provides that Congress shall make no law prohibiting the free exercise of religion, yet H.R. 1691 specifically prohibits the free exercise of religion because it authorizes a government to substantially burden a person's free exercise if the government demonstrates some nondescript, compelling interest to do so.

The U.S. Constitution vests all legislative powers in Congress and requires Congress to define government policy and select the means by which that policy is to be implemented. Congress, in allowing religious free exercise to be infringed using the least restrictive means whenever government pleads a compelling interest without defining either what constitutes least restrictive or compelling interest delegates, to the courts legislative powers to make these policy choices constitutionally reserved to the elected body.

Nowhere does H.R. 1691 purport to enforce the provisions of the fourteenth amendment as applied to the States. Rather, its design imposes a national uniform standard of religious liberty protected beyond that allowed under the United States Constitution, thereby intruding upon the powers of the State to establish their own policies governing protection of religious liberty as preserved under the tenth amendment. The interstate commerce clause was never intended to be used to set such standards for the entire Nation.

Admittedly, instances of State government infringement of religious exercise can be found in various forms and in various States, most of which, however, occur in government-operated schools, prisons and so-called government enterprises and as a consequence of Federal Government programs. Nevertheless, it is reasonable to believe that religious liberty will be somehow better protected by enacting national terms of infringement, a national infringement standard which is ill-defined by a Federal legislature and further defined by Federal courts, both of which are remote from those whose rights are likely to be infringed.

If one admires the Federal government's handling of the abortion question, one will have to wait with even greater anticipation to witness the Federal government's handiwork with respect to religious liberty.

To the extent governments continue to expand the breadth and depth of their reach into those functions formally assumed by private entities, governments will continue to be caught in a hopeless paradox where intolerance of religious exercise in government facilities is argued to constitute establishment and, similarly, restrictions of

religious exercise constitute infringement.

Mr. Speaker, our Nation does not need an unconstitutional Federal standard of religious freedom. We need instead for government, including the courts, to respect its existing constitutional limitations so we can have true religious liberty.

Mr. MOAKLEY. Mr. Speaker, I yield 7 minutes to the gentleman from Texas (Mr. EDWARDS).

□ 1115

Mr. EDWARDS. Mr. Speaker, I rise in support of this rule and this bill, the Religious Liberty Protection Act. The first 16 words of the Bill of Rights were carefully chosen by our Founding Fathers to protect the religious freedom of all Americans. The words are these: ''Congress shall pass no law respecting an establishment of religion or prohibiting the free exercise thereof.''

For over 200 years those words and the principles they represent have given Americans a land of unprecedented religious freedom and tolerance. The establishment clause was intended to prohibit government from forcing religion upon citizens. The free exercise clause was designed to keep government from limiting any citizen's rights to exercise his or her own religious faith.

In recent weeks, I have been greatly concerned about congressional efforts that I felt would undermine the establishment clause and consequently tear down the wall of separation between church and State. Our Nation's religious community has been seriously divided on these issues. However, the legislation today does not focus on the establishment clause. Rather, it focuses on the importance of the free exercise clause of the First Amendment.

I would suggest that the freedom to exercise one's religious beliefs is the foundation for all other freedoms we cherish as Americans. Without freedom of religion, the freedom of speech, press, and association lose much of their value.

It is a commitment to the free exercise of religion that has united over 70 religious and civil rights organizations in support of this bill. It is the free exercise of religion that has united religious groups in support of this legislation that have been badly divided on so many other religious measures recently before this House.

I will greatly respect Members of this House who cannot support this legislation today because I believe religious votes should be a matter of conscience, not of party. However, I am gratified to see so many diverse religious organizations coming together on this particular issue. Organizations from the Anti-Defamation League to the Christian Coalition, numerous organizations such as the American Jewish Committee, the American Congress, the Methodist church, the Southern Baptist Convention, groups that have very seldom come together in recent days, have come together in the support of the free exercise of individual American's religious rights.

Mr. Speaker, the point I make in listing some of these organizations in support of this is not to say any Member must or should support this bill because of these religious groups' endorsement. My point is that this legislation was put together on a broad-based nonpartisan basis. Its intent was to protect religion, not to deal in partisan issues. The common bond of these diverse religious groups on this issue measure is that they all believe that government should have to show a compelling reason to limit any citizen's religious rights. I agree with those groups.

More importantly, I believe the Founding Fathers intentionally began the First Amendment with the protection of religious rights because they recognized the fundamental role of religious freedom in our society.

Now, I have been interested to see that some local and State officials have argued recently that this legislation might inconvenience them. Let me say that I agree. In fact, if they will reread the Bill of Rights, the Bill of Rights was written precisely to inconvenience governments. The Bill of Rights was written to make it inconvenient to step on the religious rights of citizens in this country.

For that reason, I think this is a measure that should pass for the very precise reason that it does inconvenience local and State governments in their efforts as mentioned by the gentlewoman from North Carolina (Mrs. MYRICK) in her speech, their efforts to limit the rights of Americans in their religious exercise.

Others, Mr. Speaker, might argue in good faith that this bill will be used by some religious groups to defend discrimination based on sexual orientation. I can only say that it is neither my intent as a primary cosponsor of this bill nor the intent of the religious groups with whom I have met to design a bill for that purpose. Our intent is rather to build into the statutes a shield against government regulations that would limit religious freedom. Our intent, in the words of Rabbi David Sapperstein, is to clarify, quote, ''A universal, uniform standard of religious freedom.''

This legislation protects the right of government entities to limit religious actions if there is a compelling interest to do so. Court cases have clearly established, for example, that protecting against race and gender discrimination are compelling State interests, as are safety and health protections in the laws.

In the real world I recognize there are sometimes direct conflicts between one citizen's right and another citizen's right. That is why we have the judicial system, a system that can look at those issues on a case-by-case basis. I believe the judicial system, rather than the legislative system, is the best way to determine those specific cases.

Consequently, personally I believe it would be a mistake for Congress in this bill to try to define who does and who does not have protected religious rights or to exclude certain circumstances from free exercise protections under this bill. Whether intended or not, and I do not think it is intended, such an action could in some cases relegate religious rights to a secondary status, something I do not think our Founding Fathers intended when they chose the first words of the first amendment to protect religious liberty.

To my Democratic colleagues who will vote for the Nadler amendment, I respect your decision. No one in this House has been a stronger defender of religious liberty and civil rights in Congress than the gentleman from New York (Mr. NADLER), and I respect his genuine concerns about possible conflicts between religious rights and other rights.

However, if the gentleman's amendment fails, I would hope that Members who supported his amendment would vote for final passage of this bill. The need to protect religious freedom and to do it today is real. It is important. This bill can still be modified in the Senate, in the conference committee, and Members can make their final decision on passage at that time. But the principle of protecting religious freedom in my opinion is too important to delay.

Mr. Speaker, no bill is perfect. I do not suggest this bill meets that impossible standard. But I believe the Religious Liberty Protection Act deserves our support because it protects the fundamental principle that government must have compelling reason to limit the religious rights of individual citizens. I can find few reasons more compelling to support any legislation before this House.

Mrs. MYRICK. Mr. Speaker, I yield 3 minutes to the gentleman from Missouri (Mr. BLUNT).

Mr. BLUNT. Mr. Speaker, I rise in support of this rule and of the legislation and certainly in support of the remarks just made by the gentleman from Texas (Mr. EDWARDS) that were so well said in this area.

This is clearly an area that needs protection. It is an area where local governments constantly in recent years have fought in the face of what we consider to be First Amendment rights. A small church in Florida was ordered to stop its feeding ministry for feeding the homeless.

In Greenville, South Carolina, home Bible study was banned in communities that could still have at the exact same locations Tupperware parties. When local ordinances ban Bible study but allow Tupperware parties there is some significant violation of the First Amendment there.

A family in Michigan was tried under criminal statutes because they educated their children at home for religious reasons and did not have certification. In Philadelphia, Pennsylvania,

Christian day care centers were threatened with closure if they did not change their hiring practices which barred them from hiring non-Christians, but these were Christian day care centers.

In Douglas County, Colorado, officials tried to limit the operational hours of churches. A local community college required a loyalty oath that made it impossible for Jehovah witnesses whose faith instructs against taking those oaths to go to work at that facility. Certain fire and police stations promulgate a blanket of no beards rules which interferes with, among other groups, Muslim firefighters.

Mr. Speaker, these infringements on religious liberty are significant. They are not pervasive yet, but they are certainly prevalent. This bill allows churches in places like Rolling Hills Estates, California, to build in an area that was zoned commercial where the churches are told they cannot build if they want to, but adult businesses and adult massage parlors can be built in this same area of that community.

The RLPA would allow an orthodox Jewish community to build their houses of worship within walking distance of their neighborhoods. It would allow prison ministries, which have had such a great impact all over the country, to continue to do efforts and prison programming that are currently threatened. This would also deal with the question of land-use regulation that so affects religious practice in communities today.

Mr. Speaker, I would like to enter into the RECORD, as I conclude my comments in support of this rule, I would like to enter into the RECORD a list that is even more inclusive than the list that was just referred to by the gentleman from Texas of religious groups that really cover a broad, broad spectrum of religious activity and association in this country who are in favor of H.R. 1691, and I am sure would also encourage the passage of this rule so we can get on to this important debate.

ORGANIZATIONS AND SUPPORTERS OF R.L.P.A.

Agudath Israel of America
The Alepha Institute
American Baptist Churches USA
American Center for Law and Justice
American Conference on Religious Movements
American Ethical Union, Washington Ethical Action Office
American Humanist Association
American Jewish Committee
American Jewish Congress
American Muslim Council
Americans for Democratic Action
Americans for Religious Liberty
Americans United for Separation of Church & State
Anit-Defamation League
Association of Christian Schools International
Association on American Indian Affairs
Baptist Joint Committee on Public Affairs
B'nai B'rith
Campus Crusade for Christ
Catholic League for Religious and Civil Rights
Central Conference of American Rabbis
Christian Church (Disciples of Christ)
Christian Coalition
Christian Legal Society
Christian Science Committee on Publication
Church of the Brethren
Church of Jesus Christ of Latter-day Saints
Church of Scientology International
Coalition for Christian Colleges and Universities
Council of Jewish Federations
Council on Religious Freedom
Council on Spiritual Practices
Criminal Justice Policy Foundation
Episcopal Church
Ethics & Religious Liberty Commission of the Southern Baptist Convention
Evangelical Lutheran Church in America
Family Research Council
Focus on the Family
Friends Committee on National Legislation
General Conference of Seven-day Adventists
Guru Gobind Singh Foundation
Hadassah, the Women's Zionist Organization of American, Inc.
Interfaith Religious Liberty Foundation
International Association of Jewish Lawyers and Jurists
International Institute for Religious Freedom
Japanese American Citizens League
Jerry Falwell's Liberty Alliance
Jewish Council for Public Affairs
The Jewish Policy Center
The Jewish Reconstructionist Federation
Justice Fellowship
Kay Coles James
Liberty Counsel
Mennonite Central Committee U.S.
Muslim Prison Foundation
Muslim Public Affairs Council
Mystic Temple of Light, Inc.
NA'AMATUSA
National Association for the Advancement of Colored People
National Association of Evangelicals
National Campaign for a Peace Tax Fund
National Committee for Public Education and Religious Liberty
National Council of Churches of Christ in the USA
National Council of Jewish Women
National Council on Islamic Affairs
National Jewish Coalition
National Jewish Commission on Law and Public Affairs
National Native American Prisoner's Rights Advocacy Coalition
National Sikh Center
Native American Church of North America
Native American Rights Fund
Native American Spirit Correction Project
Navajo Nation Corrections Project
North American Council For Muslim Women
Pacific Justice Institute
People For the American Way Action Fund
Peyote Way Church of God
Presbyterian Church (USA), Washington Office
Prison Fellowship Ministries
Rabbinical Council of America
Religious Liberty Foundation
Rutherford Institute
Sacred Sites Inter-faith Alliance
Soka-Gakkai International—USA
Union of American Hebrew Congregations
Union of Orthodox Jewish Congregations of America
Unitarian Universalist Association of Congregations
United Church of Christ, Office for Church in Society
United Methodist Church, Board of Church & Society
United States Catholic Conference
United Synagogue of Conservative Judaism
Women of Reform Judaism, Federation of Temple Sisterhood

Mrs. MYRICK. Mr. Speaker, I yield 3 minutes to the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. Mr. Speaker, I thank the gentlewoman from North Carolina (Mrs. MYRICK) for yielding me this time.

Mr. Speaker, I rise in support of the rule on H.R. 1691 and also for the subsequent legislation. What this legislation attempts to do is put some common sense in the murky waters of the First Amendment regarding the separation of church and state. And we can say, well it ought to be crystal clear. But that water is murky, and it will remain murky.

Mr. Speaker, a couple of examples: we all remember the debate several years ago about nursing homes that receive Medicare not being able to have in their advertising in the Yellow Pages religious symbols if they have a religious, faith-based organization that supports the nursing home. If they want to use a cross in the Yellow Pages, that is a violation.

The prayer-in-school issue, and this does not really affect these directly, but I am trying to prove a point about the murky water. Should kids be allowed to pray in school, nondenomination school prayer? There have been lots of cases on this, but let us look at the case of Littleton, Colorado. If a teacher were huddled in the classroom while gun shots were outside the door and in a room safely with kids and that teacher said, ''Can we bow our heads and say a prayer,'' as the shots were fired outside the door, they are not allowed to do that.

Mr. Speaker, the point is there is murky water in the question of religion, prayer, and the role of the State. And what this does in a narrowly defined area, and that area which was really opened up by the Employment Division versus Smith decision in 1990, it simply tries to put some common sense into it by saying that the local laws, the laws of the State cannot interfere with religious beliefs.

I think it is a very small step. It is a very carefully balanced bill. It is crafted. It is not, in terms of public prayer, a significant public religion-type bill at all. This again is just a very slight adjustment and it tries to put common sense in it.

Mr. Speaker, I urge my colleagues to support this. It is bipartisan and I hope that we can move it and get back to some of the other issues that are before Congress.

Mrs. MYRICK. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Florida (Mr. CANADY), the subcommittee chairman.

Mr. CANADY of Florida. Mr. Speaker, I thank the gentlewoman from North Carolina (Mrs. MYRICK) for yielding me this time. And I thank all the members of the Committee on Rules for their bipartisan support for the rule that is before the House now. I would particularly like to also thank the gentleman from Texas (Mr. EDWARDS) for

his leading role in sponsoring this legislation.

Mr. Speaker, I want to respond very briefly to a point that the gentleman from Texas (Mr. PAUL), my good friend, raised concerning our government being a government of enumerated powers. I certainly agree with him on that point and this bill is by no means inconsistent with the principle that we are a government of enumerated powers.

Indeed, this bill is carefully drafted with that principle in mind and is carefully based on specific enumerated powers of the Congress which are set forth in the United States Constitution.

□ 1130

In using the enumerated powers that are in this bill, we are following well-established tradition with respect to the use of those same powers to protect civil rights other than the free exercise of religion.

We use the commerce clause in this bill to protect the free exercise of religion. That same power is used in the 1964 Civil Rights Act to protect against discrimination in employment and public accommodations.

We use the spending clause in this bill to protect against the infringement of religious freedom. That same power is used once again in the 1964 Civil Rights Act under title VI of that Act to prevent discrimination in programs at the State and local level, which receive Federal funds.

We also use section 5 of the 14th amendment, which was used previously in the civil rights context to protect voting rights. So we are following in a well-established tradition of protecting civil rights using enumerated powers of the Congress under our Constitution.

This bill is carefully crafted. I want to thank the Members of the Committee on Rules for bringing forward a rule which allows for the consideration of this bill, and I urge all Members to support the rule and to support the bill on final passage, without amendment.

Mr. MOAKLEY. Mr. Speaker, I yield 5 minutes to the gentleman from Michigan (Mr. CONYERS), the ranking member of the committee.

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

Mr. CONYERS. Mr. Speaker, I want to thank the distinguished gentleman from Massachusetts (Mr. MOAKLEY), the ranking member of Committee on Rules, for granting me the time.

Religious freedom has been one of the cornerstones of American democracy, of course, since our founding. Like the Members of this body, I believe all of them, I am committed to preserving religious freedom.

So we have before us soon today, first of all, we have a rule which I am in support of, but the bill, well-intentioned as it is, may cause far more harm than good. Because, instead of limiting religious discrimination, it will allow for an increase in other forms of discrimination. Instead of enhancing constitutional protections, it may very well run afoul of the Constitution itself.

I would like to take a moment or two to explain this. A letter came to me from the American Civil Liberties Union that started out working with a coalition supporting this bill. It was multiracial, multireligious. But now the Religious Liberty Protection Act is being opposed by the Civil Liberties organization because it does not include explicit language ensuring that the language will not undermine the enforcement of civil rights laws.

The Congress should not break from its long-standing practice, they say, of refraining from undermining or preempting State civil rights laws that are more protective of civil rights sometimes than even Federal law.

So the opposition by the Civil Liberties organization is, unless this bill is corrected and amended to protect civil rights laws, and I think the substitute of the gentleman from New York (Mr. NADLER) would accomplish this, we would have a very serious problem.

The Civil Liberties Union goes on to say that,

> We are no longer a part of the coalition supporting the Religious Liberty Protection Act because we could not ignore the potentially severe consequences that it may have on State and local civil rights laws. And although we believe that courts should find civil rights laws compelling and uniform enforcement of these laws the least restrictive means, we know that at least several courts have already rejected that position.
>
> We have found that landlords across the country have been using State religious liberty claims to challenge the application of State and local civil rights laws protecting persons against marital status discrimination.
>
> Now, none of these claims involve owner-occupied housing. All of the landlords owned many investment properties that were outside of the State laws exemptions for small landlords. These landlords are companies. And they all sought to turn the shield of religious exercise protection into a sword against civil rights prospective tenants.

So, Mr. Speaker, we want to consider an alternative, an improvement, if possible, to this measure. Without this improvement, I think this is a serious regression in both religious liberty and in civil rights protections as well.

Remember, if you will, that a measure that will lead to an increase in discrimination, because whenever a party is sued for discrimination, this bill will allow in effect, the religious liberty defense, it will in effect allow a defendant to say, I have discriminated because my religion allowed me to do it. My religion made me do it.

This is a right no other citizen or government can assert. So the bill is so sweeping that this new defense will not only apply to religious institutions themselves but to companies and corporations as well.

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

Mrs. MYRICK. Mr. Speaker, I am very pleased to hear all of the speakers today say they are in support of the rule. This is a fair rule, and I urge all of my colleagues to do the same.

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.

Mr. CANADY of Florida. Mr. Speaker, pursuant to House Resolution 245, I call up the bill (H.R. 1691) to protect religious liberty, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). Pursuant to House Resolution 245, the bill is considered read for amendment.

The text of H.R. 1691 is as follows:

H.R. 1691

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 ''Religious Liberty Protection Act of 1999''.

SEC. 2. PROTECTION OF RELIGIOUS EXERCISE.

(a) GENERAL RULE.—Except as provided in subsection (b), a government shall not substantially burden a person's religious exercise—

(1) in a program or activity, operated by a government, that receives Federal financial assistance; or

(2) in any case in which the substantial burden on the person's religious exercise affects, or in which a removal of that substantial burden would affect, commerce with foreign nations, among the several States, or with Indian tribes;

even if the burden results from a rule of general applicability.

(b) EXCEPTION.—A government may substantially burden a person's religious exercise if the government demonstrates that application of the burden to the person—

(1) is in furtherance of a compelling governmental interest; and

(2) is the least restrictive means of furthering that compelling governmental interest.

(c) REMEDIES OF THE UNITED STATES.—Nothing in this section shall be construed to authorize the United States to deny or withhold Federal financial assistance as a remedy for a violation of this Act. However, nothing in this subsection shall be construed to deny, impair, or otherwise affect any right or authority of the Attorney General or the United States or any agency, officer, or employee thereof under other law, including section 4(d) of this Act, to institute or intervene in any action or proceeding.

SEC. 3. ENFORCEMENT OF CONSTITUTIONAL RIGHTS.

(a) PROCEDURE.—If a claimant produces prima facie evidence to support a claim alleging a violation of the Free Exercise Clause or a violation of a provision of this Act enforcing that clause, the government shall bear the burden of persuasion on any element of the claim; however, the claimant shall bear the burden of persuasion on whether the challenged government practice, law, or regulation burdens or substantially burdens the claimant's exercise of religion.

(b) LAND USE REGULATION.—

(1) LIMITATION ON LAND USE REGULATION.—

(A) Where, in applying or implementing any land use regulation or exemption, or system of land use regulations or exemptions, a government has the authority to make individualized assessments of the proposed uses

to which real property would be put, the government may not impose a substantial burden on a person's religious exercise, unless the government demonstrates that application of the burden to the person is in furtherance of a compelling governmental interest and is the least restrictive means of furthering that compelling governmental interest.

(B) No government shall impose or implement a land use regulation in a manner that does not treat religious assemblies or institutions on equal terms with nonreligious assemblies or institutions.

(C) No government shall impose or implement a land use regulation that discriminates against any assembly or institution on the basis of religion or religious denomination.

(D) No government with zoning authority shall unreasonably exclude from the jurisdiction over which it has authority, or unreasonably limit within that jurisdiction, assemblies or institutions principally devoted to religious exercise.

(2) FULL FAITH AND CREDIT.—Adjudication of a claim of a violation of the Free Exercise Clause or this subsection in a non-Federal forum shall be entitled to full faith and credit in a Federal court only if the claimant had a full and fair adjudication of that claim in the non-Federal forum.

(3) NONPREEMPTION.—Nothing in this subsection shall preempt State law that is equally or more protective of religious exercise.

SEC. 4. JUDICIAL RELIEF.

(a) CAUSE OF ACTION.—A person may assert a violation of this Act as a claim or defense in a judicial proceeding and obtain appropriate relief against a government. Standing to assert a claim or defense under this section shall be governed by the general rules of standing under article III of the Constitution.

(b) ATTORNEYS' FEES.—Section 722(b) of the Revised Statutes (42 U.S.C. 1988(b)) is amended—

(1) by inserting ''the Religious Liberty Protection Act of 1998,'' after ''Religious Freedom Restoration Act of 1993,''; and

(2) by striking the comma that follows a comma.

(c) PRISONERS.—Any litigation under this Act in which the claimant is a prisoner shall be subject to the Prison Litigation Reform Act of 1995 (including provisions of law amended by that Act).

(d) AUTHORITY OF UNITED STATES TO ENFORCE THIS ACT.—The United States may sue for injunctive or declaratory relief to enforce compliance with this Act.

SEC. 5. RULES OF CONSTRUCTION.

(a) RELIGIOUS BELIEF UNAFFECTED.—Nothing in this Act shall be construed to authorize any government to burden any religious belief.

(b) RELIGIOUS EXERCISE NOT REGULATED.—Nothing in this Act shall create any basis for restricting or burdening religious exercise or for claims against a religious organization, including any religiously affiliated school or university, not acting under color of law.

(c) CLAIMS TO FUNDING UNAFFECTED.—Nothing in this Act shall create or preclude a right of any religious organization to receive funding or other assistance from a government, or of any person to receive government funding for a religious activity, but this Act may require government to incur expenses in its own operations to avoid imposing a burden or a substantial burden on religious exercise.

(d) OTHER AUTHORITY TO IMPOSE CONDITIONS ON FUNDING UNAFFECTED.—Nothing in this Act shall—

(1) authorize a government to regulate or affect, directly or indirectly, the activities or policies of a person other than a government as a condition of receiving funding or other assistance; or

(2) restrict any authority that may exist under other law to so regulate or affect, except as provided in this Act.

(e) GOVERNMENTAL DISCRETION IN ALLEVIATING BURDENS ON RELIGIOUS EXERCISE.—A government may avoid the preemptive force of any provision of this Act by changing the policy that results in the substantial burden on religious exercise, by retaining the policy and exempting the burdened religious exercise, by providing exemptions from the policy for applications that substantially burden religious exercise, or by any other means that eliminates the substantial burden.

(f) EFFECT ON OTHER LAW.—In a claim under section 2(a)(2) of this Act, proof that a substantial burden on a person's religious exercise, or removal of that burden, affects or would affect commerce, shall not establish any inference or presumption that Congress intends that any religious exercise is, or is not, subject to any other law.

(g) BROAD CONSTRUCTION.—This Act should be construed in favor of a broad protection of religious exercise, to the maximum extent permitted by its terms and the Constitution.

(h) SEVERABILITY.—If any provision of this Act or of an amendment made by this Act, or any application of such provision to any person or circumstance, is held to be unconstitutional, the remainder of this Act, the amendments made by this Act, and the application of the provision to any other person or circumstance shall not be affected.

SEC. 6. ESTABLISHMENT CLAUSE UNAFFECTED.

Nothing in this Act shall be construed to affect, interpret, or in any way address that portion of the first amendment to the Constitution prohibiting laws respecting an establishment of religion (referred to in this section as the ''Establishment Clause''). Granting government funding, benefits, or exemptions, to the extent permissible under the Establishment Clause, shall not constitute a violation of this Act. As used in this section, the term ''granting'', used with respect to government funding, benefits, or exemptions, does not include the denial of government funding, benefits, or exemptions.

SEC. 7. AMENDMENTS TO RELIGIOUS FREEDOM RESTORATION ACT.

(a) DEFINITIONS.—Section 5 of the Religious Freedom Restoration Act of 1993 (42 U.S.C. 2000bb–2) is amended—

(1) in paragraph (1), by striking ''a State, or subdivision of a State'' and inserting ''a covered entity or a subdivision of such an entity'';

(2) in paragraph (2), by striking ''term'' and all that follows through ''includes'' and inserting ''term 'covered entity' means''; and

(3) in paragraph (4), by striking all after ''means,'' and inserting ''conduct that constitutes the exercise of religion under the first amendment to the Constitution; however, such conduct need not be compelled by, or central to, a system of religious belief; the use, building, or converting of real property for religious exercise shall itself be considered religious exercise of the person or entities that use or intend to use the property for religious exercise.''.

(b) CONFORMING AMENDMENT.—Section 6(a) of the Religious Freedom Restoration Act of 1993 (42 U.S.C. 2000bb–3(a)) is amended by striking ''and State''.

SEC. 8. DEFINITIONS.

As used in this Act—

(1) the term ''religious exercise'' means conduct that constitutes the exercise of religion under the first amendment to the Constitution; however, such conduct need not be compelled by, or central to, a system of religious belief; the use, building, or converting of real property for religious exercise shall itself be considered religious exercise of the person or entities that use or intend to use the property for religious exercise;

(2) the term ''Free Exercise Clause'' means that portion of the first amendment to the Constitution that proscribes laws prohibiting the free exercise of religion and includes the application of that proscription under the 14th amendment to the Constitution;

(3) the term ''land use regulation'' means a law or decision by a government that limits or restricts a private person's uses or development of land, or of structures affixed to land, where the law or decision applies to one or more particular parcels of land or to land within one or more designated geographical zones, and where the private person has an ownership, leasehold, easement, servitude, or other property interest in the regulated land, or a contract or option to acquire such an interest;

(4) the term ''program or activity'' means a program or activity as defined in paragraph (1) or (2) of section 606 of the Civil Rights Act of 1964 (42 U.S.C. 2000d–4a);

(5) the term ''demonstrates'' means meets the burdens of going forward with the evidence and of persuasion; and

(6) the term ''government''—

(A) means—

(i) a State, county, municipality, or other governmental entity created under the authority of a State;

(ii) any branch, department, agency, instrumentality, subdivision, or official of an entity listed in clause (i); and

(iii) any other person acting under color of State law; and

(B) for the purposes of sections 3(a) and 5, includes the United States, a branch, department, agency, instrumentality or official of the United States, and any person acting under color of Federal law.

The SPEAKER pro tempore. The amendment printed in the bill is adopted.

The text of H.R. 1691, as amended, is as follows:

H.R. 1691

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 ''Religious Liberty Protection Act of 1999''.

SEC. 2. PROTECTION OF RELIGIOUS EXERCISE.

(a) GENERAL RULE.—Except as provided in subsection (b), a government shall not substantially burden a person's religious exercise—

(1) in a program or activity, operated by a government, that receives Federal financial assistance; or

(2) in any case in which the substantial burden on the person's religious exercise affects, or in which a removal of that substantial burden would affect, commerce with foreign nations, among the several States, or with Indian tribes; even if the burden results from a rule of general applicability.

(b) EXCEPTION.—A government may substantially burden a person's religious exercise if the government demonstrates that application of the burden to the person—

(1) is in furtherance of a compelling governmental interest; and

(2) is the least restrictive means of furthering that compelling governmental interest.

(c) REMEDIES OF THE UNITED STATES.—Nothing in this section shall be construed to authorize the United States to deny or withhold Federal financial assistance as a remedy for a violation of this Act. However, nothing in this subsection shall be construed to deny, impair, or

otherwise affect any right or authority of the Attorney General or the United States or any agency, officer, or employee thereof under other law, including section 4(d) of this Act, to institute or intervene in any action or proceeding.

SEC. 3. ENFORCEMENT OF CONSTITUTIONAL RIGHTS.

(a) PROCEDURE.—If a claimant produces prima facie evidence to support a claim alleging a violation of the Free Exercise Clause or a violation of a provision of this Act enforcing that clause, the government shall bear the burden of persuasion on any element of the claim; however, the claimant shall bear the burden of persuasion on whether the challenged government practice, law, or regulation burdens or substantially burdens the claimant's exercise of religion.

(b) LAND USE REGULATION.—

(1) LIMITATION ON LAND USE REGULATION.—

(A) Where, in applying or implementing any land use regulation or exemption, or system of land use regulations or exemptions, a government has the authority to make individualized assessments of the proposed uses to which real property would be put, the government may not impose a substantial burden on a person's religious exercise, unless the government demonstrates that application of the burden to the person is in furtherance of a compelling governmental interest and is the least restrictive means of furthering that compelling governmental interest.

(B) No government shall impose or implement a land use regulation in a manner that does not treat religious assemblies or institutions on equal terms with nonreligious assemblies or institutions.

(C) No government shall impose or implement a land use regulation that discriminates against any assembly or institution on the basis of religion or religious denomination.

(D) No government with zoning authority shall unreasonably exclude from the jurisdiction over which it has authority, or unreasonably limit within that jurisdiction, assemblies or institutions principally devoted to religious exercise.

(2) FULL FAITH AND CREDIT.—Adjudication of a claim of a violation of the Free Exercise Clause or this subsection in a non-Federal forum shall be entitled to full faith and credit in a Federal court only if the claimant had a full and fair adjudication of that claim in the non-Federal forum.

(3) NONPREEMPTION.—Nothing in this subsection shall preempt State law that is equally or more protective of religious exercise.

SEC. 4. JUDICIAL RELIEF.

(a) CAUSE OF ACTION.—A person may assert a violation of this Act as a claim or defense in a judicial proceeding and obtain appropriate relief against a government. Standing to assert a claim or defense under this section shall be governed by the general rules of standing under article III of the Constitution.

(b) ATTORNEYS' FEES.—Section 722(b) of the Revised Statutes (42 U.S.C. 1988(b)) is amended—

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(c) PRISONERS.—Any litigation under this Act in which the claimant is a prisoner shall be subject to the Prison Litigation Reform Act of 1995 (including provisions of law amended by that Act).

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(c) CLAIMS TO FUNDING UNAFFECTED.—Nothing in this Act shall create or preclude a right of any religious organization to receive funding or other assistance from a government, or of any person to receive government funding for a religious activity, but this Act may require government to incur expenses in its own operations to avoid imposing a burden or a substantial burden on religious exercise.

(d) OTHER AUTHORITY TO IMPOSE CONDITIONS ON FUNDING UNAFFECTED.—Nothing in this Act shall—

(1) authorize a government to regulate or affect, directly or indirectly, the activities or policies of a person other than a government as a condition of receiving funding or other assistance; or

(2) restrict any authority that may exist under other law to so regulate or affect, except as provided in this Act.

(e) GOVERNMENTAL DISCRETION IN ALLEVIATING BURDENS ON RELIGIOUS EXERCISE.—A government may avoid the preemptive force of any provision of this Act by changing the policy that results in the substantial burden on religious exercise, by retaining the policy and exempting the burdened religious exercise, by providing exemptions from the policy for applications that substantially burden religious exercise, or by any other means that eliminates the substantial burden.

(f) EFFECT ON OTHER LAW.—In a claim under section 2(a)(2) of this Act, proof that a substantial burden on a person's religious exercise, or removal of that burden, affects or would affect commerce, shall not establish any inference or presumption that Congress intends that any religious exercise is, or is not, subject to any other law.

(g) BROAD CONSTRUCTION.—This Act should be construed in favor of a broad protection of religious exercise, to the maximum extent permitted by its terms and the Constitution.

(h) SEVERABILITY.—If any provision of this Act or of an amendment made by this Act, or any application of such provision to any person or circumstance, is held to be unconstitutional, the remainder of this Act, the amendments made by this Act, and the application of the provision to any other person or circumstance shall not be affected.

SEC. 6. ESTABLISHMENT CLAUSE UNAFFECTED.

Nothing in this Act shall be construed to affect, interpret, or in any way address that portion of the first amendment to the Constitution prohibiting laws respecting an establishment of religion (referred to in this section as the ''Establishment Clause''). Granting government funding, benefits, or exemptions, to the extent permissible under the Establishment Clause, shall not constitute a violation of this Act. As used in this section, the term ''granting'', used with respect to government funding, benefits, or exemptions, does not include the denial of government funding, benefits, or exemptions.

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(1) in paragraph (1), by striking ''a State, or subdivision of a State'' and inserting ''a covered entity or a subdivision of such an entity'';

(2) in paragraph (2), by striking ''term'' and all that follows through ''includes'' and inserting ''term 'covered entity' means''; and

(3) in paragraph (4), by striking all after ''means,'' and inserting ''any exercise of religion, whether or not compelled by, or central to, a system of religious belief, and includes (A) the use, building, or conversion of real property by a person or entity intending that property for religious exercise; and (B) any conduct protected as exercise of religion under the first amendment to the Constitution.''.

(b) CONFORMING AMENDMENT.—Section 6(a) of the Religious Freedom Restoration Act of 1993 (42 U.S.C. 2000bb–3(a)) is amended by striking ''and State''.

SEC. 8. DEFINITIONS.

As used in this Act—

(1) the term ''religious exercise'' means any exercise of religion, whether or not compelled by, or central to, a system of religious belief, and includes (A) the use, building, or conversion of real property by a person or entity intending that property for religious exercise; and (B) any conduct protected as exercise of religion under the first amendment to the Constitution;

(2) the term ''Free Exercise Clause'' means that portion of the first amendment to the Constitution that proscribes laws prohibiting the free exercise of religion and includes the application of that proscription under the 14th amendment to the Constitution;

(3) the term ''land use regulation'' means a law or decision by a government that limits or restricts a private person's uses or development of land, or of structures affixed to land, where the law or decision applies to one or more particular parcels of land or to land within one or more designated geographical zones, and where the private person has an ownership, leasehold, easement, servitude, or other property interest in the regulated land, or a contract or option to acquire such an interest;

(4) the term ''program or activity'' means a program or activity as defined in paragraph (1) or (2) of section 606 of the Civil Rights Act of 1964 (42 U.S.C. 2000d–4a);

(5) the term ''demonstrates'' means meets the burdens of going forward with the evidence and of persuasion; and

(6) the term ''government''—

(A) means—

(i) a State, county, municipality, or other governmental entity created under the authority of a State;

(ii) any branch, department, agency, instrumentality, subdivision, or official of an entity listed in clause (i); and

(iii) any other person acting under color of State law; and

(B) for the purposes of sections 3(a) and 5, includes the United States, a branch, department, agency, instrumentality or official of the United States, and any person acting under color of Federal law.

The SPEAKER pro tempore. After 1 hour of debate on the bill, as amended, it shall be in order to consider the further amendment printed in the CONGRESSIONAL RECORD if offered by the gentleman from Michigan (Mr. CONYERS) or his designee, which shall be considered read and debatable for 1 hour, equally divided and controlled by the proponent and an opponent.

The gentleman from Florida (Mr. CANADY) and the gentleman from Michigan (Mr. CONYERS) each will control 30 minutes.

The Chair recognizes the gentleman from Florida (Mr. Canady).

Mr. CANADY of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 1691, the Religious Liberty Protection Act, is legislation designed to ensure that the free exercise of religion is not trampled on by the insensitive and heedless actions of government. It is supported by a broad coalition of more than 70 religious and civil rights groups, ranging from the Christian Coalition and Campus Crusade for Christ to the National Council

of Churches and People for the American Way.

This legislation has been introduced and is now being considered by the House because the Supreme Court has taken, as Professor Douglas Laycock has aptly described it, ''the cramped view that one has a right to believe a religion, and a right not to be discriminated against because of one's religion, but no right to practice one's religion.''

The purpose of this bill is to use the constitutional authority of the Congress to help ensure that people do have a right, respected by government at all levels, to practice their religion. The supporters of the bill recognize that the free exercise of religion has been a hallmark of the American system of constitutional government and that Congress has a responsibility to protect the free exercise of religion to the maximum extent practicable.

In considering the need for this legislation, it is important to understand that, at least in some respects, protection for religious liberty in America does remain strong. The Supreme Court has recognized that governmental actions which target religion for adverse treatment run afoul of the protections afforded by the first amendment of our Constitution.

As Justice Kennedy, writing in 1993 for the Court in the City of Hialeah case, stated: ''Legislators may not devise mechanisms, overt or disguised, designed to persecute or oppress a religion or its practices.'' Protection against such religious persecution or oppression clearly is a core purpose of the first amendment proscription of laws prohibiting the free exercise of religion.

But we are here today because in another important respect the religious practice of Americans have been denied protection by the Supreme Court of the United States. Let it be clearly understood that we are not here to change the scope of the protections afforded by the free exercise provision of the first amendment. That is not the purpose of the Religious Liberty Protection Act.

Instead, the purpose of this legislation is to use the recognized powers of the Congress under the Constitution to fill a gap in the protections available to people of faith in America who, in fact, face substantial burdens imposed by government on their religious practices.

We do not seek to alter the protections the Supreme Court has determined to be required by the first amendment but to provide separate and additional protections.

Mr. Speaker, I will not now rehearse the detailed history of the judicial and legislative actions that have brought us to this day, but a brief word about that background is necessary to put today's debate in proper context.

In 1990, the Supreme Court in Employment Division v. Smith held that governmental actions under neutral laws of general applicability, which is laws that do not target religion for adverse treatment, are not ordinarily subject to challenge under the free exercise clause, even if they result in substantial burdens on religious practice.

Prior to the Smith decision, the Court had for many years recognized, as the Court said in 1972 in Wisconsin v. Yoder, that a ''regulation neutral on its face may, in its application, nonetheless offend the constitutional requirement for government neutrality if it unduly burdens the free exercise of religion.''

Yoder was a case that dealt with the adverse impact of a compulsory school attendance law on the religious practices of the Amish. It did not involve circumstances in which government had targeted religion for adverse treatment.

In Yoder, the Court explained that ''the essence of all that has been said and written on the subject is that only those interests of the highest order and those not otherwise served can overbalance legitimate claims to a free exercise of religion.''

The shorthand description of the standard applied in Yoder and similar cases is the compelling interest/least restrictive means test.

In response to widespread public concern regarding the impact of the Smith decision, the Congress in 1993 passed the Religious Freedom Restoration Act, frequently referred to as RFRA. This legislation sought to require application of the compelling interest/least restrictive means test to governmental actions that substantially burden religious exercise.

RFRA was based in part on the power of Congress under section 5 of the 14th amendment to enforce, by appropriate legislation, the provisions of the 14th amendment with respect to the States. The provisions of the first amendment are applied to the States by virtue of the 14th amendment.

□ 1145

The Supreme Court in 1997 in the City of Boerne versus Flores case held that Congress had gone beyond its proper powers under Section 5 of the 14th Amendment in enacting RFRA.

The Religious Liberty Protection Act, which is before the House today, approaches the issue of protecting free exercise in a way that will not be subject to the same challenge that succeeded in the Boerne case.

The heart of the bill, which is now before the House, is in Section 2, where the general rule is established that government may not substantially burden a person's religious exercise even if the burden results from a rule of general applicability, unless the government demonstrates that application of the burden is in furtherance of a compelling governmental interest and is the least restrictive means of furthering that interest. As I have noted, the same test was adopted by Congress in the Religious Freedom Restoration Act, and a similar compelling interest test was applied by the Supreme Court for many years until it was abandoned by the court in 1990.

As set forth in Section 2, this general rule is applicable in two distinct contexts. First, it applies where a person's religious exercise is burdened ''in a program or activity operated by the government that receives Federal financial assistance.'' This provision closely tracks title VI of the Civil Rights Act of 1964, which prohibits discrimination on the ground of race, color, or national origin under ''any program or activity receiving Federal financial assistance.''

Second, the general rule under Section 2 is applicable where the burden on a person's religious exercise affects interstate commerce, or where the removal of the burden would affect interstate commerce. As with the provision on Federal financial assistance, this provision follows in the tradition of the civil rights laws. It uses the commerce power to protect the civil right of religious exercise as the Civil Rights Act of 1964 uses the commerce power to protect against discrimination in employment and public accommodations.

The provisions of the bill requiring application of the compelling interest/least restrictive means test are based on the conviction that government should accommodate the religious exercise of individuals and groups unless there are compelling reasons not to do so.

Application of this test will not mean that a religious claimant will necessarily win against the government. And that is a very important point to understand. Indeed, in a great many cases the government will be able to establish that it has acted on the basis of a compelling interest using the least restrictive means, and thus justify the burden it has imposed on the free exercise of religion.

Under the test provided for in the bill, however, the religious claimant will not automatically lose because the burden on the free exercise of religion is imposed by a neutral law of general applicability. The mere absence of an intention to persecute the religious claimant will not be sufficient to justify the governmental action.

Section 3 of the bill contains additional safeguards for religious exercise. The provisions in Section 3 are remedial measures designed to prevent the violation of the Free Exercise Clause of the Constitution as that provision of the Constitution has been interpreted by the Supreme Court. In this Section, Congress acts within the scope of the enforcement power under Section 5 of the 14th Amendment as interpreted by the Supreme Court.

Subsection (a) of Section 3 provides that once a claimant makes a prima facie case of a free exercise violation and shows a substantial burden, the burden of persuasion will shift to the government.

Subsection (b) establishes certain limitations on land-use regulations. These provisions are necessary to effectively remedy the pervasive pattern, a

pattern well documented in the hearings of the Subcommittee on the Constitution of the Committee on the Judiciary, of discriminatory and abusive treatment suffered by religious individuals and organizations in the land-use context.

These limitations include a provision requiring application of the compelling interest/least restrictive means test ''when the government has the authority to make individualized assessments of the proposed uses to which real property will be put.'' This provision follows the principle articulated by the Supreme Court in the Smith case that ''where the State has in place a system of individualized determinations or individual exemptions, it may not refuse to extend that system to cases of 'religious hardship' without compelling reason.''

Under Subsection (b), land-use regulations must treat religious assemblies or institutions on equal terms with nonreligious assemblies or institutions and must not ''discriminate against any assembly or institution on the basis of religion or religious denomination.'' In addition, a zoning authority may not ''unreasonably limit'' or ''unreasonably exclude'' assemblies or institutions principally devoted to religious exercise.

I would like to make a comment about the impact of this bill on local land use. The impact of this bill on local land use, I believe, will be the same as the impact that was intended by the Religious Freedom Restoration Act. So there is no real difference between the purpose of this bill with respect to land use and the Religious Freedom Restoration Act, which the Congress passed with an overwhelming vote of support.

It is important to understand that we should not casually interfere with local land-use decisions, but I believe that where fundamental rights are at stake, the Federal Government does have an important role to play. And based on the record of abuse that we have seen in this particular context, I believe that the actions that we would take under this bill to protect the free exercise of religion in the local land-use context are very well justified.

I would point out that those particularly who are committed to using Federal power to protect property rights against infringement at the local land-use level should certainly be no less willing to use Federal power to protect against local actions which infringe on the free exercise of religion.

Finally, in summarizing the bill, let me point out that the bill amends the Religious Freedom Restoration Act of 1993 to conform with the holding of the Supreme Court in the Boerne case. This provision of the bill recognizes the legal reality that after Boerne the courts will apply RFRA solely to the Federal Government and not to the States.

Now, I have discussed the legal concepts involved in this legislation, but I should also mention some examples of the types of cases where the enforcement of neutral rules of general application may be challenged under the bill. We have heard some reference to such examples already, but let me cite to the Members of the House a catalogue of cases that Professor Michael McConnell has gathered. These are cases which were decided under RFRA before the Boerne decision.

While RFRA was on the books, successful claimants included a Washington, D.C. church whose practice of feeding a hot breakfast to homeless men and women reportedly violated zoning laws; a Jehovah's Witness who was denied employment for refusing to take a loyalty oath; the Catholic University of America, which was sued for gender discrimination by a canon-law professor denied tenure; a religious school resisting a requirement that it hire a teacher of a different religion; a Catholic prisoner who was refused permission to wear a crucifix; and a church that was required to disgorge tithes contributed by a congregant who later declared bankruptcy.

The same sorts of cases would be affected by this legislation.

Mr. Speaker, the goal of protecting the ability of Americans freely to practice their religion according to the dictates of conscience is deeply rooted in our experience as a people. James Madison wrote of his ''particular pleasure'' concerning support for ''the immunity of religion from civil jurisdiction in every case where it does not trespass on private rights or the public peace.''

As Professor McConnell has written: ''Accommodations of religion in the years up to the framing of the First Amendment were frequent and well-known. For the most part, the largely Protestant population of the States as of 1789 entertained few religious tenets in conflict with the civil law; but where there were conflicts, accommodations were a frequent solution.''

The best known example of accommodation from that period is the exemption from military conscription granted by the Continental Congress to members of the peace churches. In the midst of our great struggle for independence as a Nation, the Continental Congress passed a resolution to grant the exemption from conscription, observing that ''as there are some people, who, from religious principles, cannot bear arms in any case, this Congress intends no violence to their consciences.''

The purpose of avoiding governmental action that does violence to the consciences of individuals is based on the understanding that there are claims on the individual which are prior to the claims of government.

This understanding finds expression in Madison's Memorial and Remonstrance Against Religious Assessments. Madison there wrote: ''It is the duty of every man to render to the Creator such homage, and such only, as he believes to be acceptable to him. This duty is precedent in order of time and degree of obligation, to the claims of civil society. Every man who becomes a member of any particular Civil Society, must do it with a saving of his allegiance to the Universal Sovereign.''

In the Christian tradition, the principle of prior allegiance is eloquently summed up in the words recorded in the Book of Acts of Peter and the other apostles who, when ordered to cease their preaching, responded by saying, ''We must obey God rather than men.''

A government based on the idea of liberty must not turn a deaf ear to such claims of conscience. The government of a people who love freedom must not heedlessly enforce requirements that do violence to the consciences of those who seek only to ''render to the Creator such homage'' as they believe to be acceptable to him. So long as they do ''not trespass on private rights or the public peace,'' Americans should be free to practice their religion without interference from the heavy hand of government.

That is the sole purpose of the Religious Liberty Protection Act. Let this House today show that we respect the rights of conscience and honor the principles of liberty, just as the Continental Congress did more than two centuries ago. I urge the Members of the House to support this bill, to reject the substitute amendment which would weaken the bill, and move forward with the goal of protecting religious liberty for all Americans.

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

Mr. CONYERS. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. NADLER), who has worked very diligently on this measure.

Mr. NADLER. Mr. Speaker, the bill we have before us today is a good and important bill, and I worked with the gentleman from Florida (Mr. CANADY) and others prior to its original introduction.

I want to associate myself with the remarks of the gentleman from Florida, and I agree with every word he said about the necessity for this bill and about its drafting. Unfortunately, this bill needs to be amended to ensure that while it acts as a shield to protect the fundamental religious rights of all Americans, as it is intended to do, it cannot also be used as a sword to do violence to the rights of others.

I will be offering an amendment in the nature of a substitute later today which will consist of the exact language of this bill but will also add a provision that would ensure that the appropriate balance between competing rights is struck.

With that change, I would hope that every Member of this House would support this important legislation. And I hope that if my amendment is adopted, my colleagues will do so. Without the amendment, unfortunately, the bill carries with it a fatal flaw threatening

to undermine existing civil rights protections. And I would urge my colleagues in that case to vote against the bill in order to increase the odds that the bill will be properly amended either in this House or in the Senate.

This is a very difficult stand for me to take. As many of my colleagues know, I worked very hard for passage of the original Religious Freedom Restoration Act, or RFRA, in 1993. Since the Supreme Court decision declaring RFRA unconstitutional, I have worked hard to undo the damage the Supreme Court has repeatedly inflicted on our first freedom.

Corrective legislation of this sort has been, since the Supreme Court's infamous decision in Employment Division versus Smith 9 years ago, one of my top priorities. So I want my colleagues to know it is with great sorrow I contemplate the possibility that I might have to vote against the legislation which addresses a problem that is very dear to my heart.

Religious freedom is in peril because of the rulings set down by the court in Smith. Under that rule, facially neutral, generally applicable laws, having the incidental effect of burdening religion, are no longer deemed violations of the First Amendment.

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This is unacceptable.

The Committee on the Judiciary, in its hearings on this legislation, received more than ample evidence that religion has suffered under the court's new rule and that, by following the indication of Justice Scalia for the political branches to deal with conflicts between law and faith, religious liberty has not fared very well at all.

This bill attempts to restore the protection of free exercise of religion which the Supreme Court has deprived us, but it does so at the cost of creating a real threat to the endorsement of State and local civil rights laws prohibiting discrimination on the basis of gender, marital status, disability, sexual orientation, having or not having children, or any other innate characteristic.

The bill as drafted would enable the CEO of a large corporation to say, my religion prohibits me from letting my corporation hire a divorced person or a disabled person or a mother who should be at home with her children and not at work or a gay or lesbian person and my religion prohibits me from letting my hotel rent a room to any such people. And nevermind the States' civil rights laws that prohibit that kind of discrimination.

If this bill passes in its current form, many courts will say that the State does not have a compelling interest in enforcing their laws against these kinds of discrimination and that discrimination will go on despite the laws because of this bill.

It is not right, Mr. Speaker, to abrogate the civil rights of many Americans in order to protect the religious liberty of other Americans; and it is not necessary to do so.

Thankfully, we do not face such a stark choice between religious liberty and civil rights. We can protect the religious liberty of all Americans without threatening the civil rights of any Americans. And that is what my amendment in the nature of a substitute will do.

So I will urge my colleagues to support the Nadler civil rights substitute, which I will describe later when I introduce it in greater detail, and, if it is adopted, to support what will then be an excellent and very important bill.

But if the amendment is not adopted, I will unhappily urge my colleagues to vote against the bill in its current form in order to increase the likelihood that the bill will be properly amended either in the House or in the Senate.

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

Mr. NADLER. I yield to the gentleman from Michigan.

Mr. CONYERS. Mr. Speaker, I merely wanted to commend the gentleman on his statement. It is a very courageous statement, and it is also a very well thought out statement from a constitutional point of view. I thank him very much for his contribution.

Mr. NADLER. Mr. Speaker, reclaiming my time, I appreciate the comments of the distinguished ranking member of the committee.

Mr. Speaker, I will address this issue further when we get to the substitute.

At this time, let me simply reiterate, the bill, except for its effect on civil rights laws, its potential effect, is a necessary and important bill. I hope we can amend it to get rid of this one but, unfortunately, fatal flaw so that we can really protect the rights of the religious liberties of all Americans without threatening the civil rights of any Americans.

Mr. CANADY of Florida. Mr. Speaker, I yield 3½ minutes to the gentleman from Arkansas (Mr. HUTCHINSON), a member of the Committee on the Judiciary.

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

I want to first respond to the gentleman from New York (Mr. NADLER), who has done an outstanding job of raising concerns about this bill. But this bill has been heard in subcommittee and in full committee, and those concerns have been addressed by the constitutional scholars, and I believe that it is not going to be the problems that have been addressed and expressed by the gentleman from New York.

This bill has broad bipartisan support, and I think that that is important as we move through this process.

I want to congratulate the chairman of the Subcommittee on the Constitution, the gentleman from Florida (Mr. CANADY), who has done such an outstanding job in studying and providing leadership on this issue. He certainly has earned the justified expression in this Congress that he is a constitutional scholar.

If we look at the history as to how we got here today, Congress enacted the Religious Freedom Restoration Act in 1993 to enforce the constitutional guarantees of free exercise of religion.

The Act codified a balancing test that had been applied by the court in 1990. Under this test, the government could restrict a person's free exercise of religion only if it demonstrated this amount of action is necessary to further a compelling governmental interest and it is the least restrictive means of achieving that governmental interest.

Unfortunately, on June 25 of 1997, in the Burn decision, the Supreme Court struck down the law as it applied to the State but left open the opportunity for Congress to accomplish the same protections but in a different way.

For the last 2 years, the Committee on the Judiciary Subcommittee on the Constitution has been setting legislative record holding hearings, listening to constitutional scholars, and we learned clearly that the law is necessary to protect the religious freedoms promised by the Constitution.

The legislation before us today strikes a good balance between providing much-needed protection while not exceeding the limitations on Federal power set forth in the Constitution.

The development of this legislation is an example of how legislation should be developed in Congress. We pass legislation. The Supreme Court addresses it. We come back. We try to do it and answer the concerns of the Supreme Court. We hold the hearings. We listen to the constitutional scholars. It has been done in the right way under the Constitution, the right legislative process. And we have learned why it is necessary.

It is necessary to make sure that a small church is able to continue its ministry to the homeless. It is necessary to make sure that home churches may continue to meet. It is necessary to make sure that prisoners are able to participate in Holy Communion. It is necessary to make sure that people of faith are not discriminated against in government employment. It is necessary to make sure that localities do not limit the number of students who may attend a religious school. It is necessary to make sure that Jewish boys are not prohibited from wearing yarmulkes at school. And it is necessary to make sure that communications between clergy and church members are protected.

My constituents feel strongly about this legislation, and I am pleased to be able to represent them today in support of the Religious Liberty Protection Act. I urge my colleagues to support this bill, as well.

Mr. CONYERS. Mr. Speaker, I yield myself 4 minutes.

Mr. Speaker, we are confronted with a very unusual situation here that, unless we put the legislation that we handled in 1993, which was passed by a voice vote, and of course many Members now present were not in the Congress nor on the Committee on the Judiciary at that time, into perspective, we may miss what is attempted to be done here.

The court rendered part of that law invalid. They rendered the part that deals with State and local civil rights laws invalid, that it did not apply to them.

What this measure is doing is coming back and getting the other part of it. And so, this is part of a one-two punch in which we are now doing something incredible if we look at it in the broader context.

We have already put restrictions on Federal civil rights laws as a result of the 1993 case, and now we are coming back to get the part that escaped the court's criticism. That is why the leading civil rights litigation organization in the United States, the NAACP Legal Defense and Educational Fund, has, as of yesterday, sent me a strong letter explaining why they cannot support this measure.

In addition, the American Civil Liberties Union, probably the second-most active litigating organization, has also indicated their strong reservations about this measure in its present form.

I would just give my colleagues a part of the reasoning of Director Counsel General Elaine Jones of LDF's letter to me that indicates why they urged Members not to succumb to this bill, as enticing as it may be, without some correction.

Defendants in discrimination cases brought under State or local fair housing, employment laws may seek to avoid liability by claiming protection under the Religious Liberty Protection Act. This would require individuals proceeding under such State and local antidiscrimination laws to prove that the law they wish to utilize is a least restrictive means of furthering a compelling governmental interest. This requirement would significantly increase the litigation time and expense of pursuing even ordinary antidiscrimination actions and as a result could even preclude some plaintiffs from pursuing their claims.

And so, we are now being asked to submit to part two of the original law that limits the Federal civil rights jurisdiction and now we have come back in this rather clever and innocent-sounding defense of religious liberties to now put the hindrance, the binders, on local and State civil rights laws.

Although I am committed to preserving religious freedom in this nation, I cannot support the Religious Liberty Protection Act as it is presently drafted.

My principal concern is that the legislation creates a brand new right for so-called ''religious practitioners'' and no other group or government enjoys—the right to discriminate. The right is so sweeping it will apply not only to religious institutions, but to large corporations.

I know that the bill's supporters say we should not worry about race and gender discrimination, because those interests have previously been found by the courts to be protected under the so-called ''compelling interest test set forth in the bill. Forgive me for being a little bit skeptical of this claim, particularly given the current conservative makeup of so many courts.

Even if the supporters' predictions prove true, civil rights plaintiffs will be subject to vastly enhanced litigation costs. We have enough barriers to civil rights suits without adding these new obstacles. This is why the NAACP Legal Defense and Education Fund is so strongly opposed to the bill.

Buyt it is beyond race and gender that the most significant civil rights concerns exist. This is because anti-discrimination laws based on sexual orientation, marital status, and disability have not been found by the courts to be based on a ''compelling'' government interest.

This means that under the bill, businesses will be free to discriminate against gay and lesbian employees, and large landlords will be able to justify their refusal to rent to single parents or gays and lesbians. In my view, we have fought too hard in the civil rights arena over the years to give back these gains.

I am also concerned that the bill raises serious constitutional problems. Among the many problems are the bill's tenuous relationship to Congress' interstate commerce and spending power authority, and its micro management of the federal judiciary and the state and local authorities. Given the recent trend of Supreme Court decisions on commerce, federalism and separation of powers, it is difficult to see this bill passing constitutional muster. Unfortunately, when the bill was struck down, it will serve as yet another precedent blocking Congress' path to protecting other civil rights which have a far stronger tie to our commerce and spending powers. In other words, we are sending the Court the weakest possible bill from a constitutional perspective and are inviting an adverse precedent.

I seriously question whether another federal law which is so antagonistic towards civil rights holds the key to protecting religious liberty in this country. This country has more religion and a greater variety of religious expression than any nation on earth. We have done so by maintaining the delicate balance between the First Amendment's religious liberty clause and its establishment clause, as interpreted by an independent judiciary.

It is doubtful the ''Religious Liberty Protection Act'' can improve on the scheme for protecting religious liberty designed by our founding fathers. I urge a ''no'' vote.

NAACP LEGAL DEFENSE,
AND EDUCATION FUND, INC,
Washington, DC, July 14, 1999.

Congressman JOHN CONYERS, Jr.,
Rayburn Office Building,
Washington, DC.

DEAR CONGRESSMAN CONYERS: The NAACP Legal Defense and Educational Fund, Inc. (''LDF''), urges you to oppose final passage of H.R. 1691, The Religious Liberty Protection Act of 1999 (''RLPA''). LDF litigates civil rights cases throughout the country on behalf of African Americans and other minorities in an effort to preserve equity, fairness and justice in educaiton, employment, housing, health care, environment, criminal justice, and voting rights. RLPA poses a potential threat to this type of litigation as RLPA may be used in a manner to limit African Americans and other minorities' rights to seek protection from discrimination under state and local antidiscrimination laws.

Defendants in discrimination cases brought under state or local fair housing, employment, etc., laws may seek to avoid liability by claiming protection udner RLPA. This would require individuals and groups proceeding under such state and local antidiscrimination laws to prove that the law they wish to utilize is a least restrictive means of furthering a compelling governmental interest. This requirement would significantly increase the litigation time and expense of pursuing even workday antidiscrimination actions and as a result could hinder or preclude some plaintiffs from pursuing their claims.

Even if the courts ultimately rule, as they should, that the various state and local antidiscrimination statutes are least restrictive means to further compelling governmental interests, the uncertainty of whether statutes will withstand a RLPA defense may dissuade plaintiffs from seeking redress under antidiscrimination statutes. Of course, if any court were to determine that a particular antidiscrimination statute were not a least restrictive means of furthering a compelling governmental interest, a successful RLPA defense would completely bar a plaintiff from proceeding under that statute. In either event, RLPA will create an additional burden for plaintiffs attempting to vindicate their civil rights.

For these reasons, LDF asks that you oppose RLPA, which may be used as a mechanism to limit African Americans and other minorities from proceeding under the state and local laws that prohibit discrimination in a wide range of areas.

Sincerely,

ELAINE R. JONES,
Director-Counsel.
REED COLFAX,
Assistant Counsel.

EXAMPLES OF UNINTENDED AND ADVERSE CONSEQUENCES FROM ENACTMENT OF H.R. 1691, THE ''RELIGIOUS LIBERTY PROTECTION ACT''

1. *Knives in schools.* Pursuant to its policy prohibiting the possession of knives on school property, the school district forbade Sikh elementary school children to wear kirpans—seven-inch, ceremonial knives that are required by their religion. Relying on the ''Religious Freedom Restoration Act,'' the Sikhs filed suit and moved for a preliminary injunction barring the district from applying its no-knives policy to ban the possession of kirpans at school. The court required the school district to permit the children to wear the knives if the knives were basted in their scabbards. See Cheema v. Thompson, 36F.3d 1102 (9th Cir. 1994).

2. *Sexual abuse.* In Arizona, a Warlock recently defended his alleged sexual abuse of a 13-year-old girl as part of the Wiccan religion. The open question is what is the least restrictive means of dealing with religious conduct that results in sexual abuse or statutory rape. Although the state may have a compelling interest in preventing sexual abuse or statutory rape, conviction and incarceration may not be the least restrictive means of dealing with such individuals.

3. *Refusal to pay child support.* A member of the Northeast Kingdom Community Church—which requires members to eschew all their personal possessions and work for the benefit of the Community and forbids members to support estranged spouses or children who live outside the community—was found in contempt of court for failure to comply with an order to pay child support.

He alleged that both the finding of contempt and the underlying support order violated his religious rights. The court vacated the judgment of contempt and remanded the case for a hearing as to the least restrictive means to enforce the defendant's support obligation. See Hunt v. Hunt, 162 Vt. 423 (1994).

4. *Faith healing resulting in the death of a child.* The son of a believer in the Christian Science Religion died at age 11 from juvenile-onset diabetes following three days of Christian Science care. A medical professional could have easily diagnosed the child's diabetes from the various symptoms he displayed in the weeks and days leading up to his death (particularly breath with a fruity aroma). Although juvenile-onset diabetes is usually responsive to insulin, even up to within two hours of death, the Christian Science individuals who cared for the child during his last days failed to seek medical care for him—pursuant to a central tenet of the Christian Science religion. The mother argued that a wrongful death suit brought by the child's father was not the least restrictive means of serving the state's interest in the health of the child. Rather, the state could have required the mother to report the child's illness to the authorities when death seemed imminent. The court held that the constitutional right to the free exercise of religion does not extend to conduct that threatens a child's life. See Lundman v. McKown, 530 N.W.2d 807 (Minn. App. 1995).

5. *Refusal to cooperate with discovery request.* A wrongful death suit alleged that the Church of Scientology is responsible for the death of an individual who died of a blood clot in her left lung after spending 17 days in the care of church staffers. The church is attempting to block discovery by contending that releasing the decedent's files would violate the church's ''sacred religious belief'' that the files remain confidential and that they be retained by the church for use in a parishioner's future lives. The court ruled that the decedent's estate had the right to see her files. Upon the passage of the Florida religious freedom restoration act, the court is now reconsidering its previous ruling. See Thomas C. Tobin, Scientologists Fight to Keep Files Secret, St. Petersburg Times, Aug. 6, 1998, at 4B.

6. *Conjugal visits in prison.* A Roman Catholic argued that a prison regulation prohibiting condemned inmates from receiving conjugal visits violates his first amendment right to free exercise of religion. The court rejected this argument because the prisoner failed to show that the prison regulation prohibiting conjugal visits for condemned inmates is not rationally related to a valid penological interest. See Noguera v. Rowland, 940 F.2d 1535 (9th Cir. 1991). Under RFRA and RLRA, the prison would have to show that its policy regulating conjugal visits was the least restrictive means of achieving compelling penological interests.

7. *Jewelry in prison.* Wisconsin severely restricted the wearing of jewelry by jail and prison inmates. The prison regulation forbade the possession of ''items which because of shape or configuration are apt to cause a laceration if applied to the skin with force,'' and the state refuses to make an exception for religious jewelry, such as crucifixes, which (unless made of cloth) fall within the ban. Inmates brought a suit against the relevant officials to enjoin, as a violation of RFRA, the defendant's refusal to make such an exception. The court held that, because prison security is a compelling state interest, if particular types of religious jewelry (or religious jewelry of any type in the hands of prisoners reasonably believed prone to use it for purposes of weaponry, barter, or gang insignia), pose a genuine threat to prison security, the state can ban them. Second-guessing the prison authorities, the court ruled that the jewelry in that case could not be banned. See Sasnett v. Sullivan, 91 F.3d 1018 (7th Cir. 1996).

8. *Class action against prison's grooming policy.* Inmates confined by the State of South Carolina, including Muslims, Rastafarians, and Native Americans, filed a class action challenging a South Carolina grooming policy that required all male inmates to keep their hair short and their faces shaven. The inmates claimed that the Grooming Policy forced them to compromise their religious beliefs and practices, and therefore violated their rights guaranteed by the Free Exercise Clause of the First Amendment. Following invalidation of RFRA, the court held that the Grooming Policy is an eminently rational means of achieving the compelling governmental and prenological interests of maintaining order, discipline, and safety in prison and did not violate the inmates' free exercise rights. See Hines v. Taylor, 1998 U.S. App. LEXIS 13362 (4th Cir. 1998).

9. *Landmaking.* St. Bartholomew's Church owned a Community House in which the church conducted many of its religious and community outreach activities. New York's Landmarks Preservation Commission denied the Church's requested to level the historic Community House and replace it with an office tower, which would both house the Church's religious activities and significantly enhance the Church's revenues through commercial rents. The Second Circuit found that whether the Church's religious activity was ''substantially burdened'' by New York's action turned on whether the Church ''had been denied the ability to practice [its] religion or coerced in the nature of those practices.'' the court found that New York's action did not punish any religious activity. See St. Bartholomew's Church v. City of New York, 914 F.2d 348 (2d Cir. 1990). Interestingly many of the cases file under RFRA turned on whether there was a ''substantial burden'' and determined that there was no such burden. In other words, RFRA (and RLPA) open the doors to the courthouse in many cases where the religion cannot meet the threshold inquiry.

10. *Polygamy and abuse.* A battered and bruised teenager fled from an isolated ranch that is used by a Utah polygamist sect as a reeducation camp for recalcitrant women and children. The husband of the girl was charged with incest and unlawful sexual conduct stemming from the sexual relations he allegedly had with her, his fifteenth wife. See Tom Kenwoorthy, Spotlight on Utah Polygamy; Teenager's Escape from Sect Revives Scrutiny of Practice. *The Washington Post,* Aug. 9, 1998, at A3. RLPA would offer the father a defense against statutory rape and polygamy.

11. *Refusal to provide social security numbers to DMV.* California residents contended that social security numbers are the ''mark of the beast'' in the biblical Book of Revelation and refused to give the DMV their numbers for applications of their driver's licensees. The court held that, because sincere religious convictions were involved, the DMV must use an alternate identification for those individuals. See John Dart, Judge Upholds Objections to Identifications, *L.A. Times.* October 25, 1997, at B1. In 1986, the Supreme Court rejected a similar request in Bowen v. Roy, 476 U.S. 693 (1986). RLPA would require a result much more in line with the California ruling than the Supreme Court's ruling.

12. *Historic preservation.* A Roman Church holds one service per week asked permission to demolish the entirety of the church,. which is located in the historic preservation district, for the purpose of expanding. When the City Council refused permission to demolish the church in its entirety, the church filed suit under the Religious Freedom Restoration Act, claiming that the city's historic preservation law could not be applied to a church. The Supreme Court held that RFRA is unconstitutional. Boerne v. Flores, 117 Ct. 2157 (1997). RLPA invites churches and religious individuals to thwart and ignore all land use laws, including historic and cultural preservation laws.

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

The SPEAKER pro tempore (Mr. BARRETT of Nebraska).

The Chair advises that the gentleman from Florida (Mr. CANADY) has 10 minutes remaining. The gentleman from Michigan (Mr. CONYERS) has 20 minutes remaining.

Mr. CANADY of Florida. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. DOOLITTLE).

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

Mr. DOOLITTLE. Mr. Speaker, I believe that the present Smith standard gravely threatens as a practical matter the mission of churches at their most fundamental level, whether it is with regard to proselytizing or to the erection of houses of worship within communities.

I commend the gentleman from Florida (Mr. CANADY) for drafting this bill, which has not been easy to do. I think he has crafted a piece of legislation which we should all support.

The Religious Liberty Protection Act addresses the serious situation caused by that ''Employment Division v. Smith'' decision by restoring the general rule that State or local officials may not burden a religious exercise without demonstrating a compelling governmental interest.

The legislation before us protects religious institutions by giving them their day in court if they can show that their religious freedom has suffered at the hands of a State or local government.

There is a long list of cases in which the religion freedom of Americans has been, in my opinion, unconstitutionally abridged since the 1990 Smith decision. Many of these infringements touch core religious teachings and beliefs.

Let me just briefly cite three examples. As a result of these so-called neutral laws of general applicability, a Catholic hospital has been denied State accreditation based on its refusal to instruct its residents on the performance of abortion in accordance with their strong religious objections.

In New York, a religious mission for the homeless operated by the late Mother Teresa's order has been shut down because it was located on the second floor of a building without an elevator, thus violating a local building code.

In Missouri, for example, a city there passed an ordinance prohibiting all door-to-door contacting and religious proselytizing on certain days of the week and indeed severely limiting the

hours of such contact on the remaining days.

These are just a few of the numerous examples of how religious freedom has been and continues to be infringed across the country.

Mr. Speaker, religious liberty is a fundamental right of all Americans and must not be trampled on by insensitive bureaucracy or bad policy. Having only to show a rational basis for such policy is no protection at all.

These incidents are increasing, and that is why we need to adopt the measure before us today, which will stay the hand of government from heedlessly enacting laws that substantially burden the free exercise of religion.

I urge my colleagues, Mr. Speaker, to join me in supporting this much-needed legislation.

Mr. CONYERS. Mr. Speaker, I yield 6 minutes to the gentleman from North Carolina (Mr. WATT). I believe he is the ranking member on the subcommittee.

Mr. WATT of North Carolina. Mr. Speaker, I thank my colleague for yielding me the time.

Mr. Speaker, I want to start by complimenting all the parties to this debate and on both sides.

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We have been at this for a good while in the subcommittee, in the full committee and now on the floor. While I rise in opposition to this bill, I would note that many of my colleagues of all political persuasions and many of my friends of all political persuasions are supporting this bill which should give Members and the public some indication of how difficult an issue this is. My opposition to the bill is based on several different factors.

First of all, I believe this bill is of uncertain constitutionality. The earlier religious protection law that the Supreme Court struck down as having constitutional problems is addressed in this bill by tying this particular bill to the commerce clause. In effect, it gives us the jurisdiction to do what we are doing under this bill by virtue of a connection to the commerce clause. The problem with that is that it seems to me that that benefits larger, more established religions who tend to operate in interstate commerce at the expense of more localized private religious groups who tend to not operate in interstate commerce. The irony of this is that many of the people who are advocating that the commerce clause should cover this kind of activity and action are the very same people that are saying that the Federal Government should stay out of a number of different things and that the commerce clause does not cover these things and give the Federal courts and the Federal Government jurisdiction over these matters. I think on the commerce clause issue, while it is an ingenious way to bootstrap our way into hoping that the Supreme Court will not strike this down, I think it has its limitations and problems.

Second, this bill is of uncertain interaction with other civil rights bills and civil rights laws. I am sure that people are going to be advocating on both sides of this, either that it overrules civil rights laws or that it does not overrule civil rights laws. The truth of the matter is that we do not know. But I am personally and on behalf of my constituents not prepared to take a gamble with this. I do not think we can simply pass a law that could be interpreted to place religion over race or religion over other civil rights and give religion a more important place in our jurisprudence than we give to other civil rights laws. I simply do not believe we can do that. I think the gentleman from New York's amendment would address that, but I have not seen any inclination yet on the part of the supporters of this bill to be supportive of the gentleman from New York's amendment. I want to come back to that briefly at the end of my discussions.

The third reason that I have concerns about this bill is that it will give the Federal Government substantially more control and involvement in local zoning and land use decisions. This is something that we have historically reserved to local and State governments. Yet many of the very people who have said that this is something that is sacrosanct, that should be decided at the local levels, the advocates of States rights, so to speak, are some of the people who are advocating that we now put a national standard in this bill having to do with land use decisions. I think that is a problem.

Finally, I want to address the people who continue to say, especially like my good friend the gentleman from Texas (Mr. EDWARDS) who says, ''We're going to fix the concerns that we have about this bill, about civil rights and other civil rights issues, in conference,'' that this consideration of this bill has been going on for a long, long time. There has been no inclination to address that problem. That is why the gentleman from New York, who was one of the original cosponsors of this bill, is now on the floor of the United States House offering an amendment to address the problem. That problem needs to be addressed now. Otherwise, this bill should not warrant our support.

I encourage my colleagues to oppose this bill in its current form.

Mr. CONYERS. Mr. Speaker, I yield myself 1 minute. I want to underscore a point made by the gentleman from North Carolina with reference to the commerce clause, because that has not been brought up and discussed in the fullness that he has done it. The bill is using now the commerce clause to seek to have a cover of constitutionality to protect religious liberty.

In order to invoke that clause, it seems to me that we will now have to equate religion with interstate commercial activity, something I am not prepared to do this afternoon. And if we equate religion with interstate commerce, does it not open the door to further regulation of religion through the commerce power? And there I think these problems that the gentleman from North Carolina does not want to take a chance on finding out what a conservative court is going to do kicks in here and it makes this reference between a bill that was held partially unconstitutional and an attempt to remedy the other half of it through this measure that is before us now.

Mr. Speaker, I am pleased to yield 3½ minutes to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Mr. Speaker, I thank the ranking member for yielding me this time.

There are a number of concerns that are raised by this bill. I want to focus on what is central to me, and I am hoping that the House will take some direction here from Governor Bush of Texas. He appears to be growing in popularity on the other side, and I am sorry they are rejecting his wisdom in this one case.

When a bill like this was presented in Texas, an amendment was offered which exempted all legislation aimed at protecting the civil rights of individuals. What the law in Texas says is, yes, we will protect people's rights to exercise their religion, but where we have as a legislature and a governor decided that certain rights of individuals and groups are important and that certain classes of people should be protected against discrimination, we will not allow you to use religion as a license for this discrimination.

Now, that was signed into law by Governor George Bush, and I thought it made a lot of sense. We are not trying to go as far as Governor Bush. The gentleman from New York has a very thoughtful amendment which allows people to invoke religion as a means of ignoring civil rights laws. It allows, in fact, people to use their religion as a license to discriminate in a number of cases that would not be allowed in Texas. I think that is a very reasonable accommodation the gentleman has offered. He has said you do not give it to corporations, et cetera. If the amendment offered by the gentleman from New York does not pass, what we will have is a law which will say, ''All you need do is invoke your religion and you can defeat many civil rights laws.''

Now, interestingly it says, ''Unless the courts find that that particular civil rights law protects a fundamental right.'' I am interested that people who describe themselves as conservative opponents of judicial activism want to so empower the judiciary, because what this bill will do absent the amendment by the gentleman from New York, is to say to the court, ''You now have the power to decide.'' There are civil rights laws at the State level. Various States have passed laws protecting different groups of people, based on religion, based on marital status, based on whether or not you have children, based on sexual orientation. We the

Congress will say to you the Federal courts, ''Pick and choose among those. You decide which of those will have to give way to this Federal statute and which do not,'' rather than have the Federal Government decide, or emulate Texas and say, ''In general the religious right will win unless it is an anti-discrimination law.''

And remember, under our constitutional system, we do not want to subject individuals to some kind of inquisition when they invoke religion. So people who wish to invoke religion, people who want to go to Federal court and say, ''Hey Federal judge, let me ignore this law that this State passed,'' under this law the Federal courts will be empowered to let people pick and choose and they simply will have to say, ''My religion doesn't allow it.'' We certainly do not want a situation where that religion is subjected to some kind of examination.

So what you will do is to tell the States that no matter what they may have decided through their own local democratic processes about protecting groups, we the Congress will empower Federal courts to pick and choose among them and say ''no'' to some and ''yes'' to others. I do not think that is appropriate.

While the amendment from the gentleman from New York, because he has been very accommodating in this, does not completely rule that possibility out, it substantially diminishes it and it is the one thing that will save this bill.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, let me thank the ranking member and chairman of this committee. Let me also acknowledge the leadership and work of the gentleman from New York (Mr. NADLER) of some 10 or 12 years on this issue. I think that our presence here today should hopefully connote to those who may be listening, this is an enormously important debate, and as I was reminded when we debated the flag amendment, let us not have it break down in partisan discourse but recognize that there is probably no more important right amongst others, if you will, than the free exercise of religion. And the first amendment gives us that.

And so this legislation, Mr. Speaker, is in fact needed to provide protections that have been dangerously eroded by the Supreme Court in its 1990 Employment Division v. Smith decision. We have heard the Smith decision being mentioned quite frequently because it has been the one that has upset the apple cart in terms of recognizing the importance of individuals having the personal and private right of exercising their religion. Congress attempted to remedy this by enacting on a bipartisan basis the Religious Freedom Restoration Act which the court struck down in part in its 1997 City of Boerne v. Flores decision.

H.R. 1691, the Religious Liberty Protection Act, seeks to restore the application of strict scrutiny in those cases in which facially neutral, generally applicable laws have the incidental effect of substantially burdening the free exercise of religion. I believe that the government should not have the ability to substantially burden a right that is enshrined in constitutional premise unless it is able to demonstrate that it has used the least restrictive means of achieving a compelling State interest, such as Thomas v. Review Board.

I believe that this legislation is necessary because in the wake of the aformentioned Supreme Court decisions, religious groups in general and religious minorities in particular are no longer guaranteed the religious liberty protections of the Constitution and are more vulnerable to the danger of governmental restrictions on religious freedom.

□ 1230

There are numerous examples that we can find, for example, where it was partially struck down, of churches being ejected from certain neighborhoods, church soup kitchens and welfare programs being closed and prisoners having been denied basic rights to worship.

But, Mr. Speaker, I started out by saying this is an enormously important constitutional right. Why can we not have the compromise and collaboration and respect for the various interests that are here today not denying the right to the free exercise of religion but at the same time acknowledging that we do not want to deny the civil rights of those who are under-represented who may be most challenged, and I say this in the backdrop of the wonderfully positive legislative initiative of the State of Texas, my State, a legislative initiative proposed and fostered by State Representative Scott Hochberg of Texas and signed into law by Governor George Bush. That legislative initiative recognized generally the importance, the high importance, of the free exercise of religion, but at the same time it provided, if my colleagues will, the particular provision that recognized the civil rights of individuals, that they should not be pounced upon and they should not be denied because of the constitutional right of the free exercise of religion.

My question to my colleagues:

Can we do less in the United States Congress? Can we in fostering a bill that is to enhance rights not ensure that we protect the rights of others who simply want to ensure that they in a more vulnerable position not be denied civil rights?

I would hope that my colleagues will support the Nadler amendment from an individual who has made it very clear that he is one of the strongest proponents of the free exercise of religion, does not come to this floor in any way to attempt to undermine this legislative initiative but in keeping with the spirit of those in Texas and who I represent. My fear is that passing of this legislation without respecting the civil rights has some concerns that we should acknowledge. I hope my colleagues will see in their wisdom the importance of joining with the leadership of the Governor of the State of Texas, George Bush, on this issue and to provide for the civil rights of others as we move toward the complete free exercise of religion.

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

Mr. CANADY of Florida. Mr. Speaker, I yield 3 minutes to the gentleman from Utah (Mr. CANNON).

Mr. CANNON. Mr. Speaker, I rise today in support of H.R. 1691, the Religious Liberties Protection Act of 1999. This legislation was introduced by my friend, the gentleman from Florida (Mr. CANADY), and it is an important step in preserving the freedom that the Constitution affords religions in America.

A little over 10 years ago, 200 of our Nation's leaders from all sectors signed the Williamsburg Charter. It affirmed that, ''Religious liberty in a democracy is a right that may not be submitted to vote and depends on the outcome of no election. A society is only as just and as free as it is respectful of this right, especially toward the beliefs of the smallest minorities and the least popular religious communities.''

The provisions included in the Williamsburg Charter reflect our national commitment to respect and accommodate the philosophies, practices and needs of the many diverse religions in this Nation, even when doing so is inconvenient or annoying.

But the realization of these principles is not always simple. The growth of government on every level, combined with government's inherent tendency to over-regulate, requires occasional legislative clarification. Given the complexities, there is no practical way to measure whether anti-religious motivation plays a factor in such matters as cities' planning and zoning decisions.

In Senate hearings on this subject there was testimony that, ''Since the Smith decision, governments throughout the U.S. have run roughshod over religious conviction. In time, every religion in America will suffer. Must a Catholic church get permission from a landmarks commission before it can relocate its altar? Can Orthodox Jewish basketball players be excluded from inter-scholastic competition because their religious beliefs require them to wear yarmulkes? Are certain evangelical denominations going to be forced to ordain female ministers?''

I believe that a balance can be struck, but we do not have that balance today.

It is somewhat ironic that under current first amendment principles a city can totally zone out a church that desires to construct an edifice for its members and the surrounding community, but it cannot zone out of its community a sexually oriented adult bookstore.

Religious freedom should never depend upon the amount of religious sensitivity in a particular community or on the willingness of local governments to craft appropriate exemptions for religious practices. I urge my colleagues to support the Religious Liberties Protection Act with a yes vote.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Illinois (Mr. MANZULLO).

Mr. MANZULLO. Mr. Speaker, I reluctantly rise in opposition to this bill drafted by my good friend and colleague and classmate, the gentleman from Florida (Mr. CANADY).

The first amendment is quite clear. It says, Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof. And yet, if we look at the words of the statute, it says, a government may substantially burden a person's religious exercise if the government demonstrates that application of the burden of the person is in furtherance of a compelling interest or is the least restrictive means of doing so.

So, the first thing we have here is Congress making a statement that is in direct contradiction to the firm mandatory words of the United States Constitution. That bothers me for several reasons. One of those is that the attempt to protect religious liberties under the Religious Liberty Protection Act hinges on the spending clause of the Constitution and also upon the commerce clause of the Constitution, and we thus ask ourselves this question:

If a religious liberty case comes up that is not hinged to the commerce clause or the spending clause, what protection do the people have? Is it pregnant with omissions, that the courts may end up saying the liberties set forth in the statutes simply do not supply to the people?

The third problem I have with it is the fact that Justice Thomas back in 1994 after the Smith decision wrote a dissent in a case coming out of Alaska where the Supreme Court denied certiorari, and he said this. He said:

> What bothers me about the Alaska case or the Alaskan statute, which is the equivalent of the statute we are trying to pass today, is that the asserted government interests, the asserted government compelling interests, are effusive. In other words, the decision of the Alaskan Supreme Court drains the word ''compelling'' of any meaning and seriously undermines the protection of the exercise of religion that Congress so emphatically mandated in RIFRA. In other words, the very liberties we are trying to ensure we can end up taking away.

Mr. CANADY of Florida. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. EDWARDS).

Mr. EDWARDS. Mr. Speaker, I would like to address several questions: First, the question of is this bill constitutional. Obviously, legal scholars on this floor and elsewhere throughout the country may disagree, but for the RECORD I would like to read and then insert the full letter, a letter of July 14 to the Speaker of the House, the Honorable J. DENNIS HASTERT from Jon P. Jennings, Acting Assistant Attorney General. He says that, quote,

> The Department of Justice has concluded that the Religious Liberty Protection Act, as currently drafted, is constitutional under governing Supreme Court precedence.

The letter in its entirety is as follows:

U.S. DEPARTMENT OF JUSTICE,
OFFICE OF LEGISLATIVE AFFAIRS,
Washington, DC, July 14, 1999.

Hon. J. DENNIS HASTERT,
Speaker, U.S. House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: I am writing with respect to H.R. 1691, the Religious Liberty Protection Act of 1999 (''RLPA''), as reported by the House of Representatives Committee on the Judiciary. We understand that RLPA may be considered shortly by the House of Representatives. We also understand that some Members may be concerned about the constitutionality of the legislation. This letter is addressed solely to the question of RLPA's constitutionality. We understand that the Administration is planning to convey further views on the legislation, apart from the constitutional questions.

Over the past two years, the Department of Justice has worked diligently with supporters of RLPA to amend prior versions of the bill so as to address serious constitutional concerns. Moreover, we have reviewed carefully the testimony of several legal scholars who have questioned the constitutionality of the bill. We agree that RLPA raises important and difficult constitutional questions—particularly with respect to recent and evolving federalism doctrines—and that there may be ways to amend the bill further to make it even less susceptible to constitutional challenge. Nevertheless, the Department of Justice has concluded that RLPA as currently drafted is constitutional under governing Supreme Court precedents.

Thank you for the opportunity to present our views. The Office of Management and Budget has advised us that from the perspective of the Administration's program, there is no objection to submission of this report.

Sincerely,

JON P. JENNINGS,
Acting Assistant Attorney General.

The second question I would like to address, Mr. Speaker, is: Who are some of the people that support this bill, recognizing that good people of good-faith will be on both sides of this issue. Let me first read in a statement from the administration dated July 14, as well.

''The administration strongly supports H.R. 1691, the Religious Liberty Protection Act, which would protect the religious liberty of all Americans. RLPA would, in many cases, forbid State and local governments from imposing a substantial burden on the exercise of religion, unless they could demonstrate that imposition of such a burden is the least restrictive means of advancing a compelling governmental interest.''

For the RECORD let me mention some other religious groups, diverse religious groups, supporting this legislation:

The American Jewish Committee,
The American Jewish Congress,
The Anti Defamation League,
The Association of American Indian Affairs,
The Baptist Joint Committee on Public Affairs,
B'nai Brith,
The Christian Coalition,
The Christian Science Committee on Publication,
The Church of Jesus Christ of Latter Day Saints,
The Episcopal Church,
The Ethics and Religious Liberty Commission of the Southern Baptist Convention,
The Family Research Council,
The General Conference of Seventh Day Adventists,
Hadassah,
NAACP,
National Council of Churches of Christ,
Presbyterian Church U.S.A,
Religious Action Center of Reform Judaism,
United Church of Christ,
United Methodist Church,
The U.S. Catholic Conference,

as well as many other organizations.

I ask no one to vote for this because of anyone's endorsement. I just point out that this is a bill supported on a broad-based basis.

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET,
Washington, DC, July 14, 1999.

STATEMENT OF ADMINISTRATION POLICY

(This statement has been coordinated by OMB with the concerned agencies)

[H.R. 1691—Religious Liberty Protection Act of 1999 (Canady (R) Florida and 39 cosponsors)]

The Administration strongly supports H.R. 1691, the Religious Liberty Protection Act (RLPA), which would protect the religious liberty of all Americans. RLPA would, in many cases, forbid state and local governments from imposing a substantial burden on the exercise of religion, unless they could demonstrate that imposition of such a burden is the least restrictive means of advancing a compelling governmental interest. This statutory prohibition would, in the cases in which it applies, embody the test that was applied by the Supreme Court as a matter of Constitutional law prior to 1990 and that is applied now to the Federal Government under the Religious Freedom Restoration Act (RFRA). RLPA will, in large measure, restore the principles of RFRA, which was enacted with broad Congressional support in 1993. It is necessary for Congress to enact RLPA since the Supreme Court invalidated the application of RFRA to state and local governments RLPA is carefully crafted to address the Court's constitutional rulings. The Department of Justice has reviewed H.R. 1691 and has concluded that, while RLPA raises important and difficult Constitutional questions, nevertheless it is constitutional under governing Supreme Court precedents. The Administration looks forward to working with Congress to ensure that any remaining concerns about the bill, including clarification of civil rights protections, are addressed and that it can be enacted into law as quickly as possible.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Speaker, I am very concerned that this legislation has the potential of establishing a dual track. Certainly none of us want to be in a position where government is discriminating against the free exercise of

religion, but, by the same token, as we have community after community across the country struggling to be able to maintain their liveability, to try and deal with issues of quality of life, to provide a broad exemption to a religious institution, to be able to violate the rules of the game that other people play by in terms of environmental protection, in terms of land use and transportation is ill advised. This is why we have a broad coalition of groups that deal with land use, with transportation, with the environment who are rising their voices in opposition led by the National Trust for Historic Preservation.

We have heard here that there are areas where somehow there is discrimination against churches and their exercise of building and development activities, but this legislation would provide a requirement that in all instances government that has the authority to make individualized assessment, the action requires the State or local government to demonstrate the reasons for the land use are compelling and that the regulation is the least restrictive means supplied to each affected individual furthering that interest.

This is something as a local official I can tell my colleagues the requirements economically, legally and practically to establish that burden unlike we would do for anybody else is unjustified and unnecessary. I find it frustrating that the Federal Government runs roughshod over local neighborhoods and communities where we have things like the local post office that does not obey local land use laws and zoning codes. To carve out another broad exemption under this act, that would have, I think, serious unintended consequences.

Regardless of the outcome of today's vote in this legislation, I hope there is a careful look at section 3(b)1(a) and people make sure that they assure that we are protecting the rights of our neighborhoods for liveability and environmental protection.

Mr. CANADY of Florida. Mr. Speaker, I yield 2 minutes to the gentleman from Nebraska (Mr. BEREUTER) for the purpose of a colloquy.

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

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

I am an urban planner by training. I have prepared lots of zoning ordinances for municipalities and counties, a certified planner by the American Planning Association, and on my own initiative I wanted a clarification from the gentleman. I thank him for yielding for a colloquy, and I have two questions.

Will anything in the bill prevent local government from precluding religious uses in a particular category of zoning such as an industrial zone?

Mr. CANADY of Florida. Mr. Speaker, will the gentleman yield?

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

Mr. CANADY of Florida. Not ordinarily. But it would under certain circumstances, such as if the exclusion from the zone does not leave reasonable opportunity to locate within the jurisdiction or if like uses are not precluded from the particular category of zoning or if the preclusion is based on the religious nature of the use. This question is governed by section 3(b)1(b), (c) and (d).

I would also say the communities that provide reasonable locations for churches have nothing to fear from this legislation, but sometimes exclusion from particular zones is in fact a device for excluding from the whole community. We have heard about cases where property was spot zoned industrial after the church bought it.

□ 1245

Some cities exclude churches from commercial zones, knowing that it is impractical to locate a church in a built-up residential zone. The intention and effect is to exclude all new churches. We believe that is not appropriate.

Mr. BEREUTER. I agree with the gentleman that the examples given are abuses of the local zoning law.

My second question will be this: Will anything in the bill prevent local government from requiring compliance with conditions authorized by statute for a conditional or special use permit for religious facilities or other traffic-generating uses in certain zoning categories?

Mr. CANADY of Florida. If the compliance requirement substantially burdens religious exercise and is not the least restrictive means of furthering the local government's compelling interest, then a religious facility would have a claim that could be successful.

This is governed by section 3(B)1)A). An example would be an orthodox Jewish temple forced to comply with parking space requirements. With the orthodox temple, no one drives a car in any case.

Another example is if the condition for a special use permit is that the use ''serve the general welfare,'' or such other vague standards that can be used to exclude whomever the board chooses to exclude.

Mr. BEREUTER. Mr. Speaker, I thank the gentleman for his colloquy. I think that is reassuring, particularly in light of the comments of the gentleman from Oregon.

Ms. JACKSON-LEE of Texas. Mr. Speaker, it is my pleasure to yield 1 minute to the distinguished gentleman from Rhode Island (Mr. KENNEDY).

Mr. KENNEDY of Rhode Island. Mr. Speaker, I thank the gentlewoman for yielding time to me.

Mr. Speaker, I just have a few questions. I am very worried about this bill. Just 2 weeks ago when we had the gun debate on violence, this Congress passed, if Members can believe it, posting Ten Commandments, and this was our response to Columbine, post the Ten Commandments. It did not say which version of the Ten Commandments, the Catholic, Protestant, or Jewish version, it just said Ten Commandments.

This is really getting me nervous, this notion that we are going to give religions preference in their religious tenets over our own civil rights.

Let us make no mistake about it, the right wing of the Republican party is against gays and lesbians. They want to discriminate against people who are homosexuals. Let us just be right in front on what this debate is about.

So they feel that if one has in their religion a belief that gays and lesbians would be damned by God, then you should be able to discriminate against them. But what this also does is it discriminates against all kinds of other people.

Just imagine that fellow who killed all those people out in Chicago last week. He was part of this Church of the Creator. Is that kind of religion protected under this religious freedom? Is that going to take precedence over our civil rights in this country?

I think we are all children in the eyes of God, and no religion should practice hate or intolerance of any kind. That is why I am going to vote against this bill when it comes up for a vote.

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

Mr. Speaker, I want to respond briefly to the comments the gentleman just made. It is unfortunate that the gentleman has misconstrued the purpose of this bill.

This bill does not touch on the establishment clause issues that have from time to time divided the Members of this House. This is a bill that has broad bipartisan support. It has broad support in the religious community.

When we can bring a bill forward that has the support of both the Christian Coalition and People for the American Way, major Jewish organizations and the National Council of Churches, I think this is an opportunity for the House to stand up for principles that we can all agree to to protect religious liberty.

I would urge the Members of the House to do just that by adopting this bill.

Mr. UDALL of New Mexico. Mr. Speaker, today I rise in support of the Religious Liberty Protection Act.

Religious freedom is the foundation on which our nation was built. Every American, be they Catholic or Protestant, Jewish or Muslim, Buddhist, Sikh or of any other faith community, has the Constitutional right to practice their religious tradition without fear of government intervention or retribution.

Unfortunately, Mr. Speaker, as we've heard throughout this debate, too many people of faith in this country, particularly those in religious minorities, often find themselves facing rigid government policies that burden their religious practices.

This bill, Mr. Speaker, would prevent government restrictions against religious practices, unless there is a compelling government

interest, and that policy is the least restrictive method of achieving that interest.

It is an important step, Mr. Speaker, to protect and strengthen those religious liberties for which our forefathers sacrificed so much to give us.

Now I understand, Mr. Speaker, that there are those who are concerned that this legislation would allow for some to hide behind the cloak of religious freedom in order to legally discriminate against others.

Mr. Speaker, I too share this concern. There is the danger that this legislation might be construed by some courts to elevate religious claims above other civil rights.

While we can be reassured by some recent court rulings that show government has a compelling interest in preventing racial or gender discrimination, there are other groups that do not have this same type of Constitutional protection.

It is incumbent upon us, Mr. Speaker, to take all steps necessary to make sure that we do not permit religiously motivated conduct to ''trump'' other civil rights claims. We should take steps to strengthen the civil rights of all individuals, with special attention to those populations that are at particular risk of discrimination.

I am disappointed, Mr. Speaker, that the House failed to pass the amendment introduced by Mr. NADLER of New York. I believe that this amendment would have addressed the concerns that many have voiced.

I urge my colleagues, therefore, to support future measures in this body to protect the civil rights of those minority segments of our population that do not enjoy Constitutional protection.

And I urge our colleagues in the other body to further clarify and resolve these issues as the legislation moves through the Senate.

Mr. PACKARD. Mr. Speaker, I would like to express my support for H.R. 1691, the Religious Liberty Protection Act. The intent of this bill is to protect practices from unnecessary government interference.

Religious freedom is one of the most important freedoms in our Constitution. The framers placed the right to free worship as our first Constitutional right. As stated by the father of our Constitution, Thomas Jefferson, ''The constitutional freedom of religion is the most inalienable and sacred of all human rights.'' Despite this fact, over the past few decades, the Supreme Court has continued to weaken our right to practice faith freely.

The Religious Liberty Protection Act will reinforce our Constitutional right to practice individual faith by requiring judges to use strict scrutiny when reviewing a government burden on religious practices, unless it is to protect the health or safety of the public. This bill is simply common sense legislation. Protecting the freedom of religion should be one of the highest priorities for our nation and this Congress.

Mr. Speaker, I encourage my colleagues to support the Religious Liberty Protection Act.

Mr. HOSTETTLER. Mr. Speaker, I rise to oppose H.R. 1691.

I would like to say that I am pleased to be submitting these remarks, but I am not.

I know that the drafters and supporters of the Religious Liberty Protection Act (RLPA) share many of my beliefs about faith, government, and the Constitution, and it is not often that I find myself in disagreement with their views.

But on one major RLPA issue, my conscience convicts me that in trying to right what many perceive to be wrong, Congress today is taking a major constitutional step in a dangerous direction—a constitutional step that I cannot in good faith support.

It is a constitutional step that I believe may well undermine the protections for religious freedom under which Americans have prospered for over two hundred years.

Today, because of a disagreement with the Supreme Court of the United States, and in keeping in line with the myth of the Court's supremacy over the other branches of government, we are seeking to change the nature of our right to the free exercise of religion.

We are seeking to re-write our liberty.

Because the Supreme Court has boxed Congress in, Congress is choosing to fight for the moment, Congress is trying to find any basis, whatsoever, to strike a blow for religious liberty.

But we must not move in haste.

Such haste may lead to unintended consequences.

For as this legislation is drafted, one issue we are going to address, what is really being raised as an issue, is whether the constitutional right to the free exercise of religion will be a fundamental right protected by the First and Fourteenth Amendments, or merely an element of interstate commerce, which is not a right at all.

This is not insignificant.

By relegating religious liberty to Congress' power to regulate commerce, as the RLPA does, Congress may be opening the future to the end of liberty as we have been privileged to know it.

Yes, some are burdened by the Supreme Court's treatment of the free exercise clause and the Fourteenth Amendment.

I am not unsympathetic to believers who are suffering for their faith.

But we must also consider the future ramifications of our actions.

This future may well entail debates focused not on the fundamental right to the free exercise of religion, but on something that is not a right at all.

That something is Congress' simple power to, and I quote from the Constitution: ''regulate commerce with foreign nations, and among the several states, and with the Indian tribes.''

In form, the argument today is not new.

It is a form of the age-old question of whether the end justifies the means.

While one might struggle with whether the end justifies the means, we must not ignore that the end will always, in some manner, reflect the means.

This is especially true when we are determining the constitutional basis for our actions.

We must today pause and ask ourselves, will our children and grandchildren, even to the fourth generation, look back at this day and say: There was the beginning of the end. There was the day when Congress—though well intentioned—cheapened our liberties. There was the day when Congress ceded the moral and intellectual argument that there is a fundamental right, independent of incidental affects on commerce, independent of what a particular congress might define as commerce, a right which our founders' cherished so much that they set it forth separately in our Bill of Rights.

No, I do not relish being here today opposing my friends.

But what we are doing today is wrong and I cannot simply turn my head.

It does not matter that Congress has used the commerce clause in unprincipled ways in the past.

It does not matter that we have been unable to come to an agreement as to how to proceed in light of the Court's rulings.

Truth is truth.

The free exercise of religion is a right, not because of any possible connection to commerce, but because it is a right given by our Creator.

Our founders wisely sought to give special protection to these rights.

Today, I fear that we are ignoring this wisdom for merely short term, but by no means permanent, gratification.

I hope that my fears will not be realized.

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). All time for general debate has expired.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. NADLER

Mr. NADLER. Mr. Speaker, I offer an amendment in the nature of a substitute.

The SPEAKER pro tempore. The Clerk will designate the amendment in the nature of a substitute.

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

Amendment in the nature of a substitute offered by Mr. NADLER:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Religious Liberty Protection Act of 1999''.

SEC. 2. PROTECTION OF RELIGIOUS EXERCISE.

(a) GENERAL RULE.—Except as provided in subsection (b), a government shall not substantially burden a person's religious exercise—

(1) in a program or activity, operated by a government, that receives Federal financial assistance; or

(2) in any case in which the substantial burden on the person's religious exercise affects, or in which a removal of that substantial burden would affect, commerce with foreign nations, among the several States, or with Indian tribes;

even if the burden results from a rule of general applicability.

(b) EXCEPTION.—A government may substantially burden a person's religious exercise if the government demonstrates that application of the burden to the person—

(1) is in furtherance of a compelling governmental interest; and

(2) is the least restrictive means of furthering that compelling governmental interest.

(c) REMEDIES OF THE UNITED STATES.—Nothing in this section shall be construed to authorize the United States to deny or withhold Federal financial assistance as a remedy for a violation of this Act. However, nothing in this subsection shall be construed to deny, impair, or otherwise affect any right or authority of the Attorney General or the United States or any agency, officer, or employee thereof under other law, including section 4(d) of this Act, to institute or intervene in any action or proceeding.

SEC. 3. ENFORCEMENT OF CONSTITUTIONAL RIGHTS.

(a) PROCEDURE.—If a claimant produces prima facie evidence to support a claim alleging a violation of the Free Exercise Clause or a violation of a provision of this

Act enforcing that clause, the government shall bear the burden of persuasion on any element of the claim; however, the claimant shall bear the burden of persuasion on whether the challenged government practice, law, or regulation burdens or substantially burdens the claimant's exercise of religion.

(b) LAND USE REGULATION.—

(1) LIMITATION ON LAND USE REGULATION.—

(A) Where, in applying or implementing any land use regulation or exemption, or system of land use regulations or exemptions, a government has the authority to make individualized assessments of the proposed uses to which real property would be put, the government may not impose a substantial burden on a person's religious exercise, unless the government demonstrates that application of the burden to the person is in furtherance of a compelling governmental interest and is the least restrictive means of furthering that compelling governmental interest.

(B) No government shall impose or implement a land use regulation in a manner that does not treat religious assemblies or institutions on equal terms with nonreligious assemblies or institutions.

(C) No government shall impose or implement a land use regulation that discriminates against any assembly or institution on the basis of religion or religious denomination.

(D) No government with zoning authority shall unreasonably exclude from the jurisdiction over which it has authority, or unreasonably limit within that jurisdiction, assemblies or institutions principally devoted to religious exercise.

(2) FULL FAITH AND CREDIT.—Adjudication of a claim of a violation of the Free Exercise Clause or this subsection in a non-Federal forum shall be entitled to full faith and credit in a Federal court only if the claimant had a full and fair adjudication of that claim in the non-Federal forum.

(3) NONPREEMPTION.—Nothing in this subsection shall preempt State law that is equally or more protective of religious exercise.

SEC. 4. JUDICIAL RELIEF.

(a) CAUSE OF ACTION.—A person may assert a violation of this Act as a claim or defense in a judicial proceeding and obtain appropriate relief against a government. Standing to assert a claim or defense under this section shall be governed by the general rules of standing under article III of the Constitution.

(b) ATTORNEYS' FEES.—Section 722(b) of the Revised Statutes (42 U.S.C. 1988(b)) is amended—

(1) by inserting ''the Religious Liberty Protection Act of 1998,'' after ''Religious Freedom Restoration Act of 1993,''; and

(2) by striking the comma that follows a comma.

(c) PRISONERS.—Any litigation under this Act in which the claimant is a prisoner shall be subject to the Prison Litigation Reform Act of 1995 (including provisions of law amended by that Act).

(d) AUTHORITY OF UNITED STATES TO ENFORCE THIS ACT.—The United States may sue for injunctive or declaratory relief to enforce compliance with this Act.

(e) PERSONS WHO MAY RAISE A CLAIM OR DEFENSE.—A person who may raise a claim or defense under subsection (a) is—

(1) an owner of a dwelling described in section 803(b) of the Fair Housing Act (42 U.S.C. 3603(b)), with respect to a prohibition relating to discrimination in housing;

(2) with respect to a prohibition against discrimination in employment—

(A) a religious corporation, association, educational institution (as described in 42 U.S.C. 2000e–2(e)), or society, with respect to the employment of individuals who perform duties such as spreading or teaching faith, other instructional functions, performing or assisting in devotional services, or activities relating to the internal governance of such corporation, association, educational institution, or society in the carrying on of its activities; or

(B) an entity employing 5 or fewer individuals; or

(3) any other person, with respect to an assertion of any other claim or defense relating to a law other than a law—

(A) prohibiting discrimination in housing and employment, except as described in paragraphs (1) and (2); or

(B) prohibiting discrimination in a public accommodation.

SEC. 5. RULES OF CONSTRUCTION.

(a) RELIGIOUS BELIEF UNAFFECTED.—Nothing in this Act shall be construed to authorize any government to burden any religious belief.

(b) RELIGIOUS EXERCISE NOT REGULATED.—Nothing in this Act shall create any basis for restricting or burdening religious exercise or for claims against a religious organization, including any religiously affiliated school or university, not acting under color of law.

(c) CLAIMS TO FUNDING UNAFFECTED.—Nothing in this Act shall create or preclude a right of any religious organization to receive funding or other assistance from a government, or of any person to receive government funding for a religious activity, but this Act may require government to incur expenses in its own operations to avoid imposing a burden or a substantial burden on religious exercise.

(d) OTHER AUTHORITY TO IMPOSE CONDITIONS ON FUNDING UNAFFECTED.—Nothing in this Act shall—

(1) authorize a government to regulate or affect, directly or indirectly, the activities or policies of a person other than a government as a condition of receiving funding or other assistance; or

(2) restrict any authority that may exist under other law to so regulate or affect, except as provided in this Act.

(e) GOVERNMENTAL DISCRETION IN ALLEVIATING BURDENS ON RELIGIOUS EXERCISE.—A government may avoid the preemptive force of any provision of this Act by changing the policy that results in the substantial burden on religious exercise, by retaining the policy and exempting the burdened religious exercise, by providing exemptions from the policy for applications that substantially burden religious exercise, or by any other means that eliminates the substantial burden.

(f) EFFECT ON OTHER LAW.—In a claim under section 2(a)(2) of this Act, proof that a substantial burden on a person's religious exercise, or removal of that burden, affects or would affect commerce, shall not establish any inference or presumption that Congress intends that any religious exercise is, or is not, subject to any other law.

(g) BROAD CONSTRUCTION.—This Act should be construed in favor of a broad protection of religious exercise, to the maximum extent permitted by its terms and the Constitution.

(h) SEVERABILITY.—If any provision of this Act or of an amendment made by this Act, or any application of such provision to any person or circumstance, is held to be unconstitutional, the remainder of this Act, the amendments made by this Act, and the application of the provision to any other person or circumstance shall not be affected.

SEC. 6. ESTABLISHMENT CLAUSE UNAFFECTED.

Nothing in this Act shall be construed to affect, interpret, or in any way address that portion of the first amendment to the Constitution prohibiting laws respecting an establishment of religion (referred to in this section as the ''Establishment Clause''). Granting government funding, benefits, or exemptions, to the extent permissible under the Establishment Clause, shall not constitute a violation of this Act. As used in this section, the term ''granting'', used with respect to government funding, benefits, or exemptions, does not include the denial of government funding, benefits, or exemptions.

SEC. 7. AMENDMENTS TO RELIGIOUS FREEDOM RESTORATION ACT.

(a) DEFINITIONS.—Section 5 of the Religious Freedom Restoration Act of 1993 (42 U.S.C. 2000bb–2) is amended—

(1) in paragraph (1), by striking ''a State, or subdivision of a State'' and inserting ''a covered entity or a subdivision of such an entity'';

(2) in paragraph (2), by striking ''term'' and all that follows through ''includes'' and inserting ''term 'covered entity' means''; and

(3) in paragraph (4), by striking all after ''means,'' and inserting ''any exercise of religion, whether or not compelled by, or central to, a system of religious belief, and includes (A) the use, building, or conversion of real property by a person or entity intending that property for religious exercise; and (B) any conduct protected as exercise of religion under the first amendment to the Constitution.''.

(b) CONFORMING AMENDMENT.—Section 6(a) of the Religious Freedom Restoration Act of 1993 (42 U.S.C. 2000bb–3(a)) is amended by striking ''and State''.

SEC. 8. DEFINITIONS.

As used in this Act—

(1) the term ''religious exercise'' means any exercise of religion, whether or not compelled by, or central to, a system of religious belief, and includes (A) the use, building, or conversion of real property by a person or entity intending that property for religious exercise; and (B) any conduct protected as exercise of religion under the first amendment to the Constitution;

(2) the term ''Free Exercise Clause'' means that portion of the first amendment to the Constitution that proscribes laws prohibiting the free exercise of religion and includes the application of that proscription under the 14th amendment to the Constitution;

(3) the term ''land use regulation'' means a law or decision by a government that limits or restricts a private person's uses or development of land, or of structures affixed to land, where the law or decision applies to one or more particular parcels of land or to land within one or more designated geographical zones, and where the private person has an ownership, leasehold, easement, servitude, or other property interest in the regulated land, or a contract or option to acquire such an interest;

(4) the term ''program or activity'' means a program or activity as defined in paragraph (1) or (2) of section 606 of the Civil Rights Act of 1964 (42 U.S.C. 2000d–4a);

(5) the term ''demonstrates'' means meets the burdens of going forward with the evidence and of persuasion; and

(6) the term ''government''—

(A) means—

(i) a State, county, municipality, or other governmental entity created under the authority of a State;

(ii) any branch, department, agency, instrumentality, subdivision, or official of an entity listed in clause (i); and

(iii) any other person acting under color of State law; and

(B) for the purposes of sections 3(a) and 5, includes the United States, a branch, department, agency, instrumentality or official of

the United States, and any person acting under color of Federal law.

The SPEAKER pro tempore. Pursuant to House Resolution 245, the gentleman from New York (Mr. NADLER) and a Member opposed each will control 30 minutes.

The Chair recognizes the gentleman from New York (Mr. NADLER).

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

Mr. Speaker, I rise in support of the amendment in the nature of a substitute. I will not repeat the arguments I made during the general debate as to why the underlying legislation is very necessary. I think the vast majority of the Members of this House agree with that proposition.

The real question is whether it is appropriate to ensure that this legislation, once enacted, while providing an effective shield for the religious rights of all Americans, will not be used as a sword against the civil rights of other Americans. I believe the amendment in the nature of a substitute strikes that balance, and does so without doing violence to the underlying purpose of the bill.

Members who support this legislation need not be concerned that the substitute will nullify its protections in any way. It is no secret there is substantial concern that establishing a standard that says a State and local law cannot be enforced in any case where someone raises a religious claim, unless the State can show a compelling interest in enforcing its law in the specific case, causes concerns about whether religious claims will prevail against State and local civil rights laws.

The Committee on the Judiciary has received testimony from some supporters of this bill who have testified very forthrightly that they have and will continue to bring free exercise litigation in an effort to undermine some civil rights protections.

While those religious beliefs may be sincere and entitled to a fair hearing, I think it is necessary to strike an appropriate balance without broad carve-outs and without politicizing the process, if that is possible.

The amendment recognizes that religious rights are rights that belong to individuals and to religious assemblies and institutions. General Motors does not have sincerely held religious beliefs, by its nature. My amendment protects individual and religious institutions.

In order to protect civil rights laws against the person who would say, ''My religion prohibits me from letting my corporation hire a divorced person or a disabled person, or a mother who should be at home with her children, or a gay or a lesbian person, and it prohibits me from letting my hotel rent a room to such people,'' never mind the State civil rights laws that prohibit this kind of discrimination, in order to protect civil rights laws against that sort of religious claim, the amendment places some limits on who may raise a claim under this bill against the application of a State or local law.

Any person would have standing, any person would have standing under this amendment to raise any claim with respect to any issue, with the following narrow exceptions: Except a claim against the housing discrimination law could be raised only by a small landlord who was exempted by the terms of the Fair Housing Act; a claim against an employment discrimination law could be raised only by a small business with five or fewer employees, in accord with the general practice of exempting very small businesses from employment discrimination laws; or by a church or other religious institution or religious school exercising its right to decide whom to employ based on its religious beliefs.

With these exceptions, businesses of any size could bring any free exercise claims. This is important for the mom and pop store that has difficulties with Sunday closing laws, or with laws allowing malls requiring stores to remain open 7 days a week, as well as for large firms that, for example, produce kosher meat or other products.

The amendment recognizes that in protecting any rights, we are always balancing other peoples' rights. The courts do it, we do it, and there is no way around it. I think this amendment accomplishes that end.

I can tell the Members that a great deal of work and consultation, both with Members of the religious coalition which is supporting this bill and with other civil rights groups, has gone into developing this language. It provides a basis to enact a bill that will pass and that will protect people who are in need of protection.

I know there are those who will object that this amendment is a carve-out, a set of exceptions to a general religious protection principle that will set a precedent for many more exceptions and could lead to gutting of the bill, to rendering our first freedom a hollow shell. I disagree.

In the first instance, this bill already has a carve-out that breaks the absolute, the principle of indivisibility that we must never have carve-outs. This bill limits the right of prison inmates to raise otherwise valid claims under the bill by specifically referencing the Prison Litigation Reform Act.

So we already have a carve-out in the bill. This is simply a second carve-out. The question is not should we have a carve-out, but is it important, worthwhile, and valid. I submit that to protect civil rights laws from possible claims under this bill, it is a valid protection.

Secondly, it is not a carve-out in the sense that, for instance, the prison carve-out is, where it simply says, this shall not apply by reference, or this shall not apply to this or that law. It is a limitation, a narrow limitation on standing which would be very difficult to extend further and which should not be extended any further.

I believe that without good faith compromise by people with vastly different beliefs, it would be difficult to get this bill through the Senate, through the House, and through the President. That was our experience with RFRA, and nothing has changed.

This amendment provides an opportunity to find the consensus we need to protect the rights of all Americans. If we could not draft this amendment, Mr. Speaker, if we had a stark choice in which we said we can either protect the free exercise of religious rights of people from the damage the Supreme Court has done to it at the expense of the civil rights of other Americans, or we can protect the civil rights of Americans but not their religious rights, that would be a terrible choice, indeed.

This amendment offers us a way to do both, protect the religious liberties we need to protect, as the gentleman from Florida (Mr. CANADY) and others have so eloquently expressed, but do so without violating or posing a threat to civil rights of Americans.

We ought to do it in the proper way without posing a threat to the civil rights of Americans. I therefore urge my colleagues to adopt this substitute amendment and, reluctantly, if the substitute is not adopted, I will urge my colleagues to vote against the bill so that we can have, further in the process, better odds of getting this amendment or something like this into the bill.

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

Mr. CANADY of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I do rise in opposition to the amendment in the nature of a substitute offered by my colleague, the gentleman from New York (Mr. NADLER). I at the outset would like to say that I know that the gentleman from New York (Mr. NADLER) is passionately committed to the protection of religious liberty in this country, and I believe that he has a sincere desire to deal with this issue in a responsible manner.

But I am concerned that in his efforts to develop language that will be acceptable to groups such as the ACLU, who have asserted concerns about this bill, concerns that I might add are based not on any current problems with the bill but on sheer speculation, he has varied from the principle that truly animates this bill.

In his efforts to address the concerns that a few groups have raised on the far left, he has denigrated, unintentionally, I will concede, unintentionally denigrated protection for religious liberty. Therefore, I would urge all Members to vote against the substitute that the gentleman has offered.

Again, Mr. Speaker, I want to express my utmost respect for the gentleman from New York. I know that he is passionately committed on this issue. I simply think that he has made a particular compromise here with the principle underlying this bill that we

should not make, and that the House should reject this amendment for that reason.

Mr. Speaker, H.R. 1691 is designed to provide the fundamental civil right of all Americans to practice their religion with a high level of protection, consistent with other fundamental rights. The Nadler amendment would subordinate religious liberty to all other civil rights, perpetuating the second class status for religious liberty that the court in effect created in the Smith case.

I do not think that is the gentleman's intent, but that is the actual effect of what his amendment does. We cannot get away from it. That is what it will do. That is not something that this Congress should countenance.

□ 1300

Like the Religious Freedom Restoration Act, the Religious Liberty Protection Act is intended to provide a uniform standard of review for religious liberty claims. H.R. 1961 employs the ''compelling interest/least restrictive means'' test for all Americans who seek relief from substantial burdens on their religious exercise.

Under the amendment offered by the gentleman from New York, only a preferred category of plaintiffs are granted this protection. The gentleman can describe it as a ''carve in'' or a ''carve out,'' but the fact is some people are not going to get the protection that the bill would otherwise afford them.

While H.R. 1691 would restore the strong legal protection for religious freedom that was taken away by the Supreme Court in the Smith case, the Nadler amendment in effect perpetuates the weaker standard by intentionally excluding certain types of religious liberty claims from strict scrutiny review.

One reason the gentleman has expressed for the limitation on claims to businesses of five or fewer employees is to preclude General Motors from filing a religious liberty claim as a ruse to discriminate against people. With all due respect to the gentleman from New York, I think that no one who has seriously looked at this law could conclude that General Motors would have any claim under the Religious Liberty Protection Act. The argument that General Motors would have such a claim ignores the requirement of the bill that a claimant prove that his religious liberty has been substantially burdened by the government.

I do not think that General Motors or Exxon Corporation or any other such large corporation that the gentleman wants to bring forward as an example could come within a mile of showing that anything that was done would substantially infringe on their religious beliefs. They do not have a religious belief. They do not have a religious practice. It is not in the nature of such large corporations to have such religious beliefs or practices. So I think that that argument about Exxon and General Motors is, quite frankly, a bit of a red herring.

The gentleman from New York admits that his amendment does not track Title VII's exemptions from civil rights laws for religious institutions. He does not explain why he thinks that Congress ought to, in this bill, provide less protection for religious institutions than it has provided for so many years under Title VII. The Nadler amendment would restrict claims to the employment of people ''spreading or teaching the faith . . . performing . . . in devotional services or'' involved ''in the internal governance'' of the institution.

Title VII on the other hand states its provisions barring discrimination in employment ''shall not apply . . . to a religious corporation, association, educational institution or society with respect to the employment of individuals of a particular religion . . . to perform work connected with the carrying on by [a religious institution] of its activities.

Federal courts have recognized that this special provision for religious institutions is a broad one and permits those entities, churches, synagogues, schools, which are covered by it to discriminate on the basis of religion ''in the hiring of all of their employees.''

Mr. Speaker, if the Nadler amendment passes, Congress will have departed from the long-standing protection that it has afforded churches, synagogues, parochial schools and all other religious institutions for decades by embodying in Federal law for the first time a narrower protection for the religious liberty of religious institutions. There is no good reason to depart from the policy of protection for religious organizations established in Title VII.

I think it is worth noting that the groups that urge adoption of this amendment did not find similar fault with the Religious Freedom Restoration Act. And I know that is not something that the proponents of this amendment want to hear about. That was then and this is now. But all the arguments related to civil rights that have been advanced today were equally applicable to the Religious Freedom Restoration Act.

On a general point about civil rights, the President and the administration have expressed their strong support for this legislation. I cannot speak for the President, but I have read the letter that was sent. Strong support is expressed.

The President was a strong proponent of the Religious Freedom Restoration Act, and I know he views that legislative accomplishment as something that was very significant. I think it is strange a bit to claim that this bill, which is strongly supported by the administration, poses such a great threat to civil rights. It just does not stand up to serious consideration. That sort of argument just does not.

With all due respect to the gentleman from New York, I must suggest that I do not believe the President would express his strong support for a bill that would have the impact that some others have suggested it would have.

Mr. Speaker, we go back to RFRA, the ACLU-supported RFRA. Now they have changed their minds. What triggered this objection? I think what all of this is about, if we get right down to the facts of what is motivating this, was a 9th Circuit case in which a small religious landlord challenging a housing law was granted an exemption from compliance. This should not be a cause for alarm. It is clear from the case law that under strict scrutiny sometimes religious landlords win their claims for exemption, sometimes they do not depending upon the facts of the case.

H.R. 1691 will continue in this tradition weighing and balancing competing interests based on real facts before the Court. Religious interests will not always prevail, nor will those of the government. But the Nadler amendment would determine in advance that the interest of the Government will always prevail in certain cases. This is not what this Congress intended when it passed RFRA unanimously here in the House and is not the type of law I believe the American citizens want their Congress to enact.

Let me finally say that H.R. 1691 remedies the Smith case's tragic outcome which resulted in only politically influential people being able to obtain meaningful protection of their religious freedom against a neutral law of general applicability.

The Nadler amendment, on the other hand, exemplifies the problem created in the Smith case by legislatively doling out protection only to politically influential classes of claimants, or perhaps more accurately denying protection to politically not influential classes of claimants. Now, that is not the way we should be operating when we are dealing with religious liberty. Religious liberty should not be put in a second-class status to other civil rights. That is just not right.

Now, we are not saying in this bill that religious freedom always takes precedent over everything else. That is not what the bill does, and the gentleman knows that, and anyone who has read the bill knows that. But those of us who oppose this amendment are simply saying that it is not right to establish as a matter of Federal policy in this bill that protection for the free exercise of religion, protection for the civil right of the exercise of religion is in second-class status behind other civil rights.

So on that basis I would urge the Members of the House to reject the amendment offered by the gentleman from New York (Mr. NADLER) and move forward to the passage of this bill which has such broad support from the religious community. As we have noted earlier, it is truly remarkable that such a diverse group of religious organizations have joined together in support of any legislation. It is an unusual

circumstance when we can come to the floor with such broad support. We have that broad support in the religious community. We have the support of the administration.

Mr. Speaker, I would like to thank the Department of Justice for the work that they have done in helping us craft this legislation and addressing various concerns that had existed. They were very helpful in making suggestions which I think have strengthened the bill; and I, as the chief sponsor of this legislation, want to express my gratitude to the Attorney General for the assistance that was provided.

We need to get on with this job. This is a problem that we have been struggling with since 1990, nearly a decade. Congress tried to address the problem back in 1993 during my first term as a Member of Congress. The effort we have made then has proved to not be successful in the way that we intended it. We have come back to the drawing board, and we have an approach here which we think will do the job within the constraints that the Supreme Court has imposed on us.

Mr. Speaker, the House should listen to the voice of the religious community. The House should reject this weakening amendment and pass this important legislation.

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

Mr. NADLER. Mr. Speaker, I yield 2½ minutes to the gentleman from New York (Mr. WEINER), a member of the committee.

Mr. WEINER. Mr. Speaker, as a member of the Committee on the Judiciary I have found a comfortable place standing somewhere between the gentleman from Florida (Mr. CANADY) and the gentleman from New York (Mr. NADLER), and on this issue I believe I am there again. I want to commend the gentleman from Florida for drafting an excellent bill, one that I am proud to cosponsor. And I also am proud to support the amendment offered by the gentleman from New York, which I believe makes a good bill a little bit better.

In 1963, the Supreme Court issued an important decision in Sherbert vs. Verner. In that case a South Carolina woman was denied unemployment compensation. Her denial was not based on any lack of interest in working but because she refused to work on Saturdays. South Carolina tried to argue that this woman had refused an employment opportunity. This, however, was not the case. Ms. Sherbert observed the Sabbath and she did no work from sundown Friday to sundown Saturday. The same is true for so many of my constituents.

Her religious beliefs demanded that she decline employment opportunities that involved Saturday work, but her State saw fit to deny her unemployment compensation. Her case was litigated all the way to the Supreme Court, and there the Court held that the State's refusal violated the free exercise clause because its denial of unemployment compensation forced Mrs. Sherbert to choose between religious adherence and unemployment compensation benefits.

The Court rightly ruled that South Carolina's interest in denying benefits was neither compelling nor was it narrowly tailored. Unfortunately, since that time the Supreme Court has retreated from that position and there have been several other examples that have emerged.

The bill that the gentleman from Florida (Mr. CANADY) and I and others have sponsored seeks to reverse that. And I believe that the gentleman from New York (Mr. NADLER) has said in his arguments on the floor that he supports that concept. It is something that all of us agree on. The gentleman from Florida has argued, and I agree, that this is not a bill that is intended to be an attack on civil liberties. What the Nadler amendment seeks to do is make that clear. Make it clear that in our efforts to restore religious liberties we are not taking a hatchet to civil liberties. I would not have sponsored the bill if I thought that that was the case.

Mr. Speaker, I think that what the Nadler language does is make it very clear that while we are going to have conflicts between religious rights and between civil liberties with or without H.R. 1691, what this amendment makes clear is where we stand, and that is we are not trying to take from one group of rights to serve another group. The Nadler amendment strengthens what is already a very good and a strong bill. It allows us to all vote for strong civil liberties and strong religious liberties.

Mr. Speaker, I urge my colleagues to support H.R. 1691, and I urge support for the amendment offered by the gentleman from New York.

Mr. CANADY of Florida. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois (Mr. HYDE), chairman of the House Committee on the Judiciary.

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

Mr. HYDE. Mr. Speaker, I would like to ask the gentleman from New York (Mr. NADLER) to listen to what I say and tell me if I am wrong. I want to make sure I understand the impact of his amendment.

It seems to me that what the gentleman is seeking to do is to carve out, lift from under the umbrella of this bill civil rights. And among the civil rights that he interprets are what are sometimes known as gay rights, that is the right of homosexuals to practice their homosexuality. And, therefore, that becomes a preferred right and the free exercise of religion becomes subordinate to that. Mr. Speaker, I would ask the gentleman if I am correct.

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

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

Mr. NADLER. Mr. Speaker, no, the gentleman from Illinois is not correct. The amendment makes no mention of gay rights or any other particular right, establishes no preferred status for anything.

The amendment limits standing as to who may bring a claim under this bill. And it says anybody may bring a claim, except with respect to housing discrimination small landlords only may bring a claim. With respect to hiring discrimination, small businesspeople or churches and religious institutions only may bring a claim. Who benefits from that depends on State and local law. That could be anybody. In other words, who can bring a claim against a State or local law.

Mr. HYDE. Mr. Speaker, reclaiming my time, it seems to me that absent the gentleman's amendment, the bill itself restores the compelling-interest standard which obtained before the SMITH case and that the question of which civil right trumps the free exercise of religion can be left to the States on a case-by-case basis.

□ 1315

Therefore, the amendment of the gentleman from New York (Mr. NADLER) is really not needed.

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

Mr. HYDE. Surely. I yield to the gentleman from New York.

Mr. NADLER. Mr. Speaker, I think the gentleman from Illinois has got it backwards. The bill without the amendment does not lead to the decision of the States, what trumps what. Any State law would be trumped if the court finds that the State does not have a compelling State interest. If the court finds it has a compelling State interest, it is not trumped.

This amendment in effect takes out from that question and gives more effect to the State law in the limited cases of housing and employment discrimination with a carve-out from that provision for churches, small landlords, and small businesspeople.

Mr. HYDE. Mr. Speaker, it just seems to me the gentleman from New York is unduly complicating what is essentially not a complicated proposition. The civil rights that may or may not be jeopardized and any conflict with the free exercise of religion can be protected and will be protected on a case-by-case basis without the complexity of the gentleman's amendment.

So I just take this time to congratulate the gentleman from Florida (Mr. CANADY) for a very important bill and his persistence in getting it to this point. I support it without the Nadler amendment.

Mr. NADLER. Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Speaker, I thank the gentleman from New York (Mr. NADLER) for yielding me this time and for his leadership on this very, very important issue.

Certainly we all support the spirit of the Religious Liberty Protection Act,

and I also commend the maker of H.R. 1691 for bringing it to the floor.

In its current form, however, the bill could undermine existing civil rights laws. We do need the Religious Liberty Protection Act. But, as I say, it could also, in its present form, undermine ongoing efforts to extend much-needed legal protections to currently unprotected and deserving individuals who suffer discrimination.

While the Religious Liberty Protection Act was designed to protect an individual's exercise of religion from the overreach of government, law, and regulation, I believe this act would itself overreach and could undermine laws that prohibit discrimination on the basis of disability, marital status, and parental status.

If this law passes without the Nadler amendment, individuals with disabilities, unmarried cohabitating couples, and single mothers could face more legal discrimination.

We would all, I think, oppose a measure that would allow an individual to use his or her religious exercise rights as a basis for legal claim to circumvent civil rights laws. I do not think there is any argument about that.

We would, none of us, ever permit this rationale to be used to permit discrimination on any basis of race against African Americans or Asian Americans. Yet, discrimination clearly and harshly continues against other individuals and groups. If the issue were race, we would not be having this debate. We would all stipulate that that discrimination should not take place.

This same principle should apply to these populations that could be adversely affected. That is why the Consortium for Citizens with Disabilities, the National Organization for Women, the Human Rights Campaign, and I might add, Mr. Speaker, the American Association of Pediatricians seek a civil rights solution to this bill. The amendment of the gentleman from New York (Mr. NADLER) offers that.

I think that we must support the underlying bill, if and only if the Nadler amendment passes. I thank the gentleman for his leadership on this legislation.

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). The gentleman from Florida (Mr. CANADY) has 15 minutes remaining. The gentleman from New York (Mr. NADLER) has 18 minutes remaining.

Mr. CANADY of Florida. Mr. Speaker, I yield 5 minutes to the gentleman from Missouri (Mr. BLUNT).

Mr. BLUNT. Mr. Speaker, I thank the gentleman from Florida (Mr. CANADY) for yielding me this time. I also appreciate the comments that have been made by the gentleman from New York (Mr. NADLER) and by the gentlewoman from California (Ms. PELOSI) about the importance of this legislation, the reasons we need to move forward with it. Their commitments in the past in this area have been significant.

I would just like to say today that I think really what we are talking about here is the status of this right of religious liberty. When the gentleman from New York (Mr. NADLER) mentioned earlier his amendment would allow us to show what trumps what, I think that is exactly why I wanted to speak on this topic today, because I think we need to be careful that we do not create a second-class status for religious rights where those rights are automatically secondary to other rights. We should not be deciding that those rights are trumped by other rights. That is not what we are about here.

This legislation, as it is written, gives the fundamental civil right of all Americans to practice their religion a high level of protection. It is consistent with the other fundamental rights that we give in the Constitution and in our laws.

This legislation is consistent with title VII's long-standing exemptions for employees of religious institutions. There is nothing in this legislation that continues that.

This legislation establishes a process where we weigh and balance competing interests based on the real facts before the court. Religious interests, as defined here, would not always prevail, but they would not automatically be secondary. The facts that support those rights have equal standing in court with other rights equally protected by the Constitution.

I believe, and those of us in this body universally believe, that this is a government based on enumerated powers. Those powers are enumerated in the Constitution. Those enumerated powers are evidenced in this legislation.

This Act relies on three congressional powers: the power to spend, the power to regulate interstate commerce, the power to reach certain conduct under section 5 of the 14th amendment.

First of all, the Religious Liberty Protection Act protects individuals participating in federally assisted programs from burdens imposed by a government as a condition of participating, that those people could not be exempted from these programs because of their religious beliefs.

For example, an individual cannot be excluded from or discriminated against in a federally assisted program because of his or her religious dress or the holidays that they observe unless one can prove there is a compelling interest that that particular religious activity somehow makes it impossible to do that job.

Secondly, this Act protects religious exercise in the affecting of commerce. Some of our friends say we should not use the commerce clause here to determine whether or not a church can be built. Well, clearly, if one builds a church, if one adds on it a facility, one affects tens of thousands, sometimes hundreds of thousands, occasionally millions of dollars of commerce.

Using the commerce clause to protect religious liberty is appropriate and obvious. Because the commerce clause has sometimes been used in onerous ways does not mean we should shy away from using it for good or that we should shy away from using it to protect this freedom, to protect religious freedom.

Third, this legislation makes the use of the power of Congress to enforce the rights under section 5 of the 14th amendment consistent with recent court decisions, particularly the Supreme Court's decision in Boerne v. Flores.

What this does, it attempts to simplify litigation of free exercise violations as defined by the Supreme Court. These litigations do not need to be cumbersome. They do not need to be needlessly burdensome. Certainly no right in these litigations needs to be secondary to other rights in these litigations.

Evidence shows that individuals who have determinations in land use regulation that work against them, frequently we see that as a burden for religious activities. We see that particularly as it relates to minority faiths, and this bill reaches out and protects those minority faiths. We know that from the evidence of the very broad base of groups that are supporting this legislation today.

Again, I would like to close by simply saying that this legislation levels the playing field for a critical first amendment right. It does not allow the creation of a secondary right.

I think the Nadler substitute, while well intentioned, and I really admire what the gentleman from New York (Mr. NADLER) has done in these areas in the past, while this amendment is well intentioned, I think it does have the potential and the likelihood, and, in fact, what I think it does is relegate religious freedom and religious liberty and religious practice and religious rights to a secondary position. I think we need to have those rights as protected as any other right. Those decisions can be made by the court.

I support the bill and oppose the amendment, but I do so with deference to the sponsor of the amendment.

Mr. NADLER. Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from New York (Mrs. MALONEY).

(Mrs. MALONEY of New York asked and was given permission to revise and extend her remarks.)

Mrs. MALONEY of New York. Mr. Speaker, I thank the gentleman for yielding me this time, and I thank him for his strong leadership on so many issues. I rise in support of the Nadler amendment.

The Religious Liberty Protection Act is a well-intentioned bill with a noble purpose. No State or local government should be able to restrict legitimate religious practices such as the wearing of a yarmulke or a crucifix or the celebration of certain religious holidays. But if we are not careful, then this well-intentioned bill may be used to weaken our Nation's civil rights laws.

Without the Nadler amendment, this bill could threaten the rights of single mothers, gays and lesbians, the disabled, and even perhaps members of certain religious groups.

Unfortunately, the Supreme Court retreated from Sherbert in 1990, and since then the courts and the Congress have engaged in a decade-long dialog over how to properly guarantee that all of our citizens are able to freely exercise their religious beliefs. This is not an academic debate being conducted in ivory towers and judicial chambers. Rather, this is a real-world issue of deep concern to my constituents and to Americans everywhere.

For example:

The Jewish principle of kavod hamet mandates that a dead body is not left alone from the moment of death until burial. For this reason, autopsies, in all but the most serious situations, are forbidden. Following the Supreme Court's ruling in 1990, courts in both Michigan and Rhode Island forced Jewish families of accident victims to endure intrusive government autopsies of family members, even though the autopsies directly violated Jewish law.

In Los Angeles, a court declined to protect the rights of fifty elderly Jews to meet for prayer in the Hancock Park area, because Hancock Park had no place of worship and the City did not want to create precedent for one.

In Tennessee, a Mormon church was denied a permit to use property which had formerly been used as a church. The city of Forest Hills, Tennessee decided it would not be in the best interests of the city to grant the church a construction permit and a local judge upheld the decision.

This bill could be used to deny housing or employment or otherwise discriminate against individuals based on their race, sexual orientation, disability, or marital status.

Mr. Speaker, there is no justification for discrimination. Our Nation has made enormous strides in the past 30 years toward offering equal opportunities for all, regardless of race, gender, religion, or sexual orientation.

We must not undo that progress under the guise of protecting religious freedom. But we also need to protect religious freedom. I urge my colleagues to support the Nadler amendment.

Mr. NADLER. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. DEUTSCH).

Mr. DEUTSCH. Mr. Speaker, I rise today in support of the Nadler substitute. In the 103rd Congress, I was an original cosponsor of the Religious Freedom Restoration Act. I would take second place to no one in this Chamber in terms of a concern about religious liberty protection. I take that very, very seriously. I understand the intent of this legislation as well.

But I think all of us who have looked at this legislation realize that the legislation will have an incredibly unfortunate consequence and that would be to allow the overturning of anti-discrimination statutes in the United States of America, statutes which are really at a fundamental core of the American experience.

There are well-intentioned, good arguments on both sides of this legislation. I think we come to this in one of our really better moments as an institution. But I really ask and I really plead with my colleagues who are contemplating not supporting the Nadler amendment to really spend the time to understand specifically what the effect of this legislation would do.

It will in fact, and I do not think there is an argument about this at all, it would in fact change protection that exists under present law against discrimination, whether Federal, whether State, whether county or local discrimination statute.

□ 1330

It would force them into courts. And I think all of us understand that there will be many cases, and we do not know the exact percentage of those cases, that the standards of compelling State interest will not be met.

And that really is the issue in front of us, that in terms of actual discrimination that is protected against today, if this legislation were to pass those protections would not exist and, in fact, that discrimination would occur.

And in the balancing that we are trying to do, it would not, under any circumstance with the Nadler substitute, deal with some of the parade of horribles that I support the protections of that the gentleman from Florida (Mr. CANADY) mentioned previously in terms of religious schools, dictating hiring practices of churches.

I urge my colleagues, I implore my colleagues to support the Nadler substitute.

Mr. CANADY of Florida. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Speaker, I rise in support of this legislation, and I think it is really important for us, when we are discussing discrimination and discussing how to treat each other decently in the society, to come to an honest analysis about whose ox is being gored in this society and whose toes are being stepped upon.

I think there is a wide consensus in our society today that people who live less traditional lives, let us say, or have different types of values, sexual values, et cetera, have a right to their privacy and a right to their personal lives and a right to live as they see fit in their own lives. But, frankly, in the last 10 years, what I have seen, which is very disturbing to me, is that people with more traditional views, especially more traditional Christian views, although I think that this is true of Muslims and Jewish people, who are deeply involved in their religious traditions as well, that those people are being told they cannot make determinations for themselves and for their lives and for their families that are consistent with their religious values.

I see the greatest victim of discrimination in our society today as being these people, these Christians, these Jews, these Muslims, who have more traditional religious values. If someone wants to have certain sexual activities, and this is what they desire and they do so in their privacy, there are very few people today who want the government to intrude in that.

But there seem to be a lot of people trying to force their way into the lives of others. For example, the Catholics cannot have a parade. They attempted to have a parade in New York, and people whose social lives and social values are totally in conflict with what Catholics believe feel that they can force their way into a Catholic parade, which is, to me, violating those Catholics' right to have their own beliefs.

We have the Boy Scouts of America, which is a private organization, and they have certain moral standards that they believe in. Now, who is under attack? Who is under attack here? The Boy Scouts of America are spending millions of dollars just to maintain what they consider to be their moral standards.

No one is out forcing their way into the homes of other people who want to live in their privacy and want to live decent lives with their own values in terms of whether or not they are in agreement with some of these more traditional values, but the ones with the traditional values are under attack all the time.

I think this piece of legislation is going to try to swing the pendulum back. Certainly 25 and 30 years ago there was great discrimination in our country against certain nonconformists, one might say, of people who had different than the traditional values. Today, that pendulum has swung so far in the opposite direction that people with more traditional values are under attack, and we need to protect their rights as well.

So this, I think, is a balance and I support the legislation.

Mr. NADLER. Mr. Speaker, I yield myself 15 seconds.

The views expressed by my friend from California are very interesting views. I would simply point out two things.

Number one, this bill does and is intended to protect religious freedom for traditional Christians and Jews and for untraditional people, for wiccans, witches, or whatever their religious views. And, secondly, this has nothing whatsoever to do with this amendment. It does with the bill, but not with this amendment.

Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. WEXLER).

Mr. WEXLER. Mr. Speaker, I rise in support of the Nadler amendment, strong support, and in doing so acknowledge and recognize that H.R. 1691 and the sponsor, the gentleman from Florida (Mr. CANADY), seek to address very important wrongs that are occurring in the United States today. There are, in fact, numerous examples of planning and zoning decisions that are being made for the either inherent or obvious purpose of denying individuals or groups their religious freedom.

In my own community in South Florida, oftentimes there are autopsies

that are conducted in violation or contrary to people's religious beliefs, when there is little or no State purpose for doing so. And the State acts either out of insensitivity or just out of lack of knowledge for people's religious beliefs. And I believe the purpose of this bill would be to correct those violations, and that I support and compliment.

But in doing so, there also is a flip side. The flip side is that in protecting one group's religious freedom, which is noble and certainly applaudable, we are, to some degree, and we can argue to what degree that is, but to some degree jeopardizing the rights of others.

And while the gentleman from California (Mr. ROHRABACHER) may suggest that people are trying to force themselves on maybe more traditional people in this country, I do not see it that way. What these so-called less traditional people are trying to do is work. They are trying to live in an apartment. And if that is forcing themselves on someone, well then, that is exactly why we need the Nadler amendment. Although, although, what the Nadler amendment seeks to do is both protect religious freedom and protect civil rights.

This bill, as it is currently drafted, puts us in an untenable situation, civil rights versus religious liberty. Support the Nadler bill.

Mr. NADLER. Mr. Speaker, may I inquire how much time I have remaining?

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). The gentleman from New York (Mr. NADLER) has 12 minutes remaining, and the gentleman from Florida (Mr. CANADY) has 7 minutes remaining.

Mr. NADLER. Mr. Speaker, I yield 1 minute to the gentleman from Virginia (Mr. SCOTT).

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

Mr. Speaker, the Nadler amendment points out the problem of the underlying bill, and that is that without this amendment it may sabotage the enforcement of laws of general application, like civil rights laws, child protection laws and others. We should not subject vigorous enforcement of civil rights laws to individual beliefs.

We know that there are some in our society, and we have seen on Web sites the Church of the Creator, where some have strongly held beliefs about race, and we should not make civil rights laws optional. Without this amendment, those people who just do not believe in civil rights can require a showing of a compelling State interest and least restrictive means to complicate the enforcement of civil rights laws by declaring that the compliance with the civil rights laws might violate their beliefs.

Mr. Speaker, I would hope that we would not subject our civil rights laws it took us too long to enact and so long to enforce to this kind of situation. I would hope that we would adopt the Nadler amendment so these civil rights laws could be enforced.

Mr. CANADY of Florida. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. EDWARDS) for the purpose of a colloquy.

Mr. EDWARDS. Mr. Speaker, I would like to engage the chief sponsor of this legislation in a colloquy in order to address concerns that the bill advantages or disadvantages any group or ideological perspective.

Could the gentleman from Florida please explain how the compelling-interest standard works in this legislation?

Mr. CANADY of Florida. Mr. Speaker, will the gentleman yield?

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

Mr. CANADY of Florida. Mr. Speaker, the compelling-interest standard is fair, but rigorous, not only for the government but also for religious claimants. The standard neither allows religious interests to always prevail, nor those of the government, even when its interests are compelling.

The standard weighs and then balances competing interests, first considering the burden on the claimant's interest and then evaluating the government's interest in disallowing an exemption to the law or regulation and the available alternatives for achieving the government's goals. The Religious Liberty Protection Act, like the Religious Freedom Restoration Act, does not define the various elements of the standard.

The legislation imposes a standard of review, not an outcome, and the cases are litigated on the real facts before the courts. Thus, it is difficult in some hypothetical cases to predict with certainty which interests will prevail.

Mr. EDWARDS. Reclaiming my time, Mr. Speaker, I would further ask if it is correct that the point of this legislation is that by adopting the compelling-interest standard Congress is acknowledging that courts will consider and weigh important interests behind these laws; and that because each religious claimant's situation is unique, it is appropriately left to the courts to weigh the competing interests; and that because the legislation is not designed to resolve any specific case or set of facts, it is neutral and does not directly address a specific outcome.

Mr. CANADY of Florida. That is correct.

Mr. EDWARDS. I thank the gentleman for this clarification.

Mr. NADLER. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from North Carolina (Mr. WATT).

Mr. WATT of North Carolina. Mr. Speaker, I rise in support of the Nadler amendment and want to encourage my colleagues to support the amendment.

The thing that is really interesting about the debate on the Nadler amendment is how everybody seems to be claiming to be on the same side. The proponents of the underlying bill say, ''Oh, no, we are not trying to trump civil rights laws.'' The gentleman from New York (Mr. NADLER) says, ''Oh, no, we are not trying to trump religious use protection.'' And then we have people really claiming to be achieving the same objective, protecting religious freedom and protecting civil rights laws.

The problem is those same people started out together, and they have been together all along during this process. The gentleman from New York has been trying to get the proponents of the bill to accept his amendment from the very beginning. He has gone through different iterations of it, revisions of it, and here we are on the floor of the House with everybody still saying they support the same objective: ''We do not want to undo civil right laws,'' they say, ''but we are not going to support the Nadler amendment to make that clear.''

Well, there is a third version. There is the NAACP Legal Defense Fund saying that the amendment of the gentleman from New York does not go far enough. I happen to agree with the Legal Defense Fund in its assessment, but I will tell my colleagues what I am prepared to do. Since everybody says they would like to work this out in the conference committee, and everybody is trying to achieve the same objective, I have decided that I will support the Nadler amendment and I will vote for the bill if the Nadler amendment is adopted and we can continue to work on this in conference.

The problem that I have is the people who keep telling me this is going to work itself out in conference are the people who have not given one inch, one word throughout the whole discussion of this process. We need to adopt this amendment and pass the bill; or, if we reject the amendment, we need to vote against the bill.

Mr. NADLER. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Mr. Speaker, I was interested to hear the colloquy between the gentleman from Texas (Mr. EDWARDS) and the gentleman from Florida (Mr. CANADY). It reinforces the central point. This bill is a Federal act that says to Federal judges, ''Go forth and pick and choose amongst State laws.''

This empowers Federal judges to decide what is the compelling interest according to the State and what is not.

□ 1345

And if a State has said they are going to protect them if they are unmarried and seek with their child to get housing, it will be up to the Federal judge to decide whether that State law beats a religious objection; if they are gay or lesbian, it will be up to the Federal judge to decide whether the State law in Connecticut or Wisconsin or Minnesota or California is overridden; if they are an unmarried couple seeking

to live together, it will be up to the Federal Government to judge whether or not they can rent an apartment from a corporation, the stockholders of which said it is their religious objection.

The gentleman from California (Mr. ROHRABACHER) cited the Boy Scouts and the March. Let us be very clear. Neither one of those has the remotest thing to do with this bill. Both of those entities, the people having the parade and the Boy Scouts, are already protected under the law. Nothing in the law would add to that protection. But, on the other hand, nothing in the Nadler amendment would detract one iota.

The gentleman from New York (Mr. NADLER) says this: If they seek to live somewhere in a non-owner-occupied building or a very large apartment building, or if you seek a job with an employer with more than five people, if they can do the job, if they can pay the rent, their personal habits, whether they are married or not, whether they are gay or not, whether they have some particular affliction or not that might offend someone's religion will not keep them off of the work rolls, it will not keep them out of that house.

We do not impinge on anybody's individual religious practice. Nobody goes into anybody's home. No one is involved here, under the Nadler amendment, with the ability to interfere.

We are saying that they should not say where a State has said they wish to protect them based on their sexual orientation or their marital status or the fact that they have children. They should not allow Federal judges selectively to overrule those because those Federal judges do not find the State's policy a compelling interest.

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). The gentleman from Florida (Mr. CANADY) has 5½ minutes remaining. The gentleman from New York (Mr. NADLER) has 7 minutes remaining.

Mr. CANADY of Florida. Mr. Speaker, I yield 2½ minutes to the gentleman from Alabama (Mr. BACHUS).

Mr. BACHUS. Mr. Speaker, first of all, I would like to commend the gentleman from Florida (Mr. Canady) for his excellent work in defending our Constitution and the first freedom enumerated there.

In fact, we all know from our history that our forefathers came to this country for religious liberty. And it was not a coincidence that when they drafted our Constitution the very first right that they enumerated was the right to religious liberty. And this right has been unquestioned in our country until 1990.

Of all things, in 1990, the Supreme Court of the United States, in a 5–4 decision, questioned the right of every citizen to our right to full expression of our religious freedoms and beliefs. There was a long-standing principle that the State had to have a compelling reason to interfere with that right, and they did away with that.

I am happy to say that this Congress, in 1993, with only three dissenting votes, passed legislation again saying that the Government has to have a compelling reason to interfere with our religious liberties. President Clinton signed that legislation.

Unfortunately, the Supreme Court came back and basically said, we cannot do that; it is unconstitutional for the Congress to try to protect our freedom of religion. Thank goodness they had not done that with some of our other freedoms.

So we are here today again. And I will say to my colleagues that, as a Congress, all three branches of government have an obligation and a duty to protect our constitutional rights and our freedom. It is not the sole responsibility of the Supreme Court, particularly in this case where the Supreme Court has shirked that responsibility and has actually taken away a freedom guaranteed in our Constitution.

I would hope that every Member of this body, with not three dissenting votes but unanimously, would say to this country and the people we represent, their religious freedoms will not be violated. If they are a prisoner and they want to confess to their priest, we will not monitor that confessional; we will not prohibit them from talking to their priest; we will not prohibit a church here in Washington, D.C., to feed the homeless; we will not prohibit Jewish prisoners from wearing a yarmulke.

It is time to end this abuse. It is time to pass this bill.

Mr. NADLER. Mr. Speaker, it is now my privilege to yield 1½ minutes to the gentleman from Michigan (Mr. CONYERS), the distinguished ranking member of the Committee on the Judiciary.

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

My colleagues, as the bill presently stands, whenever a parties brings suit claiming discrimination, the defendant will be able to claim that this is inconsistent with their religious beliefs.

We are creating a huge disparity here. The Nadler amendment responds to the problem, thank goodness, by specifying that the bill's protections only apply to individuals, religious institutions, and small businesses.

So the amendment will be particularly helpful with regard to laws prohibiting discrimination based on marital status, disability, sexual orientation, where there has not been found by the court a compelling interest test.

That is why the NAACP Legal Defense Fund and the American Civil Liberties Union have recently broken from this loose coalition because they realize what we would be doing if we allowed this bill to go through without this very important amendment.

We do not want to turn a shield into a sword. At our hearings, the Christian Legal Society acknowledged that they planned a widespread campaign to use the Religion Freedom Protection Act to undermine State laws protecting people with different orientations.

Please support the Nadler substitute.

Mr. NADLER. Mr. Speaker, I yield 1½ minutes to the distinguished gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON LEE of Texas. Mr. Speaker, I thank the gentleman from New York for yielding me the time.

Mr. Speaker, I started out this debate earlier today acknowledging that we have more in common than we have in disagreement.

Today I rise and stand on behalf of the Sabbath keepers, on behalf of those who wear yarmulkes, on behalf of churches who feed the homeless, because I am standing in support of the Nadler amendment, particularly emphasizing the fact that the free exercise of religion is a prominent and important right and why can we not do it together, raising the concern that we should not discriminate against those in businesses and governments with respect to their employment, participation in the rental market, their right to observe the Sabbath, to wear religion articles, and to follow the other teachings of their faith, including those relating to family life, the education of children, and the conduct of their religious institutions. The Nadler amendment stands for this.

But at the same time, as we did in my State of Texas, the Nadler amendment respects unmarried couples and single parents, lesbians and gays, maybe even racial and ethnic groups who differ in their acceptance in this community.

Mr. Speaker, I am a believer in the free exercise of religion. But my ancestors, unfortunately, came as slaves. We had to be educated about the democracy, if you will, late in life and the free exercise of religion. I would hope we would not go along the lines of the free exercise of religion and civil rights.

I offer in testimony, Mr. Speaker, the words of Scott Hochberg, the proponent of the legislation in Texas, where, in a bipartisan manner, this same legislation was passed and George Bush signed it. And what it offered to say is that he supports a strong religion liberty but he wanted to ensure that the Texas civil rights were not violated. They worked together in Texas.

I will close by simply saying, let us work together and vote for the amendment.

Mr. Speaker, today, we discuss what I believe is sorely needed legislation to restore the legal protections for the free exercise of religion. These legal protections have been dangerously eroded by the Supreme Court in its 1990 Employment Division v. Smith decision.

Congress attempted to remedy this by enacting on a bipartisan basis, the Religious Freedom Restoration Act, which the Court struck down in part in its 1997 City of Boerne v. Flores decision.

H.R. 1691, the Religious Liberty Protection Act ("RLPA") seeks to restore the application of strict scrutiny in those cases in which facially neutral, generally applicable laws have

the incidental effect of substantially burdening the free exercise of religion. I believe that the government should not have the ability to substantially burden a right that is enshrined in Constitution unless it is able to demonstrate that it has used "the least restrictive means of achieving a compelling state interest." (Thomas v. Review Board, Indiana Employment Security Commission, 450 U.S. 707, 718 (1981)).

I am concerned that this legislation if left unamended could have deleterious affects on the enforcement of State and local civil rights laws. Many Americans, including unmarried couples, single parents, persons with different lifestyles, maybe even racial and ethnic minorities with different religious beliefs.

The amendment offered in the nature of a substitute by Mr. NADLER of New York would address these concerns. This amendment would appropriately strike a balance between the free exercise sincerely held religious beliefs and the enforcement of hard-won civil rights.

The amendment, crafted in consultation with both religious and civil rights groups clarifies the fact that religious liberty is an individual right expressed by individuals and through religious associations, educational institutions and house of worship. It also makes clear that the right to raise a claim under RLPA applies to that individual. A non-religious corporate entities could not use a RLPA for a claim or defense to attack civil rights laws.

Individuals, under this amendment, could still raise a claim based on their sincerely held religious beliefs which are substantially burdened by the government, whether in the conduct of their businesses, their employment by governments, their participation in the rental market, their right to observe the sabbath or to wear religious articles and to follow the other teachings of their faith, including those relating to family life, the education of children and the conduct of their religious institutions.

I urge my colleagues to join with me in supporting the Nadler amendment as it is a positive step forward in protecting the rights of all Americans and finally restores the legal protections for religious freedom for the average American citizens that have been threatened for nearly a decade.

TESTIMONY OF TEXAS STATE REPRESENTATIVE SCOTT HOCHBERG, SENATE JUDICIARY COMMITTEE—JUNE 23, 1999

Mr. Chairman and Members of the Committee;

I appreciate the opportunity to share some thoughts with you today.

Two weeks ago, Governor George W. Bush signed the Texas Religious Freedom Restoration Act (Texas RFRA) into law, I as privileged to work the Gov. Bush as the House author of this important bill. And I'm proud of this bill, because I believe it strengthens religious freedom in Texas without weakening other fundamental individual rights.

Long before I ever heard of the Smith case or the federal RFRA, I knew how hard it was for individuals to assert their first amendment religious freedoms against the bureaucracy. I've fought battles with our prison system over allowing Jewish prisoners to practice their faith. And I found I had to pass a law before I could be sure that judges would not repeat the incident that occurred in a Houston courtroom, where an Orthodox Jewish man was required to remove his skullcap, in direct conflict with his religious practices, before he could testify.

So when the American Jewish Committee and the Anti-Defamation League, on whose local boards I serve, put the state Religious Freedom Restoration Act on their legislative agendas, I was eager to become the lead sponsor. And I was certainly encouraged by the early and strong support of Gov. Bush, who announced just before the opening of our legislative session that Texas RFRA would be one of his legislative priorities as well.

Of course you know that no bill is a simple bill. Early on, I saw that the model RFRA language left open a possibility that the act could be used to get around Texas' civil rights laws. That concern was first raised to me by the AJC, and then later the ADL, the two groups that had initially brought me the legislation, and two groups with long histories of defending civil rights internationally.

Clearly, the intended purpose of this bill was not to weaken civil rights laws. When Gov. Bush talked about the need for RFRA, he cited examples, including the skullcap situation, where RFRA could be used to help protect a person's religious practice from government interference. None of the examples were about giving any individual the right to deny another person's equal protection rights.

The Texas Constitution is very clear about the primacy of civil rights. The third and fourth sections of our Bill of Rights guarantee equal protection under the law. The next three sections protect religion and guarantee freedom of worship. So, clearly, our framers saw these fundamental rights as being on the same plane.

I wanted to pass a strong RFRA in Texas, but not one that would rewrite Texas civil rights laws. So I added language clarifying that the act neither expanded nor reduced a person's civil rights under any other law. That language drew no objection initially.

But later, some RFRA coalition members argued that to completely move civil rights out from under RFRA might imply that even a religious organization could not use religion as a criteria in hiring—an exemption that is included in our state labor code as well as in federal law.

So coalition members helped craft language to apply RFRA to the special circumstances of religious organizations, while continuing to leave the task of balancing religious and equal protection rights to the courts. That language was unanimously adopted in a bipartisan amendment on the House floor, and remained intact in the bill as it was signed by Gov. Bush.

The RFRA coalition in Texas endorsed the civil rights language and strongly supported the bill, from the Texas Freedom network on the left to the Liberty Legal Institute on the right. I must tell you, however, that one or two conservative groups in this very broad coalition objected and went so far as to ask Gov. Bush to veto the bill. He chose not to do so. Those particular groups said that they had hoped to use RFRA to do exactly what others had feared—to seek to override, in court, various civil rights laws that they had not been able to override legislatively.

I urge you to adopt a strong law to reinforce what we have done in Texas. But in so doing, I would also ask that you follow the wisdom of our governor and our legislature and include language to protect state civil rights laws.

I offer whatever assistance I can be to help develop and refine the language of this bill so that those goals are met.

This is too important a bill to be lost as a result of a fear of weakening civil rights. But likewise, national and state civil rights policies are too important to be weakened as an unintended by-product of a bill with the noble purpose of strengthening religious rights.

Thank you again for your consideration, your time and your hard work.

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

The SPEAKER pro tempore. The gentleman from New York (Mr. NADLER) has 4 minutes remaining. The gentleman from Florida (Mr. CANADY) has 3 minutes remaining.

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

Mr. Speaker, everything that has been said in support of the bill, as my colleagues know, I agree with. I support this bill. I think it is an important bill. I helped draft it. But it has a terrible flaw, and we must pass this amendment. The bill should be used as a shield for religious liberty but not as a sword against civil rights laws. And that is the problem and the need for this amendment. This amendment will prevent it from being used as such a sword against civil rights laws.

My distinguished colleague, the gentleman from Florida (Mr. CANADY), who has done yeoman's work on behalf of religious liberties and who I really respect on this, he says that the amendment would subordinate religious liberty. It does not subordinate religious liberty in any way.

In fact, the bill, by establishing the compelling interest standard, establishes religious freedom as preeminent over other rights. Rarely can a State show a compelling as opposed to a legitimate interest. We could, if we wanted to, adopt the Supreme Court test of balancing the competing interests by the legitimate interest tests, and that would be an even playing field. But we are not doing that.

We are, and I agree with this, establishing a compelling State interest test which establishes religious liberty as compelling over other interests. And I think that is proper to do so. We should afford religion a preferred status, but we are also entitled to fine-tune that balance if we think the courts, pursuant to that mandate of establishing religious freedom as a preferred status, will not do it quite right.

What this amendment does is to create a somewhat different balance in the area of civil rights. Because recent court decisions that found that States had no compelling State interest in a case involving, for example, a State law against housing discrimination in a multiple dwelling, the State did not have compelling interest to enforce its antidiscrimination law in a multiple dwelling.

The courts sometimes make mistakes. We want to exercise our rights in this amendment to tell the courts a little more finely how to balance it in the civil rights area. We are telling them to use the compelling State interest test to establish religion as preeminent in every other case. In civil rights, we are saying, be a little different than that.

Finally, let me say that the religious groups that are supporting this bill, I have spoken with most of them, not all

of them, and most of them told me that they agree, they can live with the amendment, it gives them no practical problems, it protects all their legitimate interests. They only disagree with it because of what the gentleman from Florida (Mr. CANADY) said before, the principle of indivisibility, that there should be one standard.

Mr. Speaker, let me simply say, sometimes we have to balance competing rights. We should adopt this amendment so that we do not have to say we will protect religious liberty at the expense of civil rights or civil rights at the expense of civil liberty. We can and should do both. With this amendment, we can and should pass the bill. And without the amendment, I would hope that we would not pass the bill today so that we can get a little more leverage to fine-tune the bill with something like this amendment before we finally pass it, as indeed we must eventually.

So I urge my colleagues to support this amendment.

□ 1400

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

Mr. Speaker, I want to encourage the Members to focus on what is actually taking place and the actual consequence of the amendment that the gentleman has offered. It would establish as a matter of congressional policy that religious liberty would have a second-class status. I do not think that is really what the gentleman wants to do, I acknowledge that, but that is the effect of the language of his amendment.

Let me point out that there are folks who have some of the same views on a whole range of civil rights issues, including issues related to homosexual rights, that the gentleman from New York has who have expressed their support for this bill without the gentleman's amendment. Members of Congress have received a letter just this week from groups such as the Friends Committee on National Legislation, the American Humanist Association, the Evangelical Lutheran Church in America, the Board of Church & Society of the United Methodist Church, People for the American Way, the Presbyterian Church (USA), Washington Office, where they say and they recognize some of the concerns that the gentleman has expressed but where they conclude, and I quote them, ''We believe that in every situation in which free exercise conflicts with government interest, application of the Religious Liberty Protection Act standard is appropriate.'' They go on to say, ''A no-exemptions, no-amendment Religious Liberty Protection Act provides the strongest possible protection of free exercise for all persons.''

I would suggest that some who have listened to the concerns expressed by the gentleman from New York and others pay attention to the view of these religious and civil rights groups. I would suggest that Members consider the broad coalition of groups that are supportive of this legislation. I do not have time to list them all. I will try to list a few in the few seconds that I have remaining:

The American Jewish Committee, Americans United for Separation of Church & State, the Anti-Defamation League, the Baptist Joint Committee on Public Affairs, Campus Crusade for Christ, the Catholic League for Religious and Civil Rights, the Christian Coalition, the Christian Legal Society, Christian Science Committee on Publication, the Church of the Brethren, the Church of Jesus Christ of Latter-Day Saints.

I will skip toward the end of the alphabet here. The Union of American Hebrew Congregations, the Union of Orthodox Jewish Congregations of America, the United Methodist Church, Board of Church & Society; the United States Catholic Conference, the United Synagogue of Conservative Judaism; Women of Reform Judaism, Federation of Temple Sisterhoods. Those are just a few of the more than 70 religious and civil rights organizations that support the Religious Liberty Protection Act.

I would urge all Members of this House to join together in a bipartisan effort to protect America's first freedom by passing this bill, this important bill, without the weakening amendment offered by the gentleman from New York. His amendment would do harm to this bill and needs to be rejected. We need to move forward with the passage of this legislation.

ORGANIZATION SUPPORTING H.R. 1691, ''RELIGIOUS LIBERTY PROTECTION ACT OF 1999''

A

Agudath Israel of America
The Aleph Institute
American Baptist Churches, USA
American Center for Law and Justice
American Conference on Religious Movements
American Ethical Union, Washington
American Humanist Association
American Jewish Committee
American Jewish Congress
American Muslim Council
Americans for Democratic Action
Americans for Religious Liberty
Americans United for Separation of Church & State
Anti-Defamation League
Association on American Indian Affairs
Association of Christian Schools International

B

Baptist Joint Committee on Public Affairs
B'nai B'rith

C

Campus Crusade for Christ
Catholic League for Religious and Civil Rights
Central Conference of American Rabbis
Christian Church (Disciples of Christ)
Christian Coalition
Christian Legal Society
Christian Science Committee on Publication
Church of the Brethren
Church of Jesus Christ of Latter-Day Saints
Church of Scientology International
Coalition for Christian Colleges and Universities
Council of Jewish Federations
Council on Religious Freedom
Council on Spiritual Practices
Criminal Justice Policy Foundation

E

Episcopal Church
Ethics, and Religious Liberty Commission of the Southern Baptist Convention
Evangelical Lutheran Church in America

F

Jerry Fawell's Liberty Alliance
Family Research Council
Focus on the Family
Friends Committee on National Legislation

G

General Conference of Seventh-Day Adventists
Guru Gobind Singh Foundation

H

Hadassah, the Women's Zionist Organization of American, Inc.

I

Interfaith Religious Liberty Foundation
International Association of Jewish Lawyers and Jurists
International Institute for Religious Freedom

J

Kay Coles James
Japanese American Citizens League
Jewish Council for Public Affairs
The Jewish Policy Center
The Jewish Reconstructionist Federation
Justice Fellowship

L

Liberty Counsel

M

Mennonite Central Committee U.S.
Muslim Prison Foundation
Muslim Public Affairs Council
Mystic Temple of Light, Inc.

N

NA' AMAT USA
National Association for the Advancement of Colored People
National Association of Evangelicals
National Campaign for a Peace Tax Fund
National Committee for Public Education and Religious Liberty
National Council of Churches of Christ in the USA
National Council of Jewish Women
National Council on Islamic Affairs
National Jewish Coalition
National Jewish Commission on Law and Public Affairs
National Native American Prisoner's Rights Advocacy Coalition
National Sikh Center
Native American Church of North America
Native American Rights Fund
Native American Spirit Correction Project
Navajo Nation Corrections Project
North American Council for Muslim Women

P

Pacific Justice Institute
People for the American Way Action Fund
Peyote Way Church of God
Presbyterian Church (USA), Washington Office
Prison Fellowship Ministries

R

Rabbinical Council of America
Religious Liberty Foundation
Rutherford Institute

S

Sacred Sites Inter-faith Alliance
Soka-Gakkai International-USA

U

Union of American Hebrew Congregations

Union of Orthodox Jewish Congregations of America
Unitarian Universalist Association of Congregations
United Church of Christ, Office for Church in Society
United Methodist Church, Board of Church & Society
United States Catholic Conference
United Synagogue of Conservative Judaism

W

Women of Reform Judaism, Federation of Temple Sisterhoods

Mr. POMEROY. Mr. Speaker, I rise in support of the Nadler amendment to H.R. 1691. This amendment will safeguard religious liberty, while also protecting other critical civil rights.

This Nation was founded on the conviction that all individuals have the right to the free and full expression of religion. The First Amendment to the Constitution has protected that right for over 200 years. Unfortunately, no court can be completely free of human error when interpreting the Constitution. Beginning with the 1990 Supreme Court decision in *Oregon Dept. Of Human Resources* v. *Smith*, religious expression has been subject to substantial and unnecessary restriction by governmental policies. Therefore, it is both necessary and appropriate for Congress to pass this legislation.

As drafted, however, H.R. 1691 could have the unintended consequence of eroding critical civil rights and undermining state and local statutes. Several states and municipalities have passed laws prohibiting discrimination in housing and employment due to marital status, pregnancy status, or disability. Unless amended, H.R. 1691 could undermine state laws and allow discrimination. A widowed mother or disabled individual should not be deprived equal access to housing or employment under the guide of ensuring religious liberty.

Mr. Speaker, I believe that the Nadler amendment prevents the preemption of state and local statutes, while affording religious expression the highest level of constitutional protection. I urge my colleagues to vote in favor of this crucial provision.

Mrs. MORELLA. Mr. Speaker, I rise in support of the Nadler amendment to the Religious Liberty Protection Act.

This amendment is exactly the same as the bill itself, except for some additional language which will clarify that the bill is not to be used as a blank check to override state and local civil rights laws.

The amendment tracks language in the Civil Rights Act and the Fair Housing Act. Small businesses and small landlords are exempted from compliance. At the same time, the amendment will prevent large commercial enterprises from avoiding compliance with laws affecting housing, employment, and public accommodation.

Basically, the amendment will assure that a landlord renting an apartment in his home may do so according to religious belief, while preventing the same landlord from discriminating on the basis of his or her religious beliefs in the rental of units in a large apartment building.

The Nadler amendment makes clear our intent to strengthen individual religious liberty without overriding state and local anti-discrimination laws. Support the Nadler amendment.

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). Pursuant to House Resolution 245, the previous question is ordered on the bill, as amended, and on the further amendment by the gentleman from New York (Mr. NADLER).

The question is on the amendment in the nature of a substitute offered by the gentleman from New York (Mr. NADLER).

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

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

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 190, nays 234, not voting 10, as follows:

[Roll No. 298]

YEAS—190

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldacci
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Bilbray
Bishop
Blagojevich
Blumenauer
Boehlert
Bonior
Borski
Boswell
Boucher
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Castle
Clay
Clayton
Clyburn
Condit
Conyers
Coyne
Crowley
Cummings
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Foley
Forbes
Ford
Frank (MA)
Gejdenson
Gephardt
Gilman
Gonzalez
Greenwood
Gutierrez
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Horn
Houghton
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kolbe
Kucinich
LaFalce
Lampson
Lantos
Larson
Leach
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McGovern
McKinney
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Shays
Sherman
Sisisky
Slaughter
Smith (WA)
Snyder
Stabenow
Stark
Strickland
Stupak
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Wise
Woolsey
Wu
Wynn

NAYS—234

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Berry
Biggert
Bilirakis
Bliley
Blunt
Boehner
Bonilla
Bono
Boyd
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Chabot
Chambliss
Clement
Coble
Coburn
Collins
Combest
Cook
Cooksey
Costello
Cox
Cramer
Crane
Cubin
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fletcher
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gillmor
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
John
Johnson, Sam
Jones (NC)
Kasich
King (NY)
Kingston
Knollenberg
Kuykendall
LaHood
Largent
LaTourette
Lazio
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
McCollum
McCrery
McHugh
McInnis
McIntosh
McIntyre
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ortiz
Ose
Oxley
Packard
Paul
Pease
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shows
Shuster
Simpson
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Spratt
Stearns
Stenholm
Stump
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Turner
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOT VOTING—10

Baldwin
Brown (CA)
Chenoweth
Frost
Gilchrest
Latham
McDermott
McNulty
Rivers
Thurman

□ 1425

Mr. COSTELLO and Mr. SWEENEY changed their vote from ''yea'' to ''nay.''

Mrs. JONES of Ohio changed her vote from ''nay'' to ''yea.''

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

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). The question is on the engrossment and third reading of the bill.

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

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

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

RECORDED VOTE

Mr. CONYERS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 306, noes 118, not voting 10, as follows:

[Roll No 299]

AYES—306

Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baker
Baldacci
Ballenger
Barcia
Barrett (NE)
Barton
Bateman
Bentsen
Bereuter
Berkley
Berry
Biggert
Bilbray
Bilirakis
Bishop
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boyd
Brady (TX)
Brown (FL)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Capps
Cardin
Castle
Chabot
Chambliss
Clayton
Clement
Coble
Coburn
Combest
Condit
Cook
Cooksey
Costello
Cox
Cramer
Crowley
Cubin
Cunningham
Danner
Davis (FL)
Davis (VA)
DeLay
DeMint
Diaz-Balart
Dickey
Dicks
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Etheridge
Everett
Ewing
Fletcher
Foley
Ford
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Kasich
Kelly
Kildee
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
LaFalce
LaHood
Lampson
Largent
Larson
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Martinez
Mascara
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McHugh
McInnis
McIntosh
McIntyre
McKeon
Meek (FL)
Menendez
Mica
Miller (FL)
Miller, Gary
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Napolitano
Nethercutt
Ney
Northup
Norwood
Nussle
Obey
Ortiz
Ose
Oxley
Packard
Pallone
Pascrell
Pease
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Regula
Reyes
Reynolds
Riley
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanchez
Sandlin
Sawyer
Saxton
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Strickland
Stump
Stupak
Sweeney
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Turner
Udall (NM)
Upton
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weiner
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wise
Wolf
Wynn
Young (AK)
Young (FL)

NOES—118

Abercrombie
Ackerman
Baird
Barr
Barrett (WI)
Bartlett
Bass
Becerra
Berman
Blagojevich
Blumenauer
Boucher
Brady (PA)
Brown (OH)
Campbell
Capuano
Carson
Clay
Clyburn
Collins
Conyers
Coyne
Crane
Cummings
Davis (IL)
Deal
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dingell
Dixon
Doggett
Engel
Eshoo
Evans
Farr
Fattah
Filner
Forbes
Frank (MA)
Gejdenson
Gutierrez
Hastings (FL)
Hilliard
Hinchey
Hostettler
Jackson (IL)
Johnson, E. B.
Jones (OH)
Kennedy
Kilpatrick
Kolbe
Kucinich
Kuykendall
Lantos
Lee
Levin
Lewis (GA)
Lofgren
Maloney (NY)
Manzullo
Markey
Matsui
McGovern
McKinney
Meehan
Meeks (NY)
Metcalf
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Nadler
Neal
Oberstar
Olver
Owens
Pastor
Paul
Payne
Pelosi
Pickett
Pombo
Rangel
Roybal-Allard
Rush
Sabo
Sanders
Sanford
Scarborough
Schaffer
Schakowsky
Scott
Serrano
Sherman
Smith (WA)
Snyder
Stark
Sununu
Tancredo
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Velazquez
Vento
Waters
Watt (NC)
Waxman
Wexler
Weygand
Woolsey
Wu

NOT VOTING—10

Baldwin
Brown (CA)
Chenoweth
Frost
Gilchrest
Latham
McDermott
McNulty
Rivers
Thurman

☐ 1442

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. CANADY of Florida. 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. 1691, the bill just passed.

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). Is there objection to the request of the gentleman from Florida?

There was no objection.

PROVIDING FOR THE CONSIDERATION OF H.R. 2490, TREASURY AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 2000

Mr. SESSIONS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 246 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 246

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2490) making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 2000, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. Points of order against provisions in the bill for failure to comply with clause 2 or rule XCI are waived. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. 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. The previous question shall be considered as ordered on the bill and amendments thereto of final passage without intervening motion except on emotion to recommit with or without instructions.

☐ 1445

The SPEAKER pro tempore (Mr. PEASE). The gentleman from Texas (Mr. SESSIONS) is recognized for 1 hour.

Mr. SESSIONS. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts (Mr. MOAKLEY), pending which I yield myself such time as I may consume. Mr. Speaker, during consideration of this amendment, all time is yielded for the purpose of debate only.

Mr. Speaker, the legislation before us is an open rule providing for the consideration of H.R. 2490, making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President and certain independent agencies for fiscal

year ending September 30, 2000, and for other purposes.

This open rule provides for 1 hour of general debate equally divided between the chairman and the ranking minority member of the Committee on Appropriations.

The rule waives all points of order against consideration of the bill. It waives House rules prohibiting consideration of unauthorized or legislative provisions in an appropriations bill. The rule accords priority in recognition to Members who have their amendments preprinted in the CONGRESSIONAL RECORD.

The Chairman of the Committee of the Whole may postpone votes and reduce the voting time on a postponed vote to 5 minutes so long as it follows a regular 15-minute vote. Finally, the rule provides one motion to recommit with or without instructions.

H.Res. 246 presents this appropriations bill for House consideration under the normal processes by which appropriations bills may come to the floor. It is an open rule that permits Members to offer any amendments they wish, provided they are germane.

Mr. Speaker, the underlying legislation makes the appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain other independent agencies. This is very important legislation. Nearly 90 percent of the activities funded under this bill are devoted to the salaries and expenses of approximately 163,000 employees who are responsible for administering programs such as drug interdiction, collection of revenues, presidential protection, violent crimes reduction, and Federal financial management.

Through a judicious bipartisan process of hearings and testimony, the Committee on Appropriations arrived at the funding levels contained in the legislation. The funding levels are consistent with this Congress' policy of fiscal discipline, yet provide sufficient funding for agencies within the bill's jurisdiction to carry out their statutory responsibility.

Specifically, this legislation allows increased funding to provide for more diligent enforcement of gun control laws, making it more difficult for convicted felons to obtain weapons. This legislation also appropriates funds necessary to carry out IRS reforms that were passed by the last Congress and stand to benefit all taxpayers across America.

The road to the House floor for this legislation has been very bipartisan indeed. In fact, it passed the Subcommittee on Treasury, Postal Service, and General Government with a unanimous vote under the stewardship of the gentleman from Arizona (Mr. KOLBE) and the gentleman from Maryland (Mr. HOYER), ranking member.

In his testimony before the Committee on Rules yesterday, the gentleman from Maryland was excessively gracious in his praise for the gentleman from Arizona (Chairman KOLBE) and the bipartisan manner in which this legislation was crafted.

The rule, like the underlying legislation, deserves strong bipartisan support. Again, it is an open rule that permits any Member with germane amendments to have them considered by the floor.

Mr. Speaker, I urge my colleagues to continue this bipartisan effort in this legislation and to make sure that we support this fair rule.

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

Mr. MOAKLEY. Mr. Speaker, I yield myself such time as I may consume. Mr. Speaker, I thank the gentleman from Texas (Mr. SESSIONS) for yielding me the customary half-hour.

Mr. Speaker, I rise in support of this open rule providing for the consideration of the Treasury-Postal appropriations bill. However, I am very disappointed with the substantial cuts that this bill makes. This bill came out of the subcommittee as a good bipartisan effort, but unfortunately the full committee markup changed all that.

Mr. Speaker, during the markup, my colleagues slashed $239 million from this bill and, Mr. Speaker, those cuts will not be without repercussions. I am concerned that these drastic cuts will make it hard for some of our important agencies to function. Agencies that provide for 30 percent of our Federal law enforcement, including stopping the flow of drugs across our borders, enforcing gun and tobacco laws, enforcing United States customs laws and counterterrorism efforts. These are not small issues, Mr. Speaker, and we cannot afford to undercut them.

The agencies funded by this bill perform an invaluable service, and I hope that there will be a chance to restore their funding. Otherwise, Mr. Speaker, I am concerned that they will have a hard time functioning under these very drastic cuts.

I am also disappointed that the Committee on Rules did not make in order the amendment offered by the gentleman from Florida (Mr. WEXLER) to limit handgun purchases to one per month, or the amendment offered by the gentleman from Pennsylvania (Mr. HOEFFEL) to study the use of antique firearms used in crimes. These two amendments are excellent initiatives towards reasonable gun safety. I am sorry my Republican colleagues refused to consider them.

But, Mr. Speaker, I do hope that the rule passes.

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

Mr. SESSIONS. Mr. Speaker, I yield 3 minutes to the gentleman from Tucson, Arizona (Mr. KOLBE).

Mr. KOLBE. Mr. Speaker, I will not use that time; however, I appreciate the gentleman from Texas (Mr. Sessions) yielding it to me.

Mr. Speaker, I just wanted to say I am very pleased with the rule that we have before us today which brings this appropriations bill for Treasury-Postal and General Government to the floor. It is a rule that I do not think anybody could possibly object to. It is an open rule, allows any striking amendment or any amendment dealing with appropriations matters to be offered.

The rule protects those items which are already in the bill, as we normally do, from being stricken on a point of order. And, quite frankly, a number of the agencies that this subcommittee funds are not authorized agencies because authorizing committees have not been able to get legislation to the floor for year after year after year to authorize those agencies. So this legislation, this resolution does exactly what it ought to do on an appropriation bill, allow it to be considered as an appropriation matter.

Any amendment dealing with appropriations may be offered and what is in the bill will be protected, and it does not include the offering of extraneous legislative matters that have not previously been considered in the subcommittee or the committee.

Mr. Speaker, this is a good resolution. This is a good rule. It deserves the support of every Member in the body, and I hope that when we come to the question of the previous question, Members will support the previous question and they will vote ''aye'' on passage of this rule so that we can move on today to consideration of this important legislation.

Mr. Speaker, I thank the gentleman from Texas (Mr. SESSIONS) for yielding me this time, and I urge adoption of this rule.

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

Mr. MOAKLEY. Mr. Speaker, I yield 5 minutes to the gentleman from Maryland (Mr. HOYER), ranking member of the committee.

Mr. HOYER. Mr. Speaker, I thank the distinguished gentleman from Massachusetts (Mr. MOAKLEY), ranking member, soon to be chairman of the Committee on Rules, for yielding me this time.

I also want to thank the gentleman from Texas (Mr. SESSIONS) for noting my comments with respect to the gentleman from Arizona (Chairman KOLBE). In the first instance, Mr. Speaker, I want to rise and again repeat, as I will when we get to the debate on the bill, my appreciation of the handling of this bill by the gentleman from Arizona. He has been extremely cooperative and bipartisan and open in his handling of this bill. And, as I said earlier, I appreciate the gentleman from Texas bringing those remarks of mine to the Committee on Rules to the attention of the body, because I believe them very sincerely. The gentleman from Arizona is not only chairman of the subcommittee on which I serve, but also my good friend and an outstanding representative.

Mr. Speaker, I also want to speak on this rule. There are times, of course,

when we rise and oppose rules because we do not believe they are fair. In this instance, however, I rise in strong support of the rule. I think the Committee on Rules has issued a rule which is fair to both sides. I am sure in its protection of certain provisions of the bill and items within the bill that have not been technically authorized, that is appropriation accounts that have not had authorizing bills passed, that there would obviously be individuals who might want to object and they might object to the rule for that reason. But the Committee on Rules has been fair in treating both sides equally.

Mr. Speaker, I want to thank the gentleman from California (Chairman DREIER) and the gentleman from Texas (Mr. SESSIONS) and the other members of the Committee on Rules for passing a rule that I think provides for a fair and free and open debate on this bill. Therefore, I am going to urge my colleagues on this side of the aisle to strongly support the rule.

Mr. Speaker, I would observe that when we come to debate on the bill itself, as I did in the Committee on Rules, I will express reservation about the cuts that have been recommended by the committee. I think those cuts are unfortunate, and I think they will have an adverse impact. But as we know, this is not the final step on the process of passing and adopting this bill. Therefore, we will have other opportunities.

Mr. Speaker, I yield to the distinguished gentleman from Kentucky (Mr. LUCAS), my colleague who is coming into the Chamber.

Mr. LUCAS of Kentucky. Mr. Speaker, it is my intention to ask for the yeas and nays on the previous question when the question is called because it is my understanding that if the previous question is defeated, then an amendment will be in order to preclude a COLA adjustment in Members' pay. I support doing that.

Mr. HOYER. Mr. Speaker, reclaiming my time, I appreciate the gentleman from Kentucky. He has discussed this matter with me. I understand his view. And while he and I disagree on this issue, I certainly respect his right and his appropriate action in bringing this matter to the attention of the House.

Mr. Speaker, I rise in strong support of the rule, strong support of the previous question, and thank the gentleman for Texas for yielding me this time.

Mr. SESSIONS. Mr. Speaker, I yield 3 minutes to the gentleman from Lexington, Kentucky (Mr. FLETCHER).

Mr. FLETCHER. Mr. Speaker, I thank the gentleman from Texas (Mr. SESSIONS) for yielding me this time.

Mr. Speaker, although I have utmost respect for the Committee on Rules and the work they do, I rise to express my opposition to the previous question to the rule on the Treasury-Postal appropriations bill. As the rule is currently written, the amendment offered by the gentleman from Alabama (Mr. RILEY) to disallow the Members' COLA is not included. If the previous question is defeated, Members will have an opportunity to change the rule to allow a vote against the COLA.

Mr. Speaker, it is my intention, if the previous question is defeated, to offer an amendment to the rule that would disallow the Members' COLA. For that reason I intend to vote against the previous question and urge my colleagues to do the same.

The proposed amendment is as follows:

At the end of the resolution, insert the following:

SEC. 2. Notwithstanding any other provision of this resolution, it shall be in order to consider the amendment contained in section 3 of the resolution. The amendment may be offered only at the appropriate place in the reading of the bill, shall be considered as read, shall not be subject to amendment or demand for a division of the question in the House or in the Committee of the Whole. All points of order against the amendment are waived.

At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. . Section 601(a) of the Legislative Reorganization Act of 1946 (2 U.S.C. 31) is amended to read as follows:

''SEC. 601. (a) Until adjusted under section 225 of the Federal Salary Act of 1967 (2 U.S.C. 351 and following) or other provision of law, the annual rate of pay for—

''(1) each Senator, Member of the House of Representatives, and Delegate to the House of Representatives, and the Resident Commissioner from Puerto Rico,

''(2) the President pro tempore of the Senate, the majority leader and the minority leader of the Senate, and the majority leader and the minority leader of the House of Representatives, and

''(3) the Speaker of the House of Representatives,

shall be the rate payable for such position as of the date of enactment of the Treasury and General Government Appropriations Act, 2000.''.

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

Mr. SESSIONS. Mr. Speaker, I yield such time as he may consume to the gentleman from Surfside, Texas (Mr. PAUL).

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

□ 1500

Mr. PAUL. Mr. Speaker, I rise with some bit of ambivalence with this rule, but I will support the rule. I was concerned about a special issue with the Post Office and was hoping that we could address this in detail, and that has to do with the regulations that I consider very onerous and very maliciously placed on private mailboxes, the Commercial Receiving Agencies. I was very hopeful that we could deal with that. But it appears we will have another chance to do that at a later date.

I have a House joint resolution under the Congressional Review Act, H.J. Res. 55. If that were to pass, we could rescind all those regulations. Currently, it is my understanding that these regulations have been put on hold. They will not go into effect soon. But the problem still exists, and I see it as a serious problem.

First, let me talk about the Post Office. The Post Office is a true monopoly. In the free market, there are no true monopolies. Only government can allow a true monopoly.

We do have enough freedom in this country to some degree to offer competition to even this monopoly of the Post Office. By doing this, the private post offices have been set up to give additional service and privacy to many of our citizens, and they are well used.

But now the Post Office sees this as a competition because they are providing services that the Post Office cannot or will not provide. So instead of dealing with this, either providing legalized competition in the Post Office or providing these same services, instead, the Post Office has issued these onerous regulations to attack these customers.

They are forcing these private mailbox operators to develop profiles on every customer, have double identification, and then make this information available to the public and to the Post Office for no good reason.

When I first got involved in this, I did not know which constituencies would be interested in this issue. But one thing that I have discovered is that many of those women who need privacy will use private post offices to avoid the husband or some other individual who may be stalking them. They have been writing to me with a great deal of concern about what these regulations will do.

Also, it is a great cost to these operators as well as to all the customers. The Post Office would mandate that a special address be placed on each piece of mail, indicating that they are receiving mail at one of these private post offices. This costs a lot of money. There will be a lot of mail returned. If these regulations had gone into effect this week, as had been planned, a lot of mail, to the tune of hundreds of thousands of pieces, if not millions, would have been returned to the senders, and they would not have been permitted to be delivered.

I think this is tragic. I think it has to be dealt with. I am disappointed that we cannot do much with it today, but I know there is a growing support in this country and in this Chamber for doing something about this problem.

We as a Congress have the ability, and the authority, to undo regulations. For too long, we have allowed our regulatory bodies to write law, and we do nothing about it. Since 1994, we have had this authority, but we never use it. This is a perfect example of a time that we ought to come in and protect the people, try to neutralize this government monopoly and help these people who deserve this type of protection and privacy.

Mr. Speaker, I yield to the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Speaker, I want to say to the gentleman from Texas that I think he raises the question that is a good question; and it should be raised, should be looked at.

It will not come as a surprise to him that we do not agree on all the aspects of what he has said, but he certainly raises an issue that ought to be focused on. I know in talking to the gentleman from Arizona (Chairman KOLBE) that he shares that concern. I want to assure the gentleman that both the gentleman from Arizona (Mr. KOLBE) and myself will be looking at this.

Furthermore, as the gentleman may know, the Postal Department has made very substantial changes to its initially sponsored resolution through the efforts of the organizations that the gentleman from Texas talked to and himself and others who raised these issues with the department, so that they are moving to ensure greater privacy and protection to the individuals of which the gentleman spoke.

The gentleman from Texas raises a legitimate issue. I certainly intend to, along with the gentleman from Arizona (Mr. KOLBE), look at that further. I thank the gentleman for his comments.

Mr. PAUL. Mr. Speaker, I appreciate the comments of the gentleman from Maryland.

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

In furtherance of this discussion, as has been discussed by the gentleman from Texas (Mr. PAUL) and the gentleman from Maryland (Mr. HOYER), I would like to also say to the gentleman from Texas (Mr. PAUL) and to the gentleman from Kansas (Mr. TIAHRT) that I would like to thank them for bringing this issue up.

The gentleman from Indiana (Chairman BURTON) and the gentleman from Arizona (Chairman KOLBE) have also been a part of working with the Postmaster General, General Henderson, on reasonable changes as a result of the marketplace.

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

The SPEAKER pro tempore. The question is on ordering the previous question.

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

Mr. FLETCHER. 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 276, nays 147, not voting 12, as follows:

[Roll No. 300]

YEAS—276

Abercrombie
Andrews
Archer
Armey
Bachus
Ballenger
Barr
Barrett (WI)
Barton
Bass
Bateman
Bentsen
Bereuter
Berman
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Boyd
Brady (PA)
Brown (FL)
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capuano
Cardin
Castle
Clay
Clayton
Clement
Clyburn
Coburn
Collins
Combest
Condit
Conyers
Cooksey
Cox
Coyne
Crane
Crowley
Cubin
Cummings
Cunningham
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeGette
Delahunt
DeLauro
DeLay
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Doolittle
Doyle
Dreier
Ehlers
Ehrlich
Engel
Eshoo
Everett
Ewing
Farr
Fattah
Filner
Foley
Forbes
Ford
Fowler
Frank (MA)
Ganske
Gejdenson
Gekas
Gephardt
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Goss
Graham
Granger
Green (TX)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hefley
Hilliard
Hinchey
Hobson
Hoekstra
Holden
Horn
Houghton
Hoyer
Hunter
Hyde
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kennedy
Kilpatrick
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kuykendall
LaFalce
Lampson
Lantos
Largent
Larson
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Lowey
Lucas (OK)
Maloney (NY)
Markey
Martinez
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McHugh
McInnis
McIntosh
McKeon
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Mink
Moakley
Mollohan
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Ney
Northup
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pastor
Payne
Pease
Pelosi
Pickering
Pickett
Pitts
Pombo
Porter
Pryce (OH)
Quinn
Radanovich
Rahall
Rangel
Regula
Reyes
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roybal-Allard
Rush
Ryun (KS)
Sabo
Sawyer
Saxton
Schakowsky
Scott
Serrano
Sessions
Shadegg
Shaw
Shays
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Spence
Spratt
Stark
Stenholm
Stupak
Sununu
Sweeney
Tanner
Tauscher
Tauzin
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Towns
Upton
Velazquez
Vento
Walsh
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Wexler
Wicker
Wolf
Woolsey
Young (AK)
Young (FL)

NAYS—147

Aderholt
Allen
Baird
Baker
Baldacci
Barcia
Barrett (NE)
Bartlett
Becerra
Berkley
Berry
Boswell
Brady (TX)
Brown (OH)
Bryant
Burr
Capps
Carson
Chabot
Chambliss
Coble
Cook
Costello
Cramer
Danner
DeFazio
DeMint
Deutsch
Doggett
Duncan
Dunn
Edwards
Emerson
English
Etheridge
Evans
Fletcher
Fossella
Franks (NJ)
Frelinghuysen
Gallegly
Gibbons
Goode
Gordon
Green (WI)
Hall (TX)
Hayes
Hayworth
Herger
Hill (IN)
Hill (MT)
Hilleary
Hinojosa
Hoeffel
Holt
Hooley
Hostettler
Hulshof
Hutchinson
Inslee
Jenkins
Johnson (CT)
Jones (NC)
Kaptur
Kasich
Kelly
Kildee
Kind (WI)
Kucinich
LaHood
Lazio
LoBiondo
Lofgren
Lucas (KY)
Luther
Maloney (CT)
Manzullo
Mascara
McGovern
McIntyre
McKinney
Meehan
Mica
Minge
Moore
Moran (KS)
Nethercutt
Norwood
Ose
Pascrell
Paul
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pomeroy
Portman
Price (NC)
Ramstad
Reynolds
Riley
Rodriguez
Rogan
Rothman
Roukema
Royce
Ryan (WI)
Salmon
Sanchez
Sanders
Sandlin
Sanford
Scarborough
Schaffer
Sensenbrenner
Sherman
Sherwood
Shimkus
Shows
Smith (WA)
Souder
Stabenow
Stearns
Strickland
Stump
Talent
Tancredo
Taylor (MS)
Taylor (NC)
Terry
Thune
Tierney
Toomey
Traficant
Turner
Udall (CO)
Udall (NM)
Visclosky
Vitter
Walden
Wamp
Weller
Weygand
Whitfield
Wilson
Wise
Wu

NOT VOTING—12

Ackerman
Baldwin
Brown (CA)
Chenoweth
Frost
Gilchrest
Latham
McDermott
McNulty
Rivers
Thurman
Wynn

□ 1526

Messrs. SANDERS, GALLEGLY, DEUTSCH, JENKINS, DEFAZIO, TALENT, STEARNS, BARCIA and BECERRA changed their vote from ''yea'' to ''nay.''

Messrs. CLAY, CALVERT, MARTINEZ, METCALF, and COX changed their vote from ''nay'' to ''yea.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. Pease). The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. KOLBE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill (H.R. 2490) making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 2000, and for other purposes, and that I may include tabular and extraneous material.

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

There was no objection.

TREASURY AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 2000

The SPEAKER pro tempore. Pursuant to House Resolution 246 and rule XVIII, 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. 2490.

□ 1528

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. 2490) making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 2000, 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 Arizona (Mr. KOLBE) and the gentleman from Maryland (Mr. HOYER) each will control 30 minutes.

□ 1530

The CHAIRMAN. The Chair recognizes the gentleman from Arizona (Mr. KOLBE).

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

Mr. Chairman, I am very pleased to be on the floor this afternoon to present to my colleagues H.R. 2490, the Treasury and General Government Appropriations Act for Fiscal Year 2000.

As this bill has been reported by the full committee, it provides $13.5 billion in discretionary budget authority for the agencies that come under the jurisdiction of this subcommittee. The level of funding is the same, I want to repeat that, this is the same level of funding as the amount appropriated in FY 1999.

The bill presented here today is strong on law enforcement, tough on drugs, supportive of efforts to restructure and reform the way IRS does business, and increases Federal resources to enforce our current gun laws.

All of this is accomplished in a fiscally responsible manner. That has been a tall order for our subcommittee to fill. With the help of my colleagues on the subcommittee and the committee, we have accomplished what I think is a very daunting task.

I want to take this opportunity to thank everybody for their help on this bill, all the Members, particularly my ranking member the gentleman from Maryland (Mr. HOYER) and his staff, Scott Nance and Pat Scheulter, who have done an outstanding job to help us get to where we are today.

I might add, I think this bill comes to the floor in a very bipartisan fashion. We have differences, as the gentleman from Maryland (Mr. HOYER) will explain, but we come to the floor in a very bipartisan fashion because we have worked well together on this. I salute my colleague the gentleman from Maryland (Mr. Hoyer), the ranking member, for the work that he has done and his assistance in getting us to this point.

I believe that, in its current form, this is an excellent bill and, remarkably, it is a clean bill. There are not controversial legislative riders on this bill. Believe it or not, this bill is an appropriations bill, pure and simple. It is my hope that it will remain that way not only on the floor here today but also as we move through conference with the Senate.

My colleagues know that the allocation required us to make some tough choices to put this bill together. This allocation is based on budget caps, which, may I remind everybody, both parties in both chambers and the President of the United States support.

In order to keep pace with inflation, the subcommittee needed nearly $600 million in new money. But clearly the allocation we received did not give us that. So in order to support the base operations of the agencies which we fund, we were required to look elsewhere for our savings.

We found these savings. We found these savings by postponing construction of new courthouses, by extending the time that was needed to complete some of our projects.

However, let me make it clear that the funding levels that are contained in this bill will adversely affect no programs. In fact, we were able to increase critical efforts to keep guns out of the hands of children, to make sure that the IRS treats taxpayers fairly.

In addition, I want to remind my colleagues that this bill supports approximately 30 percent of all the Federal law enforcement operations, the personnel that are in the Bureau of Alcohol, Tobacco and Firearms, those in the Customs Service, the Secret Service, and the Office of National Drug Control Policy.

In total, the bill before us provides $4.4 billion for these efforts, the same as the President's request, and about $185 million above the current year. We target all of these resources to supporting efforts that enforce and implement laws currently on our books, laws that seek to prevent guns from getting in the hands of criminals and youths, laws that seek to prevent illegal drugs from coming across our borders, and laws that seek to protect our Nation's leaders and the financial systems of this country.

I know that many Members in this body feel that the Federal Government is too big, that it is bloated and it is inefficient. I, for one, agree completely that we need to be able to transfer more power and more money out of Washington and back to our States and our local communities. But we should not do this in a haphazard and irresponsible fashion.

I cannot support amendments which make additional funding reductions to this bill. We are already $840 million below what the status quo would be with inflation alone. Further reductions would allow our infrastructure to deteriorate. It would cause us to delay the IRS reforms that we all voted for so willingly last year. It would rob our law enforcement agencies of the resources they desperately need. It would negatively impact our ability to protect our borders.

I have had the privilege of chairing this subcommittee for 3 years. I believe that we have applied a fiscally conservative philosophy to this bill, one which I certainly share. I think we have steadily chipped away at inefficiencies that we find in Government, at least in the agencies that are included within the jurisdiction of this bill.

The bill that is before us today continues to do this, but I think it does so in a responsible and a well thought out way. We have spent the past 6 months carefully scrubbing the appropriations requests we received from the administration, from OMB, and from each of these agencies that come under our jurisdiction.

The funding levels that are recommended in this bill reflect what I believe is the best judgment of the Subcommittee and the Full Committee on Appropriations, their judgment about the funding levels that are necessary to sustain the operations of agencies that are under our jurisdiction.

So I urge, no, in fact I would implore my colleagues not to make other radical cuts to the beneficial programs that this bill supports.

Finally, Mr. Chairman, I would urge my colleagues to withhold amendments that would ultimately jeopardize our sending this bill to the President in a timely manner. Let us get on with the business of appropriating. Let us get on with moving this bill forward.

TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATIONS BILL, 2000 (H.R. 2490)
(Amounts in thousands)

	FY 1999 Enacted	FY 2000 Request	Bill	Bill vs. Enacted	Bill vs. Request
TITLE I - DEPARTMENT OF THE TREASURY					
Departmental Offices	123,151	134,630	134,206	+11,055	-424
Salaries and expenses:					
Counterdrug (emergency funding)	1,500			-1,500	
Y2K conversion (emergency funding)	1,238			-1,238	
Y2K conversion (emergency funding)	1,890			-1,890	
Automation enhancement:					
Y2K conversion (emergency funding)	37,403			-37,403	
Y2K conversion (emergency funding)	2,762			-2,762	
Y2K conversion (emergency funding)	12,500			-12,500	
Y2K conversion (emergency funding)	6,731			-6,731	
Department-wide systems and capital investments programs	28,690	53,561	31,017	+2,327	-22,544
Office of Inspector General	30,678	32,017	30,716	+38	-1,301
Inspector General for Tax Administration		112,207	112,207	+112,207	
Treasury Buildings and Annex Repair and Restoration	27,000	23,000	23,000	-4,000	
(Delay in obligation)	(-27,000)			(+27,000)	
Financial Crimes Enforcement Network	24,000	28,418	29,656	+5,656	+1,238
Violent Crime Reduction Programs:					
Bureau of Alcohol, Tobacco and Firearms	3,000	3,000	26,800	+23,800	+23,800
Financial Crimes Enforcement Network	1,400	1,263		-1,400	-1,263
Interagency crime and drug enforcement	24,000	49,716	27,000	+3,000	-22,716
United States Secret Service	22,628	3,196	4,200	-18,428	+1,004
ONDCP	1,000			-1,000	
Gang Resistance Education and Training: Grants	13,000	10,000	10,000	-3,000	
United States Customs Service	65,472	64,952	64,000	-1,472	-952
Federal Drug Control Programs: High Intensity Drug Trafficking Areas Program	1,500			-1,500	
Total, Violent Crime Reduction Programs	132,000	132,127	132,000		-127
Federal Law Enforcement Training Center:					
Salaries and Expenses	71,923	86,846	82,827	+10,904	-4,019
Antiterrorism (emergency funding)	3,548			-3,548	
Acquisition, Construction, Improvements, & Related Expenses	34,760	21,000	24,310	-10,450	+3,310
Total, Federal Law Enforcement Training Center	110,231	107,846	107,137	-3,094	-709
Interagency Law Enforcement:					
Interagency crime and drug enforcement	51,900	26,184	48,900	-3,000	+22,716
Financial Management Service	196,490	202,670	201,320	+4,830	-1,350
Y2K conversion (emergency funding)	6,000			-6,000	
Federal Financing Bank (debt liquidation)	(3,317,960)			(-3,317,960)	
Bureau of Alcohol, Tobacco and Firearms:					
Salaries and Expenses	546,074	584,859	567,059	+20,985	-17,800
(Delay in obligation)	(-2,206)			(+2,206)	
Rescission	-4,500			+4,500	
Y2K conversion (emergency funding)	2,665			-2,665	
Y2K conversion (emergency funding)	5,000			-5,000	
Y2K conversion (emergency funding)	3,530			-3,530	
Laboratory facilities and headquarters		15,000			-15,000
Total, Bureau of Alcohol, Tobacco and Firearms	552,769	599,859	567,059	+14,290	-32,800
United States Customs Service:					
Salaries and Expenses	1,642,565	1,720,370	1,708,089	+65,524	-12,281
(Delay in obligation)	(-9,500)			(+9,500)	
Counterdrug (emergency funding)	106,300			-106,300	
Y2K conversion (emergency funding)	10,200			-10,200	
Y2K conversion (emergency funding)	1,701			-1,701	
Subtotal	1,760,766	1,720,370	1,708,089	-52,677	-12,281
Operation, Maintenance and Procurement, Air and Marine Interdiction Programs	113,688	109,413	109,413	-4,275	
Counterdrug (emergency funding)	162,700			-162,700	
Subtotal	276,388	109,413	109,413	-166,975	
Customs Services at Small Airports (to be derived from fees collected)	2,000	2,000	2,000		
Offsetting receipts		-2,000	-2,000	-2,000	
Harbor Maintenance Fee Collection	3,000			-3,000	
Customs facilities, construction, improvements and related expenses (Counterdrug emergency funding)	7,000			-7,000	
Total, United States Customs Service	2,049,154	1,829,783	1,817,502	-231,652	-12,281
Bureau of the Public Debt	172,100	177,819	176,919	+4,819	-900
Y2K conversion (emergency funding)	1,000			-1,000	
Payment of government losses in shipment		1,000	1,000	+1,000	
Internal Revenue Service:					
Processing, Assistance, and Management	3,086,208	3,312,535	3,270,098	+183,890	-42,437
(Delay in obligation)	(-130,000)			(+130,000)	
Tax Law Enforcement	3,164,189	3,336,838	3,301,136	+136,947	-35,702
Earned Income Tax Credit Compliance Initiative	143,000	144,000	144,000	+1,000	
Information Systems	1,265,456	1,455,401	1,394,540	+129,084	-60,861
Y2K conversion (emergency funding)	483,000			-483,000	
Y2K conversion (emergency funding)	22,312			-22,312	
Information technology investments	211,000			-211,000	
(Delay in obligation)	(-211,000)			(+211,000)	
Net total, Internal Revenue Service	8,375,165	8,248,774	8,109,774	-265,391	-139,000

TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATIONS BILL, 2000 (H.R. 2490)—Continued
(Amounts in thousands)

	FY 1999 Enacted	FY 2000 Request	Bill	Bill vs. Enacted	Bill vs. Request
United States Secret Service:					
Salaries and Expenses	600,302	661,312	662,312	+62,010	+1,000
(Delay in obligation)	(-5,000)			(+5,000)	
Antiterrorism (emergency funding)	80,808			-80,808	
Y2K conversion (emergency funding)	3,000			-3,000	
Y2K conversion (emergency funding)	695			-695	
Acquisition, Construction, Improvement, & Related Expenses	8,068	4,923	4,923	-3,145	
Total, United States Secret Service	692,873	666,235	667,235	-25,638	+1,000
Net total, title I, Department of the Treasury	12,637,225	12,376,130	12,189,648	-447,577	-186,482
Appropriations	(11,678,242)	(12,376,130)	(12,189,648)	(+511,406)	(-186,482)
Rescissions	(-4,500)			(+4,500)	
Emergency funding	(963,483)			(-963,483)	
TITLE II - POSTAL SERVICE					
Payments to the Postal Service					
Payments to the Postal Service Fund	100,195	93,436	29,000	-71,195	-64,436
(Delay in obligation)	(-71,195)			(+71,195)	
Advance appropriations, FY 2001			64,436	+64,436	+64,436
Total	100,195	93,436	93,436	-6,759	
TITLE III - EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT					
Compensation of the President and the White House Office:					
Compensation of the President	250	250	250		
Salaries and Expenses	52,344	52,444	52,444	+100	
Executive Residence at the White House:					
Operating Expenses	8,691	9,260	9,260	+569	
White House Repair and Restoration		810	810	+810	
Special Assistance to the President and the Official Residence of the Vice President:					
Salaries and Expenses	3,512	3,617	3,617	+105	
Operating expenses	334	345	345	+11	
Council of Economic Advisers	3,666	3,840	3,840	+174	
Office of Policy Development	4,032	4,032	4,032		
National Security Council	6,806	6,997	7,000	+194	+3
Office of Administration	28,350	39,198	39,448	+11,098	+250
Y2K conversion (emergency funding)	12,200			-12,200	
Y2K conversion (emergency funding)	7,666			-7,666	
Y2K conversion (emergency funding)	9,925			-9,925	
Office of Management and Budget	60,617	63,495	63,495	+2,878	
Office of National Drug Control Policy	48,042	43,133	52,221	+4,179	+9,088
Counterdrug (emergency funding)	1,200			-1,200	
Unanticipated Needs	1,000	1,000	1,000		
Emergency funding	30,000			-30,000	
Rescission	-10,000			+10,000	
Federal Drug Control Programs: High Intensity Drug Trafficking Areas Program	184,977	185,777	192,000	+7,023	+6,223
Special forfeiture fund	214,500	225,300	225,000	+10,500	-300
Counterdrug (emergency funding)	2,000			-2,000	
Total, title III, Executive Office of the President and Funds Appropriated to the President	670,112	639,498	654,762	-15,350	+15,264
Appropriations	(607,121)	(639,498)	(654,762)	(+47,641)	(+15,264)
Emergency funding	(62,991)			(-62,991)	
TITLE IV - INDEPENDENT AGENCIES					
Committee for Purchase from People Who Are Blind or Severely Disabled	2,464	2,674	2,674	+210	
Federal Election Commission	36,500	38,516	38,152	+1,652	-364
Counterdrug (emergency funding)	243			-243	
Federal Labor Relations Authority	22,586	23,828	23,828	+1,242	
General Services Administration:					
Federal Buildings Fund:					
Appropriation	450,018			-450,018	
Limitations on availability of revenue:					
Construction and acquisition of facilities	(492,190)	(102,194)	(8,000)	(-484,190)	(-94,194)
Repairs and alterations	(668,031)	(664,869)	(559,869)	(-108,162)	(-105,000)
(Delay in obligation)	(-161,500)			(+161,500)	
Installment acquisition payments	(215,764)	(205,668)	(205,668)	(-10,096)	
Rental of space	(2,583,261)	(2,782,186)	(2,782,186)	(+198,925)	
(Delay in obligation)	(-15,000)			(+15,000)	
Building Operations	(1,554,772)	(1,590,183)	(1,590,183)	(+35,411)	
(Delay in obligation)	(-68,000)			(+68,000)	
Repayment of Debt	(91,000)	(100,000)	(100,000)	(+9,000)	
Total, Federal Buildings Fund	450,018			-450,018	
(Limitations)	(5,605,018)	(5,445,100)	(5,245,906)	(-359,112)	(-199,194)

TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATIONS BILL, 2000 (H.R. 2490)—Continued
(Amounts in thousands)

	FY 1999 Enacted	FY 2000 Request	Bill	Bill vs. Enacted	Bill vs. Request
Policy and Operations	109,594	122,158	110,448	+854	-11,710
Y2K conversion (emergency funding)	12,701			-12,701	
Y2K conversion (emergency funding)	4,800			-4,800	
Y2K conversion (emergency funding)	5,002			-5,002	
Y2K conversion (emergency funding)	18,796			-18,796	
Y2K conversion (emergency funding)	7,108			-7,108	
Office of Inspector General	32,000	33,917	33,317	+1,317	-600
Allowances and Office Staff for Former Presidents	2,241	2,241	2,241		
Supplemental general provision (P.L. 106-31)	1,700			-1,700	
Total, General Services Administration	643,960	158,316	146,006	-497,954	-12,310
Merit Systems Protection Board:					
Salaries and Expenses	25,805	27,586	27,586	+1,781	
Y2K conversion (emergency funding)	66			-66	
(Limitation on administrative expenses)	(2,430)	(2,430)	(2,430)		
Morris K. Udall scholarship and excellence in national environmental policy foundation		3,000	1,000	+1,000	-2,000
Environmental Dispute Resolution Fund	4,250	1,250	1,250	-3,000	
National Archives and Records Administration:					
Operating expenses	224,614	186,452	180,398	-44,216	-6,054
(Delay in obligation)	(-7,861)			(+7,861)	
Y2K conversion (emergency funding)	6,662			-6,662	
Reduction of debt	-4,012	-5,598	-5,598	-1,586	
Repairs and Restoration	11,325	13,518	13,518	+2,193	
National Historical Publications and Records Commission:					
Grants program	10,000	6,000	6,000	-4,000	
(Delay in obligation)	(-4,000)			(+4,000)	
Rescission			-4,000	-4,000	-4,000
Records Center Revolving Fund		22,000	22,000	+22,000	
Total, National Archives & Records Administration	248,589	222,372	212,318	-36,271	-10,054
Office of Government Ethics	8,492	9,114	9,114	+622	
Office of Personnel Management:					
Salaries and Expenses	85,350	91,584	90,584	+5,234	-1,000
Y2K conversion (emergency funding)	2,428			-2,428	
(Limitation on administrative expenses)	(91,236)	(95,486)	(95,486)	(+4,250)	
Office of Inspector General	960	960	960		
(Limitation on administrative expenses)	(9,145)	(9,645)	(9,645)	(+500)	
Government Payment for Annuitants, Employees Health Benefits	4,654,146	5,105,482	5,105,482	+451,336	
Government Payment for Annuitants, Employee Life Insurance	34,576	36,207	36,207	+1,631	
Payment to Civil Service Retirement and Disability Fund	8,703,180	9,120,872	9,120,872	+417,692	
Total, Office of Personnel Management	13,480,640	14,355,105	14,354,105	+873,465	-1,000
Office of Special Counsel	8,720	9,740	9,740	+1,020	
Y2K conversion (emergency funding)	100			-100	
United States Tax Court	32,765	36,489	36,489	+3,724	
Total, title IV, Independent Agencies	14,515,180	14,887,990	14,862,262	+347,082	-25,728
Appropriations	(14,457,274)	(14,887,990)	(14,866,262)	(+408,988)	(-21,728)
Rescissions			(-4,000)	(-4,000)	(-4,000)
Emergency funding	(57,906)			(-57,906)	
Grand total	27,922,712	27,997,054	27,800,108	-122,604	-196,946
Appropriations	(26,852,832)	(27,997,054)	(27,739,672)	(+886,840)	(-257,382)
Rescissions	(-14,500)		(-4,000)	(+10,500)	(-4,000)
Advance appropriations. FY 2001			(64,436)	(+64,436)	(+64,436)
Emergency funding	(1,084,380)			(-1,084,380)	
(Limitations)	(5,707,829)	(5,552,661)	(5,353,467)	(-354,362)	(-199,194)
CONGRESSIONAL BUDGET RECAP					
Scorekeeping adjustments:					
Bureau of The Public Debt (Permanent)	138,000	142,000	142,000	+4,000	
Federal Reserve Bank reimbursement fund	126,000	128,000	128,000	+2,000	
Trust fund budget authority	102,000	106,000	106,000	+4,000	
US Mint revolving fund	15,000	11,000	11,000	-4,000	
Sallie Mae	1,000	1,000	1,000		
Federal buildings fund	-30,000	4,000	-195,000	-165,000	-199,000
Postal service advance appropriation	-71,195	71,195	71,195	+142,390	
General provision (sec. 408)	5,000			-5,000	
Ethics Reform Act adjustment	-2,000			+2,000	
Emergency funding	-1,084,380			+1,084,380	
Advance appropriations			-64,436	-64,436	-64,436
Total, scorekeeping adjustments	-800,575	463,195	199,759	+1,000,334	-263,436
Total mandatory and discretionary	27,122,137	28,460,249	27,999,867	+877,730	-460,382
Mandatory	13,656,152	14,533,811	14,533,811	+877,659	
Discretionary	13,465,985	13,926,438	13,466,056	+71	-460,382

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

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

Mr. Chairman, I want to begin by complimenting once again the gentleman from Arizona (Chairman KOLBE) for the excellent job he and his staff have done with the bill this year. I thank them for their diligent work on this bill and for their spirit of bipartisan cooperation.

Within the 302(b) allocation level that had been provided for this subcommittee, $13.6 billion in discretionary budget authority, the gentleman from Arizona (Chairman KOLBE) produced a very good bill that he presented to the subcommittee.

Even though we were not able to fund courthouse construction within the constraints of this allocation, which I think is a significant and important shortcoming of this bill, this bill deserved bipartisan support as it came out of subcommittee. And indeed it came out of subcommittee, I would remind my colleagues, unanimously.

This bill, as the chairman has said, funds the Department of the Treasury at $12.19 billion, $18.6 million below the request of the President. Included within this amount is $3.433 billion for the Treasury. Five important law enforcement agencies, as the chairman has pointed out, over 40 percent of law enforcement in the Federal Government falls within this bill.

This bill also funds antidrug activities, including $46.9 million for the Office of National Drug Control Policy. This important office has the lead role in coordinating all of this Government's efforts in the war against drugs. Within this money, $192 million is for the very successful high intensity drug trafficking areas; $19.5 million is for ONDCP's national youth and antidrug media campaign; and $30 million is for the third year of the very popular and widely supported Drug-Free Communities Act.

Mr. Chairman, I remain disappointed that this bill contains almost no construction funds. We have the responsibility in this appropriations bill to fund most of the construction of Federal buildings for the entire Government. But this year there is no attempt to fund any of the Federal courthouses on the Judiciary's 5-year plan.

Let me make it clear to the Members. The chairman, with the committee's support, last year funded courthouses but not those that were requested by Members but those that were agreed to by the Judiciary as the most critically needed in this Nation to assure the timely administration of justice.

This bill eliminates requested construction funds furthermore of $32 million to buy five border stations. They are needed, as the chairman knows. $4.3 million is eliminated for the project to replace the U.S. Mission to the United Nations in New York City, badly in need of replacement. $55.9 million was deleted from the President's budget to fund the long overdue consolidation of the FDA, and $15 million for a secure location for the currently vulnerable ATF Headquarters building.

Very frankly, Mr. Chairman, these deletions are very unfortunate and, in my opinion, penny wise and pound foolish.

I understand, however, why this bill does not include funding for these important construction projects. It is because this is the third year of the Balanced Budget Agreement and the very stringent budget caps have not been raised.

The 302(b) allocation is only 1.8 percent over the 1999 level. I want to repeat that, Mr. Chairman, for Members of the House and, very frankly, for all those listening. This bill represents only a 1.8-percent increase over last year's funding. That is for all salary increases and expenses of utilities and other related expenses that are required both of families and of the Government. This is clearly not enough to cover basic pay and inflationary increases.

So, in fact, we have an effective cut. So by eliminating requested construction projects and not adding back courthouse construction, which this committee did in the 1999 budget, the chairman has managed to almost fully fund the remainder of the requested amount in this bill.

In summary, Mr. Chairman, I believe the chairman did an outstanding job within an allocation that was simply too low because it was based on unrealistic budget caps.

Mr. Chairman, I very sincerely regret that the bill before this House today is a bill I cannot support. Why? I have said that the bill that came out of subcommittee was unanimously supported, strongly supported by me, again, realizing that it was deficient in the areas that I have talked about but realizing, as well, that the chairman and the committee had done the best it could given the fiscal constraints with which it was confronted.

However, not because the Committee on Appropriations thought it fiscally appropriate to do so, not because the Committee on Appropriations believed that there was waste within any of the numbers provided in the subcommittee's reported bill, not because the majority of the Committee on Appropriations members felt that we ought to cut this bill, but because, very frankly, Mr. Chairman, a relatively small group in this House has decided that we are going to make cuts notwithstanding the needs of this Nation.

□ 1545

The unilateral actions of the House majority leadership in cutting the funding of this bill by $240 million below the 302(b) allocation has hindered this bill.

Let me make an aside, Mr. Chairman. The 302(b) allocation comes about as a result of the budget resolution passed by this House and the Senate. Let me repeat that. The 302(b) allocation that this bill was reported on out of the subcommittee was consistent with the allocations made pursuant to the budget passed by this House and the United States Senate. It was not overbudget. It was not over the 302(b) allocation.

I believe that the almost quarter of a billion dollar cut in this bill has rendered it unsupportable. This reduction passed the Committee on Appropriations on a straight party-line vote, 33–26.

Mr. Chairman, you chaired a retreat. It was a retreat on civility. It was a retreat with the objective of trying to bring us together and make us a more unified, cooperative body, looking at things that were in the best interest of this Nation, not what was in the best interest of party. Very frankly, the subcommittee did this. Very frankly, the Committee on Appropriations would have supported that. But there continues to be a group who does not want to work in a bipartisan fashion, who does not want to bring us together but wants to drive us apart, who wants to, in my opinion, for either political or philosophical reasons, create differences where they ought not to be.

I regret that I rise in opposition to the bill as it stands now. We were told that this reduction is necessary to relieve pressure on other appropriations bills that follow. However, this $240 million will not begin to solve the more than $30 billion shortfall in the 302(b) allocation of other appropriations bills.

What really is happening here is that the leadership is undercutting the committee process to satisfy a few of the members of their conference. This is the fourth appropriations bill to be cut based not on the judgment of the Committee on Appropriations but on the judgment of the leadership.

The worst part of this reduction is the damage it does to core government functions. Funding for the IRS is reduced by $135 million. The General Services Administration repairs and alterations is reduced by $100 million, and the Treasury Department's efforts to automate human resources management are cut by $5 million. These cuts are troubling and extremely ill-advised.

After scores of hearings, days and days of deliberation, the subcommittee made a judgment that the appropriate numbers were $135 million more in IRS, $100 million more in GSA and $5 million more in the human resources management of the Treasury Department.

Mr. Chairman, I know that you voted for the legislation that resulted from the ''Vision for a New IRS.'' Very frankly, Mr. Chairman, you will remember, perhaps, that I was one of four people when the IRS reform bill was considered on the floor to vote ''no.'' Mr. Chairman, I do not expect you to remember what I had to say, as compelling as it was, in the debate that day, but I got up on the floor and I

said, ''I am voting no, and very frankly, if you're going to be for IRS reform, you've got to be for IRS reform at appropriations time and at tax-writing time.'' What I meant by that is that we needed to give it the appropriate resources.

The gentleman from Ohio (Mr. PORTMAN) of this body and BOB KERREY of the other body were critically important in passing this legislation. In the report that they issued, they said this:

''The Commission recommends that Congress provide the IRS certainty in its operational budget in the near future. We recommend that the IRS budget for tax law enforcement and processing, assistance, and management be maintained at current levels of funding for the next 3 years.''

Why did they say that? They said it because if we are going to have reform in IRS, we need to fund the resources to provide the taxpayer services that that bill contemplated. In the cuts that confront us today, we are not doing that.

Last year, the House voted overwhelmingly for that reform bill. That act followed recommendations of the commission that studied the IRS which stated concerning budgets that, and I quote, the IRS should receive stable funding for the 3 years. Furthermore, they said a stable budget will allow the IRS leadership to plan and implement operations which will improve taxpayer service and compliance.

Mr. Chairman, in a recent letter, IRS Commissioner Rossotti stated the following concerning the fiscal year 2000 requested level:

''This level is the absolute bare minimum necessary to meet the congressional demand to reform IRS.''

Mr. Chairman, as you may know, Mr. Rossotti is a Republican. I do not mean he is a partisan. He is a registered Republican and he is a businessman who ran an 8,000-person firm in the private sector, had offices worldwide, and was asked by Secretary Rubin to come in to manage this department. He is not a tax lawyer as most of his predecessors were, he is a manager, a business manager, asked to make this agency run efficiently, effectively and cognizant of the needs of its customers, the taxpayers of this country. He is doing so.

He says further, ''Without these funds, the reform effort mandated by the restructuring act will be in jeopardy and could in fact fail.''

It is not enough to pass legislation which says we are going to reform the IRS. It is, as this report indicated, necessary to fund it at stable levels. We have not done so.

Mr. Chairman, I yield 4 minutes to the gentleman from Pennsylvania (Mr. COYNE) and in doing so I would like to observe that he is one of the senior members, as the chairman knows, of the Committee on Ways and Means but more importantly for the purposes of this bill was a member of the IRS reform task force and was intimately involved in the recommendations that that task force made.

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

Mr. COYNE. Mr. Chairman, I rise today to object to the cut which the Committee on Appropriations has made in funding for the Internal Revenue Service.

While it may be politically popular to cut funding for the IRS, the consequences of this action would be profoundly counterproductive and irresponsible. Do we really want to delay IRS reform or implementation of the new taxpayer protections that were enacted just last year? I do not think so. But that is the effect of this misguided cut that we are contemplating here today.

Do we really want to deny the IRS the resources it needs to modernize its equipment and prepare for the year 2000 bug that we hear so much about? I really do not think so, but this is what might happen if we deny the IRS the resources it needs to make the Y2K conversion in a timely fashion.

Mr. Chairman, this feel-good IRS cut may not feel so good next year. I urge Members to vote against this inadequate bill and send it back to the Committee on Appropriations to be fixed.

Mr. Chairman, I rise today to object to the last-minute $135 million cut which the Appropriations Committee has made in funding for the Internal Revenue Service.

While it may be a politically popular move for some to cut funding for the IRS next year, the consequences of this action would be profoundly counterproductive, unwise, and irresponsible. My Republican colleagues know this and are trying to figure out, behind the scenes, how to undo the damage this bill would do to millions of taxpayers.

Why was the IRS originally given a slight increase in funding for the next year? $75 million dollars was to be used for implementing the IRS Restructuring and Reform Act of 1998, which was passed by the Congress less than a year ago. The remaining $50 million was to be used for modernizing IRS equipment and completing the agency's Y2K conversion.

The IRS reform bill that Congress passed last year was intended to make the IRS more taxpayer-friendly, allow the IRS to hire experts and top managers, reorganize the agency, and provide taxpayers with more than 70 new taxpayers rights in dealing with the agency.

The IRS is currently in the midst of its hiring and reorganization efforts. A significant number of the taxpayer rights provisions have not yet been fully implemented. For example, IRS action to provide innocent spouse relief, allow taxpayers installment agreements, and process claims for abatement of penalty and interest all require employee training, new forms and guidance, and IRS employee interaction with taxpayers. Do we really want to delay IRS action on these statutory mandates—and on implementation of these taxpayer protections? I don't think so, but that is the effect that this misguided cut would have.

Similarly, do we really want to deny the IRS the resources it needs to modernize its equipment and prepare for the year 2000 bug? Are taxpayers really better off if an IRS computer malfunctions? Do we want to risk the possibility that millions of Americans would have to spend hours or days straightening out their tax records? I really don't think so, but that is what might happen if we deny the IRS the resources it needs to make the Y2K conversion in a timely fashion.

IRS Commissioner Rossotti stated the urgency of the situation quite clearly in a letter to Representative Steny Hoyer, Ranking Member of the Treasury-Postal Appropriations Subcommittee, earlier this month. Commissioner Rossotti wrote, ''I want to reemphasize how critical this [IRS] budget is to the success of the restructuring and reform act of 1998, passed almost unanimously a year ago. This landmark, bipartisan legislation established 71 new taxpayer rights provisions and mandated an entirely new direction for the IRS. Implementing these provisions is a huge job that requires a great deal of additional staff time and technology change . . . the Administration's IRS budget request for FY 2000 is essentially level with last year's. This level is the absolute bare minimum necessary to meet the congressional demand to reform the IRS. Without these funds, the reform effort mandated by the restructuring act will be in jeopardy, and could, in fact, fail due to financial constraints.''

Treasury Secretary Summers added that implementing the improvements of the 1998 IRS reform act ''. . . is of the highest priority in the department. The budget follows through on commitments made to the American people to reform the IRS and give the taxpayers the service they deserve and expect. We are at an important crossroad on implementation and we must ensure that the IRS is provided adequate funding to see these changes through to completion . . . I urge the Congress . . . to ensure that the final appropriation reflects the same commitment to supporting IRS reform that has been shown in the past.''

Mr. Chairman, this feel-good IRS cut may not feel so good next year. I urge Members with any sense of responsibility for IRS reform to vote against this inadequate bill and send it back to the Appropriations Committee to be fixed. The Treasury-Postal Appropriations Subcommittee, as well as the President, recommended $8.2 billion for the IRS next year with good reason.

Mr. KOLBE. Mr. Chairman, I am very pleased to yield 4 minutes to the distinguished gentleman from Ohio (Mr. PORTMAN) who has been so instrumental in helping bring about the IRS reforms and restructuring and is the individual who has worked very hard on this and understands what this restructuring is all about.

Mr. PORTMAN. Mr. Chairman, I thank the gentleman very much for yielding me this time. I want to start by commending the gentleman from Maryland and the gentleman from Arizona for putting together a very good bill. Overall, this is legislation that will help move our country forward in a number of ways.

I want to mention particularly the antidrug efforts. The funding of the Antidrug Media Campaign and the Drug Free Communities Act are both measures that I think will make a tremendous difference in terms of our

fight against substance abuse by reducing demand in our communities.

I do, though, need to speak briefly about the IRS provisions in the legislation. It was just about a year ago when we passed what was historic IRS restructuring and reform legislation, the most dramatic reform in fact of the IRS in over 45 years. The Clinton administration initially opposed the effort but ultimately they, too, agreed that IRS reform was overdue and ultimately the legislation passed with overwhelming support in both the House and the Senate. Now with this 1-year anniversary coming up just a week from today, it is time for us as a Congress to put our money where our mouth is.

The measure before us today, as Members probably know, cuts about $135 million of funding for the IRS. The funding level proposed in the bill, I think, will jeopardize the implementation of the very law we passed with so much bipartisan support and fanfare just last year. It sounds good on the surface to cut the IRS but it actually hurts taxpayer service.

Let us take a look at how it would affect taxpayers. First, it jeopardizes the implementation of the very important customer service improvements which are mandated by the legislation we passed last year, including a dramatic taxpayer-friendly reorganization of the whole IRS that will improve customer service for every taxpayer, including the very popular telefile program that lets taxpayers file their tax returns much more easily through the telephone.

Second, it will endanger the needed computer modernization effort. Every Member of this House has heard horror stories, I know I have, from our constituents who have received erroneous computer notices where the left hand of the IRS does not know what the right hand is doing. I have been very critical of the IRS as have other Members. The effort here was to come up with computer modernization efforts and resources that would help us to deal with these problems. We need to invest in improved IRS technology if we are serious about protecting our constituents from the kind of computer problems we have all seen.

We also need to expand access to taxpayer-friendly electronic filing. Right now there is a 22 percent error rate on paper filing, compared to less than a 1 percent error rate on electronic filing. That is why in the legislation we passed, again just last year, we mandated that the IRS work hard on electronic filing and in fact we set a goal of 80 percent electronic filing for the IRS by 2007. That is going to be difficult to meet unless they have the resources to do it. Again, it is taxpayer-friendly.

On a similar note, finally, the funding cut will jeopardize, I think, the IRS's abilities to complete its Y2K preparations for this year. While the thought of IRS computers crashing may bring glee to the hearts of many, think about the consequences. Think about no refund checks. Think about erroneous IRS notices sent to innocent taxpayers who think they have paid their taxes in a timely way and in an appropriate way. Think about the unnecessary audits that might result. This is no way to bring our tax system, Mr. Chairman, into the 21st century.

I am a strong believer in fiscal discipline. I am proud to cast my vote for fiscal responsibility even when it is not popular because I think holding the line on Federal spending for the sake of our children and grandchildren is the right thing to do. But here, with regard to the IRS, I think we need to follow up with our efforts from last year. We are making good progress in reforming the IRS. Commissioner Rossotti, I believe, is doing a superb job, but we need to give him the tools to get that job done.

Mr. Chairman, I would conclude by again congratulating the gentleman from Arizona on the overall legislation. This bill is a very strong bill and I would hope with the IRS that in conference we can restore some of these reductions.

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

Before the gentleman from Ohio (Mr. PORTMAN) leaves the floor, I want to again make the comment that he has done some extraordinary work, positive work, helpful work on this entire issue. He is of course from the authorizing committee, the Committee on Ways and Means, a senior member of the Committee on Ways and Means. I appreciate his remarks. Because this is not a partisan issue. The service of our taxpayers is not a partisan issue.

The IRS reform effort, which as I pointed out I voted against the first time because I had concerns about it and, as I said, we needed to do it at budget time and we needed to do it at tax-writing time or no matter how good our people were, they could not implement it. He has reiterated and made more strongly, I think, that point, but the purpose of my rising is to thank him for the leadership that he has exercised on this issue and his continuing shepherding of this effort so that it can be successful. I thank him for his efforts.

□ 1600

Mr. Chairman, let me now reiterate the concerns that we have on this IRS cut. As I mentioned, Mr. Rossotti was hired in an unusual way. That is to say he was hired as a manager, not as a tax policymaker, to make this system run well. He has sent a letter today, and I would like to read excerpts of that. I quoted a previous letter, but he says this in a letter to me and to the chairman on July 15:

A funding reduction of $135 million would severely restrict, if not completely impair, IRS' ability to deliver on restructuring and reform act mandated by Congress in 1998.

Went on to say that it would undermine customer service.

Says further that it would undermine the funding of efforts to implement congressionally mandated reform requirements.

Also says that it will jeopardize the congressionally mandated goal of 80 percent electronic filing.

And the last two points he makes is that this cut would impair the creation of operating units to help specialized groups of taxpayers, including small business and ordinary wage earners.

Lastly, he says this cut would delay implementation of important taxpayer rights initiatives, the point being again that if we ask the IRS to accomplish these objectives it is incumbent upon us to fund their ability to do so. I regret that that has not happened and, as I say, as a result, as strongly as I support the product from the subcommittee, I will not be able to support final passage of this particular bill.

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

Mr. KOLBE. Mr. Chairman, I yield 5 minutes to the distinguished gentlewoman from Maryland (Mrs. MORELLA), who has not only a lot of Federal employees in her district but has done yeoman's work on issues dealing with Federal employees.

Mrs. MORELLA. Mr. Chairman, I thank the gentleman for yielding this time to me, and I rise in support of this legislation.

I want to very deeply thank the gentleman from Arizona (Mr. KOLBE) for his leadership and his very hard work on this very important bill. I also want to extend accolades to my partner from Maryland who is the ranking member, the gentleman from Maryland (Mr. HOYER); and since thanks are so important I want to thank the gentleman from New York (Mr. FORBES) and the gentleman from California (Mr. DREIER) for ensuring that this legislation contains two particular provisions that are of great importance to Federal employees and their families, many of whom, as I mentioned, I have the honor of representing.

The legislation incorporates the provisions of my bill, H.R. 206, the Federal Employee Child Care Affordability Act. This important and yet simple legislation would allow Federal agencies to use funds from their salary and expense accounts to help low income Federal employees pay for child care. This legislation gives Federal agencies the same flexibility as that enjoyed by the Department of Defense to tailor their child care programs to meet the particular needs of their employees.

So by empowering agencies to work as partners with employees to meet their child care needs, which are ever so important, Congress truly will be encouraging family friendly Federal workplaces and indeed higher productivity.

I am also encouraged that this legislation codifies the victory that we won during the debate 1 year ago today on the Fiscal Year 1999 Treasury, Postal,

and General Appropriations Act which provided for contraceptive coverage in the Federal Employees Health Benefits Program. Contraceptives help couples plan wanted pregnancies and reduce the need for abortions.

During that debate, I spoke in favor of the amendment that was offered by the gentlewoman from New York (Mrs. LOWEY) to improve Federal employees' insurance coverage of basic health care for women and their families. The amendment of the gentlewoman from New York (Mrs. LOWEY) required all but five religious-based plans participating in the Federal Employees Health Benefit Plan to cover all five methods of prescription contraceptives: The pill, diaphragm, IUDs, Norplant and Depo-Provera. This bill before us today ensures that we will continue treating prescription contraceptives the same as all other covered drugs in order to achieve parity between the benefits that are offered to male participants in the FEHBP plans and to those that are offered to Federal participants.

And this bill before us, it may not be perfect because it continues the ban on abortion coverage under the FEHBP program. Therefore, I am going to support an amendment that will be offered later by the gentlewoman from Connecticut (Ms. DELAURO) that is gender equitable, to allow any health insurance plan participating in FEHPB to offer coverage for abortions just as two-thirds of the fee for service plans do and 70 percent of HMOs currently provide in the private sector. Again, that is equity.

Despite this concern, I do believe that this legislation before us today is very important. I believe that it reflects a sensible compromise among multiple interests; and, once again, I want to thank the gentleman from Arizona (Mr. KOLBE) for his yeomanship on this particular bill and thank the ranking member for his work on this bill.

Mr. HOYER. Mr. Chairman, will the gentlewoman yield?

Mrs. MORELLA. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Chairman, I want to commend the gentlewoman for her statement, which was excellent. She is a pleasure to work with on issues relating not only to our region but particularly to Federal employees. She is always a very strong advocate of our Federal employees and treating them with fairness.

I also want to commend her. She did not mention it, but I wanted to call attention to it earlier; I do not think the gentlewoman was on the floor. I regretted the fact that we deleted the $55 million for the FDA facility which is to be located in Montgomery County. The gentlewoman has been a leader on this effort, and I know that she will work with me, with the chairman, that it is in the Senate bill, and I am hopeful that the chairman and the committee will in conference include that language, and the gentlewoman may want to comment on that.

Mrs. MORELLA. Mr. Chairman, I thank the gentleman from Maryland (Mr. HOYER) for his laudatory comments. I do want to thank the gentleman from Arizona for his comments, and it is true. I know he has been an advocate for Federal employees.

And the gentleman and I and others date way back when it came to consolidation of the Food and Drug Administration, which is located in probably 24 diverse spots, some of our laboratories that really are in terrible need of repair, dilapidated, and yet state-of-the-art work is required of them in what they do. And so I recognize the fact that it is not in this House bill, but it is in the Senate bill, and that is what conferences are for. And so I will join my colleagues in hoping that the conferees will see fit to get the construction moving in the White Oak area, and I thank you for your comments on that.

Again, I thank the gentleman from Arizona (Mr. KOLBE), and I am going to be voting for this bill.

Mr. HOYER. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Pennsylvania (Mr. HOEFFEL), who I understand wants to enter into a colloquy with the chairman and myself.

Mr. HOEFFEL. Mr. Chairman, I thank the gentleman from Maryland for yielding this time to me, and I thank the ranking member for leadership on this bill and his assistance to me.

Mr. Speaker, will the chairman of the committee yield for a colloquy?

I rise today on an issue of great importance to my district, which is a lack of information regarding antique firearms' use in crime. I first became aware of this problem after a 48-hour hostage standoff in Norristown, Pennsylvania, which is part of my district.

Mr. Chairman, I am seeking to require the Department of the Treasury to collect statistics and conduct a study on the use of antique firearms in crime and to report its findings to the Congress within 180 days. Very few or no statistics exist on the use of antique firearms in crime, and no Federal agency is responsible for tracking those statistics. This study would begin to fill the information void left by this lack of jurisdiction. I wonder if the gentleman could accommodate my concern.

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

Mr. HOEFFEL. I yield to the gentleman from Arizona.

Mr. KOLBE. I thank the gentleman from Pennsylvania for raising this issue. I would certainly be happy to work with the gentleman to accommodate his concerns by working with him regarding a study of this matter and language to be incorporated in the conference report for H.R. 2490, and I hope that might satisfy the gentleman's concerns.

Mr. HOEFFEL. Yes, it certainly will, Mr. Chairman. I thank you very much for your leadership on this and your cooperation and that of your staff, and this will certainly help to address a problem of great concern in my district.

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

Mr. Chairman, let me just add to the response of the Chairman, I think the gentleman from Pennsylvania has raised an issue where there is a void of information on the use of relic guns and commission of crime. I think a study would be very useful. I am pleased that the chairman will work with the gentleman from Pennsylvania and myself in including such language in the conference report, and I look forward to that occurring.

Mr. Chairman, I do not believe that we have any further speakers on my side. I understand a member is coming, a member of the subcommittee who would like to speak, so while she is on her way let me make a comment, Mr. Chairman.

The C-SPAN, of course, covers these proceedings, and they see the Members, and the Members work hard. My experience as a legislator over many years has been that the overwhelming 98 percent of the legislators are extraordinarily conscientious and hard-working, but none of us could do our job effectively without some extraordinarily able and committed staff. The chairman in his opening remarks mentioned the staff, and I would like to again thank them for their efforts.

The chief clerk of our committee, Michele Mrdeza, works extraordinarily hard, is very knowledgeable about the bill's provisions and works extraordinarily hard during the course of the year to oversee the implementation of the provisions in our bill. She is assisted very ably by Bob Schmidt, by Jeff Ashford, by Tammy Hughes, by a very close friend of mine, Clif Morehead, and by Kevin Messner.

On our side of the aisle: Pat Schlueter, who works extraordinarily hard as well; and Scott Nance, a member of my staff as Kevin is a member of Mr. Kolbe's staff; and I want to thank them for their efforts. We could not do this job effectively without their help and without their caring and without the very long hours that they put in day after day, night after night, to make sure this bill comes to the floor in a credible fashion.

Mr. Chairman, let me make perhaps a few other comments while we are waiting. The legislation before us does, in fact, provide for Treasury law enforcement, critically important, important with respect to Customs, to make sure that what is coming into our country comes in properly, that the proper duties are paid, that the items that are excluded from importation do not come in and that smuggling does not occur. They obviously work hand in hand with others, with INS, with DEA, with

Water Patrol in carrying out the efforts to make sure that our borders are secure.

In addition, the Bureau of Alcohol, Tobacco and Firearms headed by John Magaw is an extraordinary agency which has, as I have said in times past, dealt with some of the most dangerous and demented criminals in America, those who want to use weapons of, if not mass destruction, wide destruction such as the bombing of the Oklahoma office building that killed so many of our Federal workers and public citizens. It is appropriate that we fund ATF at levels that gives them the opportunity to do the job that we have given them.

And then I would, before yielding to the gentlewoman from California (Ms. ROYBAL-ALLARD), mention the Secret Service, one of the premier law enforcement agencies in our Nation. Most of us view the Secret Service as a protective agency. They do that function. They protect our President, they protect our Vice President, their families, and they protect, of course, visitors to our shore, foreign leaders.

But they also carry out very, very critically important law enforcement responsibilities, not the least of which is the protection of our currency. The American dollar, as we know, Mr. Chairman, is the standard throughout the world for value and for monetary systems. If it were not for the Secret Service and their protection of the integrity of that currency, the international monetary situation would not be nearly as good as it is.

□ 1615

Mr. Chairman, I am very pleased to yield such time as she may consume to my good friend, the gentlewoman from California (Ms. ROYBAL-ALLARD), one of the leaders on our subcommittee, and, I might say, for those of us who have been here for some time, the distinguished daughter of a distinguished member, Ed Roybal, who chaired this subcommittee and who, through the years, taught me the ropes.

Ms. ROYBAL-ALLARD. Mr. Chairman, I rise in reluctant opposition to H.R. 2490, the Treasury, Postal Service, and General Government appropriations bill for fiscal year 2000.

This is my first year as a member of the Committee on Appropriations, and as a member of the Subcommittee on Treasury, Postal Service, and General Government, I had high hopes of supporting this bill throughout the legislative process. The bill reported out of our subcommittee was a sound one, unanimously supported by the subcommittee members. It maintained current services for the important agencies within the jurisdiction of the bill.

Unfortunately, during consideration by the full Committee on Appropriations, nearly $240 million was cut from the bill at the direction of the Republican leadership. Responding to a small minority of the Republican party which sought to control the budget process this year, this cut was passed by the Committee on Appropriations on a party line vote. This cut would prevent us from going forward with reforms of the Internal Revenue Service passed just last year.

By cutting $100 million from GSA's repair account, we adopt a policy that will only end up costing the American taxpayer much more in the long run for increased repair costs made necessary by deferred maintenance. This reduction in GSA's budget is in addition to the fact that no funding is provided in the bill this year for new courthouse planning and construction.

This lack of funding affects my district very directly because the proposed new Federal courthouse in downtown Los Angeles is first on the priority list. In fact, the Los Angeles courthouse was officially out of space in 1995, and the current facility has life-threatening security deficiencies, according to the U.S. Marshall's Service.

Finally, I was also extremely disappointed that the full committee voted to strike a provision that the gentleman from Virginia (Mr. WOLF) and I included at subcommittee giving the Office of National Drug Control Policy the authority to address underage drinking in their youth antidrug media campaign.

Research has shown that alcohol is an important gateway drug leading to the use of other illegal drugs. Young people who drink are 22 times more likely to smoke marijuana and 50 times more likely to use cocaine than those who do not drink.

Conducting an antidrug media campaign that does not address the linkage seriously hampers its overall effectiveness, and I will continue to work with the gentleman from Arizona (Chairman KOLBE) and others to include this important message in our antidrug strategy.

In short, this was originally a good bill, but pressure from the Republican right wing has turned it into a bad bill. I urge my colleagues to oppose this bill, to send the message that we need to fund our agencies adequately.

I sincerely hope that we will come to our senses later in the legislative process and make this bill the bipartisan product that it once was and still can become.

Mr. PRICE of North Carolina. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

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

Mr. Chairman, let me just say once again that I think this is a good bill. I hope it will be supported by Members. I would join with the gentleman from Maryland (Mr. HOYER) in my thanks to the staff on both sides of the aisle who have done such a good job to get us to this point. They are the unsung heroes of this legislation. I thank them, those that are around me and those on the other side, for the fine job they have done.

Mr. THUNE. Mr. Chairman, I rise today to address concerns I have with H.R. 2490, the Treasury, Postal Service, and General Government Appropriations Act for Fiscal Year 2000.

While I appreciate the hard work of my colleagues on this bill, I object to the process that allows for a pay raise without a vote of the members. The term cost-of-living adjustment may sound more appealing than the term pay raise. Despite the difference of means, the end is the same. And I object to the end at issue here, which is an increase in congressional pay. I am disappointed that the only opportunity I have to oppose the cost-of-living adjustment is on a procedural vote.

South Dakota farmers and ranchers are experiencing historically low commodity prices. Social Security recipients are being asked to live with a 2.7 percent cost-of-living adjustment, but Members of Congress are prepared to accept a 3.4 percent, $4,600 pay raise.

Three years ago, I took a pledge not to accept any pay raise Congress may vote for itself. I took that pledge because I believed Members of Congress were not under-compensated for the work they were doing. I believed then and I believe now that a pay raise for Congress is inappropriate. I therefore will continue to contribute any raise I receive as a Member of this body to a non-profit organization. Any adjustments in congressional pay should be based upon merit, reflecting the demands of the job as well as contemporary economic conditions.

Traditionally, this bill has been the vehicle for addressing the automatic cost-of-living adjustment for Members. Although I will support the Committee's efforts to craft a sound bill, I am disappointed the process used today prevented a vote on whether to bring this bill to the floor for consideration in its current form. To me, it would have been wholly appropriate to have included a provision denying Members of Congress an automatic pay increase. For these reasons, I voice my disappointment and vote against the previous question on the rule.

Mr. HILL of Montana. Mr. Chairman, I rise in strong opposition to the COLA increase for Members of Congress permitted by the FY 00 Treasury Postal Appropriations bill. On September 30, 1997, I voted against a similar bill which contained a $3,100 annual pay raise for Members of Congress.

At that time, I believed that is was wrong for me to accept a pay raise until the Congress balanced the federal budget. Two years later even though we have now balanced the budget, I still do not believe that Members of Congress should have an automatic pay raise. I think that we should have an up or down vote on all pay changes.

Leadership of both parties have sought to avoid such an up or down vote. Since I have been blocked from such a vote, I voted against the motion for the previous question to permit a rule to be offered allowing such an up and down vote.

Because that motion passed, I then voted against the rule on a voice vote because it did not permit such an up or down vote. Failure to allow an up or down vote on this issue only serves to increase cynicism towards the political process and confirms the feelings of many voters that their representatives are out of touch. This process needs to be reformed. Members of Congress should be on record with the citizens of their districts as to whether they believe an increase to our salary is justified.

Mr. MORAN of Kansas. Mr. Chairman, I rise in opposition to this procedural motion which precludes consideration of a cost of living increase for Members of Congress. Failure to allow an up or down vote on this issue only serves to increase cynicism towards the political process and confirms the feelings of many voters that their representatives are out of touch. This process needs to be reformed. Members of Congress should be on record with the citizens of their districts as to whether they believe an increase in their salary is justified. Given the opportunity, I would vote ''no.''

I believe that fiscal discipline must start with elected officials. At a time when farmers and ranchers are struggling, our domestic oil and gas industry is collapsing and rural hospitals and other health care providers are curtailing services, there is no place for a Congressional cost of living increase, especially one born in a cloud of secrecy.

Mr. HAYES. Mr. Chairman, I rise in opposition to the pending motion and hope that my colleagues will join me voting down the previous question.

It is my understanding that under current law a Cost-of-Living-Adjustment (COLA) is enacted annually. Mr. Chairman, unfortunately, the rule crafted for the Treasury-Postal Appropriations bill does not allow for members to vote up or down on this automatic COLA. This concerns me—I had hoped for an opportunity to vote against any sort of congressional pay raise for members of Congress. Consequently, Mr. Speaker, I can't support this rule and will vote against this motion.

Over the Independence Day recess, I visited farmers and manufacturers across the 8th District of North Carolina. These are hard-working, decent people, Mr. Chairman. They expect a fair day's wage for a fair day's work. During my stops, I was troubled by numerous stories of fleeting jobs and falling wages.

While our nation's economy continues to grow, many rural Americans are struggling in their local economies. In the 8th District alone, double-digit unemployment is common. In our smaller, more remote communities economic development is virtually stagnant. Mr. Chairman, with so many of my constituents and rural Americans across the country struggling to make ends meet, it seems to me inappropriate to support a congressional pay raise. I urge my colleagues to join me in voting against this motion.

Ms. Roybal-Allard. Mr. Chairman, I rise in reluctant opposition to H.R. 2490, the Treasury, Postal Service and General Government Appropriations Bill for fiscal year 2000.

This is my first year as a member of the Appropriations Committee, and as a member of the Treasury, Postal Service and General Government Subcommittee, and I have enjoyed working with Chairman JIM KOLBE, Ranking Democrat STENY HOYER and other members of the subcommittee. Chairman KOLBE put together a solid schedule of budget hearings, including a special hearing on ONDCP's anti-drug media campaign and a special hearing on integrity issues affecting the Customs Service. I also accompanied Chairman KOLBE on two ''field trips'' to see facilities the Secret Service and the Bureau of Alcohol, Tobacco and Firearms at work, and I came away with a much fuller understanding of the vital work these agencies perform on a day-to-day basis.

I had high hopes of supporting this bill throughout the legislative process. Certainly, the bill reported out of our subcommittee had much to commend it, including several provisions added at my request. It was a sound, bipartisan bill, unanimously supported by all members of the Treasury, Postal Service, and General Government Subcommittee. Chairman KOLBE and Ranking Democrat HOYER had worked in a bipartisan fashion to craft a bill that stayed within a tight 302(b) allocation of $13,562,000,000, while essentially maintaining current services for the important agencies and functions within the jurisdiction of the bill. These vital agencies include the Internal Revenue Service, the Secret Service, the Bureau of Alcohol, Tobacco and Firearms, and the Customs Service, as well as the Executive Office of the President and numerous executive agencies.

I would specifically like to thank the Chairman for including report language addressing a serious issue regarding the Customs Service. During a special committee hearing, I raised questions about a portion of a report that had been prepared by the Treasury Department regarding the integrity of the Customs Service. I was particularly concerned about a portion of the report which said:

> Most serious, however, is the belief that inspectors who are hired locally, particularly along the Southwest border and assigned to the local ports of entry, could be at greater risk of being compromised by family members and friends who may exploit their relationships to facilitate criminal activities. Although they could not offer any solid evidence, Senior Customs officials expressed a real apprehension over the possibility that individuals were attempting to infiltrate Customs by seeking jobs as inspectors for the sole purpose of engaging in corrupt and criminal behavior.

At my request, the Committee included language taking strong exception to any implication that individuals of Hispanic background are particularly susceptible to corruption and laying out the Committee's expectation that the Customs Service should address unsubstantiated bias by senior Customs officials as it implements its anti-corruption strategy.

Additionally, I am grateful that the bill includes report language directing the General Services Administration to provide necessary funding for the renovation of a federal building located in my district in Downtown Los Angeles in its fiscal year 2001 budget submission. this project is absolutely critical for the safety of the 2,000 workers and 4,000 to 5,000 public visitors who occupy this building on an given day. The building, which currently houses branches of the Immigration and Naturalization Service, the Internal Revenue Service and other agencies, was originally built in 1963, and is in grave need of safety enhancements such as a building-wide fire alarm system, seismic strengthening, safety upgrades to the elevators and stairwells, as well as modifications to meet Americans with Disabilities Act requirements.

So I believe the bill had considerable merit as reported by the subcommittee, and that Chairman KOLBE and Ranking Democrat HOYER had crafted the best bill possible under tight budget constraints.

Unfortunately, during consideration by the Full Appropriations Committee, nearly $240 million was cut from the bill at the direction of the Republican leadership. Responding to a small minority of the Republication party who have sought to control the budget process this year, this cut was passed by the Appropriations Committee on a straight party-line vote, 33 to 26. While we were told that this reduction is necessary to relieve pressure on other appropriation bills, $240 million is merely a drop in the bucket of what is actually needed to make our other appropriation bills passable. However, $240 million is a very severe cut to our bill, which was already stretched to the limit.

A significant amount of this cut—$135 million—would come from the Internal Revenue Service. Just last year Congress passed the IRS Reform and Restructuring Act, which required the IRS to reorganize, and make significant changes to protect taxpayer rights and improve services. The cut of $135 million will completely jeopardize IRS's ability to follow through on these important reforms.

This cut also includes a $50 million reduction in IRS's funding for its Year 2000 conversion. If the IRS fails to complete its Y2K conversion on time, they will be unable to process returns and provide tax refunds to our nation's taxpayers during the 2000 tax season.

Another $100 million has been cut from the General Services Administration's Repair and Alterations account with the Federal Buildings Fund. This reduction will severely impair GSA's ability to provide adequate physical security and make the many needed repairs at over 8,400 federal buildings throughout the country. I think we all recognize this as penny-wise and pound-foolish policy. Reducing funding now for GSA's Repairs and Alterations will only end up costing the American taxpayer much more in the long run for increased repair costs made necessary by deferred maintenance.

This reduction in GSA's budget is in addition to the fact that no funding is provided in the bill this year for new courthouse planning and construction. The lack of funding for the courthouse construction program is particularly distressing given the fact that other federal law enforcement spending has increased significantly over recent years, putting significant stress on the courts. With no funding for modern court facilities, the ability for the Justice Department and our federal judges to deal efficiently with their caseloads is made increasingly difficult. In addition, according the GSA, delaying funding of new courthouse projects increases costs by an average of 3 to 4% annually—meaning that the federal government will have to pay significantly more for the same projects in years to come.

I am personally very concerned about this lack of funding, as the proposed new federal courthouse in downtown Los Angeles, located in my district, is the first on a priority list agreed to by GSA and the Administrative Office of the U.S. Courts for FY 2000. A new courthouse is desperately needed because the existing facility, built over 60 years ago, lacks

the necessary courtroom space to accommodate its rapidly increasing workload. In fact, the Los Angeles courthouse was officially ''out of space'' in 1995. This lack of space has created delays, inefficiencies, and a huge backlog of cases. Accordingly to the Judicial Conference of the U.S., the current facility has ''critical security concerns,'' including ''life-threatening'' security deficiencies, which have been documented by the U.S. Marshalls Service. For example, prisoners facing trial must be transported to various courtrooms from secure detention facilities at remote locations. This process is expensive and difficult for the U.S. Marshalls Service, and it is potentially threatening to visitors in crowded corridors, including, in some cases, witnesses at the same trials. The U.S. Attorneys office must also cope with assembling the elements of a successful prosecution with staff and resources scattered at locations throughout the Los Angeles area.

I believe these cuts adopted by the full Appropriations Committee place in jeopardy the ability of the important agencies within our bill to fulfill their vital missions. For that reason, I must reluctantly oppose the bill in its present form.

Finally, I was also extremely disappointed that the full committee voted to strike a provision that Congressman Frank Wolf and I had included at subcommittee giving the Office of National Drug Control Policy the authority to address underage drinking in their youth Anti-Drug Media Campaign. This provision was critical because, according to General McCaffrey, the Director of ONDCP, he lacks the legal authority to address alcohol in the media campaign. Even more important is that research has shown that alcohol is an important ''gateway drug,'' leading to the use of other, illegal drugs. In fact, General McCaffrey has stated that alcohol ''is the biggest drug abuse problem for our adolescents and it is linked to the use of other illegal drugs.'' For example, more than 67% of kids who start drinking before age 15 end us using illicit drugs. Additionally, ONDCP's own data shows that young people who drink are 22 times more likely to smoke marijuana and 50 times more likely to use cocaine than those who don't drink.

Conducting an anti-drug media campaign that does not address this linkage seriously hampers the effectiveness of the $1 billion, taxpayer funded effort. Until we incorporate this message into our anti-drug campaign, parents and children will be deprived of the basic fact that underage drinking, while dangerous in and of itself, may also lead kids to a lifetime of illicit drug dependence.

In short, this was originally a good bill. But pressure from the Republican right wing has turned it into a bad bill. The IRS and our important law enforcement agencies like the Secret Service and the BATF are on the brink of being unable to fulfill the responsibilities we have given them. Further, we have adopted a penny-wise, pound-foolish policy for the General Services Administration, both in terms of vital new construction as well as on-going maintenance and repairs for the huge inventory of federal buildings where our constituents do their business every day.

I urge my colleagues to oppose this bill to send the message that we need to fund our agencies adequately, and I sincerely hope that we will come to our senses later in the legislative process and make this bill the bi-partisan product that it once was and still can become.

Mrs. MALONEY of New York. Mr. Chairman, I rise in reluctant opposition to the Treasury-Postal appropriations bill.

I agree with what many of my colleagues have said about the cuts in this bill, and for that reason I cannot support it.

Still, it is difficult for me to oppose this bill because it was essentially a good bill before it reached the full committee. And as a strong advocate for cleaner elections and vigorous enforcement of election laws, I am particularly pleased by the provisions in this bill dealing with the Federal Election Commission.

The Federal Election Commission, in the words of a former Member of this body, is the ''one agency that Congress loves to hate.''

For too long, Congress has failed to give the FEC the resources and tools it needs to do its job.

So, I am very pleased that the committee has elected this year to fund the FEC at a level that is nearly equal to the agency's budget request. For the first time in years, the committee has decided to give the FEC the money it needs to enforce the law.

But not only does this bill fully fund the FEC, it also contains several provisions that will help the agency operate more efficiently.

This bill will mandate electronic filing by campaign committees that reach a certain threshold set by the agency. In addition, it creates a system of ''administrative fines''—much like traffic tickets, which will let the agency deal with minor violations of the law in an expeditious manner. Finally, it will permit campaign committees to file with the FEC on an election-cycle basis, as opposed to the current system which requires calendar-year reporting.

These are all common-sense, bipartisan reforms that will give the FEC more time to investigate serious violations of the law. All of these reforms were recommended by an audit conducted by the independent firm of PricewaterhouseCoopers and are supported by the FEC itself.

Mr. Speaker, a strong FEC is critical to the integrity of our electoral process. Our election laws are meaningless if we are not willing to give the FEC the tools and the resources it needs to enforce them.

While I continue to believe that we must do more to clean up our elections—and I call on the leadership to bring campaign finance reform legislation to the floor as soon as possible—I do applaud the committee for taking this one small step that will enable the FEC to operate more efficiently.

I thank the gentleman from Arizona (Mr. KOLBE) and the gentleman from Maryland (Mr. HOYER) for their leadership on this issue.

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

The CHAIRMAN. Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule.

During consideration of the bill for amendment, the chair will 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, may reduce to a minimum of 5 minutes the time for voting on any postponed question immediately following another vote, provided the time for voting on the first question shall be a minimum of 15 minutes.

The Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 2000, and for other purposes, namely:

TITLE I—DEPARTMENT OF THE TREASURY

DEPARTMENTAL OFFICES

SALARIES AND EXPENSES

For necessary expenses of the Departmental Offices including operation and maintenance of the Treasury Building and Annex; hire of passenger motor vehicles; maintenance, repairs, and improvements of, and purchase of commercial insurance policies for, real properties leased or owned overseas, when necessary for the performance of official business; not to exceed $2,900,000 for official travel expenses; not to exceed $150,000 for official reception and representation expenses; not to exceed $258,000 for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Secretary of the Treasury and to be accounted for solely on his certificate, $134,206,000.

DEPARTMENT-WIDE SYSTEMS AND CAPITAL INVESTMENTS PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For development and acquisition of automatic data processing equipment, software, and services for the Department of the Treasury, $31,017,000, to remain available until expended: *Provided,* That these funds shall be transferred to accounts and in amounts as necessary to satisfy the requirements of the Department's offices, bureaus, and other organizations: *Provided further,* That this transfer authority shall be in addition to any other transfer authority provided in this Act: *Provided further,* That none of the funds appropriated shall be used to support or supplement the Internal Revenue Service appropriations for Information Systems.

AMENDMENT OFFERED BY MS. VELÁZQUEZ

Ms. VELÁZQUEZ. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. VELÁZQUEZ:

Page 3, line 9, insert before the period at the end the following:

: *Provided,* That, of the total amount provided under this heading, $3,000,000 shall be for grants authorized in part 2 of subchapter III of chapter 53 of title 31, United States Code (relating to money laundering and related financial crimes)

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

The CHAIRMAN. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Ms. VELÁZQUEZ. Mr. Chairman, the Velázquez-Bachus amendment designates $3 million within the funds appropriated for the Treasury Department for fiscal year 2000 to provide

grants to State and local law enforcement agencies and prosecutors to investigate and prosecute money laundering and related financial crimes.

I would like the record to reflect also that the most influential Members of the House with respect to anti-money laundering policies support this amendment, including the gentleman from Iowa (Chairman LEACH), the ranking member, the gentleman from New York (Mr. LAFALCE), the gentlewoman from New Jersey (Mrs. ROUKEMA), and my cosponsor, the gentleman from Alabama (Mr. BACHUS).

This grant program is authorized by legislation that I sponsored in the 105th Congress, the Money Laundering and Financial Strategy Act of 1998. I am offering this amendment for the same reason the gentleman from Alabama (Mr. BACHUS) and I have worked for years to get a money laundering strategy bill through Congress, because money laundering is one of the most destructive criminal elements that face our country.

About 5 years ago I began working with law enforcement officials in my district to address the growing problem of money laundering in the neighborhoods I represent and throughout New York City. These neighborhoods are home to many hard-working low-income families. The tragedy is that they are also home to hundreds of money wire services that transfer up to $1.3 billion in illegal drug proceeds to South America.

The success of drug dealers, arms dealers, and organized crime organizations is based upon their ability to launder money. Through money laundering, drug dealers transform the monetary receipts derived from criminal activity into funds with a seemingly legal source.

For a moment, just consider the sheer size and changing nature of money laundering enterprises. In just the United States alone, estimates of the amount of drug profits moving through the financial system have been as high as $100 billion. It is staggering. Now consider the burden of local law enforcement officials. They need our help. In fact, since the passage of the Money Laundering and Financial Strategy Act, my office has received calls from local and State law enforcement officials from across the country asking how they can apply for these grants.

Let me be clear, this is not funding for another government program. This amendment provides money directly to the States and local law enforcement agencies that are waging the war on crime. There is a lot of talk in this Congress about giving the States and local governments more control and about giving Federal money back to the communities, but now Congress has failed to appropriate a mere $3 million for grants to assist our State and local officials to fight money laundering. How do we expect our local police departments and prosecutors to fight crime networks that have access to more money than some States when we cannot make a $3 million commitment?

Money laundering has devastating consequences for our communities because it provides the fuel for drug dealers, terrorists, arms dealers, and other criminals to operate and expand their operations. The dealers that sell drugs on our streets and in our schools rely on money laundering to disguise their illegal profits and continue their operations.

Dirty money can take many routes, some complex, some simple, but all increasingly inventive, the ultimate goal being to hide its source. The money can move through banks, check cashers, money transmitters, businesses, and even be sent overseas to become clean, laundered money.

The tools of the money launderer can range from complicated financial transactions carried out through webs of wire transfers and networks of shell companies to old-fashioned currency smuggling, and so the tools of law enforcement to combat money laundering must be at least as sophisticated, if not more so.

Anti-money laundering legislation and funding for programs to combat money laundering are vital law enforcement weapons in the war on drugs. That is why we must begin to fund these grants and allow the States and local law enforcement officials to begin to even the playing field in their battle against drug dealers.

I urge the passage of the Velásquez-Bachus amendment.

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

Mr. Chairman, I rise in opposition not because I disagree with what the gentlewoman from New York (Ms. Velázquez) is trying to do. I rise in opposition not because I do not agree with the merits of the program that she discussed.

As she has told us, this is a program that I think has a lot of merit, and this program had very strong bipartisan support when we passed the Money Laundering and Financial Crimes Strategy Act of 1998, because it did permit the Treasury Department, in consultation with Justice, to develop a grant program for State and local agencies to go after money laundering activities, which we know is a very serious problem, and is really at the root, the heart of the problem with our drug trafficking. If we cannot get at the money, we cannot really stop the drug trafficking.

The Federal government alone cannot do this, it takes State and local agencies to do it, so the intent was very, very good. The problem that we have is a very simple one of budgetary constraints that are faced by this committee. Because it was a new program, we did not provide funds for this.

I just would want to mention to the committee that we have made a very substantial cut in this particular line of Treasury, more than, I think, I would like to see. The request was for $53.5 million. We initially at the subcommittee level provided $35.9 million. We have taken another $4.5 million out of there in the full committee. That reduction was part of what we did in order to bring us down to the level necessary to meet the 1999 appropriated levels.

The concern that I would have about designating $3 million out of what has been a shrinking pot here, or a shrinking piece of the pie, for the Justice Department for these operations is that we are going to cut deeply, I fear, into some of the other programs that are covered by this, which of course includes the modernization, the human resources reengineering project which is going on Treasury-wide to try to bring about a new personnel system within the department. They are continuing their Y2K conversion, their productivity enhancements, all the things we have directed them to do.

I fear that if we designate this amount of money, we are going to be cutting someplace else. It does mean a cut from someplace else because we have not changed the total amount available to the Department.

So I understand what the gentlewoman is trying to do. It is a program that I have a lot of interest in, and I think many of us sympathize with this. But I just believe that under the circumstances, it would be inappropriate for us to try to earmark this amount in this relatively small departmental appropriation. For that reason, I would oppose it.

Ms. VELÁZQUEZ. Mr. Chairman, will the gentleman yield?

Mr. KOLBE. I yield to the gentlewoman from New York.

Ms. VELÁZQUEZ. Mr. Chairman, I would like to say to the gentleman that the Treasury Department has informed us that they would be able to find the $3 million within the existing levels for these $3 million grants.

I just would like to add that appropriation bills are about priorities. If fighting money laundering in this Nation is not a priority, then we should get our priorities in line.

□ 1630

Mr. KOLBE. Mr. Chairman, reclaiming my time, I appreciate the gentlewoman's comments. I would still argue that as we start to earmark particular amounts of departmental monies, it is going to make it that much more difficult for them to meet their other requirements and that is the only reason I oppose the amendment.

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

Mr. Chairman, last Congress the House authorized the Money Laundering Financial Crimes Strategy Act of 1998, of which the gentlewoman from New York, Ms. VELÁZQUEZ, was a cosponsor, along with the distinguished gentleman from Alabama (Mr. BACHUS), who will also be speaking. I do not

know whether the gentlewoman from New Jersey (Mrs. ROUKEMA) was a cosponsor as well. Apparently.

I understand what the gentleman from Arizona (Mr. KOLBE) is saying, but I am rising in support of this amendment. This bill created a national strategy to fight money laundering at the local level and attack drug trafficking at its source. Let me say to the gentlewoman from New York so she understands, the gentleman from Arizona has been an extraordinarily strong supporter of the financial crimes enforcement unit that is in this bill, FinCEN, that the gentlewoman is probably familiar with. So the gentleman has been very concerned about money laundering. I know the gentleman has a concern also about the levels in the bill. He and I at least momentarily disagree, and I think we can do this at this point in time.

The bill on the floor does not include funding for these grants, and I think that is an oversight on our part. I think we should have included the money, and that is why I am supporting this amendment. Money to fund the grants was included by the President in this budget and in the Treasury Department's budget proposal, but the committee chose not to fund it.

To remedy this, the gentlewoman from New York (Ms. VELÁZQUEZ), the gentleman from Alabama (Mr. BACHUS), the gentlewoman from New Jersey (Mrs. ROUKEMA) and others have offered this amendment to earmark $3 million to the general fund of the Treasury Department to finance it.

Mr. Chairman, I have not been in touch with the Treasury Department, but the gentlewoman from New York has, and indicates that it is in their budget. They believe they can afford it and can support it in the context of their bill.

In my opinion, Mr. Chairman, we need to give local law enforcement the tools to fight these crimes which are the basis of the drug problem in our communities making money and then converting that money so that it can be used legally. The funding in the amendment would give local agency the tools to fight the root of the drug problem. It would target high-intensity drug trafficking areas.

Because of that, and because I think it is so critically important, and because I know the gentleman from New York (Mr. LAFALCE), the ranking member of the Committee on Banking and Financial Services, and the gentleman from Iowa (Mr. LEACH), the chairman of the Committee on Banking and Financial Services have been strong supporters of this legislation.

And I believe that we have such a broad base of support for this legislation, I would hope that the chairman of the subcommittee would see his way clear to letting this be adopted and then seeing how we can work between now and conference.

Mr. Chairman, I rise in support of this amendment and urge my colleagues to adopt it.

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

Mr. Chairman, when we talk about drug trafficking, I think some of us think of it as a one-way street. We think of the drugs coming in. Drug trafficking is a two-way street. The drugs come in and the money goes out. We seize, by some estimates, as much as 30 percent of the drugs entering our country. We seize less than one-fourth of 1 percent of the money that leaves the country.

Now, we can continue to put young men in jail, catching them pushing drugs on the street; and we can continue to fill up our prisons, but we have to start doing some new things. The legislation that the gentlewoman from New York steered through this House and through the Senate was considered ground breaking at the time, and that is what the New York Police Department described it as.

Mr. Speaker, we authorize $3 million, and I would say that we cannot afford not to spend this money. Where we get it, that is a decision of the appropriators. But I can tell my colleagues that we had numerous hearings on this legislation. It is good legislation. I think it is foolhardy for us to take so much time, so much consideration, have law enforcement agents from all over this Nation testify in five different hearings, carefully construct legislation that this Congress felt very good about and which passed I think without a dissenting vote, and then not to fund it. It makes absolutely no sense.

We are talking about a threat to every one of our communities, and we are talking about addressing the flip side of this threat, the money laundering side, which has not been seriously looked at or combatted. And we now have an opportunity, through the expenditure of just a small amount of money, to move in that direction.

I want to say that I do not think we have a choice here. I do not think this is a situation where we do not have the money. I will leave my colleagues with this: a drug dealer last year was convicted of pushing drugs and the testimony revealed that he made $3 million in less than a month pushing drugs in one of our large cities. One drug dealer in one city made $3 million pushing drugs and we are talking about $3 million.

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

Mr. Chairman, I rise in strong support of the Velázquez-Bachus amendment which would earmark $3 million of appropriated fiscal year 2000 Treasury Department funds to provide grants to States and local law enforcement agencies and prosecutors to investigate and prosecute money laundering related to financial crimes.

Mr. Chairman, money laundering activities allow drug traffickers, arms smugglers, tax cheats, and many other criminals to fund and profit from their illicit activities. In my congressional district in Queens in the neighborhood of Jackson Heights, the seriousness of the drug money laundering problem is highlighted by the widespread use of money remitters and their agents by organized narcotics traffickers to send the proceeds of drug sales back to drug source countries.

Mr. Chairman, the grant program funded by this amendment is part of an overall strategy to help provide local law enforcement officials greater access to Federal law enforcement resources in their ongoing battle against money laundering activity, and so I strongly urge all of my colleagues to support the Velázquez-Bachus amendment.

Mr. Chairman, let me just add that I know that the gentlewoman from New York (Ms. VELÁZQUEZ) has been working on this issue for a number of years, at least 7 years here in the House. And we are not talking about a great deal of money in the overall picture of the budget, but an amount of money that can go a long way to helping us curtail the drug importation and exploitation of many people in my district.

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

Mr. Chairman, I speak in strong support of this amendment. It is very simple. If we want to fight drugs, we have got to vote for this amendment because money laundering equals the drug trade. And as has been already stated, this is a high priority by anybody's standards.

Certainly, I want to join my colleague on the Committee on Banking and Financial Services, the gentleman from Alabama (Mr. BACHUS) as he congratulated the gentlewoman from New York (Ms. VELÁZQUEZ) for the good work that she has done on money laundering. Her bill, just to remind or refresh the memories of our colleagues, the Money Laundering and Financial Strategy Act, was passed last year and it was signed into law in October of 1998, and it was passed easily with strong support. But we cannot have that bill on the ledger here without financing it and implementing it, and that is what we are saying here.

The gentlewoman from New York talked about the administration and its responsibility to formulate a comprehensive anti-money laundering strategy and, by the way, we must also stress for all our colleagues this is not a Federal program. This is to give money to local law enforcement. It is putting money back at the local level where we can do the best possible in those high-risk areas to combat that money laundering. The need is very great, and it is pressing and it is growing.

Mr. Chairman, I want to refresh the memory of both my colleagues on the Committee on Banking and Financial

Services as well as others about the hearings that were held in my committee, the Subcommittee on Financial Institutions and Consumer Credit, on this subject of money laundering.

The amount of money being laundered in the United States is estimated, conservatively, I might say, to be in the hundreds of billions of dollars. Law enforcement, that is, U.S. Attorneys, Customs and even Treasury, told us at these hearings that the lifeline of the drug trade is money laundering. The lifeline of drugs is money laundering.

In addition, we were also told that approximately $30 billion in cash is being smuggled out of the U.S. on an annual basis. And it is obviously no small problem. It is growing and it is huge.

One thing is very clear from the subcommittee hearings. If the drug lords, and I want to stress this, it is very clear for anybody that is knowledgeable on this subject, if the drug lords cannot launder the proceeds from the drug sales, they are out of business. Law enforcement has made this point time and again.

Now, this amendment earmarks $3 million of Treasury Department's funds for local law enforcement to fight that money laundering. I want to stress with reference to some statement by the gentleman from Arizona (Chairman Kolbe) and his observation about the Treasury's lack of action, I also am not satisfied with the Treasury Department in the money laundering field. They are very late in issuing the national anti-money laundering strategy required by the Velázquez bill of last year. Their report was due, or strategy was due, in February of this year.

But Treasury is also late in finalizing the money services business regulations and we were promised, both in writing as well as at the hearings, a written response by June 1 to give us some idea as to when Treasury would be acting on these statutory requirements. But I want the gentleman from Arizona to know as chairman of the subcommittee that nothing yet has been received, despite repeated promises.

This amendment will make it clear to Treasury that Congress is serious about money laundering, and it will help us focus the Treasury Department on this important issue.

Mr. Chairman, I urge a strong vote for this amendment.

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

Mr. Chairman, there are several different types of crime, but the vast, vast preponderance of crime involves money. Money.

If we go to law enforcement officials, whether Federal, State, local, and ask them what is the best way to detect crime, they would say ''follow the money.'' Follow the money. That is what we want to do. And that was the reason that the Congress in October of 1998 passed the Money Laundering and Financial Strategies Act of 1998, so that the Federal law enforcement officials, the State law enforcement officials, the local law enforcement officials could also do together jointly what they thought would be most effective: follow the money.

□ 1645

The difficulty is, to follow the money, we need a little bit of money. The difficulty is, in order to have a cooperative strategy involving the Federal, State, and local governments, as is called for by a section of the October, 1998, act, that section of the October, 1998, act must be funded.

The amendment of the gentlewoman from New York (Ms. VELÁZQUEZ) simply says, amongst the monies that already have been determined should be appropriated by the Subcommittee on Treasury, Postal Service, and General Government for the Treasury Department, of that amount $3 million should be designated for what local law enforcement officials think is the most important act that can be done to detect crimes involving money, that is, follow the money.

Vote for the Velázquez amendment.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from New York (Ms. VELÁZQUEZ).

The amendment was agreed to.

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

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

Mr. FORBES. Mr. Chairman, I rise as a member of the Subcommittee on Treasury, Postal Service, and General Government in strong support of the measure that we are now debating.

This is a responsible bill that maintains fiscal discipline, fully funds all programs and activities under its jurisdiction at current year levels while targeting resources to critical activities. This bill is a very, very important measure that continues to fund important government operations.

I want to commend the chairman and the ranking member for the efforts in which they have put this measure together. We all understand that this is done under the auspices of retaining the tight fiscal caps. Difficult decisions have been made in putting this bill together.

I want to compliment both the majority and the minority staff for the quality of this measure. It does move the process forward, and I rise in strong support.

Mr. Chairman, I rise as a Member of the Subcommittee in strong support the FY 2000 Treasury, Postal Service and General Government Appropriations Bill.

This is a responsible bill that maintains fiscal discipline, fully funds all programs and activities under its jurisdiction at current year levels while targeting resources to critical activities, such as enforcing our gun and tobacco laws, combating illegal drugs, ensuring that the Customs Services' trade automation system, a system vital to maintaining the flow of goods into and out of the United States remains functional and providing vital funds necessary to continue the implementation of the Internal Revenue Service Restructuring and Reform Act.

For example, we provide:

$12.6 million (over last year) to enforce Brady Law violations to keep convicted felons from obtaining guns; investigate illegal firearms dealers; and join forces with state and local law enforcement and prosecutors to fully investigate and prosecute offenders. Total funding is $12.6 million, the same as the President's request.

$11.2 million (over last year) to expand the Youth Crime Gun Interdiction Initiative to 10 cities (total of 37), including rapid gun tracing analysis for state and local law enforcement and 60 new ATF agents to work in task force operations with local law enforcement illegal firearm successful investigations. Total funding is $45.2 million, the same as the President's request.

$5.2 million (over last year) to implement tobacco tax compliance provisions of the 1997 budget agreement. The same as the President's request.

$10 million (over last year) for the Drug Free Communities Act. Total funding is $30 million, $8 million over the President's request.

$10 million (over last year) for ONDCP's media campaign to reduce and prevent drug use among youth. Total funding is $195 million the same as the President's request.

$108 million (over last year) to continue implementation of the IRS Restructuring and Reform Act.

$200 million for the final phase of ensuring IRS information systems are Y2K compliant.

In addition, this bill reinforces Congress' strong commitment to our nation's children by ensuring that low-income Federal employees have the resources they need to obtain safe and affordable child care.

I want to thank the Chairman and the Ranking Member for their efforts in this regard.

Mr. Chairman this is a good bill, even if it is not a perfect bill, but it is a bill that has been crafted in a bipartisan and thoughtful fashion.

I urge my colleagues to support this legislation.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended; not to exceed $2,000,000 for official travel expenses, including hire of passenger motor vehicles; and not to exceed $100,000 for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Inspector General of the Treasury, $30,716,000.

INSPECTOR GENERAL FOR TAX ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Treasury Inspector General for Tax Administration in carrying out the Inspector General Act of 1978, as amended; including purchase (not to exceed 150 for replacement only for police-type use) and hire of passenger motor vehicles (31 U.S.C. 1343(b)); services authorized by 5 U.S.C. 3109, at such rates as may be determined by the Inspector General for Tax Administration; not to exceed $6,000,000 for official travel expenses; and not to exceed

$500,000 for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Inspector General for Tax Administration, $112,207,000.

Mr. MALONEY of Connecticut. Mr. Chairman, I move to strike the last word.

Mr. Chairman, the gentleman from South Carolina (Mr. Spratt) and I have prepared an amendment to provide information to poor and elderly Americans who rely on kerosene fuel to heat their homes.

Specifically, the amendment that we would have offered would transfer money from the Treasury's general operating funds to the Internal Revenue Service's Processing, Assistance, and Management funds so that the IRS may conduct a study of the fuel.

A study is needed because the effects of dyed kerosene, particularly for individuals who heat their homes with unvented heaters, are as yet undetermined; and under the 1997 Taxpayer Relief Act, Congress is pressing home heating customers to use red-dyed kerosene fuel to heat their homes.

The 1997 tax bill established a 24 cents per gallon tax on kerosene fuel to deter fraud. Some customers, however, do not use red-dyed fuels to heat their homes because they are unsure of its safety or because area manufacturers have not yet made red-dyed fuel available to them.

Unfortunately, the two alternatives in the 1997 bill that Congress made available to those who use red-dyed fuel are not feasible for many low income and elderly people because, under the 1997 tax bill, individuals unable to buy red-dyed fuel can only purchase clear kerosene tax free by purchasing at a blocked pump or by applying for a refund through their annual tax return.

Low income and elderly Americans do not have the means to transport the kerosene from blocked pumps to their homes and, based on their income level, do not file tax returns. As a result, they must have the fuel delivered to their homes, and they end up paying the 24 cents per gallon tax.

While this situation is an unintended consequence of the bill, the individuals who are shouldering this tax burden are among our country's most vulnerable populations, and they are paying a tax that they were never meant to pay.

Congress should not push poor and elderly Americans to use dyed kerosene fuel to heat their homes when Congress has not taken the opportunity itself to ensure its safety.

Through conversations on both sides of the aisle, we understand that we will seek to address this problem through the conference committee, and we look to seeing that there is the funding necessary for a study to determine the safety of the burning of the undyed fuel, as I had indicated.

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

Mr. MALONEY of Connecticut. I certainly yield to the gentleman from South Carolina.

Mr. SPRATT. Mr. Chairman, I would like to commend the gentleman from Connecticut for taking this initiative and also to say that this is an important problem for some people that have no other alternative but to use kerosene.

There was no intention to impose a 24 cents tax on them. We gave them an out, namely, to use red-dyed kerosene. But even the oil refineries do not want to market that kind of kerosene yet, because they are not sure of the consequences of using it.

I have had people call me and report to me problems where they have used red-dyed kerosenes, odors that come from the heaters. There is smoke. There is a ceramic residue. The wicks clog up. We are just waiting on a disaster to happen here.

Before Congress imposes this requirement on people, we ought to know what we are talking about, and that is all that we are asking for, a study by the IRS.

Mr. KOLBE. Mr. Chairman, will the gentleman from Connecticut yield?

Mr. MALONEY of Connecticut. I certainly yield to the gentleman from Arizona.

Mr. KOLBE. Mr. Chairman, I appreciate what both the gentleman from Connecticut (Mr. MALONEY) and the gentleman from South Carolina (Mr. SPRATT) said, and I think they have highlighted an important problem. I want to assure them that I will work with them in the conference committee to try to craft the right language that can get this study done that I think does need to be done.

Mr. SPRATT. Mr. Chairman, if the gentleman from Connecticut will yield, I thank the gentleman from Arizona (Mr. KOLBE) very much for his cooperation.

Mr. HOYER. Mr. Chairman, if the gentleman from Connecticut (Mr. MALONEY) will yield, I want to thank the gentleman from Connecticut and the gentleman from South Carolina (Mr. SPRATT) for raising this issue.

As someone who has been involved in this, I have a lot of marinas in my district on the Chesapeake Bay and the Potomac River and Patuxent River. We have the fuel, commercial and recreational fuel, and that of course is colored as well. Not, obviously, the same issue but a similar one that I have been involved in. I think that the gentlemen's initiatives on this are very well taken. I look forward to working with my colleagues to see if we can get this problem resolved. I thank the gentlemen for their efforts.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

TREASURY BUILDING AND ANNEX REPAIR AND RESTORATION

For the repair, alteration, and improvement of the Treasury Building and Annex, $23,000,000, to remain available until expended.

FINANCIAL CRIMES ENFORCEMENT NETWORK; SALARIES AND EXPENSES

For necessary expenses of the Financial Crimes Enforcement Network, including hire of passenger motor vehicles; travel expenses of non-Federal law enforcement personnel to attend meetings concerned with financial intelligence activities, law enforcement, and financial regulation; not to exceed $14,000 for official reception and representation expenses; and for assistance to Federal law enforcement agencies, with or without reimbursement, $29,656,000, of which not to exceed $1,000,000 shall remain available until September 30, 2002: *Provided*, That funds appropriated in this account may be used to procure personal services contracts.

VIOLENT CRIME REDUCTION PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For activities authorized by Public Law 103–322, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund, as follows:

(1) As authorized by section 190001(e), $122,000,000; of which $26,800,000 shall be available to the Bureau of Alcohol, Tobacco and Firearms, including $3,000,000 for administering the Gang Resistance Education and Training program; of which $4,200,000 shall be available to the United States Secret Service for forensic and related support of investigations of missing and exploited children, of which $2,200,000 shall be available as a grant for activities related to the investigations of exploited children and shall remain available until expended; of which $64,000,000 shall be available for the United States Customs Service; and of which $27,000,000 shall be available for Interagency Crime and Drug Enforcement.

(2) As authorized by section 32401, $10,000,000 to the Bureau of Alcohol, Tobacco and Firearms for disbursement through grants, cooperative agreements, or contracts to local governments for Gang Resistance Education and Training: *Provided*, That notwithstanding sections 32401 and 310001, such funds shall be allocated to State and local law enforcement and prevention organizations.

Mr. KOLBE. Mr. Chairman, I ask unanimous consent that the bill through page 34, line 6 be considered as read, printed in the RECORD, and open to amendment at any point.

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

There was no objection.

The text of the remainder of the bill through page 34, line 6 is as follows:

FEDERAL LAW ENFORCEMENT TRAINING CENTER

SALARIES AND EXPENSES

For necessary expenses of the Federal Law Enforcement Training Center, as a bureau of the Department of the Treasury, including materials and support costs of Federal law enforcement basic training; purchase (not to exceed 52 for police-type use, without regard to the general purchase price limitation) and hire of passenger motor vehicles; for expenses for student athletic and related activities; uniforms without regard to the general purchase price limitation for the current fiscal year; the conducting of and participating in firearms matches and presentation of awards; for public awareness and enhancing community support of law enforcement training; not to exceed $9,500 for official reception and representation expenses; room and board for student interns; and services as authorized by 5 U.S.C. 3109, $82,827,000, of which up to $16,511,000 for materials and support costs of Federal law enforcement basic training shall remain available until September 30, 2002: *Provided*, That the Center is authorized to accept and use gifts of property, both real and personal, and

to accept services, for authorized purposes, including funding of a gift of intrinsic value which shall be awarded annually by the Director of the Center to the outstanding student who graduated from a basic training program at the Center during the previous fiscal year, which shall be funded only by gifts received through the Center's gift authority: *Provided further,* That notwithstanding any other provision of law, students attending training at any Federal Law Enforcement Training Center site shall reside in on-Center or Center-provided housing, insofar as available and in accordance with Center policy: *Provided further,* That funds appropriated in this account shall be available, at the discretion of the Director, for the following: training United States Postal Service law enforcement personnel and Postal police officers; State and local government law enforcement training on a space-available basis; training of foreign law enforcement officials on a space-available basis with reimbursement of actual costs to this appropriation, except that reimbursement may be waived by the Secretary for law enforcement training activities in foreign countries undertaken pursuant to section 801 of the Antiterrorism and Effective Death Penalty Act of 1996, Public Law 104–32; training of private sector security officials on a space-available basis with reimbursement of actual costs to this appropriation; and travel expenses of non-Federal personnel to attend course development meetings and training sponsored by the Center: *Provided further,* That the Center is authorized to obligate funds in anticipation of reimbursements from agencies receiving training sponsored by the Federal Law Enforcement Training Center, except that total obligations at the end of the fiscal year shall not exceed total budgetary resources available at the end of the fiscal year: *Provided further,* That the Federal Law Enforcement Training Center is authorized to provide training for the Gang Resistance Education and Training program to Federal and non-Federal personnel at any facility in partnership with the Bureau of Alcohol, Tobacco and Firearms: *Provided further,* That the Federal Law Enforcement Training Center is authorized to provide short-term medical services for students undergoing training at the Center.

ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

For expansion of the Federal Law Enforcement Training Center, for acquisition of necessary additional real property and facilities, and for ongoing maintenance, facility improvements, and related expenses, $24,310,000, to remain available until expended.

INTERAGENCY LAW ENFORCEMENT

INTERAGENCY CRIME AND DRUG ENFORCEMENT

For expenses necessary for the detection and investigation of individuals involved in organized crime drug trafficking, including cooperative efforts with State and local law enforcement, $48,900,000, of which $7,827,000 shall remain available until expended.

FINANCIAL MANAGEMENT SERVICE

SALARIES AND EXPENSES

For necessary expenses of the Financial Management Service, $201,320,000, of which not to exceed $10,635,000 shall remain available until September 30, 2002, for information systems modernization initiatives.

BUREAU OF ALCOHOL, TOBACCO AND FIREARMS

SALARIES AND EXPENSES

For necessary expenses of the Bureau of Alcohol, Tobacco and Firearms; including purchase of not to exceed 812 vehicles for police-type use, of which 650 shall be for replacement only, and hire of passenger motor vehicles; hire of aircraft; services of expert witnesses at such rates as may be determined by the Director; for payment of per diem and/or subsistence allowances to employees where an assignment to the National Response Team during the investigation of a bombing or arson incident requires an employee to work 16 hours or more per day or to remain overnight at his or her post of duty; not to exceed $15,000 for official reception and representation expenses; for training of State and local law enforcement agencies with or without reimbursement, including training in connection with the training and acquisition of canines for explosives and fire accelerants detection; and provision of laboratory assistance to State and local agencies, with or without reimbursement, $567,059,000; of which not to exceed $1,000,000 shall be available for the payment of attorneys' fees as provided by 18 U.S.C. 924(d)(2); and of which $1,000,000 shall be available for the equipping of any vessel, vehicle, equipment, or aircraft available for official use by a State or local law enforcement agency if the conveyance will be used in joint law enforcement operations with the Bureau of Alcohol, Tobacco and Firearms and for the payment of overtime salaries, travel, fuel, training, equipment, supplies, and other similar costs of State and local law enforcement personnel, including sworn officers and support personnel, that are incurred in joint operations with the Bureau of Alcohol, Tobacco and Firearms: *Provided,* That no funds made available by this or any other Act may be used to transfer the functions, missions, or activities of the Bureau of Alcohol, Tobacco and Firearms to other agencies or Departments in fiscal year 2000: *Provided further,* That no funds appropriated herein shall be available for salaries or administrative expenses in connection with consolidating or centralizing, within the Department of the Treasury, the records, or any portion thereof, of acquisition and disposition of firearms maintained by Federal firearms licensees: *Provided further,* That no funds appropriated herein shall be used to pay administrative expenses or the compensation of any officer or employee of the United States to implement an amendment or amendments to 27 CFR 178.118 or to change the definition of ''Curios or relics'' in 27 CFR 178.11 or remove any item from ATF Publication 5300.11 as it existed on January 1, 1994: *Provided further,* That none of the funds appropriated herein shall be available to investigate or act upon applications for relief from Federal firearms disabilities under 18 U.S.C. 925(c): *Provided further,* That such funds shall be available to investigate and act upon applications filed by corporations for relief from Federal firearms disabilities under 18 U.S.C. 925(c): *Provided further,* That no funds in this Act may be used to provide ballistics imaging equipment to any State or local authority who has obtained similar equipment through a Federal grant or subsidy unless the State or local authority agrees to return that equipment or to repay that grant or subsidy to the Federal Government: *Provided further,* That no funds under this Act may be used to electronically retrieve information gathered pursuant to 18 U.S.C. 923(g)(4) by name or any personal identification code.

UNITED STATES CUSTOMS SERVICE

SALARIES AND EXPENSES

For necessary expenses of the United States Customs Service; including purchase and lease of up to 1,050 motor vehicles of which 550 are for replacement only and of which 1,030 are for police-type use and commercial operations; hire of motor vehicles; contracting with individuals for personal services abroad; not to exceed $40,000 for official reception and representation expenses; and awards of compensation to informers, as authorized by any Act enforced by the United States Customs Service, $1,708,089,000, of which such sums as become available in the Customs User Fee Account, except sums subject to section 13031(f)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985, as amended (19 U.S.C. 58c(f)(3)), shall be derived from that Account, and of which $3,000,000 shall be derived only from the Harbor Services Fund; of the total, not to exceed $150,000 shall be available for payment for rental space in connection with preclearance operations; not to exceed $4,000,000 shall be available until expended for research; not to exceed $5,000,000 shall be available until expended for conducting special operations pursuant to 19 U.S.C. 2081; not to exceed $8,000,000 shall be available until expended for the procurement of automation infrastructure items, including hardware, software, and installation; and not to exceed $5,000,000, shall be available until expended, for repairs to Customs facilities: *Provided,* That uniforms may be purchased without regard to the general purchase price limitation for the current fiscal year: *Provided further,* That notwithstanding any other provision of law, the fiscal year aggregate overtime limitation prescribed in subsection 5(c)(1) of the Act of February 13, 1911 (19 U.S.C. 261 and 267) shall be $30,000.

OPERATION, MAINTENANCE AND PROCUREMENT, AIR AND MARINE INTERDICTION PROGRAMS

For expenses, not otherwise provided for, necessary for the operation and maintenance of marine vessels, aircraft, and other related equipment of the Air and Marine Programs; including operational training and mission-related travel, and rental payments for facilities occupied by the air or marine interdiction and demand reduction programs, the operations of which include the following: the interdiction of narcotics and other goods; the provision of support to Customs and other Federal, State, and local agencies in the enforcement or administration of laws enforced by the Customs Service; and, at the discretion of the Commissioner of Customs, the provision of assistance to Federal, State, and local agencies in other law enforcement and emergency humanitarian efforts, $109,413,000, which shall remain available until expended: *Provided,* That no aircraft or other related equipment, with the exception of aircraft that is one of a kind and has been identified as excess to Customs requirements and aircraft that has been damaged beyond repair, shall be transferred to any other Federal agency, department, or office outside of the Department of the Treasury, during fiscal year 2000 without the prior approval of the Committees on Appropriations.

BUREAU OF THE PUBLIC DEBT

ADMINISTERING THE PUBLIC DEBT

For necessary expenses connected with any public-debt issues of the United States, $181,319,000, of which not to exceed $2,500 shall be available for official reception and representation expenses, and of which not to exceed $2,000,000 shall remain available until expended for systems modernization: *Provided,* That the sum appropriated herein from the General Fund for fiscal year 2000 shall be reduced by not more than $4,400,000 as definitive security issue fees and Treasury Direct Investor Account Maintenance fees are collected, so as to result in a final fiscal year 2000 appropriation from the General Fund estimated at $176,919,000, and in addition, $20,000, to be derived from the Oil Spill Liability Trust Fund to reimburse the Bureau for administrative and personnel expenses for financial management of the Fund, as authorized by section 1012 of Public Law 101–380.

INTERNAL REVENUE SERVICE

PROCESSING, ASSISTANCE, AND MANAGEMENT

For necessary expenses of the Internal Revenue Service for tax returns processing; revenue accounting; tax law and account assistance to taxpayers by telephone and correspondence; programs to match information returns and tax returns; management services; rent and utilities; and services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner, $3,270,098,000, of which up to $3,700,000 shall be for the Tax Counseling for the Elderly Program, and of which not to exceed $25,000 shall be for official reception and representation expenses.

TAX LAW ENFORCEMENT

For necessary expenses of the Internal Revenue Service for determining and establishing tax liabilities; providing litigation support; issuing technical rulings; examining employee plans and exempt organizations; conducting criminal investigation and enforcement activities; securing unfiled tax returns; collecting unpaid accounts; compiling statistics of income and conducting compliance research; purchase (for police-type use, not to exceed 850) and hire of passenger motor vehicles (31 U.S.C. 1343(b)); and services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner, $3,301,136,000, of which not to exceed $1,000,000 shall remain available until September 30, 2002, for research.

EARNED INCOME TAX CREDIT COMPLIANCE INITIATIVE

For funding essential earned income tax credit compliance and error reduction initiatives pursuant to section 5702 of the Balanced Budget Act of 1997 (Public Law 105–33), $144,000,000, of which not to exceed $10,000,000 may be used to reimburse the Social Security Administration for the costs of implementing section 1090 of the Taxpayer Relief Act of 1997.

INFORMATION SYSTEMS

For necessary expenses of the Internal Revenue Service for information systems and telecommunications support, including developmental information systems and operational information systems; the hire of passenger motor vehicles (31 U.S.C. 1343(b)); and services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner, $1,394,540,000.

ADMINISTRATIVE PROVISIONS—INTERNAL REVENUE SERVICE

SEC. 101. Not to exceed 5 percent of any appropriation made available in this Act to the Internal Revenue Service may be transferred to any other Internal Revenue Service appropriation upon the advance approval of the Committees on Appropriations.

SEC. 102. The Internal Revenue Service shall maintain a training program to ensure that Internal Revenue Service employees are trained in taxpayers' rights, in dealing courteously with the taxpayers, and in cross-cultural relations.

SEC. 103. The Internal Revenue Service shall institute and enforce policies and procedures that will safeguard the confidentiality of taxpayer information.

UNITED STATES SECRET SERVICE

SALARIES AND EXPENSES

For necessary expenses of the United States Secret Service; including purchase of not to exceed 777 vehicles for police-type use, of which 739 shall be for replacement only, and hire of passenger motor vehicles; hire of aircraft; training and assistance requested by State and local governments, which may be provided without reimbursement; services of expert witnesses at such rates as may be determined by the Director; rental of buildings in the District of Columbia, and fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control, as may be necessary to perform protective functions; for payment of per diem and/or subsistence allowances to employees where a protective assignment during the actual day or days of the visit of a protectee require an employee to work 16 hours per day or to remain overnight at his or her post of duty; the conducting of and participating in firearms matches; presentation of awards; for travel of Secret Service employees on protective missions without regard to the limitations on such expenditures in this or any other Act if approval is obtained in advance from the Committees on Appropriations; for research and development; for making grants to conduct behavioral research in support of protective research and operations; not to exceed $20,000 for official reception and representation expenses; not to exceed $50,000 to provide technical assistance and equipment to foreign law enforcement organizations in counterfeit investigations; for payment in advance for commercial accommodations as may be necessary to perform protective functions; and for uniforms without regard to the general purchase price limitation for the current fiscal year, $662,312,000: *Provided*, That up to $18,000,000 provided for protective travel shall remain available until September 30, 2001.

ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

For necessary expenses of construction, repair, alteration, and improvement of facilities, $4,923,000, to remain available until expended.

GENERAL PROVISIONS—DEPARTMENT OF THE TREASURY

SEC. 110. Any obligation or expenditure by the Secretary of the Treasury in connection with law enforcement activities of a Federal agency or a Department of the Treasury law enforcement organization in accordance with 31 U.S.C. 9703(g)(4)(B) from unobligated balances remaining in the Fund on September 30, 2000, shall be made in compliance with reprogramming guidelines.

SEC. 111. Appropriations to the Department of the Treasury in this Act shall be available for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901), including maintenance, repairs, and cleaning; purchase of insurance for official motor vehicles operated in foreign countries; purchase of motor vehicles without regard to the general purchase price limitations for vehicles purchased and used overseas for the current fiscal year; entering into contracts with the Department of State for the furnishing of health and medical services to employees and their dependents serving in foreign countries; and services authorized by 5 U.S.C. 3109.

SEC. 112. The funds provided to the Bureau of Alcohol, Tobacco and Firearms for fiscal year 2000 in this Act for the enforcement of the Federal Alcohol Administration Act shall be expended in a manner so as not to diminish enforcement efforts with respect to section 105 of the Federal Alcohol Administration Act.

SEC. 113. Not to exceed 2 percent of any appropriations in this Act made available to the Federal Law Enforcement Training Center, Financial Crimes Enforcement Network, Bureau of Alcohol, Tobacco and Firearms, United States Customs Service, and United States Secret Service may be transferred between such appropriations upon the advance approval of the Committees on Appropriations. No transfer may increase or decrease any such appropriation by more than 2 percent.

SEC. 114. Not to exceed 2 percent of any appropriations in this Act made available to the Departmental Offices, Office of Inspector General, Financial Management Service, and Bureau of the Public Debt, may be transferred between such appropriations upon the advance approval of the Committees on Appropriations. No transfer may increase or decrease any such appropriation by more than 2 percent.

SEC. 115. Of the funds available for the purchase of law enforcement vehicles, no funds may be obligated until the Secretary of the Treasury certifies that the purchase by the respective Treasury bureau is consistent with Departmental vehicle management principles: *Provided*, That the Secretary may delegate this authority to the Assistant Secretary for Management.

SEC. 116. (a) VOLUNTARY SEPARATION INCENTIVE PAYMENTS FOR EMPLOYEES OF THE OFFICE OF THE TREASURY INSPECTOR GENERAL FOR TAX ADMINISTRATION.—During the period from October 1, 1999 through January 1, 2003, the Treasury Inspector General for Tax Administration is authorized to offer voluntary separation incentives in order to provide the necessary flexibility to carry out the plan to establish and reorganize the Office of the Treasury Inspector General for Tax Administration (referred to in this section as the ''Office'').

(b) DEFINITION.—In this section, the term ''employee'' means an employee (as defined by 5 U.S.C. 2105) who is employed by the Office serving under an appointment without time limitation, and has been currently employed by the Office or the Internal Revenue Service or the Office of Inspector General of the Department of the Treasury for a continuous period of at least 3 years, but does not include—

(1) a reemployed annuitant under subchapter III of chapter 83 or chapter 84 of title 5, United States Code, or another retirement system;

(2) an employee having a disability on the basis of which such employee is or would be eligible for disability retirement under the applicable retirement system referred to in paragraph (1);

(3) an employee who is in receipt of a specific notice of involuntary separation for misconduct or unacceptable performance;

(4) an employee who has previously received any voluntary separation incentive payment by the Federal Government under this section or any other authority and has not repaid such payment;

(5) an employee covered by statutory reemployment rights who is on transfer to another organization; or

(6) any employee who, during the 24-month period preceding the date of separation, has received a recruitment or relocation bonus under 5 U.S.C. 5753 or who, within the 12-month period preceding the date of separation, received a retention allowance under 5 U.S.C. 5754.

(c) AUTHORITY TO PROVIDE VOLUNTARY SEPARATION INCENTIVE PAYMENTS.—

(1) IN GENERAL.—The Treasury Inspector General for Tax Administration may pay voluntary separation incentive payments under this section to any employee to the extent necessary to organize the Office so as to perform the duties specified in the Internal Revenue Service Restructuring and Reform Act of 1998 (Public Law 105–206).

(2) AMOUNT AND TREATMENT OF PAYMENTS.—A voluntary separation incentive payment—

(A) shall be paid in a lump sum after the employee's separation;

(B) shall be paid from appropriations available for the payment of the basic pay of the employees of the Office;

(C) shall be equal to the lesser of—

(i) an amount equal to the amount the employee would be entitled to receive under 5 U.S.C. 5595(c); or

(ii) an amount determined by the Treasury Inspector General for Tax Administration, not to exceed $25,000;

(D) may not be made except in the case of any qualifying employee who voluntarily separates (whether by retirement or resignation) before January 1, 2003;

(E) shall not be a basis for payment, and shall not be included in the computation, of any other type of Government benefit; and

(F) shall not be taken into account in determining the amount of any severance pay to which the employee may be entitled under 5 U.S.C. 5595 based on any other separation.

(d) ADDITIONAL OFFICE OF THE TREASURY INSPECTOR GENERAL FOR TAX ADMINISTRATION CONTRIBUTIONS TO THE RETIREMENT FUND.—

(1) IN GENERAL.—In addition to any other payments that it is required to make under subchapter III of chapter 83 or chapter 84 of title 5, United States Code, the Office shall remit to the Office of Personnel Management for deposit in the Treasury of the United States to the credit of the Civil Service Retirement and Disability Fund an amount equal to 15 percent of the final basic pay of each employee who is covered under subchapter III of chapter 83 or chapter 84 of title 5, United States Code, to whom a voluntary separation incentive has been paid under this section.

(2) DEFINITION.—In paragraph (1), the term ''final basic pay'', with respect to an employee, means the total amount of basic pay that would be payable for a year of service by such employee, computed using the employee's final rate of basic pay, and, if last serving on other than a full-time basis, with appropriate adjustment therefor.

(e) EFFECT OF SUBSEQUENT EMPLOYMENT WITH THE GOVERNMENT.—An individual who has received a voluntary separation incentive payment under this section and accepts any employment for compensation with the United States Government, or who works for any agency of the United States Government through a personal services contract, within 5 years after the date of the separation on which the payment is based, shall be required to pay, prior to the individual's first day of employment, the entire amount of the incentive payment to the Office.

(f) EFFECT ON OFFICE OF THE TREASURY INSPECTOR GENERAL FOR TAX ADMINISTRATION EMPLOYMENT LEVELS.—

(1) INTENDED EFFECT.—Voluntary separations under this section are not intended to necessarily reduce the total number of full-time equivalent positions in the Office.

(2) USE OF VOLUNTARY SEPARATIONS.—The Office may redeploy or use the full-time equivalent positions vacated by voluntary separations under this section to make other positions available to more critical locations or more critical occupations.

SEC. 117. None of the funds appropriated in this Act or otherwise available to the Department of the Treasury or the Bureau of Engraving and Printing may be used to redesign the $1 Federal Reserve note.

SEC. 118. (a) Subsection (c) of section 5547 of title 5, United States Code, is amended by adding at the end the following:

''(3)(A) Subject to regulations prescribed by the Office of Personnel Management, if premium pay for a pay period consists (in whole or in part) of premium pay for protective services, then—

''(i) premium pay for such pay period shall be payable without regard to the limitation under paragraph (2); except that

''(ii) premium pay shall not be payable to the extent that the aggregate of the employee's basic pay and premium pay for the year would otherwise exceed the annual equivalent of the limitation that (but for clause (i)) would otherwise apply under paragraph (2).

''(B) For purposes of this paragraph—

''(i) the term 'protective services' refers to protective functions authorized by section 3056(a) of title 18 or section 37(a)(3) of title I of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2709(a)(3)); and

''(ii) the term 'premium pay' refers to premium pay under the provisions of law cited in the first sentence of subsection (a).''.

(b) This section and the amendment made by this section—

(1) shall take effect on the first day of the first pay period beginning on or after the later of October 1, 1999, or the 180th day after the date of enactment of this Act; and

(2) shall apply with respect to premium pay for service performed in any pay period beginning on or after the effective date of this section.

SEC. 119. (a) VOLUNTARY SEPARATION INCENTIVE PAYMENTS FOR EMPLOYEES OF THE CHICAGO FINANCIAL CENTER OF THE FINANCIAL MANAGEMENT SERVICE.—During the period from October 1, 1999, through January 31, 2000, the Commissioner of the Financial Management Service (FMS) of the Department of the Treasury is authorized to offer voluntary separation incentives in order to provide the necessary flexibility to carry out the closure of the Chicago Financial Center (CFC) in a manner which the Commissioner shall deem most efficient, equitable to employees, and cost effective to the Government.

(b) DEFINITION.—In this section, the term ''employee'' means an employee (as defined by 5 U.S.C. 2105) who is employed by FMS at CFC under an appointment without time limitation, and has been so employed continuously for a period of at least 3 years, but does not include—

(1) a reemployed annuitant under subchapter III of chapter 83 or chapter 84 of title 5, United States Code,or another retirement system;

(2) an employee with a disability on the basis of which such employee is or would be eligible for disability retirement under the retirement systems referred to in paragraph (1) or another retirement system for employees of the Government;

(3) an employee who is in receipt of a specific notice of involuntary separation for misconduct or unacceptable performance;

(4) an employee who has previously received any voluntary separation incentive payment from an agency or instrumentality of the Government of the United States under any authority and has not repaid such payment;

(5) an employee covered by statutory reemployment rights who is on transfer to another organization; or

(6) an employee who during the 24-month period preceding the date of separation has received and not repaid a recruitment or relocation bonus under section 5753 of title 5, United States Code, or who, within the twelve month period preceding the date of separation, has received and not repaid a retention allowance under section 5754 of that title.

(c) AGENCY PLAN; APPROVAL.—

(1) The Secretary, Department of the Treasury, prior to obligating any resources for voluntary separation incentive payments, shall submit to the Office of Management and Budget a strategic plan outlining the intended use of such incentive payments and a proposed organizational chart for the agency once such incentive payments have been completed.

(2) The agency's plan under subsection (1) shall include—

(A) the specific positions and functions to be reduced or eliminated;

(B) a proposed coverage for offers of incentives;

(C) the time period during which incentives may be paid;

(D) the number and amounts of voluntary separation incentive payments to be offered; and

(E) a description of how the agency will operate without the eliminated positions and functions.

(3) The Director of the Office of Management and Budget shall review the agency's plan and approve or disapprove such plan, and may make appropriate modifications in the plan including waivers of the reduction in agency employment levels required by this Act.

(d) AUTHORITY TO PROVIDE VOLUNTARY SEPARATION INCENTIVE PAYMENTS.—

(1) A voluntary separation incentive payment under this Act may be paid by the agency head to an employee only in accordance with the strategic plan under section (c).

(2) A voluntary incentive payment—

(A) shall be offered to agency employees on the basis of organizational unit, occupational series or level, geographic location, other nonpersonal factors, or an appropriate combination of such factors;

(B) shall be paid in a lump sum after the employee's separation;

(C) shall be equal to the lesser of—

(i) an amount equal to the amount the employee would be entitled to receive under section 5595(c) of title 5, United States Code, if the employee were entitled to payment under such section (without adjustment for any previous payment made); or

(ii) an amount determined by the agency head, not to exceed $25,000;

(D) may be made only in the case of an employee who voluntarily separates (whether by retirement or resignation) under the provisions of this Act;

(E) shall not be a basis for payment, and shall not be included in the computation of any other type of Government benefit;

(F) shall not be taken into account in determining the amount of any severance pay to which the employee may be entitled under section 5595 of title 5, United States Code, based on any other separation; and

(G) shall be paid from appropriations or funds available for the payment of the basic pay of the employee.

(e) ELIGIBILITY FOR PAYMENTS.—Payments under this section may be made to any qualifying employee who voluntarily separates, whether by retirement or resignation, between October 1, 1999, and January 31, 2000.

(f) EFFECT ON SUBSEQUENT EMPLOYMENT WITH THE GOVERNMENT.—An individual who has received a voluntary separation incentive payment under this section and accepts any employment for compensation with any agency or instrumentality of the Government of the United States within 5 years after the date of the separation on which the payment is based shall be required to pay, prior to the individual's first day of employment, the entire amount of the incentive payment to FMS.

(g) CONTRIBUTIONS TO THE RETIREMENT FUND.—

(1) In addition to any other payments which it is required to make under subchapter III of chapter 83 or chapter 84 of title 5, United States Code, FMS shall remit to the Office of Personnel Management for deposit in the Treasury to the credit of Civil Service Retirement and Disability Fund an amount equal to 15 percent of the final annual basis pay for each employee covered under subchapter III of chapter 83 or chapter 84 of title 5 United States Code, to whom a voluntary separation incentive has been paid under this section.

(2) For the purpose of paragraph (1), the term ''final basic pay'' with respect to an employee, means the total amount of basic pay which would be payable for a year of service by such employee, computed using the employee's final rate of basic pay, and, if last serving on other than a full-time basis, with appropriate adjustment therefor.

(h) REDUCTION OF AGENCY EMPLOYMENT LEVELS.—

(1) The total number of funded employee positions in the agency shall be reduced by one position for each vacancy created by the separation of any employee who has received, or is due to receive, a voluntary separation incentive payment under this Act. For the purposes of this subsection, positions shall be counted on a full-time equivalent basis.

(2) The President, through the Office of Management and Budget, shall monitor the agency and take any action necessary to ensure that the requirements of this section are met.

(3) At the request of the Secretary, Department of the Treasury, the Office of Management and Budget may waive the reduction in total number of funded employee positions required by subsection (1) if it believes the agency plan required by section (c) satisfactorily demonstrates that the positions would better be used to reallocate occupations or reshape the workforce and to produce a more cost-effective result.

This title may be cited as the ''Treasury Department Appropriations Act, 2000''.

The CHAIRMAN. Is there any amendment to that portion of the bill?

The Clerk will read.

The Clerk read as follows:

TITLE II—POSTAL SERVICE

PAYMENT TO THE POSTAL SERVICE FUND

For payment to the Postal Service Fund for revenue forgone on free and reduced rate mail, pursuant to subsections (c) and (d) of section 2401 of title 39, United States Code, $93,436,000, of which $64,436,000 shall not be available for obligation until October 1, 2000: *Provided,* That mail for overseas voting and mail for the blind shall continue to be free: *Provided further,* That 6-day delivery and rural delivery of mail shall continue at not less than the 1983 level: *Provided further,* That none of the funds made available to the Postal Service by this Act shall be used to implement any rule, regulation, or policy of charging any officer or employee of any State or local child support enforcement agency, or any individual participating in a State or local program of child support enforcement, a fee for information requested or provided concerning an address of a postal customer: *Provided further,* That none of the funds provided in this Act shall be used to consolidate or close small rural and other small post offices in fiscal year 2000.

This title may be cited as the ''Postal Service Appropriations Act, 2000''.

TITLE III—EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT

COMPENSATION OF THE PRESIDENT AND THE WHITE HOUSE OFFICE

COMPENSATION OF THE PRESIDENT

For compensation of the President, including an expense allowance at the rate of $50,000 per annum as authorized by 3 U.S.C. 102; $250,000: *Provided,* That none of the funds made available for official expenses shall be expended for any other purpose and any unused amount shall revert to the Treasury pursuant to section 1552 of title 31, United States Code: *Provided further,* That none of the funds made available for official expenses shall be considered as taxable to the President.

SALARIES AND EXPENSES

For necessary expenses for the White House as authorized by law; including not to exceed $3,850,000 for services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 105; subsistence expenses as authorized by 3 U.S.C. 105, which shall be expended and accounted for as provided in that section; hire of passenger motor vehicles, newspapers, periodicals, teletype news service, and travel (not to exceed $100,000 to be expended and accounted for as provided by 3 U.S.C. 103); and not to exceed $19,000 for official entertainment expenses, to be available for allocation within the Executive Office of the President, $52,444,000: *Provided,* That $10,313,000 of the funds appropriated shall be available for reimbursements to the White House Communications Agency.

EXECUTIVE RESIDENCE AT THE WHITE HOUSE

OPERATING EXPENSES

For the care, maintenance, repair and alteration, refurnishing, improvement, heating, and lighting, including electric power and fixtures, of the Executive Residence at the White House and official entertainment expenses of the President, $9,260,000, to be expended and accounted for as provided by 3 U.S.C. 105, 109, 110, and 112–114.

REIMBURSABLE EXPENSES

For the reimbursable expenses of the Executive Residence at the White House, such sums as may be necessary: *Provided,* That all reimbursable operating expenses of the Executive Residence shall be made in accordance with the provisions of this paragraph: *Provided further,* That, notwithstanding any other provision of law, such amount for reimbursable operating expenses shall be the exclusive authority of the Executive Residence to incur obligations and to receive offsetting collections, for such expenses: *Provided further,* That the Executive Residence shall require each person sponsoring a reimbursable political event to pay in advance an amount equal to the estimated cost of the event, and all such advance payments shall be credited to this account and remain available until expended: *Provided further,* That the Executive Residence shall require the national committee of the political party of the President to maintain on deposit $25,000, to be separately accounted for and available for expenses relating to reimbursable political events sponsored by such committee during such fiscal year: *Provided further,* That the Executive Residence shall ensure that a written notice of any amount owed for a reimbursable operating expense under this paragraph is submitted to the person owing such amount within 60 days after such expense is incurred, and that such amount is collected within 30 days after the submission of such notice: *Provided further,* That the Executive Residence shall charge interest and assess penalties and other charges on any such amount that is not reimbursed within such 30 days, in accordance with the interest and penalty provisions applicable to an outstanding debt on a United States Government claim under section 3717 of title 31, United States Code: *Provided further,* That each such amount that is reimbursed, and any accompanying interest and charges, shall be deposited in the Treasury as miscellaneous receipts: *Provided further,* That the Executive Residence shall prepare and submit to the Committees on Appropriations, by not later than 90 days after the end of the fiscal year covered by this Act, a report setting forth the reimbursable operating expenses of the Executive Residence during the preceding fiscal year, including the total amount of such expenses, the amount of such total that consists of reimbursable official and ceremonial events, the amount of such total that consists of reimbursable political events, and the portion of each such amount that has been reimbursed as of the date of the report: *Provided further,* That the Executive Residence shall maintain a system for the tracking of expenses related to reimbursable events within the Executive Residence that includes a standard for the classification of any such expense as political or nonpolitical: *Provided further,* That no provision of this paragraph may be construed to exempt the Executive Residence from any other applicable requirement of subchapter I or II of chapter 37 of title 31, United States Code.

WHITE HOUSE REPAIR AND RESTORATION

For the repair, alteration, and improvement of the Executive Residence at the White House, $810,000, to remain available until expended for required maintenance, safety and health issues, and continued preventative maintenance.

SPECIAL ASSISTANCE TO THE PRESIDENT AND THE OFFICIAL RESIDENCE OF THE VICE PRESIDENT

SALARIES AND EXPENSES

For necessary expenses to enable the Vice President to provide assistance to the President in connection with specially assigned functions; services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 106, including subsistence expenses as authorized by 3 U.S.C. 106, which shall be expended and accounted for as provided in that section; and hire of passenger motor vehicles; $3,617,000.

OPERATING EXPENSES

For the care, operation, refurnishing, improvement, heating, and lighting, including electric power and fixtures, of the official residence of the Vice President; the hire of passenger motor vehicles; and not to exceed $90,000 for official entertainment expenses of the Vice President, to be accounted for solely on his certificate; $345,000: *Provided,* That advances or repayments or transfers from this appropriation may be made to any department or agency for expenses of carrying out such activities.

COUNCIL OF ECONOMIC ADVISERS

SALARIES AND EXPENSES

For necessary expenses of the Council of Economic Advisors in carrying out its functions under the Employment Act of 1946 (15 U.S.C. 1021), $3,840,000.

OFFICE OF POLICY DEVELOPMENT

SALARIES AND EXPENSES

For necessary expenses of the Office of Policy Development, including services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 107, $4,032,000.

NATIONAL SECURITY COUNCIL

SALARIES AND EXPENSES

For necessary expenses of the National Security Council, including services as authorized by 5 U.S.C. 3109, $6,997,000.

OFFICE OF ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Office of Administration, including services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 107, and hire of passenger motor vehicles, $39,448,000, of which $8,806,000 shall be available for a capital investment plan which provides for the continued modernization of the information technology infrastructure.

OFFICE OF MANAGEMENT AND BUDGET

SALARIES AND EXPENSES

For necessary expenses of the Office of Management and Budget, including hire of passenger motor vehicles and services as authorized by 5 U.S.C. 3109, $63,495,000, of which not to exceed $5,000,000 shall be available to

carry out the provisions of chapter 35 of title 44, United States Code: *Provided*, That, as provided in 31 U.S.C. 1301(a), appropriations shall be applied only to the objects for which appropriations were made except as otherwise provided by law: *Provided further*, That none of the funds appropriated in this Act for the Office of Management and Budget may be used for the purpose of reviewing any agricultural marketing orders or any activities or regulations under the provisions of the Agricultural Marketing Agreement Act of 1937 (7 U.S.C. 601 et seq.): *Provided further*, That none of the funds made available for the Office of Management and Budget by this Act may be expended for the altering of the transcript of actual testimony of witnesses, except for testimony of officials of the Office of Management and Budget, before the Committees on Appropriations or the Committees on Veterans' Affairs or their subcommittees: *Provided further*, That the preceding proviso shall not apply to printed hearings released by the Committees on Appropriations or the Committees on Veterans' Affairs.

OFFICE OF NATIONAL DRUG CONTROL POLICY

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of National Drug Control Policy; for research activities pursuant to the Office of National Drug Control Policy Reauthorization Act of 1998 (title VII of division C of Public Law 105–277); not to exceed $8,000 for official reception and representation expenses; and for participation in joint projects or in the provision of services on matters of mutual interest with nonprofit, research, or public organizations or agencies, with or without reimbursement; $52,221,000, of which $31,350,000 shall remain available until expended, consisting of $2,100,000 for policy research and evaluation, of which $1,000,000 is for the National Alliance for Model State Drug Laws, $16,000,000 for the Counterdrug Technology Assessment Center for counternarcotics research and development projects, and $13,250,000 for the continued operation of the technology transfer program: *Provided*, That the $16,000,000 for the Counterdrug Technology Assessment Center shall be available for transfer to other Federal departments or agencies: *Provided further*, That the Office is authorized to accept, hold, administer, and utilize gifts, both real and personal, public and private, without fiscal year limitation, for the purpose of aiding or facilitating the work of the Office.

FEDERAL DRUG CONTROL PROGRAMS

HIGH INTENSITY DRUG TRAFFICKING AREAS PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of National Drug Control Policy's High Intensity Drug Trafficking Areas Program, $192,000,000 for drug control activities consistent with the approved strategy for each of the designated High Intensity Drug Trafficking Areas, of which no less than 51 percent shall be transferred to State and local entities for drug control activities, which shall be obligated within 120 days of the date of enactment of this Act: *Provided*, That up to 49 percent may be transferred to Federal agencies and departments at a rate to be determined by the Director: *Provided further*, That, of this latter amount, $1,800,000 shall be used for auditing services: *Provided further*, That, hereafter, of the amount appropriated for fiscal year 2000 or any succeeding fiscal year for the High Intensity Drug Trafficking Areas Program, the funds to be obligated or expended during such fiscal year for programs addressing the treatment and prevention of drug use shall not be less than the funds obligated or expended for such programs during fiscal year 1999 without the prior approval of the Committees on Appropriations.

SPECIAL FORFEITURE FUND

(INCLUDING TRANSFER OF FUNDS)

For activities to support a national anti-drug campaign for youth, and other purposes, authorized by Public Law 105–277, $225,000,000, to remain available until expended: *Provided*, That such funds may be transferred to other Federal departments and agencies to carry out such activities: *Provided further*, That of the funds provided, $195,000,000 shall be to support a national media campaign, as authorized in the Drug-Free Media Campaign Act of 1998: *Provided further*, That of the funds provided, $30,000,000 shall be to continue a program of matching grants to drug-free communities, as authorized in the Drug-Free Communities Act of 1997.

UNANTICIPATED NEEDS

UNANTICIPATED NEEDS

For expenses necessary to enable the President to meet unanticipated needs, in furtherance of the national interest, security, or defense which may arise at home or abroad during the current fiscal year, as authorized by 3 U.S.C. 108, $1,000,000.

This title may be cited as the ''Executive Office Appropriations Act, 2000''.

Mr. KOLBE. Mr. Chairman, I ask unanimous consent that the bill through page 63, line 13 be considered as read, printed in the RECORD, and open to amendment at any point.

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

There was no objection.

The text of the remainder of the bill through page 63, line 13 is as follows:

TITLE IV—INDEPENDENT AGENCIES

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

SALARIES AND EXPENSES

For necessary expenses of the Committee for Purchase From People Who Are Blind or Severely Disabled established by the Act of June 23, 1971, Public Law 92–28, $2,674,000.

FEDERAL ELECTION COMMISSION

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of the Federal Election Campaign Act of 1971, as amended, $38,152,000, of which no less than $4,866,500 shall be available for internal automated data processing systems, and of which not to exceed $5,000 shall be available for reception and representation expenses.

FEDERAL LABOR RELATIONS AUTHORITY

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Federal Labor Relations Authority, pursuant to Reorganization Plan Numbered 2 of 1978, and the Civil Service Reform Act of 1978, including services authorized by 5 U.S.C. 3109, including hire of experts and consultants, hire of passenger motor vehicles, and rental of conference rooms in the District of Columbia and elsewhere, $23,828,000: *Provided*, That public members of the Federal Service Impasses Panel may be paid travel expenses and per diem in lieu of subsistence as authorized by law (5 U.S.C. 5703) for persons employed intermittently in the Government service, and compensation as authorized by 5 U.S.C. 3109: *Provided further*, That notwithstanding 31 U.S.C. 3302, funds received from fees charged to non-Federal participants at labor-management relations conferences shall be credited to and merged with this account, to be available without further appropriation for the costs of carrying out these conferences.

GENERAL SERVICES ADMINISTRATION

FEDERAL BUILDINGS FUND

LIMITATIONS ON AVAILABILITY OF REVENUE

To carry out the purpose of the Federal Buildings Fund established pursuant to section 210(f) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490(f)), the revenues and collections deposited into the Fund shall be available for necessary expenses of real property management and related activities not otherwise provided for, including operation, maintenance, and protection of federally owned and leased buildings; rental of buildings in the District of Columbia; restoration of leased premises; moving governmental agencies (including space adjustments and telecommunications relocation expenses) in connection with the assignment, allocation, and transfer of space; contractual services incident to cleaning or servicing buildings, and moving; repair and alteration of federally owned buildings, including grounds, approaches, and appurtenances; care and safeguarding of sites; maintenance, preservation, demolition, and equipment; acquisition of buildings and sites by purchase, condemnation, or as otherwise authorized by law; acquisition of options to purchase buildings and sites; conversion and extension of federally owned buildings; preliminary planning and design of projects by contract or otherwise; construction of new buildings (including equipment for such buildings); and payment of principal, interest, and any other obligations for public buildings acquired by installment purchase and purchase contract; in the aggregate amount of $5,245,906,000, of which: (1) $8,000,000 shall remain available until expended for construction of nonprospectus construction projects; (2) $559,869,000 shall remain available until expended for repairs and alterations, which includes associated design and construction services: *Provided*, That funds made available in any previous Act in the Federal Buildings Fund for Repairs and Alterations shall, for prospectus projects, be limited to the amount identified for each project, except each project may be increased by an amount not to exceed 10 percent unless advance approval is obtained from the Committee on Appropriations of a greater amount: *Provided further*, That the amounts provided in this or any prior Act for ''Repairs and Alterations'' may be used to fund costs associated with implementing security improvements to buildings necessary to meet the minimum standards for security in accordance with current law and in compliance with the reprogramming guidelines of the appropriate Committees of the House and Senate: *Provided further*, That the difference between the funds appropriated and expended on any projects in this or any prior Act, under the heading ''Repairs and Alterations'', may be transferred to Basic Repairs and Alterations or used to fund authorized increases in prospectus projects: *Provided further*, That all funds for repairs and alterations prospectus projects shall expire on September 30, 2001, and remain in the Federal Buildings Fund, except funds for projects as to which funds for design or other funds have been obligated in whole or in part prior to such date: *Provided further*, That the amount provided in this or any prior Act for Basic Repairs and Alterations may be used to pay claims against the Government arising from any projects under the heading ''Repairs and Alterations'' or used to fund authorized increases in prospectus projects: *Provided further*, That the General Services Administration is directed to use funds

available for Repairs and Alterations to undertake the first construction phase of the project to renovate the Department of the Interior Headquarters Building located in Washington, D.C.; (3) $205,668,000 for installment acquisition payments including payments on purchase contracts which shall remain available until expended; (4) $2,782,186,000 for rental of space which shall remain available until expended; and (5) $1,590,183,000 for building operations which shall remain available until expended, of which $1,974,000 shall be available until expended for acquisition, lease, construction, and equipping of flexiplace telecommuting centers, including $150,000 for the center in Winchester, Virginia, and $200,000 for the center in Woodbridge, Virginia: *Provided further*, That funds available to the General Services Administration shall not be available for expenses of any construction, repair, alteration and acquisition project for which a prospectus, if required by the Public Buildings Act of 1959, as amended, has not been approved, except that necessary funds may be expended for each project for required expenses for the development of a proposed prospectus: *Provided further*, That funds available in the Federal Buildings Fund may be expended for emergency repairs when advance approval is obtained from the Committees on Appropriations: *Provided further*, That amounts necessary to provide reimbursable special services to other agencies under section 210(f)(6) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490(f)(6)) and amounts to provide such reimbursable fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control as may be appropriate to enable the United States Secret Service to perform its protective functions pursuant to 18 U.S.C. 3056, shall be available from such revenues and collections: *Provided further*, That revenues and collections and any other sums accruing to this Fund during fiscal year 2000, excluding reimbursements under section 210(f)(6) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 490(f)(6)) in excess of $5,245,906,000 shall remain in the Fund and shall not be available for expenditure except as authorized in appropriations Acts.

POLICY AND OPERATIONS

For expenses authorized by law, not otherwise provided for, for Government-wide policy and oversight activities associated with asset management activities; utilization and donation of surplus personal property; transportation; procurement and supply; Government-wide responsibilities relating to automated data management, telecommunications, information resources management, and related technology activities; utilization survey, deed compliance inspection, appraisal, environmental and cultural analysis, and land use planning functions pertaining to excess and surplus real property; agency-wide policy direction; Board of Contract Appeals; accounting, records management, and other support services incident to adjudication of Indian Tribal Claims by the United States Court of Federal Claims; services as authorized by 5 U.S.C. 3109; and not to exceed $5,000 for official reception and representation expenses, $110,448,000, of which $12,758,000 shall remain available until expended.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General and services authorized by 5 U.S.C. 3109, $33,317,000: *Provided*, That not to exceed $15,000 shall be available for payment for information and detection of fraud against the Government, including payment for recovery of stolen Government property: *Provided further*, That not to exceed $2,500 shall be available for awards to employees of other Federal agencies and private citizens in recognition of efforts and initiatives resulting in enhanced Office of Inspector General effectiveness.

ALLOWANCES AND OFFICE STAFF FOR FORMER PRESIDENTS

(INCLUDING TRANSFER OF FUNDS)

For carrying out the provisions of the Act of August 25, 1958, as amended (3 U.S.C. 102 note), and Public Law 95–138, $2,241,000: *Provided*, That the Administrator of General Services shall transfer to the Secretary of the Treasury such sums as may be necessary to carry out the provisions of such Acts.

GENERAL SERVICES ADMINISTRATION—GENERAL PROVISIONS

SEC. 401. The appropriate appropriation or fund available to the General Services Administration shall be credited with the cost of operation, protection, maintenance, upkeep, repair, and improvement, included as part of rentals received from Government corporations pursuant to law (40 U.S.C. 129).

SEC. 402. Funds available to the General Services Administration shall be available for the hire of passenger motor vehicles.

SEC. 403. Funds in the Federal Buildings Fund made available for fiscal year 2000 for Federal Buildings Fund activities may be transferred between such activities only to the extent necessary to meet program requirements: *Provided*, That any proposed transfers shall be approved in advance by the Committees on Appropriations.

SEC. 404. No funds made available by this Act shall be used to transmit a fiscal year 2001 request for United States Courthouse construction that (1) does not meet the design guide standards for construction as established and approved by the General Services Administration, the Judicial Conference of the United States, and the Office of Management and Budget; and (2) does not reflect the priorities of the Judicial Conference of the United States as set out in its approved 5-year construction plan: *Provided*, That the fiscal year 2001 request must be accompanied by a standardized courtroom utilization study of each facility to be constructed, replaced, or expanded.

SEC. 405. None of the funds provided in this Act may be used to increase the amount of occupiable square feet, provide cleaning services, security enhancements, or any other service usually provided through the Federal Buildings Fund, to any agency that does not pay the rate per square foot assessment for space and services as determined by the General Services Administration in compliance with the Public Buildings Amendments Act of 1972 (Public Law 92–313).

SEC. 406. Funds provided to other Government agencies by the Information Technology Fund, General Services Administration, under 40 U.S.C. 757 and sections 5124(b) and 5128 of Public Law 104–106, Information Technology Management Reform Act of 1996, for performance of pilot information technology projects which have potential for Government-wide benefits and savings, may be repaid to this Fund from any savings actually incurred by these projects or other funding, to the extent feasible.

SEC. 407. From funds made available under the heading ''Federal Buildings Fund, Limitations on Availability of Revenue'', claims against the Government of less than $250,000 arising from direct construction projects and acquisition of buildings may be liquidated from savings effected in other construction projects with prior notification to the Committees on Appropriations.

SEC. 408. Funds made available for new construction projects under the heading ''Federal Buildings Fund, Limitations on Availability of Revenue'' in Public Law 104–208 shall remain available until expended so long as funds for design or other funds have been obligated in whole or in part prior to September 30, 1999.

MERIT SYSTEMS PROTECTION BOARD

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out functions of the Merit Systems Protection Board pursuant to Reorganization Plan Numbered 2 of 1978 and the Civil Service Reform Act of 1978, including services as authorized by 5 U.S.C. 3109, rental of conference rooms in the District of Columbia and elsewhere, hire of passenger motor vehicles, and direct procurement of survey printing, $27,586,000 together with not to exceed $2,430,000 for administrative expenses to adjudicate retirement appeals to be transferred from the Civil Service Retirement and Disability Fund in amounts determined by the Merit Systems Protection Board.

FEDERAL PAYMENT TO MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION

For payment to the Morris K. Udall Scholarship and Excellence in National Environmental Trust Fund, to be available for the purposes of Public Law 102–252, $1,000,000, to remain available until expended.

ENVIRONMENTAL DISPUTE RESOLUTION FUND

For payment to the Environmental Dispute Resolution Fund to carry out activities authorized in the Environmental Policy and Conflict Resolution Act of 1998, $1,250,000, to remain available until expended.

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

OPERATING EXPENSES

For necessary expenses in connection with the administration of the National Archives (including the Information Security Oversight Office) and archived Federal records and related activities, as provided by law, and for expenses necessary for the review and declassification of documents, and for the hire of passenger motor vehicles, $180,398,000: *Provided*, That the Archivist of the United States is authorized to use any excess funds available from the amount borrowed for construction of the National Archives facility, for expenses necessary to provide adequate storage for holdings.

REPAIRS AND RESTORATION

For the repair, alteration, and improvement of archives facilities, and to provide adequate storage for holdings, $13,518,000, to remain available until expended.

RECORDS CENTER REVOLVING FUND

(a) ESTABLISHMENT OF FUND.—There is hereby established in the Treasury a revolving fund to be available for expenses and equipment necessary to provide for storage and related services for all temporary and pre-archival Federal records, which are to be stored or stored at Federal National and Regional Records Centers by agencies and other instrumentalities of the Federal government. The Fund shall be available without fiscal year limitation for expenses necessary for operation of these activities.

(b) START-UP CAPITAL.—

(1) There is appropriated $22,000,000 as initial capitalization of the Fund.

(2) In addition, the initial capital of the Fund shall include the fair and reasonable value at the Fund's inception of the inventories, equipment, receivables, and other assets, less the liabilities, transferred to the Fund. The Archivist of the United States is authorized to accept inventories, equipment, receivables and other assets from other Federal entities that were used to provide for

storage and related services for temporary and pre-archival Federal records.

(c) USER CHARGES.—The Fund shall be credited with user charges received from other Federal government accounts as payment for providing personnel, storage, materials, supplies, equipment, and services as authorized by subsection (a). Such payments may be made in advance or by way of reimbursement. The rates charged will return in full the expenses of operation, including reserves for accrued annual leave, worker's compensation, depreciation of capitalized equipment and shelving, and amortization of information technology software and systems.

(d) FUNDS RETURNED TO TREASURY.—

(1) In addition to funds appropriated to and assets transferred to the Fund in subsection (b), an amount not to exceed 4 percent of the total annual income may be retained in the Fund as an operating reserve or for the replacement or acquisition of capital equipment, including shelving, and the improvement and implementation of the financial management, information technology, and other support systems of the National Archives and Records Administration.

(2) Funds in excess of the 4 percent at the close of each fiscal year shall be returned to the Treasury of the United States as miscellaneous receipts.

(e) REPORTING REQUIREMENT.—The National Archives and Records Administration shall provide quarterly reports to the Committees on Appropriations and Government Reform of the House of Representatives on the operation of the Fund.

NATIONAL HISTORICAL PUBLICATIONS AND RECORDS COMMISSION

GRANTS PROGRAM

(INCLUDING RESCISSION OF FUNDS)

For necessary expenses for allocations and grants for historical publications and records as authorized by 44 U.S.C. 2504, as amended, $6,000,000, to remain available until expended: *Provided,* That of the funds appropriated under this heading in Public Law 105–277, $4,000,000 are rescinded: *Provided further,* That the Treasury and General Government Appropriations Act, 1999 (as contained in division A, section 101(h), of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277)) is amended in title IV, under the heading ''National Historical Publications and Records Commission, Grants Program'' by striking the proviso.

OFFICE OF GOVERNMENT ETHICS

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Office of Government Ethics pursuant to the Ethics in Government Act of 1978, as amended and the Ethics Reform Act of 1989, including services as authorized by 5 U.S.C. 3109, rental of conference rooms in the District of Columbia and elsewhere, hire of passenger motor vehicles, and not to exceed $1,500 for official reception and representation expenses, $9,114,000.

OFFICE OF PERSONNEL MANAGEMENT

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF TRUST FUNDS)

For necessary expenses to carry out functions of the Office of Personnel Management pursuant to Reorganization Plan Numbered 2 of 1978 and the Civil Service Reform Act of 1978, including services as authorized by 5 U.S.C. 3109; medical examinations performed for veterans by private physicians on a fee basis; rental of conference rooms in the District of Columbia and elsewhere; hire of passenger motor vehicles; not to exceed $2,500 for official reception and representation expenses; advances for reimbursements to applicable funds of the Office of Personnel Management and the Federal Bureau of Investigation for expenses incurred under Executive Order No. 10422 of January 9, 1953, as amended; and payment of per diem and/or subsistence allowances to employees where Voting Rights Act activities require an employee to remain overnight at his or her post of duty, $90,584,000; and in addition $95,486,000 for administrative expenses, to be transferred from the appropriate trust funds of the Office of Personnel Management without regard to other statutes, including direct procurement of printed materials, for the retirement and insurance programs, of which $4,000,000 shall remain available until expended for the cost of automating the retirement recordkeeping systems: *Provided,* That the provisions of this appropriation shall not affect the authority to use applicable trust funds as provided by sections 8348(a)(1)(B) and 8909(g) of title 5, United States Code: *Provided further,* That no part of this appropriation shall be available for salaries and expenses of the Legal Examining Unit of the Office of Personnel Management established pursuant to Executive Order No. 9358 of July 1, 1943, or any successor unit of like purpose: *Provided further,* That the President's Commission on White House Fellows, established by Executive Order No. 11183 of October 3, 1964, may, during fiscal year 2000, accept donations of money, property, and personal services in connection with the development of a publicity brochure to provide information about the White House Fellows, except that no such donations shall be accepted for travel or reimbursement of travel expenses, or for the salaries of employees of such Commission.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF TRUST FUNDS)

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act, as amended, including services as authorized by 5 U.S.C. 3109, hire of passenger motor vehicles, $960,000; and in addition, not to exceed $9,645,000 for administrative expenses to audit, investigate, and provide other oversight of the Office of Personnel Management's retirement and insurance programs, to be transferred from the appropriate trust funds of the Office of Personnel Management, as determined by the Inspector General: *Provided,* That the Inspector General is authorized to rent conference rooms in the District of Columbia and elsewhere.

GOVERNMENT PAYMENT FOR ANNUITANTS, EMPLOYEES HEALTH BENEFITS

For payment of Government contributions with respect to retired employees, as authorized by chapter 89 of title 5, United States Code, and the Retired Federal Employees Health Benefits Act (74 Stat. 849), as amended, such sums as may be necessary.

GOVERNMENT PAYMENT FOR ANNUITANTS, EMPLOYEE LIFE INSURANCE

For payment of Government contributions with respect to employees retiring after December 31, 1989, as required by chapter 87 of title 5, United States Code, such sums as may be necessary.

PAYMENT TO CIVIL SERVICE RETIREMENT AND DISABILITY FUND

For financing the unfunded liability of new and increased annuity benefits becoming effective on or after October 20, 1969, as authorized by 5 U.S.C. 8348, and annuities under special Acts to be credited to the Civil Service Retirement and Disability Fund, such sums as may be necessary: *Provided,* That annuities authorized by the Act of May 29, 1944, as amended, and the Act of August 19, 1950, as amended (33 U.S.C. 771–775), may hereafter be paid out of the Civil Service Retirement and Disability Fund.

OFFICE OF SPECIAL COUNSEL

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Office of Special Counsel pursuant to Reorganization Plan Numbered 2 of 1978, the Civil Service Reform Act of 1978 (Public Law 95–454), the Whistleblower Protection Act of 1989 (Public Law 101–12), Public Law 103–424, and the Uniformed Services Employment and Reemployment Act of 1994 (Public Law 103–353), including services as authorized by 5 U.S.C. 3109, payment of fees and expenses for witnesses, rental of conference rooms in the District of Columbia and elsewhere, and hire of passenger motor vehicles; $9,740,000.

UNITED STATES TAX COURT

SALARIES AND EXPENSES

For necessary expenses, including contract reporting and other services as authorized by 5 U.S.C. 3109, $36,489,000: *Provided,* That travel expenses of the judges shall be paid upon the written certificate of the judge.

This title may be cited as the ''Independent Agencies Appropriations Act, 2000''.

The CHAIRMAN. Are there amendments to that portion of the bill?

PARLIAMENTARY INQUIRY

Mr. HOYER. Parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. HOYER. Mr. Chairman, we have an amendment that will be offered and then withdrawn to title I. Now I know we are past title I.

The CHAIRMAN. Does the gentleman from Michigan (Mr. BARCIA) ask unanimous consent to return to an earlier title to offer his amendment?

Without objection, the gentleman is recognized for 5 minutes.

Mr. KOLBE. Mr. Chairman, I reserve the right to object.

Mr. HOYER. Mr. Chairman, will the gentleman yield to me under his reservation?

Mr. KOLBE. I yield under my reservation to the gentleman from Maryland.

Mr. HOYER. Mr. Chairman, the gentleman from Michigan (Mr. BARCIA) has great concern about a case I have been working with him on. I apologize. He wanted to offer the amendment, and I suggested that he offer it and then withdraw it, which he has agreed to. But he wants to raise the issue. It deals with a Customs matter in which his constituents, he believes, were mistreated. He simply wants to make that point. I have assured him that we will then work on the issue.

Mr. KOLBE. Continuing under my reservation, Mr. Chairman, I would just note that the gentleman from Michigan (Mr. BARCIA), if he intends just to discuss this, can just strike the last word and discuss the issue. My concern is, about doing this, is if somebody else comes back and says they want to come back.

Mr. HOYER. Mr. Chairman, I think the chairman raises a good point. I ask the gentleman from Michigan to withdraw his unanimous consent and move

to strike the last word so we can discuss the matter.

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

The gentleman from Georgia (Mr. CHAMBLISS) was to be here on the floor also, because he actually represents the individuals involved and was to have spoken with the chairman, I believe, at this point. I believe he is probably en route to the floor.

I have an amendment which the gentleman from Georgia (Mr. CHAMBLISS) was going to co-author which would increase the amount of appropriations for salaries and payroll by $150,000 to include in this appropriation bill the ability of the U.S. Customs Service to settle an egregious action which was taken by a customs official in the Chicago office at O'Hare Airport. I believe it was the constituent of the gentleman from Georgia (Mr. BISHOP) as well as the constituent of the gentleman from Georgia (Mr. CHAMBLISS) who traveled to Africa, paid the government in Africa of Cameroon some $116,000 in trophy fees for hides and horns and other animals that were taken and harvested there.

□ 1700

When the Customs official ordered this cargo destroyed, she was out of line because it was the official jurisdiction of the U.S. Fish and Wildlife Department.

And so these two individuals are going to have a very difficult time. Even if they spent the same amount of money, they could not be guaranteed to harvest those animals, and certainly the costs that are involved in their trip as well are tremendous. The fact is everything was legal. They had their sitings permits; all of the paperwork was in order and in the crates of the cargo. This individual just went out and ordered these two crates to be destroyed, and they were subsequently placed in a landfill.

Several Members of Congress contacted Customs and indicated that the cargo would still be good; that they were, in fact, preserved before shipment from Africa to the United States and before they were placed in a landfill. And we had instructed that Customs official to get a shovel and go out and attempt to relocate those two crates. It was very valuable cargo.

We have very difficult regulations with the Customs Service. In the case of negligence of an employee, the Secretary of the Treasury is authorized to reimburse up to an amount of $1,000 per individual per claim. And since the value of the cargo is $116,000, involving two individuals, it would be almost impossible to recover those costs without congressional action.

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

Mr. BARCIA. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Chairman, I want to commend the gentleman. The gentleman came up to me on the floor about 2 months ago, I believe, and brought this matter to my attention, and I shared his anger and outrage at the apparent treatment that has occurred here. When I say apparent, it is simply that I have not personally verified all the facts, but the gentleman from Michigan (Mr. BARCIA) and the gentleman from Georgia (Mr. CHAMBLISS) are both men of great integrity.

I know the gentleman from South Carolina (Mr. SPRATT) is also very concerned about this, as is the gentleman from Georgia (Mr. BISHOP) is also very concerned about this.

I personally have been pursuing this with Customs and with Mr. Kelly. I know that Mr. Kelly, the commissioner of Customs, is very concerned about this matter and shares the outrage of the gentleman from Michigan and the gentleman from Georgia about what apparently has occurred. They are in the process of trying to come to grips with this.

Unfortunately, the timing is not as good as it should have been; better to have met last week than next week, but my staff is pursuing a meeting, as the gentleman knows, and I hope the gentleman from Georgia (Mr. CHAMBLISS) knows, because we have been in touch with his staff, a meeting next week, with Customs and with the four gentlemen who have been so involved in this, along with myself, and hopefully either the chairman or a member of the chairman's staff so that we can continue to pursue this and get to the bottom of it.

The gentleman from Michigan and the gentleman from Georgia, the two gentlemen from Georgia, I suppose, and the gentleman from South Carolina are absolutely correct if individuals were treated in the manner that we believe they were. It was outrageous, unacceptable, and the citizens involved deserve compensation for their loss.

Mr. Chairman, the gentleman from Michigan wanted to offer an amendment which set a specific dollar value for the loss.

The CHAIRMAN. Time of the gentleman from Michigan (Mr. BARCIA) has expired.

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

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

Mr. CHAMBLISS. I yield to the gentleman from Maryland.

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

The gentleman from Michigan had an amendment to set a specific amount of damages for the two parties that were most directly affected here. I indicated to him that I would not be able to support that at this time, simply because I do not know what the amount of damages are. Quite obviously, on the floor it is difficult to assess the amount of damages of a claim, and there are thousands of claims, of course, against the government; and if we did that on a regular basis, it would be chaotic. That does not, however, diminish in any way the absolute justice in the amendment.

I am going to be working very, very hard to try to get to the bottom of this. And I say to my friends from Michigan and Georgia that their prosecution of this matter is obviously very vigorous, very focused, but very appropriate; and I look forward to working very closely with them so we can come to the bottom of this. And whatever we assess as the damages, we will work with them towards making sure that their constituents and people with whom they are involved are made whole to the extent they can be.

Mr. CHAMBLISS. Mr. Chairman, reclaiming my time, I just want to say that I associate myself with all of the remarks of both my friend from Maryland and my friend from Michigan. This was a very egregious and intentional and, frankly, malicious act, I think, on the part of this particular employee of the Customs Service.

And I want to also say very publicly that were it not for the intervention of our friend, the gentleman from Maryland (Mr. HOYER), in this, I am not sure we would even be at the point we are today, where they have recognized the issue and recognized the problem. And I thank him for his diligent efforts on behalf of our folks back home in this regard.

We will continue to pursue this with the gentleman at this meeting next week. I hope we are able to come to some satisfactory resolution of it. Because if we are not, then I think we will be back here in this same venue the next time we are able to, to ensure that our folks are well compensated and well taken care of for a malicious intentional act on the part of this employee.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

TITLE V—GENERAL PROVISIONS

THIS ACT

SEC. 501. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 502. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 503. None of the funds made available by this Act shall be available for any activity or for paying the salary of any Government employee where funding an activity or paying a salary to a Government employee would result in a decision, determination, rule, regulation, or policy that would prohibit the enforcement of section 307 of the Tariff Act of 1930.

SEC. 504. None of the funds made available by this Act shall be available in fiscal year 2000 for the purpose of transferring control over the Federal Law Enforcement Training Center located at Glynco, Georgia, and Artesia, New Mexico, out of the Department of the Treasury.

SEC. 505. No part of any appropriation contained in this Act shall be available to pay the salary for any person filling a position, other than a temporary position, formerly held by an employee who has left to enter the Armed Forces of the United States and has satisfactorily completed his period of active military or naval service, and has within 90 days after his release from such service or from hospitalization continuing after discharge for a period of not more than 1 year, made application for restoration to his former position and has been certified by the Office of Personnel Management as still qualified to perform the duties of his former position and has not been restored thereto.

SEC. 506. No funds appropriated pursuant to this Act may be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with sections 2 through 4 of the Buy American Act (41 U.S.C. 10a–10c).

SEC. 507. (a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or products that may be authorized to be purchased with financial assistance provided under this Act, it is the sense of the Congress that entities receiving such assistance should, in expending the assistance, purchase only American-made equipment and products.

(b) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance under this Act, the Secretary of the Treasury shall provide to each recipient of the assistance a notice describing the statement made in subsection (a) by the Congress.

SEC. 508. If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a ''Made in America'' inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, such person shall be ineligible to receive any contract or subcontract made with funds provided pursuant to this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 509. No funds appropriated by this Act shall be available to pay for an abortion, or the administrative expenses in connection with any health plan under the Federal employees health benefit program which provides any benefits or coverage for abortions.

AMENDMENT OFFERED BY MS. DELAURO

Ms. DELAURO. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. DELAURO:
Strike section 509.

Ms. DELAURO. Mr. Chairman, I offer this amendment on behalf of myself and several of my colleagues on both sides of the aisle. It is a bipartisan measure which would strike the provision in this bill which prevents health plans which participate in the Federal Employee Health Benefits Program from providing coverage for abortion services. On a more basic level, this amendment would restore fairness to the women serving in the Federal Government.

As we all know, this bill provides funding for the Federal Employees Health Benefits Program, the network of health insurance plans for Federal employees, dedicated people who serve the public around the Nation, in Maryland and in Virginia, and our staffs right here in the House. They depend on the FEHBP for their medical care. That includes 1.2 million women of reproductive age.

Until November 1995, Federal employees could choose a health care plan which covered the full range of reproductive health services, including abortion, just like every other employee in this Nation. Now our Federal employees no longer have that right. They are unable to choose a health care plan which includes coverage of this legal, and I repeat, this legal medical procedure.

I would remind my colleagues that the right to choose has been upheld by the Supreme Court. It is protected by the United States Constitution. It is only July, but already we have been to the floor far too many times fighting to protect women's health against the personal agendas of some of our colleagues.

To my colleagues who oppose this amendment, let me stress that I respect their beliefs, but it is unfair to foist those beliefs on others who may not share the same views and who are paying for the health care plans of their choice.

Restricting access to abortion is dangerous to women's health. According to the American Medical Association, funding restrictions like the ones in this bill makes it more likely that a woman will continue a potentially life-threatening pregnancy to term or undergo abortion procedures that would endanger their health. Coverage of abortion services in Federal health plans does not mean that the government or the taxpayer is subsidizing abortion. I would bet that we will hear that argument repeated over and over again today.

When an individual agrees to work for the government, he or she receives a salary and a benefit package. The health benefit, like the salary, belongs to the employee and not the government; and employees are free to use both as they see fit. The government contributes to premiums of Federal employees, and the employees purchase private health insurance and pay the rest of the premium. Each employee has the power to choose a health plan that best fits his or her needs. If employees do not want to choose a plan with abortion coverage, they do not have to. The choice is available.

Approximately one-third of private fee-for-service plans and 30 percent of HMOs do not provide for abortion coverage, but Federal employees are left with no choice and no option if tragedy strikes.

Let me read to my colleagues a short excerpt from a letter from one family affected by this restriction. It is a woman from Alabama, and she says, ''My doctor told me that my twins, which were boys, suffered from Twin-to-Twin Transfusion Syndrome. Both babies shared the same blood vessels. Because of this, the baby on top was giving his blood and water to the baby on the bottom. The smaller twin was about one month smaller in size than the larger twin. The doctor said the larger twin was growing too fast. After consulting with the doctor, my husband and I decided that the best thing to do would be to end the pregnancy. It was the hardest decision of my life.''

This family thought that in fact that they were covered by their insurance. This was right after the Congress made their decision to restrict this kind of coverage. What happened to this family is unbelievable. They had to file for bankruptcy. And I will quote the last line of the letter from this woman. ''Families like ours should not have to go bankrupt in order to receive appropriate medical care.''

I offer this amendment on behalf of my colleagues, as I said. But let me just say that when an individual does work for the government, they ought to be allowed to take their salary and their benefit package and have the choice of what kind of coverage meets their family needs. We must allow them to have the choice in that decision. It is unfair to ask people to spend the kinds of hours that they do day in and day out, who want to be loyal public servants, and to deny them what, in fact, they are willing to pay for and what they are paying for.

By singling out abortion for exclusion from health plans that cover other reproductive health care, it is dangerous and it is desperately unfair to these employees. I urge my colleagues to give our public servants the right to choose the health care that is best for them. I urge my colleagues to support this amendment.

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

Mr. Chairman, I rise in opposition to the amendment and, in doing so, I want to make it clear that my position is not because of where I come from on this issue. As I think many of the Members know, I have regarded myself as pro-choice, in that I believe a woman should have the right not only to choose, but certainly in the case of coverage by a Federal health benefit should have the right to have this kind of coverage.

However, having said that, I rise in opposition to this because I believe that it goes to the very heart of this bill and the balance that I think is in this bill. If this were a freestanding bill, I would be joining with the gentlewoman from Connecticut. But it is not; it is on this piece of legislation, which has been historically a magnet for a lot of the abortion issues that we have discussed in this body.

□ 1715

The bill that we have before us today is balanced, balanced in the sense that it reflects exactly what this body and the Congress and the President of the United States signed into law last year. That is, it continues a prohibition which has existed since 1995 in the Congress against Federal health benefit funds being used to pay for an abortion.

On the other hand, it also includes a provision that was adopted last year which we have come to know as the Lowey amendment, which provides for contraceptive coverage for women who are covered under the Federal Health Benefits Plan. So there is a certain symmetry to this. We do not fund an abortion procedure, but we do say that we will fund contraceptive coverage.

In any event, it is my view that this battle, having been fought very hard in the House and the Senate last year and with the administration, that we ought to accept the bill that we have already adopted. We should leave these two provisions, both of them, in the bill. We should leave this section 509; and later, when we get to the section dealing with contraceptive coverage, we should leave that in the bill.

I hope my colleagues, regardless of where they come down on this issue, would vote as I intend to do, which is to vote to retain both of these provisions.

Mr. Chairman, legislating is the art of the possible. Legislating on appropriations bills particularly is the art of the possible. There are balances, there are compromises that have to be made. There are trade-offs which have to be made. We have to get a bill that can pass not only the House, that can pass the Senate, that can get through a conference committee, be passed again by the House and the Senate and be accepted by the President of the United States.

I believe that these provisions, both of which did that last year, got through the House, got through the Senate, were adopted in the conference, and were signed into law by the President. We should retain these provisions in the legislation.

I hope my colleagues would reject this amendment to strike section 509.

Mr. Chairman, may I ask unanimous consent that all debate on this amendment and all amendments thereto close in 45 minutes and the time to be equally divided between the two sides?

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

There was no objection.

Mr. HOYER. Mr. Chairman, I guess that gives us 22½ minutes apiece; am I correct?

The CHAIRMAN. That is correct.

The Chair will assume that the time will be controlled by the gentlewoman from Connecticut (Ms. DELAURO) and the gentleman from Arizona (Mr. KOLBE).

Ms. DELAURO. Mr. Chairman, I yield 2¼ minutes to the gentleman from Maryland (MR. HOYER).

Mr. HOYER. Mr. Chairman, I thank the gentlewoman for yielding me the time.

Mr. Chairman, this is not a new issue for anybody on this floor. I join in supporting and, as a matter of fact, I cosponsored the amendment of the gentlewoman from Connecticut (Ms. DELAURO). I would just take a brief time to reiterate why.

Some very close friends of mine have a view different than mine, and I respect their view and I hope they respect mine, with respect to the termination of a pregnancy, for important reasons.

It is my view, however, Mr. Chairman, that this issue does not deal with that directly; and the reason is this: It is my belief that a Federal employee covered by the Federal Employee Health Benefit Plan has, as a part of their compensation package, three things.

They, first of all, have their salary, the money they are paid directly. No one would get up on this floor, it seems to me, and say that we ought to take a portion of that salary and ensure that they do not spend it for x, y, or z. Surely those who say that they want to have tax cuts because they want to leave more money in the pockets of those Americans so that they can choose how to spend their money would not support that effort.

Secondly, a Federal employee has their retirement benefit. Obviously, that is a valuable part of their compensation package. It will in retirement provide them with the, in effect, income in retirement that they earned during their working years.

Thirdly, they have the Federal Employee Health Benefit Plan. We should not tell them how to spend that portion of their compensation. We ought to allow them the option to purchase such policy as they choose because it is part of their compensation and is their money, not ours. We made a deal with them. We said, if they work for us, this is what we will pay them. They ought to have the option to spend it as they see fit.

I support the amendment of the gentlewoman.

Mr. KOLBE. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Florida (Mr. WELDON).

Mr. WELDON of Florida. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I rise in very strong opposition to this radical amendment. As all of my colleagues know, the provision that the gentlewoman seeks to strike has been included in this legislation for years and, as we all know, this is a highly controversial issue. The debate we are engaging in is not one involving the legality of abortion. It is about using taxpayer dollars to pay for abortions.

While the availability of abortion on demand is a very controversial issue in the United States, with many Americans feeling very strongly that it should not be allowed and some feeling very strongly that it should be allowed, the issue that the gentlewoman brings up this afternoon is indeed not very controversial, with the vast majority of Americans feeling very strongly that taxpayer dollars should not be used to fund abortions in the United States of America.

Now, some people may try to claim that this is just another medical procedure. And we all know seriously, Mr. Chairman, that this is not just another simple medical procedure. It is a very unique medical procedure where one of the participants in the procedure ends up dead.

The Supreme Court itself, the Supreme Court that created legalized abortion in the United States, has actually ruled on this issue. In upholding the Hyde amendment, which prohibits abortion funding in programs funded by the Labor HHS bill, the Court said: ''Abortion is inherently different from other medical procedures because no other procedure involves the purposeful termination of a potential life.''

Now, I, as a medical doctor, would argue that the unborn baby in the womb is not a potential life. It meets all of the medical criteria of a life, the criteria that I used to use as a practicing physician to determine whether somebody is alive or dead: a beating heart, active brain waves. Indeed, with modern ultrasound technology today, as early as 8, 9, 10 weeks we can see them moving around their arms.

Clearly a very controversial issue, and the gentlewoman brings this up now. I believe very strongly that our colleagues should reject this amendment. We should not allow taxpayer dollars to be used for this purpose.

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

Mr. WELDON of Florida. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Chairman, I understand the position of the gentleman. I ask this legitimately because the gentleman heard my argument.

Mr. WELDON of Florida. Mr. Chairman, reclaiming my time, I have to apologize to the gentleman. I was preparing my remarks, and I did not listen to his argument.

Mr. HOYER. Mr. Chairman, if the gentleman would continue to yield, what I essentially said was that the money spent on the Federal Employee Health Benefit Plan, in other words, the gentleman is saying Federal tax dollars, the money we spend toward the retirement program and the salary, are all a part of the compensation package of the employee.

Now, the salary is paid directly. I put it in my pocket. No one could refer to that as Federal tax dollars that were given to me and put in my pocket. But surely my point would be, my colleague would not tell me or anybody else tell me that I can only spend that money in this way or that way. In fact, a woman could spend her part of her salary to accomplish a legal objective with which my colleague would disagree, I understand.

My question to my colleague is, how do we differentiate that part of the compensation package, albeit it is paid directly to the insurance company, because it is put all together?

Mr. WELDON of Florida. Mr. Chairman, reclaiming my time, I appreciate the argument of the gentleman; and it is a legitimate part to bring forward in the debate.

We in the Congress established the compensation package, and I think there is clearly a difference between the two. While I do not think American taxpayers could in any way object to how they use the money that is in their pocket, many American taxpayers I believe would object very, very strongly to this benefit being included. And that is the essence of my argument.

This is a very, very controversial issue. It divides the Nation, as we all know. I feel that it is best for this particular piece of legislation that we reject the amendment and we stay with the language that exists, though I appreciate the argument of the gentleman and though I respectfully disagree.

Ms. DELAURO. Mr. Chairman, I yield 2½ minutes to the gentlewoman from Michigan (Ms. KILPATRICK).

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

Ms. KILPATRICK. Mr. Chairman, I thank the gentlewoman for yielding me the time.

Mr. Chairman, as a woman that God has created, and many of us around this world, many of us feel very passionately that we have the right to choose, to choose with our God and our husband or significant other whether we will, in fact, bear children and whether we will, in fact, bring that pregnancy to term.

I rise today in support of the DeLauro amendment, and I am proud to be a cosponsor of that amendment.

1.2 million Federal employees, women of reproductive age, do have the will but not the right to use their health plan for the health benefit that they would choose if they wanted to have an abortion. 1.2 million women, many of whom work in this House of Representatives, cannot choose a health plan and use an abortion coverage.

As was mentioned by our ranking member, when we hire an employee, as employees all over the country know, they have a choice as to which plan they want to pick and which services they want to use in their health care plan.

What we are saying in this amendment is give the women of the Federal Government who work all over this country, some 1.2 million of them, that same opportunity.

Every employee in this country has a right to choose the health care plan with the full range of reproductive health services, including abortion, except Federal employees. I find that inherently wrong, as a woman, as a mother, as one who God has made to be able to reproduce.

It is unfortunate this amendment has to come before this House. This bears repeating. It is a medical procedure that is legal, an abortion.

I know, in my history as a 20-year public employee, we are not going to change people's opinion one way or the other on abortion. It is a very private, personal decision that each individual must make.

But the amendment is a good one. Let us not deny the 1.2 million Federal employees all over this country and, yes, who work for this Congress the opportunity to pick the health coverage that they want.

Mr. Chairman, let us support the DeLauro amendment. Let us support the 1.2 million women who serve our country across this country.

The CHAIRMAN. The Chair will advise all Members that the gentlewoman from Connecticut (Ms. DELAURO) is controlling time on her side and the gentleman from Arizona (Mr. KOLBE) is controlling time on his side.

Ms. DELAURO. Mr. Chairman, I yield 3 minutes to the gentlewoman from Maryland (Mrs. MORELLA).

Mrs. MORELLA. Mr. Chairman, I thank the introducer of the amendment that I strongly support for yielding the time to me and for introducing it.

Mr. Chairman, this amendment would simply prevent discrimination against Federal employees in their health care coverage.

□ 1730

It was 4 years ago when Congress voted to deny Federal employees abortion coverage that was already provided to most of the country's workforce through their private health insurance plans. Incidentally, before that it was provided in the Federal employee plans. This decision was discriminatory and it was another example of Congress chipping away at the benefits of Federal employees and their right to choose an insurance plan that best meets their health care needs.

The coverage of abortion services in Federal health plans would not mean that abortions would be subsidized by the Federal Government as has been mentioned. The government simply contributes to the premiums of Federal employees in order to allow them to purchase health insurance. This contribution is part of the employee benefit package, just as an employee's salary or retirement benefits.

Currently, let us remember that approximately two-thirds of private fee-for-service health insurance plans and 70 percent of HMOs provide abortion coverage. When this ban was reinstated 4 years ago, 178 FEHBP plans, that means Federal Employee Health Benefit Plans, out of 345 offered abortion coverage. Women had the choice. They had the choice to decide whether to participate in a plan with or without the coverage. Thus, an employee could choose a plan with abortion coverage or not.

Congress denied Federal employees their access to abortion coverage, thereby discriminating against them and treating them differently than the vast majority of private sector employees. I frankly think it is insulting to Federal employees that they are being told that part of their own compensation package is not under their control.

Mr. Chairman, approximately 1.2 million women of reproductive age rely on FEHBP for their health coverage, 1.2 million women without access to abortion coverage. Without access, their constitutionally protected right to choose is effectively denied.

So I indeed urge my colleagues to support the DeLauro amendment and ensure that Federal employees are once again provided their legal right to choose.

Mr. KOLBE. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania (Mr. PITTS).

Mr. PITTS. Mr. Chairman, I rise in strong opposition to the DeLauro amendment. This amendment has been offered, and defeated, for the last 4 years. But our pro-choice colleagues are at it again, trying to force taxpayers to fund abortion.

According to a New York Times/CBS poll, and I quote, ''Only 23 percent of those polled said the national health care plan should cover abortions, while 72 percent said that those costs should be paid for directly by the women who have them.''

When an ABC News/Washington Post poll asked Americans if they agree or disagree with this statement, ''The Federal Government should pay for an abortion for any woman who wants it and cannot afford to pay,'' 69 percent disagreed.

The Center for Gender Equality has reported that 53 percent of women favor banning abortion except for rape, incest and life of the mother exceptions. The pro-life language in the bill that the gentlewoman from Connecticut seeks to gut includes these exceptions. Obviously, if 53 percent of women favor banning abortion aside from these exceptions, then they would not want their tax dollars paying for abortion-on-demand as this amendment intends.

In a Gallup poll from May of this year, 71 percent of Americans supported some or total restrictions on abortion. Do these citizens want their hard-earned tax dollars to pay for abortion for any reason, as the DeLauro amendment calls for?

Mr. Chairman, I ask, should taxpayers, our constituents, be forced to underwrite the cost of abortions for Federal employees? I urge my colleagues to vote ''no'' on the DeLauro amendment.

Ms. DELAURO. Mr. Chairman, I yield myself 10 seconds. Taxpayers are not paying for these abortions. Federal employees who are female contract with the Federal Government. They get a salary and a benefit package. They then should have the opportunity to choose a health care package which ought to include abortion services.

Mr. Chairman, I yield 2 minutes to the gentlewoman from New York (Mrs. LOWEY).

(Mrs. LOWEY asked and was given permission to revise and extend her remarks.)

Mrs. LOWEY. Mr. Chairman, I rise to support my colleague's motion, because I believe that the approximately

1.2 million women of reproductive age who rely on FEHBP for their medical care should have the option of choosing a health plan which includes coverage for abortion. My colleagues are not surprised to hear me say this, because it is well-known that I am pro-choice. In fact, some of them may be tired of seeing me stand to speak about the right to choose and in fact I must tell them, I share that weariness. Many of us are tired of constantly battling over these issues. But I do so because I do believe that it is America's families, husbands and wives, moms and dads, who should be making decisions about abortion, not those of us who serve in the Congress. I have fought my entire tenure in Congress to allow women their right to choose, without fear, without shame.

I also believe that our approach should be not to make abortion less accessible or more difficult but less necessary. If we agree, pro-choice, pro-life, that our goal should be less abortion, then our focus must be on what we can do to further that goal.

We should increase access to contraception as we have done in this bill, and I thank the gentleman from Arizona for his important work in including that provision in this bill. If we want to make abortion less necessary, we have to send a clear signal. Americans want us to work together toward a solution, not beat each other to death about abortion.

So I believe that making abortion inaccessible is not the answer. Contraceptive methods may fail, pregnancies may go unexpectedly and tragically wrong. No matter how good the contraceptive technology and how much education we do, some women will just need abortions. And abortion must remain safe and legal. I oppose my colleagues excluding abortion, among the most common surgeries for women, from health care coverage. And I support allowing Federal employees to have the option of abortion coverage in their health plans.

Mr. Chairman, I join my colleagues in supporting the DeLauro motion to strike.

Ms. DELAURO. Mr. Chairman, I yield myself 15 seconds. In terms of polling data, 54 percent of respondents in a recent poll opposed proposals that would prevent health plans from providing coverage of abortion services for Federal employees. So there appears to be a difference in numbers that are out there. But that is not the issue. Polling data is not the issue.

Mr. Chairman, I yield 2 minutes to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY of New York. Mr. Chairman, I thank the gentlewoman for yielding me this time and for her leadership on this issue and so many others.

I rise in strong support of the DeLauro-Morella amendment. I would like very much to be associated with the comments of my colleague on the other side of the aisle, the gentlewoman from Maryland, when she spoke of the discrimination against female Federal employees because of the action of this Congress which the DeLauro amendment would address.

I would like to put this vote in perspective. It is the 122nd vote on choice since the beginning of the 104th Congress. This Congress has acted again and again to eliminate a woman's right to choose, procedure by procedure, restriction by restriction.

Mr. Chairman, it was only 3 short years ago that I received a notice in the mail that my health insurance coverage, by law, would no longer cover abortion. It was one small notice in the mail but one giant step backward for a woman's right to choose.

A Federal employee no longer gets a choice. Federal employees cannot purchase, with their own money, insurance coverage for abortion services. This amendment would not require coverage for abortion, it would simply allow an insurance company to cover abortion.

This amendment also does not require a Federal employee to choose a health plan which offers abortion coverage because a Federal employee may choose a plan that does not cover abortion.

This amendment is about making a choice and letting the marketplace work without interference from the Federal Government. I urge a ''yes'' vote on the DeLauro amendment.

Mr. KOLBE. Mr. Chairman, I yield 8 minutes to the distinguished gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Chairman, I thank my good friend for yielding me this time.

First, Mr. Chairman, let me point out again, as was noted by the gentleman from Florida (Mr. WELDON), that the parameters of the compensation package, including the health package, are established not by the collective bargaining procedure, not by the Office of Personnel Management but by the Congress. That goes for the entire spectrum of benefits, whether it be the money, the health benefits, the retirement package—so we are right and this is the proper place to deal with this issue and to come to a conclusion on it.

I do rise in very strong opposition to the DeLauro amendment. This is not the first time we have dealt with this. For the last four appropriations bills that have been signed into law, this language has been rejected and the underlying pro-life language which proscribes funding for abortion except in cases of rape, incest or life of the mother has been put into law. This was also in effect from 1984 through 1993, and hopefully in fiscal year 2000 it will be again.

Let me remind Members, as well, that 72 percent of the money that is used towards the purchase of the health plan comes from the taxpayer, not from the premium payer. The remainder comes, about a quarter of it, from the premium payer, but almost three-fourths of the money is a direct subsidy from the United States taxpayer. This amendment would strike the Hyde amendment of the Federal Employees Health Benefits Program. Again, I hope that Members will vote against it.

Mr. Chairman, let me also point out, it is bad enough from our perspective on the pro-life side that abortion on demand is the Supreme Court-imposed policy of our land. It was not voted into policy by the Congress, nor by the States. It was imposed upon us—forced on America—by the U.S. Supreme Court in 1973. But we do not have to pay for it. That is the issue squarely before this body today.

Many of us have profound, conscientious objections to abortion. We believe it is killing. We believe it is the taking of an innocent and defenseless human life. We believe abortion exploits women, and hurts them both emotionally and physically. The pro-life language in this bill ensures that all of us who believe that abortion is killing and dangerous to women will not be complicit, will not be party to the taking of that innocent, unborn child's life.

Let me remind Members as well that more and more people in America, and the polls clearly reflect this, are coming to the inescapable conclusion that abortion methods are acts of violence against children, against little kids. Abortion, rather than the language in the bill, abortion itself is discriminatory against children who cannot defend themselves, boys and girls of all races who cannot say, ''Hey, wait, what about me?'' I think at a time when we know more about the unborn child's life in fetology, at a time when we have a window to the womb with ultrasound and can watch with incredible clarity an unborn child moving, sucking his or her thumb at the very earliest stages, to turn around and say that we can poke holes in that child and stab that child and kill that child, I think, is unspeakable.

I have spent my 19 years in Congress working on human rights issues. I believe this is the most egregious human rights abuse on the planet, because it is so often disguised and masqueraded as somehow being a right is abortion. It is indeed violence against babies.

I would just ask Members, remember what abortion methods are actually done. As soon as we get into the rhetoric of choice and all of the numbing rhetoric that makes us look askance rather than at the reality of abortion, then we are able to put it out of mind, put it under the table and fail to realize that dismemberment and chemical poisonings are terrible things. And that is what abortion is.

Look at dismemberment abortions—commonplace all over America. A loop-shaped knife is hooked up to a hose, into a suction device that is 20 to 30 times more powerful than the average vacuum cleaner, and then that child's

body is literally hacked to death. That is violence, I say to my colleagues.

One of the Members on the pro-abortion side just threw her arm as if to say I should go jump in a lake. But this is the reality whether you like it or not.

I have viewed the ''Silent Scream'' produced by Dr. Bernard Nathanson, a former abortionist, who wrote in the New England Journal of Medicine, ''I've come to the agonizing conclusion that I have presided over 60,000 deaths,'' and then he quit doing abortions. This is a man who founded NARAL, a group that is backing the DeLauro amendment. He gave up doing abortions and now supports life. One of the things that made him give it up was that he saw that abortion in America and healing are schizophrenic. In some operating rooms physicians desperately try to save unborn children, in other operating rooms they hack off their limbs and decapitate babies.

□ 1745

He produced a video called The Silent Scream and another video that followed it in which he used real-life ultrasound. He used the ultrasound and chronicled an abortionist hacking that baby to death. And, as my colleagues know, I have been in the movement, the pro-life movement, for 25 years. Until I saw that, it did not even hit me as to how hideous this process, this violence against children, really is.

So dismemberment is not a pretty thing—it doesn't get any uglier—and to pay for it on demand because the child is, quote, unwanted, and then reduced to an object that can be thrown away and be treated as junk, is inhumane.

Then look at the saline abortions. High concentrated saltwater is injected into the baby's amniotic sac. The baby swallows that water and dies a slow, excruciatingly painful, death. It takes 2 hours for the baby to die from the caustic effects of saline abortions. It is legal; it is being done. If the DeLauro amendment passes, my colleagues and I in this Chamber will have to pay for it, and that is outrageous.

And then partial-birth abortions. In recent years, finally, Members have begun to see the reality of abortion when we talked about partial-birth abortion where the baby is more than half born, legs outside the mother's womb, literally in view, plain view, and then the brain is punctured with scissors, and the brains are literally sucked out.

That is the reality. We can talk all about choice and use all the sophistry from here to kingdom come, but the reality of what the abortionist does when he plies his or her craft is the killing of innocent human life. That is violence against children. That is a human rights abuse. Someday, I do not know when, someday I believe there will be an overwhelming consensus that we should not have been doing that for so long.

We have 40 million kids in this country who have died from abortions since 1973. That is more than the combined populations of many of our States who have been killed by dismemberment, chemical poisoning or some other hideous means. To tell us we have to fund it goes beyond the pale.

I urge a strong no vote on the DeLauro amendment.

Ms. DELAURO. Mr. Chairman, I yield 3 minutes to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Chairman, I rise in favor of the DeLauro amendment and against the provision in this bill that denies women who are Federal employees a constitutional right that other citizens of this country currently enjoy.

Now I would say to my friend who had 8 minutes of graphic testimony to share with us that partial-birth abortions are banned. I even voted to ban such partial-birth abortions.

So that is not the reality, and neither is it the reality that Federal funds are being used for abortion services. If in fact they were, then the Hyde amendment of 1974 would apply, and we would not have this amendment on the floor.

The only reason we have this amendment on the floor is because these are not Federal funds. This is the compensation that Federal employees receive for work that they provide to the citizens of this country. They receive compensation the same way that every other working family does, salary, health benefits, retirement; and with virtually every other working situation, every other employer, there is some subsidy of that health benefit. But this is their income, and my colleague has no more right to restrict what they can do with their private income than he does to restrict what other families receiving income from the private sector are able to do.

Now let me also share with my colleagues some reality, what this really means, and I will get a little graphic, too, although not nearly as graphic as my friend from New Jersey has gotten.

I received a letter from a constituent from northern Virginia who happened to be a Federal employee. She writes:

> I was 20 weeks pregnant when I got the bad news. My baby had Trisomy 18, a fatal genetic defect that causes the heart and lungs to fail after birth. There is no possibility that a baby can survive after birth. My doctor strongly recommended that I terminate the pregnancy. He was astounded to learn that the insurance company was not the problem because our insurance covered abortion services for situations like this. The problem was the United States Government and specifically the United States Congress. My husband and I were faced with a terrible decision, go to term with a baby that could not possibly live or spend a year's worth of our savings to terminate the pregnancy. I could not face the thought of spending another 5 months pregnant knowing my baby would not live.

Imagine having to explain, Mr. Chairman, this is reality, having to explain to everyone who asked, which people do, that we have not chosen a name or made any preparations because the baby is not going to live. This law amounts to discrimination against Federal Government employees, against Federal female government employees. It is absolutely wrong. This amendment should be approved; the provision should be struck.

Mr. KOLBE. Mr. Chairman I yield 2½ minutes to the gentleman from South Carolina (Mr. DEMINT).

Mr. DEMINT. Mr. Chairman, I rise in opposition to the DeLauro amendment. As Members of Congress from across the country, we come representing various positions on the life issue, but the fundamental question presented to us by this amendment is should the Federal Government be in the business of subsidizing abortions.

Make no mistakes. Taxpayers do pay for the salaries and benefits of Federal workers. The taxpayers are our employers, and they do have the right to decide what benefits that they offer.

This amendment is supposedly about fairness, being fair to women who choose to have an abortion. I ask my colleagues this: How is it fair to ask millions of Americans who oppose abortion because they believe it is the taking of human life to pay for the very procedure they oppose? In addition to taxpayers' funds paying for abortion, insurance premiums contributed by all Federal employees would also be used to subsidize abortions on demand.

In a 1994 poll published by the Journal of American Medical Association, only 4 percent of the respondents answered that they thought the government should pay for the expense of an abortion. A New York Times poll indicated that 72 percent of poll respondents said the cost of abortion should be paid for directly by the women who have them, not by a national health plan. And, remember, we are not taking the choice away. All we are saying is do not ask taxpayers to pay for it.

Regardless of one's position on life issues, it is frankly surprising that there would be a push to ask taxpayers of America who subsidize 72 percent of the purchase of Federal employees health insurance to pay for abortions. In fact, this amendment would create a situation in which Americans, both Federal and others who are struggling to make ends meet, are asked to subsidize the abortion decision of a Federal worker who may make five times as much as they do. Regardless of the salary level, it is fundamentally unfair to ask Americans to subsidize a procedure which ends with the taking of a human life.

To conclude, I ask all of my colleagues on both sides of the aisle, both sides of the issue, to oppose this unfair and unreasonable amendment.

Ms. DELAURO. Mr. Chairman, I yield 1½ minutes to the gentleman from New York (Mr. NADLER).

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

Mr. NADLER. Mr. Chairman, I thank the gentlewoman for yielding this time

to me and for her leadership on this issue. I rise in strong support of the DeLauro amendment and oppose this continuing discrimination against women who are Federal employees by denying those women enrolled in the Federal Employee Health Benefit Plan access to abortion services.

Until 4 years ago, Federal employees, like their private sector counterparts, could choose a health plan which covered the full range of reproductive services including abortion. Two-thirds of private health plans and 70 percent of HMOs today provide abortion services. We are not talking here about the government or the taxpayer subsidizing abortion. Federal employees purchase their own private health insurance. The government contributes to the premium. The health benefit, like their salary, belongs to the employees. Employees who do not choose a plan with abortion coverage are not required to.

This provision discriminates again women in public service. It is egregious, reprehensible and arrogant that Members of Congress think they have a right to tell women who in many cases have dedicated their lives to public service that they do not have the choice of receiving legal abortion services.

The real agenda here, of course, is to make the women's constitutional right to an abortion as difficult as possible. Since some Members cannot amend the Constitution to appeal the constitutional right, they will do everything possible to place roadblocks in the way of women who want to exercise their constitutional right to have a an abortion.

I can respect honest disagreement. They should amend the Constitution, if they can. We will oppose that, we will have an honest debate, and the American people will make a decision. But do not skulk in the rear and use a thousand different ways to violate women's constitutional rights.

Ms. DELAURO. Mr. Chairman, I yield 2 minutes to the gentleman from Maryland (Mr. CUMMINGS).

Mr. CUMMINGS. Mr. Chairman, this body is made up of 435 Members, 22 of which are in the health profession, and 10 are medical doctors. Yet today we stand ready to determine the type of reproductive health services Federal employees should be provided, basically infringing upon the rights of women, their doctors and health plans to make this determination.

I believe that public policy should advocate the provision of comprehensive reproductive health care services in a manner that protects the essential privacy and rights of our Nation's women. Unfortunately, provisions in this legislation would work to chip away at this very important principle.

I believe that we must uphold the constitutional protections provided to women by giving doctors the ability to consider a woman's life, extenuating circumstances such as rape or incest and health when making reproductive health decisions.

The significance of this issue comes to light when we answer the following questions:

First, who does it affect? 1.2 million of our Nation's women of reproductive age who rely on FEHBP for their medical care.

Second, why should plans participating in FEHBP provide expanded reproductive health coverage? Attempts to prohibit comprehensive coverage discriminate against women in public service who are denied access to legal health services and procedures based on who they work for. Federal employees, like private sector workers, should be able to choose an insurance plan that covers a full range of reproductive health services including abortion. Approximately two-thirds of private fee for service plans and 70 percent of HMOs provide such coverage.

Lastly, how will expanded reproductive health coverage make a difference? These women, along with those in private insurance plans, currently spend 68 percent more in out-of-pocket health care costs than men, and much of this gap is due to reproductive health services.

I urge the adoption of this amendment.

Ms. DELAURO. Mr. Chairman, I yield 1 minute to the gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. Mr. Chairman, the gentleman from New Jersey (Mr. SMITH) talked about violence in very graphic terms, violence to unborn children. Well, let us talk about violence. Maybe he could explain about violence to the parents of Becky Bell, Karen and Bill Bell, whose 17-year-old daughter died from a botched illegal abortion. Maybe Becky's doctor could come and talk about what happened inside of her and the ripped organs and the bleeding that she had before she died from having that abortion. Maybe we can have doctors come in and talk about what happens when a hanger is used by a desperate woman who cannot bring another baby into poverty, who has gone through everything to try and get a legal abortion and now has taken things into her own hands.

□ 1800

We have seen the violence against women who are deprived of a safe and a legal, a legal procedure.

All we are asking is that women who are Federal employees, whose doctor says they can have an abortion, who have discussed it probably with their families, who have talked to their rabbis, who are denied that, that is what I call violence against women.

Mr. KOLBE. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I just want to remind Members that the language in the bill constitutes the Hyde amendment of the Federal Employees Health Benefits Program. On average, approximately 72 percent of the money that is in the federal health plan system comes from the U.S. taxpayers, and the premium payers donate the remainder of that amount of money.

An earlier speaker spoke about violence. So let me remind you that many women are dying from so-called safe and legal abortions, as well. There are many of them. One recent mother-victim is the woman who was butchered by an abortionist in Arizona. This woman who died of a botched abortion by a totally legal, so-called reputable abortionist. She bled to death, so both mother and baby were the victims of that violence.

Let me again remind Members that approximately 40 million children have died from abortion in this country, a staggering loss of babies through dismemberment, chemical poisoning, and other types of poison shots.

Do not make us subsidize any more child killing.

Ms. DELAURO. Mr. Chairman, I yield 1 minute to the gentlewoman from California (Ms. WOOLSEY).

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

Ms. WOOLSEY. Mr. Chairman, I rise in strong support of the DeLauro-Morella amendment to strike the ban on abortions in this bill. I applaud this stalwart commitment to stop discrimination, discrimination by the far right that would place 1.2 million women in the Federal government that work for this government, discriminate against them and them alone.

The reality is that the Congress' political antics have no place in a woman's health care decisions, reproductive or otherwise. Let us be very clear about this, a woman's health decisions should be made between herself and her doctor, not by the Federal government, and certainly not by Members of Congress.

Mr. Chairman, women in public service deserve a full range of reproductive health care services, including abortion. They deserve this in their Federal health plans, no different from a worker in private industry. Please vote for the DeLauro amendment.

Mr. KOLBE. Mr. Chairman, I yield 1 minute to the gentleman from Kansas (Mr. TIAHRT).

Mr. TIAHRT. Mr. Chairman, I just think we ought to be honest about this debate. There is nothing in law today that prohibits women who work for the Federal government from obtaining an abortion. There is nothing in the legislation that is before us that would overturn Roe versus Wade. Every Federal employee has the opportunity to procure an abortion if she chooses to terminate the life of her child. So I think we ought to be honest about the debate.

The question is whether the taxpayers of the country are going to subsidize that process. I think, just in the

way that they would not want to subsidize the purchase and ownership of a slave, they would not want to subsidize and purchase an abortion. A majority of American taxpayers do not want to see their tax dollars going to fund someone else's abortion.

So let us simply be honest about the debate. This is not whether we can have abortions in America. The question is whether we are going to subsidize abortions for people who work for the Federal government. I do not think we should do that. I think if they make that choice, they should pay for it out of their own pocket.

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

The CHAIRMAN. The gentlewoman from Connecticut (Ms. DELAURO) is recognized for 2 minutes.

Ms. DELAURO. Mr. Chairman, we have heard several different arguments in this debate. I, too, agree we must be very honest in this debate. It comes down to a simple fact, that no amount of debate will change the fact that many of my colleagues just fundamentally oppose a woman's right to choose.

Like it or not, abortion is a legal medical procedure. The majority of Americans support keeping it a legal medical procedure. This amendment would simply ensure that Federal employees have access to that legal medical procedure. It would not require a health plan to offer abortion coverage, it does not require any employee to choose a health plan which covers abortion. It simply ensures that our Nation's public servants have the choice to health insurance which would provide coverage of legal, doctor-recommended abortions which are necessary to preserve a woman's health.

This is not a question of taxpayer money being used to subsidize abortion. The health insurance premiums are earned by employees of our government every bit as much as their paycheck. The paycheck and the premium belong to the employee, not to the government and not to the taxpayers. What right do we have to dictate what someone can or cannot do with the paycheck or with the health benefit that they receive?

This amendment is about basic fairness, about allowing the women who serve in our Federal Government to choose a health insurance plan which covers an important aspect of women's health.

Under the existing language in the bill, health plans cannot cover an abortion, even when a doctor tells a patient that it is needed to preserve the mother's health. Why are women who work in the Federal government treated as second-class citizens? This is not acceptable.

I urge my colleagues, do not impose their personal beliefs on our public servants. Give women the dignity of being able to choose for themselves. Support this amendment to strike this dangerous provision.

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

Mr. Chairman, I am not against a woman's right to choose. I am not even against a woman's right to have insurance coverage for abortion procedures when they are deemed necessary. But Mr. Chairman, I am not entirely, in this instance, a free agent in the sense that as chairman of this subcommittee, I believe I have a responsibility to bring a bill to the floor which can and will pass this body, as well as the Senate, and be enacted into law.

This body has debated this issue on many numerous occasions. I have been on the other side of this issue. But I believe that the will of this body ought to stand at this point. I believe that this bill is balanced in the coverage, the provision that prohibits Federal funding for abortions, but on the other hand, permits contraceptive coverage. I would certainly vote against any effort to strike that provision from this bill.

I believe we should keep this bill intact as it is. I hope that my colleagues will join me in voting to keep this provision in the bill so that we may pass a piece of legislation that can ultimately be enacted into law. It is for that reason that I urge a ''no'' vote on the amendment offered by the gentlewoman from Connecticut (Ms. DELAURO.)

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise today in support of the amendment offered by several Members on the Appropriations Committee—Representatives DELAURO, MORELLA, HOYER, GREENWOOD, MORAN, KILPATRICK, and LOWEY. This amendment strikes Section 509 of the Federal Employee Health Benefits Program that prohibits coverage of abortion services for those covered by the plan. For those who rely on the Federal Employee Health Benefits Program for their medical care, they are unable to take advantage of the same reproductive health care services that are available to private sector employees.

Approximately 1.2 million women rely on this program for their medical care. Some of these women work here in this Congress as members of our respective staffs. Until 1995, federal employees could select health care plans that covered the full range of reproductive services, including abortion.

The current provision discriminates against women in public sector service. Federal employees should not be denied this legal health procedure simply because of the political nature of abortion. For a government employee faced with the decision about a serious fetal health condition, this provision leaves her with few options.

Although 509 does contain exceptions for cases of rape and incest or in cases where the life of the mother is in danger, this language contains no health exception. This omission places many women in the painful decision to continue a potentially health-threatening pregnancy.

This section places federal employees on unequal footing with private sector employees, many of whom receive health care coverage from private fee-for-service plans or from HMO's. Approximately two-thirds of private fee-for-service plans and seventy percent of HMO's provide abortion coverage.

It is rather ironic that we have been debating patient protection legislation because many of us believe private insurance companies and HMOs need to provide specialized services as needed by patients. Yet, the Federal Employee Health Benefits Program, our health plan for our employees, does not provide a specialized service that is provided by the HMOs.

Like most health insurance plans, the Federal government contributes to the premiums, but the employees purchase private health insurance. For those employees who do not want a plan with abortion coverage, they may simply choose not to.

I hope that my colleagues support this amendment because it does not in any way mean that the government is subsidizing abortion services. There are specific limitations governing the conditions which a woman would be eligible for those services—rape, incest, danger to the life of the mother, and certain health conditions.

Please support the DeLauro-Morella-Hoyer-Greenwood-Moran-Kilpatrick-Lowey amendment to this bill. Let's extend coverage for the full range of reproductive health services, including abortion services to our employees.

Ms. DEGETTE. Mr. Chairman, this is an amendment about restoring equal access and equal rights to women and families who devote their careers to public service. There are over 1 million women of child bearing age who are enrolled in the Federal Employees Health Benefits Program that are being denied comprehensive access to reproductive health care.

Three years ago, Congress decided that federal employees do not deserve the same rights that private sectors employees have—the right to choose and pay for a health plan that covers a full range of reproductive services, including abortion.

Opponents will try to mislead their colleagues and the American people by arguing that this amendment means that taxpayers will pay for abortions. That is absolutely not true. Federal employees purchase private health insurance of which the government contributes a share to the premium. The health benefit, like the salary, belongs to the employee. Employees are given the freedom to choose from a range of health plans and the Delauro amendment merely ensures that an employee can choose a health plan that does or does not cover abortion.

Until this anti-choice Congress succeeds in making abortion illegal, they are intent on making it more dangerous and difficult. I believe as should anyone in this body who cares about the health of American women and their families, that abortions should be safe, legal and RARE.

Last year, Congress was right to pass legislation to cover prescription contraceptives for federal employees. Let us value the nation's public servants—not turn their health care coverage into yet another political game. I urge my colleagues to stand up for the reproductive health care needs of America's women and vote yes on the DeLauro amendment.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Connecticut (Ms. DELAURO).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Ms. DELAURO. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 188, noes 230, not voting 16, as follows:

[Roll No. 301]

AYES—188

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldacci
Barrett (WI)
Bass
Becerra
Bentsen
Berkley
Berman
Biggert
Bishop
Blagojevich
Blumenauer
Boehlert
Bonilla
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Campbell
Capps
Capuano
Cardin
Carson
Castle
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Coyne
Cramer
Cummings
Davis (FL)
Davis (IL)
Davis (VA)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Ehrlich
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Foley
Ford
Frank (MA)
Franks (NJ)
Frelinghuysen
Gejdenson
Gephardt
Gilman
Gonzalez
Gordon
Green (TX)
Greenwood
Gutierrez
Hastings (FL)
Hill (IN)
Hinchey
Hinojosa
Hoeffel
Holt
Hooley
Horn
Houghton
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kelly
Kennedy
Kilpatrick
Kind (WI)
Kuykendall
Lantos
Larson
Lazio
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Maloney (CT)
Maloney (NY)
Markey
Martinez
Matsui
McCarthy (MO)
McCarthy (NY)
McGovern
McKinney
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (FL)
Miller, George
Minge
Mink
Moore
Moran (VA)
Morella
Nadler
Napolitano
Obey
Olver
Ose
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pickett
Pomeroy
Porter
Price (NC)
Pryce (OH)
Ramstad
Rangel
Reyes
Rivers
Rodriguez
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Shays
Sherman
Sisisky
Slaughter
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Strickland
Sweeney
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Wise
Woolsey
Wu
Wynn

NOES—230

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Bateman
Bereuter
Berry
Bilbray
Bilirakis
Bliley
Blunt
Boehner
Bonior
Bono
Borski
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Chabot
Chambliss
Coburn
Collins
Combest
Cook
Costello
Crane
Crowley
Cubin
Cunningham
Danner
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
English
Everett
Ewing
Fletcher
Forbes
Fossella
Fowler
Gallegly
Ganske
Gekas
Gibbons
Gillmor
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Holden
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
John
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Kasich
Kildee
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Largent
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
Mascara
McCollum
McCrery
McHugh
McInnis
McIntosh
McIntyre
McKeon
Metcalf
Mica
Miller, Gary
Moakley
Mollohan
Moran (KS)
Murtha
Myrick
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Ortiz
Oxley
Packard
Paul
Pease
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Pombo
Portman
Radanovich
Rahall
Regula
Reynolds
Riley
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shows
Shuster
Simpson
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stenholm
Stump
Stupak
Sununu
Talent
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Turner
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Weygand
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOT VOTING—16

Baldwin
Barton
Brown (CA)
Chenoweth
Coble
Cooksey
Cox
Frost
Gilchrest
Hilliard
Latham
Luther
McDermott
McNulty
Quinn
Thurman

□ 1828

So the amendment was rejected.

The result of the vote was announced as above recorded.

□ 1830

Mr. RYAN of Wisconsin. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise to engage the gentleman from Arizona (Mr. KOLBE) in a colloquy.

Mr. KOLBE. Mr. Chairman, if the gentleman will yield, I am pleased to join the gentleman from Wisconsin (Mr. RYAN) in a colloquy.

Mr. RYAN of Wisconsin. Mr. Chairman, the committee has included language in its report directing the U.S. Customs Service to continue to provide service to the Port of Racine, Wisconsin, and that any change in service shall only be an improvement.

I would like to clarify the term ''service'' as used in the committee's report. The Port of Racine is a growing area. It is home to modern industrial corporations and businesses that depend on continuous availability of Customs' services to ensure the rapid clearance of cargo to support their business operations in what has really become a growing business hub. The importance of having Customs' presence in Racine cannot be underestimated, given the growth of just-in-time manufacturing that allows very little room for delays in the delivery of trade goods in the Racine community.

I recognize that the committee has attempted to ensure with the report language that Racine will continue to be well served. However, I would like an assurance that there will be no attempt to reduce the level of services, including, perhaps, the closing of the Customs office in Racine. Can the gentleman from Arizona (Chairman KOLBE) provide such assurances that this is the intention of the committee by this report language?

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

Mr. RYAN of Wisconsin. Yes, I yield to the gentleman from Arizona.

Mr. KOLBE. Mr. Chairman, I thank the gentleman from Wisconsin for yielding to me. He has spoken with me at some length about this issue. I believe that he has raised some very, very good points; and I appreciate the tenacity with which he has pursued this.

I want to share with the gentleman my understanding of the need to ensure that Racine does continue to be served by the U.S. Customs Service.

The committee does not, as I think the gentleman knows, as a matter of fact, support specific designations or expansions of Customs' districts or ports in this appropriations bill. It is the intent of the committee that timely services at the Port of Racine will not be adversely affected in any way.

I, therefore, would emphasize for the RECORD that this committee would expect to see and approve any Customs' proposal before actions are taken to close the offices of the Port of Racine or to otherwise change service in any way to Racine.

No action could be taken by the Customs Service until it has been proven to the satisfaction of the committee that no reduction in timely service to Racine would result.

I would also commit to the gentleman from Wisconsin that we will work in close consultation with him to ensure that, if there were to be any proposed changes, that they are in the best interest of Racine and of the business community there.

Mr. RYAN of Wisconsin. Mr. Chairman, reclaiming my time, I would like to thank the gentleman from Arizona for his support and his willingness to work with us on this very, very important matter. I look forward to reviewing any possible proposal from the Customs Service before anything would be implemented.

Mr. KOLBE. Mr. Chairman, I ask unanimous consent that the bill through page 99, line 20 be considered as read, printed in the RECORD, and open to amendment at any point.

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

There was no objection.

The text of the remainder of the bill through page 99, line 20 is as follows:

SEC. 510. The provision of section 509 shall not apply where the life of the mother would be endangered if the fetus were carried to term, or the pregnancy is the result of an act of rape or incest.

SEC. 511. Except as otherwise specifically provided by law, not to exceed 50 percent of unobligated balances remaining available at the end of fiscal year 2000 from appropriations made available for salaries and expenses for fiscal year 2000 in this Act, shall remain available through September 30, 2001, for each such account for the purposes authorized: *Provided*, That a request shall be submitted to the Committees on Appropriations for approval prior to the expenditure of such funds: *Provided further*, That these requests shall be made in compliance with reprogramming guidelines.

SEC. 512. None of the funds made available in this Act may be used by the Executive Office of the President to request from the Federal Bureau of Investigation any official background investigation report on any individual, except when—

(1) such individual has given his or her express written consent for such request not more than 6 months prior to the date of such request and during the same presidential administration; or

(2) such request is required due to extraordinary circumstances involving national security.

SEC. 513. Notwithstanding section 515 of Public Law 104–208, 50 percent of the unobligated balances available to the White House Office, Salaries and Expenses appropriations in fiscal year 1997, shall remain available through September 30, 2000, for the purposes of satisfying the conditions of section 515 of the Treasury and General Government Appropriations Act, 1999.

SEC. 514. The cost accounting standards promulgated under section 26 of the Office of Federal Procurement Policy Act (Public Law 93–400; 41 U.S.C. 422) shall not apply with respect to a contract under the Federal Employees Health Benefits Program established under chapter 89 of title 5, United States Code.

TITLE VI—GENERAL PROVISIONS

DEPARTMENTS, AGENCIES, AND CORPORATIONS

SEC. 601. Funds appropriated in this or any other Act may be used to pay travel to the United States for the immediate family of employees serving abroad in cases of death or life threatening illness of said employee.

SEC. 602. No department, agency, or instrumentality of the United States receiving appropriated funds under this or any other Act for fiscal year 2000 shall obligate or expend any such funds, unless such department, agency, or instrumentality has in place, and will continue to administer in good faith, a written policy designed to ensure that all of its workplaces are free from the illegal use, possession, or distribution of controlled substances (as defined in the Controlled Substances Act) by the officers and employees of such department, agency, or instrumentality.

SEC. 603. Unless otherwise specifically provided, the maximum amount allowable during the current fiscal year in accordance with section 16 of the Act of August 2, 1946 (60 Stat. 810), for the purchase of any passenger motor vehicle (exclusive of buses, ambulances, law enforcement, and undercover surveillance vehicles), is hereby fixed at $8,100 except station wagons for which the maximum shall be $9,100: *Provided*, That these limits may be exceeded by not to exceed $3,700 for police-type vehicles, and by not to exceed $4,000 for special heavy-duty vehicles: *Provided further*, That the limits set forth in this section may not be exceeded by more than 5 percent for electric or hybrid vehicles purchased for demonstration under the provisions of the Electric and Hybrid Vehicle Research, Development, and Demonstration Act of 1976: *Provided further*, That the limits set forth in this section may be exceeded by the incremental cost of clean alternative fuels vehicles acquired pursuant to Public Law 101–549 over the cost of comparable conventionally fueled vehicles.

SEC. 604. Appropriations of the executive departments and independent establishments for the current fiscal year available for expenses of travel, or for the expenses of the activity concerned, are hereby made available for quarters allowances and cost-of-living allowances, in accordance with 5 U.S.C. 5922–5924.

SEC. 605. Unless otherwise specified during the current fiscal year, no part of any appropriation contained in this or any other Act shall be used to pay the compensation of any officer or employee of the Government of the United States (including any agency the majority of the stock of which is owned by the Government of the United States) whose post of duty is in the continental United States unless such person: (1) is a citizen of the United States; (2) is a person in the service of the United States on the date of enactment of this Act who, being eligible for citizenship, has filed a declaration of intention to become a citizen of the United States prior to such date and is actually residing in the United States; (3) is a person who owes allegiance to the United States; (4) is an alien from Cuba, Poland, South Vietnam, the countries of the former Soviet Union, or the Baltic countries lawfully admitted to the United States for permanent residence; (5) is a South Vietnamese, Cambodian, or Laotian refugee paroled in the United States after January 1, 1975; or (6) is a national of the People's Republic of China who qualifies for adjustment of status pursuant to the Chinese Student Protection Act of 1992: *Provided*, That for the purpose of this section, an affidavit signed by any such person shall be considered prima facie evidence that the requirements of this section with respect to his or her status have been complied with: *Provided further*, That any person making a false affidavit shall be guilty of a felony, and, upon conviction, shall be fined no more than $4,000 or imprisoned for not more than 1 year, or both: *Provided further*, That the above penal clause shall be in addition to, and not in substitution for, any other provisions of existing law: *Provided further*, That any payment made to any officer or employee contrary to the provisions of this section shall be recoverable in action by the Federal Government. This section shall not apply to citizens of Ireland, Israel, or the Republic of the Philippines, or to nationals of those countries allied with the United States in a current defense effort, or to international broadcasters employed by the United States Information Agency, or to temporary employment of translators, or to temporary employment in the field service (not to exceed 60 days) as a result of emergencies.

SEC. 606. Appropriations available to any department or agency during the current fiscal year for necessary expenses, including maintenance or operating expenses, shall also be available for payment to the General Services Administration for charges for space and services and those expenses of renovation and alteration of buildings and facilities which constitute public improvements performed in accordance with the Public Buildings Act of 1959 (73 Stat. 749), the Public Buildings Amendments of 1972 (87 Stat. 216), or other applicable law.

SEC. 607. In addition to funds provided in this or any other Act, all Federal agencies are authorized to receive and use funds resulting from the sale of materials, including Federal records disposed of pursuant to a records schedule recovered through recycling or waste prevention programs. Such funds shall be available until expended for the following purposes:

(1) Acquisition, waste reduction and prevention, and recycling programs as described in Executive Order No. 13101 (September 14, 1998), including any such programs adopted prior to the effective date of the Executive order.

(2) Other Federal agency environmental management programs, including, but not limited to, the development and implementation of hazardous waste management and pollution prevention programs.

(3) Other employee programs as authorized by law or as deemed appropriate by the head of the Federal agency.

SEC. 608. Funds made available by this or any other Act for administrative expenses in the current fiscal year of the corporations and agencies subject to chapter 91 of title 31, United States Code, shall be available, in addition to objects for which such funds are otherwise available, for rent in the District of Columbia; services in accordance with 5 U.S.C. 3109; and the objects specified under this head, all the provisions of which shall be applicable to the expenditure of such funds unless otherwise specified in the Act by which they are made available: *Provided*, That in the event any functions budgeted as administrative expenses are subsequently transferred to or paid from other funds, the limitations on administrative expenses shall be correspondingly reduced.

SEC. 609. No part of any appropriation for the current fiscal year contained in this or any other Act shall be paid to any person for the filling of any position for which he or she has been nominated after the Senate has voted not to approve the nomination of said person.

SEC. 610. No part of any appropriation contained in this or any other Act shall be available for interagency financing of boards (except Federal Executive Boards), commissions, councils, committees, or similar groups (whether or not they are interagency entities) that do not have a prior and specific statutory approval to receive financial support from more than one agency or instrumentality.

SEC. 611. Funds made available by this or any other Act to the Postal Service Fund (39 U.S.C. 2003) shall be available for employment of guards for all buildings and areas owned or occupied by the Postal Service and under the charge and control of the Postal Service, and such guards shall have, with respect to such property, the powers of special policemen provided by the first section of the Act of June 1, 1948, as amended (62 Stat. 281; 40 U.S.C. 318), and, as to property owned or occupied by the Postal Service, the Postmaster General may take the same actions as the Administrator of General Services may take under the provisions of sections 2 and 3 of the Act of June 1, 1948, as amended (62 Stat. 281; 40 U.S.C. 318a and 318b), attaching thereto penal consequences under the authority and within the limits provided in section 4 of the Act of June 1, 1948, as amended (62 Stat. 281; 40 U.S.C. 318c).

SEC. 612. None of the funds made available pursuant to the provisions of this Act shall be used to implement, administer, or enforce any regulation which has been disapproved pursuant to a resolution of disapproval duly adopted in accordance with the applicable law of the United States.

SEC. 613. (a) Notwithstanding any other provision of law, and except as otherwise

provided in this section, no part of any of the funds appropriated for fiscal year 2000, by this or any other Act, may be used to pay any prevailing rate employee described in section 5342(a)(2)(A) of title 5, United States Code—

(1) during the period from the date of expiration of the limitation imposed by section 614 of the Treasury and General Government Appropriations Act, 1999, until the normal effective date of the applicable wage survey adjustment that is to take effect in fiscal year 2000, in an amount that exceeds the rate payable for the applicable grade and step of the applicable wage schedule in accordance with such section 614; and

(2) during the period consisting of the remainder of fiscal year 2000, in an amount that exceeds, as a result of a wage survey adjustment, the rate payable under paragraph (1) by more than the sum of—

(A) the percentage adjustment taking effect in fiscal year 2000 under section 5303 of title 5, United States Code, in the rates of pay under the General Schedule; and

(B) the difference between the overall average percentage of the locality-based comparability payments taking effect in fiscal year 2000 under section 5304 of such title (whether by adjustment or otherwise), and the overall average percentage of such payments which was effective in fiscal year 1999 under such section.

(b) Notwithstanding any other provision of law, no prevailing rate employee described in subparagraph (B) or (C) of section 5342(a)(2) of title 5, United States Code, and no employee covered by section 5348 of such title, may be paid during the periods for which subsection (a) is in effect at a rate that exceeds the rates that would be payable under subsection (a) were subsection (a) applicable to such employee.

(c) For the purposes of this section, the rates payable to an employee who is covered by this section and who is paid from a schedule not in existence on September 30, 1999, shall be determined under regulations prescribed by the Office of Personnel Management.

(d) Notwithstanding any other provision of law, rates of premium pay for employees subject to this section may not be changed from the rates in effect on September 30, 1999, except to the extent determined by the Office of Personnel Management to be consistent with the purpose of this section.

(e) This section shall apply with respect to pay for service performed after September 30, 1999.

(f) For the purpose of administering any provision of law (including any rule or regulation that provides premium pay, retirement, life insurance, or any other employee benefit) that requires any deduction or contribution, or that imposes any requirement or limitation on the basis of a rate of salary or basic pay, the rate of salary or basic pay payable after the application of this section shall be treated as the rate of salary or basic pay.

(g) Nothing in this section shall be considered to permit or require the payment to any employee covered by this section at a rate in excess of the rate that would be payable were this section not in effect.

(h) The Office of Personnel Management may provide for exceptions to the limitations imposed by this section if the Office determines that such exceptions are necessary to ensure the recruitment or retention of qualified employees.

SEC. 614. During the period in which the head of any department or agency, or any other officer or civilian employee of the Government appointed by the President of the United States, holds office, no funds may be obligated or expended in excess of $5,000 to furnish or redecorate the office of such department head, agency head, officer, or employee, or to purchase furniture or make improvements for any such office, unless advance notice of such furnishing or redecoration is expressly approved by the Committees on Appropriations. For the purposes of this section, the word ''office'' shall include the entire suite of offices assigned to the individual, as well as any other space used primarily by the individual or the use of which is directly controlled by the individual.

SEC. 615. Notwithstanding any other provision of law, no executive branch agency shall purchase, construct, and/or lease any additional facilities, except within or contiguous to existing locations, to be used for the purpose of conducting Federal law enforcement training without the advance approval of the Committees on Appropriations, except that the Federal Law Enforcement Training Center is authorized to obtain the temporary use of additional facilities by lease, contract, or other agreement for training which cannot be accommodated in existing Center facilities.

SEC. 616. Notwithstanding section 1346 of title 31, United States Code, or section 610 of this Act, funds made available for fiscal year 2000 by this or any other Act shall be available for the interagency funding of national security and emergency preparedness telecommunications initiatives which benefit multiple Federal departments, agencies, or entities, as provided by Executive Order No. 12472 (April 3, 1984).

SEC. 617. (a) None of the funds appropriated by this or any other Act may be obligated or expended by any Federal department, agency, or other instrumentality for the salaries or expenses of any employee appointed to a position of a confidential or policy-determining character excepted from the competitive service pursuant to section 3302 of title 5, United States Code, without a certification to the Office of Personnel Management from the head of the Federal department, agency, or other instrumentality employing the Schedule C appointee that the Schedule C position was not created solely or primarily in order to detail the employee to the White House.

(b) The provisions of this section shall not apply to Federal employees or members of the armed services detailed to or from—

(1) the Central Intelligence Agency;

(2) the National Security Agency;

(3) the Defense Intelligence Agency;

(4) the offices within the Department of Defense for the collection of specialized national foreign intelligence through reconnaissance programs;

(5) the Bureau of Intelligence and Research of the Department of State;

(6) any agency, office, or unit of the Army, Navy, Air Force, and Marine Corps, the Federal Bureau of Investigation and the Drug Enforcement Administration of the Department of Justice, the Department of Transportation, the Department of the Treasury, and the Department of Energy performing intelligence functions; and

(7) the Director of Central Intelligence.

SEC. 618. No department, agency, or instrumentality of the United States receiving appropriated funds under this or any other Act for fiscal year 2000 shall obligate or expend any such funds, unless such department, agency, or instrumentality has in place, and will continue to administer in good faith, a written policy designed to ensure that all of its workplaces are free from discrimination and sexual harassment and that all of its workplaces are not in violation of title VII of the Civil Rights Act of 1964, as amended, the Age Discrimination in Employment Act of 1967, and the Rehabilitation Act of 1973.

SEC. 619. No part of any appropriation contained in this Act may be used to pay for the expenses of travel of employees, including employees of the Executive Office of the President, not directly responsible for the discharge of official governmental tasks and duties: *Provided*, That this restriction shall not apply to the family of the President, Members of Congress or their spouses, Heads of State of a foreign country or their designees, persons providing assistance to the President for official purposes, or other individuals so designated by the President.

SEC. 620. None of the funds appropriated in this or any other Act shall be used to acquire information technologies which do not comply with part 39.106 (Year 2000 compliance) of the Federal Acquisition Regulation, unless an agency's Chief Information Officer determines that noncompliance with part 39.106 is necessary to the function and operation of the requesting agency or the acquisition is required by a signed contract with the agency in effect before the date of enactment of this Act. Any waiver granted by the Chief Information Officer shall be reported to the Office of Management and Budget, and copies shall be provided to Congress.

SEC. 621. None of the funds made available in this Act for the United States Customs Service may be used to allow the importation into the United States of any good, ware, article, or merchandise mined, produced, or manufactured by forced or indentured child labor, as determined pursuant to section 307 of the Tariff Act of 1930 (19 U.S.C. 1307).

SEC. 622. No part of any appropriation contained in this or any other Act shall be available for the payment of the salary of any officer or employee of the Federal Government, who—

(1) prohibits or prevents, or attempts or threatens to prohibit or prevent, any other officer or employee of the Federal Government from having any direct oral or written communication or contact with any Member, committee, or subcommittee of the Congress in connection with any matter pertaining to the employment of such other officer or employee or pertaining to the department or agency of such other officer or employee in any way, irrespective of whether such communication or contact is at the initiative of such other officer or employee or in response to the request or inquiry of such Member, committee, or subcommittee; or

(2) removes, suspends from duty without pay, demotes, reduces in rank, seniority, status, pay, or performance of efficiency rating, denies promotion to, relocates, reassigns, transfers, disciplines, or discriminates in regard to any employment right, entitlement, or benefit, or any term or condition of employment of, any other officer or employee of the Federal Government, or attempts or threatens to commit any of the foregoing actions with respect to such other officer or employee, by reason of any communication or contact of such other officer or employee with any Member, committee, or subcommittee of the Congress as described in paragraph (1).

SEC. 623. Section 627(b) of the Treasury and General Government Appropriations Act, 1999 (as contained in section 101(h) of division A of Public Law 105–277) is amended by striking ''Notwithstanding'' and inserting the following: ''Effective on the date of the enactment of this Act and thereafter, and notwithstanding''.

SEC. 624. Notwithstanding any provision of law, the President, or his designee, must certify to Congress, annually, that no person or persons with direct or indirect responsibility for administering the Executive Office of the President's Drug-Free Workplace Plan are themselves subject to a program of individual random drug testing.

SEC. 625. (a) None of the funds made available in this or any other Act may be obligated or expended for any employee training that—

(1) does not meet identified needs for knowledge, skills, and abilities bearing directly upon the performance of official duties;

(2) contains elements likely to induce high levels of emotional response or psychological stress in some participants;

(3) does not require prior employee notification of the content and methods to be used in the training and written end of course evaluation;

(4) contains any methods or content associated with religious or quasi-religious belief systems or ''new age'' belief systems as defined in Equal Employment Opportunity Commission Notice N–915.022, dated September 2, 1988; or

(5) is offensive to, or designed to change, participants' personal values or lifestyle outside the workplace.

(b) Nothing in this section shall prohibit, restrict, or otherwise preclude an agency from conducting training bearing directly upon the performance of official duties.

SEC. 626. No funds appropriated in this or any other Act for fiscal year 2000 may be used to implement or enforce the agreements in Standard Forms 312 and 4355 of the Government or any other nondisclosure policy, form, or agreement if such policy, form, or agreement does not contain the following provisions: ''These restrictions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by Executive Order No. 12958; section 7211 of title 5, United States Code (governing disclosures to Congress); section 1034 of title 10, United States Code, as amended by the Military Whistleblower Protection Act (governing disclosure to Congress by members of the military); section 2302(b)(8) of title 5, United States Code, as amended by the Whistleblower Protection Act (governing disclosures of illegality, waste, fraud, abuse or public health or safety threats); the Intelligence Identities Protection Act of 1982 (50 U.S.C. 421 et seq.) (governing disclosures that could expose confidential Government agents); and the statutes which protect against disclosure that may compromise the national security, including sections 641, 793, 794, 798, and 952 of title 18, United States Code, and section 4(b) of the Subversive Activities Act of 1950 (50 U.S.C. 783(b)). The definitions, requirements, obligations, rights, sanctions, and liabilities created by said Executive order and listed statutes are incorporated into this agreement and are controlling.'': *Provided*, That notwithstanding the preceding paragraph, a nondisclosure policy form or agreement that is to be executed by a person connected with the conduct of an intelligence or intelligence-related activity, other than an employee or officer of the United States Government, may contain provisions appropriate to the particular activity for which such document is to be used. Such form or agreement shall, at a minimum, require that the person will not disclose any classified information received in the course of such activity unless specifically authorized to do so by the United States Government. Such nondisclosure forms shall also make it clear that they do not bar disclosures to Congress or to an authorized official of an executive agency or the Department of Justice that are essential to reporting a substantial violation of law.

SEC. 627. No part of any funds appropriated in this or any other Act shall be used by an agency of the executive branch, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, and for the preparation, distribution or use of any kit, pamphlet, booklet, publication, radio, television or film presentation designed to support or defeat legislation pending before the Congress, except in presentation to the Congress itself.

SEC. 628. (a) IN GENERAL.—For calendar year 2001, the Director of the Office of Management and Budget shall prepare and submit to Congress, with the budget submitted under section 1105 of title 31, United States Code, an accounting statement and associated report containing—

(1) an estimate of the total annual costs and benefits (including quantifiable and nonquantifiable effects) of Federal rules and paperwork, to the extent feasible—

(A) in the aggregate;

(B) by agency and agency program; and

(C) by major rule;

(2) an analysis of impacts of Federal regulation on State, local, and tribal government, small business, wages, and economic growth; and

(3) recommendations for reform.

(b) NOTICE.—The Director of the Office of Management and Budget shall provide public notice and an opportunity to comment on the statement and report under subsection (a) before the statement and report are submitted to Congress.

(c) GUIDELINES.—To implement this section, the Director of the Office of Management and Budget shall issue guidelines to agencies to standardize—

(1) measures of costs and benefits; and

(2) the format of accounting statements.

(d) PEER REVIEW.—The Director of the Office of Management and Budget shall provide for independent and external peer review of the guidelines and each accounting statement and associated report under this section. Such peer review shall not be subject to the Federal Advisory Committee Act (5 U.S.C. App.).

SEC. 629. None of the funds appropriated by this Act or any other Act, may be used by an agency to provide a Federal employee's home address to any labor organization except when the employee has authorized such disclosure or when such disclosure has been ordered by a court of competent jurisdiction.

SEC. 630. The Secretary of the Treasury is authorized to establish scientific certification standards for explosives detection canines, and shall provide, on a reimbursable basis, for the certification of explosives detection canines employed by Federal agencies, or other agencies providing explosives detection services at airports in the United States.

SEC. 631. None of the funds made available in this Act or any other Act may be used to provide any non-public information such as mailing or telephone lists to any person or any organization outside of the Federal Government without the approval of the Committees on Appropriations.

SEC. 632. No part of any appropriation contained in this or any other Act shall be used for publicity or propaganda purposes within the United States not heretofore authorized by the Congress.

SEC. 633. (a) In this section the term ''agency''—

(1) means an Executive agency as defined under section 105 of title 5, United States Code;

(2) includes a military department as defined under section 102 of such title, the Postal Service, and the Postal Rate Commission; and

(3) shall not include the General Accounting Office.

(b) Unless authorized in accordance with law or regulations to use such time for other purposes, an employee of an agency shall use official time in an honest effort to perform official duties. An employee not under a leave system, including a Presidential appointee exempted under section 6301(2) of title 5, United States Code, has an obligation to expend an honest effort and a reasonable proportion of such employee's time in the performance of official duties.

SEC. 634. None of the funds made available in this or any other Act with respect to any fiscal year may be used for any system to implement section 922(t) of title 18, United States Code, unless the system allows, in connection with a person's delivery of a firearm to a Federal firearms licensee as collateral for a loan, the background check to be performed at the time the collateral is offered for delivery to such licensee: *Provided*, That the licensee notifies local law enforcement within 48 hours of the licensee receiving a denial on the person offering the collateral: *Provided further*, That the provisions of section 922(t) shall apply at the time of the redemption of the firearm.

SEC. 635. (a) None of the funds appropriated by this Act may be used to enter into or renew a contract which includes a provision providing prescription drug coverage, except where the contract also includes a provision for contraceptive coverage.

(b) Nothing in this section shall apply to a contract with—

(1) any of the following religious plans:

(A) Providence Health Plan;

(B) Personal Care's HMO;

(C) Care Choices;

(D) OSF Health Plans, Inc.;

(E) Yellowstone Community Health Plan; and

(2) any existing or future plan, if the plan objects to such coverage on the basis of religious beliefs.

(c) In implementing this section, any plan that enters into or renews a contract under this section may not subject any individual to discrimination on the basis that the individual refuses to prescribe contraceptives because such activities would be contrary to the individual's religious beliefs or moral convictions.

(d) Nothing in this section shall be construed to require coverage of abortion or abortion-related services.

SEC. 636. Notwithstanding 31 U.S.C. 1346 and section 610 of this Act, funds made available for fiscal year 2000 by this or any other Act to any department or agency, which is a member of the Joint Financial Management Improvement Program (JFMIP), shall be available to finance an appropriate share of JFMIP administrative costs, as determined by the JFMIP, but not to exceed a total of $800,000 including the salary of the Executive Director and staff support.

SEC. 637. Notwithstanding 31 U.S.C. 1346 and section 610 of this Act, the head of each Executive department and agency is hereby authorized to transfer to the ''Policy and Operations'' account, General Services Administration, with the approval of the Director of the Office of Management and Budget, funds made available for fiscal year 2000 by this or any other Act, including rebates from charge card and other contracts. These funds shall be administered by the Administrator of General Services to support government-wide financial, information technology, procurement, and other management innovations, initiatives, and activities, as approved by the Director of the Office of Management and Budget, in consultation with the appropriate interagency groups designated by the Director (including the Chief Financial Officers Council and the Joint Financial Management Improvement Program for financial management initiatives and the Chief Information Officers Council for information technology initiatives). The total funds transferred shall not exceed $7,000,000. Such transfers may only be made 15 days following

notification of the House and Senate Committees on Appropriations by the Director of the Office of Management and Budget.

CHIEF FINANCIAL OFFICER IN THE EXECUTIVE OFFICE OF THE PRESIDENT

SEC. 638. (a) IN GENERAL.—Section 901 of title 31, United States Code, is amended by adding at the end the following:

''(c)(1) There shall be within the Executive Office of the President a Chief Financial Officer, who shall be designated or appointed by the President from among individuals meeting the standards described in subsection (a)(3). The position of Chief Financial Officer established under this paragraph may be so established in any Office (including the Office of Administrator) of the Executive Office of the President.

''(2) The Chief Financial Officer designated or appointed under this subsection shall, to the extent that the President determines appropriate and in the interest of the United States, have the same authority and perform the same functions as apply in the case of a Chief Financial Officer of an agency described in subsection (b).

''(3) The President shall submit to Congress notification with respect to any provision of section 902 that the President determines shall not apply to a Chief Financial Officer designated or appointed under this subsection.

''(4) The President may designate an employee of the Executive Office of the President (other than the Chief Financial Officer), who shall be deemed 'the head of the agency' for purposes of carrying out section 902, with respect to the Executive Office of the President.''.

(b) PLAN FOR IMPLEMENTATION.—Not later than 90 days after the date of the enactment of this Act, the President shall communicate in writing, to the Chairman of the Committee on Appropriations of the House of Representatives, Chairman of the Committee on Government Reform of the House of Representatives, and the Chairman of the Committee on Governmental Affairs of the Senate, a plan for implementation of the provisions of, and amendments made by this section.

(c) DEADLINE FOR APPOINTMENT.—The Chief Financial Officer designated or appointed under section 901(c) of title 31, United States Code (as added by subsection (a)), shall be so designated or appointed not later than 180 days after the date of the enactment of this Act.

(d) PAY.—The Chief Financial Officer designated or appointed under such section shall receive basic pay at the rate payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(e) TRANSFER OF FUNCTIONS.—(1) The President may transfer such offices, functions, powers, or duties thereof, as the President determines are properly related to the functions of the Chief Financial Officer under section 901(c) of title 31, United States Code (as added by subsection (a)).

(2) The personnel, assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds employed, held, used, arising from, available or to be made available, of any office the functions, powers, or duties of which are transferred under paragraph (1) shall also be so transferred.

(f) SEPARATE BUDGET REQUEST.—Section 1105(a) of title 31, United States Code, is amended by inserting after paragraph (30) the following new paragraph:

''(31) a separate statement of the amount of appropriations requested for the Chief Financial Officer in the Executive Office of the President.''.

(g) TECHNICAL AND CONFORMING AMENDMENTS.—Section 503(a) of title 31, United States Code, is amended—

(1) in paragraph (7) by striking ''respectively.'' and inserting ''respectively (excluding any officer designated or appointed under section 901(c)).''; and

(2) in paragraph (8) by striking ''Officers.'' and inserting ''Officers (excluding any officer designated or appointed under section 901(c)).''.

ELECTRONIC FILING THRESHOLD

SEC. 639. Section 304(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(a)) is amended by striking paragraph (11) and inserting the following:

''(11)(A) The Commission shall promulgate a regulation under which a person required to file a designation, statement, or report under this Act—

''(i) is required to maintain and file a designation, statement, or report for any calendar year in electronic form accessible by computers if the person has, or has reason to expect to have, aggregate contributions or expenditures in excess of a threshold amount determined by the Commission; and

''(ii) may maintain and file a designation, statement, or report in electronic form or an alternative form if not required to do so under the regulation promulgated under clause (i).

''(B) The Commission shall make a designation, statement, report, or notification that is filed electronically with the Commission accessible to the public on the Internet not later than 24 hours after the designation, statement, report, or notification is received by the Commission.

''(C) In promulgating a regulation under this paragraph, the Commission shall provide methods (other than requiring a signature on the document being filed) for verifying designations, statements, and reports covered by the regulation. Any document verified under any of the methods shall be treated for all purposes (including penalties for perjury) in the same manner as a document verified by signature.''.

ALTERNATIVE PROCEDURES FOR IMPOSITION OF PENALTIES FOR REPORTING VIOLATIONS

SEC. 640. (a) IN GENERAL.—Section 309(a)(4) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g(a)(4)) is amended—

(1) in subparagraph (A)(i), by striking ''clause (ii)'' and inserting ''clauses (ii) and subparagraph (C)''; and

(2) by adding at the end the following new subparagraph:

''(C)(i) Notwithstanding subparagraph (A), in the case of a violation of any requirement under this Act relating to the reporting of receipts or disbursements, the Commission may—

''(I) find that a person committed such a violation on the basis of information obtained pursuant to the procedures described in paragraphs (1) and (2); and

''(II) based on such finding, require the person to pay a civil money penalty in an amount determined under a schedule of penalties which is established and published by the Commission and which takes into account the amount of the violation involved, the existence of previous violations by the person, and such other factors as the Commission considers appropriate.

''(ii) The Commission may not make any determination adverse to a person under clause (i) until the person has been given written notice and an opportunity for the determination to be made on the record.

''(iii) Any person against whom an adverse determination is made under this subparagraph may obtain a review of such determination in the district court of the United States for the district in which the person is found, resides, or transacts business, by filing in such court (prior to the expiration of the 30-day period which begins on the date the person receives notification of the determination) a written petition requesting that the determination be modified or set aside.''

(b) CONFORMING AMENDMENT.—Section 309(a)(6)(A) of such Act (2 U.S.C. 437g(a)(6)(A)) is amended by striking ''paragraph (4)(A)'' and inserting ''paragraph (4)''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to violations occurring on or after January 1, 2000.

CHANGE IN CERTAIN REPORTING FROM A CALENDAR YEAR BASIS TO AN ELECTION CYCLE BASIS

SEC. 641. Section 304(b) of such Act (2 U.S.C. 434(b)) is amended by inserting ''(or election cycle, in the case of an authorized committee of a candidate for Federal office)'' after ''calendar year'' each place it appears in paragraphs (2), (3), (4), (6), and (7).

PROFESSIONAL LIABILITY INSURANCE

SEC. 642. (a) IN GENERAL.—Section 636 of the Treasury Postal Service, and General Government Appropriations Act, 1997 (5 U.S.C. prec. 5941 note) is amended in the first sentence by striking ''may'' and inserting ''shall, subject to the availability of appropriations,''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 1999, or the date of enactment of this Act, whichever is later.

SEC. 643. IN GENERAL.—Hereafter, an Executive agency which provides or proposes to provide child care services for Federal employees may use appropriated funds (otherwise available to such agency for salaries) to provide child care, in a Federal or leased facility, or through contract, for civilian employees of such agency.

(b) AFFORDABILITY.—Amounts so provided with respect to any such facility or contractor shall be applied to improve the affordability of child care for lower income Federal employees using or seeking to use the child care services offered by such facility or contractor.

(c) REGULATIONS.—The Office of Personnel Management shall, within 180 days after the date of enactment of this Act, issue regulations necessary to carry out this section.

(d) DEFINITION.—For purposes of this section, the term ''Executive agency'' has the meaning given such term by section 105 of title 5, United States Code, but does not include the General Accounting Office.

COMPENSATION OF THE PRESIDENT

SEC. 644. (a) INCREASE IN ANNUAL COMPENSATION.—Section 102 of title 3, United States Code, is amended by striking ''$200,000'' and inserting ''$400,000''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect at noon on January 20, 2001.

The CHAIRMAN. Are there any amendments to that portion of the bill?

AMENDMENT OFFERED BY MR. WELDON OF FLORIDA

Mr. WELDON of Florida. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Weldon of FLORIDA:

In section 635 (relating to contraceptive coverage), redesignate subsection (d) as subsection (e) and insert after subsection (c) the following new subsection:

(d)(1) None of the funds appropriated by this Act may be used by the Office of Personnel Management to enter into or renew a contract with a health benefits plan which does not offer health plan enrollees at the time of enrollment the option of choosing an enhanced benefit described in paragraph (2)

in lieu of the contraceptive coverage mandated by this section.

(2) An enrollee may elect enhanced benefits for any one of the following categories of benefits: dental, optometry, prenatal, infertility, or prescription drug. Each enhanced benefits option shall be designed by the plan involved and shall be equivalent in value to what the plan spends for the average enrollee who chooses the contraceptive coverage.

(3) Nothing in this subsection shall be considered to require a plan to offer an enhanced benefits option for any category of benefits for which no coverage would otherwise be available under the plan.

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

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

There was no objection.

Mr. KOLBE. Mr. Chairman, I reserve a point of order.

The CHAIRMAN. The gentleman from Arizona reserves a point of order.

Mr. WELDON of Florida. Mr. Chairman, last year, Congress adopted the Lowey mandate that all FEHBP plans include coverage of contraceptive care. This year, that language was considered in the base text of the bill. There are millions of Americans who object to being forced to subsidize, through higher premiums, contraceptive benefits for other plan enrollees, for one reason or another, including many Federal employees.

They have many reasons to object to being forced to subsidize these benefits. They may have moral and religious objections. They may be a single person, and they feel that they should not be forced to subsidize this benefit. They may be an infertile couple facing the tragedy of having to pay tens of thousands of dollars in medical bills for infertility work-ups while they are simultaneously paying a higher premium for this benefit for others.

Why should those older Federal employees who may be beyond the childbearing years pay the higher premium when they might prefer better dental care coverage or preventive care?

My amendment ensures that Federal employees are given the choice of opting out of this mandate of contraceptive benefits. My amendment would give enrollees the choice to select the contraceptive benefit currently required in the bill, or they could, if they preferred, exercise and choose enhanced dental, optometry, prenatal, infertility, or prescription drug benefits.

My amendment will not result in additional costs to plans, because the language in my amendment calls for these benefits to be of equivalent value of what the plan spends for the average beneficiary choosing the contraceptive benefit.

My amendment does not require a plan to offer any new benefits that they do not already offer. Plans could opt to provide these enhanced benefits through lower copays for doctors visits or lower copays for prescription drugs. They could enhance preventive care benefits like providing free dental checkups. I believe that my amendment is a significant improvement over the base text language.

I understand the decision of the gentleman from Arizona (Chairman KOLBE) to raise a point of order against my amendment. I will, therefore, withdraw my amendment from consideration. But I would encourage members of this subcommittee to consider language such as this when they go to conference or when they take this bill up next year.

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

Mr. WELDON of Florida. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Chairman, I thank the gentleman for withdrawing his amendment. As the gentleman knows, I would have supported the chairman's point of order. But I do want to commend the gentleman. Significantly, Federal employees do not have the dental benefits that are available in some other policies.

I think the gentleman raises a good issue, not in the context he raises it, he and I would disagree on that, but in a separate context outside of that. I think that it is a good issue, and I am pursuing it, along with others.

Mr. WELDON of Florida. Mr. Chairman, I thank the gentleman from Maryland (Mr. HOYER) for his input. I would be very happy to work with him on this issue in the future.

Mr. Chairman, I ask unanimous consent to withdraw my amendment.

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

There was no objection.

AMENDMENT NO. 10 OFFERED BY MR. SESSIONS

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 10 offered by Mr. SESSIONS:

Strike section 644 (relating to compensation of the President).

Mr. SESSIONS. Mr. Chairman, this amendment strikes section 664, which doubles the President of the United States' salary from $200,000 to $400,000 effective January 20 at noon in the year 2001.

I believe that doubling the President's salary in an era when we are expected to make tough, responsible decisions to save the American people's money, to save Social Security, and to ensure a smaller, smarter, common sense budget, means that we did not attempt to invoke reason or balance in this process.

Our amendment is sponsored by the National Taxpayers Union, Citizens Against Government Waste, and Americans for Tax Reform.

I am joined in this effort by the gentleman from South Carolina (Mr. SANFORD).

Mr. Chairman, I yield to the gentleman from South Carolina (Mr. SANFORD).

Mr. SANFORD. Mr. Chairman, I concur wholeheartedly with what the gentleman from Texas (Mr. SESSIONS) said and what this amendment is about. As the gentleman suggested, it is simply about leaving the presidential salary at $200,000 rather than doubling it to $400,000. That has absolutely nothing to do with Bill Clinton. It has absolutely nothing to do with George Bush. It has everything to do with George Washington.

Because our Founding Fathers, and George Washington in particular, went to absolutely great degrees to make sure that we did not elect a king but that we had representative government.

The idea of representative government was that it would be of the people, by the people, for the people. Instead, we have gone from there to the point where, and as we all remember, George Washington was going through the checkout line at the grocery store, and he could not remember how much a gallon of milk cost.

People have become very removed in this political process from what regular day people feel. So what this amendment is about is simply trying to keep some small thread of connection between elected leadership and what people feel on a daily basis.

This is very much a back-of-the-envelope kind of write-up here, but what it points to is that the President's compensation is about $20 million. I think that that is the back of the envelope. An average CEO compensation, according to Forbs magazine is $2.3 million. So I think that he is adequately paid.

Let me just walk through a few of these numbers. The numbers up here, we begin with the White House. If a corporate CEO is paid, he has to go out and rent a place or buy a place. One gets a pretty nice pad, if one wants to call it that, if one is staying down at the White House. One has a staff of about 100 on the domestic side. One has got cooks. One has got housekeepers. One has got calligraphers. One has got a pool. One has got a hot tub. One has got a bowling alley. One has got a theater. One has got a few goodies in there. It costs about $10 million to run. That is not including security. That is just, again, on the domestic side.

One also has a vacation home. It is called Camp David. I do not know exactly what it costs to run, but I do know that if one is to go into the mountains and rent a vacation place like that that had stables, a tennis court, a swimming pool, a theater, it would run one maybe $10,000 a week. So let us just throw it in at $40,000 a month. So that would be about $480,000 of compensation there.

One has got a plane called Air Force One. It is a pretty nice jet. One can go with Marine One. I do not know what the numbers would be in terms of operating costs. An executive jet would run

one $5,000 an hour. A 747 would surely run one a lot more than that.

One has got a retirement plan. Every President, after he becomes President, gets $151,000 a year for the rest of his life in a pension plan.

□ 1845

And if we were to blow that number backward, what that means is that wealth is accruing at about the rate of $275,000 a year on top of the $200,000 base pay the President is already getting.

There is the Presidential office, the Presidential library, there is unlimited earning power after they get out of office. There is a fair bit of prestige. We have the Ronald Reagan National Airport, the Ronald Reagan Federal Building, the Ronald Reagan Aircraft Carrier. The President gets a few benefits and he has a chance to affect public policy.

The point of all that is that the President is by no means undercompensated, and I think that is what the heart of the gentleman from Texas is trying to get at.

Mr. SESSIONS. Mr. Chairman, reclaiming my time, what we have talked about tonight is we believe this decision to raise the rate of pay for the President of the United States, doubling it from $200,000 to $400,000, should be challenged by Members of Congress.

Mr. HOYER. Mr. Chairman, I rise in opposition to the gentleman's amendment.

Mr. Chairman, I moved my place and I went over to the seat on the other side of the aisle so I would have a better opportunity to see this sort of monologue stand-up comedy routine that we had. It was a great routine. But I thought to myself, I wonder if the President calls up the comptroller at Stanford and says, ''By the way, can I send you a picture of Air Force One, and maybe you can even get a picture of the White House, because it's a worth a lot, for my tuition payment this semester.'' And the bursar at Stanford is going to say, ''Send money.''

My colleagues, with all due respect, let us look at what we are talking about. The President of the United States in 1969 had his salary set at $200,000. Now, hear me now, my colleagues. The Founding Fathers, not in the Constitution, but in their early legislation set the President's salary in 1789 at $25,000 cash money that he was paid. Twenty-five thousand dollars 210 years ago. In today's dollars our Founding Fathers set the President's salary at $4 million per year.

Frankly, when I go to the grocery store, I do not say, ''Hey, I am a Congressman. I have a heck of a good office, I've got a great view there and all kinds of things, so can I get my groceries for that?'' No. They say, ''Give me the money.''

We have an insurance executive in America who made last year $400 million. Now, my colleagues, Mr. SUNUNU, whose son is a Member of Congress, testified, and he is the one that, by the way, said that the President's salary effectively in 1789 was in today's dollars $4 million per year.

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

Mr. HOYER. I yield to the gentleman from South Carolina.

Mr. SANFORD. Mr. Chairman, I would just say to the gentleman that I think that one has to look at how George Washington got around. He did not get around in Air Force One; he did not get around in Marine 1. He got around on a horse.

Mr. HOYER. Reclaiming my time, Mr. Chairman, is it the gentleman's perception that George Washington said, ''I know Air Force One is out at Andrews, but I am a good guy, and I am just not going to use it''? Because if that is the gentleman's perception, I must inform him, with all due respect, that Air Force One was not there to use. But I have a sneaking hunch if he had had a horse that flew, he would have used it.

Mr. SANFORD. If the gentleman will continue to yield, I would agree with him on that, but I guess the point I'm getting at, as we both know, there was no White House when George Washington was here. There are a number of different things that go into the package now.

Mr. HOYER. Has the gentleman noticed the House that George Washington lived in?

Mr. SANFORD. Mount Vernon.

Mr. HOYER. It was not a bad place.

Mr. SANFORD. His own, though.

Mr. HOYER. Yes. How did he support that house?

I do not want to get into that, but the fact is, the point I am making is that $400,000 is a very significant sum of money, but it is only 10 percent of what our Founding Fathers determined the President ought to be paid. Ten percent.

Of course we have him live in the White House, but that is the People's house, America's house. The President lives there because that is where we tell him to live. Of course we fly him on an airplane, because he has international global responsibilities, and we want him to get from place A to place B safely and fast so he can conduct the People's business.

Of course he has benefits of being the President of the United States, which he will lose when he leaves that office. Of course I agree with the gentleman from South Carolina (Mr. SANFORD) on that.

But the fact of the matter is, the President of the United States, unlike the Congress, that has had numerous raises since 1969 when we were making $42,500, we will now be making approximately 3½ times that, the President has not had a raise in that period of time. If we did 3½ what we have gotten, clearly the President would be making about $750,000.

The CHAIRMAN. The time of the gentleman from Maryland (Mr. HOYER) has expired.

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

Mr. HOYER. Mr. Chairman, I tell my colleague from South Carolina that if the President had gotten simply a cost of living adjustment since 1969, he would be making $758,000 today. Just a cost of living.

So I think the chairman, the gentleman from Arizona (Mr. KOLBE), has been very modest in his proposal. And as a matter of fact, all the testimony before the Committee on Government Reform, chaired by the gentleman from Indiana (Mr. BURTON), was that a higher salary was justified.

So I enjoyed the back of the envelope presentation. I tell the gentleman from South Carolina, notwithstanding the fact that it was written on the back of the envelope, it was not given at Gettysburg, and may not last quite as long. I think his compilation was interesting but not particularly relevant.

It is important for us, I think, to compensate the President not in the sense of a king or lavishly, but certainly appropriately as it relates to the rest of the people in government. And as the gentleman knows, the Speaker makes $175,000. In 1969 the Speaker was making less than half of that.

So it is appropriate, in my opinion, to at this point in time, for the next President, this will not affect, as the gentleman knows, the incumbent President. Under the Constitution, we cannot do that and should not be able to do that. But this will reflect an appropriate salary for arguably the person who has the toughest job in the world and on whom billions of people rely for good judgment and honest service.

So I would hope that the House would reject this amendment and approve the committee's recommendation.

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

Mr. Chairman, I will not take all that time, and I would agree with many of the things that the gentleman from Maryland said. He makes very good points in the fact that we by no means want to have an underpaid President of the United States.

I guess the only point I was trying to make is that, A, there are a number of other ways that one is compensated besides just the base pay, and there are some benefits that, frankly, come with the job of being the President of the United States. I guess that was all I was trying to point out.

And, too, I would point out the fact that I know of no poor Presidents. Thomas Jefferson, in other words, if we look back into the history books, Thomas Jefferson basically died broke. I am not suggesting that we want that to be the case, by any means, but that was the end of public service for him.

That is not at all the case with modern-day public servants. We do not hear any stories of past Presidents being poor Presidents. In fact, Ronald Reagan makes, when he was giving

speeches, was making about $2 million per speech. And there was the big write-up on the speech George Bush gave in Japan wherein he took stock in lieu of the speech, and it turned out to be worth $13 million.

So these guys do pretty well on their compensation package that seems to follow their time in office, and that is all I am trying to suggest.

I guess tied to that would be the fact that I do not know of a shortage of people running for President. When compensation is out of whack in a given job, we generally do not see people seeking that job. But that is not at all the case that we see these days in Washington in terms of people seeking the office.

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

Mr. SANFORD. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Chairman, I thank the gentleman for yielding. Let me respond to two points.

First of all, I will tell my colleague that there would be no shortage of people who would be President of General Motors if they paid at $100,000. We could get a president of General Motors, perhaps not a very good one.

There would be no shortage of players to play on the Washington Wizards for $100,000. Now, the fact is, the gentleman and I both know they would not win any games, ever, but there would be five players on the court.

So I would make that point. We are not recruiting anybody if we paid them zero.

Let me make another point. The gentleman talks about former Presidents. President James Carter, who was relatively wealthy when he came to the office, that is correct, but there is a perfect example of someone who has used his time in a voluntary way to make life better for his fellow citizens here and around the world.

So I understand the gentleman's point, and people do different things. Both President Bush and President Reagan did make a lot of money in speeches. Maybe this President and future Presidents will do the same. But I think we ought to, nevertheless, appropriately compensate them relative to what the rest of us in government make.

Because if an individual had the responsibility that the President of the United States has, they would be paid millions and millions of dollars in the private sector for comparable responsibility. I do not think we ought to do that. That is not appropriate, the gentleman is right. People should not seek this to become millionaires.

Mr. SANFORD. Reclaiming my time, Mr. Chairman, I would simply say that the gentleman from Maryland raises great points. I guess it is just a philosophical divide on this particular one issue.

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

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

Mr. SESSIONS. Mr. Chairman, I think this debate has been worthy. I think we have gone through the process. Hearings have been held on this matter.

I believe that it is an honest request that we would ask Members of Congress to take seriously that which they have before them, to make a determination about whether we are going to double the President's salary. I believe in a time when we are trying to do the responsible thing, it does not pass the smell test to think that we would double someone's salary.

With that said, I hope that this debate has ended.

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

Mr. Chairman, I was also enjoying the recitation that the President has as fringes, but that is not the point. We do not know who the President of the United States will be after the 2000 election, and this will strictly apply solely to that individual and his successors.

Now, there has only been a few times in American history that salaries have been increased. George Washington's salary was mentioned. By the way it, is $4.6 million adjusted for inflation, states the Congressional Research Service and the Office of Personnel Management. The Constitution authorizes in Article II that ''The President shall, at stated times, receive for his services, a compensation: . . .'' Washington was an outstanding President. The first Congress set his compensation at $25,000.

I heard this comment that several post war Presidents were not very poor. Well, they sure were in the 19th century. When General Grant was dying of cancer he worked all days and nights to finish his memoir. Why? Because his spouse had no money. And there were, in the 1850s, presidential widows with no pensions. Mary Lincoln was one of them. We have solved that problem.

And also in this century we have had widows that lived on very little. That should not be a factor for a President of the United States when they serve their country ably. And whether ably or not when they give the service, they are the People's choice.

□ 1900

We do not choose Presidents. The people do.

Based on the testimony we had before our Subcommittee on Government Management, eleven chiefs of staff representing every administration since Lyndon Johnson—three Democratic Presidents and three Republican Presidents—all of them were unanimous that the President's compensation should go to $400,000. Some of them thought it should go to $500,000. We took the $400,000 and felt that was appropriate.

Now, in addition to what was said about the salaries early in the government, it was not just the President of the United States that received $25,000 which is now equal to $4.6 million. John Adams earned $5,000 a year as Washington's Vice President, John Jay received $4,000 a year as the first chief justice of the United States.

If we do not make an adjustment for the President, we are going to find that by 2002 the Speaker, the Chief Justice, and the Vice President will have a higher salary than the President of the United States.

It is not unreasonable to come in this chamber and ask our colleagues to support $400,000. Why? Because it is the right thing to do. We cannot always say that Presidents of the United States will match the salaries of many of our corporate heads in this country and even the compensation of a few university presidents. A handful are in that range.

So I would hope my colleagues would vote down this particular amendment. I do not think it is appropriate. We have to face up to it. Times change. Congress first faced up to increasing the compensation in the Grant administration. And the latest facing up to the realities of presidential compensation was in the Lyndon Johnson administration. LBJ signed our act which doubled the salary from $100,000 to $200,000 a year. That decision benefited the three Democratic Presidents and the three Republican Presidents who occupied the White House since Johnson's time.

$400,000 is appropriate because there has been steady inflation in this country, and $400,000 is about what $200,000 would really be back in 1969, when the latest law was passed. I think there is a need for equity between the heads of each of the three branches of government. So I think this is in order for the chief of the executive branch, which every one of us knows is the most complex job and most amazing managerial job.

It does not mean Presidents have been good managers. Some of them have been horrible managers. We will deal with that matter later in the year. But the fact is they have the responsibility. They have to make key decisions. They are tough decisions: life, death, dollars, no dollars for programs. I think we know that. Many people do not.

Some see the Presidency as ''fun and games.'' There are probably some White House occasions when a President, who has worked a 12 hour day is not excited by being the gracious host four or five more hours. ''How glorious,'' people think.

We must compensate the individual who has the popular vote from the American people to represent our country with honor at home and abroad. Presidents also have children in school, as we have with this President, and tuition is high.

So vote down this amendment and let us be sensible about it and give the next President a raise.

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

Mr. Chairman, I just want to make a couple of things very clear. I do rise in opposition to this amendment. I do believe this is not about, and I think all of us would agree with this, this is not about the current occupant of the White House. This salary change would not affect that individual.

I think there are some other points that go along with that, and that is that this is the right time to do this. This is the right time to do this for a couple of reasons. One, we are 18 months away from an election and having another President. That gives us a moment to look at this for the future.

Another reason that we need to think about it now is that, unlike Members' compensation where the courts have ruled that, under the 28th amendment, a cost-of-living adjustment is not a change or a compensation, the Constitution is very clear, there can be no change to the President's compensation during the term of office. So that, if we do not do this now, we are really looking at 2005 as the next time any kind of change could be made to the compensation of the President.

The gentleman from California (Mr. HORN) I thought speaks both very eloquently and clearly about why this is justified. And his subcommittee has done some yeoman's work on this, as the work of his subcommittee I think has brought us where we are today and caused us to include this in our bill.

As he has pointed out and the gentleman from Maryland (Mr. HOYER) has pointed out, the President's salary has not been adjusted since 1969. That is quite a time. And as I have just pointed out, if we do not make this adjustment now, this one, which, by the way, has no effect on the appropriations bill for this year and only for part of the following year, that is anything after January 20, 2001, if we do not make the change now, we are looking, as the gentleman from California (Mr. HORN) has pointed out, at a situation where the Speaker of the House and the Vice President would actually be making more than the President of the United States might by the year about 2003.

Now, if we go back to the last time we adjusted the President's salary in 1969 and we gave just the cost-of-living adjustments that other Federal employees have had since that time, the salary today would be $726,000. If the salary had kept pace with inflation, it would be $936,000, which suggests that we have perhaps not kept Federal employees in pace with inflation. Or, stated another way, in today's dollars the value of that $200,000 that we paid in 1969 is $45,367.

Or we can look at the last time there was a formal recommendation on President's pay, and that was 1989 when the Commission on Executive, Legislative and Judicial Salaries met and they recommended the President's pay be increased from $200,000 to $350,000. If we assumed inflationary adjustments just since that time, the same inflationary adjustments that the Federal employees have had, the President's salary would be approximately $458,000.

So I think that by any measure that we look at this, by purchasing power, by what we paid in 1969 and what it might have been adjusted, what we recommended in 1989 and how that might be adjusted, we are considerably under that level.

But, Mr. Chairman, there is a more substantive reason for this. The United States is the preeminent power in the world. We are the major power in the world. And I believe that the job of the Chief Executive of the United States is an incredibly important and difficult job. There is not going to be any compensation that we can pay that can cover that, in my opinion.

And as has been pointed out correctly by the gentleman from South Carolina (Mr. SANFORD), there are a lot of things that the President of the United States enjoys that are not available to the rest of us. But, nonetheless, the President has to think about his future, about his retirement, about his family, about how he covers those expenses during time in office and after the time in office.

If we are going to attract the right people to run for office, whether it is this office or the President's office, we have to, I think, have compensation that makes sense. And when we are paying the President of the United States less than we pay in many cases branch managers of banks, it simply makes no sense to me.

I believe that this compensation is long overdue. It is a modest increase. I believe that it is fully justified under any analysis that my colleagues might give to this issue.

I hope we will defeat this amendment.

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

Mr. Chairman, I appreciate the opportunity to come down. I have listened attentively to the speakers who have preceded me. I rise in opposition to the amendment.

Sitting here listening to my good friend, the gentleman from Arizona (Mr. KOLBE), I am reminded of the scope and breadth of the President's responsibilities. Whoever the occupant of this office is is required to know things related to the minutia of trade agreements to nuclear waste responsibilities, to the minutia again of START contracts, to environmental questions in Antarctica, to what it takes for NASA to put a missile or a space shuttle up in the air.

The responsibilities bearing on the occupant of the office of President of the United States are enormous, and we need to compensate this person accordingly.

Just for comparison's sake, I wanted to go through a couple of the other countries of the world who also compensate their chief executive.

For instance, Hong Kong, arguably a country far smaller than the United States, pays its chief executive over $400,000 a year.

The country of Israel, whose economic challenges, security issues and the like and population is nowhere near the breadth and scope of ours, they pay their executive $90,000 a year.

Panama, a country that we have a long historical association with, pays its chief executive $180,000 a year. We are currently paying the President of the United States $200,000 a year, essentially equivalent to the amount that the President of Panama is earning.

The responsibilities of the President of Panama, are they equivalent to the responsibilities of the President of the United States? On a comparative basis alone, this body should move forward expeditiously to increase the rate of pay for the President of the United States.

I also want to associate myself with the remarks of the gentleman from Arizona (Mr. KOLBE). What we pay will be reflected in the quality of the person we get. That is a dictum of business that has been proven year after year, decade after decade, century after century. We need to take advantage to the extent we can.

And $400,000 is lot of money, but not for this job. Whoever the occupant of this office is, is gone from their family, loses any semblance of private life, is at the beck and call of the people of the United States, and stands under enormous stress day after day after day. We need to compensate this person appropriately. We need to have people who are good people in this office. We need to pay them to sacrifice their personal lives and come to the service of their country.

I think the amendment, however well-meaning, does not serve that purpose; and I oppose it.

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

Mr. Chairman, I also rise in opposition to this amendment. Serving with the gentleman from California (Mr. HORN) on his committee, I think he has done the country and the Congress a great service in bringing this issue to the forefront at this particular moment, for the precise reasons as the gentleman from Arizona (Mr. KOLBE) mentioned. If we do not do it now, we will not be able to do it successfully for another 5 years. This is not a raise for the incumbent President. It is for the next President.

I have to confess to my fellow colleagues that last week I had the occasion to spend the week with the President and sort of live in his shoes, if you will. It is a 20-hour-a-day job. There are a myriad of issues, great and small, that he must deal with every day.

Obviously, his full commitment has to be to the job of executing the administration of the government of the United States. I would hope that we would want our Chief Executive to dedicate himself fully to that and think of nothing materialistic in his nature because this is, without a doubt, the most important office in the

world. I think we, as Americans and Members of Congress, ought to be proud to say that.

I understand that there are some Members of Congress that like to put a dollar value on public service. But I remember several years ago a story told to me at a hearing by the then and present Chief Justice of the United States. We were talking about pensions and salaries at that hearing, and he remarked to me that he was a little disappointed as Chief Justice because that day when he returned to the court he was going to lose his Chief Clerk. And we all know the Chief Clerk is an excellent law student out of law school who serves with the Chief Justice for a period of a year or two. And he said it was ironic how he was losing his Chief Clerk, who in the next day who would be earning in excess of two times the salary of the Chief Justice of the United States.

He threw out another important figure to me, that when we take the comparison of the entire Bar of the United States, the Chief Justice does not earn in up to the 75th percentile of the earning capacity of the Bar of the United States.

And of course, the President of the United States, if we made that comparison to CEOs of corporations or, as the gentleman recently said, to other chief executive officers of what we would call minor states in the world, it is ludicrous the $200,000 that was allocated in 1969 for this President.

I would just suggest one other thing. We heard value for inflation. If we took the stock market of 1969 at $200,000 and the stock market today, the President's salary would be over $2 million.

□ 1915

I do not know what measure we should use, but clearly there are few constituents of mine, I am sure, and many constituents of my colleagues that do not consider the salary of $200,000 as extravagant for the President of the United States.

There is a special thing about being President. I learned it on the trip this week. It is not necessarily the individual. It is that office. Wherever he went and whoever he talked to, those people would remember until the day they died that they had an opportunity to meet and shake hands and welcome the President of the United States.

We ought to be proud of that fact and we as Congressmen should not pander to the sympathies of Populism that says no pay, nothing. I know people who would accept the presidency for zero. The power is extraordinary, and if you were wealthy, you could afford it. But this is a country of average, common people and let us hope that common men can aspire to be President, and if they ever do, the salary of $400,000 a year at the end of this millennium will not sound like very much.

I urge my colleagues on both sides to put aside our foolishness and stay with this bill and set the salary of the President of the United States at $400,000 a year.

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

Mr. Chairman, this is an issue that I think reasonable people can disagree on. I respect my colleagues for bringing forward this amendment, but I wholeheartedly disagree with them on this particular issue at this time.

As we look through history, we look back to 1873 when the salary was $50,000; it was 36 years later that salary was moved to $75,000; in 1949 it went to $100,000; 20 years later to $200,000, and it has not been changed for 30 years.

We do not run for office and people do not aspire to serve in government for the money. If we did this for the money, we would be doing something else. I took a pay cut to come here. A number of my colleagues did that. We do it for the ability to serve. But the President of the United States I think arguably has the most challenging job on this planet. We do not want that individual worried about pinching pennies, worried about their financial future, the future of their kids, worried about putting their kids through college, about maintaining their homes back in their native States.

We do not want only the wealthy to be able to aspire to the presidency because they can afford the other entertainment expenses that go along with this because their expenses could be cut in any given year.

To give my colleagues a global perspective, it has been mentioned that the President of Hong Kong, not even an independent country, the Chancellor there gets $400,000 a year, in excess. The President of Japan, a country smaller than ours, an economy smaller than ours, $381,000 year. The President of Singapore gets almost a half million dollars a year in annual salary. The President of Switzerland gets more than our President gets today, $230,000. The President of Taiwan gets over $300,000 a year. This is not out of line. This is a reasonable, incremental increase that is commensurate with what we have done in the past to provide for our chief elected officers.

I do not want government on the cheap, but I want that person in the Oval Office, of whatever party, of whatever persuasion, to not have to worry about the financial aspects of the job. I want him to concentrate on running the country. I think the increase that is in this bill, that has gone through extensive hearings, that is supported by the gentleman from California (Mr. HORN) of the authorizing subcommittee and others, is the right approach at this time. I ask my colleagues to reject this amendment.

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

Mr. Chairman, I would say that I was undecided on this issue before a few minutes ago. I have tried to listen to the debate on both sides.

Over the past few weeks, I have had conversations with friends of mine, and I will tell my colleagues what their advice was. They said, ''Don't vote for a pay raise.'' They said that this is not a popular thing to do. We have discussed certain things and they have actually said, ''This is how I feel. My gosh, don't get out on the floor of the House and say that,'' because it is not a popular thing.

Let us just sit back for a minute and imagine that we did not know how much the President of the United States made. Let us start from that reference point. We would consider certain things. We would look at what our forefathers paid the first President. That would be one calculation. I am sure major league baseball players would come into it. I am sure there would be other people that would say they ought to take the job for free. Most people that now run for President, they are independently wealthy and they could afford to do that. There are some that are not. If we wanted to approach it is to take the job for free and we would rule out anyone who was not a multimillionaire, that is the way some people might like it. But again, go back. We do not know what the President makes. What do you think we would guess he makes? I have asked some people that and the figure a million dollars is the most often response. ''I think the President ought to make a million dollars.''

Now, we will discuss an amendment in a few minutes that the gentleman from Vermont (Mr. SANDERS) is offering as to whether or not we have oversight when we pay out a billion dollars. We deal in those type figures. It is important that we focus on this figure and what the President makes.

I will agree with the gentleman from Virginia that there are certain people that come here in all honesty and argue that $200,000 is fine. But when you talk to executives, when you talk to professionals, I think that they would probably tell you that the President ought to make a million dollars.

I will not be doing the popular thing. I will be opposing this amendment. But in doing so, I will be doing the right thing, because I think the President of our country, the leader of the free world, ought to make at least what is proposed in this legislation.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. SESSIONS).

The question was taken; and the Chairman announced that the noes appeared to have it.

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

The CHAIRMAN. Pursuant to House Resolution 246, further proceedings on the amendment offered by the gentleman from Texas (Mr. SESSIONS) will be postponed.

AMENDMENT OFFERED BY MR. SMITH OF NEW JERSEY

Mr. SMITH of New Jersey. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SMITH of New Jersey:

In section 635 (relating to contraceptive coverage), strike paragraph (2) of subsection (b) and insert the following:

(2) any existing or future plan, if the carrier for the plan objects to such coverage on the basis of religious beliefs or moral convictions.

In subsection (c) of such section 635, strike ''prescribe'' and insert ''prescribe or otherwise provide for''.

Mr. KOLBE. Mr. Chairman, I reserve a point of order.

The CHAIRMAN. The gentleman from Arizona reserves a point of order.

Mr. SMITH of New Jersey. Mr. Chairman, let me be very brief. This should be and I hope it will be a noncontroversial amendment.

Mr. Chairman, the effect of the policy enacted last year and carried over in this bill is to force health plans participating in FEHB to cover controversial abortifacients, such as the new ''morning after'' pill, Preven. Preven and some other new drugs, as we all know, destroy a developing embryo. They are really not contraceptives, but unfortunately they are included in this bill.

While I oppose that mandate as bad public policy, I am not here today in an effort to strike it or even to limit it. Rather, I want to ensure that the conscience protection does what many already believe that it does, and that is to protect individuals in plans with moral or religious objections from the requirements of the mandate.

This is a conscience clause. Right now the FEHB mandate lacks adequate conscience protection for some of the potential sponsors of health plans and individual providers who are opposed to providing such drugs and devices. As we know from the language of the bill, five religious plans are exempt by name as well as any existing or future plan if the plan objects to such coverage on the basis of religious beliefs. Left out is ''moral convictions.'' We believe, I believe, they should be protected as well.

Finally, the conscience protection for individual providers also needs to be expanded and clarified to protect any health care worker—I repeat any health care worker—including physicians, nurses, pharmacists and physician assistants.

The second part of my amendment provides conscience protection to everyone in health—all health care workers who might object on either moral or religious grounds to the contraceptive mandate. I would hope that this amendment would be agreed to.

POINT OF ORDER

Mr. KOLBE. Mr. Chairman, I make a point of order against the amendment. Again, this was just handed to us.

I make a point of order against the amendment, because it appears to me that it proposes to change existing law and constitutes legislation on an appropriations bill and would violate clause 2 of rule XXI.

The rule states that an amendment to a general appropriations bill shall not be in order if changing existing law imposes additional duties. This adds a word, in this case, to the current legislation, by adding ''moral convictions.'' For that reason, it would seem to impose an additional requirement on the Office of Personnel Management that administers these plans and in my view it would, for that reason, violate clause 2 of rule XXI. I would make that point of order.

Mr. SMITH of New Jersey. Mr. Chairman, if I could be heard, I would very briefly say that this is not legislating on an appropriations bill but merely perfecting legislation permitted to remain.

The CHAIRMAN. Does any other Member wish to be heard on the point of order?

Mr. HOYER. Mr. Chairman, I too have just seen the amendment, but it does appear to require action beyond what would be solely a perfecting amendment with respect to the paragraph 2 that is being added, in that the plan objects to such coverage on the basis, one would have to make a judgment as to the objection, the reason for the objection, and, therefore, it imposes an additional duty on the administrator. Under those circumstances, it seems to me that this would be in violation of the rule cited by the gentleman from Arizona.

The CHAIRMAN. Does any other Member wish to be heard?

Mr. KOLBE. Mr. Chairman, I would like to be heard additionally.

Again, I would point out that the legislation as it exists now refers to any existing or future plan if the plan objects to such coverage on the basis of religious beliefs. That clearly is a particular limitation and says none of the funds appropriated may be used for that purpose.

Now we have added in an additional duty to the Office of Personnel Management, by saying ''moral convictions.'' So they clearly have additional responsibilities that are going to be required in order to carry this out.

In addition, subsection (c), and I am not sure I understand exactly what the impact of this is, but by striking ''prescribe'' and inserting ''prescribe or otherwise provide for'' would seem also to require some additional duties, and I believe that this clearly is additional legislation, additional duties.

The CHAIRMAN. Are there any other Members who wish to be heard? If not the Chair is prepared to rule.

The amendment must be judged against all the language found in section 635. Such language covers contraceptive ''coverage'' and ''moral convictions'' as addressed in the pending text. The amendment appears to be merely perfecting and the Chair overrules the point of order.

Mrs. LOWEY. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, as I was walking in, I heard the amendment, part of the amendment, but I would like to address the first portion of the amendment as I believe I heard it. I believe the gentleman is attributing to a plan a conscience. We debated this point quite fully in the last session of the Congress. And, in fact, we were quite concerned that a plan could suddenly develop a conscience and not allow this service to be provided, and, therefore, working in a bipartisan way with Members on both sides of the aisle, there was an agreement that any individual provider could opt out as long as that plan would provide the service.

□ 1930

So I would like to ask the gentleman how a plan could suddenly develop a conscience, number one.

Now I would like to continue. Number two, I would like to make another point. It is my understanding, Mr. Chairman, that 1.2 million Federal employees currently have this service covered. There has not been any concern; there has not been any criticism. Under the conscience clause included in this provision, which the chairman has included in his mark which has been brought to this floor, it is my understanding that there are no other plans that have requested to even be part of the conscience clause. There were religious plans included in the conscience clause that was developed, and it is my understanding from talking to the Federal Employee Health Benefit Plan that no other plans have asked to be included in the conscience clause in the exemption.

So, Mr. Chairman, every once in a while we tend to pass legislation that really works, that is really providing a service, that is basic health care for women, and based upon all the information that I have there has been no objection.

So, therefore, Mr. Chairman, I would just ask us to allow a program that is really working, that is providing basic health care for women, to move along as it is. And I would like to work with the gentleman, as I mentioned many times, in preventing unintended pregnancy, and it seems to me that one of the best ways to do this is to provide for contraceptive services. That is the way we reduce the number of abortions and prevent unintended pregnancies.

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

Mr. Chairman, we had a very extensive debate on this issue last year. The extensive debate really dealt with the gravamen of the central point of the providing of contraceptive services through the insurance plans. Very frankly, the gentleman from New Jersey (Mr. SMITH) and I, as many people in this body know, are very close personal friends and work very closely together, and I have the greatest respect and affection for him, but we disagree on this issue. We have a different perspective.

But during the course of that debate and during the course of the compromise on trying to come to grips

with how to provide for what the overwhelming or significant majority of this House believed ought to be provided in the health care plans available Federal employees was the fact that we ought not to have insurance companies who had a religious affiliation and religious base do something that was inconsistent with their religious tenets. Most of us agreed that that was appropriate. What the gentlewoman who worked so hard on this amendment and so effectively on this amendment said when developing a conscience, the gentleman from New Jersey now seeks to add moral conviction to the language that exists for religious organizations.

Now, clearly, executives of insurance companies have moral convictions; clearly, employees of insurance companies have moral convictions. But those moral convictions, I would suggest to my colleagues, are probably pretty diverse. And the executive vice president in charge of negotiations with the Federal Employee Health Benefit Plan may have one moral conviction, and the operating vice president may have another moral conviction. Now I am not sure whether the stockholders would vote on what a moral conviction is at any given time, but clearly, in fairness, that is an impractical standard to add to the standard that exists.

What we were trying to do is make sure that religiously based and centered insurance offerers were not compelled to do something that was against their religious beliefs. We all understand that. But I defy anybody to explain to me how one is going to determine on insurance plan A or B or C that are not religious affiliated what their moral convictions are without, in effect, polling or voting or having included in their charter something that says moral convictions.

The fact of the matter is that we had this debate last year, and we rejected this proposal because of the lack of clarity in the proposal.

So I would hope my colleagues would reject this again this year because, quite clearly, it goes far beyond the exemption that we all agreed was appropriate; that is, the religious-based exemption, and goes to a further step, which moral convictions are critically important. Hopefully, all of us hold moral convictions; and, hopefully, as I said, insurance executives hold moral convictions as well. But they do not operate, unlike religiously based insurance companies, to promote their moral convictions. They hopefully operate legally, ethically and morally, but they operate to offer insurance programs to their clients. And, therefore, Mr. Chairman, this amendment, while I frankly would call it an imperfecting amendment, Mr. Chairman, in that it adds a provision that will be extraordinarily if not impossible to apply and interpret, for that reason I would hope the House would reject this amendment.

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

Mr. Chairman, I rise in support of the Smith amendment. I believe the Smith amendment is a significant enhancement to the current conscience clause language in the bill. The current conscience clause language does not sufficiently cover all those individuals who would like to take a moral as well as a religious exemption.

It is well known that some of these products that are being referred to as contraceptives are not in reality contraceptives but are abortifacients, and this indeed causes many people who are of strong personal moral conviction, pro-life, or people who take a very strong religious perspective on this issue to have a problem, and I believe the gentleman's amending language is a significant improvement over the underlying bill.

Mr. Chairman, I yield to the gentleman from New Jersey.

Mr. SMITH of New Jersey. Mr. Chairman, I just want to point out to our colleagues that there are at least four laws, and I can give my colleagues all the citations, and I will put them in the RECORD, where plans organizations and institutions can raise objections on either moral or religious grounds.

Why ''moral'' was left out is a gaping oversight, and I hope it was an oversight, and to suggest that people with moral convictions should not be able to express them and somehow manifest them, maybe through a vote of the board of directors or in some other way, would be wrong and would disenfranchise people, especially those who do not believe in God. Say someone is an agnostic, but has a strongly held conviction about a certain practice. To disenfranchise that person would be wrong.

Let me also point out that the language of this amendment says, the underlying language says, the prescriber, the doctor that writes the prescription, does not have to do so if he or she, as a matter of moral conviction, does not want to prescribe an abortifacient, for example, an abortion-producing pill or drug. Well, everyone else in the line, including the dispenser, the person that actually gives the abortion chemical, cannot conscientiously object and say, ''Wait a minute, I'm all for family planning, but this crosses the line.''

And there is a case of that right now that just made the Associated Press, and it was in the San Diego Union Tribune, of five nurses who quit their positions at a county-run health clinic because they did not want to be compelled to dispense abortifacients. These are women who routinely counsel and provide family planning. They are all for family planning, but they felt that they hit their breaking point when a clinical administrator said that they had to cross this line, and this could be the beginning.

Let us not compel people in the health care delivery service to do something against their deeply held convictions. This is a conscience clause. Unfortunately, we did not vote on anything comprehensive last year, as the membership will note. Much of this was done in conference. It is infirm as it exists today. We ought to make it a real conscience clause. Do not force people to do things they do not want to do. Please do not do that.

Mr. WELDON of Florida. Mr. Chairman, in closing let me just say that the gentleman's amendment, I believe, is a relatively modest amendment. By adding this moral clause I believe it will allow people to exercise their moral convictions and in many ways improve the underlying provisions in the language of the bill.

In 1998, Congress included an amendment in the Treasury-Postal Appropriations bill requiring almost all health plans that participate in the Federal Employees Health Benefits (FEHB) Program to provide ''contraceptive coverage,'' including early abortifacient methods, to the same extent that they provide prescription drug coverage generally. (The Treasury-Postal Appropriations bill became law as part of the FY 1999 Omnibus Supplemental Appropriations Act, H.R. 4328, PL 105–277.)

The FY 2000 Treasury-Postal contains the same language.

The effect of this policy is to force health plans participating in FEHB to cover controversial abortifacients such as the new so-called ''morning after'' product, Preven, approved by the FDA for use as ''postcoital emergency contraception.'' Preven and similar drugs work up to three days after unprotected intercourse or contraceptive failure to destroy a developing embryo. Clearly, this is not contraception but it is called contraception by the FDA.

The latest edition of the nation's leading embryology textbook explains the mode of action of such drugs: ''The administration of relatively large doses of estrogens (''morning after'' pills) for several days, beginning shortly after unprotected sexual intercourse, usually does not prevent fertilization, but often prevents implantation of the blastocyst.'' K. Moore and T. Persaud, The Developing Human: Clinically Oriented Embryology (6th ed.: 1998), p. 58.

The FEHB mandate lacks adequate conscience protection for some sponsors of health plans and individual providers who are opposed to providing such drugs and devices. Five religious plans are exempt by name, as well as any ''existing or future plan, if the plan objects to such coverage on the basis of religious beliefs.'' Plans and individuals objecting to such coverage based on moral convictions should be protected as well, as they are under many state and federal laws.

The conscience protection for individual providers also needs to be clarified to protect any health care provider—including but not limited to physicians, nurses and physician assistants—who objects to providing these drugs or devices on the basis of religious beliefs or moral convictions. The current law only protects individuals who decline to ''prescribe'' such drugs and devices and may be interpreted too narrowly.

The conscience protection language enacted in 1998 and currently in this year's bill marks a departure from other federal conscience laws. The lack of an exemption for those whose moral convictions are offended by abortion sends the message that religious beliefs are the only foundation for respecting human life before birth. In fact, objections to

the destruction of living human embryos—and, in particular, forcing taxpayers and others to support this killing—is widely opposed by many people. We saw this in 1996 when 256 Members of House Representatives voted against funding research in which human embryos are destroyed, discarded or even put at risk.

Prior to last year's enactment of the contraceptive mandate, most health plans participating in the Federal Employees Health Benefits (FEHB) Program paid for prescription drugs approved by the FDA as ''contraceptives''—including abortifacients. In 1998, each woman who participated in FEHB and who used contraception already had the choice of at least three (3) plans which provided coverage for whatever prescription method she used.

Last year pro-life Members did not try to end this coverage, but to preserve the right of federal employees—including many women—to choose a health plan which did not cover abortion-inducing drugs characterized by the FDA as ''contraceptives.'' That choice was taken away from Federal employees when the mandate was enacted.

One significant effect of the new coercive mandate was to force plans to cover—and force federal employees and taxpayers to pay for—the new ''morning after'' drug regimens such as Preven, which is to be taken after intercourse, or in the case of ''contraceptive failure,'' to ensure that a developing embryo will be expelled and not implant in the mother's womb.

The controversy surrounding this drug is widespread. Many pharmacists, who have no objection to dispensing contraceptives, are strongly opposed to dispensing a drug which is primarily intended to kill a developing human embryo.

Outside the federal context, individual pharmacists have had their jobs threatened because of their refusal to provide so-called ''emergency contraception.''

Just this year, five nurses in Riverside, CA, quit their jobs at a county health department because of the department's insistence that they violate their religious beliefs and provide ''emergency contraception.'' (These nurses had spent years working in family planning, telling women about contraception.)

Walmart, the nation's fifth largest distributor of pharmaceuticals, including contraceptives, recently announced that it would not dispense Preven in its stores because of concerns with objections from its customers.

Conscience clauses are common both in federal and state law and are based on respect for individual freedom and individual beliefs. Forcing someone to engage in activity that violates his or her deeply and conscientiously held beliefs is a violation of human rights and a gross abuse of the power of government.

Among the more recent conscience clauses enacted into law is legislation passed by Congress in 1996 to protect medical education programs from being required to provide abortion training. The exemption was provided regardless of whether their opposition is religiously or morally based. We recognized that abortion—the killing of an innocent human being—is simply not the kind of practice in which anyone should be forced to participate for any reason.

As Senator OLYMPIA SNOWE—who is also a supporter of the contraceptive mandate—said during the debate on the amendment to protect doctors and training programs from having to perform abortions:

> This amendment accomplishes two things. One, it does protect those institutions and those individuals who do not want to get involved in the performance or training of abortion when it is contrary to their beliefs.
>
> I do not think anybody would disagree with the fact—and I am pro-choice on this matter, but I do not think anybody would disagree with the fact that an institution or an individual who does not want to perform an abortion should do so contrary to their beliefs.

By mandating coverage of contraception and abortifacients by health plans, Congress has increased the pressure on individual physicians, nurses and pharmacists providing services under these plans to violate their own consciences. In fact, currently only those who may be asked to ''prescribe'' the drug have any conscience protection under the law, and unless they are familiar with it, they may not even know of their right to refuse.

In addition to the abortion training conscience protection described above, Congress provided conscience clauses for plans offered under Medicare+Choice if the sponsoring organization offering the plan objects on ''moral or religious grounds.'' (42 U.S.C. §1395w–22(j)(3)(B))

Another section protects Medicaid managed care organizations from being required to ''provide, reimburse for, or provide coverage of, a counseling and referral service if the organization objects to the provision of such service on moral or religious grounds.'' (42 U.S.C. §1396u–2(b)(3)

Also, in yet another section, Congress provided that Legal Services Corporation funds could not be used to attempt to ''compel any individual or institution to perform an abortion, or assist in the performance of an abortion, or provide facilities for the performance of an abortion, contrary to the religious beliefs or moral convictions of such individual or institution. . . . (42 U.S.C. §2996f(b)

Clearly federal law has established that conscience protection should not be limited to individuals, nor should it be limited to objections based on religious beliefs.

Ironically, some who support the mandate have been critical of attempts to clarify the conscience provisions in the mandate, claiming that it already exempts health plans with ''moral or religious'' objections (The Boston Globe, October 1, 1998) and that, under the mandate, ''individual doctors and nurses can refuse to provide contraceptives on moral grounds.'' (The New York Times, October 16, 1998). Neither of these protections is actually in the contraceptive mandate's conscience exemption. Presumably they would not object to their addition now.

While some pro-abortion Members may in fact believe that a drug which does not prevent fertilization but prevents implantation of an embryo is not an abortion-inducing drug, what these Members think is not important. What is important are the beliefs and convictions of those who will be required to carry out the mandate.

No one should be forced to do what he or she believes would cause the death of an innocent human being, particularly in the name of health care.

This is not, however, the view of those at the front of the fight for abortion on demand throughout pregnancy.

At a March 5, 1999, briefing sponsored by the Center for Reproductive Law and Policy (CRLP)—which has challenged state Partial-Birth Abortion Ban laws around the country—and the People for the American Way, Janet Benshoof, President of CRLP said, ''I don't think there should be conscience clauses.''

Do you?

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

Mr. Chairman, I rise in support of the Smith amendment. This amendment is common sense. It is not a threat to any contraceptive coverage. What it does is expand the choices of women and health providers. All this amendment does is add two simple things to the current conscience clause in the contraceptive mandate.

Number one, it expands the conscience protection to plans which object on moral not just religious grounds. Religion is not the only reason one would object to abortion, and this should be accounted for.

Number two, it expands the conscience protection not only to those who prescribe medication as in current law but also to those who provide for the abortifacient drug. All this means is that a nurse who does not prescribe but might be asked to administer an abortifacient drug has a right to refuse if it goes against her conscience.

Conscience clauses are common both in Federal and State law. They are based on respect for individual freedom and on individual beliefs. Forcing someone to engage in activity that violates his or her deeply and conscientiously held beliefs is a violation of human rights. It is a gross abuse of the power of government.

We have similar moral and religious provisions in conscience clauses in medical education programs, in the Medicaid managed care organizations law, in the Legal Services Corporation law. By mandating coverage of contraception and abortifacients by health plans, Congress has increased the pressure on individual physicians, nurses and pharmacists providing services under these plans to violate their own consciences. In fact, currently only those who may be asked to prescribe the drug have any conscience protection under the law, and unless they are familiar with it, they may not even know of their right to refuse.

If the contraceptive abortifacient mandate in this bill were imposed on all plans, the president of a business who objects or whose employees object to covering abortifacients would not be able to work with an insurance carrier to design a plan that reflects those convictions. The plan would have to cover them, and the business owner and the employees would have to pay for them. No one should be forced to do what he or she believes would cause the death of an innocent human being, particularly in the name of health care.

Mr. Chairman, this is a rational, common-sense reform. I urge my colleagues on both sides of the aisle to protect the consciences of all those in

the medical profession and American women.

□ 1945

AMENDMENT OFFERED BY MRS. LOWEY TO THE AMENDMENT OFFERED BY MR. SMITH OF NEW JERSEY

Mrs. LOWEY. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mrs. LOWEY to the amendment offered by Mr. SMITH of New Jersey:

In the text of the matter proposed to be inserted, on line 3, strike the words ''or moral convictions''.

Mrs. LOWEY. Mr. Chairman, I would like to explain the amendment.

Mr. Chairman, I have no objection to the part C of my good friend, which talks about implementing the section, ''Any plan that enters or renews a contract under this section may not subject any individual to discrimination on the basis that the individual refuses to prescribe or otherwise provide for contraceptives because such activities would be contrary to the individual's religious beliefs and moral convictions.''

If an individual, be it another provider or a nurse, chooses not to provide this service, as long as the plan will continue to provide this service, we think this would be a perfecting provision. My objection, Mr. Chairman, is to to the first part, that a plan should develop a moral conscience.

We were very careful last year in crafting this to respect every plan's religious conviction. We included five religious plans: Providence Health Plan, Personal Care's HMO, Personal Choices, OSF Health Plans, Yellowstone Community Health Plan, and any existing or future plan, if the plan objects to such coverage on the basis of religious belief.

However, Mr. Chairman, in the year that this has been implemented there were no objections. There were no additional plans that appealed to be included in this opt out provision.

I have real concerns, Mr. Chairman, that we should suddenly give Blue Cross-Blue Shield or any other plans a conscience. I would expect that a plan that wanted to opt out because of their deeply held convictions would have done so in the last year.

This year, the religious exemption that is in effect today and is contained in the bill continues to specifically exempt the five plans, and again, beneficiaries who want contraceptive services but whose provider choose not to offer them can be referred to other providers by their health plan.

I want to also remind my colleagues, because this is a very important point, that providing coverage of contraception does not compel provision of services contrary to moral or religious convictions by any individual or health care provider. It merely requires the Federal Employees Health Benefit Plan to provide the coverage, write the check, in other words, for the contraceptives.

Again, OPM has reported that no other Federal employee health plan has requested a religious-based exemption, and no other plan has complained that the exemption is inadequate. No provider, no beneficiary, has complained.

So in conclusion, Mr. Chairman, many of us on both sides of the aisle worked very hard to be sure that the religious exemption was well thought out. It was extensively negotiated between the House leadership, the White House, and myself, and most importantly, it is working. It strikes the appropriate balance between the legitimate religious concerns of individuals and plans participating in FEHBP with an equally compelling public policy goal facilitating access to the broad range of contraceptive methods in order to reduce unintended pregnancies.

Again, I respect the personal views of my colleagues, on whichever side of the issue they fall. We should have respect for each other. But let us not impose our beliefs on any other individual. This provision is working. Let it continue to work. Please reject the motion and please accept this second degree, which we believe is a perfecting motion.

Mr. SMITH of New Jersey. Mr. Chairman, I move to strike the last word.

Mr. Chairman, first of all, it is Orwellian double speak—a gross distortion of reality to somehow suggest that pro-lifers are imposing our view in proffering this amendment when we are carving out a conscience clause so women and men, or by extension, groups of people, collections of people, who make up plans and administrators of plans don't have a contraceptive/abortion chemical mandate imposed upon them against their moral convictions. The imposition by force of law is by the pro-abortion side.

I happen to believe that people who object to abortion chemicals on a basis other than religious beliefs should not have their deeply held moral convictions overruled.

Not all moral convictions are based on religions. Many of my deeply held beliefs on human rights, including for the unborn, were first arrived at that belief that the unborn child should be protected as a matter of human rights and moral convictions, not religion. Religion inspires a belief in the value of persons but others can value life absent religion.

Dr. Nathanson, I mentioned him earlier in the debate, was an atheist who came to his view concerning the value of an unborn child not based on religious beliefs. He did not believe in God. He had no religious beliefs. He came to that as a matter of moral conviction buttressed by science and logic.

This is an imposition of the contraceptive, but more importantly, from my point of view, the abortifacient, chemicals used early in pregnancies or early after fertilization to destroy the growing embryo. That is a terrible, terrible precedent to be set.

It is outrageous, I say to my colleagues. Where is the choice of those people who say no, I do not want to be involved with this? I think this is outrageous. To strike moral convictions, Mr. Chairman, would set us back in terms of conscience clauses.

Let me also point out to my colleagues that among the more recent conscience clauses enacted into law is legislation passed by Congress in 1996 to protect medical education programs from being required to provide abortion training. The exemption was provided regardless of whether their opposition was religiously or morally based. We recognize that abortion, the killing of an innocent human being, is simply not the kind of practice that should be forced on anyone.

Let me also point out that some of our friends on the other side of the issue, including Senator SNOWE, pointed out that institutions and individuals could be and should be protected.

Let me also point out to my colleagues that in addition to abortion training conscience protection that I just described, Congress has provided conscience clauses for plans under Medicare Plus Choice, if the sponsoring organization offering the plan objects on, and I quote, ''Moral or religious grounds; not just religious ground, moral or religious grounds.

Another section protects Medicaid managed care organizations from being required to provide reimbursement or provide for coverage of counseling and referral services if the organization objects to the provision of such service on moral and religious grounds. Moral and religious, they go hand-in-hand. But to just have one is to just have half a loaf.

Also, in yet another section, Congress provided that the Legal Services Corporation fund could not be used to attempt to compel any individual or institution to perform an abortion or assist based on religious beliefs on moral convictions.

I am amazed, I am shocked, I say to the gentlewoman from New York (Mrs. LOWEY), that she wants to strike moral convictions. Why should she impose her views on those who would otherwise not want to do it?

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

Mrs. LOWEY. Mr. Chairman, will the gentleman yield?

Mr. HOYER. I yield to the gentlewoman from New York.

Mrs. LOWEY. Mr. Chairman, I would like to respond to the shock of my good friend and colleague, the gentleman from New Jersey (Mr. SMITH).

I would like to make it very, very clear that what our provision does is allow an individual, a person, a group of people, a provider, to have a religious or moral conviction. I respect that. I want to make that very clear, that be it a doctor or a nurse or a provider, that person, in our provision, certainly may have a religious or a moral conviction.

But I would like to remind my colleague what my provision does not do

is allow a plan to have a moral conviction. A Blue Cross-Blue Shield, or another plan, in our judgment, in my judgment, it cannot have a moral conviction. If it has a religious objection, if it is religiously-affiliated, there were five plans that were included. Again, I would like to repeat, any existing or future plan, if the plan objects to such coverage on the basis of religious beliefs, that plan can opt out. No one, not one plan in the past year, requested to opt out.

So Mr. Chairman, I would like to explain again, we are willing to accept their provision which perfects the one from last year, which gives any provider the right on religious or moral convictions to opt out. That is just fine. But a plan does not have a conscience, and there is no plan that requested to be included in this opt out provision.

Mr. HOYER. Reclaiming my time, Mr. Chairman, I want to ask my friend, the gentleman from New Jersey (Mr. SMITH), a question, because I know of his very sincere beliefs, and do not question them at all. I agree that we should not question moral convictions, either.

Is there a problem? Have we had some plan, an insurance company that deals with the FEHBP, i.e., a plan, come to us and say that they were being compelled to do something that they did not want to do?

Mr. SMITH of New Jersey. Mr. Chairman, will the gentleman yield?

Mr. HOYER. I yield to the gentleman from New Jersey.

Mr. SMITH of New Jersey. Mr. Chairman, the language in the amendment says ''Any existing or future plan.'' I think it wise and provided the future to anticipate.

I know of no plan at the moment to carried a plan may spent nor have I surveyed every plan but that does not mean it has not happened. That does not mean that sitting in the boardrooms around the nation men and women who offer specific plans haven't grappled with this and said, we have to provide this no matter what conditions it violates.

We have to provide maximum freedom in regard to a moral conviction for people who manifest opposition and dissent, and to opt out. And again, let me also point out that I did say with regard to the future plan. There could be plans that would love to participate in the Federal Employees Health Benefit Plan program but conclude wait a minute, there is a mandate there that violates our moral convictions.

And that is why I would hope and believe this should be a totally noncontroversial amendment, unless its opponents have designs on using the coercive power of the state to force compliance not withstanding moral convictions.

Mr. HOYER. Reclaiming my time, Mr. Chairman, I probably do not have much left, but I would say that the gentlewoman I think has tried to reach a resolution within the framework of what we know exists now.

I asked the gentleman if there was a plan, because if there is a problem and we are compelling them to do something that they have a moral conviction against, we ought to look at that. I agree with the gentleman from New Jersey. He is absolutely right.

On the other hand, apparently we do not at least now have a problem with respect to this. However, we may, as the gentlewoman from New York has pointed out, have a problem, and we want to make sure that not only do individuals not have to prescribe, but they do not have to involve themselves in providing.

The gentlewoman's amendment deals with individuals' rights to certainly say, no, I have a moral conviction or religious belief, and I am not going to do that. I really do believe the gentlewoman has tried to reach a middle ground, if any such exists; and I do not know that that is the case, but if any such exists on this particular issue, because I think in the first instance that problem does not exist, but on the second instance, it may exist and she provides a protection against it.

I would hope that we can adopt the gentlewoman's amendment.

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

Mr. Chairman, I certainly will not use the 5 minutes, but it seems to me this really is much ado about nothing; not that the issue is a nothing issue, but the distinctions that should be made.

Conscience and moral conviction are really facets of the same issue. Religious reasons may motivate a conviction, but ethical reasons, without any religious foundation, are of the same stripe. They are a nuanced way of expressing one's conscience.

If we want to protect peoples conscience which flows from religious conviction, we want to similarly treat people's moral convictions that do not have a religious foundation but are just as strongly felt.

Now, does a plan have a conscience? That should not bother anybody. Corporations can act immorally. They can dump toxic wastes in the ground. By continuing to do that, we say that corporation is immoral, is acting immorally.

□ 2000

Plans operate through people. It is not some sort of entity out there. It is an intangible. But people make decisions and have consciences and violate their conscience or protect their conscience or act pursuant to it. But there is nothing strange about a plan acting morally.

We say the profits for this corporation were ''obscene.'' So corporations and these entities can have a conscience, can act pursuant to a conscience because they are run by directors and by people.

So why do we not protect moral conviction just as strongly as we protect religious conscience? They are two sides of the same coin. And I do not understand why we are doing this.

Mrs. LOWEY. Mr. Chairman, will the gentleman yield?

Mr. HYDE. I yield to the gentlewoman from New York not just with pleasure, but with great pleasure.

Mrs. LOWEY. Mr. Chairman, I thank the gentleman from Illinois (Mr. HYDE) for yielding to me. We have been discussing this issue for many years.

Mr. Chairman, a plan is a corporate entity, and it is organized often for profit. Its role is to write a check. I do not think that we want a plan to begin to claim a moral conviction, moral objection to writing a check.

Now this is not about examining a patient, talking about patients, because we have already included in the language that any individual provider, a nurse or other provider, may opt out based on religious or moral conviction. But we are saying if a plan suddenly has 50 people outside protesting, they could develop a moral conscience and say, ''I do not want to write a check.''

Now, I want to make it clear again that the provision which the gentleman and I negotiated very carefully last year listed all the religiously based plans that wanted to opt out. We gave other plans the option of opting out, but no one took that option.

Mr. HYDE. Mr. Chairman, before my time lapses if I could recapture it briefly to say we do not suffer from too much moral conviction; perhaps too little. And where we find it, we ought to nurture it and protect it.

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

Mr. Chairman, earlier today this House voted down an attempt to strike the abortion restriction from this bill. And if Members oppose abortion, there is no better way to try to avoid it than to increase access to contraceptives. My colleagues are offbase with their amendment which is a transparent attempt to cut off access to birth control.

The amendment offered by the gentlewoman from New York (Mrs. LOWEY) already has a conscience clause that allows religious plans to opt out if they choose to. In fact, five plans have chosen to do just that.

I also take issue with the contention that a health plan, a nonhuman entity, can have a moral objection to anything. Individual providers do not have to prescribe contraceptives if they do not choose to.

Mr. Chairman, let us get to the base of this discussion. We know what this is about. We know that those offering this amendment do not believe in birth control. They have said this outright, that they believe that oral contraceptives used by tens of millions of American women every day are a form of abortion. And to imply that those women are abortionists is an affront to every American woman and shows how out of touch some of my colleagues on the other side of the aisle really are.

I ask again and again and again that they do not impose their personal agenda on others. If my colleagues want to reduce abortions in this country, and we all want to do that, there is no better way than to support contraceptives and to support birth control.

Mr. Chairman, I urge my colleagues to support the Lowey amendment and to oppose the Smith amendment.

Mr. KOLBE. Mr. Chairman, I ask unanimous consent that all debate on the amendment offered by the gentleman from New Jersey (Mr. SMITH), and all amendments thereto, close in 20 minutes, and that the time be equally divided and controlled by the gentleman from New Jersey (Mr. SMITH) and the gentlewoman from New York (Mrs. Lowey).

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

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from New Jersey (Mr. SMITH) for 10 minutes.

Mr. SMITH of New Jersey. Mr. Chairman, I yield such time as he may consume to the gentleman from Alabama (Mr. ADERHOLT).

Mr. ADERHOLT. Mr. Chairman, I rise to strongly support the SMITH amendment. I cannot imagine the Congress of the United States not allowing health plans in this Nation, the United States of America, to include such exceptions.

All this amendment does, and it has been said here today already but let me reiterate two simple things to the current conscience clause in the contraceptive mandate. Number one, it expands conscience protections to plans which object on moral, not just religious grounds. Religion is not only the reason one would object to abortion. This should be accounted for.

And number two, expands conscience protection to not only those who prescribe medication, as is the current law, but also to those who provide for the abortifacient drug. All this means is that a nurse who does not prescribe but might be asked to administer an abortifacient drug has a right to refuse it.

I would simply ask my colleagues, Democrats and Republicans alike, to vote to protect the conscience of all women.

Mrs. LOWEY. Mr. Chairman, I am pleased to yield 3 minutes to the gentlewoman from Connecticut.

Mrs. JOHNSON of Connecticut. Mr. Chairman, I rise in strong support of the amendment to the amendment. The example that my colleague just gave about a nurse having the right not to administer a contraceptive that they believed was abortifacient because they believed it was an abortion is a right that is protected under the underlying bill. The nurse, as a provider, has a right not to provide services to which she morally objects. Any provider and any entity has that right under this bill. No hospital has to provide abortions if they do not want to. No physician has to. That is a very important right that is protected in the law.

It is also true that if an insurance company offers contraceptive coverage, every woman covered by that insurance policy has a right to use it or not. If they have moral objections to contraceptives, they do not have to use contraceptives. There is nothing in the insurance policy that mandates that they use any of the health care services that the health care plan provides. It is a menu of services that they have the option of choosing, depending on their personal conviction, their religious convictions, and their moral convictions.

But to give to a plan the power to deny because the plan, which is a piece of paper, it is not a person, but because the plan decides that I, as a woman, do not have the right to take the common contraceptives that 90 percent of American women depend on so that they can have a healthy marriage and be a good mother, that is what family planning does. It spaces our children and limits the number so parents can support them and send them to college, so women can be a loving wife in a happy partnership. That is what family planning is about.

It is about good healthy married sex. And I am proud to say that. And I think every woman in America has a right not only to limit the number of children, but to enjoy a healthy relationship with her husband.

Mr. Chairman, one thing I wanted to add, the gentleman from Illinois (Mr. HYDE), my dear friend said that we do not suffer from too much morality. That is true. But there is no question that in America we suffer from too much government regulation. And the idea that government is going to regulate, give to a plan on a piece of paper the moral authority to dictate to me, a woman of religious integrity, whether or not I can choose to use a contraceptive is a level, frankly, of intrusiveness into personal freedom that I as a Republican object to and reject.

I find it very hard to believe that Republicans who believe in less government and more freedom could endow a plan with the moral authority to limit my right not only to manage when I have children in accord with my good health and my family's ability to support them, but also regulate my right to have confidence, the confidence that frankly healthy sexual relationships among married couples demands, and that is just true.

Mr. SMITH of New Jersey. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, first of all the gentlewoman from Connecticut, my good friend, is factually incorrect when she suggests that the underlying legislation which repeats language that has been in existence for a year, protects health care workers' right to conscience. Nothing could be further from the truth. The plan language that is in the bill, the plan language that has been on the books, for the last year, only says that the prescriber, the person that ''prescribes'' the contraceptives, or abortion chemicals—those drugs or devices that have the capacity to prevent implantation for example, have ''conscience'' protection. Every other health care worker—nurses, nurse practitioners and others—have absolutely no ''conscience'' protection whatsoever.

Mr. Chairman, my amendment, which the gentlewoman from New York (Mrs. LOWEY) has said she supports, expands conscience protection to all health care workers. There has been a serious omission in the current law and the proposal that is before the House tonight that is remedied by my amendment.

Now, when we talk about a plan, a plan and a provider of a plan, the carrier is a collection of people. These plans—BlueCross or BlueShield for example—have a board of directors, a chain of command. They are made up of people. People who have religious beliefs are protected. But there are also some and maybe many who do not have religious beliefs. They may be agnostics or atheists or people for whom religion carries little weight, but have a moral conviction, individually or collectively, who object on moral grounds to the provision of contraceptives. They may feel, as a matter of moral conviction, that abortion chemicals have no place in their provision of health care.

Ironically, there is no right to choose here contemplated by the gentlelady from New York. It would be wrong to force them to say they have got to provide it. That is using the coercive power of the Federal Government to make them do something that is against their ''moral conviction.'' This is about moral conviction. I am amazed and really shocked and disappointed that the gentlewoman from New York has offered this amendment to strike the words ''moral conviction''. It trivializes people who oppose certain practices on a basis other than their religious belief.

As the gentleman from Illinois (Mr. HYDE) pointed out so well, corporations do have consciences. There are mutual funds that are ''green,'' in other words, pro-environment. They only invest in that which is environmentally protective. There are mutual funds that do not invest in corporations dealing with the weapons industry because they feel that is wrong. That is their choice. They can do it. And I respect it. Disinvestment from corporations doing business in South Africa in the 80's sharpened the ''conscience'' of many corporations.

Carriers, health plans and the like do have a conscience expressed through their board of directors and expressed perhaps through their shareholders. Any attempt to stifle moral conviction

or repress it is absolutely wrong. And, again, I am really disappointed that some would force their moral convictions on those who want to say they have a moral objection to this.

In terms of individual men and women who want to get abortion chemicals, there are a myriad of programs that provide that. Sadly. But it is not like there is a lack of provision of that kind of service. But do not tell everybody that they have to get in lockstep and provide this.

Mrs. LOWEY. Mr. Chairman, I yield 2½ minutes to the gentlewoman from Maryland (Mrs. MORELLA).

Mrs. MORELLA. Mr. Chairman, I thank the gentlewoman from New York (Mrs. LOWEY) for yielding me this time. She is my stalwart friend who introduced this legislation last year that passed that we spoke about earlier today. I also thank her for the work that she has done to make sure that Federal employees have an opportunity for coverage for contraception within the Federal Employee Health Benefit Plan. I consider it an equity provision containing the religious exemption that specifically exempts the five religious-based plans within the Federal Employee Health Benefit Plan.

□ 2015

I have talked to the Office of Personnel and Management, and they report that no other FEHB plan has requested any kind of an exemption, nor have they complained that the conscience language that is currently there is inadequate.

So I do not know. We talk about a plan based on moral convictions. The Office of Personnel Management is the one that negotiates with the proposed planners for any kind of a plan that they would offer. None of them have asked for a plan based on moral convictions, that they want to be exempted. There are the five. They are specifically mentioned.

Implementation of the policy has gone very well. No insurer, provider, or beneficiary has complained to the Office of Personnel Management about that provision. Additionally, the Congressional Budget Office has estimated that the cost of delivering contraceptive coverage is so minimal that the provision has no negligible budgetary effect.

I think this coverage is necessary for families where contraception decisions are most often made. Women spend 80 percent of their productive years, or reproductive years, I should say, trying not to get pregnant.

Actually, currently, women pay 68 percent more for out-of-pocket health care costs. The majority of these costs come from contraception. Providing prescription contraceptive coverage is important for our Federal employees. It is essential to setting a model for private insurance plans.

Actually, this issue comes up because of abortion. The way to prevent abortion is to offer the opportunity for appropriate contraception. That is what we are now doing for Federal employees. Let us not change it on the basis of a plan based on moral convictions. We have a plan that does work.

Mrs. LOWEY. Mr. Chairman, I am pleased to yield 2 minutes to the gentlewoman from California (Ms. WOOLSEY).

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

Ms. WOOLSEY. Mr. Chairman, I rise in strong support of the contraceptive coverage provisions in this bill.

Last year, Congress got smart and voted to give women who work for the Federal Government access to contraceptives. But now it seems like the appropriations process is signalling the beginning of another hunting season on a woman's reproductive rights, particularly if that woman works for the Federal Government.

Go figure it out. Unwanted pregnancy and abortion rates drop when women have access to preventive productive health care.

I ask Members to look at their female employees. Look at the staff who work so hard for them to serve their district. Look at those women and tell them that we do not care about their reproductive health. Then look at the millions of Federal workers that work for the Federal Government, who work day in and day out to serve the people of this country. Go ahead. Tell them that we do want to deny them the rights that are made accessible to other women but not to them.

Contraceptives give women and their families new choices and new hope. They increase child survival. They increase safe motherhood. Prohibiting Federal workers from using their health care coverage for prescription contraceptive coverage as they see fit discriminates against women just because they work for the Federal Government. This is a total disgrace.

Mr. Chairman, I urge my colleagues to support contraceptive coverage for our Federal employees.

The CHAIRMAN. The Chair advises all Members that the gentlewoman from New York (Mrs. LOWEY) has 2½ minutes remaining and the right to close. The gentleman from New Jersey (Mr. SMITH) has 6 minutes remaining.

Mrs. LOWEY. Mr. Chairman, I am delighted to 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. Chairman, I thank the gentlewoman from New York (Mrs. LOWEY) for her leadership.

Late into the night, let me simply say it is a crying shame. It is a crying shame that, in 1999, we would not address this question of dealing with the rights of women in the Federal employment in the way that it should be, giving them real reproductive rights.

I respect the disagreement that the gentleman from New Jersey (Mr. SMITH) has, and he has been strong on his disagreement. But we already have a religious exemption. We already allow for plans who, because of religious beliefs, do not want to engage in contraceptive education or prescription to opt out. We allow for those who are medical professionals and particular physicians to opt out.

But now what we are being asked to do is to simply gut the right of women in the Federal employment to have the right for reproductive rights, to be protected, to be safe, to be secure. What we are suggesting now is a return to the coat hanger for those who work in the Federal employ.

Our medical plans are a nonperson. They do not exist as a person. To give them a moral exemption does not seem to be realistic. This is a question of choice. It is a question of privacy. It is a question of their very personal decision.

While we can respect the religious differences of those who wish to conspicuously opt out, whether it is a Catholic or a Baptist plan, how can we attribute to any plan the ability to rise up and say, ''I have a moral reason. Oh, it is not religion, but it just happens to be in the back of my mind. I do not want to do it.'' Therefore, we endanger the lives of women who are serving this country as Federal civil servants.

Mr. Chairman, I would simply ask my colleagues, can we make our Federal employees second-class citizens? Are women now to go to the back of the bus and be able to suffer under this unequal plan?

I ask support for the Lowey amendment.

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

Mr. Chairman, I urge my colleagues to vote for this language. The contraceptive provision in this bill that has been very successfully implemented for the past year has not received any, any, any challenges from one plan. I believe the gentleman from New Jersey (Mr. SMITH) agreed with that.

We have given the individual the right to opt out before of a moral conscience. But, Mr. Chairman, a plan in my judgment does not have a moral conscience, and we do not want to give these plans the right to opt out from writing a check to cover basic health care for women.

Mr. SMITH of New Jersey. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, just let me make a couple of points.

I respect the gentlewoman from Texas (Ms. JACKSON-LEE). We recently traveled to Macedonia and Albania, we talked going and coming, and I think we struck up a very good friendship during the course of that trip. Regrettably, I believe the gentlewoman engaged in some very real hyperbole on the floor tonight.

First, the mandate that is in this bill, that is in existing law, remains the same.

What I am offering is a conscience clause, a real, honest-to-goodness conscience clause. Frankly, I am amazed. I said it earlier. I am very, very disappointed that those who take the view that abortions are okay, but for purposes of this language we are talking about chemicals that induce an early abortion, they want carriers to jettison their conscience. A carrier, obviously, is a group of people who form a corporation. Say it is Blue Cross/Blue Shield, Kaiser Permanente, NYL Care. Name the carrier, and say it does not have people behind it, it does not have a board of directors, it does not have people who might have a very strong sense of conscience regarding these things that is not related to their religious beliefs.

Moral convictions and religious beliefs, as I pointed out earlier in the U.S. Code, usually go hand in hand. Why the exception when it comes to abortion chemicals?

I am truly dismayed by this, that the conscience of those people who have a moral objection that is not rooted in religious beliefs, they may not have any, religious faith, there are a lot of agnostics out there, and some atheists out there who might have strong beliefs based on moral conviction why they do not want to proceed with this. If they collectively say, through a vote of board of directors, that they do not want to have abortion chemicals being provided, they should be able to object as a matter of moral conviction.

The amendment of the gentlewoman from New York (Mrs. LOWEY), an imperfecting amendment, to use what the gentleman from Maryland (Mr. HOYER) said earlier, undermined that and suggests that moral convictions don't count. I would respectfully submit to all of my colleagues that moral convictions should count, and they should count equally with religious beliefs. Equally.

Again, I think it trivializes those people who do not have religious beliefs to say their moral convictions should be thrown over the side simply because we do not happen to agree with them.

Let me just also say once again, that my language comports with several existing statutes. It is very important. I will put all of them that I have compiled so far into the RECORD and ask my colleagues to take a look at it.

Let me just read the language of my amendment just so everyone is very clear. It talks about a conscience clause for any existing or future plan if the carrier for the plan objects to such coverage on the basis of religious beliefs or moral convictions.

Very simple and straightforward. The Lowey amendment strikes moral convictions. Again, I think that is a very, very serious imposition on those who have moral convictions that are not based on religious beliefs.

Again, we are not talking here about what our conscience would suggest in this. We are providing a framework for other people to exercise their consciences.

Why this idea of forcing people to all march down the same road if they have a moral conviction and sense they should go in the other direction? Again, that is why I urge a ''no'' vote on the Lowey amendment.

It is antithetical to the purported belief on choice on the other side. A man and woman, collectively as a plan, a carrier, does not have a choice anymore. Big brother in Washington is going to tell them they have to do this under pain of not being within the Federal Employees Health Benefits Program.

So let me just conclude by saying this is a conscience clause. Let me say it again. It is a conscience clause that is good, solid. It is rooted in boilerplate language that we find in other parts of the U.S. Code. I urge a strong no vote on the Lowey amendment and a yes vote on the Smith amendment.

FEDERAL STATUTES PROTECTING MORAL AND RELIGIOUS CONVICTIONS

8 U.S.C. §1182(g). Bond and conditions for admission of alien excludable on health-related grounds. The Attorney General may waive the application of ... subsection (a)(1)(A)(ii) of this section [requiring documentation of having received vaccination against certain diseases] in the case of any alien ... under such circumstances as the Attorney General provides by regulation, with respect to whom the requirement of such a vaccination would be contrary to the alien's religious beliefs or moral convictions....

18 U.S.C. §3597(b). Excuse of an employee on moral or religious grounds. No employee of any State department of corrections, the United States Department of Justice, the Federal Bureau of Prisons, or the United States Marshals Service, and no employee providing services to that department, bureau, or service under contract shall be required, as a condition of that employment or contractual obligation, to be in attendance at or to participate in any prosecution or execution under this section if such participation is contrary to the moral or religious convictions of the employee. In this subsection, ''participation in executions'' includes personal preparation of the condemned individual and the apparatus used for execution and supervision of the activities of other personnel in carrying out such activities.

21 U.S.C. §848(r). Refusal to participate by State and Federal correctional employees. No employee of any State department of corrections or the Federal Bureau of Prisons and no employee providing services to that department or bureau under contract shall be required, as a condition of that employment, or contractual obligation to be in attendance at or to participate in any execution carrier out under this section if such participation is contrary to the moral or religious convictions of the employee. For purposes of this subsection, the term ''participation in executions'' includes personal preparation of the condemned individual and the apparatus used for execution and supervision of the activities of other personnel in carrying out such activities.

42 U.S.C. §300a–7(b). Prohibition of public officials and public authorities from imposition of certain requirements contrary to religious beliefs or moral convictions. The receipt of any grant, contract, loan, or loan guarantee under the Public Health Service Act [42 U.S.C. §201 et seq.], the Community Mental Health Centers Act [42 U.S.C. §2689 et seq.], or the Developmental Disabilities Services and Facilities Construction Act [42 U.S.C. §6000 et seq.] by any individual or entity does not authorize any court or any public official or other public authority to require—

(1) such individual to perform or assist in the performance of any sterilization procedure or abortion if his performance or assistance in the performance of such procedure or abortion would be contrary to his religious beliefs or moral convictions; or

(2) such entity to——

(A) make its facilities available for the performance of any sterilization procedure or abortion if the performance of such procedure or abortion in such facilities is prohibited by the entity on the basis of religious beliefs or moral convictions, or

(B) provide any personnel for the performance or assistance in the performance of any sterilization procedure or abortion if the performance or assistance in the performance of such procedure or abortion by such personnel would be contrary to the *religious beliefs or moral convictions* of such personnel.

42 U.S.C. §300a–7(c). Discrimination prohibition. (1) No entity which receives a grant, contract, loan, or loan guarantee under the Public Health Service Act [42 U.S.C. §201 *et seq.*], the Community Mental Health Centers Act [42 U.S.C. §2689 *et seq.*], or the Developmental Disabilities Services and Facilities Construction Act [42 U.S.C. §6000 *et seq.*] after June 18, 1973 may——

(A) discriminate in the employment, promotion, or termination of employment of any physician or other health care personnel, or

(B) discriminate in the extension of staff or other privileges to any physician or other health care personnel,

because he performed or assisted in the performance of a lawful sterilization procedure or abortion, because he refused to perform or assist in the performance of such a procedure or abortion on the grounds that his performance or assistance in the performance of the procedure or abortion would be contrary to his *religious beliefs or moral convictions,* or because of his *religious beliefs or moral convictions* respecting sterilization procedures or abortions.

(2) No entity which receives after July 12, 1974, a grant or contract for biomedical or behavioral research under any program administered by the Secretary of Health and Human Services may——

(A) discriminate in the employment, promotion, or termination of employment of any physician or other health care personnel, or

(B) discriminate in the extension of staff or other privileges to any physician or other health care personnel,

because he performed or assisted in the performance of any lawful health service or research activity, because he refused to perform or assist in the performance of any such service or activity on the grounds that his performance or assistance in the performance of such service or activity would be contrary to his *religious beliefs or moral convictions,* or because of his *religious beliefs or moral convictions* respecting any such service or activity.

42 U.S.C. §300a–7(d). Individual rights respecting certain requirements contrary to religious] beliefs or moral convictions. No individual shall be required to perform or assist in the performance of any part of a health service program or research activity funded in whole or in part under a program administered by the Secretary of Health and Human Services if his performance or assistance in the performance of such part of such program or activity would be contrary to his *religious beliefs or moral convictions.*

42 U.S.C. §300a–7(e). Prohibition on entities receiving Federal grant, etc., from discriminating against applicants for training or study because of refusal of applicant to participate on religious or moral grounds. No entity which receives, after September 29, 1979, any grant, contract, loan, loan guarantee, or interest subsidy under the Public Health Service Act [42 U.S.C. §201 et seq.], the Community Mental Health Centers Act [42 U.S.C. §2689 et seq.], or the Developmental Disabilities Assistance and Bill of Rights Act [42 U.S.C. §6000 et seq.] may deny admission or otherwise discriminate against any applicant (including applicants for internships and residencies) for training or study because of the applicant's reluctance, or willingness, to counsel, suggest, recommend, assist, or in any way participate in the performance of abortions or sterilizations contrary to or consistent with the applicant's *religious beliefs or moral convictions.*

42 U.S.C. §1395w–22(j)(3)(B). Conscience protection. Subparagraph (A) [prohibiting interference with provider advice to enrollees] shall not be construed as requiring a Medicare + Choice plan to provide, reimburse for, or provide coverage of a counseling or referral service if the Medicare + Choice organization offering the plan—(i) objects to the provision of such service on *moral or religious grounds*; and (ii) in the manner and through the written instrumentalities such Medicare + Choice organization deems appropriate, makes available information on its policies regarding such service to prospective enrollees before or during enrollment and to enrollees within 90 days after the date that the organization or plan adopts a change in policy regarding such a counseling or referral service.

42 U.S.C. §1396u–2(b)(3). Construction. Subparagraph (A) [protecting enrollee-provider communications] shall not be construed as requiring a medicaid managed care organization to provide, reimburse for, or provide coverage of, a counseling or referral service if the organization (i) objects to the provisions of such service on *moral or religious grounds;* and (ii) in the manner and through the written instrumentalities such organization deems appropriate, makes available information on its policies regarding such service to prospective enrollees before or during enrollment and to enrollees within 90 days after the date that the organization adopts a change in policy regarding such a counseling or referral service.

42 U.S.C. §2996f(b). Limitations on uses. No funds made available by the [Legal Services] Corporation under this subchapter, either by grant or contract, may be used . . . (8) to provide legal assistance with respect to any proceeding or litigation which seeks to procure a nontherapeutic abortion or to compel any individual or institution to perform an abortion, or assist in the performance of an abortion, or provide facilities for the performance of an abortion, contrary to the *religious beliefs or moral convictions* of such individual or institution.

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

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from New York (Mrs. LOWEY) to the amendment offered by the gentleman from New Jersey (Mr. SMITH).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mrs. LOWEY. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 246, further proceedings on the amendment offered by the gentlewoman from New York (Mrs. LOWEY) to the amendment offered by the gentleman from New Jersey (Mr. SMITH) will be postponed.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to House Resolution 246, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: The amendment offered by gentleman from Texas (Mr. SESSIONS), the amendment offered by the gentlewoman from New York (Mrs. LOWEY), and the amendment offered by the gentleman from New Jersey (Mr. SMITH).

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 10 OFFERED BY MR. SESSIONS

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr. SESSIONS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 82, noes 334, not voting 18, as follows:

[Roll No. 302]

AYES—82

Aderholt
Barcia
Bartlett
Berkley
Berry
Bono
Boswell
Brady (TX)
Bryant
Chabot
Combest
Cook
Crane
Danner
DeMint
Duncan
Dunn
Emerson
Everett
Fletcher
Fossella
Gibbons
Goode
Graham
Green (WI)
Hall (TX)
Hansen
Hastings (WA)
Hayworth
Hefley
Hill (IN)
Hilleary
Jenkins
Johnson, Sam
Jones (NC)
Kasich
Kelly
Kind (WI)
Kucinich
Largent
Lewis (KY)
LoBiondo
Lucas (KY)
Manzullo
McCollum
Metcalf
Mica
Moran (KS)
Myrick
Nethercutt
Paul
Pryce (OH)
Radanovich
Ramstad
Riley
Rogan
Ryun (KS)
Salmon
Sanders
Sanford
Schaffer
Sensenbrenner
Sessions
Shimkus
Shows
Skeen
Stabenow
Stearns
Stump
Tancredo
Taylor (MS)
Thornberry
Thune
Tiahrt
Toomey
Turner
Udall (CO)
Upton
Vitter
Wamp
Watkins
Wu

NOES—334

Abercrombie
Ackerman
Allen
Andrews
Archer
Armey
Bachus
Baird
Baker
Baldacci
Ballenger
Barr
Barrett (NE)
Barrett (WI)
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Borski
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Burr
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chambliss
Clay
Clayton
Clement
Clyburn
Coburn
Collins
Condit
Conyers
Costello
Cox
Coyne
Cramer
Crowley
Cubin
Cummings
Cunningham
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Edwards
Ehlers
Ehrlich
Engel
English
Eshoo
Etheridge
Evans
Ewing
Farr
Filner
Foley
Forbes
Ford
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gephardt
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Granger
Green (TX)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hastings (FL)
Hayes
Herger
Hill (MT)
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Larson
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
Lofgren
Lowey
Lucas (OK)
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Rahall
Rangel
Regula
Reyes
Reynolds
Rivers
Rodriguez
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Rush
Ryan (WI)
Sabo
Sanchez
Sandlin
Sawyer
Saxton
Scarborough
Schakowsky
Scott
Serrano
Shadegg
Shaw
Shays
Sherman
Sherwood
Shuster
Simpson
Sisisky
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stark
Stenholm
Strickland
Stupak
Sununu
Sweeney
Talent
Tanner
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Tierney
Towns
Traficant
Udall (NM)
Velazquez
Vento
Visclosky
Walden
Walsh
Waters
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NOT VOTING—18

Baldwin
Brown (CA)
Burton
Chenoweth
Coble
Cooksey
Fattah
Frost
Gejdenson
Gilchrest
Latham
Luther
McDermott
McNulty
Peterson (PA)
Quinn
Royce
Thurman

□ 2048

Mrs. CUBIN, Mr. THOMAS, and Mr. CONYERS changed their vote from ''aye'' to ''no.''

Messrs. TAYLOR of Mississippi, ROGAN, RADANOVICH and KUCINICH changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Pursuant to House Resolution 246, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on each amendment on which the Chair has postponed further proceedings.

AMENDMENT OFFERED BY MRS. LOWEY TO THE AMENDMENT OFFERED BY MR. SMITH of NEW JERSEY

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentlewoman from New York (Mrs. Lowey) to the amendment offered by the gentleman from New Jersey (Mr. SMITH) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 217, noes 200, not voting 17, as follows:

[Roll No. 303]

AYES—217

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldacci
Barrett (WI)
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bishop
Blagojevich
Blumenauer
Boehlert
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Campbell
Capps
Capuano
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Evans
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Filner
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Frank (MA)
Franks (NJ)
Frelinghuysen
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Green (TX)
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Gutierrez
Hastings (FL)
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Hoyer
Inslee
Isakson
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy
Kilpatrick
Kind (WI)
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Kolbe
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Lampson
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McCarthy (MO)
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Menendez
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Miller (FL)
Miller, George
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NOES—200

Aderholt
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Ballenger
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Barrett (NE)
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Bateman
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Bliley
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Boehner
Bonilla
Brady (TX)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Canady
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Chabot
Chambliss
Coburn
Collins
Combest
Costello
Cox
Crane
Cubin
Cunningham
Davis (VA)
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DeMint
Diaz-Balart
Dickey
Doolittle
Doyle
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Hall (OH)
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Hastings (WA)
Hayes
Hayworth
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Herger
Hill (MT)
Hilleary
Hoekstra
Holden
Hostettler
Hulshof
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Hutchinson
Hyde
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Jenkins
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Jones (NC)
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Kildee
King (NY)
Kingston
Knollenberg
Kucinich
LaFalce
LaHood
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Lewis (CA)
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McInnis
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McKeon
Metcalf
Mica
Miller, Gary
Mollohan
Moran (KS)
Murtha
Myrick
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Northup
Norwood
Nussle
Oberstar
Ortiz
Oxley
Packard
Paul
Pease
Peterson (MN)
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Rogers
Rohrabacher
Ros-Lehtinen
Ryan (WI)
Ryun (KS)
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Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOT VOTING—17

Baldwin
Brown (CA)
Burton
Chenoweth
Coble
Cooksey
Frost
Gilchrest
Gordon
Latham
Luther
McDermott
McNulty
Peterson (PA)
Royce
Schaffer
Thurman

□ 2058

Mr. BILBRAY and Mr. LAZIO changed their vote from ''no'' to ''aye''.

Mr. UPTON changed his vote from ''aye'' to ''no.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated against:

Mr. SCHAFFER. Mr. Chairman, on rollcall No. 303, the Lowey amendment, I was inadvertently detained. Had I been present, I would have voted ''no.''

AMENDMENT OFFERED BY MR. SMITH OF NEW JERSEY, AS AMENDED

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey (Mr. SMITH), as amended.

The amendment, as amended, was agreed to.

□ 2100

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

CUSTOMS COMMISSIONER'S PAY CLASSIFICATION

SEC. 645. (a) Section 5315 of title 5, United States Code, as amended, is amended by deleting the position of ''Commissioner of Customs, Department of the Treasury''.

(b) Section 5314 of title 5, United States Code, as amended, is amended by adding the position of ''Commissioner of Customs, Department of the Treasury'' after ''Administrator, Research and Special Programs Administration''.

SEC. 646. Effective October 1, 1999, all personnel of the General Accounting Office employed or maintained to carry out functions of the Joint Financial Management Improvement Program (JFMIP) shall be transferred to the General Services Administration. The Director of the Office of Personnel Management shall provide to the General Services Administration one permanent Senior Executive Service allocation for the position of the Executive Director of the JFMIP. Personnel transferred pursuant to this section shall not be separated or reduced in classification or compensation for one year after any such transfer, except for cause.

SEC. 647. (a) None of the funds made available in this or any other Act with respect to any fiscal year may be obligated or expended for any new construction, renovation, alteration to existing facilities, or other improvement, at the Border Patrol Academy, located in Charleston, South Carolina.

(b) Subsection (a) shall not prevent any obligation or expenditure, approved in advance by the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate, for minor improvements.

(c) No appropriated funds may be used to continue operating the Border Patrol Academy, located in Charleston, South Carolina, after September 30, 2004.

SEC. 648. It is the sense of the Congress that there should continue to be parity between the adjustments in the compensation of members of the uniformed services and the adjustments in the compensation of civilian employees of the United States.

This Act may be cited as the ''Treasury and General Government Appropriations Act, 2000''.

AMENDMENT OFFERED BY MR. ANDREWS

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

The Clerk read as follows:

Amendment offered by Mr. ANDREWS:

Page 101, after line 10, insert the following new section:

SEC. 649. No funds made available by this Act may be obligated or expended for offices, salaries, or expenses of the Department of the Treasury in excess of the amounts made available for such purposes for fiscal year 1999 until the Secretary of the Treasury has, pursuant to section 1610(f) of title 28, United States Code, released property described in section 1610(f)(1)(A) of such title, to satisfy all pending judgments for which such property is subject to execution or attachment in aid of execution under section 1610(f) of such title.

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

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

There was no objection.

Mr. KOLBE. Mr. Chairman, I reserve a point of order.

The CHAIRMAN. The gentleman from Arizona reserves a point of order.

Mr. ANDREWS. Mr. Chairman, this is a matter of a job that is only half done that needs to be completed. In the last few years, this Congress addressed the problem of American citizens who win civil judgments against foreign governments for acts of terrorism and find it impossible to recover money damages because of the protections of sovereign relations. Very wisely in recent years, this Congress made modifications to title XXVIII, section 1610, to provide for ways that American citizens who were wronged, who were able to prove that wrong in a court of competent jurisdiction, then could receive a judgment and who were then able to identify assets which are carefully delineated as assets that do not touch or concern or interfere with in any way the sovereign operations of foreign nations should be able to have their judgment satisfied, should be able to be made whole for the wrongs that they have suffered.

Despite the good work of the Congress, it has been unfortunate that the administration has aggressively used its waiver authority to render this law to be effectively ineffective, to render it rather meaningless for people that have been successful in recovering these judgments.

The purpose of my amendment is to compel the effective use of the law that we passed a few years ago. It is to make sure that when an American is injured by a terrorist act of a foreign state, pursues his or her injuries through a court of law, wins the case and goes to satisfy that judgment, the same way we would satisfy a judgement against General Motors in the suit involving a car that explodes or the same way that we would pursue a judgment and satisfy it against a bank or any other institution in American society, that people have the opportunity to satisfy the judgment against a foreign government.

The purpose of this amendment is to compel the release of assets held by foreign powers under the terms of the statute that we passed a few years ago so that Americans who have been wronged may recover as is their right.

Frankly, I believe that the administration has abused its waiver authority, and the purpose of this amendment is to restore that right under the statute to its rightful place so people can recover the judgments that are rightfully theirs.

This is a matter, I think, of simple fairness and justice. I would urge my colleagues to support this amendment, because I believe that it will right the wrongs that I have described in my statement here and it will finish the job that the Congress wisely began just a few years ago.

I have discussed this with both my friend the ranking subcommittee member and the chairman.

Mr. Chairman, I would be happy first to yield to my friend from Maryland who is our ranking member.

Mr. HOYER. I thank my friend for yielding and want to congratulate him on the offering of this amendment and the pursuing of this very compelling case. Quite obviously the Flato family has suffered a very significant loss, has received a judgment which obviously cannot compensate for their loss but is a money judgement as we have in our system which is the best we can do. Clearly the Congress intended for an American citizen, as the gentleman has pointed out, to collect on this judgment.

The only difference I would have with him, while it is a case of justice, quite obviously it is not as simple, and there are different perspectives on the ramifications beyond this case. But I congratulate the gentleman, and I have indicated to him and to others that I will work closely with the chairman to see if this matter can be resolved successfully.

Mr. ANDREWS. Reclaiming my time, I thank the ranking member for his active cooperation and involvement and would point out that it is not simply one family, it is many that would be affected by the terms of this. This is a proposal that would be both prospective and retroactive, to cover the claims of any American family with that problem. I thank him for his help.

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

Mr. ANDREWS. I yield to the gentleman from Arizona.

Mr. KOLBE. I would just, if I might, Mr. Chairman, say I appreciate the gentleman's bringing this issue to our attention. We had a lot of discussion about this last year. I think we are all familiar with the plight of the Flato family. I certainly worked with him and with the gentleman from New Jersey (Mr. Saxton) last year on this issue. But I do have the concerns that I raised before and will at the appropriate time here raise my point of order if that is necessary.

Mr. ANDREWS. Mr. Chairman, reclaiming my time, based on my discussions with the gentleman from Arizona, it is my understanding this is very likely a conferenceable item with the Senate.

Mr. KOLBE. If the gentleman will yield further, yes. Because of the provisions that exist in the Senate legislation, this clearly will be an item for discussion in conference.

Mr. ANDREWS. Reclaiming my time, given that action by the other body and given the very good faith representations by the chairman and the ranking member that they are aware of the concerns that we have raised tonight and will do their best to validate those concerns and serve our interests here, I would ask for unanimous consent to withdraw my amendment based upon the chairman's representation.

The CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

AMENDMENT OFFERED BY MR. DAVIS OF ILLINOIS

Mr. DAVIS of Illinois. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DAVIS of Illinois:

Page 101, after line 10, add the following:

SEC. 649. The Secretary of the Treasury shall prepare and submit to the Congress on an annual basis a report on the conduct of strip searches by employees of the United States Customs Service of individuals subject to such searches in accordance with regulations established by the Customs Service. The information contained in such report shall include data on the ethnicity, gender, nationality, and race of the individuals subject to such searches.

□ 2115

Mr. KOLBE. Mr. Chairman I reserve a point of order against this amendment.

Mr. DAVIS of Illinois. Mr. Chairman, first of all, I want to thank the gentleman from Arizona (Mr. KOLBE) and the ranking member, the gentleman from Maryland (Mr. HOYER), for their cooperation with this amendment.

The amendment that I am offering today is designed to assure travelers that they will be treated fairly when going through Customs. Recently, there have been numerous incidents of allegations of searches at airports throughout our country that have resulted in humiliation and pain for the individuals involved. Incidences of racial profiling and misconduct by law enforcement have shaken the faith of

many people with regard to our judicial system. The erosion of any segment of our population's confidence in law enforcement agencies can lead to anarchy.

Mr. Chairman, the United States Customs Service has an important job to do in terms of keeping out illegal contraband as well as interdicting drugs. However, this job must be done with protection of human rights and civil rights intact. Strip searches and racial profiling are humiliating, dehumanizing and degrading. When these strip searches disproportionately effect Africans, African Americans, Hispanics, Asians, Asian Americans or any other segment of our society, then we must ask the question, why? Are African Americans more prone to be drug carriers or to smuggle in illegal contraband? I do not think so. However, we believe that it is important that the U.S. Customs be required to keep data on who is strip searched and that it be made available to Congress. We cannot and should not fund agencies that intimidate, degrade and dehumanize our citizens.

Let me share with my colleagues a story of a few individuals who happened to be strip searched. After a long flight from Hong Kong, Amanda Baritca was just looking forward to getting a good night's sleep, but as she arrived at the San Francisco International Airport and prepared to pass through Customs she was subjected to the most humiliating, degrading experience of her life. Without any explanation she was subjected to an intensive strip search. She was told, ''Take off your clothes, bend over.'' The inspector found nothing. She was forced to take powerful laxatives. The inspector found nothing. She was x-rayed, and still Customs found nothing. Throughout such humiliation she was never even allowed a phone call. Twenty-four hours later, after finding no drugs, she was released.

Amanda's story is just one of many stories that could be told, but the fact of the matter is, as these unfortunate stories are told, they are not isolated. More than 60 women were recently brought together to share their horror stories. One woman described the experience as feeling like she was raped. These 60 women all shared one thing in common. None of them had any drugs.

At O'Hare and Atlanta's Hartsfield airports class action lawsuits have been filed by women who have alleged that they were illegally strip searched. The over 600 million passengers who go through Customs deserve to know that their rights will be protected while at the same time knowing that our vigilance is maintained in fighting drugs.

I want to commend Commissioner Kelley for beginning to do something about this issue. However, I do believe that class action lawsuits have had something to do with it. I think it time that we make sure that every person traveling our airways and railways know that they will be treated fairly; and hopefully we can deal with this in such a way, Mr. Chairman, that it will not be necessary to go through with this amendment.

And I would like to invite comment from the gentleman from Arizona (Mr. KOLBE) at this time and from the gentleman from Maryland Mr. HOYER).

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

Mr. DAVIS of Illinois. I yield to the gentleman from Arizona.

Mr. KOLBE. Mr. Chairman, I appreciate the gentleman bringing this matter to our attention, and this is something the subcommittee is aware of, and we have heard about this not only from members of the subcommittee and the full committee, but we did inquire of the Commissioner of Customs about this problem, and I think the gentleman has raised a very valid point. We need to understand whether or not strip searches have been used in an inappropriate manner.

Let me just share with my colleagues, if I might, a couple of things that Commissioner Kelley is doing. I think he is really making a real effort to address the concerns that have been raised about this problem of personal searches, and I would also note that this legislation that we are considering this evening includes $9 million to help put in place non-intrusive inspection technologies at airports and other locations which would reduce the need for such searches. This is non-intrusive technology. That means one does not have to go through a strip search. It also includes $5 million in super surplus funding. It would go to Customs training initiative, some of which would support their inspectors training in this issue in not only the technology but in the procedures that are to be used.

So I do believe that the Commissioner has a real concern about this.

I will tell the gentleman from Illinois (Mr. DAVIS) that we intend to follow this matter very closely in further hearings with Customs and in our regular appropriations hearings next year. The gentleman has raised a very valid point, and I appreciate the fact that he has brought this to our attention.

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

Mr. Chairman, I thank the gentleman from Illinois (Mr. DAVIS) for raising this very important issue. I agree with the gentleman from Arizona. I want to say to my friend from Illinois that Commissioner Kelley is vigorously pursuing this and is very concerned. He agrees with the gentleman that incidents of this type have no place with respect to the Customs Service or in this country.

So I am very pleased that the gentleman has introduced this. It is my understanding he is going to withdraw it, but I know that the chairman and I both committed to the gentleman that we are going to vigorously pursue this and work with him to make sure that we know exactly what is going on and that corrective action is taken that is effective and precludes these kind of incidents from happening at any time in the future.

I will say to the gentleman once again that I think the gentleman from Arizona is right. Commissioner Kelley shares our concern and is going to, I think, therefore be an ally of ours in pursuing this very strongly; and I thank the gentleman for raising this important issue, Mr. Chairman.

Mr. DAVIS of Illinois. Mr. Chairman, will the gentleman yield?

Mr. HOYER. I yield to the gentleman from Illinois.

Mr. DAVIS of Illinois. Mr. Chairman, I want to thank the gentleman from Maryland as well as the gentleman from Arizona; and after listening to their comments and expressions of concern, I ask, Mr. Chairman, unanimous consent to withdraw my amendment.

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

There was no objection.

The CHAIRMAN. The amendment of the gentleman from Illinois (Mr. DAVIS) is withdrawn.

Mr. MEEKS of New York. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I had intended to submit an amendment to the floor, but the amendment deals with some of the same subject matters that the gentleman from Illinois (Mr. DAVIS) did, and I just want to add on that the issues which Mr. Davis talked about which have recently been aired on NBC television a few weeks ago is an issue with reference to civil rights violations by the Customs Service at airports throughout the country.

John F. Kennedy International Airport, what I believe is the world's premier international gateway located in the Sixth Congressional District of New York, was one of the airports cited by the NBC News report. Here and at other airports Customs agents are engaged in discriminatory practices on people of color.

This simple amendment that was offered by the gentleman from Illinois (Mr. DAVIS) is an amendment which ensures the integrity of civil rights laws passed by Congress. For too often at a great human expense many individuals who happen to be of color have been unfairly detained, examined and dehumanized at airports by Customs agents. African Americans and Latino women are asked by Customs agents to go into a room at an airport, strip naked and subject themselves to cavity searches and other dehumanizing tactics. Many times these searches on these women are done by males.

This amendment would encourage the Customs Service to meet their obligation under existing civil rights laws and stop the practice of racial profiling and discrimination in our Nation's airports. Every American and every legal entrant into this country has a right to travel freely regardless of his or her race, nationality or ethnicity. It is the responsibility of this body to ensure

that the civil rights of all people are protected.

Let us send a sound and loud message to the Customs Services that their practices and patterns of abuse against people of color will no longer be tolerated.

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

Mr. MEEKS of New York. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Chairman, I appreciate his action, I know the chairman does as well, and I look forward to his joining with the gentleman from Illinois (Mr. DAVIS) and ourselves in working on this issue.

I know from having talked to Commissioner Kelley that he shares our concerns. As my colleagues know, he is relatively new as the commissioner, but he is going to, I am sure, vigorously pursue this, and working together I think we will get at this problem and make sure that we resolve it.

Mr. Chairman, I thank the gentleman for his efforts and for his interest.

Mr. MEEKS of New York. Mr. Chairman, I thank the gentleman from Maryland.

AMENDMENT OFFERED BY MR. SANDERS

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

The Clerk read as follows:

Amendment offered by Mr. SANDERS:

At the end of the bill, insert after the last section (preceeding the short title) the following new section:

LIMITATION ON USE OF EXCHANGE STABILIZATION FUND FOR FOREIGN LOANS AND CREDITS

SEC. . None of the funds made available in this Act may be used to make any loan or credit in excess of $1,000,000,000 to a foreign entity or government of a foreign country through the exchange stabilization fund under section 5302 of title 31, United States Code, except as otherwise provided by law enacted by the Congress.

Mr. SANDERS. Mr. Chairman, this amendment is a very simple amendment. It prohibits loans in excess of $1 billion to foreign countries from the Treasury Department's exchange stabilization fund unless approved by Congress.

Now this is an unusual amendment in that the sponsors come from a wide and broad spectrum of political life. This amendment is being cosponsored by the gentleman from Alabama (Mr. BACHUS), the gentlewoman from Ohio (Ms. KAPTUR), the gentleman from California (Mr. ROHRABACHER), the gentleman from Ohio (Mr. KUCINICH), the gentleman from Florida (Mr. STEARNS), the gentleman from Texas (Mr. PAUL), the gentleman from Indiana (Mr. VISCLOSKY), the gentleman from Oregon (Mr. DEFAZIO), the gentleman from California (Mr. MILLER), the gentleman from Illinois (Mr. EVANS) and the gentleman from California (Mr. STARK). And not only are the Members who are endorsing this amendment from a wide spectrum of political life, so are the organizations who are endorsing this amendment. They include such unions as the United Steelworkers, the Atomic Chemical and Energy Workers, the United Union. They include the Americans for Tax Reform, the National Taxpayers Union, the Alliance for Global Justice, the Competitive Enterprise Institute and many other organizations.

Now why are we all united on this issue? For a very simple reason, and that reason is that the great crisis in American society today is that the vast majority of our people are giving up on the political process.

□ 2130

They do not believe that it is worth their energy to vote. In the last election, 64 percent of the American people did not vote. Over 80 percent of the young people did not vote.

What this amendment tries to do right here in the United States Congress is to reinvigorate our democracy. It says that if the President of the United States wants to spend more than $1 billion as part of a loan or a bailout, he must come to the United States Congress to get approval.

As all of us know, the Exchange Stabilization Fund was originally developed in the 1930s to stabilize our currency. That is what it has done. This amendment leaves that function untouched. The President of the United States can continue to do that. But what it does say is that if the President spends more than $1 billion, he must get the approval of the United States Congress.

Once again, this amendment will not in any way restrict the Treasury Department's use of the ESF to stabilize currencies, because currencies stabilization is the purpose for which Congress established the ESF.

The point here is that, as everybody Member of this body knows, that we on occasion spend hours debating how we are going to spend $1 million here or $1 million there. Given that reality, some of us think that maybe we should participate in debates when billions of dollars are appropriated.

Mr. Chairman, in recent years, whether it has been Mexico, whether it has been Asia, whether it has been Latin America, in Brazil, the President has acted unilaterally. I would argue that those of us who believe in the democratic process, those of us who get up here and argue about how we spend $1 million here or there, have a right to participate in how billions of taxpayer dollars are going.

Mr. Chairman, our opponents in this amendment, and they are legion, they are all over the place, no doubt, from both political parties, they are going to say, well, the President has to act in an emergency. But take that argument to its logical extreme. What are we doing here? Are we chopped liver, or what? Is it not time that we revitalize American democracy and get involved in the process?

Now, everybody knows that there are great concerns about the global economy, and honest people have differences of opinion about that economy. I have real fears. I have real fears that when a financial problem in Thailand develops, it spreads all over Asia and it affects the United States. It is amazing to me how little this Congress participates in that debate.

The gentleman from Arizona (Mr. KOLBE) and I may disagree, but he should not disagree that that debate should taken here on the floor of the House. Has the ESF program worked? Has the IMF program worked? Honest people have differences of opinion. Let us have that debate here on the floor of the House.

Once again, let me inform Members of what this amendment does and what it does not do.

The CHAIRMAN. The time of the gentleman from Vermont (Mr. SANDERS) has expired.

(On request of Mr. HOYER, and by unanimous consent, Mr. SANDERS was allowed to proceed for 1 additional minute.)

Mr. SANDERS. Mr. Chairman, let me reiterate, this amendment is similar to an amendment that was passed in 1995 under which the United States government functioned quite well, functioned quite well. This amendment recognizes the historical and traditional role of the Exchange Stabilization Fund, and allows the President to do what presidents have done since 1934.

But this amendment says that when we are going to spend more than $1 billion, come to the United States Congress for approval, so that the American people can be involved in that process.

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

Mr. Chairman, I also rise on behalf of this coalition, in support of this amendment, as one of the cosponsors to limit the use of the Exchange Stabilization Fund. Mr. Chairman, this sounds a little complicated, but it is not. It is basically that the President has the ability to spend money without Congress' approval.

Last year, Mr. Chairman, we offered a similar amendment, and we were accused at that time, you are trying to take advantage of the Asian economic crisis. The administration even felt threatened by it. Last year the former Treasury Secretary, Mr. Robert Rubin, sent us a letter saying that the President would veto the appropriations bill because of our efforts.

We are back, and we think it is so important that I hope my colleagues will listen to this debate carefully. We are pushing this issue for one reason and only one reason: Each of us believes that the use of the Exchange Stabilization Fund by our president without congressional authorization is simply unconstitutional.

The ESF was established in 1934 solely, solely, Mr. Chairman, to stabilize the exchange value of the U.S. dollar. That was it. The ESF's purpose was to give the U.S. adequate financial resources to counteract the activities of

the European fund. The fund was established essentially with $2 billion, appropriated from profits realized from the reevaluation of U.S. gold holdings.

But slowly, through history, the Exchange Stabilization Fund has been perverted and altered from protecting the U.S. dollar, which would be its proper use, to bailing out foreign currencies. The ESF's purpose was changed, just the same as the IMF's purpose and mission was unilaterally changed from being one that was used to ease temporary currency exchange rate problems to one that is used to bailing out foreign governments.

By our last count, the ESF had about $30 billion in reserve, ready to be used as a presidential slush fund without congressional oversight. Tonight Members are going to hear the proponents of using the ESF fund and the IMF fund typically say, using these funds are risk-free, we are going to hear that argument time and time again, because borrowing nations always pay back these loans. We have heard that.

The proponents also treat such funds as if they are surplus accounts, free to be used by benevolent administrations.

First of all, Mr. Chairman, the $30 billion in the ESF fund belongs to the American taxpayers, and only Congress, only Congress should have the power to disburse the ESF funds.

Secondly, use of the funds is not risk-free to the American taxpayers. If a borrowing Nation defaults on a loan, it is the American taxpayers who lose, because it is their funds to begin with.

There is also this myth that nations pay back such loans, when in fact they usually borrow more money from other sources in order to pay off the previous IMF or ESF fund, which simply increases their debt level again and again and again.

Others will argue that we have only pursued this amendment because, well, this is a political shot. This is a bipartisan amendment that the gentleman from Vermont (Mr. SANDERS) has offered, so that argument does not hold water.

Mr. Chairman, last year the amendment had restricted the President from using ESF funds beyond $250 million without our approval. This year we have upped it to $1 billion, which is still a moderate and I think a sensible amount to put as a condition before the President can spend the money. Unilateral executive authority on international financial matters is not what our Founding Fathers intended when they drafted the unique concept of separation of powers in the Constitution.

It is once again time to reassert, Mr. Chairman, reassert our constitutional prerogatives that give Congress the rightful authority to authorize and to appropriate these funds.

So, Mr. Chairman, this is one of a constitutional question. I ask all of the Members to support this amendment.

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

Mr. Chairman, I have great respect for the gentleman from Vermont (Mr. SANDERS). I think if all Members of this institution cared as much about working people as he does, that this country just might give everybody in this society an even shake. We have stood together on NAFTA, we have stood together on GATT, and we will stand again together tomorrow on another trade issue, I suspect, and I mean immediately, tomorrow.

However, I simply want to say that I think this amendment is an absolute recipe for disaster. I am very much an economic populist, but I am also a committed internationalist. It seems to me that the use of the Economic Stabilization Fund should be determined by the merits of the case, and not how popular an individual country is within the United States Congress, or who happens to be lobbying the Congress if the country in question happens to be involved in foreign policy disputes which significant portions of our own society do not happen to like.

The use of the Economic Stabilization Fund is not foreign aid. When the Exchange Stabilization Fund is used, it is used to try to stabilize the world economy, not to help another country but to defend our own country, to defend our own prosperity, to defend our own jobs.

In 1929, the collapse of the world economy was not caused by the collapse of the stock market. That was just a very public event. It was started when we had a currency collapse in Austria and the CreditAnstalt bank collapsed. That was followed by a run on the German banking system, and their system collapsed. Then the crisis jumped to Britain, and after the British banks were mowed down in the crisis, then the crisis jumped across the Atlantic and it hit the United States economy. It went worldwide.

We know the results. Not only did the economies collapse of the countries involved, we had tremendous political instability as a result. People like Adolph Hitler and Mussolini came to power, and 50 million people died. That is why we have had actions taken to establish not just the Economic Stabilization Fund, but some of the other international economic institutions that some people in this institution love to chastise.

It just it seems to me, Mr. Chairman, that there is a reason for the separation of powers. It seems to me that any administration needs to have the authority to deal with an economic crisis internationally in any way that it needs to deal, without having to be second-guessed by the Congress.

We saw what happened just a year ago when we had a crisis in Korea that demanded that we marshal more resources to deal with the possible worldwide economic collapse. Disgracefully, it took almost a year and a half for this Congress to act. I would hate to God to think that that would be the pattern, but that would most certainly be the pattern if this amendment were adopted.

Mr. Chairman, I would say, should we give a president a blank check? Absolutely not. What this Congress ought to do is exercise its sharp oversight responsibility. It ought to critique administration actions whenever it differs. The executive needs to act, but the Congress also needs to, in my view, to skin the executive if he plays it wrong, or plays it incompetently.

But do not handicap and do not hamstring the President of the United States, who is charged with being the steward of America's economic interest in the international arena. That is what this amendment does, and that is why it ought to be defeated.

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

Mr. Chairman, I speak in strong support of this amendment. Mr. Chairman, what this amendment simply says is this: no multi-billion dollar loans of taxpayer money to foreign countries without congressional approval. Let me repeat that: no multi-billion dollar loans of taxpayer monies to foreign countries without congressional approval.

Mr. Chairman, the gentleman from Vermont (Mr. SANDERS) spoke first. We are talking about billion dollar loans. Now hear me, we are not talking about million dollar loans, we are talking about billion dollar loans, a thousand million dollars. Is it not reasonable, is it not rational, that before the President or the Secretary of the Treasury writes a check or makes a loan to a foreign country for $1 billion, for a thousand million dollars, Congress ought to approve that, if it is for a loan? We are talking about for a loan.

People have said the Exchange Stabilization Fund, which was started in 1934, has grown to $34 billion today. They have said that that money is necessary to stabilize currencies. There is absolutely nothing in this bill, and let me repeat, our amendment will not in any way restrict the Treasury Department's use of the Exchange Stabilization Fund to stabilize currencies, which is what the fund is designed to do, and what it was used for until 1995. That is what the fund was established for. It is what it is supposed to do.

□ 2145

It is not this type of transfers that we are trying to ask for congressional approval of. It is only loans to foreign governments. One reason that we ought to review these is when we have made these $5 billion loans and $3 billion loans and $5 billion loans we have said to these foreign governments that they will start an austerity program where the recipient countries will increase their exports to the United States and decrease their imports from the United States. When they have done those, they have cost jobs in the United States.

That is not free trade when we send billions of dollars to foreign countries

to prop up competition, companies that compete with us. That is not free trade. It has cost us thousands, hundreds of thousands of jobs in this country. But we are not saying they cannot make these loans; we are saying come to Congress and get approval.

We just spent 2 hours debating a $200,000 expenditure a year for the next few years. We are not talking about $200,000 here. We are talking about a $34 billion fund.

Mr. Chairman, let me say in conclusion, we passed this measure in 1995. In 1995, this Congress, most of the Members that will be voting tonight said it is prudent for us to approve these loans. And it is still prudent today. We have had a loan of $5 billion from this fund to Korea. We have had a loan of $5 billion or commitment from this fund to Brazil. We have had a commitment of $3 billion from this fund to Indonesia. There is an honest disagreement here.

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

Mr. Chairman, I rise in opposition to the amendment. I have to take issue with a number of points that have been made. There is some question about the comments of the gentleman from Vermont (Mr. SANDERS), the author of the amendment who is a friend, we do not always agree, and the comments of the gentleman from Alabama (Mr. BACHUS), chairman of the Subcommittee on Domestic and International Monetary Policy of the House Committee on Banking and Financial Services on which I serve.

First of all, Mr. Chairman, I would ask the author of the amendment, would a loan or an extension of credit for the stabilization of currency apply under the gentleman's amendment, or would it be subject to oversight or subject to congressional approval?

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

Mr. BENTSEN. I yield to the gentleman from Vermont.

Mr. SANDERS. Mr. Chairman, it would not be subject to congressional approval. It would continue to do as the purpose of this program was meant to.

Mr. BENTSEN. So, reclaiming my time then, to the extent an extension of credit was made to the Mexican Government to stabilize the peso, then that will be allowed apparently under this, and it would be up to the general counsel of the Treasury Department.

Mr. SANDERS. Mr. Chairman, if the gentleman would continue to yield, he would have to define what currency stabilization means. But in the current sense of what currency stabilization means, and what has historically been done under this fund, this amendment would allow that to continue.

Mr. BENTSEN. Mr. Chairman, again reclaiming my time, I think this amendment is fraught with uncertainty and problems. Back in 1995 when this amendment passed and we were in the midst of the crisis in Mexico, we were not sure what was going to happen. We now know that the Mexican economy did not collapse; and had it collapsed, it would have had broad ramifications for the United States.

Certainly my State of Texas would have felt it a great deal since Mexico is our number one trading partner. We would have lost jobs. We would have lost exports to that country. We would have had an increase in the immigration problem as a result of it.

But instead, Mr. Chairman, we have seen the Mexico bolsa coming back and the peso has stabilized some. Yes, they still have problems, but they would have been a lot worse out if we had not done anything. And in fact we have half a billion dollars more than the principal that was returned to the economic stabilization fund.

With respect to South Korea, the commitment was made at a very delicate time when the South Korean won was going down; The South Korean market was going down. Rapid unemployment. And part of that commitment, which was a multinational multilateral commitment to defend the currency, the South Korean currency for the benefit of the United States currency, in a large export market where we actually run a trade surplus, and the fact that that opportunity, that we were able to participate in that and never actually spent the funds or lent the funds, no funds went from the Treasury, it has worked now because the South Korean economy has stabilized. Yes, they have to continue to make changes but it worked.

In Brazil, where the commitment was made, we now see the real has stabilized and the Brazilian markets have stabilized because we have to do it. Why would we want to go and change something that works?

I would argue to my colleague from Florida, who I think has left the floor, we exercise our constitutional prerogative every day we are in session. And every day we are in session we can look at this and say if this is not working, we want to change it. If we want, 218 Members can file a bill and go sign a discharge petition to get it on the floor, if we cannot get the leadership to do it.

But this is something that works, and it has been to the benefit of the United States economy. If we had allowed the Mexican economy to go down in 1995, as it surely would had we not done this, or if we had allowed the Asian economy to go down as it was heading a year and a half ago, we would have felt it in the United States and we would have lost more jobs.

And, yes, austerity programs come in. We have problems with how the IMF does some things. But the fact is if we had done nothing, they would have been worse off. A complete collapse of the economy would have brought anarchy in the countries and increased unemployment and what good would that be? Maybe philosophically my colleagues would have felt more pure, but more people would have been unemployed and not just in those countries but in the United States as well.

Mr. Chairman, this is a program that has worked. We have oversight quarterly. The Treasury reports to the Committee on Banking and Financial Services, which the gentleman from Vermont sits on along with myself and the gentleman from Alabama (Mr. BACHUS) and the gentleman from Texas (Mr. PAUL). Annually it reports to the entire Congress. We know what is going on there. We know how it is working. And if was not working, then it would be a problem and then we would have to address it.

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

Mr. BENTSEN. I yield to the gentleman from Vermont.

Mr. SANDERS. Mr. Chairman, I appreciate the words of my good friend. Is there anything in this amendment which would suggest that anybody here is not deeply concerned about what is happening around the world, that we do not want to see the economies of Mexico, Russia, Asia strong?

All that we are saying is, for example, maybe if the Congress had been involved in the discussion over the bailout of Russia, maybe the Russian economy would not be in the pits that it is in now.

Mr. BENTSEN. Mr. Chairman, reclaiming my time, this has nothing to do with Russia.

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

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

Mr. PAUL. Mr. Chairman, I rise in support of this amendment, and I thank the gentleman from Vermont (Mr. SANDERS) for bringing this amendment to the floor.

I would like to clarify one thing about the original intent of the Exchange Stabilization Fund. It was never meant to be used to support foreign currencies. It should not be so casually accepted that that is the proper function of the Exchange Stabilization Fund.

The Exchange Stabilization Fund was set up, I think in error; but it was set up for the purpose of stabilizing the dollar in the Depression. How did that come about? Well, it started with an Executive order. It started with an Executive order to take gold forcefully from the people. And then our President then revalued gold from $20 an ounce to $35 an ounce, and there was a profit and they took this profit and used some of those profits to start the Exchange Stabilization Fund. They set it up with $200 million. It does not seem like a whole lot of money today.

How did it come about over these many years that this fund has been allowed to exist without supervision of this Congress, and now has reached to the size of $34 billion and we give it no

oversight? It is supposed to send reports to us, very superficial reports to the Congress. We don't know how they got $34 billion. They earned interest on some of the loans, and all the loans are paid back because the countries who get the loans borrow more money.

Mr. Chairman, the Mexico bailout did not solve the Mexico problem. It is ongoing. The peso is in trouble again. They are in more debt than before. We only encourage the financial bubble around the world. This is a dangerous notion that we can take something that was set up to stabilize the dollar, and now we are pretending we can stabilize all the currencies in the world and use it as foreign aid to boot without the congressional approval. There is something seriously flawed with this.

It has also been suggested by many who know a lot more about the details of the Exchange Stabilization Fund than I do, and it has been suggested that possibly, quite possibly, what happens is Treasury deals in currencies all the time and there are profits to be made. And when there is a profit, it goes into the Exchange Stabilization Fund. When there is a loss. It is sent over to the Treasury and then recorded as a loss.

This is a magnificent thing, but in a free society, in a democracy, in a republic where we are supposed to have the rule of law, we are not supposed to have a slush fund that is run by our Treasury without supervision to be doing things that was never intended. This is a serious problem. And I think economically it is serious because it is contributing to the bubble. It is contributing to a financial bubble.

So, yes, we tide Mexico over for a year or two, but what are we going to say next year when there is another peso crisis? Are we going to close our eyes and say we will do whatever we want, it is a major crisis? Our obligation here in the Congress is to have a sound dollar, not to dilute the value of the dollar without our permission and for our President and our Treasury Department and the IMF and the World Bank and the internationalists to destroy the value of the dollar. That is not permissible under the rule of law, and yet we have casually permitted this to happen and we do not even ask the serious questions.

We should make it certain that all loans, all use of that is reviewed by the Congress. This is a very, very modest request by the gentleman from Vermont. It should be absolutely approved. But then some day we ought to give a serious study about how we as a Congress allow these kind of things to happen without our supervision.

What is the purpose of having a Congress? What is the purpose of the Constitution if we have an obligation to guarantee the value of the dollar and if we permit somebody not under our control to do whatever they want to the dollar under the pretense that we are going to protect the value of all the currencies of Asia?

Mr. Chairman, are we going to protect the Euro now? The Euro is getting pretty weak. I guess we are going to bail out the Euro. When it drops down under a dollar, we will expect the Exchange Stabilization Fund to come and bail out the Euro. This has to be looked at. This is the first very modest, very minimal step that we are making tonight. It should be overwhelmingly supported.

It is up to us to assume our responsibility to protect the dollar, have the rule of law, make sure that we assume the responsibilities that have been delegated to us and not close our eyes and let this slush fund of $34 billion that has existed for now these many decades and have allowed the Treasury Department to run it without us caring. So I plead with my colleagues, support the amendment.

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

Mr. Chairman, I rise in opposition to the amendment. So many things have been said that are so blatantly false. First of all, one of the distinguished gentlemen said that the actions of the executive branch under the Exchange Stabilization Fund are unconstitutional and this is, therefore, primarily a constitutional question. Well, we have used this now since the early 1930s and never has this been found unconstitutional. That is simply not before us.

Other individuals have said we should not have these wasteful expenditures of government monies as if we were giving foreign aid or grants. And yet we are talking about loans or credits, money that absolutely must be repaid and in every instance has been repaid.

Charges have been made, well, the chief executive acts in an unaccountable manner; and yet by law we have mandated monthly reports. Not simply annual reports, but monthly reports, as the gentleman from Texas (Mr. BENTSEN) said. We know everything they do.

A few days before he left office as Secretary of the Treasury, Bob Rubin had dinner with a number of Members of Congress and he did not talk about this issue. He talked about one of his concerns, perhaps his chief concern, and that was the ability of the United States Government to function in the future, given its cumbersome way of working.

□ 2200

Other governments have a parliamentary form of government so the prime minister can make a decision and act upon it. We have chosen our way with the separation of powers, et cetera. But Congress wisely realizes that there are certain times and certain events where we must delegate authority.

We have delegated authority with respect to the Exchange Stabilization Fund, going back to the early 1930s. What has happened since the 1930s? Well, the world has become unbelievably smaller. We have had an integrated global economy involving trillions and trillions of dollars where what goes on in Korea or Brazil or Germany or Mexico profoundly impacts citizens of the United States.

There has been a huge increase in technology, too. So trillions of dollars are transferred today every day in fractions of a second. We must be able to respond. We have the Exchange Stabilization Fund so that we can respond.

If we were to say one cannot act with a loan or credit in excess of $1 billion, and very, very frequently when the Secretary of the Treasury and the President act, it must be in excess of a billion dollars, whether it is Mexico, Brazil, Korea, name it, it must be, if one must have the Congress of the United States work its will, one might as well say that the United States must abdicate its leadership, and not only abdicate its leadership, abdicate its role in dealing with any future international financial crisis.

That is what the effect of this amendment would be if it were passed. That is why the past Secretary of the Treasury, the Secretary of the Treasury before him and before him and the current Secretary of the Treasury has said any bill that contains such a provision should be vetoed.

Please vote against this. My colleagues would not just abdicate the United States economic leadership, they would forfeit any United States role in dealing with any future international financial crisis.

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

Mr. Chairman, the Exchange Stabilization Fund is being misused by Treasury to bail out foreign investment failures. When some aspects of corporate foreign investment policy fails, the Treasury taps the ESF to cover over the failure.

Here is a recent example, Mr. Chairman. In Indonesia, the International Monetary Fund caused a run on Indonesian banks when it directed the closure of 16 banks there. A confidential internal IMF memo even acknowledged the failure. The IMF caused a panic by making a bad situation much worse. So what does this ''Foreign Investment Failure Fund'' do? Without congressional approval, Treasury dispatched a credit line of $3 billion to cover the mistake.

NAFTA caused a flood of U.S. investors to abandon their investments in the U.S. for higher rates of return in Mexico. Then the already over-valued Mexican currency collapsed. Guess what? The ''Foreign Investment Failure Fund'' was used without congressional approval to cover the multi-billion dollar failure.

Indeed, the ESF was used in this way because Congress refused to pass a $20 billion package to benefit the Mexican elite at the expense of the Mexican people. The use of the ESF by Treasury thwarted the will of the Congress.

The ''Foreign Investment Failure Fund'' is used to accomplish policy

changes that often make international financial problems worse. In Korea, important consumer and labor standards and regulations were overturned as conditions for $5 billion in ''Foreign Investment Failure'' funds from the U.S.

Koreans now talk about ''IMF suicides'' to characterize the wave of suicide among jobless and hopeless Koreans. Korean labor unions are conducting massive protests and strikes. Without Congress' approval or involvement, global economic policy is being forged for the benefit of the few with the funds of the American people as leverage.

This amendment will correct the abuses, but it will not tie Treasury's hands. If Treasury needs to stabilize another country's currency, it will be able to use the ESF to do so unilaterally and without Congress' approval. The amendment allows Treasury to do currency swaps and other currency stabilization aids without Congressional approval.

But if Treasury is making a large loan to another country, they will have to come to Congress, which is the only appropriate process, given the American system of checks and balances.

This amendment is nearly identical to one that Congress passed in 1995. Many of my fellow Democrats voted for that amendment then. Unfortunately, the authority of that provision lapsed in October of 1997. Today, we need to repeat our correct action.

So long as the Exchange Stabilization Fund is used to extend credit or give loans to foreign nations without Congress' approval, these foreign investment failures will get larger and will become more frequent. More of the U.S. Treasury will be exposed to paper over them, benefit foreign elites, bail out big banks, and underwrite austerity, joblessness and hopelessness for the majority of people around the globe.

Let us stabilize the power of Congress by voting yes on this amendment.

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

Mr. Chairman, I rise in strong opposition to this amendment. The world is going through one of the most fundamental changes in its economy in history. As we move from the industrial age to the information age, we are moving to an economy that is based much more on speed, whether it be the speed of commerce, the speed of innovation, the speed of communication.

As we move into this information-based economy, we are seeing the world shrink. We are seeing national borders are becoming increasingly porous to the flows of information as well as capital. It is leading to the integration of our economies.

The United States can no longer insulate itself from the affairs and the impacts of other countries and the financial situations and crises that occur there. So it is becoming increasingly important that the administration have the ability and the flexibility to use most effectively the Exchange Stabilization Fund.

We can look back at how effectively it has been used to stabilize some crises in Asia, in South America, which is in the interest of United States' working people and the interest of United States' businesses.

When we want people to advocate that this is something that Congress ought to take a role in to approve almost every loan that the United States might participate in through the Exchange Stabilization Fund, it certainly would be something that would almost render this inoperable, because in Congress, quite honestly, it almost takes us a year to name a Federal Post Office. To have Congress coming in and trying to okay and approve every loan is certainly going to be too cumbersome. That would render the effectiveness of the Exchange Stabilization Fund almost obsolete.

This is a tool that is benefiting not other countries so much, it is a tool which is benefiting working men and women in the United States, and we should oppose this amendment.

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

Mr. Chairman, I rise in strong support of this amendment. We have heard arguments on both sides tonight. But I would ask people to use their common sense. I would ask the people at home to listen very carefully to the arguments, those reading the CONGRESSIONAL RECORD to read the words very carefully.

The proposition is very simple. If there is a $1 billion transaction or more from the Exchange Stabilization Fund, which means American tax dollars, the American people's money, there should be approval by Congress. It is almost nonsensical for us to suggest that the American people do not deserve accountability for expenditures of over $1 billion. I do not understand it.

I hope the people listening to this debate, I hope those people reading the CONGRESSIONAL RECORD begin asking themselves, why is it that we have such heavy debates on issues, for example, of whether we should increase spending for veterans benefits by $100 million or $50 million, yet we have people that are going to the floor defending a policy of having unelected officials, shadowy figures, who we do not know who exactly is making the decision, spending billions of dollars of American tax dollars to help foreign currencies?

The gentleman from Texas (Mr. PAUL) made a very important point tonight. The original purpose of the Exchange Stabilization Fund was to stabilize the American currency. At least, there is some justification, or perhaps there was at that time, that we were watching out for the interest of the American people.

Now, what we have here is yet another example, and I hope people look at this example, of American liberty being sacrificed on the alter of globalism: America has to come second. The interest of the American people should not be considered. We cannot hold ourselves accountable to the American people, even though it is billions of dollars of their money.

Count me out on that, please. I came here to Congress to be held accountable.

Now, we disagree on a lot of things. The gentleman from Massachusetts (Mr. FRANK) and I, we disagree on a lot of things. The gentleman from Vermont (Mr. SANDERS), the author of this amendment, and I disagree. We debate about them on the floor.

I happen to believe that less expenditures are good. That is a good policy for the United States. The gentleman from Vermont (Mr. SANDERS) thinks that we should have more government intervention here at home. But that is an honest debate. We are held accountable for that.

To have people here say that, for the government of Brazil or Indonesia or some crooked regime in some other country, far-off country of the world, we have to give the power to some unelected officials to spend billions of dollars of our money without a vote of Congress, talk about undermining the democratic principles on which this country is founded.

I think this is very clear. I hope everyone pays attention to the debate. Unfortunately, it is happening at 10 o'clock at night. But I hope the American people pay attention to who is making the arguments and who is on their side.

Unfortunately, when one gives the power to an unelected elite to spend the money without any approval of Congress, and that is what we are talking about, billions of dollars being spent by an unelected elite, sometimes that money does not go to people who really share our values. Sometimes it goes to people like in Indonesia when it was being controlled by an autocratic regime. Sometimes it goes to people who are just part of the same international country club, the guys making the decisions, these Ivy Leaguers who get hired to make these decisions.

Now, after all, we Members of Congress cannot be trusted to make decisions like that. We have to leave it up to these guys from the Ivy League schools who are not elected by anybody to watch out for the American people.

No, I am sorry. That is not the way it works here in America. What works here in America is we have trust in the people. We have trust that, if we make the wrong decision, we are going to get kicked out. But everything is supposed to be up front.

Unfortunately, over the decades, we have permitted the freedom and the accountability of the democratic system to be eroded, and this is perhaps the best example in our government today.

My hat is off to the gentleman from Vermont, again a man who I disagree

with philosophically on a number of issues, but who stands for democracy, stands for accountability, stands for liberty. And under those concepts, we can disagree on what the government should do.

Mr. KOLBE. Mr. Chairman, we have gone for an hour on this issue, and I have a proposal so that we can bring this debate on this issue to a close.

I ask unanimous consent that all debate on this amendment and all the amendments thereto close in 20 minutes, the time to be equally divided between the sponsor and myself.

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

There was no objection.

The CHAIRMAN. The gentleman from Arizona (Mr. KOLBE) and the gentleman from Vermont (Mr. SANDERS) each will control 10 minutes.

Mr. KOLBE. Mr. Chairman, I yield 2 minutes to the gentleman from North Dakota (Mr. POMEROY).

Mr. POMEROY. Mr. Chairman, I thank the gentleman for yielding to me. The Exchange Stabilization Fund has never been more important than now. We are in an interlinked global economy where currency is transferred in the blink of an eye over an electronic infrastructure.

□ 2215

Capital flows can cause a national treasury to hemorrhage. And let me tell my colleagues how this works, briefly. If there is great investor uncertainty, money is pulled out. Without the Exchange Stabilization Fund able to assist for a brief period of time in shoring up currency, providing investor, stabilizing investor confidence, we literally have a run on the bank situation which can lead to catastrophic national bankruptcy.

I read from a letter that I will introduce for the RECORD from Secretary Larry Summers, who played such a critical role in stabilizing Korea that was teetering on the very brink of bankruptcy. On Christmas Eve, the ESF permitted the United States to participate in a critical time-sensitive effort to forestall financial default in Korea, where 37,000 American troops are stationed. The economic and national security consequences of default were clearly unacceptable to the United States.

That was on December 24, 1997. Do my colleagues know when Congress went home that year? November 13. And when did the Congress come back? January 27. Congress was missing in action for nearly 3 months, and in the middle of this period we had almost an Asia financial meltdown, forestalled just barely by the extraordinary work of Secretary Summers, using as an integral part of his effort the Exchange Stabilization Fund.

It would not have worked, it would not have been there if the congressional requirement the amendment seeks would have been in place. Congress was home. We must defeat this amendment.

Mr. Chairman, the letter from Secretary Summers I earlier referred to follows for the RECORD:

DEPARTMENT OF THE TREASURY,
Washington, DC, July 15, 1999.

Hon. STENY HOYER,
Subcommittee on Treasury, Postal Service, and General Government, Washington, DC.

DEAR STENY: I am extremely concerned that an amendment to restrict severely the use of the Exchange Stabilization Fund (ESF) may be considered during House action on the Treasury, Postal Appropriations bill. Such an amendment would constitute an unacceptable limitation on the executive branch's ability to protect critical U.S. economic interests, and I would be forced to recommend a Presidential veto if the final bill contained such restrictions.

The original ESF statute deliberately provided the executive branch with the flexibility needed to respond expeditiously and effectively when justified by important national economic interests. Because the nature of financial crises sometimes requires urgent action to stabilize markets and protect the U.S. economy, it is necessary to act more quickly than is permitted by the deliberative procedures of the legislative branch. This is particularly true in today's large, fast-moving financial markets.

Two recent examples illustrate how the ESF works to protect American interests. On Christmas Eve, 1997, the ESF permitted the United States—with broad international cooperation—to participate in a critical, highly time-sensitive effort to forestall financial default in Korea, where 37,000 American troops are stationed. The economic and national security consequences of Korean default were clearly unacceptable risks for the U.S., and the availability and flexibility of ESF resources were indispensable to our stabilization efforts. Similarly, the ESF and bilateral resources from other countries were essential to the international effort last year to help Brazil avert the kind of financial collapse that could have had very severe consequences in our own hemisphere, with obvious implications for the U.S. economy.

Let me make clear that we fully accept our responsibility to account to Congress for our actions under the ESF statute. Treasury submits detailed monthly reports on ESF transactions to the Banking Committees, and the President submits an annual report to the Congress. We believe strongly that our use of the ESF has been prudent and consistent with the spirit and letter of the law.

We simply cannot afford to compromise our nation's vital economic and financial interests by limiting our ability to act responsibly and expeditiously during times of urgent crises, and I urge the Congress to preserve the ESF statute in its current form.

Sincerely,

LAWRENCE H. SUMMERS,
Secretary.

Mr. SANDERS. Mr. Chairman, I yield 5 minutes to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. Mr. Chairman, I thank the gentleman for yielding me this time. The issue here is not the Exchange Stabilization Fund as set up by President Roosevelt. I believe there is broad agreement among Members of the House and others about the value of that fund to defend the American dollar and to intervene in currency stabilization around the world which would have a dramatic impact on our dollar or on the American economy.

The issue is should unsecured loans to foreign nations, most of the time being made to bail out extraordinary speculation, sometimes by U.S., sometimes by U.S. multinational, and sometimes by foreign interests, be made in excess of $1 billion of our taxpayers' money by a Cabinet member, with or without the consent of the President of the United States and without any consultation or consent of the elected representatives of the people?

Now, I think most people would have to raise a question about that. We are not talking about the reasons for which the fund was established, which was to shore up or defend the dollars against attacks. We are not talking about currency stabilization generally. We are talking about unsecured loans to foreign governments, foreign interests, to bail out failed speculative activities.

Now, some have gone to the floor to talk about the great success of bailing out these failed speculative activities. Guess what? If we do not have market discipline, if we bail out the speculators every time their 50 and 100 percent loans go sour, and give them back their capital after they have already gained it two or three times over in interest, then they will go out and do it again and again and again. And now they are doing it with the support of U.S. taxpayers' money and at the risk of U.S. taxpayers' money.

Oh, yes, the speculation has worked out pretty well so far, as far as we know, since the fund is not fully accountable. In fact, in the past, and we have heard accounts of that earlier this evening, the fund was used to buy rugs and special trips and all sorts of things. Yes, it was cleaned up a number of years ago. But, still, it is not fully accountable to the American people. No full accounting is rendered. And it continues in these activities.

Now, I think we as the elected representatives of the people have got to question. Maybe $1 billion is the right figure. Maybe we should let them do $2 billion. I do not know. I do not know exactly what it is. But I can say that before we extend a loan without security of taxpayers' dollars, which is not in direct defense of the interests of the United States of America, of our economy, of our currency, of our people, of our taxpayers, of our workers, yes, maybe in defense of a few bankers who made some really stupid loans at extraordinary rates of interest, then we have to question whether it should continue in that vein.

For 2 years this amendment stood. Were there any international crises during that time to which the United States could not respond? No. There are other tools. We can go to the World Bank, which basically is an arm of the U.S. Treasury, or the International Monetary Fund, another arm of the U.S. Treasury. At least, though, it would be diluted by other countries' money and other taxpayers' from other countries' money. It was not directly

funds allocated from our taxpayers to foreign governments. Interventions took place during those 2 years that this amendment was in effect to bail out speculators.

Now, if we think it should be the policy of the United States to bail out speculators so all their investments are always guaranteed, then we should vote against this amendment. That will be a fine day for some people, but not for the American people. Not a proud day for me as a representative of the American people. And I urge my colleagues to think long and hard and remember this amendment was in effect for 2 years and none of these horrible things happened, because other tools are available that do not put our taxpayers' dollars at risk.

Mr. KOLBE. Mr. Chairman, I yield 2 minutes to the gentleman from Maryland (Mr. HOYER), the distinguished ranking member.

Mr. HOYER. Mr. Chairman, I thank the gentleman for yielding me this time. I listened to my good friend, the gentleman from Vermont (Mr. SANDERS), who, I agree with the gentleman from Wisconsin (Mr. OBEY), cares a great deal about the policies of this government, a great deal about the working men and women of this country and is one of our finest Members. I also listened to the gentleman from Oregon (Mr. DEFAZIO), who I also believe is a very fine Member. We happen, however, to disagree on this particular issue.

I understand what is being said. I understand about the multinationals and those who have extended credit wisely. I agree with all that, and that angers us. But the fact of the matter is the real adverse ramifications are not to those necessarily who have acted so irresponsibly. Destabilization impact is not on those rich guys who did things speculatively that may have made them a lot of money and at great risk, and when the deal went bad they maybe either expect to bail out or just bail out themselves and leave others holding the bag.

The real problem, from my perspective, is that the destabilization that occurs if they are not bailed out is to those working men and women in this country and in other countries; and they are the ones who suffer, from my perspective, unfortunately.

It is like bailing out the savings and loans that was so controversial. Yes, we bailed out some big guys who were bad people, but the fact is what we tried to do really was to save harmless, an awful lot of depositors who had relatively small amounts of money invested.

I believe he has been quoted of course, and there are some people who obviously disagree, but Secretary Summers has been very much involved in the utilization of this fund over recent months, to, in my opinion, the great benefit not only of the governments of Korea and Brazil and of Mexico but also this government and our people as well.

Mr. Chairman, I would urge the defeat of the amendment.

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

It seems to me that this important and interesting debate is primarily about two fundamental issues, both of great importance. The first is the issue of democracy, which I hold to be the most important issue.

I want to reiterate the fact that I believe the great crisis facing this country is that we are losing our Democratic traditions. Every Member of this body should be terribly frightened that in the last election over 80 percent of the people 24 years of age or younger did not vote. And every poll that is taken shows the young people are not interested about what is going on in government or are extremely alienated from the process. With big money controlling both political parties, many, many people have given up on the political process.

One of the reasons they have given up is they do not see the Members who they send to Congress, who supposedly represent them, fighting for their interests and participating in the important issues facing their lives. How can we stand to defend democracy when we say, oh, yes, we will have no say when the President, Democrat, Republican, liberal, conservative, can put at risk billions and billions of dollars and we have no say about that. And then we go home and we tell our constituents, get involved in the political process. They are not going to do that. That is issue number one and the most important issue.

But the second issue we hear about is the global economy. Well, if these ideas are so good, then let the President of the United States come to the Congress. He will get support if the ideas are good. What a statement it is to say that we are incapable of responding to a crisis. What a terrible and awful thing to say. If the President feels that it is necessary to appropriate or to lend substantial sums of money to a foreign government, he can come to the United States Congress, make his case; and if it is a good case, the American people will support him and the Congress will support him.

But when we talk about the global economy and all the glowing accords, I would mention to my friends go and tell that to the average American worker, whose wages today are 12 percent less than they were in 1973. Tell that to the average American worker today, who in the midst of this great global economy is working 160 hours more than he or she worked 20 years ago. Tell that to the people of Mexico, whose standard of living has declined. Tell that to the people of Russia, who have almost descended into Third World living standards.

Now, people have honest disagreements about the global economy. That is what we should be debating on the floor of the House. That is a good debate. And maybe if we do that our constituents would know that we are involved in the important issues of their lives. Is the global economy working for the steelworker, for the textile worker, for the family farmer in my State of Vermont? Some think it is, some think it is not. Let us debate that issue.

So, Mr. Chairman, I would argue for strong support for this amendment. Let us restore the democratic traditions of this country. Let us get the Congress involved on the most important issues.

Mr. KOLBE. Mr. Chairman, I yield 2 minutes to the gentleman from Minnesota (Mr. VENTO).

Mr. VENTO. Mr. Chairman, I rise in opposition to this amendment.

I understand the good intentions of my colleague, but the fact of the matter is in our global economy, our economies are all more interrelated. This, in fact, is of course an authority. Although it is referred to as the exchange stabilization rate, it has evolved to be used, and used very effectively, in terms of preventing the type of economies in many countries from spinning out of control and to go back to economic ground zero.

The fact we do not have a perfectly functioning economy on a global basis is self-evident. But to deny our Nation and our leadership the type of tools that need to be used essentially in a crisis, whether that crisis is occurring in Korea or whether it is occurring in Mexico or whether it is occurring in Russia is a fundamental mistake, not only because it would devastate the economies of those countries but invariably that type of contagion and those types of impacts would be felt by the workers in this country and in our total global economy.

So the fact of the matter is we need to have these tools, and in fact they have evolved and we have oversight responsibilities. And there are plenty of mistakes to go around in terms of what happens in these economies, why they are not functioning; but in fact we have and continue to work for the type of transparency, the type of market forces that, in fact, will provide, I think, for a better working global economy.

□ 2230

I am an interventionist. I believe that we ought to intervene at home when we have problems in our economy and respond to people, and I believe we ought to do so internationally when we can to try and mitigate the adverse impacts that that has on people around this globe.

In fact, this type of crisis, these types of tools are absolutely essential. We have not lost money with this program I would underline to my colleagues. That money is fungible and that money was spent in Russia or spent in other countries improperly is not even debatable or that mistakes are made in these economies. If they were perfect, we would not need these

types of tools. But we need the resources, we need these tools in the hands of our decisionmakers so they can exercise responsible policy and economic action.

Mr. SANDERS. Mr. Chairman, I yield 45 seconds to the gentleman from Alabama (Mr. BACHUS).

Mr. BACHUS. Mr. Chairman, let me briefly sum up two things.

First of all, the Sanders-Bachus amendment was passed in 1995 and was in effect from 1996 and 1997 in the midst of this global crisis. The idea that if this were passed by the Congress it would be a recipe for disaster, it was in effect for 2 years and it was not.

It does not restrict transfers of funds in any amount to stabilize currencies, which is the statutory use of the fund. What it does limit is loans to foreign countries of a billion dollars plus.

Mr. KOLBE. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Michigan (Mr. LEVIN).

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

Mr. LEVIN. Mr. Chairman, I believe I would be among the first to acknowledge there were problems arising out of globalization, and we need to attend to them. But the worst thing we can do is kind of take a sledgehammer and somewhat blindly whack at them. They are more serious than that.

It is true there was a 2-year moratorium. It expired. And since then this fund has been used. It has been used in several instances. I think there is evidence it has been used constructively and effectively in the interest of U.S. workers and families. If that is not true, let us have a full debate about it.

There needs to be oversight. Those on the Committee on House Oversight should be diligent. But let us not come here somewhat out of the blue and make a major change in policy when the evidence of the last couple of years is that this may well be a useful fund. It is not giving a billion dollars to another country. These are loans that are guaranteed that have been invariably, or almost so, paid back.

Mr. SANDERS. Mr. Chairman, I yield 45 seconds to the gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Chairman, I plead with my fellow Republicans, and I say ''plead'' with them, to pay attention to what is happening here.

How can we claim the mantle of being responsible in the budget process, in the budget decisions we have to make, when we are providing the President of the United States with a slush fund to spend billions and billions of dollars on foreign interests?

How can we look our people in the face, the veterans in the face that we have to sometimes, or the jobless or the seniors and say we cannot spend $10 million more here or $100 million more here because we are trying to be responsible?.

If we do not vote for the Sanders amendment to say there must be a vote in Congress to spend these billions of dollars overseas, we are betraying these citizens of our country. How can we look at them in the face and say we are being responsible at home when we prevent unaccountable spending overseas?

Please support this amendment.

Mr. KOLBE. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Texas (Mr. STENHOLM), the ranking member of the Committee on Agriculture.

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

Mr. STENHOLM. Mr. Chairman, it just popped into my mind when I heard the word ''budget,'' this body spent all last year and never passed a budget, and we spent 1 trillion, 700 billion dollars of the taxpayers' money.

But here is the point I wanted to make in this 1 minute. There has been some I am sure unintentional but some very misrepresentational statements made concerning congressional oversight.

There are monthly reports submitted to the Congress regarding all of the expenditures from the Economic Stable Stabilization Fund, monthly reports, annual reports to the Congress in which we have ample opportunity to oversee.

If anyone had the problems that we have heard in the overuse of the English language tonight about what has happened, we can certainly have that debate. And we will have that debate, and we should have that debate. But for us to take away the flexibility that an administration might need in order to meet with an international crisis, if we do not have that flexibility, I would submit to my colleagues that we are literally taking the jobs of millions of men and women and putting them in our hands and in a situation in which we will be almost totally incapable of acting.

Mr. SANDERS. Mr. Chairman, I yield myself the balance of the time.

Mr. Chairman, let me just conclude by thanking the chairman for this interesting debate. This amendment is endorsed by progressitives, conservatives, and many people in between, by the United Steelworkers, by Unite, some of the great unions in this country, by the National Taxpayers Union, by the Competitive Enterprise Institute.

I would ask for the support of all Members for this amendment.

Mr. KOLBE. Mr. Chairman, obviously I rise in opposition to the amendment which is being considered here. But I agree with the gentleman from Vermont, this has been a good debate. It has not been enough of a debate with the right kinds of people in the right kind of forum, and that means we should have had this debate in the Committee on Banking and Financial Services and then here on the floor as a separate bill. Because the issue of what we should do with the Exchange Stabilization Fund and the levels of its loan authority, of its guarantee authority, is clearly an issue that this body should debate.

But surely we ought to at least have pause to consider the fact that the Secretary of Treasury has said that this amendment alone would be a reason that he would recommend a veto to the President. Now, that is not a reason for us to vote for or against it. But it certainly ought to give us pause.

And it ought to give us pause that the chairman of the Federal Reserve Board, somebody who I think most Members of this body respect very greatly, has said: ''I also believe it is important to have mechanisms such as the Treasury Department's Exchange Stabilization Fund that permit the United States in exceptional circumstances to provide temporary bilateral financial support, often on short notice and under appropriate conditions and on occasion in cooperation with other countries.''

That ought to at least give us pause when somebody like Alan Greenspan says that.

Now, the question was raised here earlier, somebody said, well, we are going to claim that it is risk free. No, of course it is not risk free. But it is also not a hundred percent risk. Just as a bank does not have to reserve a hundred percent of all of its loans in reserve, we do not reserve a hundred percent of this either. It is a credit issue, and that is how it is scored appropriately.

We have other kinds of funds like this. We have the Trade Adjustment Assistance that we provide these funds in-ready when it is needed for workers. We have FEMA's Diaster Fund.

It is not we come to Congress every time there is a disaster in order to get a fund. We have a fund in order to provide that. And that is exactly what I think we have here.

We live in a world where these kinds of economic crises are becoming more and more real. I believe very strongly that we should give this kind of flexibility for economic crises, just as we do for the kinds of fiscal disasters which can afflict our country.

I would urge my colleagues to vote against this amendment. It is wrong policy. It is not the right thing to be doing on this legislation. I urge a ''no'' vote.

Mr. STARK. Mr. Chairman. I rise today in support of the Exchange Stabilization Fund (ESF) amendment to the Treasury Dept. Appropriations bill. Congress is the only body of this government that is legally able to authorize the treasury to spend any money. That is why I support this amendment, it returns control of US funds to the Congress, where it belongs.

Our Constitution states that the government spending is restricted in that ''No payment (shall be made) from the Treasury except under appropriations made by law''. The Constitution shows no concern whether the funds in the Treasury come from taxes, or sales of assets, or even investment and trading of foreign currency. Therefore Congress, not the

Executive or some Agency of the Government, is the only body that can allocate funds from the Treasury for any purpose.

I understand some concerns that this body may not be swift enough to react to the rapidly changing international economy, however some compromise weighing the importance of the Constitution with the rapidly changing nature of the economy must be made. This amendment does not stop the Treasury from reacting to an emerging financial crisis, it simply allows the Congress to live up to its Constitutional responsibility to make sure that America's money is spent in a manner that promotes American interests. In 1997 a provision similar to the amendment we are debating today expired. In the year following this expiration, the Treasury provided $3 billion to Indonesia, $5 billion to South Korea, and $5 billion to Brazil, through the ESF. Which means that $13 billion of the American citizen's money was spent at the discretion of the Treasury with no need to consult representatives of the American people.

The Exchange Stabilization Fund was established in order to stabilize the US dollar. Some may argue that the stability of foreign governments is vital to the stability of the international economy, and therefore the American currency. That may even be true, but no member of Congress was able to make that argument. It was simply a decision handed down to us by some officials in the Department of the Treasury.

Passing this amendment will restore the power of this body to control how the American citizen's dollars are spent. I urge all members who understand the Constitution and believe that they are responsible to their constituents, to vote for this amendment.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Vermont (Mr. SANDERS).

The question was taken; and the Chairman announced that the noes appeared to have it.

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

The CHAIRMAN. Pursuant to House Resolution 246, further proceedings on the amendment offered by the gentleman from Vermont (Mr. SANDERS) will be postponed.

AMENDMENT OFFERED BY MR. DAVIS OF ILLINOIS

Mr. DAVIS of Illinois. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DAVIS of Illinois:

Page 101, after line 10, add the following:

SEC. 649. None of the funds appropriated or otherwise made available by this Act in title 1 under the heading ''UNITED STATES CUSTOMS SERVICE'' may be made available for the conduct of strip searches by employees of the Customs Service of individuals subject to such searches in accordance with regulations established by the Customs Service unless the employee who conducts the strip search is of the same gender as the individual subject to the strip search.

Mr. KOLBE. Mr. Chairman, I reserve a point of order.

Mr. DAVIS of Illinois. Mr. Chairman, again, I want to thank the chairman of the committee and the ranking member for their cooperation.

Mr. Chairman, this amendment basically requires that no funds under this bill be used for male employees at the United States Customs Service to strip search women or for women employees to strip search males.

It is my understanding that the Customs Service currently prohibits such searches. However, there have been allegations by several complainants who have stated that men have participated or been present during strip searches of women.

Therefore, this amendment simply underscores what is already the policy at the U.S. Customs Service to prohibit men from strip searching women and vice versa.

I believe it is important to speak to this issue because Federal funds are involved and because of the allegations which are being made. In addition, what is agency policy may not be adhered to by individual employees. Therefore, we simply want to underscore that it should not be tolerated.

Now, I would hope that I could work again with the chairman and ranking member to ensure that this important policy is adhered to by all employees of the U.S. Customs Service.

Mr. Chairman, I yield to the chairman for comment.

Mr. KOLBE. Mr. Chairman, I appreciate the gentleman yielding.

Again, the gentleman from Illinois has raised a very important policy issue. I might just add that it is now the policy of the Customs Service to require that a strip search of an individual must be conducted by an individual of the same gender. But this is certainly something that we would want to monitor very closely.

We intend to do that. We intend to gather the statistics to make sure that they are doing that. I will work with the gentleman from Illinois to share that information. And if he is not satisfied, we will make other inquiries in our hearings of the Customs Service and can pursue this in another way if it is not to the satisfaction of the gentleman from Illinois.

Mr. DAVIS of Illinois. Mr. Chairman, reclaiming my time, I thank the chairman very much for his comments.

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

Mr. DAVIS of Illinois. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Chairman, I appreciate the gentleman yielding and concur with the chairman.

Obviously, this is now, as the gentleman from Illinois has pointed out, the policy. What we need to ensure is that the policy is being followed so that no American or no foreign visitor is subjected to unwarranted and inappropriate processing by Customs or searches by Customs.

I appreciate the gentleman raising this issue and look forward to working with him on it.

Mr. DAVIS of Illinois. Mr. Chairman, I ask unanimous consent to withdraw my amendment.

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

There was no objection.

AMENDMENT NO. 6 OFFERED BY MRS. MALONEY OF NEW YORK

Mrs. MALONEY of New York. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mrs. Maloney of New York:

At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. . None of the funds made available in this Act may be used to implement, administer, or enforce any prohibition on women breastfeeding their children in Federal buildings or on Federal property.

Mrs. MALONEY of New York. Mr. Chairman, first, I would like to thank the chairman and the ranking member for their leadership on this committee and in so many ways and particularly Mr. HOYER for his assistance on this particular amendment. I am pleased to offer it on behalf of myself, the gentleman from Connecticut (Mr. SHAYS), the gentlewoman from Maryland (Mrs. MORELLA), the gentlewoman from California (Ms. LEE), the gentlewoman from California (Ms. MILLENDER-MCDONALD) and many, many others.

Our amendment is very simple and family friendly, as American as motherhood. Our amendment will protect a woman from being escorted off of Federal property when she is breast-feeding her child. We originally put forward our right to breast-feed legislation because our offices were contacted by women across this country who are ashamed or ridiculed or ordered off of Federal property merely because they choose to breast-feed their child.

□ 2245

We have many, many examples from across the country. In one particular case, a woman in Virginia was ordered to stop breast feeding and the incident led to the passage of Virginia's legislation exempting breast feeding mothers from indecent exposure statutes. Thirteen other States have enacted similar laws.

Instead of citing all these examples and the State legislation and the medical reports, it is my understanding that the gentleman from Arizona will be accepting this amendment.

Mr. KOLBE. If the gentlewoman will yield, I would urge that the committee adopt this amendment.

Mrs. MALONEY of New York. I thank the gentleman.

Our amendment is very simple, and is as American as motherhood.

The language of the amendment states:

None of the funds made available in this Act may be used to implement, administer, or enforce any prohibition on women breastfeeding their children in Federal buildings or on Federal property.

Our amendment will protect a woman from being escorted off of federal property when she is breastfeeding her child.

As you may know, a similar amendment was adopted by the full Appropriations Committee on the Interior Appropriations bill, allowing breastfeeding at federal parks and in the Smithsonian and other federal museums. I would like to point out that the amendment on Interior passed unanimously by voice vote.

Our amendment, which was also introduced as a stand-alone bill (H.R. 1848, the Right to Breastfeed Act), would extend this policy to all federal property covered by the Treasury-Postal appropriations bill.

We initially introduced H.R. 1848 because we have heard from many women across the country who have been shamed and ridiculed when they have chosen to breastfeed their children in federal buildings, and other federal property. Often, the are simply asked or told to leave a federal building, park, or office.

We would like to share with you a few of these examples:

A New York woman was to leave a Post Office while she was breastfeeding her child.

A New Jersey woman was stopped from breastfeeding when she visited a federal park in New Jersey. She was ordered by a tour guide to go outside to continue breastfeeding.

Another woman was waiting for several hours in a court house to present her case when she began to nurse her son and was told to leave the holding room.

Another woman was asked to stop nursing in Yosemite by a park ranger. Her husband, a pediatrician, cited all of the medical benefits to breastfeeding, and eventually the ranger backed down. Many other women would have simply backed down and decided that breastfeeding was not ''acceptable'' in public.

A Delaware woman was visiting a Washington, D.C., museum and began nursing her son in the back corner of the bookstore. She was harassed by the bookstore clerk and 4 security guards before being allowed to leave.

A Virginia woman visited Wolf Trap Farm Park's Theatre-in-the-woods (a federal park) in the summer of 1993 with her children. She began nursing her then 10-month-old daughter, Amy, and was approached by park rangers who told her to stop breastfeeding because the breast milk ''attracts bees.'' This incident led to the passage of Virginia's 1994 legislation exempting breastfeeding mothers from indecent exposure statutes. Thirteen other states have enacted similar laws.

Another woman was visiting the U.S. Capitol where she was observing a session of Congress with her 3 daughters. When the youngest daughter became hungry, she began to nurse her discreetly. A guard approached her and asked her to ''do that somewhere else.'' The same thing happened outside in the hallway.

While visiting the National Museum of Natural History, a guard instructed a Maryland woman who was breastfeeding her child to leave because there is ''No food or drink'' allowed in the museum. A woman nearby was feeding a child with a bottle.

When public breastfeeding is restricted, so is a breastfeeding woman's access to public facilities and functions.

Many states have already enacted similar legislation. They include: Alaska, California, Delaware, Florida, Illinois, Michigan, Nevada, New Jersey, New Mexico, New York, North Carolina, Texas, Utah, Virginia, and Wisconsin. Others are still working to pass such legislation.

Why is this such an important issue? Many of you are aware that breastmilk is the first line of immunization defense for infants and enhances the effectiveness of vaccines they receive.

Research studies show that breastfeeding can reduce the risk of allergies, meningitis, some types of cancers, juvenile diabetes, asthma and other respiratory illnesses, and ear infections.

And the benefits flow both ways. Breastfeeding has been shown to reduce the mother's risk of breast and ovarian cancer, hip fractures, and osteoporosis.

In fact, in 1997, the United States had one of the lowest breastfeeding rates of all industrialized nations and one of the highest rates of infant mortality.

I would like to point out that while there are no laws specifically against breastfeeding, a woman asked to leave federal property has no recourse, and that is why we hope this Congress will send the message to women in America:

Breastfeeding is an important choice that many women make.

Breastfeeding is natural.

And breastfeeding is welcome on federal property.

I urge a ''yes'' vote on this common-sense, bipartisan amendment.

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

Mr. Chairman, I simply want to commend the gentlewoman for the work that she has done on this issue. I also want to mention the gentlewoman from California (Ms. ROYBAL-ALLARD) who has also in the Committee on Appropriations worked on this issue. Obviously this is, we think, a very fundamental and appropriate policy. The Federal Government ought to be encouraging this healthy activity on behalf of families in America and would hope that we would adopt it.

Ms. MORELLA. Mr. Chairman, I rise in support of the Maloney amendment. This amendment will ensure that women have the right to breast-feed on any federal property where a woman and her child are otherwise authorized to be.

As you know, breastmilk contains all the nutrients a child needs for ideal growth and development, promotes closeness between mother and child, and is easy to digest. It is the first line of immunization defense and enhances the effectiveness of vaccines given to infants. Research studies show that children who are not breast-fed have higher rates of mortality, meningitis, some types of cancers, asthma and other respiratory illnesses, bacterial and viral infections, allergies, and obesity. Additionally, breastmilk and breast-feeding have protective effects against the development of a number of chronic diseases, including juvenile diabetes and lymphomas.

In 1997, the United States had one of the lowest breast-feeding rates of all industrialized nations and one of the highest rates of infant mortality. While there are no laws specifically against breast-feeding, a woman asked to leave federal property has no recourse.

Twenty-three states have already enacted similar legislation and it is time to set a federal example by ensuring a woman's right to breast-feed.

Women should not encounter obstacles or be made to feel embarrassed when attempting to breast-feed on federal property. I urge my colleagues to join me in supporting this important amendment.

Mr. SHAYS. Mr. Chairman, I rise in support of the Maloney-Shays-Morella amendment to ensure a woman's right to breastfeed her child in federal buildings and on federal property.

As an original cosponsor of the Right to Breastfeed Act, I strongly support this common-sense reform.

Breastfeeding is a natural and healthy choice. Breast milk helps protect against a number of childhood diseases, including ear infections, juvenile diabetes, lymphoma, some chronic liver diseases, and allergies.

In addition to containing all the nutrients a child needs for ideal growth and development, breastfeeding promotes closeness between a mother and child, and is easy to digest.

While not all mothers choose to breastfeed, those who do should be able to feed their child on federal government property without fear of harassment.

It is unfortunate that this amendment is necessary. Women across the country—indeed in the U.S. Capitol where we stand today—have been asked or told to leave a federal building park or office because they were breastfeeding.

Examples include the story of a woman who was visiting the U.S. capitol to observe a session of Congress with her three daughters, and began to nurse her youngest daughter discreetly. A guard approached her and asked her to ''do that somewhere else.'' The same thing happened outside in the hallway.

A New York woman was asked to leave a Post Office while she was breastfeeding her child and another woman was waiting for several hours in a court house to present her case was told to leave the holding room when she began to nurse her son.

While visiting the Nation Museum of Natural History, a guard instructed a Maryland woman who was breastfteeding her child to leave because there is ''no food or drink'' allowed in the museum.

These examples sound crazy, I know, but they reflect the very real problem women are having when breastfeeding their children on federal property.

While there are no laws specifically against breastfeeding, a woman asked to leave federal property often has no recourse. When public breastfeeding is restricted, so is a breastfeeding woman's access to public facilities and functions.

I am pleased the Fiscal Year 2000 Interior Appropriations Act included a similar amendment to allow breastfeeding at federal parks, the Smithsonian and other federal museums.

Let's close the loop and preserve a woman's right to breastfeed on all federal property.

I urge you to support this common-sense amendment.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise today to support Representative Maloney, Shays, and Morella's amendment regarding breastfeeding on federal property.

The amendment will protect a woman who chooses to breastfeed her child while she is visiting federal property.

Although there are no laws specifically prohibiting breastfeeding, this amendment will ensure that women are welcome on federal property when they are breastfeeding, and that they will never be turned away from federal buildings.

Many women across the country who have been shamed and ridiculed when they have chosen to breastfeed their children in federal buildings, and other federal property. Often, they are simply asked or told to leave a federal building, park, or office.

For example: A New York woman was asked to leave a Post Office while she was breastfeeding her child. A New Jersey woman was stopped from breastfeeding in July, 1998, when she visited the Edison National Historic Site (a federal park in NJ).

A woman was waiting for several hours in a court house to present her case when she began to nurse her son and was told to leave the holding room. A woman was asked to stop nursing in Yosemite by a park ranger. A Virginia woman was told to stop breastfeeding at the Wolf Trap Farm Park's Theatre-in-the-Woods (a federal park) in the summer of 1993 because, she was told, ''it attracts bees.''

Another woman was visiting the U.S. Capitol where she was observing a session of Congress with her 3 daughters. When her youngest daughter became hungry, she began to nurse her discreetly. A guard approached her and asked her to ''do that somewhere else.'' The same thing happened outside in the hallway.

While visiting the National Museum of Natural History, a guard instructed a Maryland woman who was breastfeeding her child to leave because there is ''no food or drink'' allowed in the museum. When public breastfeeding is restricted, so is a breastfeeding woman's access to public facilities and functions.

Many states have already enacted similar legislation. They include: Alaska, California, Delaware, Florida, Illinois, Michigan, Nevada, New Jersey, New Mexico, New York, North Carolina, Utah, Virginia, Wisconsin including my state of Texas. Many others are working to pass similar legislation.

A similar amendment was adopted by the full Appropriations Committee on the Interior Appropriations bill, allowing breastfeeding at federal parks and in the Smithsonian and other federal museums. The amendment on Interior passed unanimously by voice vote.

Breastmilk contains all the nutrients a child needs for ideal growth and development, promotes closeness between mother and child, and is easy to digest. It is the first line of immunization defense and enhances the effectiveness of vaccines given to infants.

Research studies have also shown that breastmilk and breastfeeding have protective effects against the development of a number of chronic diseases, including juvenile diabetes, lymphomas, Crohn's disease, celiac disease, some chronic liver diseases, and ulcerative colitis.

Breastfeeding has been shown to reduce the mother's risk of breast and ovarian cancer, hip fractures, and osteoporosis. I ask my colleagues to support this very vital and important amendment.

Ms. ROYBAL-ALLARD. Mr. Chairman, I rise in support of the amendment offered by our colleague, CAROLYN MALONEY, to permit breast-feeding in federal buildings or on federal property.

Congresswoman MALONEY has been a leader in promoting the importance of breast-feeding and in removing the obstacles facing nursing mothers.

Based on legislation Ms. MALONEY introduced, I offered an amendment to the Interior Appropriations bill permitting breast-feeding in our national parks and Washington-based museums and cultural attractions.

Unfortunately, there had been a series of anecdotes where mothers were confronted by museum guards or park rangers while nursing their babies.

I was pleased that the full appropriations committee unanimously accepted the amendment, and it was part of the bill that we passed last night.

The amendment in front of us today would expand that same concept to federal buildings and federal property. Some colleagues have asked me: is this really a problem?

That question goes to the real importance of this amendment. The fact is, we all know the benefits of breast-feeding. And this amendment ensures that women can continue to live the active lives that American society requires of them in the 1990's.

It means women can be mothers and be all the other things we expect them to be. Who knows what daily activities will bring mothers and their nursing children in contact with the 8400 federal buildings nation-wide. For example, maybe a farm family is visting U–S–D–A to put the farm's crop insurance package together.

Or maybe a new American is visiting the I–N–S to obtain visas for family members. Or maybe a small businesswoman has an appointment to receive technical advice from the S–B–A. Or maybe she and her child are mailing letters and packages at the post office. Or maybe a military family is going about its day-to-day activities on a military base.

The undeniable fact of life is that hungry babies demand to be fed no matter where they are. And in 1999, American mothers and their children are everywhere. Unfortunately, breast-feeding obstacles are a fact of daily life. La Leche League International, the well-known breast-feeding organization, reports that up to 60 mothers a month contact them to inquire about their legal rights after being asked to stop breast-feeding by a security guard, a store manager, or someone else in authority.

We can't transform the sensibilities of everyone overnight, but we can send a positive message to mothers and families trying to fulfill their responsibilities of everyday life in our increasingly complex society. The Maloney amendment is a positive step forward, and I urge my colleagues to support this strong signal of support to American mothers and families.

Ms. LEE. Mr. Chairman, on behalf of women, children and Barbara Lee, I thank my colleague from New York for her leadership. I rise in strong support of the Maloney, Shays, Morella, Lee amendment.

It is a shame that women who breast-feed their babies have to worry about being told to leave federal property or that they are engaging in inappropriate behavior while breast-feeding on federal property. Children should not have to be uncomfortable with hunger because their mother cannot breast-feed them while on federal property. Breast-feeding reduces the risks of many diseases and promotes a child healthy development. We should not penalize women and babies by refusing to be clear that it is not a crime to breast-feed on federal property.

I am proud to say that in 1997 a bill was signed into law in California that authorizes a mother to breast-feed her child in any location, public or private except in the private home or residence of another. This law has heightened public awareness of the need of breast-feeding. It is time that now in 1999, the federal government sends a strong message that no longer women can be asked or told to leave federal property if they are breast-feeding. This is an amendment that will go a long way in reassuring women that they have a right to breast-feed on federal property, that we support the healthy development of babies and in no way will allow mothers and children to be subject to harassment and intimidation any more for doing what is natural and necessary.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from New York (Mrs. MALONEY).

The amendment was agreed to.

AMENDMENT NO. 4 OFFERED BY MR. ANDREWS

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. Andrews:

At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. . None of the funds made available in this Act may be used by the United States Customs Service to admit for importation into the United States any item of children's sleepwear that does not have affixed to it the label required by the flammability standards issued by the Consumer Product Safety Commission under the Flammable Fabrics Act (15 U.S.C. 1191 et seq.) and in effect on September 9, 1996.

Mr. ANDREWS. Mr. Chairman, this is an attempt to right what I believe is a shameful abandonment of consumer protection here in the United States.

In 1972, the Consumer Product Safety Commission adopted a rule with respect to sleepwear, pajamas, for infants and toddlers. That rule said that if the sleepwear was not treated with flammable-resistant material, that is to say, if it was not put together in such a way that it was flame retardant, you had to put a clear label on it that explained that to the buyer of the sleepwear. Nurses, firefighters, emergency service personnel, emergency room technicians, doctors understood and supported this standard for 24 years. It resulted in a dramatic reduction in the number of deaths and serious injuries suffered by children and infants as a result of burns.

Inexplicably, in 1996, the Consumer Product Safety Commission, by a 2 to 1 vote, changed that standard and weakened it, created a standard for disclosure and labeling on children's sleepwear that is frankly baffling. If you go into a store in this country and try to figure out which of the little pajamas are flammable and which are not, it is virtually impossible to tell

because of the confusion that has been created.

Last year, thanks to the leadership of the gentleman from Pennsylvania (Mr. WELDON) and the gentlewoman from Connecticut (Ms. DELAURO), we were successful in getting the Consumer Product Safety Commission to reconsider this decision. In June of this year, the Consumer Product Safety Commission made a decision, and I believe fervently they made the wrong decision, because they kept in place the new standard that is a weaker standard, that does not protect the children of this country. Therefore, this amendment.

This amendment would prohibit the importation into this country of infant and children's sleepwear that does not have the disclosure standards that were in effect prior to the 1996 change. In other words, if you are going to import infant sleepwear or pajamas, as the vast majority of pajamas are imported, you could not import them into this country unless they had that real and strong consumer protection standard which I believe was a serious and egregious mistake to abandon.

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

Mr. ANDREWS. I yield to the gentleman from Arizona.

Mr. KOLBE. I thank the gentleman for yielding.

Mr. Chairman, I had understood there were some members of the Committee on Ways and Means that might object to this, but they have not shown up and I am prepared to accept this amendment if we can move it along as quickly as possible.

Mr. ANDREWS. I would gratefully accept. I thank the gentlewoman from Connecticut (Ms. DELAURO) for her participation and the gentleman from Maryland (Mr. HOYER). I would be delighted.

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

Mr. ANDREWS. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Chairman, I am a strong supporter of the gentleman's amendment and the gentlewoman from Connecticut's amendment and would hope that we would adopt it.

Mr. ANDREWS. I yield briefly to my coauthor the gentlewoman from Connecticut.

Ms. DELAURO. Mr. Chairman, I commend the gentleman from New Jersey for offering the amendment. The gentleman from New Jersey (Mr. ANDREWS), the gentleman from Pennsylvania (Mr. WELDON) and myself were as, as has been pointed out, shocked and dismayed with what happened with the Consumer Product Safety Commission. We have had a strong standard for two decades. The interest here is to make sure that our infants and children are protected and that the clothing that they wear has the fire-resistant material that for so many years has made a real difference in the lives and well-being of children in this country.

I want to commend my colleague ROB ANDREWS for offering this very important amendment today and I thank him for his hard work on this issue which is so important to the safety of our nation's children.

I know Congressman ANDREWS and Congressman WELDON shared my shock and dismay at the Consumer Product Safety Commission's actions in weakening the fire safety standard which governed children's pajamas.

For more than two decades, children's sleepwear has been held to a more stringent standard of fire safety than any other type of clothing. The National Fire Protection Association estimates that without this strict standard, there would have been ten times as many deaths and significantly more burn injuries relating to children's sleepwear.

Yet for reasons I can not understand, the CPSC has weakened that standard, so that now there is no fire safety standard for infants up to nine months, and no fire safety standard for ''tight fitting'' clothes up to children's size 14. This action leaves children in grave danger of being burned or killed in a fire. Infants are completely defenseless in this type of situation. If we don't act, the numbers of children burned in these types of incidents will only rise.

This amendment will make sure that only sleepwear which conforms to the fire safety standard passed in the Flammable Fabrics Act more than two decades ago is imported into our country. As the CPSC has again decided—for reasons which quite frankly mystify me—to stay with the weaker standard, this is a step in the right direction. It will also send a strong message to the Consumer Product Safety Commission, letting them know that the Congress is extremely concerned about this issue and is not content to let it drop.

Congress has the responsibility to do all that we can to protect the health and safety of our nation's children. This amendment will help us to do just that. I urge all of my colleagues to support this amendment and help to ensure that children are kept safe from burn injuries and even death. Support the Andrews amendment.

Mr. ANDREWS. Reclaiming my time, I want to express my deep appreciation to the gentleman from Arizona and the gentleman from Maryland.

Mrs. MORELLA. Mr. Chairman, I rise in support of the Andrews, Weldon, Towns, Farr, English, Capuano, Luther, Hoyer, DeLauro, Morella, Kilpatrick amendment. This provision would prohibit the importation of any item of children's sleepwear without a label as required by the flammability standards issued by the Consumer Product Safety Commission (CPSC).

Our children are precious and we must make every effort to keep them safe. But there are so many hidden hazards in the world, and parenting doesn't come with an instruction manual. It's strictly on-the-job training.

When my children were little, we didn't know that we had to worry about keeping them safe in their pajamas. For more than 25 years, with passage of the Flammable Standards Act in 1972, children in America were protected from the risk of fire from their sleepwear. The CPSC, in 1996, voted to relax the fire safety standard for children's sleepwear. The new standard exempts all sleepwear for infants aged nine months and younger, and tight-fitting sleepwear for children sizes 7–14. I have been particularly concerned about the exemption from flammability standards for infants. As any parent or grandparent knows, children under 9 months of age often are active and may come in contact with ignition sources.

That is why I am a cosponsor of H.R. 329, which directs the CPSC to return to stricter flammability standards that were in effect for two decades prior to 1996. If we allow children's sleepwear products to be imported without any safety standards, we will be sending a message to the CPSC that their relaxed standards are acceptable.

You know, unintentional injury is the number one killer of children ages 14 and under. Each year, unintentional injuries kill 7,200 kids and leave an additional 50,000 disabled.

This year approximately 14 million children will require emergency treatment for preventable injury and will cost this country an estimated $13.8 million. Fortunately, we know that prevention saves lives and money. If we allow sleepwear to be imported from other countries that is not flame resistant, we will be putting our children at great risk. This amendment is a Measure of Prevention to protect our children from harm.

I urge a ''yes'' vote on the Andrews Children's Sleepwear Amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey (Mr. ANDREWS).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. SANDERS

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Vermont (Mr. SANDERS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 192, noes 228, not voting 14, as follows:

[Roll No. 304]

AYES—192

Abercrombie	Condit	Gibbons
Aderholt	Conyers	Gillmor
Andrews	Cook	Goode
Armey	Costello	Goodlatte
Bachus	Cox	Goodling
Baker	Crane	Graham
Barr	Cubin	Granger
Bartlett	Cunningham	Green (WI)
Bass	Danner	Greenwood
Bateman	Davis (IL)	Gutierrez
Bilbray	Deal	Gutknecht
Bilirakis	DeFazio	Hall (TX)
Bliley	DeMint	Hastings (WA)
Blunt	Diaz-Balart	Hayes
Bonilla	Doolittle	Hayworth
Brown (OH)	Duncan	Hefley
Bryant	Ehrlich	Hill (MT)
Burr	Emerson	Hilleary
Buyer	English	Hoekstra
Camp	Evans	Holden
Campbell	Everett	Hostettler
Canady	Fletcher	Hulshof
Cannon	Foley	Hunter
Chabot	Fossella	Hutchinson
Clay	Fowler	Hyde
Coburn	Franks (NJ)	Istook
Collins	Ganske	Jenkins

Johnson, Sam
Jones (NC)
Kaptur
Kasich
Kingston
Klink
Kucinich
Largent
Lee
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
McCollum
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
Metcalf
Mica
Miller, George
Mink
Moran (KS)
Myrick
Ney
Norwood
Owens
Packard
Pascrell
Paul
Pease
Peterson (MN)
Petri
Phelps
Pickering
Pitts
Pombo
Pryce (OH)
Quinn
Rahall
Ramstad
Regula
Reynolds
Riley
Rivers
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanders
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Serrano
Sessions
Shadegg
Sherwood
Shimkus
Shows
Shuster
Simpson
Skeen
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stark
Stearns
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Taylor (MS)
Terry
Thornberry
Thune
Tiahrt
Toomey
Traficant
Turner
Upton
Velazquez
Visclosky
Vitter
Walden
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wise
Wolf
Woolsey

NOES—228

Ackerman
Allen
Archer
Baird
Baldacci
Ballenger
Barcia
Barrett (NE)
Barrett (WI)
Barton
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bishop
Blagojevich
Blumenauer
Boehlert
Boehner
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Callahan
Calvert
Capps
Capuano
Cardin
Carson
Castle
Chambliss
Clayton
Clement
Clyburn
Combest
Coyne
Cramer
Crowley
Cummings
Davis (FL)
Davis (VA)
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Dreier
Dunn
Edwards
Ehlers
Engel
Eshoo
Etheridge
Ewing
Farr
Fattah
Filner
Forbes
Ford
Frank (MA)
Frelinghuysen
Gallegly
Gejdenson
Gekas
Gephardt
Gilman
Gonzalez
Gordon
Goss
Green (TX)
Hall (OH)
Hansen
Hastings (FL)
Herger
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Holt
Hooley
Horn
Houghton
Hoyer
Inslee
Isakson
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kanjorski
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kleczka
Knollenberg
Kolbe
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Larson
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lofgren
Lowey
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McGovern
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (FL)
Miller, Gary
Minge
Moakley
Mollohan
Moore
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Nethercutt
Northup
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Oxley
Pallone
Pastor
Payne
Pelosi
Pickett
Pomeroy
Porter
Portman
Price (NC)
Radanovich
Rangel
Reyes
Rodriguez
Roemer
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanchez
Sandlin
Sawyer
Schakowsky
Scott
Shaw
Shays
Sherman
Sisisky
Skelton
Smith (WA)
Snyder
Spratt
Stabenow
Stenholm
Tanner
Tauscher
Tauzin
Taylor (NC)
Thomas
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Vento
Walsh
Waters
Watkins
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Wilson
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—14

Baldwin
Brown (CA)
Burton
Chenoweth
Coble
Cooksey
Frost
Gilchrest
Latham
Luther
McDermott
McNulty
Peterson (PA)
Thurman

□ 2313

Messrs. MOAKLEY, TIERNEY, and GARY MILLER of California, Ms. DUNN, Mrs. KELLY, Mr. BARCIA, and Ms. SANCHEZ changed their vote from ''aye'' to ''no.''

Messrs. RILEY, SWEENEY, LEWIS, TIAHRT, BLUNT, and WELDON of Florida, Ms. WOOLSEY, Ms. GRANGER, Mr. MICA, Mr. BUYER, Mrs. FOWLER, and Mr. LARGENT changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. If there are no further amendments, under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. PEASE) 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. 2490) making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 2000, and for other purposes, pursuant to House Resolution 246, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

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

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

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.

MOTION TO RECOMMIT OFFERED BY MR. HOYER

Mr. HOYER. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. HOYER. I am, Mr. Speaker, opposed to the bill in its present form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. HOYER moves to recommit the bill, H.R. 2490, to the Committee on Appropriations.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on motion to recommit.

The motion to recommit was rejected.

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

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 210, nays 209, not voting 16, as follows:

[Roll No. 305]

YEAS—210

Abercrombie
Aderholt
Archer
Armey
Bachus
Ballenger
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Biggert
Bilbray
Bilirakis
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chambliss
Coburn
Collins
Combest
Condit
Cook
Cox
Crane
Cubin
Cunningham
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Dreier
Dunn
Ehlers
Ehrlich
Emerson
Engel
English
Everett
Ewing
Fletcher
Foley
Forbes
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kelly
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaFalce
LaHood
Largent
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
Matsui
McCollum
McCrery
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Oxley
Packard
Pease
Petri
Pickering
Pickett
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Saxton
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stump
Sununu
Sweeney
Talent
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NAYS—209

Ackerman	Hastings (FL)	Pascrell
Allen	Hill (IN)	Pastor
Andrews	Hilleary	Paul
Baird	Hilliard	Payne
Baker	Hinchey	Pelosi
Baldacci	Hinojosa	Peterson (MN)
Barcia	Hoeffel	Phelps
Barr	Holden	Pitts
Barrett (WI)	Holt	Pomeroy
Becerra	Hooley	Price (NC)
Bentsen	Hoyer	Rahall
Berkley	Inslee	Ramstad
Berman	Jackson (IL)	Rangel
Berry	Jackson-Lee (TX)	Reyes
Bishop	Jefferson	Rivers
Blagojevich	John	Rodriguez
Bonior	Johnson, E. B.	Roemer
Borski	Jones (OH)	Rothman
Boswell	Kanjorski	Roybal-Allard
Boucher	Kaptur	Rush
Boyd	Kennedy	Sabo
Brady (PA)	Kildee	Salmon
Brown (FL)	Kilpatrick	Sanchez
Brown (OH)	Kind (WI)	Sanders
Capps	Kleczka	Sandlin
Capuano	Klink	Sawyer
Cardin	Kucinich	Scarborough
Carson	Lampson	Schaffer
Chabot	Lantos	Schakowsky
Clay	Larson	Scott
Clayton	Lee	Serrano
Clement	Levin	Sherman
Clyburn	Lewis (GA)	Shows
Conyers	Lipinski	Sisisky
Costello	Lofgren	Skelton
Coyne	Lowey	Slaughter
Cramer	Lucas (KY)	Smith (WA)
Crowley	Maloney (CT)	Snyder
Cummings	Maloney (NY)	Spratt
Danner	Markey	Stabenow
Davis (FL)	Martinez	Stark
Davis (IL)	Mascara	Stenholm
DeFazio	McCarthy (MO)	Strickland
DeGette	McCarthy (NY)	Stupak
Delahunt	McGovern	Tanner
DeLauro	McIntyre	Tauscher
Deutsch	McKinney	Taylor (MS)
Dicks	Meehan	Thompson (CA)
Dingell	Meek (FL)	Thompson (MS)
Dixon	Meeks (NY)	Tiahrt
Doggett	Menendez	Tierney
Dooley	Millender-McDonald	Toomey
Doyle	Miller, George	Towns
Duncan	Minge	Traficant
Edwards	Mink	Turner
Eshoo	Moakley	Udall (CO)
Etheridge	Mollohan	Udall (NM)
Evans	Moore	Velazquez
Farr	Moran (VA)	Vento
Fattah	Murtha	Visclosky
Filner	Nadler	Waters
Ford	Napolitano	Watt (NC)
Gejdenson	Neal	Weiner
Gephardt	Oberstar	Wexler
Gonzalez	Obey	Weygand
Goode	Olver	Wise
Gordon	Ortiz	Woolsey
Green (TX)	Owens	Wu
Gutierrez	Pallone	Wynn
Hall (OH)		
Hall (TX)		

NOT VOTING—16

Baldwin	Frank (MA)	McNulty
Brown (CA)	Frost	Peterson (PA)
Burton	Gilchrest	Sanford
Chenoweth	Latham	Thurman
Coble	Luther	
Cooksey	McDermott	

□ 2335

Messrs. BERMAN, HALL of Ohio, STENHOLM, DINGELL, Ms. BROWN of Florida, and Messrs. DIXON, BOYD and LAMPSON changed their vote from ''yea'' to ''nay.''

Messrs. GOODLATTE, WATKINS, and METCALF 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.

APPOINTMENT OF ADDITIONAL CONFEREES ON S. 1059, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2000

The SPEAKER pro tempore (Mr. PEASE). Without objection, the Chair appoints the following conferees from the Committee on House Administration, for consideration of section 1303 of the Senate bill and modifications committed to conference:

Messrs. THOMAS, BOEHNER and HOYER.

There was no objection.

The SPEAKER pro tempore. The Clerk will notify the Senate of the change in conferees.

PRIVILEGES OF THE HOUSE—RETURNING TO THE SENATE S. 254, VIOLENT AND REPEAT JUVENILE OFFENDER ACCOUNTABILITY AND REHABILITATION ACT OF 1999

Mr. PORTMAN. Mr. Speaker, I rise to a question of the privileges of the House, and I offer a resolution (H. Res. 249) returning to the Senate the bill S. 254.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read the resolution, as follows:

H. RES. 249

Resolved, That the bill of the Senate (S. 254) entitled the ''Violent and Repeat Juvenile Offender Accountability and Rehabilitation Act of 1999'', in the opinion of this House, contravenes the first clause of the seventh section of the first article of the Constitution of the United States and is an infringement of the privileges of this House and that such bill be respectively returned to the Senate with a message communicating this resolution.

The SPEAKER pro tempore. The resolution constitutes a question of the privileges of the House.

Pursuant to clause 2(a)(2) of rule IX, the gentleman from Ohio (Mr. PORTMAN) and the gentleman from New York (Mr. RANGEL) each will control 30 minutes.

The Chair recognizes the gentleman from Ohio (Mr. PORTMAN).

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

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

Mr. PORTMAN. Mr. Speaker, this resolution is necessary to return to the Senate the bill S. 254 of the Violent and Repeat Juvenile Offender Accountability and Rehabilitation Act of 1999. S. 254 contains an import ban and thus contravenes the constitutional requirement that revenue measures shall originate in the House of Representatives.

Section 702 of S. 254 would impose the ban by amending section 922(w) of Title 18, U.S. Code, to make it unlawful to import large capacity ammunition feeding devices.

□ 2340

While violators would be subject to criminal penalties, existing tariff laws also generally provide that merchandise introduced into the United States contrary to law is subject to seizure and forfeiture. Therefore, by criminalizing the importation of these items, the amendment would cause the merchandise to be denied entry into the United States by these Customs officers at the border. This proposed change in law would be identical in law in operation, Mr. Speaker, to a direct import ban.

Further, the items covered by the amendment includes items that are subject to duty and Customs in fact collects measurable amounts of duty on them.

Accordingly, the change in law would have a direct impact on Customs revenues. The provision, therefore, is revenue affecting and constitutes a revenue measure in the constitutional sense. On that basis, I am asking that the House insist on its constitutional prerogatives.

Mr. Speaker, there are numerous precedents for the action I am requesting. For example, on October 22, 1991, the House returned to the Senate S. 1241, the Violent Crime Act of 1991, containing, among other things, a provision amending Section 922 of Title 18 U.S.C. making it illegal to transport or possess assault weapons.

I want to emphasize that this action speaks solely to the constitutional prerogative of the House and not to the merits of the Senate bill. In fact, the House spoke on this issue when it recently approved an identical proposal made by our colleague and chairman of the Committee on the Judiciary, the gentleman from Illinois (Mr. HYDE).

This proposed action, thus, is strictly procedural in nature and is necessary to preserve the prerogatives of the House to originate revenue measures, a point on which there has been longstanding and bipartisan agreement.

It makes clear to the Senate that the appropriate procedure for dealing with revenue measures is for the House to act first on a revenue bill and for the Senate to accept it or amend it as it sees fit. This will allow this legislation to proceed forward to conference in an orderly and expeditious manner.

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

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

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

Mr. RANGEL. Mr. Speaker, unfortunately, this resolution is necessary because the Constitution requires that revenue legislation originate in the House of Representatives.

Our action tonight is not a rejection of the merits of the Senate's so-called ''ammo ban provisions.'' Rather, their so-called ''blue slip'' simply makes it clear to the Senate that the appropriate procedure for dealing with tax and tariff matters that affect revenues is for the House to act first and the Senate to add its amendment and to seek a conference.

With that said, no one supports the elimination of guns in our inner cities and in the hands of our children more than I do.

The dominance of guns in our community continues to threaten the lives of too many law-abiding citizens. The situation cannot be ignored any longer and must start with the cleanup of the deadliest murder weapons on our streets.

Why do some feel so threatened by preventing the importation of high-capacity ammunition clips? How many of us have even seen, let alone owned, these magazine belt drum belt strips and other types of ammunition devices that have the capacity to accept more than 10 rounds of ammunition?

The troubled young man who killed two and injured 15 people in Springfield, Oregon, had a 30-round clip. The misguided youths who engaged in this horrific shooting spree at the Columbine High School were equipped with a TEC DC–9 with multiple round ammunition. These types of ammunition clips are not for hunting or sport. These clips are designed to kill a lot and to kill a lot quickly.

Yes, people will continue to kill with guns. And, yes, these criminals must not escape justice. However, the death count criminals are able to achieve before getting caught is unnecessarily much greater with the high-capacity ammunition clips.

No one has explained to me how society benefits from high ammunition clips or cop killer bullets, for that matter.

Mr. Speaker, the gentlewoman from Colorado (Ms. DEGETTE) is a leader on this issue and is the author of the House-passed ammunition import ban. She should be commended for her commitment to ensuring that these provisions become law. I am confident that once the procedural problems created with the Senate's action are resolved, she will prevail on the merits.

Mr. Speaker, I yield 5 minutes to the gentlewoman from Colorado (Ms. DEGETTE).

Ms. DEGETTE. Mr. Speaker, this week, 80 Colorado high school students came to Washington to visit with Members of Congress. These students were literally lobbying for their lives. They eloquently insisted that Congress support child gun safety legislation in the name of the Columbine students who were so senselessly murdered. They were asking Congress to forward at least the three Senate-passed child gun safety provisions to the President's desk so they may return to a safer school next year.

After 15 funerals in one year, one student sadly stated to us that he refused to attend another. That is why he was here today, to give us a reality check.

In light of these kids' pleas, it seems ironic that here tonight the House is forced on procedural grounds to request the Senate to remove one of only three child gun safety provisions in the bill, a high-capacity ammunition ban.

There are, however, some actions this body can take to correct this technicality and ensure the passage of this important legislation to finally stop these deadly weapons from crossing into our country. When a dynamic group of young men and women like the kids from SAFE Colorado emerge to promote something the House has already passed, the least we can do is preserve the few provisions we all in good conscience supported last month.

Last month, when the House considered child gun safety legislation, there were many passionate disagreements and little agreement on which amendments we should pass. Just like now, at about midnight or a little after, one provision passed in the middle of the night with little fanfare and no objection on a voice vote.

Along with the chairman of the Committee on the Judiciary, the gentleman from Illinois (Mr. HYDE), and the gentlewoman from California (Ms. LOFGREN) and the gentleman from Massachusetts (Mr. MEEHAN), I introduced an amendment to the bill, my pending legislation, to ban high-capacity ammunition magazines.

As I said, this amendment passed with no objection and by a voice vote and strong bipartisan support. Unfortunately, the underlying juvenile justice bill did not. Therefore, the House has not communicated its will to the Senate or to the conference committee. We need to bring this bill to the floor, and we need to pass it once and for all so that it is included in any final conference committee report that is approved.

Mr. Speaker, in 1994, when Congress passed the Violent Crime Control Law Enforcement Act, we thought we banned magazines for semi-automatic weapons which hold more than 10 rounds of ammunition. However, because of a concession to firearms distributors, high-capacity ammunition magazines manufactured prior to September, 1994, were exempted by Congress. We only agreed to this compromise with the expectation that manufacturers would sell off existing stockpiles.

Unfortunately, contrary to the spirit of this compromise, supplies have been seemingly limitless because of uncontrolled imports of magazines from such countries as China and Russia.

□ 2350

As a result, these deadly clips are as readily available today as they were in 1994 and the only purpose for these clips is to kill human beings.

Denver police officer Bruce Vander Jagt, for example, was shot 15 times in the head, neck and torso by the rapid-fire capabilities of his assailant's weapon.

One answer to this technical flaw that we are seeing here tonight, I think, must be a bipartisan solution. I want to thank the gentleman from Illinois (Mr. HYDE) for his steadfast commitment to fighting for this ban in the conference committee, but I am concerned that without a strong message from this House, a single conferee could procedurally block the ammunition ban from inclusion in the conference report.

Therefore, Mr. Speaker, I believe it is incumbent upon this House to pass H.R. 1037 which is the bill which has one purpose, and that is to ban these high capacity magazines, to pass it and say to the Senate, include it in the conference report. People will no longer tolerate a country where thousands of people die of gunshot wounds every year and seven school shootings occur within a 2-year period. We all supported this ban before. Let us send a message and support it now again as a full House.

Mr. Speaker, I have filed House Resolution 192, a discharge petition, to bring my ammunition magazine ban, H.R. 1037, to the House floor for a vote. It is at the desk, and in a moment I am going to ask for unanimous consent to bring H.R. 1037 to the floor for immediate consideration. If this motion is ruled out of order, I urge all Members from both parties who are for reasonable gun control legislation to sign the discharge petition.

Mr. Speaker, I ask unanimous consent to bring H.R. 1037 which would ban the sale, transfer and possession of high capacity ammunition magazines to the House floor.

The SPEAKER pro tempore (Mr. PEASE). There is a question of privilege pending before the House.

In any event, under the guidelines consistently issued by successive Speakers and recorded on page 534 of the House Rules Manual, the Chair is constrained not to entertain the gentlewoman's request until it has been cleared by the bipartisan floor and committee leadership.

Mr. RANGEL. Mr. Speaker, I yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. I thank the distinguished gentleman for yielding me this time.

I wish we were here, Mr. Speaker, in fact this evening to seriously deal with the concerns that have been expressed by the students from Columbine High School, to seriously deal with the issue of 13 children dying every day from gunfire, and realizing that the responsibility of the House of Representatives is to answer the question about gun safety and gun safety responsibility. Yet what we find ourselves doing at 11:50 at night is to deal with a procedural question which would in fact stymie the opportunity to pass legislation banning large capacity ammunition clips.

Mr. Speaker, during the work recess, I had the opportunity to visit one of the many gun shows that show up in the Houston area. It reminded me of the very intense debate that we had just a couple of weeks ago around the issue of gun safety and safety as it relates to our children. The McCarthy

amendment, for example, that would close the gun show loophole. We failed to do our job at that time, Mr. Speaker, and now we come at 11:50 again to deal with the procedural constitutional question to make in order the Senate bill because it is not consistent with the House legislation. While we are doing that, we are ignoring why we should be here. Every day we are allowing large capacity ammunition clips to be available, gun shows continue to proliferate around the Nation, guns are proliferating in the hands of children, there is no waiting period. In fact, we are finding individuals, felons who are not supposed to have guns in their hands, every day are securing them. Tragedies are occurring in places like Chicago where hate crimes are being perpetrated against blacks and Jews and others because guns are so freely utilized in this Nation.

Mr. Speaker, we are not opposed to the second amendment. We want to just get to work. It is unfortunate tonight that we cannot cure the problem and provide a ban for large capacity ammunition clips, but more importantly it is very sad that we cannot respond to the children of America as they are playing and enjoying their summer but looking toward to the start of a new school year, we cannot say to them that this Congress has joined together to ensure that they will enter the new school year with dreams and aspirations and the belief that they will be safe.

Let us not perpetrate another Columbine. Let us tell the students of America that we are much more willing to stand with them than we are to stand with the National Rifle Association. Although this is a procedural discussion tonight, I want to offer my sadness and encourage the Speaker and encourage my colleagues in a bipartisan way to get back to work on gun safety legislation, to look seriously at juvenile justice and really look seriously at banning large capacity ammunition clips as was noted by my colleague from Colorado that was passed by voice vote. We can get to work and stand on the side of our children and against those who would provide or create an atmosphere that was not safe.

Mr. RANGEL. Mr. Speaker, I yield 2½ minutes to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DeLAURO. Mr. Speaker, it is unconscionable that Congress has not yet enacted common sense gun safety legislation to save the lives of American children. Today, we heard firsthand from Colorado students who pleaded for Congress to take the steps needed to keep guns out of the hands of criminals and children.

But congressional leaders have not acted. Congress has not listened to the children whose classmates' lives were claimed by gun violence. And today we see even more delay, more obstacles blocking efforts to save children's lives. The time is long past to enact gun safety measures, but sadly the leaders of this Congress have consistently turned their backs on limited common sense measures that would take children out of the line of fire.

Today I listened to a young woman named Erin from Columbine High School talk about the tragic loss she suffered when close friends of hers were shot dead. She fought back tears as she said that no one should have to experience the loss that she has. Erin and her fellow Colorado high school students urged the Congress to move forward to protect young people with reasonable gun safety measures such as those passed by the Senate. Ensuring that criminals will not be able to buy weapons at gun shows, that child safety locks will be provided with handguns and that unnecessarily lethal high capacity ammunition clips will be kept out of the country.

This effort tonight is just one more excuse not to do what the American public would like us to do. If this was a problem, why did we not deal with it weeks ago? If it is not a problem, it appears that Republican leaders are using procedural gimmicks to go back on the commitment made to appoint conferees who will support gun safety measures, including a ban on importing dangerous high capacity ammunition clips. The clip ban passed without objection in the House and must be part of any gun safety package that this Congress passes.

When students who have experienced tragic gun violence put their pleas in heartfelt and straightforward terms as Colorado students did today, how in good conscience can Congress delay any longer? Let us go to conference, let us do what it takes to make our schools and our streets safer for our young people by passing gun safety legislation. Let us stop making excuses and start making progress.

Mr. RANGEL. Mr. Speaker, I yield 2 minutes to the gentlewoman from New York (Mrs. MCCARTHY).

Mrs. McCARTHY of New York. Mr. Speaker, a lot of people do not understand the damage that large capacity clips can do. I know firsthand the damage they can do. On the Long Island Railroad, Colin Ferguson had large capacity clips. Many people said it would not have made any difference. It would not have made a difference to the people that were killed in the front of the train, but at the end of the train where the clips were finally taken away from him, we might have been able to save some young people at the end of the train. That is what large capacity clips do.

I beg the Speaker to bring it forward again so we can get going on this. We saw so many young people here today in Washington, bright young people, people I think that are smarter than us here in Congress. If you listen to them, they are the ones that were facing the violence in the schools.

The other day in my district, we talked about gun violence. Our parents, our children, they are scared. We have to do something. We can do it bipartisanly. We can. We can work together and work something out. The bottom line is we have to keep guns, high capacity clips, away from criminals. And we certainly have to make sure guns do not get into the hands of children. That is all we are asking. Nothing more, nothing less. I think if we all sit down together and work together, we can do this.

Mr. RANGEL. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. LOFGREN).

□ 0000

Ms. LOFGREN. Mr. Speaker, what are we waiting for? Instead of moving forward and appointing conferees, we are playing more political games with the lives of children, using the cloak of what is unobjectionable through unnecessary procedure to create the illusion of forward progress, doing nothing while we create the illusion of progress, doing nothing while 13 children are killed as a result of gun violence in this Nation every day.

In one month exactly the children who attend Columbine High School in Littleton, Colorado, will be returning to school. That means we have only 3 weeks to settle the gun safety issues before we adjourn for summer recess. It has been 3 months, 90 days, since the tragedy in Columbine occurred.

Just several years ago the Republicans took 1 week to propose legislation to undo the assault weapons ban, but a simple proposal to close the gun show loopholes to keep guns out of the hands of children takes months and months. We all know it is a stall.

The entire process on gun violence has been a shell game, but as parents and children shop for clothes and notebooks and backpacks, and my children and I will be shopping for backpacks in the next 3 weeks, they should be free from worries about their children's safety from gun violence in schools.

We have differences to settle between the House and Senate passed gun safety and juvenile justice bills. We should be appointing conferees and getting down to the serious work of debating and voting on the gun safety provisions passed by the Senate instead of wasting more time.

This conference should be a careful and deliberative process that American families and schoolchildren can be proud of. We should get started today.

All we are proposing are modest and reasonable steps to make all of us, especially the children, safer from dangerous people and disturbed kids with guns, plugging the gun show loophole, requiring the gun safety locks, banning the high capacity ammo clips, the Hyde-Lofgren amendment banning juvenile possession of semiautomatic assault weapons.

What criminals are stopped from getting guns from licensed dealers because of the Brady background check? Murders, rapists, child molesters, fugitives,

stalkers, batterers, and who wants these people to buy guns and threaten us and our children? Why would anyone want criminals to get guns?

We should plug the loophole and stand up to the gun lobby.

Mr. Speaker, kids are going back to school. It is time for Congress to act before they end up there. Let us stop the stalling. Let us stop the games. Let us do our job.

Mr. RANGEL. Mr. Speaker, I yield such time as she may consume to the gentlewoman from New York (Mrs. LOWEY), beloved former candidate for the United States Senate.

Mrs. LOWEY. Mr. Speaker, I thank the dean for his generosity at midnight.

I do think, Mr. Speaker, that it is extremely unfortunate that we are here tonight at midnight debating this procedural motion, but I have to say that it is just typical of the way the leadership has managed the gun safety issue. Instead of appointing conferees and enacting meaningful gun safety measures, they are once again throwing an obstacle in the way of legislation to protect our children from gun violence. The truth is that there have been delaying tactics at every turn.

The long, sad saga of this bill is a disgrace to this House. First we were told not to offer gun safety amendments to an appropriations bill because we would consider the juvenile justice bill in regular order. Then, after the Committee on the Judiciary was totally bypassed and a sham juvenile justice bill was put up on the floor and defeated, we were told that conferees would be appointed before July 4. Then we were told again just 2 days ago not to offer or vote for amendments to appropriation bills on gun safety because the conference would be meeting soon on juvenile justice.

Well, here we are months after the tragedy of Columbine High School, we still do not have conferees appointed. What is it going to take for the leadership to wake up and listen to the cries of American families? When are our colleagues going to understand that the issue is not going away? How long will we have to wait before Congress does something to protect our schools from gun violence?

Each time we are faced with a delay, our calls will only get louder. We will not back down, we will not go away, we will continue to insist that Congress do its part to make our communities safer.

It is clear that the American people are demanding action now, and it is time for us to say loud and clear that we cannot allow the NRA to write our Nation's gun laws any more.

Mr. Speaker, after talking to these young people that came to Washington today, I do not know how any of us can look in their eyes and not make a very clear commitment that we are going to do our best to pass common sense gun legislation now.

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

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

Mr. Speaker, I just want to remind my colleagues again that tonight we are only dealing with a procedural issue, and it is one that is very important because it is necessary to protect the prerogatives of the House, something I know the gentleman, the courteous gentleman from New York, and many other Members of this House feel very strongly about. This is not about the substantive policy issue of the legislation. In fact, the action tonight will allow the juvenile justice legislation to move toward conference in a more expeditious and orderly manner.

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

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 434, AFRICA GROWTH AND OPPORTUNITY ACT

Mr. DIAZ-BALART from the Committee on Rules, submitted a privileged report (Rept. No. 106–236) on the resolution (H. Res. 250) providing for consideration of the bill (H.R.434) to authorize a new trade and investment policy for sub-Sahara Africa, which was referred to the House Calendar and ordered to be printed.

PROVIDING FOR CONSIDERATION OF H.R. 2415, AMERICAN EMBASSY SECURITY ACT OF 1999

Mr. DIAZ-BALART. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 247 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 247

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2415) to enhance security of United States missions and personnel overseas, to authorize appropriations for the Department of State for fiscal year 2000, 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 International Relations. After general debate the bill shall be considered for amendment under the five-minute rule. The bill shall be considered as read. Before consideration of any other amendment it shall be in order to consider the first amendment printed in part A of the report of the Committee on Rules accompanying this resolution, if offered by Representative Gilman or his designee. That amendment shall be considered as 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 in the House or in the Committee of the Whole. All points of order against that amendment are waived. After disposition of that amendment, the provisions of the bill as then amended shall be considered as original text for the purpose of further amendment under the five-minute rule. No further amendment to the bill shall be in order except those printed in the report of the Committee on Rules accompanying this resolution and amendments en bloc described in section 2 of this resolution. Each amendment printed in the report of the Committee on Rules may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment except as specified in the report, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. The Chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. It shall be in order at any time for the chairman of the Committee on International Relations or his designee to offer amendments en bloc consisting of amendments printed in part B of the report of the Committee on Rules not earlier disposed of or germane modifications of any such amendment. Amendments en bloc offered pursuant to this section shall be considered as read (except that modifications shall be reported), shall be debatable for 20 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on International Relations or their designees, 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. For the purpose of inclusion in such amendments en bloc, an amendment printed in the form of a motion to strike may be modified to the form of a germane perfecting amendment to the text originally proposed to be stricken. The original proponent of an amendment included in such amendments en bloc may insert a statement in the Congressional Record immediately before the disposition of the amendments en bloc.

SEC. 3. After passage of H.R. 2415, it shall be in order to take from the Speaker's table the bill S. 886 and to consider the Senate bill in the House. All points of order against the Senate bill and against its consideration are waived. It shall be in order to move to strike all after the enacting clause of the Senate bill and to insert in lieu thereof the provisions of H.R. 2415 as passed by the House. All points of order against that motion are waived.

□ 0010

The SPEAKER pro tempore (Mr. PEASE). The gentleman from Florida

(Mr. DIAZ-BALART) is recognized for 1 hour.

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

Mr. Speaker, House Resolution 247 is a structured rule providing for the consideration of H.R. 2415, the American Embassy Security Act of 1999. The rule provides for 1 hour of general debate, equally divided between the Chairman and the ranking minority member of the Committee on International Relations.

In addition, the rule provides that before consideration of any other amendment, it shall be in order to consider the first amendment printed in the report of the Committee on Rules, if offered by the gentleman from New York (Mr. GILMAN) or his designee.

This amendment, which shall be considered as read, shall be debatable for 10 minutes, equally divided and controlled by the proponent and an opponent, shall not be subject to an amendment. Further, this amendment shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole, and all points of order are waived against that amendment.

The rule also provides that no further amendment to the bill shall be in order except those printed in the Committee on Rules report and the amendments en bloc described in section 2 of this resolution.

The rule provides that each amendment may be offered only in the order printed in the report and may be offered only by a Member designated in the report. Each amendment shall be considered as read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment except as specified in the report, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole.

Further, the rule authorizes the chairman of the Committee on International Relations or his designee to offer amendments en bloc consisting of amendment numbered 4 through 41 printed in the report of the Committee on Rules, or germane modifications of any such amendment which shall be considered as read, except that modifications shall be reported, and shall be debatable for 20 minutes, equally divided and control by the chairman and ranking minority member of the Committee on International Relations or their designees.

The en bloc amendments shall not be subject to amendment, and shall not be subject to a demand for division of the question.

The rule allows the chairman of the Committee of the Whole to postpone votes during consideration of the bill and to reduce voting time to 5 minutes on a postponed question if the vote follows a 15-minute vote. Also, the rule provides 1 motion to recommit, with or without instructions.

The rule further provides that after passage of H.R. 2415, it shall be in order to take from the Speaker's table the bill, S. 886, and to consider the Senate bill in the House. The rule waives all points of order against the Senate bill and against its consideration.

Finally, the rule provides that it shall be in order to move to strike all after the enacting clause of the Senate bill and to insert in lieu thereof the provisions of H.R. 2415 as passed by the House. All points of order against that motion are waived.

Mr. Speaker, I would like to explain why we are making H.R. 2415, the American Embassy Security Act of 1999, in order as the base text. Unfortunately, H.R. 1211, the Foreign Relations Authorization Act, as reported by the Committee on International Relations, increased discretionary spending in excess of what the committee was allowed to spend under the budget.

In full consultation with the minority on the Committee on International Relations, the gentleman from New Jersey (Mr. SMITH) and the gentlewoman from Georgia (Ms. MCKINNEY) introduced H.R. 2415 on July 1 to make their bill comply with the budget.

Also on July 1, the chairman of the Committee on Rules, the gentleman from California (Mr. DREIER) announced on the House floor and the Committee on Rules sent out a Dear Colleague informing Members of the likely consideration of this new bill, H.R. 2415, this week. In this announcement, Members were advised that their amendments should be drafted to 2415 and not 1211.

I hope that this clears up any confusion over the process involved with with today's legislation.

In considering amendments, Mr. Speaker, the Committee on Rules was as fair and open as possible, while keeping the commitment made to refrain from allowing any U.N. arrearages amendments or Mexico City policy amendments.

Aside from the manager's amendment, which was given waivers so that it may be considered separately, as opposed to being self-executed by the rule, only amendments which would have otherwise been in order under an open rule were allowed. In fact, of the 50 amendments filed before the Committee on Rules, we were able to make 41 of them in order. Twenty-two from Democrats, 12 from Republicans, and 7 bipartisan amendments have been made in order. I believe this is a generous composition, and I applaud the gentleman from California (Mr. DREIER) and my colleagues on the committee for reaching this balance.

I am pleased to support, Mr. Speaker, this fair rule, which brings forth very important legislation aimed at providing U.S. diplomats, security agents, and law enforcement personnel the ability to safely defend U.S. interests around the world.

Among the many strong points in this legislation, I am pleased to see that we are taking effective steps toward enhancing security at our embassies. I know none of us would like to relive the tragedies that occurred almost a year ago in some of our embassies in Africa, and I believe H.R. 2415 will provide necessary resources to help prevent such acts of terrorism.

I am also encouraged that the bill is moving in the right direction in our fight against narco-trafficking by requiring the Clinton administration to inform Congress on the extent, the genuine extent of international narcotics trafficking through Cuba.

Mr. Speaker, the bill also correctly expresses the sense of Congress, and I would like to thank my colleague, the gentlewoman from Florida (Ms. ROS-LEHTINEN) for her leadership on this, that the U.S. should increase its support for pro-democracy and human rights activists in Cuba. The time has clearly come to implement a plan to assist the brave internal opposition in Cuba like the administration of President Reagan did with such brilliance with the Polish opposition during the dark years of martial law there.

This rule is not without precedent, Mr. Speaker. In the 103rd Congress, at the request of the Committee on International Relations chairman, the State Department authorization bill was considered under a structured rule. I look forward to a vigorous debate on this bill.

I see that a primary author, the gentleman from New Jersey (Mr. SMITH) is here and will address us, as well as the distinguished chairman of the Committee on International Relations, the gentleman from New York (Mr. GILMAN). It is an honor to serve with both of them in this House, and I look forward to listening to them, as I am sure all of our colleagues do, as well.

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

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

Mr. Speaker, this is a structured rule. It will allow for the consideration of H.R. 2415, which is a bill that authorizes funding for the operations of the State Department in fiscal year 2000.

As my colleague, the gentleman from Florida (Mr. DIAZ-BALART) has explained, this rule provides for 1 hour of general debate, which will be equally divided and controlled by the chairman and ranking minority member of the Committee on International Relations.

Only amendments specified in the report of the Committee on Rules to accompany this rule will be permitted to be offered on the House floor. The bill authorizes more than $1 billion for much needed improvements in the security of U.S. missions abroad, and in

order to carry out foreign policy, our diplomats and their staffs in other countries must be able to work without fear.

Last April I was in Phnom Penh, Cambodia, and was astonished at the low security in the American Embassy there. This was as precarious as any I have ever seen in some of the embassies I have visited. The embassy's vulnerability is compounded by the unrest that is common in the city. I hope that the money from this bill will be used to improve the security in our Cambodian embassy.

Though this rule is restrictive, the Committee on Rules made in order nearly all of the germane amendments that were submitted in advance. I am pleased that the committee was generous in making in order a large number of Democratic amendments.

□ 0020

Unfortunately, the bill does not authorize the United States to pay the Dreierback dues it owes to the United Nations. This is a major embarrassment for the United States. We owe more than $1 billion to the United Nations, going back almost a decade. We are the world's greatest superpower, but also the world's biggest deadbeat.

For all its faults, the United Nations is one of the best hopes for world peace. The UN's food and health programs have improved the lives of countless people. We should be supporting the UN, not causing a financial drain.

If we do not pay our back dues, eventually we will lose our vote in the UN General Assembly. We cannot let that happen.

The Senate version of the State Department Reauthorization Act, as passed by the committee, does include some money to pay back our back dues to the UN. I hope that the Senate language will prevail in conference.

One of the amendments made in order under this rule is an amendment I plan to offer expressing the sense of Congress in support of humanitarian assistance to the people of Burma.

Earlier this year, I visited humanitarian projects in Burma. I also met with government leaders, the leader of that country's democracy movement, and humanitarian aid workers. I heard a lot about hunger and disease in Burma.

President Reagan said, ''A hungry child knows no politics.'' That is every bit as true in Burma as it is anywhere else in the world. The people of Burma have the added misfortune of not living under a democracy. My amendment affirms the concern of Congress for the people of Burma without endorsing the policies of their government.

I urge adoption of the rule and of the bill.

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

Mr. DIAZ-BALART. Mr. Speaker, it is my privilege to yield such time as he may consume to the gentleman from California (Mr. DREIER), the distinguished chairman of the Committee on Rules.

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

Mr. DREIER. Mr. Speaker, I would like to begin by congratulating, not only the gentleman from Miami, Florida (Mr. DIAZ-BALART) for his superb management of this rule, but also the gentleman from Florida (Mr. Goss), the vice chairman of the committee who joins us here, and the entire Committee on Rules staff, well not the entire staff, but many members of the Committee on Rules staff who are here.

I am proud of the fact that we, well many hours ago, opened this legislative day with work of the Committee on Rules. We are ending what will be this legislative day with work of the Committee on Rules. In just about 8½ short hours, we will be beginning the next legislative day with work of the House Committee on Rules. So we thank them very much. We enjoy this support and enthusiasm.

We also have a Committee on Rules member and staff members of the minority side who are here.

So I think that it is a great testimony to the hard work of this very important committee, which I am proud to chair.

As has been said by both the gentleman from Florida (Mr. DIAZ-BALART) and the gentleman from Ohio (Mr. HALL), we were able to make a large number of amendments in order for the minority. In fact, by a 22 to 12 ratio, the Democrats are favored when it comes to amendments here. As the gentleman from Florida (Mr. DIAZ-BALART) said, we have seven bipartisan amendments.

Now, frankly, this is a very, very serious measure. It was just a little less than a year ago that we saw the tragic bombings that took place in Nairobi and Dar es Salaam. It had a very, very devastating effect on, not only Americans here at home, but obviously on any American who was overseas.

This bill is designed to ensure that those Americans who proudly stand and represent the greatest Nation on the face of the earth and missions around the world have enhanced safety as they proceed with that very important work.

I want to say that we have successfully seen the demise of the Soviet Union and an end to the Cold War due in large part to the stellar leadership of President's Ronald Reagan and George Bush.

We have, however, come to the realization that we do not live in a world that is free of any kind of threat. We not only face military threats, but we of course, as this bill addresses, continue to face the threat of terrorism.

So it is my hope that we will be able to move ahead with, again, what I believe to be a very fair and balanced rule.

I congratulate the gentleman from New York (Chairman GILMAN), the gentleman from Nebraska (Chairman BEREUTER) and the gentleman from New Jersey (Chairman SMITH), all of whom are again here at this late hour to help us proceed with debate on the rule.

Then we will, in the coming days, consider this important legislation. I hope that we will finally be able to see this bill, the State Department authorization language, become public law, which is something to which many of us have aspired for a long period of time.

Mr. DIAZ-BALART. Mr. Speaker, I am privileged to yield as much time as he may consume to the gentleman from New York (Mr. GILMAN), the distinguished chairman of the Committee on International Relations.

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

Mr. GILMAN. Mr. Speaker, I thank the gentleman from Florida for yielding me this time.

Mr. Speaker, I, too, want to commend the Committee on Rules for their excellent job in presenting this measure to the floor at this time. We thank the gentleman from Florida (Mr. DIAZ-BALART) for his astute leadership, the gentleman from California (Mr. DREIER), our distinguished chairman, and the gentleman from Ohio (Mr. HALL), the ranking minority member, for being here with us today, and the staff members, at this late hour as well as the staff of our Committee on International Relations.

I rise in strong support of the rule on H.R. 2415, the American Embassy Security Act. The Committee on Rules, as I indicated, has done an outstanding job in working through the process to produce a fair rule. This rule, although technically structured, accommodates most all of the submitted amendments, and I think we will have some 40 amendments before us before we are done.

We have a very important bill to be considered by the House, one that will provide the authorization of funds to invest in the security of our Nation's personnel overseas and their workplaces, the 260 United States embassies and consulates around the world.

This bill also authorizes the operations and programs of the United States Department of State that will allow this agency to conduct diplomatic relations to provide our U.S. citizens services, passports, screen visa applicants, and provide antiterrorism assistance.

Accordingly, I urge my colleagues to fully support the rule if they support securing the lives of our American citizens and foreign national employees presently serving overseas.

Mr. HALL of Ohio. Mr. Speaker, I yield 5 minutes to the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Mr. Speaker, I want to thank the gentleman from Ohio for yielding me time on the rule for the American Embassy Security Act.

Mr. Speaker, I wanted to address my concerns briefly with regard to U.S.-

India relations and how this legislation would affect that vitally important relationship between the world's two largest democracies.

The rule makes in order a manager's amendment introduced by the gentleman from New York (Mr. GILMAN), the chairman of the Committee on International Relations. This manager's amendment contains an important provision regarding the sanctions that were imposed last year on India and Pakistan following the nuclear tests conducted by the two South Asian nations.

It would extend for another year the waiver authority provided for under the Omnibus Appropriations Act for fiscal year 1999, giving the President the authority to waive the unilateral U.S. sanctions that were proposed pursuant to the Glenn amendment of the Arms Export Control Act.

I wanted to stress, however, I believe we should be going further than the 1-year extension provided for in this legislation. Recently, the Senate approved an amendment to the fiscal year 2000 Defense Appropriations bill that would suspend for 5 years the sanctions against India and Pakistan as opposed to continuing to waive the sanctions for only 1 year.

□ 0030

When we discussed the legislation of the gentleman from New York (Mr. GILMAN), the Security Assistance Act, in the House about a month ago, the chairman indicated his support for lifting the sanctions on a longer-term basis, and I look forward to working with him on that effort.

But, Mr. Speaker, the rule also makes in order an amendment offered by the gentleman from Pennsylvania (Mr. GOODLING) that would prohibit foreign military assistance to countries which fail to support the U.S. at least 25 percent of the time in the U.N. General Assembly. I hope the House will defeat this amendment.

According to the Goodling amendment, the sole method for determining how pro- or anti-U.S. a country is would be how the country votes in the U.N. General Assembly. This is largely an irrelevant way of determining who our friends and foes are, in my opinion. Under the Goodling amendment, all of our other diplomatic political strategic or economic interests would be sacrificed to the mostly symbolic indicator of General Assembly votes, often on issues of peripheral importance.

In practical terms, the Goodling amendment would serve as a symbolic slap at India at a time when Congress is working on a bipartisan basis to lift the unilateral sanctions imposed on India last year, as evidenced by the manager's amendment; and enactment of the Goodling amendment would set back much of the progress we are trying to make. It would be seen as purely a punitive action, creating an atmosphere of distrust that would make it much more difficult to achieve vitally important goals.

Mr. Speaker, the vast majority of resolutions adopted by the General Assembly are adopted by consensus. When we count those votes, India votes with the U.S. 84 percent of the time. If we look at the votes identified as important by our State Department, including the consensus votes, India is with us 75 percent of the time. And India also cooperates with the U.S. on a wide range of other U.N. activities, ranging from health issues to cultural and scientific matters. India has sent significant troop contingents to various peacekeeping missions around the world.

But the U.N. is only a small part of the story of how the U.S. and India work in partnership. Passage of the Goodling amendment would create a poisonous atmosphere that would set back these other efforts.

Mr. Speaker, if I could just say, in conclusion, most of the other countries that would be affected by this amendment are already barred from receiving U.S. assistance under various sanctions; and thus, realistically, the Goodling amendment would cut $130,000 in IMET funding to one country, India, a democracy that shares many of our values.

When we get to debate and votes on the bill, I hope we will approve provisions to build on the significant issues that unite America and India and not magnify our minor disagreements.

Mr. DIAZ-BALART. Mr. Speaker, I yield such time as he may consume to the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Speaker, I thank the gentleman for yielding me this time and for managing this rule, and I also thank the gentleman from Ohio (Mr. HALL) for his statements as well.

I also wish to thank the gentleman from New York (Mr. GILMAN), the chairman of the full Committee on International Relations; the gentleman from Nebraska (Mr. BEREUTER), chairman of the Subcommittee on Asia and the Pacific, both of whom have been very instrumental in working on this bill. And my thanks also to my good friend, the gentlewoman from Georgia (Ms. MCKINNEY), who is a cosponsor of this legislation. She is the ranking member of our subcommittee, and we have worked very cooperatively on this legislation as well.

Mr. Speaker, I am very proud to be the prime sponsor of H.R. 2415, the American Embassy Security Act. This legislation is the result of four hearings that we held, several days of markup in both subcommittee and full committee, and several weeks of negotiations with our friends on the other side of the aisle. Virtually every member of the committee had some input, had provisions that he or she thought should be included.

We worked very, very hard during a lengthy process. And Joseph Rees, my chief of staff and general counsel, and other members of the full committee on the other side of the aisle all worked in a cooperative way to try to craft a bipartisan bill.

The bill's unifying theme is about the promotion of American values. I am particularly proud that the bill authorizes $1.4 billion in fiscal year 2000 in security upgrades for our missions and for our personnel around the world. This is the worldwide security budget recommended by Admiral Crowe's commission, which was charged with investigating the terrorist bombings of our embassy in Kenya and Tanzania and determining how to protect our embassies and overseas personnel from future attacks.

Unfortunately, the administration recommended only $290 million for embassy security in its fiscal year 2000 budget, about one-fifth of the Crowe recommendation, and a fifth of what Congress appropriated last year. So without this bill, we would have faced an 80 percent cut from the recommendation in security of our overseas missions and personnel.

I do believe, Mr. Speaker, that if our Congress has one single responsibility with respect to foreign policy, and to me this is the most important, it is the protection of our people who work overseas in our embassies, our consulates, and other missions. They have to be our priority number one. This bill reflects that concern.

Let me also point out that we held, as part of those hearings, a hearing on March 12 on the security of U.S. missions abroad. Admiral Crowe testified, and I would like to just quote him briefly in talking about security, ''the Boards were most disturbed regarding two interconnected issues,'' he said. ''The first of these was the inadequacy of the resources to provide security against terrorist attacks, and the second was the relatively low priority accorded security concerns throughout the U.S. Government and by the Department of State.'' He also pointed out, and I just want to continue quoting him, that he found it very ''troubling,'' the failure of the U.S. Government to take the necessary steps to prevent such tragedies, talking about the time since Bobby Inman's report on terrorism.

We also heard, Mr. Speaker, from David Carpenter, the Assistant Secretary for Diplomatic Security at the United States Department of State, and he pointed out, and I quote briefly, ''The terrorist threat is global, lethal, multidimensional and growing. Our analysts estimate that during the 12-month period, there were over 2,400 threats or incidents against U.S. interests overseas. Their estimate for the same period for a year ago,'' he goes on, ''is approximately 1,150 such threats or incidents. This is an increase of over 100 percent in the past year.''

We also heard at the hearing, Mr. Speaker, from Daniel Geisler, who is the President of the American Foreign Service Association, and he pointed out

that our core message to the committee, to the Congress, to all of us is that we must commit ourselves to never again suffer needless loss of life from terrorism and directed violence. He pointed out in his testimony that he had ''grave doubts,'' and I am quoting him now, ''that this failure will be corrected. Our doubts were heightened by the administration's grossly inadequate request for funds to build safer embassies. The fiscal year 2000 budget request,'' he goes on, ''does not have a single penny for construction funds, even though the State Department has proposed that OMB request $1.4 billion for worldwide security.''

This legislation meets that commitment of $1.4 billion, and I think it is very important. The gentleman from Nebraska (Mr. BEREUTER) had a hand in this, and we all are working to make sure that that happens. We hope the appropriators will do likewise.

The bill also promotes American values by promoting human rights and protecting refugees. We authorize a modest increase for refugee protection, bringing the total to $750 million. And at a time when the world seems awash in refugees, we must do our fair share.

I think it is worth noting that year after year the State Department has requested and gotten a raise for its own operating expenses, while at the same time cutting the budget for refugee protection. Our bill includes special provisions for protection of refugees from Kosovo, Tibet, Burma, Viet Nam, and Sierra Leone, as well as refugees resettling in Israel.

We also single out the grossly underfunded Human Rights Bureau for an increase as well. This bureau of the State Department is charged with ensuring that the protection of fundamental human rights is afforded its rightful place in our foreign policy; yet it has only 65 employees, about half the size of the Office of Public Affairs and about the same size as the Office of Protocol.

Mr. Speaker, the $7 million the Department now spends on human rights in its bureau is only slightly more than half the amount, and that is $12 million, it plans to spend on public relations next year. If human rights matter, we ought to be putting more not less resources into the bureau charged with seeing to it that our embassies abroad and also the reporting and our message is that human rights do matter.

The bill further promotes American values by permanently authorizing Radio Free Asia, which would otherwise be required to close its doors on September 30 of this year. It continues the effort to ensure 24-hour freedom broadcasting into the People's Republic of China, and will also make possible additional RFA broadcasts to the people of North Korea and Vietnam. It also ensures the survival of Radio Free Europe and Radio Liberty into the next millennium and increases funding for the National Endowment for Democracy.

□ 0040

Mr. Speaker, these relatively small programs are among the most cost effective of efforts to promote freedom and democracy around the world.

H.R. 2415 also directs that our international exchange programs be conducted in a way that again promotes American values and fundamental beliefs. It authorizes carefully targeted exchange programs for the peoples of Tibet, Burma, East Timor, and sub-Saharan Africa. It requires that all of our exchange programs be administered so as to prevent them from being taken advantage of by spies and thugs from totalitarian governments and to include more people who are genuinely open to the principles of freedom and democracy.

There are a number of amendments that will be offered. There will be an amendment that will get an hour's time on the United Nations Population Fund. I continue to believe that until the U.N. Population Fund gets out of China and stops its complicity with the most brutal and barbaric programs that have been used against women that we should stop our funding, as we did last year, Mr. Speaker, in a bipartisan way.

The current law for fiscal year 1999 that was signed by the President says no money to the UNFPA, and our language says no money again unless they get out of China. And we will have that debate, of course, when that amendment is offered next week.

This is a bipartisan bill. I support the rule, as well.

Mr. DIAZ-BALART. Mr. Speaker, I yield such time as he may consume to the gentleman from Nebraska (Mr. BEREUTER) distinguished chairman of the Subcommittee on Asia and the Pacific.

Mr. BEREUTER. Mr. Speaker, I thank the gentleman from Florida for yielding me the time.

Mr. Speaker, I rise in strong support of the rule for H.R. 2415 and, of course, the legislation.

I want to particularly thank the gentleman from California (Mr. DREIER) and the members of the Committee on Rules and their staff for crafting a very fair, thorough, well-structured rule. I know that they gave intense and very thorough consideration to the amendments that are offered. They will make it easier for the Committee on International Relations to discharge its duties and to pass an authorization bill for the State Department and related agencies.

I think it is particularly appropriate that the legislation is indeed called the American Embassy Security Act. As the gentleman from New Jersey (Mr. SMITH) explained, the chairman of the relevant subcommittee, this is a priority for our committee. It should be a priority for the Congress and the American people.

Those of us who visit the embassies, the consulates and missions abroad have on our conscience the concerns about the security of our personnel working abroad. They need attention. We have seen too many problems that exist today.

We have, as the gentleman from New Jersey emphasized, authorized the full amount requested and suggested by the distinguished commission led by Admiral Crowe. We believe that is appropriate emphasis. We look forward to the debate on the legislation upcoming.

Again, I want to thank the Committee on Rules for their excellent job in crafting this fair rule, which will bring the legislation before the floor.

Mr. HALL of Ohio. Mr. Speaker, I yield back the balance of my time.

Mr. DIAZ-BALART. Mr. Speaker, supporting the underlying legislation, as well as the rule, 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.

TRIBUTE TO ADMIRAL DONALD D. ENGEN

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

Mr. OBERSTAR. Mr. Speaker, I rise to pay tribute to Admiral Donald D. Engen, a truly great American whose life was taken in a tragic plane crash on Tuesday.

Our country owes Don Engen a great debt of gratitude for his service to our country in three wars and later as a test pilot, a member of the National Transportation Safety Board, administrator of the FAA, and, at his death, Director of the National Air and Space Museum.

I believe Don Engen's greatest contribution was to aviation safety. I recall particularly his courageous order prohibiting U.S. and foreign airlines from removing over-wing exits on 747 aircraft, while he was at the witness table, in the midst of a hearing I was conducting on that issue.

All air travelers owe Don Engen a great debt of gratitude for his gigantic contribution to aviation safety. He stands as a giant in the field of aviation.

I extend to his widow, Mary, my very heartfelt deepest sympathy and love.

[From the Washington Post, July 14, 1999]

AIR & SPACE DIRECTOR ENGEN DIES IN CRASH—NAVAL AVIATOR ALSO HEADED FAA

(By Martin Weil and Don Phillips)

Donald D. Engen, 75, the director of the National Air and Space Museum who also was a decorated Navy pilot and a former chief of the Federal Aviation Administration, died yesterday in Nevada when the glider plunged to the ground from two miles up, disintegrating as it fell, authorities said.

Engen, of Alexandria, and another man were killed near Minden, just east of Lake Tahoe, about 1 p.m. Pacific time in a glider

fitted with a small motor, according to the Douglas County sheriff's office. Witnesses told investigators that as the glider began spiraling down, ''major portions of the wings'' and other parts of the aircraft fell off, the sheriff's office said.

Engen, a former test pilot and a retired Navy admiral who served in three wars, was killed instantly, along with William S. Ivans, 89, of Incline Village, Nev., who was a holder of many glider flight records, the sheriff's office said. It was not immediately clear who was at the controls.

Engen, a World War II dive bomber pilot sank a Japanese cruiser, held the Distinguished Service Medal and the Navy Cross, which is awarded for extraordinary heroism. He took over at Air and Space three years ago, in the wake of a controversy over display of the Enola Gay, the airplane that dropped the first atomic bomb on Japan.

Engan ''labeled himself as part of the fix'' of the museum when he took over, ''and he was,'' said David Umansky, a spokesman for the Smithsonian Institution, of which Air and Space—the world's most visited museum—is part.

Engen also was the prime mover behind plans to open an annex to Air and Space at Dulles International Airport. A target opening date in 2003 has been set for the facility, which is to provide vastly increased exhibit space for the museum's aeronautical holdings.

''He has been the guiding light behind the Dulles center,'' Smithsonian spokeswoman Linda St. Thomas said last night. ''It was his big project.''

''Don has been a wonderful director for the past three years,'' said Smithsonian Secretary Michael Heyman.

Calling Engen's death a ''terrible tragedy,'' Jane F. Garvey, administrator of the FAA, said Engen continued to offer ''advice and counsel'' on aviation issues and to show concern about the welfare of those who had worked for him at the agency, she said.

''People just had enormous respect for him, ''Garvey said.

Donald Davenport Engen, who was born in Pomona, Calif., on May 24, 1924, had flying and the Navy in his thoughts since boyhood.

When he was in the fourth grade, he told his parents that he wished to be a ''naval officer and go to sea'' On Dec. 7, 1941, only a few months after he entered Pasadena Junior College at 17, the Japanese attacked Pearl Harbor, and Engen got a strong push toward realizing his early ambition.

After the attack, he dropped out of college and enlisted as a seaman second class in a Navy training program, according to a memoir he published in 1997, ''Wings and Warriors: My Life as a Naval Aviator.''

By 1943, he was headed west across the Pacific, where he was based on the carrier USS Lexington and took part in the campaign to liberate the Philippines.

He was involved in fierce combat.

''Almost everyone experienced fear from time to time,'' he wrote. But, he said, ''we junior pilots felt invincible, even though our loss rate seemed to indicate otherwise.''

After the war, he gave civilian life a try, enrolling in the Naval Reserve and flying on weekends. That did not satisfy his passion for life in the air, and he reenlisted for active duty. Given a second chance at a Navy career, he said, ''I could have walked on water.''

He made a career as a test pilot, helping to develop many of the safety mechanisms that have become standard for the aviators who were to follow him.

A test he made of an ejection seat at a factory in Philadelphia left him with a compressed disc in his spine. He regarded the sacrifice as worthwhile, however, for the seat was credited with helping to save the lives of more than 6,000 pilots.

In 1950, after the outbreak of the Korean War, Engen was an officer on board the USS Valley Forge. While flying from its deck, he took part in the first aerial strike over Pyongyang, the North Korean capital.

Later, he commanded a squadon and an air wing during the Vietnam War, although he did not see action there. While serving in the Navy, he received a bachelor of science degree from George Washington University in 1968 and also attended the Naval War College.

He served as commanding officer of the USS Katmai and the USS America and of the Navy's Carrier Division 4. He was deputy commander in chief of the U.S. naval forces in Europe from 1973 to 1976 and of the U.S. Atlantic Fleet from 1976 to 1978.

He advanced through the officer ranks to vice admiral.

After retiring from the Navy in 1978, he become general manager of a division of the Piper Aircraft Corp. and in 1982 was appointed by President Ronald Reagan to the National Transportation Safety Board—one of the agencies that is investigating his death.

Engen encountered some turbulence during his 1984–87 FAA tenure. Public attention focused on his agency in 1987, in particular, when airline passengers complained about flight delays. He warned early in the summer vacation season that delays would occur, largely because there were not enough airports to handle increased traffic.

Speaking not long after the NTSB warned that there had been ''an erosion of safety'' in aviation, Engen called U.S. aviation the world's safest, asserting that criticism of the system was often based on ''emotion and misinformation.''

In a speech at the National Press Club, the soft-spoken admiral said that the holder of his post would never lack for critics looking over his shoulder.

''There is a fine line between constructive oversight and unconstructive meddling,'' he said.

Engen said more airports were needed, rather than re-regulation of the airlines, as some critics had proposed.

The reasons for his resignation were not made known, but in aviation circles it was said that friction had occurred between him and then-Transportation Secretary Elizabeth Hanford Dole. The FAA is part of the Transportation Department.

Of his departure, Engen said only, ''There's never a good time to leave, but the time has come.''

After a long search, he was picked in June 1996 to head Air and Space. Critics had contended that the proposed Enola Gay exhibit depicted the United States as the aggressor during World War II. At the time of his appointment, one of the critics called Engen ''a true aviator,'' and said ''we are all exalted.''

Engen married the former Mary Ann Baker in 1943, and they had four children.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. FROST (at the request of Mr. GEPHARDT) for today and July 16 on account of family business.

Mr. COBLE (at the request of Mr. ARMEY) for after 3:30 today until July 21 on account of official business.

Mr. PETERSON of Pennsylvania (at the request of Mr. ARMEY) for after 8 p.m. today and July 16 on account of personal business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. HALL of Ohio) to revise and extend their remarks and include extraneous material:)

Mr. PALLONE, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Mr. CLYBURN, for 5 minutes, today.

Mr. SCOTT, for 5 minutes, today.

Mr. RANGEL, for 5 minutes, today.

Mr. LEWIS of Georgia, for 5 minutes, today.

Mr. CUMMINGS, for 5 minutes, today.

Ms. CARSON, for 5 minutes, today.

Mr. PAYNE, for 5 minutes, today.

Mr. FATTAH, for 5 minutes, today.

(The following Members (at the request of Mr. DIAZ-BALART) to revise and extend their remarks and include extraneous material:)

Mr. BEREUTER, for 5 minutes, today.

Mr. WAMP, for 5 minutes, today.

Mr. WELDON of Pennsylvania, for 5 minutes, today.

SENATE BILL REFERRED

A Bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 604. An act to direct the Secretary of Agriculture to complete a land exchange with Georgia Power Company; to the Committee on Agriculture.

ENROLLED BILL SIGNED

Mr. THOMAS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker.

H.R. 775. An act to establish certain procedures for civil actions brought for damages relating to the failure of any device or system to process or otherwise deal with the transition from the year 1999 to the year 2000, and for other purposes.

ADJOURNMENT

Mr. DIAZ-BALART. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 45 minutes a.m.), the House adjourned until today, Friday, July 16, 1999, at 9 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

3047. A letter from the President and Chairman, Export-Import Bank, transmitting notification of a transaction which involves U.S. exports to a private company in the energy sector of Russia; to the Committee on Banking and Financial Services.

3048. A letter from the Special Assistant to the Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Lordsburg and Hurley, New Mexico) [MM Docket No. 98–222 RM–9407] received July 9, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3049. A letter from the Special Assistant to the Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (SHELBY and Dutton, Montana) [MM Docket No. 99–63 RM–9398] received July 9, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3050. A letter from the Special Assistant to the Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Madison, Indiana) [MM Docket No. 98–105 RM–9295] received July 9, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3051. A letter from the Special Assistant of the Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.606(b), Table of Allotments, TV Broadcast Stations. (El Dorado and Camden, Arkansas) [MM Docket No. 99–45 RM–9401] received July 9, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3052. A letter from the Special Assistant to the Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Giddings and Buda, Texas) [MM Docket No. 99–69 RM–9468] received July 9, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3053. A letter from the Secretary of Health and Human Services, transmitting the Fiscal Year 1996 report on the administration of the Maternal and Child Health Program; to the Committee on Commerce.

3054. A letter from the Under Secretary for Export Administration, Department of Commerce, transmitting notification that the Department of Commerce, in consultation with the Department of State, is imposing on the Portuguese Colony of Macau certain foreign policy-based export controls; to the Committee on International Relations.

3055. A letter from the Ambassador, Embassy of the State of Qatar, transmitting a letter from Mr. Mohamed bin Mubarak Al-Kholiefi, Speaker of the Advisory Council of the State of Qatar; to the Committee on International Relations.

3056. A letter from the Executive Director, District of Columbia Financial Responsibility and Management Assistance Authority, transmitting a Resolution and Order Approving Fiscal Year 2000 Financial Plan and Budget; to the Committee on Government Reform.

3057. A letter from the Secretary, Judicial Conference of the United States, transmitting the Biennial Survey of Article III Judgeship Needs in the U.S. courts of appeals and the U.S. district courts; to the Committee on the Judiciary.

3058. A letter from the Office of the Attorney General, transmitting a report containing a recommendation for continuing authorization of the State Criminal Alien Assistance Program; to the Committee on the Judiciary.

3059. A letter from the Program Analyst, Office of the Chief Counsel, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Dassault Model 2000, 900EX, and Mystere Falcon 900 Series Airplanes [Docket No. 99–NM–63–AD; Amendment 39–11218; AD 99–14–07] (RIN: 2120–AA64) received July 9, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3060. A letter from the Secretary of Health and Human Services, transmitting a report on participation, assignment, and amounts of extra billing in the Medicare program; jointly to the Committees on Ways and Means and Commerce.

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. REYNOLDS: Committee on Rules. House Resolution 250. Resolution providing for consideration of the bill (H.R. 4341 to authorize a new trade and investment policy for sub-Sahara Africa (Rept. 106–236). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. CHABOT (for himself, Mr. PORTMAN, Mr. BOEHNER, Mrs. MINK of Hawaii, Mr. CUNNINGHAM, Mr. ABERCROMBIE, Mr. MALONEY of Connecticut, Mr. RAHALL, Mr. ACKERMAN, and Ms. JACKSON-LEE of Texas):

H.R. 2527. A bill to amend the Public Health Service Act to provide for research on the disease known as lymphangioleiomyomatosis (commonly known as LAM); to the Committee on Commerce.

By Mr. ROGERS (for himself, Mr. SMITH of Texas, Mr. REYES, Mr. BARR of Georgia, Mr. BARRETT of Nebraska, Mr. BECERRA, Mr. BENTSEN, Mr. BILBRAY, Mr. BONILLA, Mrs. BONO, Mr. BOSWELL, Mr. BOYD, Mr. BRADY of Texas, Mr. CALLAHAN, Mr. CANADY of Florida, Mr. CANNON, Mrs. CAPPS, Mr. CHAMBLISS, Mr. CLEMENT, Mr. COLLINS, Mr. CONDIT, Mr. COSTELLO, Mr. CUNNINGHAM, Mr. DAVIS of Illinois, Mr. DEAL of Georgia, Mr. DOOLEY of California, Mr. DUNCAN, Mr. EDWARDS, Mr. FARR of California, Mr. FILNER, Mr. FORD, Mrs. FOWLER, Mr. GALLEGLY, Mr. GONZALEZ, Mr. GOODLATTE, Ms. GRANGER, Mr. GREEN of Texas, Mr. HINOJOSA, Mr. HOBSON, Mr. HUNTER, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. KINGSTON, Mr. KOLBE, Mr. LATHAM, Mr. LEWIS of California, Mr. LEWIS of Kentucky, Mr. MARTINEZ, Mr. METCALF, Mr. MILLER of Florida, Mr. MINGE, Mrs. NAPOLITANO, Mr. ORTIZ, Mr. PACKARD, Mr. PASTOR, Mr. ROHRABACHER, Mr. ROMERO-BARCELÓ, Mr. ROTHMAN, Mr. ROYCE, Mr. SENSENBRENNER, Mr. SHERMAN, Mr. SKEEN, Mr. SNYDER, Mr. SPRATT, Mr. STUMP, Mr. SUNUNU, Mr. TRAFICANT, Mr. TURNER, Mr. UNDERWOOD, Mr. WAMP, Mr. WELDON of Pennsylvania, and Mr. WHITFIELD):

H.R. 2528. A bill to establish the Bureau of Immigration Services and the Bureau of Immigration Enforcement within the Department of Justice; to the Committee on the Judiciary.

By Mr. REYNOLDS (for himself, Mr. DREIER, Mr. DELAY, Mr. BLUNT, Mr. FOLEY, Mr. LINDER, Ms. PRYCE of Ohio, Mr. EHRLICH, Mr. LAZIO, Mr. PORTMAN, Mr. QUINN, Mr. SWEENEY, Mr. DIAZ-BALART, Mr. MCCOLLUM, Mr. RYAN of Wisconsin, Mr. SHAW, Mr. FORBES, Mr. LOBIONDO, Mr. WALDEN of Oregon, Mr. FOSSELLA, Mr. WELLER, Mr. WATTS of Oklahoma, Mrs. KELLY, Mr. SHIMKUS, Ms. ROS-LEHTINEN, Mr. TERRY, Mr. SMITH of New Jersey, Mr. SIMPSON, Mr. WELDON of Florida, Mr. MCHUGH, Mr. SESSIONS, Mrs. MYRICK, Mr. GOSS, Mr. SAXTON, Mr. ENGLISH, Mr. CAMP, Mr. MILLER of Florida, Mr. NETHERCUTT, Mr. GARY MILLER of California, Mr. GREEN of Wisconsin, Mr. BARTON of Texas, Mr. BOEHLERT, Mr. PICKERING, Mr. SCHAFFER, Mr. TANCREDO, Mr. MICA, Mr. WICKER, Mr. OSE, Mr. SMITH of Michigan, Mr. SCARBOROUGH, and Mrs. FOWLER):

H.R. 2529. A bill to take certain steps toward recognition by the United States of Jerusalem as the capital of Israel; to the Committee on International Relations.

By Mr. BARRETT of Nebraska (for himself, Mr. EWING, Mrs. EMERSON, Mr. BISHOP, Mr. HAYES, Mr. WHITFIELD, Mr. HILL of Montana, and Ms. DANNER):

H.R. 2530. A bill to amend the Food Security Act of 1985 to increase the maximum amount of marketing loan gains and loan deficiency payments that an agricultural producer may receive during the 1999 crop year; to the Committee on Agriculture.

By Mr. BARTON of Texas (for himself and Mr. HALL of Texas) (both by request):

H.R. 2531. A bill to authorize appropriations for the Nuclear Regulatory Commission for fiscal year 2000, and for other purposes; to the Committee on Commerce.

By Mr. HEFLEY:

H.R. 2532. A bill to provide for the establishment of national heritage areas; to the Committee on Resources.

By Mr. HYDE (for himself, Mr. GEKAS, and Mr. GOODLATTE):

H.R. 2533. A bill to amend the Clayton Act and the Administrative Procedures Act; to the Committee on the Judiciary, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LARSON (for himself, Mr. SENSENBRENNER, Mr. BROWN of California, Mr. COSTELLO, Ms. WOOLSEY, Mr. ETHERIDGE, Mr. COOK, Mr. LAMPSON, Mr. CAPUANO, Mr. WU, Ms. JACKSON-LEE of Texas, Mr. UDALL of Colorado, Mr. GEJDENSON, Ms. BALDWIN, Mr. PRICE of North Carolina, Mr. CROWLEY, and Ms. EDDIE BERNICE JOHNSON of Texas):

H.R. 2534. A bill directing the National Science Foundation to develop a report on the establishment of high-speed, large bandwidth capacity Internet access for all public elementary and secondary schools and libraries in the United States, and for other purposes; to the Committee on Science.

By Mr. WAXMAN (for himself, Mr. FATTAH, Mr. OWENS, Mr. DAVIS of Illinois, Mrs. MALONEY of New York, Ms. NORTON, Mr. CUMMINGS, Mr. KUCINICH, and Ms. SCHAKOWSKY):

H.R. 2535. A bill to preserve, protect, and promote the viability of the United States Postal Service; to the Committee on Government Reform.

By Mr. GEORGE MILLER of California:

H.R. 2536. A bill to reduce the risk of oil pollution and improve the safety of navigation in San Francisco Bay by removing hazards to navigation, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. NETHERCUTT:

H.R. 2537. A bill to amend the Internal Revenue Code of 1986 to exempt farm equipment and other property used in farming from the requirement that all gain on the sale of such property be recognized in the year of the sale; to the Committee on Ways and Means.

By Ms. ROYBAL-ALLARD (for herself, Mrs. EMERSON, Mr. ABERCROMBIE, Mr. ADERHOLT, Mr. BARCIA, Mr. BECERRA, Mr. BENTSEN, Ms. BERKLEY, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. BONILLA, Mr. BONIOR, Mr. BOSWELL, Ms. BROWN of Florida, Mrs. CAPPS, Ms. CARSON, Mrs. CLAYTON, Mr. COX, Mr. CRAMER, Mr. CUMMINGS, Mr. CUNNINGHAM, Ms. DANNER, Mr. DEFAZIO, Ms. DEGETTE, Ms. DELAURO, Mr. DICKEY, Mr. DICKS, Mr. DIXON, Mr. DOOLEY of California, Mr. EDWARDS, Mr. EVANS, Mr. FARR of California, Mr. FORBES, Mr. FRELINGHUYSEN, Mr. FROST, Mr. GONZALEZ, Ms. GRANGER, Mr. GUTIERREZ, Mr. HASTINGS of Florida, Mr. HINCHEY, Mr. HINOJOSA, Ms. NORTON, Ms. HOOLEY of Oregon, Ms. JACKSON-LEE of Texas, Ms. KAPTUR, Mrs. KELLY, Mr. KILDEE, Ms. KILPATRICK, Mr. KINGSTON, Mr. KNOLLENBERG, Mr. LANTOS, Mr. LEWIS of Georgia, Mrs. MALONEY of New York, Mr. MALONEY of Connecticut, Mr. MATSUI, Mrs. MCCARTHY of New York, Mr. MCGOVERN, Ms. MCKINNEY, Mr. MENENDEZ, Ms. MILLENDER-MCDONALD, Mr. MILLER of Florida, Mr. GEORGE MILLER of California, Mrs. MINK of Hawaii, Mr. MORAN of Virginia, Mrs. MORELLA, Mrs. NAPOLITANO, Mr. NEAL of Massachusetts, Mr. NETHERCUTT, Mrs. NORTHUP, Mr. ORTIZ, Mr. PACKARD, Mr. PASTOR, Mr. PAYNE, Ms. PELOSI, Mr. PETERSON of Pennsylvania, Mr. POMEROY, Mr. PRICE of North Carolina, Mr. REYES, Ms. RIVERS, Mr. RODRIGUEZ, Mr. ROMERO-BARCELÓ, Mr. RUSH, Ms. SANCHEZ, Mr. SANDLIN, Mr. SCOTT, Mr. SERRANO, Mr. SHOWS, Mr. SKELTON, Ms. SLAUGHTER, Ms. STABENOW, Mr. STARK, Mr. STUPAK, Mrs. TAUSCHER, Mrs. THURMAN, Mr. TOWNS, Mrs. JONES of Ohio, Mr. UDALL of New Mexico, Ms. VELÁZQUEZ, Mr. WALSH, Ms. WATERS, Mr. WAXMAN, Mr. WICKER, Mr. WISE, and Ms. WOOLSEY):

H.R. 2538. A bill to amend the Public Health Service Act to provide for a national folic acid education program to prevent birth defects, and for other purposes; to the Committee on Commerce.

By Ms. SANCHEZ (for herself, Mr. BERMAN, Mr. BROWN of California, Mrs. CAPPS, Mr. CONDIT, Mr. FARR of California, Mr. HORN, Ms. LEE, Mrs. NAPOLITANO, Ms. LOFGREN, Ms. PELOSI, Mr. RADANOVICH, Ms. ROYBAL-ALLARD, Mr. SHERMAN, Mr. STARK, Mrs. TAUSCHER, Mr. THOMPSON of California, Mr. WAXMAN, and Ms. WOOLSEY):

H.R. 2539. A bill to designate the United States Post Office building located at 3101 West Sunflower Avenue in Santa Ana, California, as the ''Hector G. Godinez Post Office Building''; to the Committee on Government Reform.

By Mr. SMITH of New Jersey (for himself and Mr. OBERSTAR):

H.R. 2540. A bill to establish grant programs and provide other forms of Federal assistance to pregnant women, children in need of adoptive families, and individuals and families adopting children; to the Committee on Education and the Workforce, and in addition to the Committees on Ways and Means, Commerce, the Judiciary, Banking and Financial Services, Armed Services, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TAYLOR of Mississippi:

H.R. 2541. A bill to adjust the boundaries of the Gulf Islands National Seashore to include Cat Island, Mississippi; to the Committee on Resources.

By Mr. PORTMAN:

H. Res. 249. A resolution returning to the Senate the bill S. 254; considered and agreed to.

By Mr. LUTHER (for himself, Mr. LANTOS, Mr. HORN, Mrs. LOWEY, Mr. BLAGOJEVICH, Mr. MEEHAN, Mr. MINGE, Mr. VISCLOSKY, Mr. FARR of California, Mr. STARK, and Mr. CAPUANO):

H. Res. 251. A resolution expressing the sense of the House of Representatives with regard to the escalating violence in East Timor; to the Committee on International Relations.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

156. The SPEAKER presented a memorial of the House of Representatives of the State of Michigan, relative to House Concurrent Resolution No. 29 and House Resolution No. 56 memorializing the Department of Energy and the Nuclear Regulatory Commission to fulfill their obligation to establish a permanent repository for high-level nuclear waste; to the Committee on Commerce.

157. Also, a memorial of the General Assembly of the State of Nevada, relative to Assembly Joint Resolution No. 2 memorializing Congress to amend the provisions of the Wild Free-Roaming Horses and Burros Act to require the Secretary of the Interior and the Secretary of Agriculture to establish the necessary regulations and procedures whereby horses and burros in excess of the appropriate management levels are gathered in a timely fashion, and unadoptable horses and burros are made available for sale at open market; to the Committee on Resources.

158. Also, a memorial of the Legislature of the Commonwealth of Guam, relative to Resolution No. 101 memorializing Congress to authorize the Guam Legislature to appropriate some or all of the Ten Million Dollars, currently earmarked to Guam for infrastructure costs due to the impact of the Compacts of Free Association, for use in job training and job development, entrepreneurial and business development programs as shall be enacted by the laws of Guam; to the Committee on Resources.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 44: Mr. MASCARA, Mr. FROST, and Mr. WATKINS.

H.R. 82: Mr. DAVIS of Virginia, Mr. FRANK of Massachusetts, and Mr. SMITH of New Jersey.

H.R. 110: Mr. LUCAS of Kentucky.

H.R. 123: Mrs. KELLY.

H.R. 303: Mr. KING, Mr. UNDERWOOD, Mr. BISHOP, Mr EHRLICH, Mr. NEY, Mr. PALLONE, Mr. STRICKLAND and, Mr. WATKINS.

H.R. 354: Mr. MEEKS of New York.

H.R. 486: Mr. DEMINT, Mr. LINDER, Mr. CHAMBLISS, and Mr. KINGSTON.

H.R. 498: Mr. SAM JOHNSON of Texas.

H.R. 531: Mr. GRAHAM and Mr. WU.

H.R. 583: Mr. LEECH.

H.R. 595: Mr. MASCARA.

H.R. 601: Mr. WATKINS and Mr. FROST.

H.R. 721: Mr. PETRI, Mr. SPRATT, Mr. JENKINS, and Mr. WHITFIELD.

H.R. 750: Mr. DEMINT, Mr. MANZULLO, and Ms. PELOSI.

H.R. 773: Mr. MOORE.

H.R. 783: Mr. KING, Mr. WHITFIELD, and Mrs. MORELLA.

H.R. 784: Mr. FRANKS of New Jersey, Mr. BRYANT, Mr. SWEENEY, and Mr. FRELINGHUYSEN.

H.R. 798: Mr. THOMPSON of California.

H.R. 815: Mr. MCINTOSH, Mr. GEKAS, and Mr. SPENCE.

H.R. 827: Mr. OLVER.

H.R. 852: Mr. DAVIS of Illinois.

H.R. 864: Mr. EHRLICH, Mr. BOYD, Mr. MANZULLO, Mr. GILLMOR, Mr. GOODLATTE, Ms. BROWN of Florida, Mr. BROWN of Ohio, Mr. CASTLE, Mr. OXLEY, and Mr. TOOMEY.

H.R. 865: Mr. PICKETT, Mr. SHOWS, Mr. BOUCHER, Ms. LEE, Mr. SCARBOROUGH, Mr. HYDE, Mr. RAHALL, Mr. STUPAK, Mr. GOODE, Mr. MASCARA, Mr. GEJDENSON, Mr. HILL of Montana, Mr. FROST, Mr. WATKINS, Mr. SUNUNU, and Mr. PETERSON of Minnesota.

H.R. 969: Mr. ISAKSON.

H.R. 987: Mr. REYNOLDS.

H.R. 1046: Mr. MINGE.

H.R. 1053: Ms. ESHOO.

H.R. 1083: Mrs. CLAYTON.

H.R. 1093: Mr. LIPINSKI, and Mr. FRANKS of New Jersey.

H.R. 1102: Mr. CONDIT, and Mr. HINCHEY.

H.R. 1111: Mrs. CAPPS, Mr. PETERSON of Minnesota, and Mr. FARR of California.

H.R. 1116: Mr. HALL of Texas.

H.R. 1164: Mr. BORSKI.

H.R. 1168: Ms. STABENOW, Mr. LEVIN, and Mr. KIND.

H.R. 1193: Mr. BENTSEN, Mr. BACHUS, Mr. BILBRAY, and Mr. ADERHOLT.

H.R. 1195: Mr. HULSHOF and Mr. WATT of North Carolina.

H.R. 1200: Mr. BONIOR.

H.R. 1216: Mr. STUPAK, Mr. WYNN, and Mr. SABO.

H.R. 1222: Mr. FLETCHER.

H.R. 1256: Mr. PICKERING and Mr. BURR of North Carolina.

H.R. 1275: Mr. DEAL of Georgia, Mrs. MORELLA, Mr. SHERMAN, Mr. FRANK of Massachusetts, Mrs. THURMAN, Mr. WAXMAN, and Mrs. MEEK of Florida.

H.R. 1300: Mr. TANNER.

H.R. 1304: Mr. DUNCAN.

H.R. 1315: Mr. WAXMAN and Mr. BECERRA.

H.R. 1325: Ms. LOFGREN and Mr. PASTOR.

H.R. 1328: Mr. BLUNT.

H.R. 1345: Mr. YOUNG of Alaska.

H.R. 1347: Mr. PASCRELL.

H.R. 1352: Ms. MCKINNEY.

H.R. 1355: Mr. TIERNEY.

H.R. 1416: Mr. JEFFERSON.

H.R. 1454: Mr. HOEFFEL.

H.R. 1485: Mr. ABERCROMBIE.

H.R. 1505: Mr. CUMMINGS.

H.R. 1507: Mr. ROGAN.

H.R. 1510: Mr. BONIOR.

H.R. 1525: Ms. SCHAKOWSKY, Mr. BARCIA, Mr. RODRIGUEZ, Mr. BECERRA, Ms. PELOSI, and Ms. BROWN of Florida.

H.R. 1547: Mr. PETERSON of Minnesota.

H.R. 1585: Mr. MCINTOSH.

H.R. 1592: Mr. ADERHOLT, Mr. CRAMER, Mr. SHADEGG, Mrs. CHRISTENSEN, Mr. HILLIARD, and Mr. KNOLLENBERG.

H.R. 1594: Mr. PETERSON of Minnesota, Ms. WOOLSEY, Mr. MARTINEZ, Mr. FRANK of Massachusetts, Mr. SCOTT, Ms. LEE, Ms. JACKSON-LEE of Texas, Mr. LANTOS, and Mr. HUTCHINSON.

H.R. 1617: Mr. BUYER, Mr. RAHALL, and Mr. PAUL.

H.R. 1622: Ms. PRYCE of Ohio, Mr. UDALL of New Mexico, Mr. SHERMAN, Mr. CAMPBELL, Mr. HILL of Indiana, and Mr. COSTELLO.

H.R. 1684: Mr. BRADY of Pennsylvania, Mr. LUTHER, and Mrs. CHRISTENSEN.

H.R. 1685: Mr. ORTIZ.

H.R. 1775: Mrs. JOHNSON of Connecticut and Mr. LAZIO.

H.R. 1838: Mr. WHITFIELD, Mr. BARTON of Texas, and Mr. FRANK of Massachusetts.

H.R. 1841: Mrs. CHRISTENSEN, Mr. FILNER, and Mr. HOLT.

H.R. 1844: Mr. BERMAN and Mr. MCGOVERN.

H.R. 1863: Mr. DEFAZIO.

H.R. 1871: Mrs. MEEK of Florida.

H.R. 1887: Mr. BACHUS, Mr. BERMAN, and Ms. BALDWIN.

H.R. 1890: Ms. LEE.

H.R. 1907: Mr. MCDERMOTT and Mr. BOUCHER.

H.R. 1932: Mr. GONZALEZ, Mr. TOOMEY, Mrs. FOWLER, Mr. OBERSTAR, Mrs. MINK of Hawaii, Ms. NORTON, Mr. KANJORSKI, Ms. PELOSI, and Mr. MCINTOSH.

H.R. 1948: Mrs. CHRISTENSEN.

H.R. 1958: Mr. COYNE.

H.R. 1986: Mr. MCDERMOTT.

H.R. 2015: Mr. PASTOR, Mr. DAVIS of Florida, and Mr. PAUL.

H.R. 2028: Mr. FLETCHER.

H.R. 2053: Mr. OWENS, Ms. VELAZQUEZ, Mr. SERRANO, Mr. WYNN, and Mr. WEINER.

H.R. 2068: Mr. TERRY.

H.R. 2086: Mr. DREIER, Mr. WU, Mr. LAFALCE, Mr. WICKER, Mr. ENGLISH, Mr. GOODLATTE, Mr. BAIRD, and Mr. MARTINEZ.

H.R. 2116: Mr. HANSEN, Mr. LAHOOD, Mr. REYES, Ms. CARSON, Ms. BROWN of Florida, Ms. BERKLEY, Mr. HILL of Indiana, Mr. FILNER, Mr. UDALL of New Mexico, and Mr. SHOWS.

H.R. 2159: Mr. COLLINS.

H.R. 2172: Mr. FOLEY.

H.R. 2243: Mr. FROST.

H.R. 2247: Mr. RYUN of Kansas and Mr. WELDON of Florida.

H.R. 2258: Mr. LAFALCE.

H.R. 2260: Mr. CANNON and Ms. PRYCE of Ohio.

H.R. 2294: Mr. KENNEDY of Rhode Island.

H.R. 2332: Mr. VISCLOSKY, Ms. KAPTUR, Mr. PETERSON of Minnesota, Mr. TRAFICANT, Mr. STUPAK, Mr. RUSH, Mr. ENGLISH, Ms. RIVERS, Mr. DAVIS of Illinois, Mr. LIPINSKI, Mr. BARCIA, Mr. CONYERS, Ms. KILPATRICK, and Mr. HOUGHTON.

H.R. 2339: Mr. GOODLATTE and Mr. RODRIGUEZ.

H.R. 2378: Mr. SMITH of Washington.

H.R. 2380: Mr. DELAHUNT.

H.R. 2384: Mr. GILLMOR, Ms. KILPATRICK, Mr. ENGEL, and Mr. KILDE.

H.R. 2389: Mr. HERGER and Mr. SCHAFFER.

H.R. 2396: Mr. ARMEY and Mr. HAYWORTH.

H.R. 2409: Mr. LAMPSON and Mr. SANDLIN.

H.R. 2420: Mr. WHITFIELD, Mr. BOEHLERT, Mr. GONZALEZ, Mr. MEEKS of New York, and Mr. BAKER.

H.R. 2436: Mr. BACHUS, Mr. HUTCHINSON, Mr. LAHOOD, and Mr. TANCREDO.

H.R. 2446: Ms. ROYBAL-ALLARD, Mr. BISHOP, Mr. BORSKI, Mr. MCDERMOTT, Ms. KAPTUR, Mr. SHERMAN, Mr. JACKSON of Illinois, Mr. BAIRD, Mr. BALDACCI, Mr. HOLDEN, Mr. OBEY, Mr. TRAFICANT, and Mr. PALLONE.

H.R. 2453: Mr. DUNCAN.

H.R. 2503: Mr. LUTHER.

H.R. 2506: Mr. WAXMAN, Mr. BONIOR, Mr. WHITFIELD, Mr. FARR of California, and Mr. DAVIS of Florida.

H.R. 2515: Mr. WEYGAND, Mrs. TAUSCHER, Ms. BERKLEY, Mr. CROWLEY, Mrs. MALONEY of New York, and Mr. PHELPS.

H.J. Res. 46: Mr. RANGEL and Mrs. MCCARTHY of New York.

H. Con. Res. 30: Mr. SPENCE.

H. Con. Res. 38: Ms. CARSON, Mr. HASTINGS of Florida, Mr. JACKSON of Illinois, Mr. OWENS, Mr. TOWNS, Ms. WATERS, Mr. FATTAH, Mr. CONYERS, Ms. MILLENDER-MCDONALD, and Mr. CLAY.

H. Con. Res. 60: Mrs. CUBIN, Mr. KING, and Ms. ESHOO.

H. Con. Res. 111: Mr. RANGEL, Mr. DAVIS of Illinois, and Mr. NADLER.

H. Con. Res. 112: Mr. GANSKE, Mr. STENHOLM, Mr. LEVIN, Ms. PELOSI, Ms. DELAURO, Mr. STRICKLAND, Mr. OBEY, Mr. WU, Mr. HINOJOSA, Mr. FRANK of Massachusetts, Mr. SANDERS, Mr. BARTLETT of Maryland, Mr. DIAZ-BALART, Mrs. ROUKEMA, Mr. BOEHNER, Mr. PAUL, Mr. DOOLITTLE, Mr. HOYER, Mr. ANDREWS, Mr. LUCAS of Kentucky, Mrs. BIGGERT, Mr. COLLINS, Mr. DINGELL, Mr. BERRY, Mr. SHIMKUS, Mr. SKELTON, Mr. WAMP, Mr. BUYER, Mr. ROYCE, Mr. HEFLEY, Mr. SESSIONS, Mr. DEMINT, Mr. REYNOLDS, Mr. TANCREDO, Mr. HAYWORTH, Mr. SUNUNU, Mrs. CAPPS, Mr. BERMAN, and Mr. CROWLEY.

H. Con. Res. 134: Mr. MCGOVERN.

H. Con. Res. 136: Mrs. MINK of Hawaii, Mrs. KELLY, Mr. BRYANT, Mr. SISISKY, Mr. FILNER, and Mr. DAVIS of Illinois.

H. Con. Res. 145: Mr. RUSH.

H. Con. Res. 152: Ms. MILLENDER-MCDONALD, Mr. SHOWS, Mr. MCNULTY, Mr. BROWN of Ohio, Mr. HINCHEY, Mr. LATOURETTE, and Mr. MEEHAN.

H. Res. 172: Mr. MCHUGH and Mr. LOBIONDO.

H. Res. 203: Mr. MARTINEZ, Mr. ENGLISH, Mr. PORTER, and Mr. COYNE.

H. Res. 228: Mr. SAWYER, Ms. BALDWIN, and Mr. LEACH.

PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

35. The SPEAKER presented a petition of the Board of Education of the Leggett Valley School District, relative to a resolution petitioning Congress to keep its promise and pay for 40 percent of the costs of special education, or, in the alternative, remove federal mandates requiring the provision of these services; to the Committee on Education and the Workforce.

36. Also, a petition of the governing board of the El Centro Elementary School District, relative to Resolution No. 051199–476 petitioning Congress to restore parity to two classes of students by appropriating funds for IDEA to the full authorized level of funding for 40 percent of the excess costs of providing special education and related services; to the Committee on Education and the Workforce.

37. Also, a petition of the Knox County Commission, relative to Resolution 906 petitioning Congress to fully fund the state and local share of the Land and Water Conservation Fund; to the Committee on Resources.