United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 106th CONGRESS, SECOND SESSION

Vol. 146 WASHINGTON, THURSDAY, MARCH 16, 2000 No. 30

Senate

The Senate was not in session today. Its next meeting will be held on Monday, March 20, 2000, at 12 noon.

House of Representatives

THURSDAY, MARCH 16, 2000

The House met at 10 a.m.

The Right Reverend M. Thomas Shaw, III, Bishop of the Diocese of Massachusetts, Boston, Massachusetts, offered the following prayer:

Gracious God, You have given us another new day. Again, today You give us the opportunity to experience Your rich and dynamic creativity. Again, today You invite us into your compassion, Your justice, Your hope, and, most of all, Your deep and abiding peace.

You tell us, God, that we are co-creators with You. Replenish us with Your life-giving spirit this morning. Open us to Your renewing power that we might be makers of peace and hope and justice and compassion with You. Draw us into the deep places of Your heart where we find the wisdom and grace to share in Your creativity. Help us to be gracious and open to one another because we know that each of us brings a share of Your creative vision.

We ask this all in Your name. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from New York (Mr. HOUGHTON) come forward and lead the House in the Pledge of Allegiance.

Mr. HOUGHTON 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.

WELCOMING RIGHT REVEREND M. THOMAS SHAW III, TO U.S. HOUSE OF REPRESENTATIVES

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

Mr. HOUGHTON. Mr. Speaker, every so often somebody comes into our lives that has a tremendous impact on us. And this is the case of the man who just gave the invocation, Bishop Thomas Shaw.

He left his diocese, as the largest Episcopal diocese in this country, to come down and be with us for a month, not to preach, not to tell us things, but to learn with us about this great democracy.

He has given us much, and the most important thing he has given us is his example. Everyone has words. We use a lot of words around here. His example has been extraordinary. And I only hope that the examples that he gives to us will be given to others in other parts of this country to be able to come down and understand this precious thing which we call a Republic.

So I thank Bishop Shaw for being with us.

LET US STRENGTHEN SOCIAL SECURITY AND MEDICARE

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

Mr. CUMMINGS. Mr. Speaker, when some extra change comes our way, put it somewhere safe for a rainy day. As old as this adage may seem, it is a life lesson that has escaped some of my colleagues on the other side of the aisle.

Our grandmothers who planted this concept in our ears while giving us a few extra dollars might now frown upon the careless proposals set forth by the GOP with respect to our budget surplus.

With the rainy days that many forecast, the budget surplus should be put in the safest places. The budget surplus should be put in Social Security for the rainy day FY 2023, where some predict the fund may face depletion. It should be placed in Medicare to protect us from the rainy day of rising costs in the area of cost care for our elderly. It should be used to begin wiping away the cloud of our national debt.

The grandparents who shared their wisdom are the same people who will benefit from our responsible actions. Let us follow the advice of those who know best. Let us strengthen Social Security and Medicare. Let us pay down the national debt. Let us use our budget surplus to safeguard against a coming rainy day.

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COLOMBIA AID PACKAGE

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

Mr. BALLENGER. Mr. Speaker, let us face it, illegal drugs are killing our kids at an alarming rate. Every year we lose 52,000 young lives to drugs, nearly equal to the number of Americans killed in Vietnam over 10 years.

According to the U.S. drug czar, one of every two American kids will try illegal drugs by the time they reach the 12th grade; many will become habitual users, leading to a life of crime, or worse, death.

This is staggering. The cost of drug abuse to our society is estimated to be $110 billion per year. Not to mention the cost of countless lives lost and dreams broken.

Each day that we put off consideration of the Colombia aid package, more of our kids will fall victim to the estimated 14 metric tons of heroin and 357 metric tons of cocaine which enters our country each year.

With our strong support, Colombia could be successful at slowing the flow of drugs from their country to ours. Failing to provide this important aid now may result in the loss of Colombia to the drug cartels and future generations of Americans to the drug addiction.

I urge support for the Colombia aid package.

INTERNATIONAL ABDUCTION

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

Mr. LAMPSON. Mr. Speaker, I rise today to tell the story of Jim Rinaman and his daughter Julia. Her story is the sixth account in my series of 1-minutes of more than 10,000 children who have been abducted to foreign countries.

In 1996, Mr. Rinaman's ex-wife, Sylvia Breitbach, escorted her mother back to Germany and took Julia with her. Ten days later Jim was notified via fax that she would not be returning and that she was keeping his daughter in Germany.

He immediately filed a Hague petition. And at an initial hearing, Sylvia was ordered to return Julia. She appealed the decision and has gone on to delay further court proceedings.

Jim has been through the German court process three times and still has not gained custody of nor access to his child. He has no contact or had had no contact with Julia since her abduction.

Mr. Speaker, these 1-minutes are about families and reuniting children with their parents. They are just the first steps in what will be an ongoing dialogue with the American people, the foreign countries who have our children, and my colleagues to bring our children home.

HISTORICAL LEGACY OF RONALD AND NANCY REAGAN

(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, yesterday I had the great honor and privilege of appearing before the House Subcommittee on Domestic and International Monetary Policies to share with them my thoughts on the historical legacy of Ronald and Nancy Reagan.

And yet perhaps a greater honor to me was listening to the eloquent words of Caspar Weinberger, Jeane Kilpatrick, Peggy Noonan, and Martin Anderson. These close friends and trusted colleagues of the Reagans reflected on the dedication of our 40th President and his wife Nancy to our great Nation.

Even the former leader of the Soviet Union, Mikhail Gorbachev, submitted a letter to the subcommittee expressing his deep respect for former President Ronald Reagan.

Mr. Speaker, I am proud to be the sponsor of H.R. 3591, a bill to award the Congressional Gold Medal to Ronald and Nancy Reagan. Currently, this bill has approximately 280 cosponsors. It is a bipartisan effort to bestow a fitting tribute on the Reagans in recognition to their dedication and commitment to public service and to our country.

I encourage all of my colleagues to become cosponsors of H.R. 3591 and join me in saying ''thank you'' to the Reagans for dedicating so much of their lives to the people of the United States.

U.S. BORDER IS WIDE OPEN

(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, the border is wide open. Heroin and cocaine are coming across the border at, listen to the report, ''record volumes.'' And nobody is doing anything about it.

Now, look, when a 10-year-old kid can get heroin as easily as he can get aspirin, something is dangerously wrong with America.

It is time to secure our homeland, time to secure our borders; and we cannot do that with the neighborhood crime watch. It is time to use the military.

My colleagues, I yield back the failed national drug strategy that we have in effect.

By the way, the victims are our own street kids. There is no war on drugs.

CENSUS 2000

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

Mr. MILLER of Florida. Mr. Speaker, Census 2000 is underway. If my colleagues have not received their form, they will receive it shortly. Please complete that form and send it back as soon as possible. It is so important for this country and our own communities because so much money flows from Washington and our State capitals based on the population of our area. Whether it is health care or education or roads or sewers, it is so important.

Unfortunately, the minority yesterday started playing politics with the census again. And that is unfortunate, because there is no substitute for counting people. The sampling issue was settled by the Supreme Court over a year ago. And they could not have picked a worse day of a worse week to bring up the issue and to undermine response for the census, and that is indeed sad.

Everyone counts, black or white, Hispanic, Asian, young or old. Everyone counts in this country. Please complete this form and send it back today.

CHILD GUN SAFETY LEGISLATION

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

Ms. DEGETTE. Mr. Speaker, in less than one week, it will be a whole year since the school shooting in Jonesboro, Arkansas. And almost exactly one month later will mark the 1-year anniversary of the tragedy at Columbine High School just outside my district.

A month after that, a whole year will have gone by since the Senate passed their version of child gun safety legislation.

Mr. Speaker, what has been done here in the House? The sad answer is, nothing. We have done nothing to protect our citizens, to protect our families, and most importantly, to protect our children.

When is this House going to stand up against the gun violence being perpetrated against our children? When are we going to stand up for the safety of our families?

This Congress will be judged for as much as what it does not do as what it does. And, Mr. Speaker, it has not gone unnoticed by the public that we have done nothing to protect them from the horrific gun violence that continues to pollute our proud country.

The very least this House can do is pass common sense child gun safety legislation and pass it now.

HOW TO COME TO AGREEMENT ON THE BUDGET

(Ms. PRYCE of Ohio asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. PRYCE of Ohio. Mr. Speaker, many people ask me, How can you come to agreement on a budget with the President whose vision for America is so different from your own?

That is a fair question. And the answer is, with much difficulty.

Mr. Speaker, it is no secret that the Democrats and the Republicans have honest fundamental differences in our views of the role of government in our lives. It is no secret that the Democrats want government to have a greater role in our lives and Republicans think that the government role is already far too great.

□ 1015

It is no secret that Democrats want to increase the size and power of government. Republicans want to reduce them. It is no secret that the Democrats think that more government can help solve the problem of poverty. Republicans think that far from ending poverty, government welfare programs perpetuate it.

Mr. Speaker, we have disagreements on matters of principle, but the American people have asked us to work together on our country's budget. Let us go forward and carry out their wishes.

Next week we will have that very opportunity.

WOMEN'S HISTORY MONTH

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

Ms. WOOLSEY. Mr. Speaker, March is Women's History Month, a time to reflect on the contributions that women have made to our heritage, but today I want to talk about how we here in Congress can actually make history for women.

The United States can make a difference in women's lives all around the world by ratifying CEDAW, the United Nations Convention on the Elimination of All Forms of Discrimination Against Women. Right now the United States is the only industrialized democracy in the world that has not ratified CEDAW. That is a disgrace.

Currently, the treaty is being held hostage in the Senate Foreign Relations Committee, where one man refuses to bring CEDAW forward for a vote in the Senate. Even though our colleagues in the other body must act to ratify CEDAW, we in the House can make a difference and we can make a difference by signing H. Res. 107, which calls on the Senate to take immediate action on CEDAW.

One of the most important lessons, Mr. Speaker, that we can teach the world during this Women's History Month is that the United States is truly committed to protecting women's rights.

THE PRACTICE OF USING HUMAN FETAL TISSUE FOR RESEARCH MUST BE STOPPED

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

Mr. RYUN of Kansas. Mr. Speaker, we should stop the practice of using human fetal tissue for research and for commerce, and we should certainly stop subsidizing its industry.

Although researchers profess to have the best intentions, this utilitarian view of human life cheapens the lives and dignity of all human beings. There has been substantial evidence to prove that some profit-oriented physicians have induced women to get abortions with the goal of trafficking those body parts of the deceased.

Private companies, institutions, and even public universities are buying and selling baby organs. This business of trafficking human flesh includes order forms for specific organs, detailed dissection orders, graphic brochures, and price lists for whole-body parts.

I feel that it is time to stop this appalling practice of human embryo and fetal tissue experimentation, and continue our legal role as protectors and healers of the born and pre-born. To make the destruction of our children's bodies into a money-making business is horrific and unconscionable and it must stop.

TAX CUTS THAT THREATEN TO BUST THE BUDGET ARE NOT NEEDED

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

Mr. SHERMAN. Mr. Speaker, we are now enjoying and have enjoyed for several years the fruits of fiscal responsibility but that fiscal responsibility was put at risk yesterday in the Committee on the Budget, where that committee approved huge tax cuts that threaten to bust the budget and endanger Social Security and Medicare.

Earlier this month, we found out what types of tax cuts we were endangering our prosperity to finance, because this House passed not an increase in the earned income tax credit, not an increase in the standard deduction, no tax relief for working Americans but, rather, a huge tax cut where three-quarters of the benefit went to the top 1 percent of wealthiest Americans.

Mr. Speaker, the question in game show language seems to be, not who wants to be a millionaire or who wants to marry a multimillionaire but who wants to give huge tax cuts to multi-multimillionaires. It is time to return to fiscal responsibility.

BLACK PRESS DAY

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

Mr. TERRY. Mr. Speaker, I stand before you today on the occasion of Black Press Day. March 16 is the anniversary of the publication of the first black-owned newspaper in the United States.

On this date in 1827, the first edition of Freedom's Journal rolled off the press and on to the streets of New York City. I borrow from the Newspaper Publishers Association when I recite the credo of the Black Press. The Black Press believes that America can best lead the world away from racial and national antagonism when it accords to every person, regardless of race, color or creed, full human and legal rights. Hating no person, fearing no person, the Black Press strives to help every person in the firm belief that all are hurt as long as anyone is held back.

There is no better example of this credo than in my own district in Nebraska. The Omaha Star is one of the Nation's most renowned black-owned newspapers. We owe a special debt of gratitude to the pioneers of the Omaha Star, both past and present, who lead the fight for acceptance of all races.

So on behalf of all Nebraskans, I say to the people of Omaha Star, thank you.

WHAT HAVE WE BECOME AS A NATION?

(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, in The Washington Post this morning there is an article on the front here talking about California, how the California Motor Vehicle Division rescinded a license plate because it mentions the Washington Redskins football team. It says that the license was offensive. Somebody apparently complained.

In California, taxpayers support the Motor Vehicle Department and therefore a single government-issued license plate depicting a football team is offensive and serious and intolerable; but in New York, obscuring the image of Mary, the mother of God, with animal feces and obscenities, well, that is just art we are told.

After all, taxpayers are obligated to subsidize art. Those like me who are offended by a government attack on our religion, we are told to lighten up.

Never let it be said, Mr. Speaker, that America lacks for vision, faith and decisiveness and courage when it comes to football and license plates.

Mr. Speaker, what have we become? Hail Mary, indeed. O, mother of the word incarnate, despise not my petition but in thy mercy herein answer me. Amen.

TAIWAN ELECTIONS AND CHINA

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

Mr. BROWN of Ohio. Mr. Speaker, China has done it again. Yesterday, Chinese Premier Zhu Rongji threatened violence against Taiwan because it is holding free elections. He said to the people of Taiwan, ''Do not act with impulse at this juncture. Otherwise, I am afraid you will not get another opportunity to regret.''

This Chinese dictatorship condones forced abortions, engages in religious persecution against Christians and Muslims and Buddhists, has institutionalized slave labor and child labor. Even attempting to form an independent labor union in China is an offense punishable by death.

Mr. Speaker, Congress has been promised over and over that free market capitalism will create a more democratic and less hostile China. Yet, after 10 years of U.S. engagement with China, that nation remains a nation ruled by an authoritarian government with a violent aversion to human rights and a hostility to environment and labor standards.

What makes anyone think the next 10 years will be different? There are more corporate jets at Reagan National Airport during congressional debate on China every year than at any time during the year. A WTO deal for China is more about gaining access to a billion workers than it is a billion consumers. Vote no on permanent NTR.

TRUCKERS PLAY A VITAL PART IN AMERICA'S COMMERCE

(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, today hundreds of truckers mount a demonstration in the Nation's capital.

America's truckers are a vital part of our economy. Truckers deliver the food we eat, the clothes we wear, and the materials used to build our homes. Unfortunately, for the past several months, truckers have been hit by rising gas and diesel prices. These outrageous fuel prices are threatening the livelihood of thousands of truckers across the United States, which is the reason for their demonstration today.

When truckers cannot afford to fill their tanks, they will be forced off the road. Without trucking, commerce in our Nation would be ground to a halt.

With gas and diesel prices expected to continue rising through the summer, even a greater number of truckers are going to be threatened. Energy Secretary Bill Richardson has admitted that the Clinton-Gore administration was asleep at the wheel when it comes to gas and diesel prices.

Now the American people must unfortunately foot the bill for the Clinton-Gore failure.

CONGRESS MUST STAND UP AND BE COUNTED WHEN IT COMES TO GUN CONTROL

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

Ms. CARSON. Mr. Speaker, we have seen Members of Congress one by one come to the microphone before national television urging Americans to stand up and be counted in the 2000 Census.

I would add to that call and would also urge Congress to stand up and be counted and start counting the nearly 12 children who die each day from gunfire in America, approximately one every 2 hours, which is equivalent to a classroom of children every 2 days.

Why is it that Congress wants America to stand up and be counted and Congress is unwilling to stand up and be counted itself on legislation that would reduce youth crime and promote safety in our schools and communities?

That is what legislation that I have does, the Child Handgun Injury and Prevention Act, which is a bill to prevent children from injuring themselves with handguns, requiring safety devices on handguns, and establishing standards and tests and procedures for these devices.

As of today, we have 68 cosponsors. I would like for 435 Members of Congress to stand up and be counted.

COMPREHENSIVE GUN CONTROL LEGISLATION HAS BEEN DEBATED AND DEFEATED

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

Mr. TANCREDO. Mr. Speaker, my colleague from Colorado a little bit ago took the floor this morning to bemoan the fact that this Congress has done nothing, she says, this House has done nothing to pass gun control legislation.

I must remind both her and the American people that, in fact, a comprehensive gun control bill was on the floor of this House last year, H.R. 2122. It did, in fact, have provisions to close the gun show loophole. It instituted a juvenile Brady. There was a ban on the importation of high-capacity clips. It mandated trigger locks. It was a comprehensive piece of legislation. It failed on this floor by a vote of 198 Democrat no votes to 82 Republican no votes.

Now, why did this happen? It happened, Mr. Speaker, because in fact, with all the rhetoric aside, what the minority party wants here is not a solution to this problem but an issue in the next campaign.

CHILDREN OF COLONIAS

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

Mr. REYES. Mr. Speaker, I rise to speak about a special group of students who are here in Washington this week. They are young people from my district who live in Colonias. These are communities on the southwest border without water, electricity, roads, education, and very poor health services. Unfortunately, Mr. Speaker, we have thousands of Americans living in these third-world conditions along our southern border.

With today's unprecedented prosperity, this is an unbelievable tragedy. Therefore, it is important to hear their stories. They will be providing testimony today from 3:45 to 5:30 in the Cannon Room 340. I ask my colleagues to listen with me and to commit to provide resources to make Colonias a safe and secure place to call home.

I want to recognize these students from my district. They are Alicia Contreras, Ubaldo Fernandez, Chris Herrera, Janet Dunbar, and Gilbert Vasquez.

□ 1030

We owe these students the amount of resources to provide them the hope and opportunity that all of us as Americans deserve.

ASTRONOMICAL GAS PRICING

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

Mr. CALVERT. Mr. Speaker, I rise today to continue my critique of the Clinton/Gore administration's role in the recent surge in gasoline and home heating oil prices. Yes, Mr. Speaker, the administration must shoulder much of the responsibility because they ignored the ''two Ds,'' domestic production and diplomacy.

The United States imports the majority of its petroleum requirements largely because it is difficult to produce petroleum in this country. Mr. Speaker, the administration imposes serious limits on exploration, drilling, refining through an incredible permitting and regulatory scheme. These regulations force many facilities to shut down when oil prices are low and make it uneconomical to reopen when prices rise.

This takes us to the second D, diplomacy. The administration knew 1 year ago these prices were coming down the pipeline. Unfortunately, Secretary Richardson was preoccupied by a major spy scandal at the DOE. As he himself said on February 16, ''It is obvious that the Federal Government was not prepared. We were caught napping. We go complacent.''

Mr. Speaker, this administration gets ''two Ds'' and an ''F.''

END AIRBUS SUBSIDIES

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

Mr. INSLEE. Mr. Speaker, it appears again that European governments may be ignoring their agreements to stop subsidizing Airbus. The British government's decision to make a loan of $868 million to Airbus for the development of another jumbo jet clearly flies in the face of the concept that the WTO rules are designed to end government subsidies to Airbus.

Now, folks have argued that Airbus is an infant industry. It is not an infant,

it is not even an adolescent, it is a full adult competitor in the aircraft industry; and it ought to be treated as such.

We have tools to stop these subsidies. The WTO was designed to stop these subsidies. We are urging our government to be as aggressive as possible to demand answers as to how such a loan would be made, because we believe it will be shown that this is not a loan that was commercially available. Had it been commercially available, it would be available through commercial outlets.

This is a government acting as a venture capitalist for Airbus. We need to end these subsidies today.

MARRIAGE TAX ELIMINATION ACT SHOULD BE SIGNED INTO LAW

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

Mr. WELLER. Mr. Speaker, I rise to ask a very fundamental and basic question and that question is, is it right, is it fair that under our Tax Code 25 million married working couples on average pay $1,400 more in higher taxes just because they are married. Is it right that under our Tax Code, married working couples, a husband and wife who are both in the workforce, pay higher taxes than an identical couple in identical circumstances who choose not to marry.

Mr. Speaker, it is wrong that under our Tax Code we have a marriage tax penalty suffered by 25 million married working couples; and I am proud that this House of Representatives has passed H.R. 6, the Marriage Tax Elimination Act, wiping out the marriage tax penalty for 25 million married working couples. My hope is that the Senate will join with the House and vote in a bipartisan way to wipe out the marriage tax penalty and put that legislation on the President's desk. My hope is that the President will once again keep his word and sign into law the legislation wiping out the marriage tax penalty.

Let us not forget that Bill Clinton and AL GORE vetoed that legislation last year. We hope they will sign it this year.

SMALL BUSINESS TAX FAIRNESS ACT SHOULD BE SIGNED INTO LAW

(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, I rise today to talk about the American dream. Of course, the American dream is different for everybody, but for a significant number of Americans, the American dream means starting up a small business, helping it to grow, and then passing on that business to their children.

Unfortunately, our Federal Government punishes these people who want to pass their life's work on to their children. Approximately 70 percent of family-owned businesses are not passed on to the next generation. Mr. Speaker, 87 percent do not make it to the third generation.

This is no surprise when we factor in the death tax. The death tax forces families to pay taxes of up to 55 percent on the value of a deceased family Member's estate, making it virtually impossible for a small business owner or family farmer to pass that on to their family. This is wrong.

The House has passed the Small Business Tax Fairness Act which will deliver some relief from the death tax. I hope the President will sign it and help more families live out the American dream.

CENSUS BUREAU SHOULD CONSULT READER'S DIGEST

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

Mr. KINGSTON. Mr. Speaker, now, we have to love that government crowd down at the Census Bureau. I mean they are so typical government. We remember this crowd. They are the ones who did not want to bother counting the people just because that strange document called the Constitution requires a head-by-head count. What they wanted to do was sample.

Now, they showed us their efficiency last week; go home and check your mail if you do not believe me. They sent out 120 million forms to the wrong address. Check it. Every address had an extracurricular ''1'' in it.

Well, it still got through because the Post Office, being another governmental agency, knows how to think like a governmental agency so they figured out what the Census Bureau was really trying to do. But then they put all of the instructions on the back in every language under the sun. Well, not quite, but in 40 languages, they just overlooked English.

No problem, I know a lot of people are against English first in America, and apparently the census is too. But in it they did not put instructions in English. They have an enclosed envelope. I do not know what to do with the envelope, so I looked for the toll free number. The toll free number is not on the form.

So I just would ask the people at the Census Bureau, call the folks at Reader's Digest Sweepstakes. They will show you how to do a mailer, they will show you how to get responses and maybe we can get this thing done. But remember, they are the ones who are responsible for counting us. Does that not scare you?

ANNOUNCEMENT OF AMENDMENT PROCESS FOR THE BUDGET RESOLUTION FOR FISCAL YEAR 2001

Ms. PRYCE of Ohio. Mr. Speaker, the Committee on Rules is planning to meet the week of March 20 to grant a rule which will outline the amendment process for floor consideration of the budget resolution for fiscal year 2001.

The Committee on the Budget ordered the budget resolution on March 15 and is expected to file its committee report early next week.

Any Member wishing to offer an amendment should submit 55 copies and a brief explanation of the amendment to the Committee on Rules in room H–312 of the Capitol by 4 o'clock p.m. on Tuesday, March 21. As in recent years, the Committee on Rules intends to look more favorably toward amendments offered as complete substitutes.

Members should also use the Office of Legislative Counsel and the Congressional Budget Office to ensure that their substitute amendments are properly drafted and scored and should check with the Office of the Parliamentarian to be certain their substitute amendments comply with the Rules of the House.

ANNOUNCEMENT OF AMENDMENT PROCESS FOR H.R. 3822, OIL PRICE REDUCTION ACT OF 2000

Ms. PRYCE of Ohio. Mr. Speaker, I would like to make an announcement.

Today, a ''Dear Colleague'' letter will be sent to all Members informing them that the Committee on Rules is planning to meet next week to grant a rule for the consideration of H.R. 3822, the Oil Price Reduction Act of the Year 2000.

The Committee on Rules may grant a rule which would require the amendments be preprinted in the CONGRESSIONAL RECORD. In this case, amendments must be preprinted prior to their consideration on the floor.

Amendments should be drafted to the version of the bill reported by the Committee on International Relations.

Members should use the Office of Legislative Counsel to ensure that their amendments are properly drafted and should check with the Office of the Parliamentarian to be certain their amendments comply with the rules.

PROVIDING FOR CONSIDERATION OF H.R. 2372, PRIVATE PROPERTY RIGHTS IMPLEMENTATION ACT OF 2000

Ms. PRYCE of Ohio. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 441 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 441

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. 2372) to simplify and expedite access to the Federal courts for injured parties whose rights and privileges, secured by the United States Constitution, have been deprived by final actions

of Federal agencies, or other government officials or entities acting under color of State law; to prevent Federal courts from abstaining from exercising Federal jurisdiction in actions where no State law claim is alleged; to permit certification of unsettled State law questions that are essential to resolving Federal claims arising under the Constitution; and to clarify when government action is sufficiently final to ripen certain Federal claims arising under the Constitution. 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 the Judiciary. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. No amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each amendment 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, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against the amendments printed in the report are waived. The Chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. MILLER of Florida). The gentlewoman from Ohio (Ms. PRYCE) is recognized for 1 hour.

Ms. PRYCE of Ohio. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. FROST), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 441 is a fair rule that provides for the consideration of the key issues surrounding H.R. 2372, the Private Property Rights Implementation Act of 2000. The rule provides for an hour of general debate, after which the House will have the opportunity to debate two Democrat amendments and a bipartisan substitute.

Adequate time will be allowed to fully debate the merits of each amendment, with an hour of debate time provided for the bipartisan substitute. In addition, the minority will have the opportunity to offer a motion to recommit with or without instructions.

Mr. Speaker, today, with the adoption of this rule, the House will have the opportunity to open the Federal courthouse doors to America's private property owners who are clamoring outside, hoping to gain entrance to exercise their constitutional rights.

At one time in our Nation's history, the property rights of individuals were sacred. In our Constitution, the founding fathers provided that no person shall be denied of life, liberty or property without due process, nor shall private property be taken for public use without just compensation.

But increasingly, local, State, and Federal governments have overlooked the Constitution and placed more and more restrictions on land use in a manner that ignores, rather than protects, the interests of those who own the land. In these situations, it is only right that landowners have a fair opportunity to challenge the decisions of governmental bodies that affect their constitutional rights in court. But instead, their access to justice is routinely denied through procedural hurdles that prevent the resolution of their ''takings'' claims.

In fact, over the past decade, less than 20 percent of takings claims raised in the U.S. district court had the merits of their cases heard, and for those who chose to spend time and money to appeal their case, only about 36 percent had their appeals heard on the merits. For the few lucky property owners whose appellate cases were found to be ''ripe'' and the merits reached, the journey to an appellate court determination took them an average of 9½ years to navigate.

These numbers do not even take into account the many low-income or middle-class property owners who are too intimidated by the process and costs involved to venture down this road in the first place.

There are two major obstacles in the path of property owners who wish to vindicate their constitutional rights in Federal court. First, property owners must demonstrate that the government entity which has ''taken'' their property through an administrative action or regulation has reached a final decision regarding how the property may be used. Now, it is not hard for local governments to take advantage of takings law by repeatedly delaying their final decision on land use, putting property owners in a perpetual holding pattern and keeping them out of Federal court. In these situations, the merits of the cases are never heard.

Mr. Speaker, H.R. 2372 lowers this obstacle by clarifying when a final decision has been made, so that property owners can move on to the next step in resolving their claims.

□ 1045

Under current law, private property owners also must show they have sought compensation through the procedures the State has provided.

Why should we require that a State court complete its considerations of questions of Federal constitutional law before a Federal court can take action? This runs counter to the Supreme Court's refusal to require exhaustion of State judicial or administrative remedies in other Federal claims, since it is the paramount role of Federal courts to protect constitutional rights.

Further, the time, energy, and money that it takes to exhaust administrative remedies, pursue a case in State court, refile in Federal court, and fight a government entity with deep pockets, present hurdles that are far too high for the average property owner to ever clear.

H.R. 2372 will allow more takings cases to reach the merits in Federal courts by removing the requirement that property owners litigate their Federal takings claims in State court first.

While H.R. 2372 gives hope of swifter justice to many property owners, there are several things it will not do. It will not alter the substantive law of takings under the fifth amendment. It will not prevent local governments from enacting regulations to protect the environment or health and safety of its citizens within the bounds of the Constitution, and it will not reduce the heavy burden of proof faced by property owners in takings cases in the first place.

Still, there are concerns about these issues, particularly regarding this legislation's effect on local zoning processes. I am pleased to inform my colleagues that under this fair rule, an hour of debate on the Boehlert-Delahunt substitute will allow the House to fully consider this issue.

While this bill is not without controversy, this rule is fair in its treatment of the minority, as well as in its provision for ample debate of the issues at hand.

Mr. Speaker, I encourage my colleagues to support this rule, and I reserve the balance of my time.

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

Mr. Speaker, I rise in support of H.R. 2372, the Private Property Rights Implementation Act of 2000.

H.R. 2372 grants landowners across the country great access to Federal courts in local land use cases involving the takings clause of the fifth amendment.

This bill enjoys bipartisan support and is substantially similar to a bill passed by the House in the 105th Congress by a vote of 248 to 178.

H.R. 2372 is a procedural bill which clarifies how the Federal courts should deal with takings cases, and seeks to

bring relief to property owners who today can spend an average of 10 years jumping through the administrative and judicial hurdles which currently prevent them from seeking remedy in Federal courts in order to be able to use their property.

Property owners surely deserve the right to a speedy judicial determination of a takings case, and this legislation seeks to provide that determination to them.

This rule allows for the consideration of a substitute to be offered by the gentleman from New York (Mr. BOEHLERT). The Boehlert substitute would eliminate local land use actions from the cases that would receive the expedited Federal court consideration provided in the bill. The Boehlert substitute is identical to the substitute offered in the last Congress, and would, as it did previously, leave intact accelerated access to Federal courts, Federal takings cases.

The rule also makes in order an amendment to be offered by the Committee on the Judiciary ranking member, the gentleman from Michigan (Mr. CONYERS), and the gentleman from North Carolina (Mr. WATTS).

The Conyers-Watts amendment seeks to ensure the uniformity in litigation of all constitutional claims, including those claims involving the uses of property. I urge adoption of the rule and the bill.

Mr. Speaker, I yield 5 minutes to the gentleman from Minnesota (Mr. VENTO).

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

Mr. Speaker, I rise in opposition to this bill. The rule, I think, is obviously structured to limit and provide for some orderly consideration. I assume that they have tried to accommodate some of the many amendments that might be offered to this important bill.

This bill has been before us in the past, in the 104th and 105th Congress. Here it is again. It has gone to the Senate. It is unable to muster the votes there, obviously, to receive consideration on the Senate floor.

Frankly, this is a bad bill. Yesterday's Washington Post talked about the property rights and wrongs, and pointed out that this bill is moving in the wrong direction. It tends to take away from local governments the prerogatives and responsibilities they have for local zoning and for land use restrictions, which, as the Washington Post editorial points out, Mr. Speaker, is the quintessential or one of the quintessential roles of local and State governments.

Just look at the article yesterday in Congress Daily, or pardon me, Tuesday in Congress Daily, in which the advocates of this, the interest groups that are in favor of this, are speaking out as to what this bill does.

It says, ''This bill will be a hammer to the head of these State and local bureaucracies.'' That is what this is. That is why this bill has earned the opposition from almost all the local entities, from the counties, from the townships, from the municipalities, from the States, because it fundamentally undercuts the procedures and processes that each of our States have put in place to try to resolve land use questions and zoning disputes.

Any of us that have served in local government or for that matter in the national government for very long in terms of the public policy process well understands that these decisions are not easy decisions.

Today, in essence, we expect local and State governments to make more and more decisions with regard to these land use issues, and to say the least, Mr. Speaker, they end up being controversial. We are telling developers where we might have commercial properties, industrial properties, where we want watersheds protected.

In essence, we have to take the information that we have with regard to these environmental questions and translate them into public policy. It is not easy. A lot of people are in a state of denial about what the consequences of their actions are in filling in swamps, filling in wetlands, dredging wetlands. These are the questions, the important issues that prevail with regard to this.

This bill would have us just steamroller over all of these particular processes, take a decision that might be made to deny or to grant a permit, and move that directly into the Federal courts to vastly increase the jurisdiction of the Federal courts in these cases, bypassing whatever local processes, whatever appeal processes, whatever expertise has been built up within the States or the State courts; steamrollering over that and in fact superimposing the Federal courts, to vastly increase the jurisdiction of the Federal courts in these decisions. We basically would have the Federal courts deciding and articulating zoning decisions at the local level.

Now, we have increased the jurisdiction of the Federal courts a lot. Whether or not we should do this now, no one is arguing that if there is a takings case that we should not follow the rules, the governance that has been developed over hundreds of years, basically, in terms of establishing that.

The proponents of this, of course, have as their goal to undercut and change the takings to vastly increase the compensation that is provided to circumvent, as it were, the Constitution and the constitutional prerogatives, to circumvent the local and State governments. That is what is at the core of this. As I say, and I use the words of the advocates of this, ''This bill will be a hammer to the head of those State and local bureaucracies.'' That is what this is, to beat up and State and local governments.

I suggest that in this Congress we have looked to provide more authority and responsibility to State and local governments. We cannot take away the tools they need to do the job. That is what this does, is to say you have responsibility, but we are taking away the tools that you have today. We are reducing what you have today to deal with that.

Mr. Speaker, I rise in opposition to H.R. 2372, the Private Property Rights Implementation Act.

I am surprised that this legislation, which militates against the devolution of authority to state and local governments, has been championed as a constitutional prerogative. In addition to its adverse safety, health and environmental impacts, this bill would have the effect of elevating property rights over other constitutional rights, while violating the principles of local sovereignty and federalism.

More specifically, H.R. 2372 would undermine local land-use authority by allowing property owners to bypass local zoning appeals boards and state courts. Such preemption of local governmental authority could jeopardize local public health and land protections as well as other environmental safeguards. Instead, we should reinforce and strengthen the tools and authority for communities who choose to protect open space and control sprawl.

Moreover, this legislation would essentially create an exclusive process of resolution dispute for powerful special interests that did not want to adhere to the locally-elected decision-making authority. These special interests could simply use this process to force local communities to accept inappropriate development plans. Ultimately, this bill would empower a few at the expense of many, and democratic participation in land-use decisions would be markedly diminished, as the federal courts would become the guiding authority for local zoning.

Mr. Speaker, there is no question that private property is a fundamental component of the American experience. However, the Framers also realized that there would be circumstances where private property interests should be subordinate to the public welfare. Local governance and resolution against a backdrop of constitutional protection is necessary and has been in place for over 200 years.

It would be a serious mistake for this Congress to limit the jurisdictional authority of small counties, towns and cities. I urge my colleagues to reject this flawed legislation and reaffirm the historical responsibility of state and local governments to manage local land use decisions.

Mr. Speaker, I include for the RECORD two articles on this matter:

[From the Washington Post, March 15, 2000]

PROPERTY RIGHTS AND WRONGS

The House of Representatives is scheduled on Thursday to take up—once again—a piece of legislation designed to bolster commercial developers in their fights with state and local governments. The House passed a similar bill in 1997 that stalled in the Senate. It was a bad idea then—a gross affront to the ability of local governments to regulate private land use—and it's no better now.

The bill attacks state and local power not by changing the substantive rules that govern ''takings''—appropriations of private property by government that require compensation under the Constitution. Rather, it would allow quicker access to the federal courts and change a longstanding doctrine under which those courts are supposed to

avoid deciding questions of state law until state courts have a chance. These are profound, if subtle, changes from current law.

The current system, by letting state processes take precedence, encourages negotiation between developers and local authorities. But under this proposal, there would be no incentive for a developer to negotiate. The federal courts could be the first stop.

House conservatives are the self-proclaimed champions of state power, but here they would federalize countless quintessentially local disputes. The bill is opposed not just by environmental groups and the Justice Department also by local governments, many state attorneys general and the federal judiciary—which, among other concerns, does not need the additional workload of local land-use regulation. As Judge Frank Easterbrook of the of the 7th Circuit Court of Appeals wrote in a 1994 opinion. ''Federal courts are not boards of zoning appeals. This message oft-repeated, has not penetrated the consciousness of property owners who believe that federal judges are more hospitable to their claims than are state judges. Why they should believe this we haven't a clue.'' Congress should not encourage the belief that federal courts ought to run local government.

[From the Congress Daily, March 13, 2000]

PROPERTY TAKINGS BILL SET FOR HOUSE FIGHT

(By Brady Mullins)

Supporters and opponents of a controversial property rights bill are bracing for a clash on the House floor Thursday that could mirror the fight over similar legislation in the 105th Congress.

At issue is legislation designed to speed the resolution of so-called takings cases in which state and local governments are accused of action that reduces the value of private property without compensating the property owner.

The bill would eliminate several hurdles and allow victims to more quickly pursue their cases in federal court. ''The bill simply helps you get your case heard,'' said a GOP leadership source who supports the legislation.

''This bill will be a hammer to the head of these [state and local] bureaucracies,'' declared Jerry Howard, the chief lobbyist for the National Association of Home Builders. ''If they don't deal in a timely manner with the citizens, the citizens could go to federal court.''

But opponents of the legislation believe the bill usurps state authority over zoning issues and could be used as leverage by developers to force the hand of state and local governments in taking cases.

''This bill would severely undermine local zoning processes and represents an unprecedented congressional intrusion into local land use planning,'' Rep. Sherwood Boehlert, R–N.Y., wrote in a Dear Colleague sent Monday.

Boehlert's stance is supported by state and local authorities in groups ranging from the National Conference of State Legislators to the Conference of [State] Chief Justices.

The bill enjoys strong support among members from the South and West, irrespective of party affiliation, while representatives of the East and Midwest generally oppose the legislation.

Similar legislation passed the House in 1997, but died after the Senate failed to approve the measure by a veto-proof margin.

The outlook for the bill is similar this year, though each side claims to be moderately stronger.

''When people take a look at the bill they will realize that it is not all that it is cracked up to be because it undermines local authority over land use,'' according to one bill foe.

Indeed, the measure has fewer cosponsors than it had last Congress and several original cosponsors have dropped off the bill. But in the end, sources expect the bill to pass. The real fight will take place over several amendments and substitutes that legislation's supporters fear could weaken the measure.

The biggest threat appears to come in the form of an amendment championed by Boehlert that would strip the bill of key sections.

Boehlert failed to attach a similar amendment during the 1997 debate, but an aide predicted the amendment would pass this time because ''the history of this bill is that the more people understand it, the less support the bill has.''

House Judiciary ranking member John Conyers, D-Mich., and Reps. Jerrold Nadler, D-N.Y., and Maxine Waters, D-Calif., are expected to offer amendments on the floor as well.

Still, GOP leadership sources predict the bill will pass by a margin similar to the 1997 vote, when the House cleared the measure 248–178.

Ms. PRYCE of Ohio. Mr. Speaker, I am pleased to yield 2½ minutes to my distinguished colleague, the gentleman from New York (Mr. BOEHLERT).

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

Mr. BOEHLERT. Mr. Speaker, I rise in support of the rule but in strong, strong opposition to the bill.

I want to thank the Committee on Rules for its usual fine work on the rule. The rule allows for a full and fair and open debate in which all sides will have an equal chance to prevail. I wish I could say the same about the bill itself.

The bill takes an opposite approach, however. It is a blatant attempt to limit debate over local, local zoning issues, and to skew zoning proceedings so that one side has all the advantage. This effort to skew zoning proceedings in a way that limits the ability of local communities to determine their own destinies is unfair, it is wrongheaded, and it is unprecedented.

But equally amazing are the means the bill proposes to accomplish its goal of stacking the deck against the general public. First, the bill short-circuits local zoning processes by having Washington, for the first time ever, dictate local zoning procedures. Then this supposedly conservative bill bypasses State courts and eliminates the ability of Federal courts to turn down cases.

In short, the bill turns the principle of Federalism on its head. It is no wonder that this bill is adamantly opposed by the National Association of Counties, the National League of Cities, and 41 State attorneys general, to name just a few.

I will be offering a substitute with the gentleman from Massachusetts (Mr. DELAHUNT) that would remedy these glaring deficiencies. The amendment is identical to one I offered in 1997. The substitute would eliminate the section of H.R. 2372 that intrudes on local prerogatives, but would retain in their 1997 form the sections of the bill that accelerate access to Federal courts in cases against the Federal government.

Congress should be training its sights on Federal actions, not local ones. I urge everyone who opposes this bill to support the Boehlert-Delahunt amendment, because it will eliminate the primary failing of H.R. 2372, its unprecedented interference with local zoning processes.

I urge everyone who has qualms about the bill but still plans to vote for final passage to support the amendment, because it will allay their concerns.

Mr. FROST. Mr. Speaker, I yield 5 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman from Texas for yielding time to me.

Mr. Speaker, I rise today in opposition to this rule and to the bill. I appreciate the efforts that will be made by the previous speaker to help us cure some of the many ailments of this particular legislation. But I think the rule that we are addressing today will shortchange any debate that will help us understand the devastating impact of this legislation.

This legislation would undermine and preempt the traditional and historic rights and responsibilities of State and local governments and would mandate significant new unfunded costs for all State and local taxpayers. There lies the reason for the adamant opposition of the National League of Cities, of which I am a former member.

When we in local government attempt to make beautiful, if you will, places where our citizens live, it is extremely, if you will, cumbersome for the Federal government to interfere in that process. Put simply, it would create special rights for wealthy developers. In essence, we are talking about giving special priority to takings claims at the expense, for example, of civil rights complaints in the Federal courts.

The legislation unwisely and unconstitutionally attempts to allow takings claims against localities to bypass State courts and file directly in Federal court. When we attempted to raise up civil rights matters equal to this particular legislation, it was rejected and denied in committee. Meanwhile, local elected officials continue to dedicate themselves to improving the livability of their communities through the equitable balancing of private property rights with the rights of the community at large.

Zoning is an example. I believe that local governments adopt ordinances or approve building permits in good faith, not for the purpose of infringing on property rights, but to protect the property rights of all. Here lie the failings of this particular legislation. It will not protect the property rights of all.

Mr. Speaker, this bill will result in more frequent and more expensive litigation against local governments. The bill is clearly an invitation for developers to sue communities early and often.

□ 1100

In addition, the bill would force counties and cities to defend their challenges in distant and more expensive Federal courts. With that in mind, I would ask my fellow Americans to imagine the enormous financial burdens on some of our communities, which would be squandered because every day the local cities and townships would be facing large lawsuits in the Federal courts. Why would we want to do that? Why, in this Congress that talks about the rights of those outside the beltway, are we looking to pass this legislation?

Consider, for example, that there are 40,000 cities and towns in the United States, most of which have small populations, few professional staff and minuscule budgets. Ninety-seven percent of the cities and towns in America have populations less than 10,000. Virtually without exception counties, cities, and communities are forced to hire outside legal counsel each time they are sued, imposing overwhelming expenses.

Despite these facts, the rule for this bill would not permit a fair process for serious concerns to be addressed. I am disappointed that the Committee on Rules did not allow the amendment that I offered, which is an amendment supported by the Supreme Court, in a case ruled in 1999, which simply said that if a State has in process or has in place a proceeding to deal with these property issues, the case should go to the State courts first before dollars are expended and resources wasted by the Federal Court system and litigants heavily burdened.

Mr. Speaker, what a simple proposition. And yet this amendment was not accepted, even in light of the Supreme Court pronunciation that first property owners must demonstrate that the government entity charged with implementing the regulations has reached a final decision regarding the application of the regulations to the property at issue; and, as well, the 1999 Delmontes case held that the constitution requires that takings claims against localities must seek compensation in the State court.

I am very concerned, Mr. Speaker, that, in fact, we have a rule that does not allow the extensive debate on this bill that is needed; that those voices of localities will not be heard. And I will be very interested in the amendment that will be offered by the gentleman from New York, because I am looking for ways that this bill might be made better.

But the real problem is that this bill is even on the floor of the House, because it does damage to the constitutional premise of dealing with the protection of all of our property rights and not giving those who have a larger hand and larger access to money the higher hand in proceeding in litigation.

I am concerned that this rule does not answer all of our questions; that it would allow industry and developers to bypass local public health and land protections, and would make it easier to overcome a community's objection to toxic waste dumps or incinerators or sprawl.

This bill will add new and completely unnecessary burdens to the already overloaded Federal Court system. Therefore, the passage of this rule would seriously erode important, indeed, essential, environmental protections that we take for granted. I oppose the rule and I likewise oppose the bill. I wish we did not have to address this today.

Ms. PRYCE of Ohio. Mr. Speaker, I yield 3 minutes to the gentleman from Florida (Mr. CANADY), Chairman of the Subcommittee on the Constitution.

Mr. CANADY of Florida. Mr. Speaker, I thank the gentlewoman for yielding me this time, and I rise in support of the rule.

I want to join my friend, the gentleman from New York (Mr. BOEHLERT), in supporting the rule. I must, however, disagree with his opposition to this bill, which is an important piece of legislation designed to bring a greater measure of fairness to the administration of justice in this country.

There is a real problem that this bill seeks to address, a problem in which private property owners are denied meaningful access to the Federal courts when they have suffered a violation of their constitutional rights. It is important to understand that this bill does not deal with the run-of-the-mill zoning case. This bill deals with those extreme cases in which a local government decision or a decision by the Federal Government is made which deprives the landowner of all economically viable uses of the land. When the landowner is deprived of all beneficial uses of the land, then this bill comes into play. So it is important to understand that.

Now, why should a landowner who has suffered that constitutional deprivation not be allowed to go to Federal Court? There is no good answer.

It is important to also understand that the general rule for civil rights cases that are brought against local governments was articulated by the Supreme Court in a case called Monroe vs. Pape, in 1961, and this has been reaffirmed time after time after time by the Supreme Court. The Supreme Court there addressed the law under which these civil rights claims are brought against local governments at section 1983 of the U.S. Code, Title 42. In that Supreme Court case, the court said the Federal remedy under section 1983 is supplementary to the State remedy, and the latter need not be first sought and refused before the Federal one is invoked.

So the rule is, that applies to civil rights cases in general, that there need not be exhaustion of State administrative or judicial remedies, that is what the law is, except when it comes to takings claims in the Federal courts. I am simply suggesting that is not fair.

Now, it is also important to understand that this bill does not shortcircuit the local process. The bill shows substantial deference to the local process. After the landowner is first given a refusal, the landowner must appeal to the local planning commission, must make application for a waiver to the local zoning board, and must appeal to the local board of elected officials. In addition, if the landowner is initially turned down, is given an explanation of what uses could be made of the property, the landowner has to reapply and go through the process.

This is not shortcircuiting the process. It is simply saying when, at the end of the day, after the landowner has gone through all those local options that are available, and the message comes back from the local government that they are going to do something as a local government that takes that property, that owner has a right to get to Federal Court without further delay.

Mr. FROST. Mr. Speaker, I urge adoption of the rule.

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

Ms. PRYCE of Ohio. Mr. Speaker, I yield myself such time as I may consume.

In closing, let me remind my colleagues that this rule that we are considering is a fair rule. The House will have the opportunity to debate the major points of contention surrounding the private property rights legislation. The Committee on Rules has made in order two Democrat amendments as well as a bipartisan substitute which will be debatable for 1 hour.

Under the rule, questions of how this bill affects local decision-making and authority, how property owners' constitutional rights are treated as compared to other civil rights, and how we can ensure our citizens have the opportunity to see a timely resolution of their constitutional claims, all these things, will be discussed at length. Then, with the benefit of this debate, the House may work its will.

These are weighty questions, and the rule respects the disparate views of the Members of the House by providing for a full debate. I urge all my colleagues to support this fair rule so that we may move forward with today's debate and act to ensure that our citizens have access to their courts and the opportunity to fully exercise the constitutional rights that we each fight to uphold every day.

Mr. GOSS. Mr. Speaker, I rise in support of this rule. It is a balanced rule that provides an opportunity for the House to debate the main controversies surrounding H.R. 2372.

However, I do have some concerns about the bill itself. First, I want to applaud my colleague from Florida, along with Chairman

and the other members of the Judiciary Committee for attempting to address the property rights issue. I have been involved in this subject for a very long time, going back to my service as a city councilman, mayor and county commissioner. This is a tough issue. It involves the need to balance protection of constitutionally guaranteed private property rights with other constitutional guarantees of public health, safety and welfare as traditional, legitimate functions of government. I will be the first to say that it is an imperfect system, there is no question about that. While our system of layering government and dividing authority isn't perfect, I believe it works well reasonably and ensures a balanced role for all three levels of government. We ought to trust the local officials to work through the zoning issues. They're the ones on the front lines—they deal with these questions every day and are in the best position to be directly responsive to the needs and concerns of the community. Of course, there are poster child examples of the extreme and cases of egregious takings without compensation.

If there are questions of State law that need to be resolved, we need State courts to decide those issues. If a legitimate takings claim exists, it is critical we ensure landowners their day in court in a timely manner.

We need to maintain for local officials a meaningful opportunity to work with the landowners to craft a compromise. In my view, it is not appropriate to have the Federal Government deciding local land use questions. In addition, some critics of this bill have argued that the Federal judiciary would be flooded with claims and simply could not handle the caseload that would result if this bill were enacted. For example, the Federal District Court for Southwest Florida, which I represent, is already short-handed and has a backlog of cases that is measured in years, not just months. Any changes to the current system must take these concerns into account.

In the end, balancing the right of a landowner to develop his property within the bounds set by the health, safety and welfare interests of the community is a difficult question—I, for one, do not believe there's any particular magic a Federal court has that can solve these problems and make them go away.

So, I will reluctantly oppose H.R. 2372. I do however, want to make mention of the fact that there are several provisions of the bill dealing with Federal takings that I do support. This is why I intend to support the amendment offered by Representative BOEHLERT, which would remove the provisions dealing with local governments but retain the sections dealing with Federal takings. Once again, I urge my colleagues to support this rule. It is a fair rule and we should pass it so the House can have an open debate about H.R. 2374.

Ms. PRYCE of Ohio. Mr. Speaker, I have no further requests for time, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. PEASE). The question is on the resolution.

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

Ms. PRYCE of Ohio. 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 (Mr. PEASE). 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 145, not voting 13, as follows:

[Roll No. 51]

YEAS—276

Aderholt
Archer
Armey
Baca
Bachus
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Berkley
Berry
Biggert
Bilbray
Bilirakis
Bishop
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Boswell
Boyd
Brady (TX)
Brown (FL)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Chabot
Chambliss
Chenoweth-Hage
Clement
Coble
Coburn
Collins
Combest
Condit
Cooksey
Costello
Cox
Cramer
Cubin
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeMint
Diaz-Balart
Dickey
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Etheridge
Everett
Ewing
Fletcher
Foley
Ford
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hobson
Hoekstra
Holden
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
John
Johnson (CT)
Johnson, Sam
Kasich
Kelly
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Lampson
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Maloney (NY)
Manzullo
Martinez
Mascara
McCollum
McCrery
McHugh
McInnis
McIntosh
McIntyre
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Minge
Moran (KS)
Moran (VA)
Morella
Murtha
Napolitano
Nethercutt
Ney
Northup
Norwood
Nussle
Obey
Ortiz
Ose
Oxley
Packard
Pascrell
Paul
Pease
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reyes
Reynolds
Riley
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sandlin
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stenholm
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Thune
Thurman
Tiahrt
Toomey
Traficant
Turner
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Weygand
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NAYS—145

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldwin
Barrett (WI)
Becerra
Bentsen
Berman
Blagojevich
Blumenauer
Bonior
Borski
Boucher
Brady (PA)
Brown (OH)
Capps
Capuano
Cardin
Carson
Castle
Clay
Clayton
Clyburn
Conyers
Coyne
Crowley
Cummings
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Engel
Eshoo
Evans
Farr
Fattah
Filner
Forbes
Frank (MA)
Gejdenson
Gephardt
Gonzalez
Green (TX)
Gutierrez
Hall (OH)
Hall (TX)
Hastings (FL)
Hoeffel
Holt
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Lantos
Larson
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (CT)
Markey
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Moakley
Mollohan
Moore
Nadler
Neal
Oberstar
Olver
Pallone
Pastor
Payne
Pelosi
Peterson (MN)
Price (NC)
Rahall
Rivers
Roybal-Allard
Sabo
Sanchez
Sanders
Sawyer
Schakowsky
Scott
Serrano
Sherman
Slaughter
Smith (WA)
Snyder
Spratt
Stabenow
Strickland
Tauscher
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Weiner
Wexler
Wise
Woolsey
Wu
Wynn

NOT VOTING—13

Cook
Crane
DeLay
Hinojosa
Jones (NC)
Klink
Myrick
Owens
Rangel
Rush
Stark
Waxman
Whitfield

□ 1132

Messrs. GREEN of Texas, LARSON, GEPHARDT, GEORGE MILLER of California, HASTINGS of Florida, JEFFERSON, Ms. SANCHEZ, Ms. DEGETTE, and Ms. SLAUGHTER changed their from ''yea'' to ''nay.''

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

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

RECESS

The SPEAKER pro tempore (Mr. PEASE). Pursuant to clause 12 of rule I, the Chair declares the House in recess until approximately 2 p.m.

Accordingly (at 11 o'clock and 32 minutes a.m.), the House stood in recess until approximately 2 p.m.)

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. MCHUGH) at 2 p.m.

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. 2372, the legislation to be considered by the House.

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

There was no objection.

PRIVATE PROPERTY RIGHTS IMPLEMENTATION ACT OF 2000

The SPEAKER pro tempore. Pursuant to House Resolution 441 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. 2372.

□ 1401

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. 2372) to simplify and expedite access to the Federal courts for injured parties whose rights and privileges, secured by the United States Constitution, have been deprived by final actions of Federal agencies, or other government officials or entities acting under color of State law; to prevent Federal courts from abstaining from exercising Federal jurisdiction in actions where no State law claim is alleged; to permit certification of unsettled State law questions that are essential to resolving Federal claims arising under the Constitution; and to clarify when government action is sufficiently final to ripen certain Federal claims arising under the Constitution, with Mr. LaTourette 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 Florida (Mr. CANADY) and the gentleman from North Carolina (Mr. WATT) each will control 30 minutes.

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

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

Mr. Chairman, the Private Property Rights Implementation Act of 2000, which is now under consideration by the House, would provide property owners with meaningful access to justice when they seek to assert their Federal rights under the takings clause of the fifth amendment in Federal court.

The fifth amendment to the United States Constitution prohibits the Federal Government from taking private property for public use without just compensation. This takings clause, which was made applicable to the States through the fourteenth amendment, has been held to require the Government to provide just compensation not only when property is directly appropriated by the Government but also when governmental regulations deprive a property owner of all beneficial uses of the land.

Under current law, however, property owners whose property has been taken through government regulation may not proceed directly to Federal court to vindicate their rights. Instead, they must first clear two so-called prudential legal hurdles designed by the Supreme Court to help ensure that such claims are sufficiently ripe for adjudication.

First, property owners must demonstrate that the Government entity charged with implementing the regulations has reached a final decision regarding the application of the regulations to the property at issue and, second, property owners must show that they sought compensation through the procedures the State has provided for doing so.

The application of these requirements by the lower Federal courts has wreaked havoc upon property owners whose takings claims are systematically prevented from being heard on the merits in Federal court. Under these requirements, many property owners are forced to endure years of lengthy, expensive, and unnecessarily duplicative litigation in State and Federal court in order to vindicate their constitutional rights.

In today's debate, we will hear accounts of the Kafkaesque legal maze that property owners are thrown into, and I would urge the Members of the House to pay close attention to the experiences that Americans are going through under these faulty legal rules that are now being applied by the courts.

Property owners whose Federal takings claims are dismissed on ripeness grounds by Federal courts also sometimes face a procedural pitfall that results from being forced to litigate first in State court: application of the doctrines of res judicata and collateral estoppel to bar Federal takings claims.

This procedural trap operates as follows: Federal court will dismiss a property owner's takings claim because the property owner has not first litigated the claim in State court; when the property owner returns to Federal court after litigating the State law claim in State court, the Federal court will hold that the Federal takings claim is barred because it could have been litigated in the State court proceedings.

The effect of the reasoning of these cases is that many property owners have no opportunity to have their Federal constitutional claims heard in Federal court. No other constitutional rights are subjected to such tortuous procedural requirements before the merits of the plaintiffs' cases can be heard.

In addition to these procedural hurdles, Federal courts have also invoked various abstention doctrines in order to avoid deciding the merits of takings claims that are brought to Federal court.

The combined effect of all these procedural rules is that it is exceedingly difficult for property owners to vindicate their constitutional rights in Federal court. According to one commentator, Federal courts avoided the merits of over 94 percent of all takings cases litigated between 1983 and 1988. Another more recent study found that in 83 percent of the reported cases raised in Federal court between 1990 and 1998, that 83 percent of those were dismissed on ripeness or abstention grounds at the district court level.

H.R. 2372 was designed to address this systematic suppression of property rights claims by clarifying and simplifying the procedures which govern property rights claims in Federal court. In particular, H.R. 2372 clarifies, for purposes of the application of the ripeness doctrine, when a final decision has been made by the Government regarding the permissible uses of property.

H.R. 2372 also removes the requirement that property owners litigate their takings claims in State court first, and prevents Federal judges from abstaining in cases that involve only Federal takings claims.

Under the bill, before a landowner can go to Federal court, the landowner who has received a denial from a local government must pursue a wide range of available options at the local level. Now, this is a very important provision of the bill, and I urge all the Members of the House to pay close attention to this provision of the bill in particular.

The claim has been made that this bill short-circuits the zoning process; that somehow we run an end run around the zoning process; we eliminate any incentive for aggrieved property owners to negotiate with the local governments who are involved in the zoning. Those claims are simply untrue.

Under the bill, the landowner must pursue an appeal to the local planning commission, seek a waiver from the local zoning board and seek review by elected officials, if such redress is available, under the local procedures. Where the government disapproves an application and explains in writing the use, density and intensity of development that would be approved, the bill requires that the landowner submit a second application and be rejected a second time before going to Federal court.

So this bill shows substantial deference to the local zoning procedures, but the bill does recognize that at the end of the process at the local level,

when all of these steps have been gone through, if the local government makes a decision that results in the taking of property without compensation, there should be access to the Federal courts to vindicate the constitutional right which has been violated.

Now, under the bill for a case to be ripe for adjudication in Federal court, the Government must either actually reach a final decision on the application or else the locality or Federal Government must fail to act on the application within a reasonable time.

The constitutional basis for this legislation is found in Congress' well-established authority to regulate practice and procedure in the Federal courts. The ripeness requirements that the courts have imposed are not mandated by the Constitution. There will be some debate over that here today.

It is clear that there are some problems with the decisions of the Supreme Court with respect to ripeness. Otherwise, we would not be here on the floor with this bill in an effort to correct those problems.

The Supreme Court in recent cases has made clear, the Supreme Court has stated, that the requirements with respect to ripeness that are at issue here are prudential, what the Court calls prudential procedural requirements that are created by the Court and are not constitutional requirements. Unfortunately, what the courts have considered prudential requirements are, in fact, working a grave injustice and denying Americans who have suffered a constitutional deprivation meaningful access to Federal courts.

The bill before the House today represents an appropriate exercise of Congress' authority over procedure in Federal courts to ensure that property rights are no longer treated as second-class rights with no meaningful Federal forums for their vindication.

I urge the Members to vote in favor of H.R. 1218, to reject the weakening amendments that will be offered and to have the House move forward with this important legislation to protect constitutional rights.

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

Mr. WATT of North Carolina. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me acknowledge from the outset that we often get results from State courts, local governments, Federal courts, from every source, that we do not especially agree with. That happens quite often. But every time we get a result that we do not agree with, we cannot go back and change the law, at least we should not go back and try to change the whole process to address that.

I want to direct my colleagues back to 1994 when my Republican colleagues came to the majority in this House and one of their primary platforms was that we believe in States' rights and we are going to dismantle the Federal Government's bureaucracy and return rights to the States, devolve government back to the local level where it is close to the people. Ever since they came in on that platform, they have been retreating from that very principle of protecting States' rights and devolving government back into local control.

Now they have been doing it selectively, not uniformly; but I think the only principle that I can see running through every decision where they refuse to honor States' rights and local control is where their propertied constituents, their monied constituents, their corporate constituents, have a different interest and when that occurs they start to backtrack from this philosophical principle that they say they believe in.

Now, if one listens carefully, one would think that the Federal courts have no jurisdiction over these cases, property cases, and property takings cases.

Let me dissuade my colleagues of that notion: 28 United States Code section 1343, the section that is being amended by this proposed legislation, says, the district court shall have original jurisdiction of any civil action authorized by law to be commenced by any person to redress the deprivation under color of any State law, statute, ordinance, regulation, custom or usage of any right, privilege or immunity secured by the Constitution of the United States, or by any act of Congress providing for equal rights of citizens, or of all citizens within the jurisdiction of the United States.

That means that Federal courts have jurisdiction in constitutional cases, and the gentleman from Florida (Mr. CANADY) is correct that this right is being asserted under the fifth amendment to the Constitution.

The fifth amendment to the Constitution says, no person shall be deprived of life, liberty or property without due process of law; nor shall private property be taken for public use without just compensation.

□ 1415

Life, liberty, or property all in the same line, in the same section, and the 14th amendment applies that to the States. So the Federal courts have jurisdiction already. This is not about whether the Federal courts have jurisdiction in property matters; they already have it.

The problem is that the courts, the Federal courts, have made a voluntary decision that we are not going to assert our jurisdiction in every single property case. Where a matter involves a local zoning ordinance, where a matter involves a municipal waste incinerator, where a matter involves granting a building permit to a liquor store or how close a factory can be to homes or a range of other local zoning and property issues, the Federal courts have said hey, that is a local decision and we want the local administrative bodies and courts to deal with this before we get it into our purview.

Why do we want it? We want it because sometimes, these issues, quite often, most often, these issues also involve other State law and interests that the State courts and the local community can resolve better than the Federal courts. That is why my Republican colleagues came in in 1994 talking about returning local control to local communities and to the States. But the Federal courts have also said, we want these disputes to be ripe, and the record to be developed before the Federal courts will get involved.

Mr. Chairman, this bill runs completely counter to local control and local jurisdiction.

This bill would replace the common sense approach that the Federal courts have used which have empowered State and local officials with more resources and authority, as this Democratic administration and, I have thought, my Republican colleagues in the House supported. But the bill seeks to shift authority over these local matters from State and local officials to the Federal courts. It would do this by sharply limiting the discretion of Federal judges to abstain from deciding State law issues that have not been resolved previously by State courts and, secondly, the bill would deem a property rights challenge to State or local government action ripe for Federal court review, regardless of whether State and local officials have arrived at a final definitive position so that the Federal courts would be getting into the dispute before one even had any local disposition.

Finally, in addition to being a gross invasion of States' rights and local rights, this bill, for property matters, sets up a whole new hierarchy and says, we are going to elevate property rights above every other civil right that the law recognizes. In other civil rights areas, the Federal courts also defer to the local governments to make decisions. We do not assert jurisdiction in every Federal issue. Otherwise, every case that talked about due process would end up in the Federal court. That is not the way it works, because we have a Federal form of government and it is our obligation to respect the State and local governments' rights to make decisions that are inherently State and local government decisions or at least should be, in the initial instance.

Mr. Chairman, this bill is a bad idea; and we should reject it.

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

Mr. CANADY of Florida. Mr. Chairman, may I inquire of the Chair concerning the amount of time remaining on both sides?

The CHAIRMAN. The gentleman from Florida (Mr. CANADY) has 22 minutes remaining, and the gentleman from North Carolina (Mr. WATT) has 21 minutes remaining.

Mr. CANADY of Florida. Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. GARY MILLER).

Mr. GARY MILLER of California. Mr. Chairman, the argument made by my distinguished colleague was eloquent. However, it has nothing to do with what is before us today. Great words were used. Decisions are results that we do not agree with, as if we are challenging what local government says. States' rights, local control, corporate constituents, as if we are up here just trying to benefit large corporations who own property. When a dispute is ripe, before it can go to Federal court, property rights challenges belong at the State and local level. We are going to elevate property rights above all other rights.

My distinguished colleague needs to realize that 90 percent of all of the development programs that are presented to government are not from large corporations, not the Irvine Company, Ted Turner, or Kaufman & Broad, they are from small property owners who have a few investors. The problem is, most of the lawsuits are not against municipalities by the property owners, the lawsuits are against municipalities by no-growth groups trying to overturn local decisions, and that is what we are trying to deal with.

A property owner goes before a city council, a board of supervisors, whatever the local agency might be, and they ask for a reasonable decision on their property rights and what they can do with their property, and they are given that by local government. In essence, they have said, you can move forward with your project because we have given it due consideration. Then a lawsuit is imposed against the city or municipality to stop that by a no-growth group. The city at that point says to the property owner, it is up to you to defend the lawsuit. And then they have to go to superior court to do that. A decision is rendered, and then it goes to the appellate court to make a decision. That decision is rendered, and then it has to go to Federal court. Understand that these people are not the large corporations defending this lawsuit, these are small property owners who are trying to benefit from that property.

Many of these individuals have received their property through inheritance, it has been in the family for years, or they buy a small piece of property with a few investors and they try to earn a profit on that property. What happens is, by the time they get through the approval process, it is likely they are going to be in a recession to begin with, but undoubtedly, by the time they get through the legal process, they will be in a recession and, at that point, they will have already lost their investors.

What we are saying is, private property owners should have their day in court. They should not spend thousands and thousands of dollars going through a local process, only to have to go to court to be told by their attorney, understand, this is a process you are going to have to go to. If we win in superior court, it is going to be a challenge in the appellate court. When we win in the appellate court, we are going to go to Federal court.

Individual property owners, as a rule, do not have the money to go through this process. What we are doing is placing the burden on people who do not have the resources to defend themselves. Yet, my colleagues on the other side of the aisle will continually try to placate us with the comment that we need to provide housing for people of low income, when the system is designed to go against those people.

We are not saying that we want to overturn local control. We are not saying we want to overturn State control. We are saying that when local agencies have made a decision, whether it be a good decision or a bad decision, if the property owners feel they have been unfairly treated and their property rights have been taken from them, they should not have to spend years in State court, years in appellate court, only to be forced to go to Federal court.

If we look at the majority of the lawsuits, it is not from the property owner against the municipality or city, it is from some outside no-growth group against the city for the decision they made.

In California specifically, they are continually being sued for some sequel violation that might not be real at all, yet they are forced into court to prove that the lawsuit against them was not factually based. They are either then taken on a writ of mandamus in other States or in California, and they are saying you violated some zoning, some building or some procedural act on the level of the city and they are forced to go to court to defend it. That is ridiculous.

The gentleman's argument is offensive to small property owners that this is just rich corporations or the argument that it is going to take control away from local government. That is not where the lawsuits are occurring, and the gentleman needs to check that out. Friend to friend, the gentleman is wrong. The lawsuits are from outside agencies against cities, based on the decision they made entitling a property owner to use their property. We are saying, that should not be allowed. That is wrong. The assumption that all of these property owners are huge corporations, check it out. Ninety percent are small people who have small pieces of property or farms and they want to use those farms.

Now, some people in the Midwest will say, well, we are watching people use their farms today for development, and that is true. The problem is every time a farm is developed, people moved in who opposed the other farmers from using their property.

Mr. WATT of North Carolina. Mr. Chairman, I yield 3 minutes to the gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. Mr. Chairman, I thank the manager of the bill for yielding me this time.

I rise in opposition to this measure because we have a proposal on the floor today in the Congress that is specifically directed at our local elected officials. As a prominent lobbyist has uttered, ''This measure would be a hammer to the head of local zoning boards and community planning agencies.'' In doing that, we have had revealed to us the real effect of the bill, which will be to intimidate communities into approving ill-advised development plans out of fear that they will be hauled into Federal court if they do not. Because what we are doing is providing property developers and other corporations with special procedures created in H.R. 2372 that grant them expedited access to the Federal courts for property-taking claims exclusively.

Now, if that is what my colleagues want to do, that is fine. I object to it, but I think that it would be a terrible misuse of an important part of our Federal law which was originally created ironically to deal with civil rights claims. As a result of any kind of proposal like the one before us, again in the Congress; this was up before in I think 1997, we would, for example, allow a corporation which seeks an oversized commercial development and is dissatisfied with the initial land use decision by a small town, it could immediately threaten to bring suit in the Federal court against a town. The costs of litigating this issue in Federal court could overwhelm, if not bankrupt, thousands of small towns and counties around the country if that were to happen.

So what we would allow under the incredible premises of this bill, this case could proceed even if there were insufficient facts available for the Federal court to make a reasoned takings decision. If there were important unresolved State legal issues, it would not matter.

In essence, we are going to be telling the States that the Federal judiciary knows best when it comes to local land use decisions.

Please, let us not be a part of such a giveaway here today in the House of Representatives.

Mr. CANADY of Florida. Mr. Chairman, I yield 3 minutes to the gentleman from Alaska (Mr. YOUNG).

(Mr. YOUNG of Alaska asked and was given permission to revise and extend his remarks.)

Mr. YOUNG of Alaska. Mr. Chairman, I rise today in support of H.R. 2372, the Private Property Rights Implementation Act. I must say I just listened to the previous speaker and I have read this bill and I cannot find where it says what he says it does in that bill. It is the most amazing thing I have ever heard.

□ 1430

Mr. Chairman, I am not a lawyer, thank God for that, but I do not read it that way. What I am hearing, as a Committee on Resources chairman, frankly, is to help protect the fifth

amendment of the United States Constitution.

The taking of private property, unfortunately, all too often the various governmental bureaucrats involved in land use decisions use their regulatory authority to take private property, and then blame other levels of government for their actions. I think maybe this is what the gentleman was speaking about. The Federal bureaucrats, through their efforts, will take private property and then blame someone else.

As a result, I support H.R. 2372, because it will ensure that landowners, landowners, little landowners, yes, big landowners, but mostly little landowners, the largest percentage of takings by this government is from little landowners, will get a fair chance to have their cases heard in Federal court, no matter which government bureaucracy is involved.

Mr. Chairman, H.R. 2372 will also ensure that land dispute cases are heard expeditiously in order to resolve these disputes very promptly. As a result of the expeditious court proceedings, taxpayers', as well as the private property owners', legal costs will be reduced. These prompt court proceedings will give even the poorest of our citizens the ability to defend their land.

Finally, H.R. 2372 will level the playing field between private property owners and the government. Landowners who wish to protect their legal and civil rights will now be able to afford court proceedings, and the government will no longer be able to pressure landholders into taking their land.

I want to stress this, that right now the bureaucrats take their time, slow it down, use undue pressure, and finally get the land away from the private property owners. Let us ensure that the smallest and the poorest landowners can have the same rights as the biggest corporations and the environmental groups.

I urge support of H.R. 2372 and oppose any amendments to this legislation, because this is the Constitution. The basis of our society is private land, not government land. When we have private land, we have something to do with our government. When it is owned by the government, we have nothing to do with the government.

I urge Members to pass this legislation.

Mr. WATT of North Carolina. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. BOEHLERT), our Republican colleague.

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

Mr. BOEHLERT. Mr. Chairman, I rise in strong opposition to this bill. The detrimental effects of H.R. 2372 are likely to be felt by virtually every citizen in virtually every community in this country.

Anywhere that citizens are trying to control growth, to limit traffic, or to preserve open space or conserve drinking water, this bill will have an adverse effect. Anywhere that citizens are trying to preserve the character of their neighborhoods by restricting pornography or alcohol or certain types of industry, this bill will have an adverse effect. Anywhere that citizens band together to try to do anything that any developer might oppose, this bill will have an adverse effect.

That is because this bill disempowers citizens and their towns and cities and counties, and skews local zoning rules to give developers the upper hand. It removes the incentive to negotiate zoning disputes, replacing that incentive with the threat of Federal court review.

Why is such a fundamental change in policy necessary? Is it because development is routinely being blocked? I think a quick tour of any congressional district in this country will prove that that is not the case. Homebuilding and other developments are booming in a booming economy. This bill is a vintage case of overreaching by a successful group that is upset because it does not win 100 percent of the time.

Let us not take power away from citizens and localities. Let us not overturn the fundamental principles of Federalism. Let us not advance a bill that is opposed by municipalities and courts and religious groups and environmentalists and labor unions.

Let us oppose H.R. 2372, and ensure that each community in this country retains the right to control its own destiny.

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

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

Mr. Chairman, here we go again. If this bill passes, all local zoning gets thrown out the window. Everything goes to hell in a handbasket.

Well, I think it is time that maybe we talk a little bit about what the truth is. Why are we doing this? Currently they say that the developers, the local farmers, the small landowners, they have the ability to go to court if they want to challenge a local decision, and they do.

According to a recent survey, judges avoided addressing the merits of Federal takings claims in over 94 percent of all takings cases litigated, 94 percent. So 94 percent of the people did not even get their claim heard because the judge, for one reason or another, decided not to judge on the merits of that case.

So we are not talking about 100 percent of the time, we are not talking about a developer not winning 100 percent of the time. What we are talking about is 94 percent of the time the small family farmer, the small developer, the mom and pop guy, got thrown out of court and did not have access to their day in court.

Another recent survey reveals that 83 percent of takings claims initially raised in the United States district courts from 1990 to 1998 never reached the merits, and when they did reach the merits, it took property owners an average of 9.6 years to have an appellate court reach its determination, 9.6 years before the court would give them a final decision.

How many small property owners, how many mom and pop development companies, how many small farmers and ranchers, can afford to pay attorneys for almost 10 years, hundreds of thousands of dollars? Mr. Chairman, hundreds of thousands of dollars.

What ends up happening, and this is why most of these cases are never settled in court, is because the property is not worth what the attorneys want to go to court with.

There is a certain poll-tested wisdom out here that says if you bring up open space and drinking water and all the environmental things we all love, that that is the key to this. If we throw in pornography and liquor licenses as well, we might pull over a few more people. But the truth of the matter is that what this bill tries to do is guarantee access for the small property owners, the individuals that are out there that cannot have access under the current rules.

There is absolutely nothing wrong with allowing them into Federal court on a civil rights case to test their fifth amendment rights, nor shall private property be taken for public use without just compensation.

What are they afraid of? Are they afraid they are going to tell them they cannot keep taking peoples' property? I think our Constitution guarantees that. The system does not allow them into court.

Mr. WATT of North Carolina. Mr. Chairman, I yield myself 1 minute, just to make a clarification.

Mr. Chairman, I would like to make sure that this study that keeps getting cited dealing with how many cases get delayed and disposed of, let us make sure that we understand that this study was done by the National Association of Home Builders, and what it really shows is that in many cases, the vast majority of the cases, in fact, 29 of the 33 cases that they surveyed, the court dismissed the case because the claimant's lawyer refused to follow State procedures for seeking compensation before suing in the Federal court.

That is entirely consistent with the process that is in place at this point, because the objective is to get people to start at the local level and resolve these disputes at the local level before they are ripe to go into Federal court. So this is just a myth that has been created.

Mr. Chairman, I yield 3½ minutes to the gentleman from Oregon (Mr. BLUMENAUER).

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

I have spent my entire public service career dealing with issues that promote livable communities. I know from

personal experience that, at times, local land use laws can be time-consuming, expensive, and uncertain. Many times the development community draws the blame for things like sprawl and congestion when in fact they are abiding by outmoded local planning and transportation notions. Too often the development process becomes too political and painful.

But it is absolutely false to suggest that somehow the blame for this is on the shoulders of local officials who are trying to protect the community. I am willing to work to improve the process. I cosponsored and voted for a nearly identical bill in the 105th Congress which I hoped would be the first step in trying to have a rational discussion about this, and have been working with the development interests and local government and the environmental community to reach common ground.

I supported the bill, even though I made it clear at the time that the bill in that form would not and should not pass, but I thought it would be a beginning of an important discussion.

But rather than use that as a springboard, what we have back here again today is the identical bill. I am disappointed that the legislation represents no modification, no conciliation, and is not a productive contribution to the reform effort. It faces a certain veto by the President if in fact it could be passed, which it will not.

Occasional development hardships cannot justify short-circuiting the land use process against other homeowners, neighborhood associations, environmental groups, and local governments.

In Oregon, we have an elaborate system of appeals dedicated to land use, heralded as one of the best in the Nation. Our Land Use Board of Appeals has been developed and refined over the years, and at the same time, the process has been supported by our voters three times in State-wide initiatives.

It is entirely possible that if this misguided legislation would be passed in its present form, it would entirely circumvent our land use planning process.

The bill is further flawed because it is sending land use disputes to our already overtaxed Federal judiciary, with absolutely no guarantee that they can be resolved any faster. In fact, we have received indication from the Federal judiciary that they see this as a burden to their already strained system.

The only way this bill would produce a speedy resolution and reduce developer expenses is if small cities and counties stopped trying to enforce their land use laws. That is in fact what would happen, in many cases. This is counter to the rising tide around the country where people want more protection against unplanned growth, bad environmental decisions, and transportation problems.

Smart growth is not no growth. I am committed to working with the advocates of smart growth and livable communities and the development community to develop approaches that solve these problems. We can provide a balanced system of adjudication in land use disputes. The problem in some States like California is that they do not have a system. It is a series of patchworks that do not work.

Mr. Chairman, I would suggest that we support State-wide frameworks that are less political, more predictable, less costly, that will achieve timely administrative process and judicial review without leading to a race to the courts to bully local governments into dropping their rights.

Rather than evolving the debate, this bill before us is having a polarizing effect. I urge a no vote. I urge my colleagues to work with us to actually solve the problem for more livable communities.

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

Mr. Chairman, I am disappointed that the gentleman from Oregon has changed his mind about the bill. I would point out there are some changes in the bill which are actually designed to encourage going through more at the local level. As the gentleman was saying, that is in the bill. He may not be aware of it.

Under the bill as it is now formulated, before going to Federal court, after an initial application is rejected by the local government, the landowners must appeal to the local planning commission, must make application for a waiver to the zoning board, and must also appeal to the local board of elected officials. That is quite a bit at the local level. I think it is appropriate that that be done before a lawsuit is instituted in Federal court.

But if, after going through that process at the local level, the landowner receives a decision which results in a taking of the landowner's land without compensation, I believe that the landowner should be able to go to Federal court.

For Members who are wondering what this fight is all about, let me boil it down to the real crux of the matter, here. The issue is whether landowners should have to exhaust their State judicial remedies, would have to go through State court, before they go to Federal court. It is not a matter of whether they are going to go to court or not. It is a matter of whether, if they are in this situation, they are going to go to State court rather than Federal court.

□ 1445

Under the rules as they now are, they are forced to go to State court to pursue their Federal constitutional claims before they can ever have an opportunity to get into Federal court unless they end up being barred through one rule or another. That is what this is about.

It is important that the Members step back from all the rhetoric that is flying around this and understand that that is what is at issue. I do not believe that it should be controversial that individuals whose Federal constitutional rights have been vindicated should have their day in Federal court. If the Federal courts exist for anything, it should be to protect Federal constitutional rights.

Now, arguments have been made that, oh, well, we are elevating property rights above other constitutional rights by passing this bill. That is simply wrong. The truth is that other civil rights receive superior treatment under the rules as they are now structured in the system. We are trying to bring property rights up to something close to parity with the way other rights are treated.

Now, the truth is also the general rule for civil rights claims that are brought pursuant to the law that the Congress passed, section 1983, where citizens and individuals are allowed to challenge local government actions that infringe constitutional rights, the rule is you do not have to exhaust either your State administrative or judicial remedies. Now we are actually requiring that you go through administrative remedies. But we are saying you should not have to exhaust your State remedies. So we are still not bringing it up to parity with the way the other rights are treated.

I know this is being denied over and over again. But that is, those are the facts. That is what the law is.

The Supreme Court in the landmark case of Monroe v. Pape back in 1961 said, the Federal remedy under section 1983, which is the section that we are dealing with in this statute and under which civil rights actions are brought against local governments, is supplementary to the State remedy; and the latter need not be first sought and refused before the Federal one is invoked.

They reiterated that in Ellis v. Dyson where they said exhaustion of State and judicial or administrative remedies was ruled not to be necessary, for we have long held that an action under section 1983 is free of that requirement.

Board of Regents, the State of New York v. Tomanio, in 1980, they said that this court has not interpreted section 1983 to require a litigant to pursue State judicial remedies prior to commencing an action under this section.

That is the rule with respect to civil rights claims in general, but they have different rules when it comes to property rights. I would suggest that that is what the Members of the House should focus on. That is also problem that we are trying to address here.

Let me just point out that I think the talk about property rights and to treat them as though they are some kind of second class right is simply not fair. I would ask the Members of the House to consider what the Supreme Court said back in 1972 in a case called

Lynch v. Household Finance Corporation. This is an opinion joined by Justices Brennan and Marshall. The Supreme Court said,

> The dichotomy between personal liberties and property rights is a false one. Property does not have rights. People have rights. The right to enjoy property without unlawful deprivation, no less than the right to speak or the right to travel, is in truth a personal right. In fact, a fundamental interdependence exists between the personal right to liberty and the personal right in property. Neither could have meaning without the other.

I would submit to the Members of the House that, if we are serious about protecting these rights which are so fundamental to our way of life and our system of government, we will remove the barriers that have been created to prevent individuals whose property rights have been infringed from having access, meaning full access to their day in Federal court.

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

Mr. WATT of North Carolina. Mr. Chairman, I yield myself 30 seconds just to respond to the gentleman and thank him for his eloquent endorsement of the amendment that I will be offering. Because if he, in fact, believes that these are personal rights and that property rights should be on the exact same footing, our amendment would place them on the exact same footing with other civil rights.

I expect that the gentleman will be supporting my amendment and making his eloquent statement in support of it again. I appreciate the gentleman agreeing to do that.

Mr. Chairman, I yield 2 minutes to the gentleman from Maine (Mr. ALLEN).

Mr. ALLEN. Mr. Chairman, I thank the gentleman from North Carolina for yielding me this time.

Mr. Chairman, I rise in strong opposition to this bill. The bill's title is not accurate. Despite all the talk on the other side about small property owners, the bill should be called the fast track for developers act. This bill allows for any case involving a takings claim to be brought into Federal court, bypassing State and local processes.

As an attorney practicing law for 19 years, it was my experience that most small-land owners do not rush to get into Federal court, but many large developers do. It was also my experience that takings claims, constitutional claims, even though frivolous, even though extraordinarily weak, will be tacked on it a great many local land institutes. That is why it seems to me that the passage of this bill will allow developers to put excessive pressure on local zoning boards and councils.

I speak with some experience. I was a city councilor in Portland for 6 years and the mayor of the city. In Portland, we have appropriate and sound local zoning procedures and practices. In this House, we should help local governments plan for smart growth and not tie their hands by federalizing every local land dispute in which a property owner claims his property is being taken without compensation.

My Republican colleagues argue that local school boards know better than Washington, and I agree. But when it comes to land use, they say that Federal courts, not local zoning boards, are the best way to resolve local land disputes.

Mr. Chairman, this bill is opposed by every organization, almost every organization representing State, county, and municipal governments. It is opposed by State Attorneys General, State Chief Justices, and the U.S. Judicial Conference. This bill is a serious affront to the principle of federalism.

I urge a ''no'' vote on this so-called takings bill that diminishes local control and empowers large developers.

Mr. CANADY of Florida. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. DOOLEY).

Mr. DOOLEY of California. Mr. Chairman, I rise today to express my support for H.R. 2372, the Private Property Rights Implementation Act. The bill takes a new, more modest approach to the issue of property rights and has received widespread bipartisan support.

The legislation helps property owners by clearing some of the legal and procedural hurdles that make it both excessively time consuming and expensive to assert their claims. The bill proposes to do nothing except clarify the jurisdiction of Federal courts to hear and determine issues of Federal constitutional law.

H.R. 2372 is vastly different from previous property right bills. It does not attempt to define for a court when a taking has occurred, nor does it change or weaken any environmental law.

There has been some controversy generated surrounding this bill. Most of the criticism of this legislation is based upon the assumption that the bill cuts local government out of the decisionmaking process when it comes to land use decisions. But nothing could be further from the truth.

The truth is that H.R. 2372 applies only to Federal claims based on the fifth and 14th amendments that are filed in Federal court. The bill creates no cause of action against local governments. H.R. 2372 is only a procedural bill clarifying the rules so a decision can be reached faster on the facts of the case instead of wasting taxpayer money on jurisdictional questions.

Local governments will have no new limits on their ability to zone or regulate land use. Local agencies will get at least two, maybe three chances to resolve a land use decision locally before their decision will be defined as final, once on the original application, once on appeal, and yet again on review by an elected body.

H.R. 2372 does not provide a ticket to Federal court. Individuals already have a right to go to Federal court. The bill simply provides an objective definition of when enough is enough, so that both parties in a land use dispute can participate in meaningful negotiations.

I believe H.R. 2372 represents a moderate approach that Members can and should support.

Mr. WATT of North Carolina. Mr. Chairman, I yield 3 additional minutes to the gentleman from New York (Mr. BOEHLERT).

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

Mr. BOEHLERT. Mr. Chairman, let me give my colleagues some real-life examples of what this is all about based upon some recent court decisions.

In Recreational Developments of Phoenix, Incorporated v. The City of Phoenix, the land owners brought several takings challenges to a municipal ordinance that prohibited live sex clubs. The Federal court dismissed the takings challenge on ripeness grounds because the land owners had not sought compensation in State court. If this bill had been in effect, the City would have been forced to endure lengthy Federal court taking litigation to defend this ordinance, prohibiting live sex clubs.

In Maynard v. The City of Tupelo, in Mississippi, the State court rejected a taking challenge to a city ordinance that bans possession of open containers of alcoholic beverages or their consumption between midnight and 7 a.m. in restaurants. If this bill had been in effect, the claimant could have forced Tupelo to endure lengthy, expensive Federal court litigation to reach the same result.

In Guildford County Department of Emergency Services v. Seaboard Chemical Corporation, the State court rejected a takings challenge by a chemical company to a permit denial for a hazardous waste facility for health and safety reasons. If this bill had been in effect, that company could have subjected the county to expensive and lengthy Federal court litigation.

In Colorado Dog Fanciers v. The City of Denver, the State court rejected a takings challenge to an ordinance that bans possession of pit bulls, but allowed existing owners to obtain licenses. If this bill had been in effect, the claimants could have been challenged, and this sensible public policy measure would have endured expensive, Federal court litigation.

Zoning matters are local in nature. We should not federalize them.

Mr. CANADY of Florida. Mr. Chairman, may I inquire concerning the amount of time remaining on both sides.

The CHAIRMAN. The gentleman from Florida (Mr. CANADY) has 3½ minutes remaining, and the gentleman from North Carolina (Mr. WATT) has 6½ minutes remaining.

Mr. WATT of North Carolina. Mr. Chairman, I yield 1 additional minute to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Chairman, I appreciate the gentleman from North Carolina yielding me this time.

Mr. Chairman, we had an assertion by the gentleman from Florida (Mr. CANADY) about the procedures that would be followed. The fact is, under the bill that has been proposed, there is an exemption. If the claimant feels that it would be futile to pursue this claim, there is an additional problem. They talk a lot about the small individual property owners, but the fact is the vast majority of jurisdictions in this country are small governments that cannot afford to be involved with this.

So my colleagues have taken a theoretical problem for a few problems of small owners action, and they have substituted a massive burden on the part of many small governments who simply are not going to be able to undertake a well-financed aggressive development interest that seeks to move the other direction. I think it just simply reverses that presumption.

Mr. CANADY of Florida. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. DOOLITTLE).

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

□ 1500

Mr. DOOLITTLE. Mr. Chairman, this is an important bill. I know the other side is trying to portray this as helping big developers, but the fact of the matter is, this bill is designed to help the little guy and anybody else, including a big developer, who seeks to assert the constitutional right to receive just compensation for the taking of his or her property. That is just something that is guaranteed by the U.S. Constitution and the fifth amendment. And yet, because of a network of procedures developed over the years, the effect of those procedures has been to make this amendment somehow secondary to some of the others.

We all know the reality. I mean a government is fighting with taxpayer dollars; and they have, usually, a vast amount to draw upon. They already have attorneys on staff, and they have firms on contract to wage these battles with taxpayer dollars. When the little guy is seeking to defend his or her constitutional right, and it takes on the average of 9½ years to get through the Federal Court system, that is bad enough already, but then it takes a number of years to get into the Federal Court system.

This bill, amongst other things, simply allows people to at least enter the Federal Court system. If anything, the bill does not go far enough because we have still got that long, drawn-out time when you, an individual, is paying lawyers at $300 or $400 an hour to litigate their claims. It is very, very difficult to reach the relief that they need. This bill makes an important step in that direction. It simply seeks to place the fifth amendment on an equal level to the fourth amendment or the first amendment, where they are not required to go first through the whole State process before they can get into Federal Court.

Mr. Chairman, I strongly urge an ''aye'' vote on this legislation.

Mr. WATT of North Carolina. Mr. Chairman, I yield myself 2 minutes.

This is the third or fourth time that somebody has come to the floor and talked about it taking 9½ years to get through the process. So let me be clear on how this 9½ year figure was derived. It was also the result of a study done by the National Association of Home Builders.

The problem is that in arriving at the study, they used only 14 Federal appellate court cases over a 9-year period, the period from 1990 to 1998. And, of course, if we take those 14 cases, anything can happen in a small number of cases, but that does not mean that we have got a massive problem. The bulk of the cases were being resolved before local zoning and planning commissions without any litigation, but those cases were just disregarded. The study ignored hundreds of takings cases litigated in State court each year, which comprised the overwhelming bulk of takings lawsuits. In those cases the States were giving fair and adequate remedies to the people who were coming into the State courts, which is exactly the way the process is supposed to work.

So, ironically, we are in here talking about let us put everything in Federal Court, when the 14 cases that they used to come up with this 9½ year figure are the ones that ended up in Federal Court. It was the State court and the local zoning boards that were making quick, efficient decisions. And now I guess my colleagues would have us bring everything into the courts so everything could take 9½ years because there is a massive backlog of cases in the Federal Court system.

Mr. Chairman, let me just make it clear that, again, the U.S. Constitution allows property takings cases to come in to the Federal Court. If there is a taking of property, that is a Federal right. The problem is, as in all other constitutional rights where property is deprived or liberty is deprived, or any other U.S. Constitutional case, if there is an opportunity to resolve the matter in the State courts, the Federal courts simply defer and say the State court should resolve it because of, interestingly enough, the very principle that the Republicans have told us over the years they stand for: government should be closer to the people and decisions should be made closer to the people. So we are going to defer, says the Federal Court, to local and State courts to make decisions that impact the rights of people, even if they involve Federal constitutional rights.

So this is not about whether an individual can get into Federal Court. It is about when someone can get into Federal Court. I would submit to my colleagues that over all of these years we have been saying to the State courts that we respect their ability to resolve cases that involve State and Federal law, and we should continue to honor that. To do otherwise would be absolutely contrary to every principle that my colleagues on the other side have said over this period of time that they have been in the majority that they stand for.

The only reason we are making it an exception here is because some developers, some moneyed interests, some propertied interests have been inconvenienced, and they happen to be constituents who normally support the other side. That is what this is really all about. There is no reason to do this based on any Federalism principle, and that is the principles we ought to be applying in this context.

Mr. Chairman, I would discourage my colleagues from turning that whole system upside down, as my colleagues who say they believe in States' rights would have us do.

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

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

Mr. Chairman, I think it is unfortunate that today in this debate we are hearing attacks on the motivation of those who are supporting this legislation. This legislation has been introduced because there is a real problem in the administration of justice, a problem that affects property owners, small and large, throughout this country, property owners whose property is taken by an action of government, and property owners who are denied meaningful access to the Federal Court. We are trying to correct that.

Now, my good friend, the gentleman from New York (Mr. BOEHLERT), went through a list of cases that were not litigated in Federal Court but were litigated in State court where the plaintiffs lost. It sounds like to me that those plaintiffs should have lost. And I would submit to the gentleman that they would have lost in Federal Court as well. So I do not know what that list of cases proves.

The Federal courts, in my experience, know how to dismiss cases. They know how to get rid of cases on summary judgment. They also know how, in certain circumstances, to award prevailing party attorneys' fees against the party who brings a frivolous claim. And that happens to developers and others who sue local governments when they do not have a basis for their claim. Those attorneys' fees are available and some courts will award them. So I think the Members need to keep that reality in mind.

And let us just step back from this and look at the fact that the truth is that, under the rules as they now exist, property rights claims are subjected to second-class treatment. That is the truth. We need to change it.

Mr. POMEROY. Mr. Chairman, I join the National Association of Counties, the U.S. Conference of Mayors, the Council of State

Governments, and the National Association of Towns and Townships, and the National Conference of State Legislatures in opposing H.R. 2372. This legislation severely undercuts local decision making authority regarding land use matters and would burden small towns and cities across America with the huge burdens of higher legal fees to protect themselves from lawsuits in federal court.

H.R. 2372 supersedes local authority by removing to federal court local disputes concerning land use regulation. Under our federal system of government, land use matters have historically been the responsibility of State and local governments. Local communities, through locally-elected officials, work diligently to develop land use plans to best serve the needs of their citizens.

As a Representative of one of the most rural districts in the House—the entire state of North Dakota—I am also concerned about the financial impact of smaller cities and towns financially. Diane Shea, Associate Legislative Director of the National Association of Counties, in testimony before the House Judiciary Committee, discussed how the impact of this legislation would be especially severe on smaller cities and towns in the United States. Ms. Shea testified that 97 percent of the cities and towns in America have population under 10,000, and 52 percent have population less than 1,000. Similarly, out of 3,066 counties, 24 percent have population less than 10,000. She stated, ''Virtually without exception, counties, cities, and towns with populations under 10,000 have no full time legal staff. These small communities are forced to hire outside legal counsel each time they are sued, imposing large and unexpected burdens on small governmental budgets.''

Proponents of H.R. 2372 believe this legislation is only ''procedural'' and will better allow landowners to deal with State and local governments when citizens' private property are subject to a regulatory taking. In my opinion, there are better ways to protect citizens private property rather than undermining the principal of local control over land use matters and placing massive legal costs on over-burdened local governments.

I urge my colleagues to follow the advice of Judge Frank Easterbrook of the 7th Circuit Court of Appeals who wrote in a 1994 opinion, ''Federal courts are not boards of zoning appeals'' and oppose H.R. 2372.

Mr. CALVERT. Mr. Chairman, I rise today in support of H.R. 2372, the Private Property Rights Implementation Act. As a Member representing California, as well as a member of the Western Caucus, I am acutely aware of the need for legislation to protect private property owners.

H.R. 2372 addresses unequal and unfair treatment of property right claims. It simply allows property owners, injured by Government action and excessive regulation, equitable and simplified access to the federal courts. Currently, 83 percent of Federal property claims are thrown out of the court before their merits can be debated. With a statistic like that, no one can argue that the current process is fair.

It also levels the playing field for small and middle class property owners. Unfairly, private citizens find their pocket books disportionately strained by the cost of defending their fifth amendment property rights.

No matter what reason the Government has for restricting private property use, and there are some legitimate reasons, there is no excuse for denying landowners their day in court.

Mr. Chairman, I urge my colleagues to oppose all amendments which threaten to gut H.R. 2372, especially Mr. BOEHLERT's amendment. This amendment would eliminate the bill's provision which allows landowners to take their appeals to federal court.

This is not an issue about taking power away from the States and localities, it is about the rights of property owners to have their claims considered fairly and in a timely manner.

Mr. Chairman, I urge my colleagues to support H.R. 2372. To support the Fifth Amendment right of all American citizens.

Mr. SMITH of Texas. Mr. Chairman, I rise in support of H.R. 2372, the Private Property Rights Implementation Act. This legislation secures a basic right of all Americans: protection against government confiscation of homes, farms, and businesses.

One of our most basic rights is contained in the Constitution's Fifth Amendment. It is the right of all citizens to acquire, possess, and dispose of private property.

That constitutional right is now threatened by regulations imposed by government officials. The Government is able to confiscate the property of workers, farmers, and families without providing fair compensation.

H.R. 2372 will change that.

Mr. Chairman, I urge my colleagues to support this bill.

Mr. HYDE. Mr. Chairman, property rights are human rights just like any other civil right, and citizens whose federal property rights have been violated should have the same meaningful access to federal courts as those who suffer violations of other constitutional rights. The 14th Amendment provides that no person shall be deprived of life, liberty and property. Those are the big three. Property rights are not somehow inferior to other rights.

In *Lynch* v. *Household Finance Corporation*, 405 U.S. 538, 552 (1972), a woman's savings account was garnished under state law for alleged nonpayment of a loan, and she received no notice and no chance to be heard. She sued in federal court, but the court dismissed her suit, ruling that only personal rights merited a judicial hearing, not property rights. The Supreme Court disagreed. In an opinion joined by Justices Brennan and Marshall, the Supreme Court held that her due process rights were violated, and that ''the dichotomy between personal liberties and property rights is a false one. Property does not have rights. People have rights. The right to enjoy property without unlawful deprivation, no less than the right to speak or the right to travel, is in truth a 'personal' right * * * In fact, a fundamental interdependence exists between the personal right to liberty and the personal right in property. Neither could have meaning without the other.'' *Id.* at 552.

I urge members to vote in favor of H.R. 2372.

Mr. UDALL of Colorado. Mr. Chairman, Colorado is one of the fastest-growing States in the union, and we have our share of contentious land-use disputes—in fact, sometimes it seems like we may have more than our share.

I believe that the Federal Government has a role in helping our communities to respond to the problems that come with that rapid growth. But I don't think the help that's needed is greater involvement of the Federal courts in more and more local land-use decisions.

So, I cannot support this bill.

I do not think the bill is needed. The vast majority of land-use disputes, including claims that local regulations or decisions amount to a ''taking'' of property, are resolved at the local or State level without significant delay. There is no need to short-circuit the decisionmaking process under local and State law. There is no need to bypass our State courts.

I also don't think the bill is sound policy. I am very concerned that it would severely tilt the field in favor of one interest, developers, and make it even harder for our communities to meet the challenges of growth and sprawl. It would saddle taxpayers of our towns, cities, and counties with the costs of expensive Federal litigation.

It's also not good for our Federal courts. According to the Judicial Conference of the United States—the body that speaks for our Federal judges—it ''may adversely affect the administration of justice'' and ''contribute to existing backlogs in some judicial districts.'' That could be a serious problem in Colorado and other States where there are or will be judicial vacancies.

Finally, as a nonlawyer who takes very seriously the oath we all have taken to support the Constitution, I have listened carefully to the views of the many lawyers—including distinguished member of the Judiciary Committee—who have concluded that the bill is likely unconstitutional. Even if I thought the bill was otherwise desirable, that would make me hesitate. But, as I've said, the bill has other serious shortcomings—and the constitutional issues that have been raised mean that enacting this bill would inevitably lead to even more protracted and expensive litigation that would go all the way to the Supreme Court. However the Court might finally rule, that additional litigation is not something that I think is necessary or that Congress should encourage. So, again, I cannot vote for this bill.

I am submitting a letter from the mayor of the city of Boulder, CO, in opposition to H.R. 2372.

CITY OF BOULDER,
CITY COUNCIL OFFICE,
Boulder, CO, September 7, 1999.

Re Opposition to takings legislation (H.R. 2372).

Hon. MARK UDALL,
House of Representatives, Cannon House Office Building, Washington, DC.

DEAR CONGRESSMAN UDALL: I am writing on behalf of the City of Boulder to strongly urge your opposition of a federal ''takings'' bill that is aimed at local governments. Rep. Charles Canady (R–FL) recently re-introduced this bill as H.R. 2372, the Private Property Rights Implementation Act of 1999. H.R. 2372 is virtually identical to takings legislation considered during the last Congress (H.R. 1534), which was sponsored by Rep. Elton Gallegly (R–CA).

Specifically, H.R. 2372 would allow developers to circumvent local zoning appeals mechanisms, bypass state courts, and sue towns, cities and counties for alleged takings directly in federal court. The bill's approach contradicts Supreme Court rulings that federal courts cannot decide if a local government has taken property without just compensation until claimants explore allowable alternative uses of the property and until they ask for and are denied just compensation in state court.

The Supreme Court's May 24, 1999, *City of Monterey* v. *Del Monte Dunes* decision makes

it clear that H.R. 2372's attempt to allow takings claims against localities to bypass state courts is unconstitutional. The Court held that because the Fifth Amendment only bars takings without just compensation, there is ''no constitutional injury'' where state court compensation remedies are available. As the Court noted, these state court remedies are now available in every state. Thus, the nature of the constitutional right requires that a property owner utilize state judicial or other procedures for obtaining compensation before suing a locality in federal court.

Unfortunately, many Members of the last Congress co-sponsored the virtually identical H.R. 1534 without a full appreciation of either what it would do or the overwhelming opposition it would face from state and local governments, the courts and others. This was made obvious when 9 Republican and 4 Democratic co-sponsors voted against their own bill when the House approved H.R. 1534 on October 22, 1997. A 52–42 Senate cloture vote failed to receive the 60 votes necessary to end a bipartisan filibuster against consideration of the Senate companion bill, S. 2771.

In a July 10, 1998 letter to all Senators, the National Governors Association, National Association of Counties, National Conference of State Legislatures, U.S. Conference of Mayors and National League of Cities opposed S. 2271 because it would give ''large-scale developers . . . a 'club' to intimidate local officials who are charged with acting in the best interests of the community as a whole.'' Threats of premature, expensive federal court lawsuits would pressure local officials to approve projects that would harm the property, health, safety and environment of neighbors.

In the last Congress, this bill was strongly opposed by virtually every membership organization representing state and local government, including the International Municipal Lawyers Association, and National Association of Towns and Townships, as well as 41 State Attorneys General. Opposition included both the Conference of Chief Justices on behalf of the state courts, and the Judicial Conference of the United States, chaired by Chief Justice Rehnquist, on behalf of the federal courts. I would have faced a Presidential veto if passed in Congress. In addition, the legislation was opposed by a broad array of environmental groups, including the National Wildlife Federation, League of Conservation Voters, Alliance for Justice, Sierra Club, Center for Marine Conservation, Environmental Defense Fund, National Audubon Society, National Trust for Historic Preservation, Scenic America, Natural Resources Defense Council, and Wilderness Society.

H.R. 2372 literally would convert local zoning and other land use disputes into federal cases. The result would undermine basic protections for private property, health, safety and the environment. Congress has repeatedly rejected bills that would radically alter the constitutional standards or judicial procedures for determining when a government action results in a taking of private property that requires payment of just compensation. In order to protect everyone's private property and the environment, I urge you to oppose this and other takings bills.

The City of Boulder's experience with takings legislation designed to oust the planning board of its ability to conduct Boulder's major site review process on a 500-home development is ample demonstration of the folly of this bill. As it was, the case was dismissed, and the dismissal was affirmed by the Tenth Circuit. Under this bill, Boulder would have faced a takings case in the federal courts, before the Planning Board could even act on the development application.

Thank you for your consideration. If you have any questions, please have your staff contact Joseph de Raismes, City Attorney, at (303) 441–3020.

Sincerely,

WILLIAM R. TOOR,
Mayor.

The CHAIRMAN. All time for general debate has expired.

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

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

H.R. 2372

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 ''Private Property Rights Implementation Act of 2000''.

SEC. 2. JURISDICTION IN CIVIL RIGHTS CASES.

Section 1343 of title 28, United States Code, is amended by adding at the end the following:

''(c) Whenever a district court exercises jurisdiction under subsection (a) in an action in which the operative facts concern the uses of real property, it shall not abstain from exercising or relinquish its jurisdiction to a State court in an action in which no claim of a violation of a State law, right, or privilege is alleged, if a parallel proceeding in State court arising out of the same operative facts as the district court proceeding is not pending.

''(d) If the district court has jurisdiction over an action under subsection (a) in which the operative facts concern the uses of real property and which cannot be decided without resolution of an unsettled question of State law, the district court may certify the question of State law to the highest appellate court of that State. After the State appellate court resolves the question certified to it, the district court shall proceed with resolving the merits. The district court shall not certify a question of State law under this subsection unless the question of State law—

''(1) will significantly affect the merits of the injured party's Federal claim; and

''(2) is patently unclear.

''(e)(1) Any claim or action brought under section 1979 of the Revised Statutes of the United States (42 U.S.C. 1983) to redress the deprivation of a property right or privilege secured by the Constitution shall be ripe for adjudication by the district courts upon a final decision rendered by any person acting under color of any statute, ordinance, regulation, custom, or usage, of any State or territory of the United States, that causes actual and concrete injury to the party seeking redress.

''(2)(A) For purposes of this subsection, a final decision exists if—

''(i) any person acting under color of any statute, ordinance, regulation, custom, or usage, of any State or territory of the United States, makes a definitive decision, as described in clauses (ii) and (iii), regarding the extent of permissible uses on the property that has been allegedly infringed or taken;

''(ii)(I) one meaningful application, as defined by applicable law, to use the property has been submitted but has been disapproved without a written explanation as described in subclause (II), and the party seeking redress has applied for one appeal and one waiver which has been disapproved, in a case in which the applicable statute, ordinance, custom, or usage provides a mechanism for appeal to or waiver by an administrative agency; or

''(II) one meaningful application, as defined by applicable law, to use the property has been submitted but has been disapproved, and the disapproval explains in writing the use, density, or intensity of development of the property that would be approved, with any conditions therefor, and the party seeking redress has resubmitted another meaningful application taking into account the terms of the disapproval, except that—

''(aa) if no such reapplication is submitted, then a final decision shall not have been reached for purposes of this subsection, except as provided in subparagraph (B); and

''(bb) if the reapplication is disapproved, or if the reapplication is not required under subparagraph (B), then a final decision exists for purposes of this subsection if the party seeking redress has applied for one appeal and one waiver with respect to the disapproval, which has been disapproved, in a case in which the applicable statute, ordinance, custom, or usage provides a mechanism of appeal to or waiver by an administrative agency; and

''(iii) if the applicable statute or ordinance provides for review of the case by elected officials, the party seeking redress has applied for but is denied such review, or is allowed such review and the meaningful application is disapproved.

''(B) The party seeking redress shall not be required to apply for an appeal or waiver described in subparagraph (A) if no such appeal or waiver is available, if it cannot provide the relief requested, or if the application or reapplication would be futile.

''(3) For purposes of clauses (ii) and (iii) of paragraph (2), the failure to act within a reasonable time on any application, reapplication, appeal, waiver, or review of the case shall constitute a disapproval.

''(4) For purposes of this subsection, a case is ripe for adjudication even if the party seeking redress does not exhaust judicial remedies provided by any State or territory of the United States.

''(f) Nothing in subsection (c), (d), or (e) alters the substantive law of takings of property, including the burden of proof borne by the plaintiff.''.

SEC. 3. UNITED STATES AS DEFENDANT.

Section 1346 of title 28, United States Code, is amended by adding at the end the following:

''(h)(1) Any claim brought under subsection (a) that is founded upon a property right or privilege secured by the Constitution, but was allegedly infringed or taken by the United States, shall be ripe for adjudication upon a final decision rendered by the United States, that causes actual and concrete injury to the party seeking redress.

''(2) For purposes of this subsection, a final decision exists if—

''(A) the United States makes a definitive decision, as defined in subparagraph (B), regarding the extent of permissible uses on the property that has been allegedly infringed or taken; and

''(B) one meaningful application, as defined by applicable law, to use the property has been submitted but has been disapproved, and the party seeking redress has applied for one appeal or waiver which has been disapproved, in a case in which the applicable law of the United States provides a mechanism for appeal to or waiver by an administrative agency.

The party seeking redress shall not be required to apply for an appeal or waiver described in subparagraph (B) if no such appeal or waiver is available, if it cannot provide the relief requested, or if application or reapplication to use the property would be futile.

''(3) For purposes of paragraph (2), the United States' failure to act within a reasonable time on any application, appeal, or waiver shall constitute a disapproval.

''(4) Nothing in this subsection alters the substantive law of takings of property, including the burden of proof borne by the plaintiff.''.

SEC. 4. JURISDICTION OF COURT OF FEDERAL CLAIMS.

Section 1491(a) of title 28, United States Code, is amended by adding at the end the following:

''(3) Any claim brought under this subsection founded upon a property right or privilege secured by the Constitution, but allegedly infringed or taken by the United States, shall be ripe for adjudication upon a final decision rendered by the United States, that causes actual and concrete injury to the party seeking redress. For purposes of this paragraph, a final decision exists if—

''(A) the United States makes a definitive decision, as described in subparagraph (B), regarding the extent of permissible uses on the property that has been allegedly infringed or taken; and

''(B) one meaningful application, as defined by applicable law, to use the property has been submitted but has been disapproved, and the party seeking redress has applied for one appeal or waiver which has been disapproved, in a case in which the applicable law of the United States provides a mechanism for appeal or waiver.

The party seeking redress shall not be required to apply for an appeal or waiver described in subparagraph (B) if no such appeal or waiver is available, if it cannot provide the relief requested, or if application or reapplication to use the property would be futile. For purposes of subparagraph (B), the United States' failure to act within a reasonable time on any application, appeal, or waiver shall constitute a disapproval. Nothing in this paragraph alters the substantive law of takings of property, including the burden of proof borne by the plaintiff.''.

SEC. 5. DUTY OF NOTICE TO OWNERS.

Whenever a Federal agency takes an agency action limiting the use of private property that may be affected by the amendments made by this Act, the agency shall give notice to the owners of that property explaining their rights under such amendments and the procedures for obtaining any compensation that may be due to them under such amendments.

SEC. 6. EFFECTIVE DATE.

The amendments made by this Act shall apply to actions commenced on or after the date of the enactment of this Act.

The CHAIRMAN. No amendment to that amendment is in order except those printed in House Report 106–525. Each amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not subject to a demand for division of the question.

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

It is now in order to consider amendment no. 1 printed in House Report 106–525.

AMENDMENT NO. 1 OFFERED BY MR. WATT OF NORTH CAROLINA

Mr. WATT of North Carolina. Mr. Chairman, I offer an amendment that has been made in order under the rule.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. WATT of North Carolina:

Page 3, beginning on line 8, strike ''in an action in which the operative facts concern the uses of real property''.

Page 3, beginning on line 16, strike ''in which the operative facts concern the uses of real property and''.

Page 4, line 4, strike ''property''.

Page 4, beginning on line 16, strike '', regarding the extent of permissible uses on the property that has been allegedly infringed or taken''.

Page 4, line 20, strike ''to use the property''.

Page 5, line 4, strike ''to use the property''.

Page 5, beginning on line 6, strike ''use, density, or intensity or development of the property that would be approved, with any conditions therefor,'' and insert instead ''reasons for such disapproval''.

Page 6, line 19, strike ''the''.

Page 6, line 20, strike ''of takings of property''.

Page 7, beginning on line 1, strike ''that'' and all that follows through ''States,'' on line 4.

Page 7, beginning on line 10, strike '', regarding the extent of permissible uses on the property that has been allegedly infringed or taken''.

Page 7, line 14, strike ''to use the property''.

Page 7, line 16, strike ''or waiver''.

Page 8, line 4, strike ''the''.

Page 8, line 5, strike ''of takings of property''.

Page 8, beginning on line 10, strike ''founded'' and all that follows through ''States,'' on page 8, line 12.

Page 8, beginning on line 18, strike '', regarding the extent of permissible uses on the property that has been allegedly infringed or taken''.

Page 8, line 22, strike ''to use the property''.

Page 8, line 24, strike ''or waiver''.

Page 9, line 15, strike ''limiting the use of private property''.

Page 9, line 17, strike ''owners of that property'' and insert instead ''party affected by such action''.

The CHAIRMAN. Pursuant to House Resolution 441, the gentleman from North Carolina (Mr. WATT) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from North Carolina (Mr. WATT).

Mr. WATT of North Carolina. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to make full disclosure straight up front. I have been very up front about the fact that I believe the underlying bill is a bad idea. But if the underlying bill is a good idea, and if we are going to adopt the underlying bill, the same rules that apply to real property cases should apply to other constitutional cases.

I am holding in my hand the statutory provision under which an individual gets into Federal Court: 28 USC, section 1343. It is one page. It is one page. It enables people who have Federal constitutional rights, whether they are property rights, whether they are privacy rights, whether they are first amendment rights, if they have a Federal constitutional right, this is the statute that allows them to get into Federal Court. And property rights are under the same statute that every other civil right is under.

I am holding in this hand the bill. One, two, three, four, five, six, seven, eight, nine pages of special privileges that would be applied only to real-property cases. One page for civil-rights cases, nine pages for real-property cases that are already covered by the one page. There is no reason to do this. And if we do it, the effect is to relegate all other civil-rights cases to a second-class status.

Now, if the gentleman from Florida (Mr. CANADY) is correct in what he said, and I am quoting the same case that he quoted, it is Lynch vs. Household Finance, that says: ''The dichotomy between personal liberties and property rights is a false one. Property does not have rights, people have rights. The right to enjoy property without unlawful deprivation, no less than the right to speak out or the right to travel, is, in truth, a personal right.'' And if we are going to do this for property rights cases, then, my colleagues, we ought to give nine pages to every other personal right that we have under the Constitution.

Now, I do not think this is a good idea, and I am going to vote against this bill even if this amendment passes. I am going to be honest with my colleagues. I think this is a bad idea because we are invading the States rights, we are invading the province of local governments. And local government and State government has a lot better ability to do this stuff than we do at the Federal level. That is exactly what my Republican colleagues have been preaching to us for the last 6 years.

But if we are going to do it, if we are going to elevate real-property rights to some special status, I beg of my colleagues to put all other civil rights on the same basis. And that is all this amendment would do.

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

The CHAIRMAN. The gentleman from Florida (Mr. CANADY) is recognized for 10 minutes in opposition to the amendment.

□ 1515

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

Mr. Chairman, the gentleman from North Carolina (Mr. WATT) seems to be concerned about the length of this bill.

The truth of the matter is that the length of this bill is because we are imposing additional requirements on property owners that they must meet over and above the requirements that other civil rights claimants would have to meet under the general rule. That is why this bill is as long as it is because we have these provisions in here that require exhaustion of the various steps at the local level.

Mr. Chairman, if we wanted to bring property rights up to absolute parity with other civil rights claims, we could have a very short bill. That bill would simply say that a person with a

takings claim need not exhaust State, administrative, or judicial remedies, period. That would bring them up to absolute parity.

We have not gone that far. That is why I have suggested, I think quite accurately, that this is a very balanced approach which shows substantial deference to the local procedures, indeed more deference than is shown in any other context.

Now, the gentleman from North Carolina (Mr. WATT) seems to ignore the cases that I have cited over and over again which state the rule that is applied across the board in civil rights cases brought under section 1983 that State, administrative, and judicial remedies need not be exhausted. That is the law. That is well established. That is well understood.

I have quoted the cases, and let me quote them again. I will just quote the Monroe case from 1961 where the court said ''the Federal remedy section 1983 is supplementary to the State remedy and the latter need not be first sought and refused before the Federal one is invoked.''

Now, that is the way the law is except when we come to claims involving takings of private property. All we are saying is we want to do something to eliminate some of that inequity. The truth is we have not eliminated inequity entirely because of the procedures that we did require at the local level. And I think that is appropriate.

Ironically, and I do not think this is what the gentleman intends with his amendment, but I believe that the amendment of the gentleman from North Carolina (Mr. WATT) could very well be construed to impose a requirement to exhaust certain administrative remedies on other civil rights claims when those requirements are not imposed under law currently.

Now, I do not think that is what the gentleman wants to do. I would be quite surprised if he wants to require the exhaustion of administrative remedies. I would be surprised if the gentleman wants to require the exhaustion of administrative remedies for all those other civil rights claims that are brought under section 1983. But I think, if I understand his amendment correctly, that would be the consequence of it.

I think the Members need to focus on the fact that this bill is designed to deal with the particular well-documented problem. We have heard the examples. We have heard the statistics. The amendment would expand the reach of the bill to areas where there is no problem.

The gentleman has not been able to show why we should expand the bill to cover these other areas that he purports to be concerned about. The truth is there is no reason to expand the bill and, in expanding the bill, simply bringing down the protections that are available for other civil rights.

Now, there may be an argument in favor of doing that. I do not think that is what the gentleman wants to do, but that would be the consequence. So I very well understand why, if the amendment of the gentleman was adopted, why he still would vote against the bill.

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

Mr. WATT of North Carolina. Mr. Chairman, would the Chair please advise us how much time remains.

The CHAIRMAN. Both sides have 6 minutes remaining.

Mr. WATT of North Carolina. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, first of all, I think all my colleagues should understand what we are talking about here. The gentleman from Florida (Mr. CANADY) says that this bill would impose certain limitations on other civil rights claims.

Fine. If it is good enough for the goose, it is good enough for the gander.

This whole thing of putting a property right here and a privacy right here, or the fifth amendment says that a State shall not deprive a person of life, liberty, or property. They are all in the same line. If we are going to treat one of them one way, then we ought to treat all of them the same way.

Now, there has been no willingness to do that on the part of the gentleman from Florida (Mr. CANADY) or on the part of my colleagues, many of them on the other side. They voted for something called the Prison Litigation Reform Act of 1995.

Let me read to my colleagues what the specific language says. And this bill passed. This is about deprivation of personal liberty. Remember, the fifth amendment says ''life, liberty or property.'' But this is the limitation that my colleagues put on dealing with liberty.

It says, ''no actions shall be brought with respect to prison conditions under section 1983 of this title,'' the same statutory provision that this bill amends, ''or under any other Federal law by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are fully exhausted.''

Now, that would not be so bad if we were just talking about prison conditions. But we are not talking about somebody getting out of jail. We are talking about things like the free exercise of religion and unusual physical violence by corrections officers or other inmates in these prison facilities, or access to legal resources or access to medical care.

My colleagues would have a prisoner who was being starved to death and deprived of medical care exhaust every State and local administrative remedy even though they have got a constitutional claim. But if one of their friends gets deprived of some real property, then they want to set up a whole new system. That is what this is about.

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

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

Mr. Chairman, the gentleman from North Carolina (Mr. WATT) has raised the Prison Litigation Reform Act, and I think that it is appropriate that he do that.

The truth is that what we are doing in this bill is similar to what was done in the Prison Litigation Reform Act, because there we do require inmates to go through administrative procedures. There are very safeguards to make certain that those procedures are adequate to protect the inmates. But in this bill we are also requiring that the property owner go through administrative procedures.

As I have detailed more than once today, after the initial denial, the property owner has to pursue an appeal to the planning commission. After that they have got to go to the zoning board for a variance. They have got to then appeal to the local board of elected officials. In some circumstances they will have to file an application again. They will have to file an application a second time and go through the process. So we are requiring substantial effort in the local process by the landowner.

So I think that, in some ways, what we are doing here is quite comparable with what was done in the Prison Litigation Reform Act where there was a serious pattern of abuse and frivolous lawsuits which moved the Congress to pass that on a bipartisan basis and move President Clinton to sign it into law. So that had significant bipartisan support.

What we are trying to do here today I think is also addressing a serious problem in the failure to give access to the Federal courts to individuals who are entitled to have access to the Federal courts to vindicate their constitutional rights.

My colleagues will notice that in the Prison Litigation Reform Act there is no requirement that State judicial remedies be exhausted. That is not in there. I do not think it should be in there.

What this bill is about at its core is helping ensure that State judicial remedies not be required to be exhausted before a property right litigant can get into Federal court.

So I appreciate the gentleman from North Carolina (Mr. WATT) bringing that bill up. And I just point out again, however, that the general rule when it comes to civil rights claims is that they need not exhaust either their judicial or their administrative remedies.

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

Mr. WATT of North Carolina. Mr. Chairman, what is the time configuration, please?

The CHAIRMAN. Both sides now have 3 minutes remaining.

Mr. WATT of North Carolina. Mr. Chairman, I yield 1 minute to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Chairman, I would like to ask the gentleman from

Florida (Mr. CANADY) how long it takes to just simply file the permit that he is talking about, these steps that have to be taken? How hard is that in terms of just filing an appeal or a permit? How much time is involved with that? How hard is it?

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

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

Mr. CANADY of Florida. Mr. Chairman, what is required is that there be a meaningful application and that these steps be gone through as they are permitted under the local process.

Mr. BLUMENAUER. Mr. Chairman, reclaiming my time, in a typical jurisdiction in his community, how much does it take to file a meaningful application?

Mr. CANADY of Florida. Mr. Chairman, if the gentleman will continue to yield, it will vary from jurisdiction to jurisdiction and case to case depending upon the size of the development, the complexities of the issues involved. I think that it is important to understand that there are variations.

Mr. BLUMENAUER. Mr. Chairman, the gentleman from Florida (Mr. CANADY) could not answer the question. Just simply filing a meaningful appeal does not require in most cases huge amounts of time, huge amounts of money. It is simply an administrative action and does not require going through having any sort of ripening process at all. It is simply pushing paper.

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

Mr. Chairman, the point is the local government has to act on it. It is not ripe for adjudication until a decision is made or until they just sit on it for an unreasonable period of time. That is the way the bill is structured.

It is clear in the bill there has got to be a decision whether there has got to be unreasonable delay where they are just putting the application or the appeal aside and not considering it.

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

Mr. WATT of North Carolina. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am not going to belabor this. I mean, it is quite obvious, if we read the United States Constitution, the fifth amendment says that the Government shall not deprive a person of life, liberty or property without due process of law. They are all on the same basis.

The statute that we operate under now puts them on the same basis. What this bill is all about is putting property rights and property disputes on a different basis than other constitutional rights.

Now, whether we like criminal defendants or not, they should not have a second-class status procedurally. Whether we like people who have been deprived of or about to be deprived of their life or liberty or have been deprived of their life or liberty should not be the determining factor of what process we use. And that is really what this is all about.

The proponents of this bill would like to selectively take some rights and elevate them above all other constitutional rights and give them a special privilege. And it should not go unnoticed to my colleagues that the rights that they want to elevate are the ones not having to do with personal liberties but those having to do with property.

This bill is about supporting the propertied interest in our country. And I do not have any problem with that. Believe me, I have nothing against people who have property. But their interests should not be elevated above the rights of other constitutional rights.

Mr. Chairman, I yield the balance of the time to the gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. Mr. Chairman, as I previously stated, I think this legislation is ill-advised because it assumes that the Federal judiciary knows better than State and local officials and judges when it comes to issues of local land use. I disagree.

Nevertheless, if we are going to give property owners the ability to ''jump the line'' into Federal court, it seems only fair that we should extend this same right to other section 1983 plaintiffs.

As a result, the Watt-Conyers amendment would allow all section 1983 plaintiffs bringing actions for constitutional violations to utilize the bill's provisions concerning ripeness and abstention—not just big corporations bringing actions.

As currently drafted, H.R. 2372 permits developers and polluters with taking claims against the government under section 1983 to avoid most State legal procedures, but ordinary citizens whose civil rights have been violated would be placed in a relative position of inferiority.

This turns the very purpose of section 1983 actions completely on its head. Section 1983 was adopted as part of the Civil Rights Act of 1871 in the wake of the Reconstruction amendments to the Constitution. Known as the ''Ku Klux Klan Act,'' it was specifically designed to halt a wave of lynchings of African-Americans that had occurred under guise of state and local law.

The bill elevates real property rights over the very civil rights section 1983 was enacted to protect—civil rights such as the right to counsel, protected under the sixth amendment, the right to be free of ''cruel and unusual punishment'' under the eighth amendment, and the right to exercise one's parental rights. In cases involving these constitutional rights—and many others—Federal courts have abstained from deciding the constitutional claims brought under section 1983 and have sent these cases back to State court for adjudication.

To those Members who say this does not occur, I would like to quote the nonpartisan Congressional Research Service which stated that ''[a]bstention is indeed invoked by federal courts to dismiss or stay non-real-property-related section 1983 claims.'' CRS then goes on to cite a number of cases to support that point. Why will the majority refuse to acknowledge that Federal courts invoke the abstention doctrine against all section 1983 claims—not just those that involve takings of property?

The Watt-Conyers amendment would create an equal playing field for all claims brought under section 1983 and grant all of these plaintiffs expedited access to the Federal courts.

I urge the House to support this commonsense amendment.

□ 1530

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

Mr. Chairman, I want to encourage the Members of the House to reject the amendment that is offered by my colleague on the Committee on the Judiciary, the gentleman from North Carolina (Mr. WATT).

The amendment seeks to expand the scope of this bill in a way that is totally unjustified. The gentleman keeps reasserting that we are trying to elevate property rights above other rights, but that is just not so. That is just not so. This is one of those debates where there is a disconnect from reality.

I know the gentleman makes all his arguments in good faith but I just have to say that this is not accurate to claim that the bill would have that impact.

We are simply trying to treat property rights a little more fairly than they are treated under the current system, where the Federal courthouse door is shut and property owners are denied an opportunity to get into Federal court to vindicate their Federal constitutional rights when their property has been taken.

Remember, we are talking about extreme cases where there is a taking, because the local government makes a decision that deprives the landowner of any economically beneficial use of the property. That is the small category of cases that we are talking about.

In those cases, I submit that people should be able to get into Federal court to vindicate their Federal constitutional rights. I do not see why that is controversial. The gentleman's amendment would have the impact, which I know he does not intend, of bringing other rights down from the status they now enjoy and requiring that there be some exhaustion of administrative remedies in cases where there is no requirement of exhaustion of administrative remedies, under the cases that I have cited time and time again.

So I encourage the Members of the House to reject this unnecessary, unproductive, harmful amendment and move forward with focusing on the work that needs to be done through this legislation, which is ensuring that all Americans who have suffered the deprivation of a right through the taking of their property have meaningful access to the Federal courts.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina (Mr. WATT).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. WATT of North Carolina. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 170, noes 251, not voting 13, as follows:

[Roll No. 52]

AYES—170

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Becerra
Berkley
Berman
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boucher
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Carson
Clay
Clayton
Clement
Clyburn
Conyers
Costello
Coyne
Crowley
Cummings
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Forbes
Ford
Frank (MA)
Frost
Gephardt
Gonzalez
Green (TX)
Gutierrez
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hoeffel
Holden
Holt
Hooley
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Lampson
Lantos
Larson
Lee
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Moakley
Moore
Moran (VA)
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pastor
Payne
Pelosi
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Sherman
Shows
Sisisky
Slaughter
Smith (WA)
Snyder
Spratt
Stabenow
Stupak
Tauscher
Thompson (MS)
Thurman
Tierney
Towns
Traficant
Udall (CO)
Udall (NM)
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Wise
Woolsey
Wynn

NOES—251

Aderholt
Archer
Armey
Baca
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berry
Bilbray
Bilirakis
Bliley
Boehlert
Boehner
Bonilla
Bono
Boswell
Boyd
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Cardin
Castle
Chabot
Chambliss
Chenoweth-Hage
Coble
Coburn
Collins
Combest
Condit
Cooksey
Cox
Cramer
Cubin
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fletcher
Foley
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gejdenson
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Isakson
Istook
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kelly
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
Martinez
Mascara
McCrery
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Minge
Mollohan
Moran (KS)
Morella
Murtha
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Oxley
Packard
Pascrell
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
Shays
Sherwood
Shimkus
Shuster
Simpson
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stenholm
Strickland
Stump
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Thune
Tiahrt
Toomey
Turner
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Wicker
Wilson
Wolf
Wu
Young (AK)
Young (FL)

NOT VOTING—13

Biggert
Blunt
Cook
Crane
Hinojosa
Hyde
Klink
McCollum
McKinney
Myrick
Rush
Stark
Whitfield

□ 1455

Messrs. BARRETT of Nebraska, BERRY, REGULA, and SHUSTER changed their vote from ''aye'' to ''no.''

Messrs. HOEFFEL, ROEMER, RODRIGUEZ, SHOWS, and FORBES changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. It is now in order to consider amendment No. 2 printed in House Report 106–525.

AMENDMENT NO. 2 OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. TRAFICANT:

In section 5, after ''the agency shall'' insert '', not later than 14 days after the agency takes that action,''.

The CHAIRMAN. Pursuant to House Resolution 441, the gentleman from Ohio (Mr. TRAFICANT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Ohio (Mr. TRAFICANT).

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

Mr. Chairman, I want to first start out by commenting on the fine job that you are doing on this bill.

When this bill first came forward, I offered an amendment several years ago that the little guys do not have attorneys and accountants, and there may be an action that causes them to lose value in their property, but they would not even know about it. So the original Traficant amendment said, the government had to notify them when they have taken an action which may cause a devaluation of their property.

Having said that, this is a perfecting amendment. So the little guy, he does not have accountants and attorneys that might notify that this action taken by the government could hurt him, so the Traficant language says look, the government has to notify him. He may be hurt by this action.

□ 1600

But what this amendment does, it now sets a timetable. It says the Federal government shall notify that property owner within 14 days. It is very simple: Let that little guy know this action that was taken may hurt him, and, within 14 days, tell him about it and where he can go for information and compensation, if necessary.

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

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

Mr. CANADY of Florida. Mr. Chairman, I thank the gentleman for yielding to me.

I am pleased to rise in support of the gentleman's amendment. I thank the gentleman for taking the initiative and offering the amendment. I encourage all the Members of the House to accept it.

Mr. TRAFICANT. Mr. Chairman, I reserve the balance of my time.

Mr. WATT of North Carolina. Mr. Chairman, I claim the time in opposition to the amendment.

The CHAIRMAN. The gentleman from North Carolina (Mr. WATT) is recognized for 5 minutes in opposition to the amendment.

Mr. WATT of North Carolina. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I reluctantly have to oppose the gentleman's amendment. This bill is into micromanagement enough. We are micromanaging local governments, we are micromanaging State courts, and now we have gotten

into micromanaging the time period within which the Federal government must do things.

I have no opposition to the Federal government having to notify a property owner after an adverse decision. That requirement I would presume is in the law now. But when we start imposing time limits such as this 14-day time limit, I think we are into micromanagement.

While I will not ask for a recorded vote on this, I cannot support it and would oppose it.

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

Mr. TRAFICANT. Mr. Chairman, I yield myself the balance of the time.

Mr. Chairman, I believe that is a reasonable argument, but remember that most of the corporations, most of the people that have money, they are notified immediately. Their lawyers and accountants say, hey, this could hurt.

That little guy does not have that option. That little guy needs that helping hand. I think it should be a 14-day requirement, and if in conference it is problematic, make it 30 days. But Mr. Chairman, we have some small business loan applicants waiting until they reach social security to make the decision. I want the people in my district to get a reasonable, timely notice.

The gentleman makes a good point and I respect it. If that 14 days is confining, they have my permission to make it 30 days, but I want a reasonable period of time for my little guy to be notified.

Mr. WATT of North Carolina. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. I yield to the gentleman from North Carolina.

Mr. WATT of North Carolina. Would the gentleman entertain a friendly amendment to stretch the 14 days out to 30? That would actually be a lot more reasonable.

PARLIAMENTARY INQUIRY

Mr. TRAFICANT. Parliamentary inquiry, Mr. Chairman. Would that be valid within the rules?

The CHAIRMAN. The gentleman may ask unanimous consent to modify his amendment.

MODIFICATION TO AMENDMENT NO. 2 OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Mr. Chairman, I ask unanimous consent that my amendment be modified to, instead of a 14-day notification date, have a 30-day period.

The CHAIRMAN. The Clerk will report the amendment, as modified.

The Clerk read as follows:

Amendment No. 2, as modified, offered by Mr. TRAFICANT: In section 5, after ''the agency shall'' insert '', not later than 30 days after the agency takes that action,''.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

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

The CHAIRMAN. The question is on the amendment, as modified, offered by the gentleman from Ohio (Mr. TRAFICANT).

The amendment, as modified, was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 3 printed in House Report 106–525.

AMENDMENT NO. 3 IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. BOEHLERT

Mr. BOEHLERT. Mr. Chairman, I offer an amendment in the nature of a substitute made in order by the rule.

The CHAIRMAN. 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 No. 3 in the nature of a substitute offered by Mr. BOEHLERT:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Private Property Rights Implementation Act of 2000''.

SEC. 2. UNITED STATES AS DEFENDANT.

Section 1346 of title 28, United States Code, is amended by adding at the end the following:

''(h)(1) Any claim brought under subsection (a) that is founded upon a property right or privilege secured by the Constitution, but was allegedly infringed or taken by the United States, shall be ripe for adjudication upon a final decision rendered by the United States, that causes actual and concrete injury to the party seeking redress.

''(2) For purposes of this subsection, a final decision exists if—

''(A) the United States makes a definitive decision regarding the extent of permissible uses on the property that has been allegedly infringed or taken; and

''(B) one meaningful application, as defined by the relevant department or agency, to use the property has been submitted but denied, and the party seeking redress has applied for but is denied one appeal or waiver, where the applicable law of the United States provides a mechanism for appeal to or waiver by an administrative agency.

The party seeking redress shall not be required to apply for an appeal or waiver described in subparagraph (B) if no such appeal or waiver is available or if such an appeal or waiver would be futile.''.

SEC. 3. JURISDICTION OF COURT OF FEDERAL CLAIMS.

Section 1491(a) of title 28, United States Code, is amended by adding at the end the following:

''(3) Any claim brought under this subsection founded upon a property right or privilege secured by the Constitution, but allegedly infringed or taken by the United States, shall be ripe for adjudication upon a final decision rendered by the United States, that causes actual and concrete injury to the party seeking redress. For purposes of this paragraph, a final decision exists if—

''(A) the United States makes a definitive decision regarding the extent of permissible uses on the property that has been allegedly infringed or taken; and

''(B) one meaningful application, as defined by the relevant department or agency, to use the property has been submitted but denied, and the party seeking redress has applied for but is denied one appeal or waiver, where the applicable law of the United States provides a mechanism for appeal or waiver.

The party seeking redress shall not be required to apply for an appeal or waiver described in subparagraph (B) if no such appeal or waiver is available or if such an appeal or waiver would be futile.''.

SEC. 4. EFFECTIVE DATE.

The amendments made by this Act shall apply to actions commenced on or after the 120th day after the date of the enactment of this Act.

The CHAIRMAN. Pursuant to House Resolution 441, the gentleman from New York (Mr. BOEHLERT) and a Member opposed each will control 30 minutes.

Mr. CANADY of Florida. Mr. Chairman, I claim the time in opposition to the amendment.

The CHAIRMAN. The gentleman from Florida (Mr. CANADY) will be recognized for 30 minutes in opposition to the amendment.

Mr. BOEHLERT. Mr. Chairman, I ask unanimous consent that the gentleman from Massachusetts (Mr. DELAHUNT) be allocated 15 minutes of the total time allocated to me.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

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

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

Mr. Chairman, I am offering this amendment in the nature of a substitute with the gentleman from Massachusetts (Mr. DELAHUNT) in an effort to remove the most glaring fault, one might almost say ''sin'', in this bill: its interference in local zoning processes.

Here is what the substitute would do. It would strike Section 2 of the bill, the section that deals with local zoning matters, and it would preserve Sections 3 and 4 of the bill, which deal with land disputes involving the Federal government. It would preserve those sections in the forms in which they came to the floor in 1997. Our substitute is identical to the one I offered at that time.

I have been hearing a few different arguments against the substitute, all of which are disingenuous. Let me deal with just one of them for now.

We are told that the substitute is unnecessary because Section 2 is simply an innocent attempt to ensure that local zoning cases move forward, a small and technical change that would be employed only in rare circumstances. That is what we are told.

I am afraid that the supporters of this bill are inviting us to enter an Alice-in-Wonderland world where words can mean anything they want them to mean. The actual fact is that Section 2 would fundamentally alter the balance of power in zoning cases. The top lobbyist for the National Association of Home Builders admitted as much when he told Congress Daily that the purpose of this bill is to put a hammer to the head of State and local officials. That is exactly what the bill would do.

The supporters of the bill have tried to obscure that fact. They have tried to

sheathe the hammer, because they know the public would oppose any such pressure tactics. We know that from their own words.

For example, the National Association of Realtors signed a letter supporting H.R. 2372, but here is what they said in a separate press release that arrived in our office the very same day. The realtors said that a survey found that 95 percent, 95 percent of the public believed that ''neighbors and local governments, not States or the Federal government, should make decisions concerning growth and related issues,'' and I agree with that.

But Section 2 of H.R. 2372 goes exactly in the opposite direction. It takes the unprecedented step of dictating local zoning procedures from Washington, short-circuiting those local processes in the bargain. It removes any incentive for developers to negotiate, taking growth issues out of the control of neighbors and local governments and handing them over to Federal judges who, exercising judicial restraint, do not want them.

The supporters of H.R. 2372 claimed these new rules will save time and money, but that, once again, gives away their hand. These new rules will save localities time and money only if they capitulate to the developers. If localities choose to fight to protect their citizens, then H.R. 2372 will make zoning cases even more prolonged and costly because Federal court litigation will be more time-consuming and costly than going to State courts.

That is why the groups that understand zoning so vociferously opposed H.R. 2372. That includes the National Association of Counties, the National League of Cities, the U.S. Conference of Mayors, the National Conference of State Legislatures, and the Association of Attorneys General.

The Boehlert-Delahunt amendment would eliminate the problem these groups have with the bill because it would leave local zoning intact. In short, the argument raised against the amendment simply cannot hold up, even under the most superficial scrutiny.

I urge all who oppose this bill to vote for the Boehlert-Delahunt amendment because it strikes the most problematic portion of the bill. I also urge those who have qualms about H.R. 2372 but still might intend to vote for final passage to also support the Boehlert-Delahunt amendment, because it will allay their concerns.

The Boehlert-Delahunt amendment simply ensures that this bill will improve Federal procedures, not wreck local ones. The amendment is supported by the League of Conservation Voters and the National League of Cities, and I urge its adoption.

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

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

Mr. Chairman, I do rise in opposition to the substitute amendment offered by my friend, the gentleman from New York.

The substitute that the gentleman has offered would gut the bill. The change that the gentleman would make in the bill goes right to the heart of the bill and removes the provisions of the bill that are designed to deal with the real problem that was the motivation for introducing this bill.

He leaves in place some provisions of the bill that help clarify procedures at the Federal level, and I think those things, it is good to do that. But the real problem that the bill is trying to address has to do with abuse in the rules of the Federal court system which prevent landowners whose property has been taken at the local level from having meaningful access to the Federal courts.

The gentleman's amendment, as he has stated, would remove all the provisions that affect local land use decisions. We have to remember, the local land use decisions that would be affected by the bill are those local land use decisions that result in takings without compensation.

We have heard a lot about how this bill is going to affect every local zoning decision in the country. Members of the House, I hope Members can pierce through the rhetoric and understand that that is simply not true. There is no constitutional deprivation unless there is a taking in violation of the Constitution.

The court, the Supreme Court, has established a standard for such regulatory takings. What they have said, which is formulated I think most clearly and succinctly in the Lucas decision, which came down back in 1992, is that there is a regulatory taking when the local land use decision deprives the landowner of any economically beneficial use of his land.

So basically what we are talking about are decisions where they tell the landowner, you cannot do anything with your land that will be economically beneficial. I would suggest to the Members that is an extreme category of case.

There are some people who do not think that there should be constitutional protection against such governmental action. I think many of the people who are opposing this bill are people who simply do not agree with providing protection against that sort of extreme, overreaching land use decision. That is why they want to make it as difficult as they can for people to have a remedy for a violation of that right.

But the court has found that such a right exists. I think they are right. In those cases, all we are saying in this bill is that people should be able to have their day in Federal court. Why that is controversial or why that is something we should pause for one minute about here, I do not understand.

Make no mistake about it, if Members vote for this substitute, they are voting to destroy this bill. What is left will be a shell of what this bill was. So this is not a matter of just splitting the difference and voting for the substitute and then voting for the bill as a compromise. This would not amount to a compromise, it would amount to the destruction of the bill.

When we look at the substance of the objections to the bill that the sponsors of the substitute have raised, it seems to boil down to the claim that the bill would unfairly short-circuit the local zoning process.

I have explained why it only deals with a narrow category of cases, but consider what the bill says about the local zoning process and what the bill requires that property owners do before a case is ripe for adjudication in the Federal courts.

We do not tell a landowner, once you are rejected, you run right off to Federal court. That is what happens whenever people suffer any other kind of civil rights deprivation at the local level. Under Section 1983, they can go straight to Federal court without exhausting their State or administrative judicial remedies. But here in this bill we are saying, you are going to have to go through the administrative process. You are going to have to go through options that are available to you at the local level.

We say, you will have to appeal to the planning commission after you are denied. You have to then make an application for a waiver to the local zoning board. You have to seek review by the local elected governing board. But then at the end of that process after, you have gone through those steps, and in some cases you have to file a second application, after you have gone through all that, we are simply saying you should not have to go to State court to litigate the case there, but should be able to go to Federal court to have your Federal, and remember, it is a Federal constitutional right we are talking about here, should be able to go to Federal court to have a decision made regarding your Federal constitutional right.

□ 1615

One of the great ironies that has struck me in the course of the discussion over this issue is this, if a claim involving a taking is filed in State court, and the local government prefers for that case to be heard in Federal court, the local government has the right to have that case removed from State court to Federal court, and they do it.

That is a tactic that local governments will use to slow down the process, because once the case is going to State court, they will jump in and say let us move it to another forum. They have got the right to do that as a local government when the landowner does not have the right in the first place to go to Federal court.

Now, one would think that is so bizarre, that somebody might be making

it up. If my colleagues have questions about that, I refer them to the case that was decided by the Supreme Court in 1997, the City of Chicago v. International College of Surgeons case.

That case says exactly what I have just explained, that a local government which has been sued in State court where a claim is raised, a Federal claim is raised of a Federal taking, has the right to go to the Federal district court and have that case removed from the State court to the Federal court.

Now, explain to me how it is fair that the local government can decide that the matter is going to be litigated in Federal court when the aggrieved property owner does not have the right to go to Federal court in the first place.

I suggest to my colleagues that is an absurd rule in the law of this land. It is a rule that this Congress should change by passing this bill. We will not change it if we adopt the amendment that is offered by the gentleman from New York (Mr. BOEHLERT).

As my colleagues consider this substitute amendment, let me urge them to consider a fundamental principle, which I have stated earlier in this debate, which I will state again, I will probably repeat before the debate is over, and that is people whose Federal constitutional rights are violated should have meaningful access to the Federal courts for the vindication of their Federal constitutional rights. If the Federal courts exist for any reason, it should be to protect Federal constitutional rights. Why that is controversial remains a mystery to me, and it will always remain a mystery to me.

I tell my colleagues I think it is because the local governments, and I used to represent local governments, and I respect them, and most of them make reasonable decisions in the vast majority of cases, but, occasionally, they will step over the proper bound and will violate someone's constitutional rights.

They have got a good deal under the existing system, because they can go to Federal court. They can take a case to Federal court if it is to their advantage, and they can keep it out of Federal court if it is to their advantage.

I think we should have a level playing field. It ought to be a two-way street. There is no reason there should be that kind of asymmetry in the system.

So I suggest that this amendment that is being offered be rejected and that we move forward to the passage of the bill so that we can correct the very real problem that exists in the administration of justice in this country.

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

Mr. DELAHUNT. Mr. Chairman, I yield 3 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Chairman, I thank the gentleman from Massachusetts for yielding me this time.

Mr. Chairman, I think I have spent more time than anybody in this Chamber working with people around the country, in Florida, in Georgia, in the Northwest who are concerned about the livability of their community. That is my focus.

The notion that somehow that we are going to deal on these extreme takings cases, and that is what we need to focus on, misses the point entirely about the impact that this legislation would have.

The things that people care about in communities around the country are the impacts on small communities and a whole host of areas that are in a gray area, where it is not cut and dry.

I personally believe that, oftentimes, the decision making process is too uneven, is too political. That is why, State after State after State, is starting now to establish comprehensive land use planning processes from Tennessee, Oregon, Wisconsin. Georgia is now looking in metropolitan Atlanta because of the nightmare they have with sprawl and unplanned growth.

This legislation would undercut those efforts whenever people feel that they can have an opportunity to circumvent it. They do not have to perfect appeals.

The gentleman keeps talking about how they have to go through the process again and file applications. That is simply pushing paper. That is an application fee. It does not require an extensive effort.

If the gentleman reads the bill, he finds out there is a further exemption where, if people feel that the application or the reapplication or waiver would be futile, that they do not have to go through that process at all. That is absolutely the wrong approach to take.

The gentleman from New York (Mr. BOEHLERT), the author of this amendment, has pioneered a bipartisan effort to reach Superfund compromise. If we would have that same sort of spirit to deal with those few problems where there are legitimate issues about streamlining the process, come together, I think we could improve the process without going to the extremes of turning it around.

This turns it around. It places small and medium-sized jurisdictions at the mercy of people who will file these expensive appeals. It is going to back up the courts if they use it. It is not going to be any faster. It will, in fact, wear down. Remember the vast majority of jurisdictions in this country have fewer than a couple of thousand constituents.

I, in the past, have enjoyed working with the home builders trying to refine these efforts. They are doing a great job now I think of negotiating with the administration on Brownfield legislation.

We ought to take that approach, solve a problem rather than opening a floodgate, undercutting State and local efforts, and doing something that has no chance of being passed through this body and signed by the President, and is only going to inflame the opposition that people have to local efforts that do not support planned thoughtful growth.

Mr. BOEHLERT. Mr. Chairman, I yield 2½ minutes to the distinguished gentleman from Maryland (Mr. GILCHREST).

Mr. GILCHREST. Mr. Chairman, I thank the gentleman from New York for yielding me this time.

Mr. Chairman, I want to compliment the gentleman from Florida (Mr. CANADY) on his attempt in the legislation to hold onto one of the foundations of this country, and that is the hallmark of private property rights.

But I want to make another suggestion on another hallmark of America and our freedom, and that is respect for one's neighbor, respect for the air one's neighbor breathes, the water he drinks, the dust around his property, the noise, the traffic, the odor, et cetera, et cetera, et cetera; that what one does on one's property does not adversely affect the quality of life for one's neighbor to use his property.

Now, there was also another fundamental in our democratic process which is embedded in the Constitution; and that is, if one's property is taken away for the public good, one is to be compensated at fair market value.

But now listen to this, what else is there in one's constitutional right in America? It is this. When one's property is regulated to prevent harm to one's neighbor from that dust or that odor or that inability to have a water management plant or storm water management plant or whatever, should one be compensated? The basic answer through our court system, through our legislation is no.

Let me give my colleagues two quick examples in my district. There was a 54-acre plot of land purchased for the purpose of bringing in out-of-State trash to be put on this land and then called a rubble fill. The local zoning board said, no, you cannot do it. It was appealed to the zoning appeals board. They said, no, you cannot do it. It was then taken to the State court; and the State court said, no, it will adversely affect your community for a number of reasons: Truck traffic, noise, dust, you name it.

The premise in this, and there was another example that I could use, almost the exact same thing with a sludge storage facility, to bring in out-of-State sludge to be stored on a 300-acre farm that only needed sludge, if they were going to use it, every third or fourth year. They were going to store thousands of tons of sludge. The zoning appeals board said no. The State court said no. They took it to Federal court.

If they could jump from the zoning appeals board to the Federal court, would the judge, in this case the judge lives in the community because it is a circuit court judge, would he have an understanding of the need for the neighbors in his community? I would

say the answer is no. I say to my colleagues, support the Boehlert-Delahunt substitute.

Mr. CANADY of Florida. Mr. Chairman, may I inquire of the Chair concerning the amount of time remaining.

The CHAIRMAN. The gentleman from Florida (Mr. CANADY) has 21½ minutes remaining. The gentleman from New York (Mr. BOEHLERT) has 7½ minutes remaining. The gentleman from Massachusetts (Mr. DELAHUNT) has 12 minutes remaining.

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

Mr. Chairman, the gentleman from Maryland (Mr. GILCHREST) raised some interesting points, but I do not think they have anything to do with this bill because he was talking about land uses, where a local government makes a decision and they are not going to be approved. Those did not involve takings of the property.

We are talking about situations under this bill where there is a constitutional violation, a taking. If one has some doubt about it, look in the bill on page 4. The operative language is, any claim or action brought under section 42 U.S.C. 1983 to redress the deprivation of a property right or privilege secured by the Constitution.

That only comes up when the local government decides that they are going to impose a restriction that deprives the landowner of any beneficial economic use of the land.

Now, that is what we are dealing with here. I tell my colleagues I believe in local control. But I do not think that the neighbors in a community have the right to use the government to take someone else's property for the benefit of the community without paying for it. That is all we are saying here.

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

Mr. CANADY of Florida. I yield to the gentleman from Maryland.

Mr. GILCHREST. Mr. Chairman, I will say the rubble fill operator stood to make literally millions of dollars on the property, but it would have damaged.

Mr. CANADY of Florida. Mr. Chairman, the important thing to understand, some people in the land use context do assert that they should have the right to the highest and best economic use of their property, but they do not, and they should not. Zoning has never permitted that. The Supreme Court does not provide for that. That is not the law of the land. It should not be the law of the land.

So what the gentleman from Maryland is talking about has nothing to do with the legal realities of what we are dealing with here. What we are talking about are those extreme cases where the government overreaches and denies all economically beneficial use of the land basically where they tell people they are going to turn their private property into a public preserve. That is not right.

Mr. Chairman, I yield 4 minutes to the gentleman from Louisiana (Mr. TAUZIN).

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

Mr. TAUZIN. Mr. Chairman, I thank the gentleman from Florida for yielding me this time.

Mr. Chairman, let me be, perhaps, very clear about what this bill is not about so we do not get confused as we almost just did. It is not about zoning laws. Zoning laws under Federal court decisions are not takings. The reason they are not takings is all land owners benefit mutually from zoning laws. The government is not taking away one's value there. It is enhancing the general value of all properties zoned one way or another in that zoning condition.

We are not talking about nuisance laws. Nuisance laws are being held by the courts not to be takings.

We are talking about the kind of laws in which the general public benefits from, but a single landowner or class of landowners has to sacrifice his property for.

Dolan v. The City of Tigard is the best case on record. In that case, the City of Tigard, a local authority, tried to tell a landowner that we will only give you a building permit, which he was entitled to, if you give us some of your land for a green space and a running back.

Now, the court, after 10 years of litigation, finally held to that local authority, the Supreme Court rule did not have the right to take that man's and that woman's property in the course of giving them or not giving them a building permit without paying them just compensation. That was a taking.

This bill is all about making sure that wherever Federal civil rights violations of property takings occur, be they by Federal authorities or State authorities, that one has the right at least to go to Federal court and get one's Federal civil rights on property adjudicated.

I want to make that point again. The court in Dolan v. The City of Tigard made it very clear that the fifth amendment protection against government at any level taking your one's rights without paying one, that fifth amendment right is a civil right.

The court said it is no different, no distant relative to any other civil rights in the Bill of Rights, whether they be the right of free speech or the right of assembly or the right of religion.

The court in that decision said, in effect, that the right of Mr. Dolan and his wife to be protected against their own local government was not a local decision to be decided in State court. It was involving a civil right guaranteed under the Bill of Rights of our Constitution.

□ 1630

And the Supreme Court of our land finally settled it.

Now, why did it take 10 years? Because they had to go through this entire appeal process for all the court system. All the gentleman from Florida (Mr. CANADY) is doing is saying where this federally guaranteed right ought to be protected for the citizens of this land, they at least ought to have the Federal courts to go to to protect them. That is all this bill does.

When the right to go to Federal Court is taken away because it happens to be a State authority that took the property, or because it happens to be a local or county or parish authority that took that property, when that right is taken away to go to Federal Court, the landowner is condemned to 10 years of litigation.

There was another case in Texas that took 10 years, and it finally ended up in the court of claims and the government lost because they had taken the full value of a property owner's rights in a lot in a subdivision that they had declared a wetland. In that case the court begged Congress to do something about this. Nobody in our country ought to have to wait 10 years to go to court to get an answer as to whether or not the government took their property.

This bill is all about process. It is not about defining takings, it is not about saying when a taking occurs, it is not about saying what conditions under which a taking occurs are going to apply in the law of the land. It is simply about process. And if we deny people process to get their federally guaranteed civil rights adjudicated, we are denying them their rights. If it takes 10 years to get some court to finally tell a landowner that the government ought to pay the full value, not the value that is left over after the landowner has been regulated to death, then something is wrong in America.

This amendment ought to be defeated. This bill ought to be passed.

Mr. DELAHUNT. Mr. Chairman, I yield 2 minutes to the gentleman from Maine (Mr. BALDACCI).

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

Mr. BALDACCI. Mr. Chairman, I thank the gentleman from Massachusetts (Mr. DELAHUNT) for yielding me this time, and I rise in favor of this amendment.

I rise in defense of the people of the 2nd District of Maine, and especially the loggers, the farmers, and the fishermen of Washington County. Unemployment there recently nudged above 10 percent. The traditional uses of land, the jobs they depend upon, and the families that need those paychecks are under fire. I have to take a stand on their behalf.

This amendment gets at the issue at heart, to be able to have a response to Federal action that is being taken in terms of listing. It gives the people of Washington County and the people of eastern Maine an opportunity for their day in court. They cannot afford to have expensive attorneys on retainers

for long periods of time. This amendment allows them to have that process, to be expedited, to be able to be heard. It gets at exactly the issue before us: Federal action, Federal Court, expedited review.

Mr. Chairman, my constituents feel besieged by a Federal proposal to list as endangered Atlantic salmon in the rivers of the region. A listing would strain the economy which is based on natural resources. Moreover, the listing threat is unwarranted on the merits. It lacks sound science, and it fails to recognize strong state and local conservation efforts.

I have heard from people whose livelihoods depend on the land and water—from the working forests and blueberry barrens inland to the salmon pens along the coast. They are crying out for help, for a way to protect the natural environment while at the same time preserving jobs and a way of life.

I have heard them. I agree that the proposed listing is wrong and will unfairly hurt my constituents. Therefore, I have to use any tool at my disposal to send a message that this process is wrong.

I have focused on the provisions of H.R. 2372 that provide that any property right infringed by a Federal action would be ripe for adjudication upon a final decision by the Federal Government. This change would ensure that the people of downeast Maine would not be stuck in limbo by endless appeals but rather would have a straightforward process to seek redress.

The legislation being considered today is not perfect, and I will support attempts by my colleagues to make it better. I believe Mr. BOEHLERT'S amendment most succinctly addresses both my concerns and those of my constituents. He narrows the focus of the bill to the federal issues, and I will support him.

However, at the end of the day, I will support final passage of this legislation whatever its form. I believe this bill takes an important step in protecting the rights of my constituents.

Mr. BOEHLERT. Mr. Chairman, I yield 3 minutes to the gentleman from Iowa (Mr. GANSKE).

Mr. GANSKE. Mr. Chairman, I will vote against this bill if the Boehlert amendment fails.

How many times have my fellow Republicans stood on this floor and argued the benefits of local control? It seems to me that I have heard my fellow Republican colleagues argued forcefully for States' rights and local control when it concerns welfare reform, school vouchers, flexibility for crime prevention funding, and all sorts of things. Yet here we are today debating a bill that would take crucial power away from State and local governments, overwhelm the Federal judicial system with local land-use cases and possibly endanger public safety.

My fellow House conservatives, who are the champions of State power, would, in this bill, federalize countless quintessentially local cases. And for the life of me I cannot understand how the industries that support this bill think that this would benefit them.

First, they may very well find that they do not get speedier resolution of these disputes in Federal Court because the Federal courts are already clogged with drug cases. If my colleagues think the wait in Federal court is long now, just wait until local land-use cases are in Federal courts primarily.

I just met with the Federal judges in my State, in my district. They stressed how they are swamped with current jurisdiction. They do not want new jurisdiction. I urge every Member to meet with their own Federal judges.

Second, we just had a big debate in the Senate about how liberal some Federal jurisdictions are. Last year, I received a letter from an attorney in Iowa who works in the property rights area for home builders, who said there is no evidence that developers' claims would receive any more favorable hearing in Federal courts than in local jurisdictions.

This is borne out by the statement of Judge Frank Easterbrook of the 7th Circuit Court of appeals who said, ''Federal courts are not boards of zoning appeals. This message, oft repeated, has not penetrated the consciousness of property owners who believe that Federal judges are more hospitable to their claims than are State judges. Why they should believe this, we haven't a clue.'' This seems to me like a pretty clear message that the Federal courts may not be all that sympathetic to developers.

And here is something else for my conservative colleagues to ponder. If this bill becomes law, it sets a precedent. What if in future years a liberal Congress decides that there will be no development of property outside of those areas already developed as determined by Federal law? Do we really want Federal Government primarily involved from the get-go in local land-use decisions? I certainly do not think so.

The base bill would encourage the belief that Federal courts ought to run local government. I urge my fellow conservatives to vote for the Boehlert amendment and vote against the base bill if it does not pass.

Mr. CANADY of Florida. Mr. Chairman, I yield 4 minutes to the gentleman from Georgia (Mr. BARR).

(Mr. BARR of Georgia asked and was given permission to revise and extend his remarks.)

Mr. BARR of Georgia. Mr. Chairman, let me get this straight, my colleagues. The author of this amendment says that the underlying proposal, the underlying bill here, reminds him of Alice in Wonderland. Well, maybe he is familiar with a version of Alice in Wonderland from upstate New York; but it sure is not the version of Alice in Wonderland that we are familiar with down in Georgia. As a matter of fact, his amendment is as much like the looking glass in Alice in Wonderland as the looking glass was.

Let us look at what the gentleman who is proposing this gutting amendment is really saying. This is his amendment. It says: ''Strike all after the enacting clause.'' Strike it. Wipe it out. All of its guarantees, all of its process, all of its substance. Strike it out. And then let us replace it with something that he calls the Private Property Rights Implementation Act of 2000. He very generously steals the title of the gentleman from Florida (Mr. CANADY), but that is the last similarity between these two pieces of paper.

He is saying that the only property rights that individuals will have for a reasonable, expedited, fair appeal to Federal Court, to assert a Federal guaranteed right, is if the Federal Government is coming in and taking property, as if it does not matter, in this Alice in Wonderland world of his, that some other government authority is coming in and snatching the property away. That is okay in his Alice in Wonderland world. Only can an individual assert their right in a reasonably, fair, and expedited manner so that it makes sense if it is the Federal Government coming in.

That is wrong. That is as if the gentleman were saying let us implement rights regarding the first amendment or the fourth amendment, and then we look and see what the gentleman from New York is saying, and he is saying an individual can go into Federal court only if it is the Federal Government taking away the right to free speech, or the right to free assembly, or the right to due process, or the right to equal protection, or the right to counsel, or the right to confront witnesses.

It makes no more sense to apply that limited, unreasonable, and unfair standard to property rights than it would to apply the standard embodied in this amendment, this gutting amendment, to private property rights.

The proposal that we are debating today, the underlying bill offered by the gentleman from Florida, the distinguished chairman of the Subcommittee on the Constitution, and which has been already passed by this body by a very large majority, stands for fundamental equal protection, due process, fairness, and expedited review of a Federal right in Federal Court. The amendment proposed by the gentleman from New York, that he erroneously characterizes as legitimate and fair implementation of rights, guts our constitution.

I would urge all of my colleagues to sift through the rhetoric, the cloud, the sky-is-falling rhetoric, defeat this amendment which guts the bill, and stand on this floor and use their voting cards to say that if an individual's property is taken, that they have a right to assert that in the form of their choosing, not the form chosen by the gentleman from New York.

Mr. BOEHLERT. Mr. Chairman, I yield myself 30 seconds.

The language in the substitute only guts the bill if the goal is to undermine local government. The language in the substitute is identical to the way sections 3 and 4 were presented to this House less than 3 years ago, language that was written, as they themselves

admit, by the National Association of Home Builders. It is hard to understand why they would claim their own language was meaningless.

And as for striking all after the enacting clause, that is what all substitutes do under all circumstances.

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

I am pleased to join with the gentleman from New York in offering this amendment in the nature of a substitute. Specifically, the substitute would eliminate those portions of the bill that confer upon large developers, and let us be candid, that is what we are really talking about here, large developers, the right to go directly to Federal Court to resolve purely local land disputes that have always, always, been handled at the State and local level.

Land use is, as the gentleman from Iowa said, quintessentially a local issue, a local matter; and it has been under local and State control since the beginning of the Republic. I think I heard a quote from one of the previous speakers that quoted a particular conservative Federal judge saying Federal courts are not boards of zoning appeals. Let us not denigrate them.

The bill before us would allow developers to bypass local zoning boards, local health departments, and local courts in their efforts to win at all cost. It would do so by sweeping aside long-established judicial and constitutional principles that require Federal courts to give State and local authorities the opportunity to decide such local matters for themselves.

The question was raised, why is this so controversial, because it enforces a right? It is controversial because it sweeps away two fundamental principles of our American jurisprudence: the abstention doctrine and the issue of rightness. That is why it is controversial. Because it absolutely impacts everything that we have embraced to this point in time since the beginning of the Republic as far as our jurisprudence is concerned.

The bill would inevitably result in lower environmental health and safety standards as local authorities seek to avoid exposure to costly lawsuits. By federalizing literally thousands of these cases, the bill would encourage developers to sue rather than negotiate with local officials and neighboring landowners. The resulting litigation would impose huge costs on local governments that, candidly, they cannot afford.

Let us remember, Mr. Chairman, that 97 percent of the cities and towns in America have populations under 10,000; 52 percent have populations under 1,000. Virtually without exception these small communities are forced to hire outside expensive legal counsel each time they are sued, imposing large and unanticipated costs on municipal budgets. Even then these communities are no match for corporate giants and large developers.

If the bill is allowed to go through without this amendment, we will be giving enormous leverage to developers and denying ordinary citizens and their elected representatives effective access to the courts.

□ 1645

That is what this underlying bill would do. And that is why it is opposed by a variety of groups that have already been enumerated: the National League of cities, they are concerned about the local State/Federal relationship and that is why they oppose it; the National Association of Towns and Townships; the National Association of Counties; the National Conference of State Legislatures; the U.S. Conference of Mayors, all of whom are concerned about the core principle at stake here, which is the principle of federalism; the Conference of State Chief Justices; the Judicial Conference representing the Federal judiciary, because they are aware of fact that they cannot handle an increased backlog that this proposal, this underlying bill, would clearly generate.

The AFL-CIO is opposed to this bill because, in committee, the majority would have denied an exemption to the bill which would have allowed cases involving public health and public safety being exempted; and that is the reason that organized labor is opposed to this bill.

Apart from its effects on local communities, the bill, as I indicated, would overwhelm Federal courts that are already staggering under the burden of their existing caseloads.

Now, one might suppose that such a proposal as this was generated by those who favor a larger role in the Federal Government, but that is not the case. The authors of the bill are the very individuals whom The Washington Post referred to yesterday morning as ''self-proclaimed champions of State power.''

One might suppose that this proposal was generated by those who advocate a larger role for the Federal judiciary. But again, that is not the case. The proponents and authors of the bill are the very individuals who regularly come to the well of this House and rail against judicial activism by unelected Federal judges.

Only last Congress, they were on the floor attempting to pass a measure that was called the Judicial Reform Act, which would have prohibited Federal judges from ordering a State or local government to obey environmental protection, civil rights, or other laws if doing so would cost them any money.

The gentleman from New York will remember that measure because it was an amendment which we offered together that brought about its much deserved defeat.

What that bill attempted to do was to strip the Federal courts of jurisdiction or violations of Federal law that were indisputably within their proper sphere of authority.

What this bill attempts to do is to transfer to those very courts jurisdiction over violations of State and local laws that have never been within the scope of their authority. Well, so much for federalism. So much for local control.

So, Mr. Chairman, if my colleagues are concerned about unfunded mandates because it would impose additional costs upon local governments, vote for this substitute. If they are concerned about limited government and local control, vote for the substitute. If my colleagues are concerned about judicial intervention by unelected judges, vote for the substitute.

So, for all these reasons, I urge my colleagues to support the substitute and oppose this reckless and irresponsible bill.

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

Mr. CANADY of Florida. Mr. Chairman, may I inquire of the Chair concerning the amount of time remaining?

The CHAIRMAN. The gentleman from Florida (Mr. CANADY) has 12 minutes remaining. The gentleman from New York (Mr. BOEHLERT) has 4 minutes remaining. The gentleman from Massachusetts (Mr. DELAHUNT) has 3½ minutes remaining.

Mr. CANADY of Florida. Mr. Chairman, I yield 3½ minutes to the gentleman from Texas (Mr. STENHOLM).

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

Mr. STENHOLM. Mr. Chairman, I rise to express my strong opposition to the Boehlert amendment and urge my colleagues to oppose any efforts to delete provisions which provide access to the Federal courts for property owners pursuing takings claims against local governments.

Currently, property owners do not have the option of directly pursuing a fifth amendment claim in Federal court. They must exhaust all possible State and local administrative remedies first, which is an expensive and time consuming process that may leave owners in administrative limbo for years. On average, it takes 8 to 10 years for property owners to get a hearing on facts of their cases. That is just not right.

I am a strong advocate of the traditional and historic rights and responsibilities of State and local governments. I support the position that decisions affecting local communities are best made at the local level. However, individual private property owners seem to have no recourse in land-use disputes currently. Federal involvement is outlined in H.R. 2372 and constitutionally is needed to protect their rights.

I want to make sure individual property owners are heard regardless of whether there disagreement is with local, State or Federal governments. The Boehlert amendment would gut significant protections when the taking was made by State and local governments.

The base bill should be left intact to remedy this situation by defining issue when a government's agency decision is final so that owners do not encounter an infinite cycle of appeals. The bill does not change the way local, State, or Federal agencies resolve disputes with property owners.

H.R. 2372 is not targeted at local government, nor does it take away control of local zoning decisions from local officials. If anything, it is targeted at Federal courts for wasting time and money by delaying consideration of these very important cases.

By simply providing clearer language for Federal courts on when a final agency action has taken place, the courts have no reason not to hear the case on its merits.

Furthermore, H.R. 2372 does not permit Federal courts to get involved in the land use decision-making process, nor does it change the way agencies resolve disputes. Property owners can get into Federal court only after local government has reached a final decision. A final decision is reached only after the property owner makes a series of applications and appeals through the local planning and zoning process.

The legislation requires a property owner to pursue only Federal constitutional issues in Federal court, a function our Federal court system has always performed.

H.R. 2372 does not give the Federal judiciary any more or less power than it currently has. The Federal contract now has and always has had the responsibility to review the constitutionality of actions taken by all levels of government.

Property owners do not want centralized authority over land-use decisions. Indeed, that is more often the position of those opposed to property rights legislation. H.R. 2372 neither defines for a court when an unconstitutional taking has occurred, nor does it weaken any environmental statute.

While I have a great deal of respect for the advocates of the substitute, the Boehlert amendment is far more sweeping and has a far greater effect than acknowledged by its sponsors.

This amendment would not only render the bill useless but also set back property rights protections for the current already challenged status. This amendment protects the rights of the bureaucracy over the rights of the individual. This reform is simply about fairness.

For the sake of property owners, I hope H.R. 2372 will become law. I urge my colleagues to oppose the Boehlert amendment, pass H.R. 2372 ensuring meaningful access to Federal courts for Americans whose Federal constitutional rights may have been violated.

Mr. BOEHLERT. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Delaware (Mr. CASTLE), the former governor of Delaware.

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

Mr. Chairman, I do support the Boehlert-Delahunt amendment to this. I support it in its own right. I support it if it guts the bill. I support it under any conditions because I oppose the bill quite simply.

I find this amazing. Maybe the Democrats want to watch the NCAA for a couple of minutes while I talk, because I think I am aiming this mostly at Republicans until I heard the gentleman from Texas (Mr. STENHOLM). And that is that we are essentially mainstreaming this whole issue of land usage if there is any indication of a taking whatsoever to the Federal courts.

Now, we are the party that has complained about lawyers. We are the party that has complained about courts. We are the party that has complained about Federal courts.

I do not know what it is like in every other State in the United States of America, but in the State of Delaware, and I think this is probably true of almost all of our States, we have a lot of processes for handling local land-use issues. And there is a good reason for that.

These are the people who know what to do with it. It is why they are so opposed to this legislation. They have handled it before. The elected officials there, the appointed officials there have hearings. They have expertise, they have knowledge, they have technical ability to be able to handle the matters which come before them with respect to large land-use planning, zoning decisions, and dealing with land in general.

Our constituents, our neighbors have a right to be heard. Are they going to be heard by the Federal court judges who could care less about this issue, who do not want anything to do with this issue, who probably do not have a background in this issue, or do they want to be heard by people like us, their fellow elected officials and the other local people who are there? The answer is simple. They would prefer to have it done at the local level.

What we have in place now at the local level with appeals to the State courts and then to the Federal court if indeed some of these violations take place is exactly what it should be.

Let me just say this: Just the mere threat of going to the Federal court at some point by a large developer or by a large landowner is probably going to be enough in many cases to upset the apple cart altogether, and that too would be wrong.

So it is for all these reasons that all this opposition exists. I hope all of us will listen to that. Vote for the Boehlert-Delahunt amendment and do not vote for this legislation.

Mr. CANADY of Florida. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Chairman, I would correct the gentleman that we are the party that is against liberal lawyers. We are the party against the socialists that want to take our property. We are against the people that deny our rights to fight for our private property.

I would tell the gentleman from Iowa (Mr. GANSKE) that he has got people in Iowa, he is a doctor, maybe he works out of a little brick house, but he wants to give his farmers the right to take it to a Federal Government if some rat at a local government overrides their rights. That is all we are asking for is to take it to the Federal level.

I would say to the gentleman who offered the amendment, they got milk, they got religion, the California Desert Plan, the California Central Valley Water Project. All of these were Federal intervention, not local control. We had eight farmhouses that burned to the ground because they could not disk around their property. We wanted local control.

This gives the private property owner the right and the ability to take it to the Federal Government when local overrides their civil rights.

I oppose this amendment and support the bill strongly. This is California. Look at what is controlled.

Mr. DELAHUNT. Mr. Chairman, I yield 30 seconds to the gentleman from North Carolina (Mr. WATT), the ranking member of the Subcommittee on the Constitution.

Mr. WATT of North Carolina. Mr. Chairman, I rise in hardy support of the Boehlert-Delahunt substitute. This may be the most direct vote we have taken in this Congress on State rights and local rights and this whole issue.

What this amendment does is it strikes out all of the references to local decisions and makes this about Federal decisions. Those are the decisions that ought to be in Federal court. The people who support States' rights ought to be thinking about it in that way.

Mr. DELAHUNT. Mr. Chairman, I yield such time as he may consume to the gentleman from Michigan (Mr. CONYERS), the ranking member of the Committee on the Judiciary.

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

Mr. CONYERS. Mr. Chairman, I want to commend my colleagues on both sides of the aisle for this substitute, particularly the gentleman from New York (Mr. BOEHLERT) and the gentleman from Massachusetts (Mr. DELAHUNT).

H.R. 2372 would radically unbalance the playing field between local governments and large landowners. It allows big developers to threaten local governments with expensive litigation in federal court if the localities do not approve their plans.

For example, a large developer may apply for a permit to build 800 homes on a parcel of land. A zoning official may deny that request, and a zoning board may as well. Under the bill, if that zoning board is elected, the matter is then ripe for Federal district court. The costs of litigating this issue in Federal court would overwhelm—if not bankrupt—many small towns and counties.

Ninety-seven percent of the cities and towns in America have populations under 10,000. Virtually without exception, these towns have no full time legal staff. As a result, these small communities are forced to hire outside legal counsel each time they are sued—imposing large and unexpected burdens on small governmental budgets.

The bottom line is that these localities can't afford a Federal court battle, so under H.R. 2372, they would be pressured into approving plans that are not in the interests of the entire community.

The bill also undermines the ability of locally elected officials to protect public health and safety, safeguard the environment, and support the property values of all the residents of the community. Because a large developer can threaten a local community with Federal court litigation, local officials may be forced into the position of either having to approve their projects or face daunting legal expenses. Developers would have less incentive to resolve their disputes with neighbors or negotiate for a reasonable out-of-court settlement. The costs of defending unjustified federal takings litigation would threaten local community fire, police, and environmental protection services.

The substitute offered by Representatives BOEHLERT and DELAHUNT would remedy this glaring problem with the bill. By limiting the bill's scope to Federal takings, only, the substitute protects the independent decision-making of local officials. We want our local communities to make their decisions of the merits—not based on whether they can afford to fight a lawsuit in Federal court.

It is ironic, indeed, that the majority purports to respect ''States' rights'' yet supports legislation that would undermine local decision-making and authority in an area traditionally left to local control.

The substitute also eliminates H.R. 2372's onerous and over-burdensome requirement that a Federal agency give notice to the owners of private property whenever an agency's action may ''affect'' the use of that property. The Department of Justice has stated that this mandate could apply to countless Federal programs and regulatory actions that prohibit illegal activity or control potentially harmful conduct.

For example, a Federal prohibition on flying an unsafe airplane ''limits'' the use of the plane. Emission controls for a hazardous waste incinerator ''limit'' the use of the incinerator, and so on. It is also unclear how property owners could be identified—let alone notified—in cases where Federal action affects large numbers of people. The Federal Government would need to keep a ''Big Brother'' data base of property owners—just to comply with this portion of H.R. 2372. The substitute wisely eliminates this unwieldy requirement.

I urge my colleagues to vote ''yes'' on the Boehlert-Delahunt substitute.

Mr. BOEHLERT. Mr. Chairman, I yield 15 seconds to the gentleman from Iowa (Mr. GANSKE) to respond to the comments of the gentleman from California (Mr. CUNNINGHAM).

Mr. GANSKE. Mr. Chairman, I would respond to my colleague from California by noting that, if somebody wants to put a huge hog lot operation in some place in some county in Iowa, those local inhabitants want to be able to take this issue to State court first.

The CHAIRMAN. The gentleman from Florida (Mr. CANADY) has 7½ minutes remaining.

□ 1700

Mr. CANADY of Florida. Mr. Chairman, I yield 3 minutes to the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Chairman, I rise in opposition to this Boehlert amendment. I have the greatest respect for both of the sponsors of this amendment; but as my friend from Texas said, I believe this effectively guts the underlying bill. Indeed, I think that is its intent.

The fifth amendment of the Constitution prohibits the Government from taking private property without just compensation. This prohibition is applicable to local governments, of course, as all of us know through the 14th amendment.

I think that many of us are in agreement that a problem exists in the way that takings cases are adjudicated.

Let me say that for the most part I have opposed the efforts on the other side of the aisle to gut environmental protections. I support substantively those provisions in local, State and Federal law. However, it now takes on average 10 years for the average takings case to be heard. Because of this delay, an unbelievable 80 percent of the cases are never heard on their merits.

Robert Kennedy was quoted, and others have been as well, that justice delayed is justice denied.

I believe that with takings cases, it is clear that justice is being delayed and denied. Therefore, I suggest to my colleagues this is not about States' rights or Federal rights. This is not about liberals or conservatives. This is about whether in the United States of America when an individual feels aggrieved by their government at whatever level that government happens to be, that they have an opportunity for relief and redress; that they can appeal in a timely fashion to have the government's actions adjudged by an independent judiciary.

Now, because this is a constitutional right, it seems to me right and proper that they have access in a timely way to their Federal judiciary. Therefore, although I am in disagreement with most of my friends on this issue, which I perceive to be a process issue, an issue of not denying interminably the ability of Americans to seek redress in the courts, not a substantive issue as to the underlying environmental protections, which I support; but I very strongly support this bill on the process grounds that government ought not to, by constant and interminable delay, deny to any citizen, no matter how poor or how rich, the right to have their rights adjudicated in the courts of this land.

Therefore, I rise in opposition to my friend's amendment and in strong support of the underlying bill, and I thank the gentleman from Florida (Mr. CANADY) for yielding the time.

Mr. BOEHLERT. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, I just would like to reiterate that it is a myth that it takes 10 years to resolve takings disputes. The National Association of Home Builders manufactured this total misleading fact by using only 14 Federal appellate cases over a 9-year period. So that is absolutely wrong, as also is that 83 percent figure. That involved only 33 cases, 29 of which were dismissed by the Court because the claimants' lawyer refused to follow State procedures for seeking compensation before going to the Federal court. That is the myth. This is a reality.

Mr. CANADY of Florida. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. POMBO).

Mr. POMBO. Mr. Chairman, I thank the gentleman from Florida (Mr. CANADY) for yielding me this time.

Mr. Chairman, it is not a myth. It is a reality. What this bill is all about is protecting the constitutionally guaranteed rights of the individual and that is what we are trying to do.

I was trying to follow along with this debate, and I ran across a letter that was sent out by a large fund-raising organization that masquerades as an environmental group known as the Sierra Club.

One of the things that they point out in their letter is that a recent poll determined, so now that they have everybody's attention, that it would allow industry and developers to bypass local public health and land protections. It goes on to talk about waste dumps, incinerators, urban sprawl. It sounds very much like the argument for this amendment and against the bill.

The truth of the matter is, there is nothing in this bill that in any way takes over local land-use control. That is just a scare tactic that they are trying to throw up that has nothing to do with this bill. What this bill is about is protecting the individuals' constitutionally guaranteed private property rights, and that is what scares the hell out of the proponents of this amendment.

Mr. BOEHLERT. Mr. Chairman, would the gentleman from Massachusetts (Mr. DELAHUNT) yield the time he has remaining to me?

Mr. DELAHUNT. Mr. Chairman, I yield the remaining time to the gentleman from New York (Mr. BOEHLERT).

The CHAIRMAN. The gentleman from New York (Mr. BOEHLERT) now controls 4 minutes.

Mr. BOEHLERT. Mr. Chairman, the gentleman from New York yields 1½ minutes to the distinguished gentleman from Connecticut (Mr. SHAYS).

Mr. SHAYS. Mr. Chairman, sometimes local zoning decisions reduce the value of property and sometimes local zoning decisions increase the value of property. Sometimes it is perceived as a takings. Sometimes it is perceived as a givings. Property owners take certain risks.

I agree with editorial criticism that points out this bill undermines the ability of literally every single community in the United States to control its own development at a time when traffic congestion, sprawl, open space, the availability and quality of drinking water, and other land-use issues are taking on increased visibility and importance.

I believe in local control of education. I believe in local control of zoning. That is why I support the Boehlert amendment, because it narrows this bad bill.

Mr. CANADY of Florida. Mr. Chairman, I yield 2 minutes to the gentleman from Florida (Mr. BOYD).

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

Mr. BOYD. Mr. Chairman, I thank my friend, the gentleman from Florida (Mr. CANADY), for yielding me this time.

Mr. Chairman, I stand in opposition to the Boehlert substitute to H.R. 2372. The substitute strips the bill of its primary purpose, that is, ensuring that property owners can have their fair day in court.

Today, property owners seeking just compensation for their takings claims face endless rounds of expensive, administrative, and judicial appeals. Certainly, local land-use decisions should be handled at the local level; but when those decisions infringe upon federally-constitutionally guaranteed rights, or when agencies leave land-use claims in regulatory limbo, property owners should be able to expeditiously defend their rights in Federal court.

H.R. 2372 does not give Federal courts new authority over questions that should be handled in State courts. It simply provides a procedural method to ensure a decision is reached on the facts of the case without spending 10 years in litigation to get there.

The Boehlert substitute on the other hand would codify the status quo. Even worse, the substitute establishes a dangerous precedent of requiring Federal courts to handle the same constitutional claim differently depending upon who the defendant is.

I hope my colleagues will defeat the Boehlert substitute and pass a bill that opens the courthouse door to property owners seeking protection of their fifth amendment rights.

The CHAIRMAN. The Chair would advise that the gentleman from New York (Mr. BOEHLERT) has 3 minutes remaining, and the gentleman from Florida (Mr. CANADY) has 1½ minutes and the right to close.

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

Mr. Chairman, the supporters of this bill keep claiming that the bill is different this year, but those differences are more apparent than real and some of them change the bill for the worse. None of the language about appeals at the local level means anything, because the threat of Federal courts will still loom behind them. The appeal process will not encourage a developer to negotiate, as current rules do, because the developer will know that he can just bide his time and then threaten to take the municipality to Federal court.

Under the bill, the developer can simply submit the exact same proposal three times, remain intransigent, evade all the existing local and State forums, and threaten to go to Federal court.

I urge my colleagues not to be fooled by the procedural scaffolding that has been added to hide the real intent and impact of this bill.

There is a fundamental principle guiding our actions, and that fundamental principle is simply this: local zoning matters should be the purview of local government. That is why so many organizations oppose H.R. 2372 and stand with me; religious groups, United States Catholic Conference, the National Council of Churches of Christ, Evangelicals for Social Action, Religious Action Center of Reformed Judaism; environmental groups, including the League of Conservation Voters, which is the amalgam of all the environmental organizations. Incidentally, on fund-raising the Sierra Club is pikers compared to the National Association of Home Builders. State and local governments, the National Conference of State Legislatures, the National League of Cities, the National Association of Counties. It goes on and on. The Judicial Conference of the United States, chaired by Chief Justice William Rehnquist; the Conference of State Chief Justices; the American Federation of State, County and Municipal Employees; AFL–CIO; religious organizations, court organizations, labor organizations, environmental groups, State and local governments, because they share an abiding faith in the fundamental principle that local zoning matters should be the purview of local governments. People who are living in the neighborhood, people whose daily lives are impacted by these decisions, not some distant people far off, removed in the Nation's capital but people right in the neighborhood.

The fact of the matter is, if this bill passes, intimidation will be the rule of the day and town after town, municipality after municipality will capitulate because they cannot face the prospect of lengthy, costly litigation in some far, distant court. They want to decide for themselves at the local level, and we want to help them preserve this sacred fundamental principle.

I urge my colleagues to support the Boehlert-Delahunt amendment and to oppose the final bill if that Boehlert-Delahunt amendment does not get the necessary majority vote.

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

Mr. Chairman, I urge the Members of the House to reject this amendment which would gut the bill. Let me point out, again, that this bill is not about local zoning decisions that reduce the value of property. This is about local zoning decisions that destroy the value of property; local zoning decisions that tell the owner of the property that that owner is deprived of any viable, beneficial economic use of the land.

This bill is about giving access to the Federal courts of this land to Americans whose property has been taken by regulatory action in violation of the Constitution of the United States.

The glory of this country is that we have a constitution. The glory of this country is that we protect the rights of the people of this country. We have a 14th amendment.

In the days after the Civil War, that 14th amendment was enacted to ensure that we had uniform protection for certain basic rights across the land that did not exist before the 14th amendment was passed. That is what we are talking about here today, giving reality to the promise of the 14th amendment, ensuring that all Americans will have access to the Federal courts to protect their Federal constitutional rights. That should not be controversial. That is not trumping any right that should not be trumped.

The Constitution should be honored here. We should recognize that the Constitution requires that we give meaningful access to the courts; and if we wish to see that constitutional rights are respected, as they should be, we will reject the amendment offered by the gentleman from New York (Mr. BOEHLERT) and move forward to the passage of this bill which will open up the courthouse doors to those who have suffered a deprivation of their constitutional rights.

Mrs. BIGGERT. Mr. Chairman, I rise today in support of the Boehlert amendment, and in opposition to H.R. 2372.

I am a strong supporter of private property rights, but I believe local land-use decisions are exactly that—local. In disputes regarding local zoning rules, the Federal court should not be the court of first resort, but rather the court of last resort.

Local zoning boards and planning commissions are rightfully responsible for regulating local land use, and have been for centuries. They balance the interests of property owners with community values, local circumstances, and the interests of neighboring property owners.

As a former local plan commission chairman, I know that negotiation is key to finding just the right balance. But this bill eliminates any incentive for negotiation at the local level, tipping the scale against budget-strapped localities.

It also removes accountability. Local zoning boards and planning commissions are accountable to locally elected officials and, ultimately, local residents.

Can a Federal judge make the same claim? I don't believe so.

Federal land use decisions that involve the taking of private property appropriately fall under the purview of the Federal Government and the Federal courts. In disputes regarding

the Federal taking of private property, the Federal court should be the court of first resort. The Boehlert amendment recognizes this principle, and preserves bill language giving property owners expedited access to federal courts.

In its current form, this bill usurps state and local authority, and threatens our system of federalism. The Boehlert amendment corrects this situation and strengthens private property rights, and I would urge my colleagues to support it.

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

The CHAIRMAN. The question is on the amendment in the nature of a substitute offered by the gentleman from New York (Mr. BOEHLERT).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 179, noes 234, not voting 21, as follows:

[Roll No. 53]

AYES—179

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldacci
Baldwin
Barrett (WI)
Bass
Bateman
Bereuter
Bilbray
Blagojevich
Blumenauer
Boehlert
Bonior
Borski
Boucher
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Castle
Clay
Clayton
Clyburn
Conyers
Cooksey
Costello
Coyne
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Ehlers
Engel
Eshoo
Evans
Farr
Fattah
Filner
Forbes
Ford
Frank (MA)
Frelinghuysen
Ganske
Gejdenson
Gephardt
Gilchrest
Gilman
Goss
Greenwood
Gutierrez
Hall (OH)
Hinchey
Hoeffel
Holt
Horn
Inslee
Jackson (IL)
Jackson-Lee (TX)
Johnson (CT)
Johnson, E.B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy
Kildee
Kilpatrick
Kleczka
Kucinich
LaFalce
Lantos
Larson
Lazio
Leach
Lee
Levin
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Matsui
McCarthy (MO)
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Millender-McDonald
Miller (FL)
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Morella
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Owens
Pallone
Pastor
Payne
Pelosi
Pomeroy
Porter
Portman
Price (NC)
Ramstad
Rangel
Regula
Reyes
Rivers
Rodriguez
Roemer
Roukema
Roybal-Allard
Sabo
Sanders
Sawyer
Saxton
Schakowsky
Serrano
Shaw
Shays
Sherman
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Stabenow
Strickland
Stupak
Thurman
Tierney
Towns
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Walsh
Waters
Watt (NC)
Waxman
Weiner
Weldon (PA)
Wexler
Weygand
Wise
Wolf
Woolsey
Wynn
Young (FL)

NOES—234

Aderholt
Baca
Bachus
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Becerra
Bentsen
Berkley
Berry
Bilirakis
Bishop
Bliley
Blunt
Boehner
Bonilla
Bono
Boswell
Boyd
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Chabot
Chambliss
Clement
Coble
Coburn
Collins
Combest
Condit
Cox
Cramer
Crowley
Cubin
Cunningham
Danner
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehrlich
Emerson
English
Etheridge
Everett
Ewing
Fletcher
Foley
Fossella
Fowler
Franks (NJ)
Frost
Gallegly
Gekas
Gibbons
Gillmor
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Graham
Granger
Green (TX)
Green (WI)
Gutknecht
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hobson
Hoekstra
Holden
Hooley
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Isakson
Istook
Jefferson
Jenkins
John
Johnson, Sam
Jones (NC)
Kind (WI)
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Lampson
Largent
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
Martinez
Mascara
McCarthy (NY)
McCrery
McHugh
McInnis
McIntosh
McIntyre
McKeon
Mica
Moran (KS)
Murtha
Nethercutt
Ney
Northup
Norwood
Nussle
Ortiz
Ose
Oxley
Packard
Pascrell
Paul
Pease
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pryce (OH)
Quinn
Radanovich
Rahall
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanchez
Sandlin
Sanford
Scarborough
Schaffer
Scott
Sensenbrenner
Sessions
Shadegg
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Smith (MI)
Smith (TX)
Souder
Spence
Spratt
Stearns
Stenholm
Stump
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Tiahrt
Toomey
Traficant
Turner
Vitter
Walden
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weller
Wicker
Wilson
Wu
Young (AK)

NOT VOTING—21

Archer
Armey
Berman
Biggert
Chenoweth-Hage
Cook
Crane
Hastings (FL)
Hinojosa
Hyde
Kasich
Klink
Lewis (GA)
McCollum
Miller, Gary
Myrick
Rush
Skelton
Stark
Vento
Whitfield

□ 1740

Messrs. LEWIS of California, ORTIZ, SPRATT, BACHUS, DICKEY, CANNON, HILLIARD, and BECERRA changed their vote from ''aye'' to ''no.''

Mr. BILBRAY changed his vote from ''no'' to ''aye.''

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

The result of the vote was announced as above recorded.

The CHAIRMAN. The question is on the committee amendment in the nature of a substitute, as amended.

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

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. HASTINGS of Washington) having assumed the chair, Mr. LATOURETTE, 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. 2372) to simplify and expedite access to the Federal courts for injured parties whose rights and privileges, secured by the United States Constitution, have been deprived by final actions of Federal agencies, or other government officials or entities acting under color of State law; to prevent Federal courts from abstaining from exercising Federal jurisdiction in actions where no State law claim is alleged; to permit certification of unsettled State law questions that are essential to resolving Federal claims arising under the Constitution; and to clarify when government action is sufficiently final to ripen certain Federal claims arising under the Constitution, pursuant to House Resolution 441, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

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

Is a separate vote demanded on the amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the committee amendment in the nature of a substitute.

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

The 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. CONYERS

Mr. CONYERS. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. CONYERS. Yes, I am, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. CONYERS moves to recommit the bill H.R. 2372 to the Committee on the Judiciary with instructions to report the same back to the House forthwith with the following amendment:

Add at the end the following:

SEC. . LIMITATIONS ON APPLICATION.

This Act and the amendments made by this Act do not apply with respect to claims against a municipality, county, or similar unit of local government arising out of an action in that municipality, county, or unit—

(1) to protect the public from prostitution or illegal drugs;

(2) to control adult book stores and the distribution of pornography;

(3) to protect against illegal ground water contamination, the operation of an illegal waste dump, or similar environmental degradation; or

(4) that is a voter initiative or referendum to control development that threatens to overburden community resources.

Mr. CONYERS (during the reading). Mr. Speaker, I ask unanimous consent that the motion to recommit be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. The gentleman from Michigan (Mr. CONYERS) is recognized for 5 minutes on his motion to recommit.

Mr. CONYERS. Mr. Speaker, my motion to recommit would narrow the bill so that it does not interfere with the actions by local governments of certain specific actions; namely, four:

One, this bill should not interfere with the actions by local governments to protect the public from prostitution and illegal drugs.

Two, we should not interfere with actions by local governments to control adult bookstores and the distribution of pornography.

□ 1745

Three, we should not interfere with the actions of local governments to protect against illegal groundwater contamination or the operation of an illegal waste dump.

Nor, four, should we interfere with local governments that try to prevent actions that arise from a voter initiative or a referendum to limit out of control development. We want to prevent local governments from being precluded from actions that arise from a voter initiative or referendum to limit out of control development.

Now, which Member among us wants to make it more difficult for local governments to take action to limit illegal drug use or prostitution? The people this bill protects are not just innocent landowners, they are also purveyors of pornography and common criminals who are misusing their property.

So I believe that, in these cases, local communities should be able to enact reasonable land use policies that protect their citizens. For example, this motion to recommit would help the City of Minneapolis, which successfully fought a court battle with the owners of a sauna in which numerous prostitution arrests had occurred. The sauna owners challenged the City's order to shut it as a taking of property. The City was able to defend itself in State court; but under this bill, this would have become a Federal court fight, far more expensive for the City to defend if they could have afforded it.

The same thing happened similarly in Miami where the City closed a motel with a history of repeated illegal drug activity and prostitution. The owner of the motel challenged the City's action under a taking. But the Florida State court denied their claim. But under this measure, H.R. 2372, the City would have been forced to defend the case before a Federal judge having far less of an understanding of the needs of local citizens.

So join me and others and many organizations that support these views. Vote yes on a common sense motion to recommit this bill, and bring it out as one that would be far more acceptable to far more local governments.

The SPEAKER pro tempore (Mr. HASTINGS of Washington). Does the gentleman from Florida (Mr. CANADY) rise in opposition to the motion to recommit?

Mr. CANADY of Florida. I do, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Florida (Mr. CANADY) is recognized for 5 minutes.

Mr. CANADY of Florida. Mr. Speaker, I rise to urge the Members of the House to reject this motion to recommit. Like most of the arguments that have been made against this bill, this motion to recommit has nothing to do with the substance or purpose of the bill.

I just ask the Members to look at what we have before us. There is a provision here that deals with protecting the public from prostitution or illegal drugs. There is nothing in the bill before the House that would in any way interfere with the ability of any local government to protect the public from prostitution or illegal drugs. That is obvious.

This is an effort to divert attention from the real issue which is now before the House as we move toward passage of this bill, and that issue is whether American citizens and others in this country who have their property taken by the action of government should have meaningful access to the Federal courts.

Protecting the public from prostitution or illegal drugs is not a taking. As a matter of fact, if one uses property for such illegal purposes, it is subject to forfeiture and confiscation by the government. Those laws are constitutional and valid. Nothing in this bill has anything to do with that.

The same thing could be said about the provision controlling adult book stores and distribution of pornography. The interesting thing about that is, on that point, controlling an adult book store and distribution property does not constitute a taking of property.

But I will tell my colleagues, under the rules that now exist in the Federal system, if someone feels that they have been restricted in such a business and their First Amendment rights have been violated, they go straight to Federal court. That happens under the existing law. But this bill has nothing to do with that at all.

On with the other provisions here. There is nothing in this bill that undermines the ability of local government to protect against illegal groundwater contamination, illegal dumping, and so on, because actions that government takes in that regard do not constitute takings of property.

So I would ask that the Members of the House focus on the purpose of this bill, understand that this is just an effort to divert the House from understanding the purpose of the bill, and let us move forward to reject this motion to recommit and pass the bill and establish our support for the principle, which should be uncontroversial in this country, that those people whose Federal constitutional rights have been violated have a right to have their day in Federal court.

The SPEAKER pro tempore. All time has expired.

Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

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

RECORDED VOTE

Mr. CONYERS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—ayes 155, noes 254, not voting 25, as follows:

[Roll No. 54]

AYES—155

Abercrombie	Davis (IL)	Jackson (IL)
Ackerman	DeFazio	Jackson-Lee (TX)
Allen	DeGette	Jefferson
Andrews	Delahunt	Johnson, E. B.
Baird	DeLauro	Jones (OH)
Baldacci	Deutsch	Kanjorski
Baldwin	Dicks	Kaptur
Barcia	Dingell	Kennedy
Barrett (WI)	Dixon	Kildee
Becerra	Doggett	Kilpatrick
Bentsen	Edwards	Kind (WI)
Blagojevich	Engel	Kleczka
Blumenauer	Eshoo	Kucinich
Bonior	Etheridge	Lantos
Borski	Evans	Larson
Boucher	Farr	Lee
Brady (PA)	Fattah	Levin
Brown (FL)	Filner	Lipinski
Brown (OH)	Forbes	Lofgren
Capps	Ford	Lowey
Capuano	Gejdenson	Luther
Cardin	Gephardt	Maloney (CT)
Carson	Gonzalez	Maloney (NY)
Clay	Gutierrez	Markey
Clayton	Hill (IN)	Matsui
Clyburn	Hilliard	McCarthy (MO)
Conyers	Hinchey	McCarthy (NY)
Costello	Hoeffel	McDermott
Coyne	Holt	McGovern
Crowley	Hooley	McKinney
Cummings	Inslee	

McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Pelosi
Peterson (MN)
Phelps
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roybal-Allard
Sabo
Sanders
Sawyer
Schakowsky
Scott
Serrano
Sherman
Slaughter
Smith (WA)
Spratt
Stabenow
Strickland
Stupak
Tauscher
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Udall (CO)
Udall (NM)
Velazquez
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Wise
Woolsey

NOES—254

Aderholt
Armey
Baca
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Berkley
Berry
Bilbray
Bilirakis
Bishop
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Boswell
Boyd
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Clement
Coble
Coburn
Collins
Combest
Condit
Cooksey
Cox
Cramer
Cubin
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fletcher
Foley
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
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
Holden
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Isakson
Istook
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones (NC)
Kelly
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Lampson
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
Martinez
Mascara
McCrery
McHugh
McInnis
McIntosh
McIntyre
McKeon
Metcalf
Mica
Miller (FL)
Moran (KS)
Morella
Murtha
Nethercutt
Ney
Northup
Norwood
Nussle
Ortiz
Ose
Oxley
Packard
Paul
Pease
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reynolds
Riley
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanchez
Sandlin
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Souder
Spence
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
Weygand
Wicker
Wilson
Wolf
Wu
Young (AK)
Young (FL)

NOT VOTING—25

Archer
Berman
Biggert
Chenoweth-Hage
Cook
Crane
Greenwood
Hastings (FL)
Hinojosa
Hyde
Kasich
Klink
LaFalce
Lewis (GA)
McCollum
Miller, Gary
Moran (VA)
Myrick
Payne
Rush
Skelton
Stark
Vento
Whitfield
Wynn

□ 1809

Mr. GANSKE and Mr. SHAYS changed their vote from ''aye'' to ''no.''

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. HASTINGS of Washington). The question is on the passage of the bill.

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 226, nays 182, not voting 26, as follows:

[Roll No. 55]

YEAS—226

Aderholt
Armey
Baca
Baker
Baldacci
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bateman
Berkley
Berry
Bilirakis
Bishop
Bliley
Blunt
Boehner
Bonilla
Bono
Boswell
Boyd
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Chabot
Chambliss
Clement
Coble
Coburn
Collins
Combest
Condit
Cramer
Cubin
Cunningham
Danner
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehrlich
Emerson
English
Etheridge
Everett
Ewing
Fletcher
Foley
Ford
Fossella
Fowler
Franks (NJ)
Frost
Gallegly
Gekas
Gibbons
Gillmor
Goode
Goodlatte
Goodling
Gordon
Graham
Granger
Green (TX)
Green (WI)
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hobson
Hoekstra
Holden
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Isakson
Jefferson
Jenkins
John
Johnson, E. B.
Johnson, Sam
Jones (NC)
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Lampson
Largent
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Maloney (NY)
Manzullo
Martinez
Mascara
McCrery
McHugh
McInnis
McIntosh
McIntyre
McKeon
Meeks (NY)
Mica
Miller (FL)
Moran (KS)
Murtha
Nethercutt
Ney
Northup
Norwood
Nussle
Ortiz
Ose
Oxley
Packard
Pease
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pombo
Pryce (OH)
Radanovich
Reynolds
Riley
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sandlin
Sanford
Scarborough
Schaffer
Scott
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Smith (MI)
Smith (TX)
Souder
Spence
Stearns
Stenholm
Stump
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (MS)
Thornberry
Thune
Tiahrt
Toomey
Traficant
Turner
Upton
Vitter
Walden
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weller
Weygand
Wicker
Wilson
Young (AK)
Young (FL)

NAYS—182

Abercrombie
Ackerman
Allen
Andrews
Bachus
Baird
Baldwin
Barcia
Barrett (WI)
Bass
Becerra
Bentsen
Bereuter
Bilbray
Blagojevich
Blumenauer
Boehlert
Bonior
Borski
Boucher
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Castle
Clay
Clayton
Clyburn
Conyers
Cooksey
Costello
Coyne
Crowley
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Ehlers
Engel
Eshoo
Evans
Farr
Fattah
Filner
Forbes
Frank (MA)
Frelinghuysen
Ganske
Gejdenson
Gephardt
Gilchrest
Gilman
Gonzalez
Goss
Gutierrez
Hinchey
Hoeffel
Holt
Hooley
Horn
Inslee
Jackson (IL)
Jackson-Lee (TX)
Johnson (CT)
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Lantos
Larson
Lazio
Leach
Lee
Levin
Lofgren
Lowey
Luther
Maloney (CT)
Markey
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Menendez
Metcalf
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Morella
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Pelosi
Peterson (MN)
Pitts
Pomeroy
Porter
Portman
Price (NC)
Quinn
Rahall
Ramstad
Rangel
Regula
Reyes
Rivers
Rodriguez
Roukema
Roybal-Allard
Sabo
Sanchez
Sanders
Sawyer
Saxton
Schakowsky
Serrano
Shays
Sherman
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Spratt
Stabenow
Strickland
Stupak
Tauscher
Thompson (CA)
Thurman
Tierney
Towns
Udall (CO)
Udall (NM)
Velazquez
Visclosky
Walsh
Waters
Watt (NC)
Waxman
Weiner
Weldon (PA)
Wexler
Wise
Wolf
Woolsey
Wu
Wynn

NOT VOTING—26

Archer
Berman
Biggert
Chenoweth-Hage
Cook
Cox
Crane
Greenwood
Hastings (FL)
Hinojosa
Hyde
Istook

Kasich	Miller, Gary	Skelton
Klink	Myrick	Stark
Lewis (GA)	Paul	Vento
Lipinski	Payne	Whitfield
McCollum	Rush	

□ 1816

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. HYDE. Mr. Speaker, on rollcall No. 55, had I been present, I would have voted ''yea.''

Mr. COX. Mr. Speaker, on rollcall No. 55, had I been present, I would have vote ''yea.''

PERSONAL EXPLANATION

Mr. BERMAN. Mr. Speaker, I was unable to cast a vote on the Boehlert amendment to H.R. 2372. However, had I been present, I would have voted ''yea.''

Also, I was unable to cast a vote on the motion to recommit H.R. 2372, Private Property Rights Implementation Act of 2000. However, had I been present, I would have voted ''yea.''

Also, I was unable to cast a vote on final passage of H.R. 2372, the Private Property Rights Implementation Act of 2000. However, had I been present, I would have voted ''nay.''

PRIVILEGED REPORT IN THE MATTER OF PROCEEDINGS AGAINST DR. MILES JONES

Mr. BLILEY, from the Committee on Commerce, submitted a privileged report (Rept. No. 106–527) in the matter of proceedings against Dr. Miles Jones, which was referred to the House Calendar and ordered to be printed.

PERSONAL EXPLANATION

Mr. BOYD. Mr. Speaker, yesterday, March 15, 2000, I was unavoidably detained during rollcall votes 49 and 50. Had I been present, I would have voted ''aye'' on rollcall vote 49 and ''no'' on rollcall vote 50.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1283

Mr. HILL of Montana. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 1283, the Fairness in Asbestos Compensation Act.

The SPEAKER pro tempore (Mr. PEASE). Is there objection to the request of the gentleman from Montana?

There was no objection.

PERMISSION FOR THE COMMITTEE ON THE BUDGET TO HAVE UNTIL MIDNIGHT, MONDAY, MARCH 20, 2000 TO FILE PRIVILEGED REPORT TO ACCOMPANY CONCURRENT RESOLUTION ON THE BUDGET

Mr. NUSSLE. Mr. Speaker, I ask unanimous consent that the Committee on the Budget have until midnight, March 20, 2000, to file a privileged report to accompany the concurrent resolution on the budget.

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

There was no objection.

LEGISLATIVE PROGRAM

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

Mr. BONIOR. Mr. Speaker, I rise for the purpose of inquiring from the distinguished gentleman from Texas (Mr. ARMEY) the schedule for the remainder of the week and for the following week.

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

Mr. BONIOR. I yield to the gentleman from Texas.

Mr. ARMEY. Mr. Speaker, I am pleased to announce that the House has completed its legislation business for the week. The House will not be in session tomorrow.

On Monday, March 20, the House will meet in pro forma session at 2 p.m.

The House will next meet for legislative business on Tuesday, March 21, at 12:30 p.m. for morning-hour debates and 2 p.m. for legislative business. We will consider a number of bills under suspension of the rules, a list of which will be distributed to Members' offices tomorrow.

On Tuesday, no recorded votes are expected before 7 p.m.

On Wednesday, March 22, and the balance of the week, the House will consider the following measures, all of which will be subject to a rule:

H.R. 3822, the Oil Price Reduction Act; S. 1287, the Nuclear Waste Policy Amendment Acts of 2000; and the budget resolution for fiscal year 2001.

Mr. Speaker, I wish all my colleagues a happy St. Patrick's Day tomorrow and safe travel back to their districts.

Mr. BONIOR. Mr. Speaker, reclaiming my time, I ask the gentleman from Texas (Mr. ARMEY) what day he anticipates the budget resolution to come before us?

Mr. ARMEY. Mr. Speaker, if the gentleman will continue to yield, I thank the gentleman for asking.

Mr. Speaker, we would expect to consider the budget on the floor on Thursday. It will take a lot of floor time and always does. We will try our very best to complete the work on Thursday, but my colleagues should be advised that that may not be possible.

Mr. BONIOR. Mr. Speaker, I ask the gentleman, if in fact we do complete the budget on Thursday, is it possible that Friday might be a travel day for us as opposed to a meeting day?

Mr. ARMEY. Mr. Speaker, again, I appreciate the gentleman for asking.

As we have framed up the week's schedule, we are aware that there are a large number of Members that are concerned about the Amsted Ship event, and that is something that we are very anxious to accommodate Members.

Mr. BONIOR. Finally, Mr. Speaker, to my friend from Texas (Mr. ARMEY). Is the supplemental possible next week?

Mr. ARMEY. Mr. Speaker, I appreciate the question of the gentleman on that.

It has been our decision to concentrate on the budget this week, and we will not have an announcement on the supplemental until after we have completed our work.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H. RES. 396

Mr. FARR of California. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H. Res. 396.

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

There was no objection.

ADJOURNMENT TO MONDAY, MARCH 20, 2000

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at 2 p.m. on Monday next.

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

There was no objection.

HOUR OF MEETING ON TUESDAY, MARCH 21, 2000

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that when the House adjourns on Monday, March 20, it adjourn to meet at 12:30 p.m. on Tuesday, March 21, for morning-hour debates.

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

There was no objection.

DISPENSING WITH CALL OF PRIVATE CALENDAR ON TUESDAY, MARCH 21, 2000

Mr. ARMEY. Mr. Speaker, I ask unanimous consent to dispense with the call of the Private Calendar on Tuesday March 21, 2000.

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

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

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

There was no objection.

APPOINTMENT AS MEMBERS TO TICKET TO WORK AND WORK INCENTIVES ADVISORY PANEL

The SPEAKER pro tempore. Without objection, and pursuant to section 101(f)(3) of the Ticket to Work and Work Incentives Improvement Act of 1999 (42 U.S.C. 1320b–19), the Chair announces the Speaker's appointment of the following members on the part of the House to the Ticket to Work and Work Incentive Advisory Panel:

Mr. Steve Start, Spokane, Washington, to a 4-year term; and

Ms. Susan Webb, Phoenix, Arizona, to a 2-year term.

There was no objection.

PERSONAL EXPLANATION

Ms. JACKSON-LEE of Texas. Mr. Speaker, on March 14, 2000, I was unavoidably detained in my district.

On H.R. 3699, had I been present, I would have voted ''aye'' on rollcall vote 46. On H.R. 3701, rollcall vote 47, had I been present, I would have voted ''aye''.

LET US STOP THE RHETORIC AND PASS REAL GUN SAFETY LEGISLATION FOR ALL OF AMERICA

(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, yesterday in listening to Susan Wilson, who lost her daughter, lost her child in Jonesboro, by the terrible and tragic use of a gun, it reemphasized the importance that we in this Congress lower any debate that is political and focus on getting the task done. That is why I believe the conference committee should meet; and that is why I believe the legislation that I offered last evening, the Child Gun Safety and Gun Access Prevention Act of 2000, is a comprehensive gun safety proposal that we should address.

My legislation will protect children not only by raising the age of handgun eligibility and prohibiting youth from possessing semiautomatic assault weapons but by enhancing the penalties for those adults who recklessly disregard the risk that a child is capable of gaining access to a firearm.

We did it in Houston. We did it in Texas and it works. Parents and supervising adults must be held responsible for their children when their household contains dangerous firearms. This legislation also proposes penalty for youth possession of handguns and semi-automatic assault weapons, as well as the transfer of such weapons to youth and provides school districts with incentives, Mr. Speaker, to have gun safety prevention programs.

We are losing lives. Let us stop the rhetoric and pass real gun safety legislation for all of America.

Mr. Speaker, I rise today in support of the current Juvenile Justice legislation already passed by the Senate.

The American people have waited long enough for us to act on this legislation. We can no longer delay and wait for the next tragedy in order to take action.

It is imperative that we act now and not allow Republican leaders to dismantle the vital gun safety provisions contained within the current Juvenile Justice bill.

Simply passing a bill without any gun safety provisions would be irresponsible and a terrible mistake on the part of this Congress.

We must let the American people know that we are not afraid to take the steps necessary to enact responsible legislation.

We cannot allow the NRA to determine how this Congress acts at the expense of our children.

Today, I support Senator DASCHLE's past statement that the Juvenile Justice bill, which concerns access to guns and was adopted by both the Senate and the House, should move forward.

Furthermore, I support his belief that if the Juvenile Justice bill does not go to conference; each Member of Congress should file independent bills until safe legislation is adopted.

I am taking the initiative by announcing, my legislation which would increase youth gun safety. My bill ''The Child Gun Safety and Gun Access Prevention Act of 2000,'' is a comprehensive gun safety proposal.

My legislation will protect children not only by raising the age of handgun eligibility and prohibiting youth from possessing semiautomatic assault weapons, but by enhancing the penalties for those adults who recklessly disregards the risk a child is capable of gaining access to a firearm. Parents and supervising adults must be held responsible for their children when their household contains dangerous firearms.

This legislation also proposes an enhanced penalty for youth possession of handguns and semiautomatic assault weapons, as well as, the transfer of such weapons to youth. Furthermore, children will be required to be accomplished by a parent when attending gun shows. Finally, as a preventative measure, my legislation encourages each school district to provide or participate in a firearms safety program.

Through enhanced penalties for reckless supervising adults, gun safety education programs and limitations on the admittance of children into gun shows, my legislation seeks to prevent tragedies like the one that most recently occurred in Mount Morris Township, MI. This child shooting is the latest in a series of preventable shootings that occurred as a result of adults recklessly leaving firearms in the presence of children.

It is a shame that political maneuvering is still stalling even a nonbinding resolution like Senator BOXER's that simply supports child gun safety legislation. Yet, I would like to say how delighted I was to hear of Senator DURBIN's amendment that would offer more funding for providing gun safety education.

In the past few weeks my office has received many calls and letters from constituents who believe that we support legislation that will take away their guns.

It is obvious that the propaganda machine of the National Riffle Association is working to change our focus from the issue of children and guns and gun ownership in general. Like many of my colleagues, I do not oppose responsible gun ownership.

However, like President Clinton, I am concerned about children and their access to guns. I am concerned that guns are not regulated in the same way that toys are regulated. I am concerned that we do not have safety standards for locking devices on guns. I am concerned that we do not prohibit children from attending gun shows unsupervised. I am concerned that we have not focused on the statistics on children and guns.

This motion to instruct urges the conferees to act immediately on the Juvenile Justice bill. We cannot wait for another tragedy to occur. I urge my colleagues to support this motion.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. WELDON) is recognized for 5 minutes.

(Mr. WELDON of Florida addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

(Mr. PALLONE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

AMERICA MUST DECLARE INDEPENDENCE FROM FOREIGN OIL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. GEKAS) is recognized for 5 minutes.

Mr. GEKAS. Mr. Speaker, our Nation must again declare independence, this time from dependence on foreign oil, foreign energy.

Why is this the case? Not just because our citizens are finding the prices increasing daily at the gas pump, not just because heating oil has risen in price steadily over the last several months, not because there are warning signs that the gasoline prices will continue to rise throughout the summertime, not just because we know statistically that we have 55 percent of our domestic energy needs have to come from abroad, not just because of that.

But if we find that all of these reasons are not important enough, then measure this, I ask the American public: For the sake of our national security, we must declare our independence from dependence on foreign support and imports of energy.

No more can the American people stand the spectacle of our Nation grovelling at the feet of the nations of OPEC and begging them to send us more oil, begging them to sell us more oil, to produce more oil. Please make it

possible for us to have the oil we need. Please, we are begging them.

The only superpower in the world has to depend on that kind of diplomacy, begging the nations to send us more oil?

Well, we are better than that and we have the ingenuity and the resources and the brain power and the stamina and the intent and the greatness to become self-sufficient in our country on our needs for energy.

Therefore, I am introducing today the first step towards the declaration of this new independence of the United States, a bill that would create immediately a blue ribbon commission to determine ways and means by which our Nation will become energy self-sufficient.

No more shall we depend on foreign source energies for our needs. This commission would have to look into, as I view it, the possibility of more domestic drilling in the Midwest, in the North, in the Northwest to develop fully the possibilities of Alaskan new explorations, to determine how best we can fully develop offshore drilling, all of these with due consideration for the environment but necessary for our national survival.

We must weed through these obstacles that have been placed in front of us and which we have imposed on ourselves. There is no longer time in this new century for that kind of obstacle to get in the way of our being self-sufficient as a Nation.

We are calling our bill the NRG, the National Resources Governance Act of the year 2000. NRG. Energy. Energy. Do my colleagues get it? Energy, our own energy, so that we can propel our own automobiles, our own farm equipment, our own airplanes, our own machinery of all types so that we can continue to lead the world in the development of technology and telecommunications and all the other aspects of our society in which we lead the world.

But we cannot do that by placing our hands across the ocean and saying, please send us more energy, please do not raise the prices, please do not cut your production.

I, as an American, cannot any longer stand that. And I believe that a majority of the American citizens in our country feel the same way. We want to end our enslavement to foreign imports of energy. We want to declare independence for our country on the basic needs of our society to move at will, to produce at will, to provide for all our citizens as we want to provide, and actually to help the world as the superpower by creating our own ability to produce the energy necessary to fire the engine of our Nation towards even greater prosperity.

REDUCING SEDIMENT AND NUTRIENT LOSSES IN UPPER MISSISSIPPI RIVER BASIN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. KIND) is recognized for 5 minutes.

Mr. KIND. Mr. Speaker, today I am introducing an important bill aimed at reducing sediment and nutrient losses in the Upper Mississippi River Basin.

Over the last 6 months, I have worked closely with many of my colleagues here in the House, farmers, the navigation industry, sporting groups, conservation groups, and government agencies, to come up with an effective, basin-wide, and non-regulatory approach to dealing with this increasingly serious problem in our Nation's heartland.

Why is this important? Run-off from the land represents one of the greatest environmental threats to the Mississippi River. Huge quantities of sediment and nutrients flow into the river, filling in backwaters, degrading the wetland habitat on the river, and cutting off vital lifelines for a wide variety of wildlife.

The Upper Mississippi River Basin is North America's largest migratory route, with more than 40 percent of the waterfowl using this area as a flyway.

□ 1830

Ongoing habitat loss and degradation threatens the river's $1.2 billion recreation and $6.6 billion tourism industry, and the river is the primary water drinking source for over 22 million Americans.

Impacts on the commercial navigation industry are severe, with barge traffic impeded by sediment buildup and the Corps of Engineers spending over $100 million each year on dredging to maintain a navigable channel in the main stem of the river.

Soil erosion reduces the long-term sustainability of family farms with farmers losing more than $300 million annually in applied nitrogen. This affects farm income at a time when we have a crisis in rural America.

As lawmakers, we must move beyond our current after-the-fact damage repair efforts and instead pass legislation that targets cost-effective measures to reduce sediment and nutrients from entering the river basin in the first place.

In order to reduce sediment and nutrient losses from the landscape, it is imperative that we develop sound scientific information from which to make our conservation decisions. My bill calls for the creation of a basin-wide sediment and nutrient monitoring system and a state-of-the-art computer modeling program to identify hot spots in the basin.

Armed with this information, we will be able to better target landowner-friendly financial and technical assistance to areas where it is most needed.

My bill calls for an expansion of four highly successful USDA conservation programs; CRP, wetland reserve, EQIP and wildlife habitat incentives program.

In addition, the bill includes strong protections for the privacy of personal data collected in connection with monitoring, modeling and technical and financial assessment activities.

This legislation calls for a comprehensive consensus approach to reducing sediment and nutrient intake in order to prevent damage from occurring in the river system. This legislation is collaborative and brings together the relevant Federal agencies in a holistic and comprehensive manner.

This approach, I believe, will have the greatest positive effect for the environment, for our farmers and for our communities in the Upper Mississippi Basin and will do so without creating new Federal regulations.

In 1875, Mr. Speaker, Mark Twain wrote a series of essays that were collected and published under the title Life on the Mississippi. Reflecting on his experiences as a steamboat pilot, Twain penned the following words about his beloved Mississippi River, and I quote,

> The face of the water in time became a wonderful book, a book that was a dead language to the uneducated passenger but which told its mind to me without reserve, delivering its most cherished secrets as clearly as if it uttered them with a voice. And it was not a book to be read once or thrown aside, for it had a new story to tell every day. Throughout the long 1,200 miles, there was never a page that was void of interest, never one that you could leave unread without loss, never one that you would want to skip thinking you could find higher enjoyment in some other thing. There never was so wonderful a book by a man.

The book of the great Mississippi River is one that I have been fortunate enough to read and reread throughout my life based on personal experience growing up on the river. For the sake of our children and for future generations, we must take measures today to ensure that a healthy and beautiful Mississippi River will be there for them to read as well.

I ask my colleagues for their support of this important legislation, and I look forward to working in this body and with my friends here to ensure passage as soon as possible.

The SPEAKER pro tempore (Mr. PEASE). Under a previous order of the House, the gentlewoman from New York (Mrs. MALONEY) is recognized for 5 minutes.

(Mrs. MALONEY of New York addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. STARK (at the request of Mr. GEPHARDT) for today on account of personal business.

Mr. UNDERWOOD (at the request of Mr. GEPHARDT) for today and through March 26 on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. KIND) to revise and extend their remarks and include extraneous material:)

Mr. PALLONE, for 5 minutes, today.

Mr. KIND, for 5 minutes, today.

Mrs. MALONEY of New York, for 5 minutes, today.

ADJOURNMENT

Mr. KIND. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 33 minutes p.m.), under its previous order, the House adjourned until Monday, March 20, 2000, at 2 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

6620. A letter from the Associate Administrator, Dairy Programs, Department of Agricultural, transmitting the Department's final rule—Milk in the Southern Illinois-Eastern Missouri Marketing Area; Suspension of Certain Provisions of the Order [DA–00–02] received January 7, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6621. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—Tuberculosis in Cattle and Bison; State Designations; California, Pennsylvania, and Puerto Rico [Docket No. 99–063–2] received February 8, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6622. A letter from the Associate Administrator, Livestook and Seed Program, Agricultural Marketing Service, Department of Agriculture, transmitting the Department's final rule—Soybean Promotion and Research: The Procedures To Request a Referendum Correction [No. LS–99–17] received January 7, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6623. A letter from the Acting Director, Defense Procurement, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; OMB Circular A–119 [DFARS Case 99–D024] received February 8, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

6624. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—List of Communities Eligible for the Sale of Flood Insurance [Docket No. FEMA–7726] received January 21, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

6625. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Department's final rule—List of Communities Eligible for the Sale of Flood Insurance [Docket No. FEMA–7724] received January 21, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

6626. A letter from the Secretary, Department of Health and Human Services, transmitting Progess in achieving the performance goals referenced in the Prescription Drug User Fee Act of 1992 (PDUFA), pursuant to 21 U.S.C. 379g nt.; to the Committee on Commerce.

6627. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Medical Devices; Exemptions From Premarket Notification; Class II Devices; Vascular Tunnelers [Docket No. 99P–4064] received March 8, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6628. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Medical Devices; Exemption From Premarket Notification and Reserved Devices; Class I [Docket No. 98N–0009] received January 24, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6629. A letter from the Special Assistant to Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Creation of Low Power Radio Service [MM Docket No. 99–25 RM–9208 RM–9242] received February 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6630. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule—List of Approved Spent Fuel Storage Casks: NAC-MPC Addition (RIN: 3150–AG 37) received March 8, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

6631. A letter from the Administrator, Agency For International Development, transmitting a report on the funds appropriated by the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2000; to the Committee on International Relations.

6632. A letter from the Secretary of Commerce, transmitting the annual report for Fiscal Year 1999 and 2000 on Foreign Policy Export Controls; to the Committee on International Relations.

6633. A letter from the Executive Director, Committee For Purchase From People Who Are Blind Or Severely Disabled, transmitting the Committee's final rule—Procurement List Additions—received January 24, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

6634. A letter from the Executive Director, Committee For Purchase From People Who Are Blind Or Severely Disabled, transmitting the Commission's final rule—Procurement List Additions and Deletions—received March 8, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

6635. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule—Prevailing Rate Systems; Changes in Federal Wage System Survey Jobs (RIN: 3206–AH81) received January 21, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

6636. A letter from the Executive Vice President and Chief Financial Officer, Potomac Electric Power Company, transmitting the Balance Sheet of Potomac Electric Power Company as of December 31, 1999; to the Committee on Government Reform.

6637. A letter from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Fishing Vessels Greater Than 99 feet LOA Catching Pollock for Processing by the Inshore Component Independently of a Cooperative in the Bering Sea [Docket No. 99991223349–9349–01; I.D. 012800D] received February 8, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6638. A letter from the Assistant Administrator for Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeastern United States; Spiny Dogfish Fishery Management Plan [Docket No. 990713189–9335–02; I.D. 060899B] (RIN: 0648–AK79) received January 21, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6639. A letter from the Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—American Lobster Fishery [Docket No. 990105002–9285–03; I.D. 110598D] (RIN: 0648–AH41) received January 21, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6640. A letter from the Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Western Pacific Pelagic Fisheries; Hawaii-based Pelagic Longline Area Closure [Docket No. 991221344–9344–01; I.D. 121099A] (RIN: 0648–AN44) received January 21, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6641. A letter from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Adminstration, transmitting the Administration's final rule—Fraser River Sockeye and Pink Salmon Fisheries; Inseason Orders [I.D. 111099A] received January 21, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6642. A letter from the Secretary, Department of Labor, transmitting the fifteenth annual report on trade and employment effects of the Caribbean Basin Economic Recovery Act, pursuant to 19 U.S.C. 2705; to the Committee on Ways and Means.

6643. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Pre-Filing Agreements Pilot Program [Notice 2000–12] received February 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6644. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Remedial Amendment Period [TD 8871] (RIN: 1545–AV22) received February 8, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6645. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—General Rules for Making and Maintaining Qualified Electing Fund Elections [TD 8870] (RIN: 1545–AV39) received February 8, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6646. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Travel and Tour Activities of Tax-Exempt Organizations [TD 8874] (RIN: 1545–AW10) received February 8, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6647. A letter from the Chairman, United States International Trade Commission, transmitting the Department's sixth report on the impact of the Andean Trade Preference Act, pursuant to 19 U.S.C. 3204; to the Committee on Ways and Means.

6648. A communication from the President of the United States, transmitting an account of all Federal agency climate change

programs and activities; jointly to the Committees on Appropriations, International Relations, Science, Commerce, and Ways and Means.

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. BLILEY: Committee on Commerce. Report of the Committee on Commerce on the Congressional Proceedings Against Dr. Miles Jones for Failure to Appear Pursuant to a Duly Authorized Subpoena (Rept. 106–527). 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. EVANS (for himself, Ms. BERKLEY, Ms. DELAURO, Mr. FILNER, Mr. GUTIERREZ, Ms. BROWN of Florida, Ms. CARSON, Mr. REYES, Mr. RODRIGUEZ, Mr. SHOWS, Mrs. MORELLA, Ms. BALDWIN, Ms. KAPTUR, Ms. LOFGREN, Mrs. MINK of Hawaii, Ms. WATERS, Mr. ABERCROMBIE, Mr. BROWN of Ohio, Mr. COSTELLO, Mr. FROST, Mr. KENNEDY of Rhode Island, Mr. MCHUGH, and Mrs. THURMAN):

H.R. 3998. A bill to amend title 38, United States Code, to provide that the rate of compensation paid by the Department of Veterans Affairs for the service-connected loss of one or both breasts due to a radical mastectomy shall be the same as the rate for the service-connected loss or loss of use of one or more creative organs; to the Committee on Veterans' Affairs.

By Mr. YOUNG of Alaska (for himself, Mrs. CHRISTENSEN, and Mr. FALEOMAVAEGA):

H.R. 3999. A bill to clarify the process for the adoption of local constitutional self-government for the United States Virgin Islands and Guam, and for other purposes; to the Committee on Resources.

By Mr. BLAGOJEVICH:

H.R. 4000. A bill to amend chapter 44 of title 18, United States Code, to require ballistics testing of all firearms manufactured and all firearms in custody of Federal agencies, and to add ballistics testing to existing firearms enforcement strategies; to the Committee on the Judiciary.

By Mr. LEWIS of Georgia (for himself and Mr. HOUGHTON):

H.R. 4001. A bill to amend the Tariff Act of 1930 relating to detentions and searches of travelers by the United States Customs Service, and for other purposes; to the Committee on Ways and Means.

By Mr. BRADY of Texas (for himself, Mr. DAVIS of Florida, and Mr. BEREUTER):

H.R. 4002. A bill to amend the Foreign Assistance Act of 1961 to revise and improve provisions relating to famine prevention and freedom from hunger; to the Committee on International Relations.

By Mr. WELLER (for himself, Mrs. JOHNSON of Connecticut, Mr. COYNE, Ms. DUNN, Mr. ENGLISH, Mr. FOLEY, Mr. MATSUI, Mr. NEAL of Massachusetts, Mr. CARDIN, Mr. MCNULTY, and Mr. HOUGHTON):

H.R. 4003. A bill to amend the Internal Revenue Code of 1986 to repeal the targeted area limitation on the expense deduction for environmental remediation costs and to extend the termination date of such deduction; to the Committee on Ways and Means.

By Mr. BROWN of Ohio (for himself, Mr. CHABOT, Mr. LANTOS, Mr. STARK, Mr. ENGLISH, Mr. LARSON, Mr. ROHRABACHER, and Mr. WEXLER):

H.R. 4004. A bill concerning the participation of Taiwan in the World Health Organization; to the Committee on International Relations.

By Mr. BROWN of Ohio:

H.R. 4005. A bill to amend title 36, United States Code, to recognize a flag to be known as the National Veterans Flag as the symbol of the Nation's admiration, respect, and appreciation for the veterans of service in the Armed Forces of the United States; to the Committee on the Judiciary.

By Mr. COLLINS (for himself, Mr. POMBO, Mr. DEAL of Georgia, Mr. GRAHAM, Mr. HAYWORTH, Mr. SAM JOHNSON of Texas, and Mr. BARR of Georgia):

H.R. 4006. A bill to amend the Internal Revenue Code of 1986 to reduce motor fuel excise tax rates; to the Committee on Ways and Means.

By Mr. DEFAZIO (for himself, Mr. GEORGE MILLER of California, Mrs. CAPPS, Mr. BAIRD, Mr. INSLEE, Mr. BONIOR, and Mr. FARR of California):

H.R. 4007. A bill to suspend exports of Alaskan North Slope crude oil until the President determines that the domestic economy is not experiencing a shortage of foreign crude oil or an inflationary impact due to the demand for foreign crude oil; to the Committee on International Relations, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. DEGETTE (for herself and Mr. PETERSON of Pennsylvania):

H.R. 4008. A bill to amend the Public Health Service Act with respect to addressing the special needs of children regarding organ transplantation; to the Committee on Commerce.

By Ms. DEGETTE:

H.R. 4009. A bill to ban the import of large capacity ammunition feeding devices, to promote the safe storage and use of handguns by consumers, and to extend Brady background checks to gun shows; to the Committee on the Judiciary.

By Mr. FALEOMAVAEGA:

H.R. 4010. A bill to reauthorize and amend the National Fish and Wildlife Foundation Establishment Act; to the Committee on Resources.

By Mr. GANSKE (for himself, Mr. SHIMKUS, Mr. BARRETT of Nebraska, Mr. EVANS, Mr. LEACH, Mr. BOSWELL, Mr. LATHAM, Mr. MINGE, Mr. LAHOOD, Mr. RAMSTAD, Mr. TERRY, Mr. PHELPS, Mr. LIPINSKI, Mr. WELLER, Mr. BLUNT, Ms. DANNER, Mr. EWING, Mr. UPTON, Mr. THUNE, Mr. HULSHOF, Mr. VENTO, Mr. BOEHLERT, Mr. MANZULLO, Mr. SOUDER, and Mr. STRICKLAND):

H.R. 4011. A bill to amend section 211 of the Clean Air Act to prohibit the use of MTBE, to provide flexibility within the oxygenate requirement of the Environmental Protection Agency's Reformulated Gasoline Program, to promote the use of renewable ethanol, and for other purposes; to the Committee on Commerce.

By Mr. KANJORSKI (for himself, Mr. HORN, Mrs. MALONEY of New York, Mr. KUCINICH, and Mr. HINCHEY):

H.R. 4012. A bill to assure quality construction and prevent certain abusive contracting practices by requiring each bidder for a Federal construction contract to identify the subcontractors that the contractor intends to use to perform the contract, and for other purposes; to the Committee on Government Reform.

By Mr. KIND (for himself, Mr. LEACH, Mr. GUTKNECHT, Mr. MINGE, Mr. MANZULLO, Mr. EVANS, Mr. NUSSLE, Mr. LUTHER, Ms. BALDWIN, and Mr. VENTO):

H.R. 4013. A bill to establish a cooperative effort of the Department of Agriculture and the Department of the Interior to reduce sediment and nutrient loss in the Upper Mississippi River Basin; to the Committee on Agriculture, and in addition to the Committee on Resources, 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. LEVIN:

H.R. 4014. A bill to provide for interregional primary elections and caususes for selection of delegates to politial party Presidential nominating conventions; to the Committee on House Administration.

By Mr. MARKEY (for himself and Mr. SMITH of New Jersey):

H.R. 4015. A bill to amend the Public Health Service Act to provide for Alzheimer's clinical research and training awards; to the Committee on Commerce.

By Mr. MARKEY (for himself and Mr. SMITH of New Jersey):

H.R. 4016. A bill to direct the Medicare Payment Advisory Committee to conduct a study on reimbursement rates for physicians under the Medicare Program for diagnosis, treatment, and management of Alzheimer's disease; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. METCALF:

H.R. 4017. A bill to reimpose the prohibition on the export of Alaskan North Slope crude oil; to the Committee on International Relations, and in addition to the Committee on Resources, 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. NETHERCUTT (for himself and Mr. LATHAM):

H.R. 4018. A bill to amend the Agricultural Research, Extension, and Education Reform Act of 1998 to establish an educational program to improve the risk management skills of agricultural producers; to the Committee on Agriculture.

By Mr. PICKERING (for himself, Mr. BURR of North Carolina, Mr. TAUZIN, Mr. DINGELL, Mr. BOUCHER, Mr. KLINK, Mr. GREEN of Texas, Mr. HALL of Texas, Mr. LARGENT, Mr. OXLEY, Mr. DEAL of Georgia, and Mr. FOSSELLA):

H.R. 4019. A bill to place certain constraints and limitations on the authority of the Federal Communications Commission to review mergers and to impose conditions on licenses and other authorizations assigned or transferred in the course of mergers or other transactions; to the Committee on Commerce.

By Mr. RADANOVICH:

H.R. 4020. A bill to authorize an expansion of the boundaries of Sequoia National Park to include Dillonwood Giant Sequoia Grove; to the Committee on Resources.

By Mr. RADANOVICH (for himself, Mr. THOMAS, and Mr. DOOLEY of California):

H.R. 4021. A bill to authorize a study to determine the best scientific method for the

long-term protection of California's giant sequoia groves; to the Committee on Resources.

By Mr. ROHRABACHER (for himself, Mr. SPENCE, Mr. ROGAN, Mr. LIPINSKI, Mr. BARTLETT of Maryland, Ms. ROS-LEHTINEN, Mr. SAM JOHNSON of Texas, Mr. LARGENT, Mr. DOOLITTLE, Mr. HUNTER, Mr. JONES of North Carolina, Mrs. BONO, Mr. MCCOLLUM, Mr. TAUZIN, Mr. SMITH of New Jersey, and Mr. BURTON of Indiana):

H.R. 4022. A bill regarding the sale and transfer of Moskit anti-ship missiles by the Russian Federation; to the Committee on International Relations.

By Mr. ROYCE:

H.R. 4023. A bill to amend title 36 of the United States Code with regard to observance of Constitution Week; to the Committee on the Judiciary.

By Mr. ROYCE:

H.R. 4024. A bill to amend the Internal Revenue Code of 1986 to adjust the exclusion amount on the gain from the sale of a principal residence for inflation; to the Committee on Ways and Means.

By Mr. SALMON (for himself, Mr. HAYWORTH, Ms. PRYCE of Ohio, Mr. GARY MILLER of California, Mr. GALLEGLY, and Mr. HANSEN):

H.R. 4025. A bill to amend the Internal Revenue Code of 1986 to provide tax relief to elementary and secondary school teachers; to the Committee on Ways and Means.

By Mr. SHAW:

H.R. 4026. A bill to amend the Harmonized Tariff Schedule of the United States to provide duty-free treatment for certain foodstuffs originating in NAFTA countries; to the Committee on Ways and Means.

By Mr. SKELTON:

H.R. 4027. A bill to direct the Secretary of the Army to transfer a parcel of land to the Iconium Fire Protection District, St. Clair and Benton counties, Missouri, for use as a fire station; to the Committee on Transportation and Infrastructure.

By Mr. SMITH of New Jersey (for himself and Mr. MARKEY):

H.R. 4028. A bill to amend title XVIII of the Social Security Act to expand the definition of homebound for purposes of receiving home health services under the Medicare Program to allow Medicare beneficiaries to attend adult day care programs for treatment of Alzheimer's disease and other conditions; to the Committee on Ways and Means, 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. SMITH of New Jersey (for himself and Mr. MARKEY):

H.R. 4029. A bill to amend the Public Health Service Act to provide for Alzheimer's clinical research and training awards, to amend title XVIII of the Social Security Act to expand the definition of homebound for purposes of receiving home health services under the Medicare Program to allow Medicare beneficiaries to attend adult day care programs for treatment of Alzheimer's disease and other conditions, to amend the Internal Revenue Code of 1986 to allow individuals a deduction for qualified long-term care insurance premiums, use of such insurance under cafeteria plans and flexible spending arrangements, and a credit for individuals with long-term care needs, and for other purposes; to the Committee on Ways and Means, 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. SMITH of Washington:

H.R. 4030. A bill to enhance benefits for active and retired military personnel; to the Committee on Armed Services, and in addition to the Committees on Ways and Means, Commerce, and Government Reform, 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. UNDERWOOD:

H.R. 4031. A bill to amend the Organic Act of Guam for the purposes of clarifying the local judicial structure of Guam; to the Committee on Resources.

By Mrs. WILSON (for herself and Mr. SCHAFFER):

H.R. 4032. A bill to establish a loan guarantee program under which the Federal government shall guarantee payment of loans made by lending institutions for capital projects for public charter schools, and for other purposes; to the Committee on Education and the Workforce.

By Mr. JENKINS:

H.J. Res. 91. A joint resolution proposing a balanced budget amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mrs. MALONEY of New York (for herself, Mr. BOEHLERT, Mr. LANTOS, Mrs. MINK of Hawaii, and Mr. RAHALL):

H. Con. Res. 286. Concurrent resolution expressing the sense of Congress concerning the situation in Jericho; to the Committee on International Relations.

By Mr. SHERWOOD:

H. Con. Res. 287. Concurrent resolution expressing the sense of the Congress regarding the actions needed to address the recent dramatic price increase in heating oil and other petroleum distillates; to the Committee on Commerce, and in addition to the Committee on International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TOOMEY (for himself and Mr. ROEMER):

H. Con. Res. 288. Concurrent resolution recognizing the importance of families and children in the United States and expressing support for the goals and ideas of National Family Day; to the Committee on Education and the Workforce.

By Mr. FALEOMAVAEGA (for himself, Mr. YOUNG of Alaska, Mr. DOOLITTLE, Mr. JOHN, Mrs. NAPOLITANO, Mr. ORTIZ, and Mr. ROMERO-BARCELO):

H. Res. 443. A resolution expressing the sense of the House of Representatives with regard to the centennial of the raising of the United States flag in American Samoa; 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. 49: Mr. PALLONE.

H.R. 59: Mr. SCHAFFER.

H.R. 60: Mr. FRANKS of New Jersey.

H.R. 65: Mr. LARGENT.

H.R. 71: Mr. KLINK.

H.R. 142: Mr. SALMON.

H.R. 218: Mr. LUCAS of Kentucky.

H.R. 303: Mr. ROHRABACHER, Mr. MCNULTY, Mr. RYUN of Kansas, and Mr. TIERNEY.

H.R. 347: Mr. MCINTOSH.

H.R. 488: Mr. SERRANO and Mr. MCNULTY.

H.R. 583: Mr. ADERHOLT and Mr. TIERNEY.

H.R. 606: Mr. KLINK.

H.R. 612: Mrs. MCCARTHY of New York, Mr. PHELPS, and Mr. OWENS.

H.R. 780: Mr. KENNEDY of Rhode Island.

H.R. 844: Mr. ROHRABACHER, Mr. FILNER, Mr. OBERSTAR, Mr. RILEY, Mr. NETHERCUTT, Mr. MCINTOSH, Mr. KUYKENDALL, Mr. DEAL of Georgia, Mr. DICKEY, Mr. BRYANT, Mr. RAHALL, and Mr. KIND.

H.R. 860: Mr. MCNULTY.

H.R. 904: Mr. WEXLER, Mr. COMBEST, Mr. HAYWORTH, and Ms. ESHOO.

H.R. 1044: Mr. BOEHNER and Mr. COOKSEY.

H.R. 1046: Ms. DEGETTE and Mr. BECERRA.

H.R. 1055: Mr. HUNTER and Mr. MCCOLLUM.

H.R. 1071: Ms. SANCHEZ, Mr. ANDREWS, Mr. CONYERS, and Mr. TIERNEY.

H.R. 1095: Ms. LOFGREN.

H.R. 1108: Mr. PRICE of North Carolina.

H.R. 1109: Mr. KUCINICH.

H.R. 1172: Ms. NORTON and Ms. JACKSON-LEE of Texas.

H.R. 1182: Mr. FRANKS of New Jersey, Mr. ANDREWS, and Mr. MCGOVERN.

H.R. 1217: Mrs. MCCARTHY of New York and Ms. ESHOO.

H.R. 1247: Mr. KLINK.

H.R. 1248: Mr. SESSIONS.

H.R. 1275: Mr. BONIOR, Mr. ISAKSON, Mr. NUSSLE, Mr. BOSWELL, Mr. CAMP, Mr. CUMMINGS, Ms. SANCHEZ, Mr. CLYBURN, and Mr. PICKETT.

H.R. 1294: Ms. HOOLEY of Oregon, Mr. ARMEY, and Mr. BARR of Georgia.

H.R. 1304: Mr. GALLEGLY and Mrs. JONES of Ohio.

H.R. 1318: Mr. DOOLITTLE.

H.R. 1325: Mr. DOYLE and Mr. WEYGAND.

H.R. 1349: Mr. PACKARD.

H.R. 1366: Mr. BONILLA.

H.R. 1515: Ms. NORTON, Mr. PASTOR, and Mr. CLYBURN.

H.R. 1617: Mr. MINGE.

H.R. 1621: Mr. LAFALCE and Ms. SCHAKOWSKY.

H.R. 1764: Mr. TIERNEY.

H.R. 1765: Mr. KLINK.

H.R. 1803: Mr. HERGER, Mr. PAUL, Mr. TOOMEY, Mr. PITTS, and Mr. BARTLETT of Maryland.

H.R. 1816: Mr. KENNEDY of Rhode Island.

H.R. 1824: Mr. PHELPS.

H.R. 1899: Mr. CLAY and Mrs. TAUSCHER.

H.R. 1989: Mr. RAHALL.

H.R. 2040: Mr. KLINK.

H.R. 2096: Mr. RUSH and Mr. EVANS.

H.R. 2141: Mr. PAYNE.

H.R. 2267: Mr. KLINK, Mr. ENGLISH, Mr. WAMP, and Mr. BONIOR.

H.R. 2308: Mr. SKELTON and Mrs. MYRICK.

H.R. 2321: Mr. FRANK of Massachusetts and Mr. MCGOVERN.

H.R. 2335: Mr. HAYES, Mr. GOODLATTE, and Mr. NORWOOD.

H.R. 2457: Mr. WEYGAND and Mr. MURTHA.

H.R. 2498: Mr. LAHOOD and Mr. BLUMENAUER.

H.R. 2514: Mr. SCARBOROUGH.

H.R. 2548: Ms. MCKINNEY and Mr. CRAMER.

H.R. 2579: Mr. MATSUI, Mr. UNDERWOOD, Mr. EVANS, Mr. STARK, Ms. NORTON, Ms. MILLENDER-MCDONALD, Mr. PAYNE, Mr. WYNN, Mr. TIERNEY, Ms. KAPTUR, and Ms. DELAURO.

H.R. 2588: Mr. TAYLOR of Mississippi.

H.R. 2620: Mr. SNYDER.

H.R. 2635: Mr. LAHOOD and Mr. NORWOOD.

H.R. 2686: Mr. GILLMOR.

H.R. 2697: Mr. NEY and Mr. DEUTSCH.

H.R. 2738: Ms. PELOSI, Mr. SABO, and Mr. MCGOVERN.

H.R. 2749: Mr. JONES of North Carolina.

H.R. 2817: Ms. VELAZQUEZ, Mr. WEINER, and Ms. DELAURO.

H.R. 2867: Mr. KOLBE, Mr. METCALF, and Mr. BARTON of Texas.

H.R. 2870: Mr. KLINK.

H.R. 2899: Mr. DELAHUNT and Mr. ABERCROMBIE.

H.R. 2915: Mr. KUCINICH.

H.R. 2916: Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 2917: Ms. EDDIE BERNICE JOHNSON of Texas.
H.R. 2953: Mr. DOYLE, Mr. FROST, Mr. COSTELLO, and Mr. BLAGOJEVICH.
H.R. 2973: Mr. SENSENBRENNER.
H.R. 2991: Mr. COLLINS and Mrs. THURMAN.
H.R. 3034: Mr. GUTKNECHT.
H.R. 3113: Mr. BILBRAY, Mrs. TAUSCHER, and Mr. LARGENT.
H.R. 3192: Mr. GILCHREST, Mr. TOWNS, Mr. MCNULTY, Mr. NEAL of Massachusetts, Mr. DEFAZIO, Mr. KOLBE, and Mr. DEUTSCH.
H.R. 3195: Ms. DELAURO, Mr. CUNNINGHAM, and Mr. MCGOVERN.
H.R. 3197: Mr. MOORE.
H.R. 3212: Mr. GOODLING.
H.R. 3214: Mr. RANGEL, Mr. LEACH, Mr. FROST, Mr. GREENWOOD, Mrs. CHRISTENSEN, Ms. KILPATRICK, Mr. CROWLEY, Ms. RIVERS, Ms. LEE, Ms. STABENOW, Mrs. MALONEY of New York, Mrs. MINK of Hawaii, Mr. CLAY, Mr. BONIOR, Mr. BENTSEN, Mrs. KELLY, Mr. STENHOLM, Mr. WAXMAN, and Mr. UPTON.
H.R. 3235: Mr. DIAZ-BALART and Mr. STARK.
H.R. 3240: Mr. MINGE, Mr. PICKETT, Mr. WAMP, and Mr. PETRI.
H.R. 3250: Mr. LAHOOD, Mr. KENNEDY of Rhode Island, Mr. KILDEE, and Mr. TIERNEY.
H.R. 3252: Mr. CANNON.
H.R. 3294: Mr. EDWARDS.
H.R. 3301: Mr. BARRETT of Wisconsin.
H.R. 3307: Mr. HUCHINSON.
H.R. 3377: Mr. LANTOS.
H.R. 3439: Mr. LOBIONDO, Mr. MCCRERY, and Mr. CHAMBLISS.
H.R. 3462: Mr. BALLENGER, Mr. GOODLING, Mr. ARMEY, and Mr. DELAY.
H.R. 3487: Mr. SMITH of Washington.
H.R. 3489: Mr. DINGELL, Mr. FOSSELLA, Mr. OXLEY, and Mr. SUNUNU.
H.R. 3500: Mr. INSLEE, Mr. EVANS, Mr. KUCINICH, Mr. WU, and Mr. NADLER.
H.R. 3530: Mr. EHLERS and Mr. SHAYS.
H.R. 3544: Mr. SMITH of New Jersey, Mr. MILLER of Florida, Ms. DANNER, Mr. BAKER, Mr. BORSKI, Mr. ROGAN, Mr. HOLDEN, Mr. LIPINSKI, Mr. UNDERWOOD, Mr. SHERWOOD, Mr. ACKERMAN, Mr. KUCINICH, Mr. BLILEY, Mr. STUPAK, Mr. HYDE, Mr. NEAL of Massachusetts, and Mr. GIBBONS.
H.R. 3573: Mr. FLETCHER, Mr. SOUDER, and Mr. TANNER.
H.R. 3575: Mr. BURTON of Indiana, Mr. KILDEE, Mrs. THURMAN, Mr. GOODE, Mr. PACKARD, Mr. LAZIO, Mr. LARSON, Mr. HOUGHTON, Mr. RAMSTAD, Mr. MCINTYRE, and Mr. LIPINSKI.
H.R. 3576: Mr. CLEMENT, Mr. ADERHOLT, and Mr. BLUNT.
H.R. 3578: Mr. BARR of Georgia, Mr. KOLBE, and Mr. FOLEY.
H.R. 3582: Mrs. MORELLA.
H.R. 3591: Mrs. CAPPS, Mrs. NAPOLITANO, Mr. DAVIS of Florida, Mr. TOWNS, Mr. ROEMER, Mr. SISISKY, Mr. TURNER, Mr. DICKEY, Mr. FORD, Mr. MALONEY of Connecticut, Mr. FARR of California, Mr. MURTHA, Mr. ABERCROMBIE, Mr. DOOLEY of California, Mr. JOHN, Mr. KILDEE, Mr. PALLONE, Mr. UNDERWOOD, Mr. VENTO, Mrs. MCCARTHY of New York, Mr. RAHALL, Mr. BISHOP, Ms. BERKLEY, Mr. KUCINICH, Mr. DICKS, Mr. LAMPSON, Mr. UDALL of Colorado, Mr. KIND, Mr. REYES, Mr. ANDREWS, Mr. DELAHUNT, Mr. HILL of Indiana, and Mr. PASCRELL.
H.R. 3600: Mr. OWENS.
H.R. 3625: Mr. MCCRERY, Mr. PICKERING, and Mr. HUTCHINSON.
H.R. 3634: Mr. MORAN of Virginia, Mr. LANTOS, Mr. THOMPSON of California, Mr. ALLEN, Mr. GEORGE MILLER of California, and Mr. FROST.
H.R. 3650: Ms. NORTON, Mr. DEFAZIO, Mr. BLUMENAUER, and Mr. EVANS.
H.R. 3674: Mr. BAKER.
H.R. 3686: Mr. KUCINICH.
H.R. 3690: Mr. CANADY of Florida.
H.R. 3691: Mr. HALL of Texas.
H.R. 3695: Mr. MANZULLO and Mr. SCHAFFER.
H.R. 3710: Mr. STUPAK, Mr. MASCARA, and Mr. MCNULTY.
H.R. 3766: Mr. MCNULTY, Mr. MOAKLEY, Mr. WEXLER, Mr. LAFALCE, and Ms. BALDWIN.
H.R. 3798: Mr. WEINER and Mr. LAHOOD.
H.R. 3816: Mr. KLINK.
H.R. 3822: Mr. BACHUS and Mr. EVERETT.
H.R. 3842: Mr. DAVIS of Illinois, Mr. THOMPSON of California, Mr. ENGLISH, Mr. YOUNG of Alaska, Mr. MCGOVERN, Mr. DEAL of Georgia, and Mr. RAHALL.
H.R. 3844: Mr. DEAL of Georgia, Mr. ROYCE, Mr. TAYLOR of North Carolina, Mr. BONILLA, Mr. SALMON, Mr. TIAHRT, and Mr. TANCREDO.
H.R. 3849: Mr. FORBES, Mr. TAYLOR of North Carolina, Mr. HOBSON, Mr. BALLENGER, Mr. JONES of North Carolina, Mr. SALMON, and Mr. BARR of Georgia.
H.R. 3883: Mr. DEFAZIO and Mr. OWENS.
H.R. 3891: Ms. ROYBAL-ALLARD.
H.R. 3899: Mr. GONZALEZ.
H.R. 3900: Mr. GOODLING.
H.R. 3916: Mrs. EMERSON, Mr. COX, Mr. DAVIS of Virginia, Mr. BOEHNER, Mr. BOUCHER, and Mr. THOMAS.
H.R. 3981: Ms. MCKINNEY, Mr. FRANK of Massachusetts, and Mr. RAHALL.
H.R. 3983: Mr. ENGLISH, Mr. CUNNINGHAM, Mr. MATSUI, and Mr. KIND.
H. Con. Res. 115: Mrs. KELLY and Mr. JEFFERSON.
H. Con. Res. 217: Mr. MCCOLLUM and Mr. STEARNS.
H. Con. Res. 253: Mr. DEMINT.
H. Con. Res. 259: Mr. CROWLEY, Ms. ESHOO, and Mr. GEJDENSON.
H. Con. Res. 262: Mr. LINDER.
H. Con. Res. 272: Mr. GARY MILLER of California, Ms. BERKLEY, and Mr. DOYLE.
H. Con. Res. 273: Mr. EVERETT.
H. Con. Res. 276: Mr. VISCLOSKY, Mr. LIPINSKI, Mr. ROTHMAN, Ms. BROWN of Florida, Mr. TAYLOR of Mississippi, and Mr. EVERETT.
H. Con. Res. 277: Ms. NORTON.
H. Con. Res. 283: Mr. FILNER, Mr. GEKAS, and Mr. JONES of North Carolina.
H. Res. 187: Mr. BROWN of Ohio.
H. Res. 213: Mr. RYAN of Wisconsin, Ms. STABENOW, Mr. BARRETT of Wisconsin, and Mr. SPRATT.
H. Res. 420: Mr. CALVERT and Mr. STEARNS.
H. Res. 437: Mr. CAPUANO.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1283: Mr. HILL of Montana.
H. Res. 396: Mr. FARR of California.

DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petitions:

Petition 7, by Mr. SHOWS on House Resolution 371: Julian C. Dixon, David D. Phelps, Bernard Sanders, Brian Baird, and Sherrod Brown.

Petition 8, by Mr. STARK on House Resolution 372: Julian C. Dixon, Bernard Sanders, Brian Baird, and Sherrod Brown.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 3908

OFFERED BY: MRS. MINK OF HAWAII

AMENDMENT NO. 1: Page 76, strike lines 13 through 17 (section 4701).

H.R. 3908

OFFERED BY: MRS. MINK OF HAWAII

AMENDMENT NO. 2: Page 76, strike lines 18 through 22 (section 4702).

EXTENSIONS OF REMARKS

ASTRONOMICAL GAS PRICING

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2000

Mr. CALVERT. Mr. Speaker, I rise today to continue my critique of the Clinton-Gore Administration's role in the recent surge in gasoline and home-heating oil prices. Yes, Mr. Speaker, the Administration must shoulder much of the responsibility because they ignored the ''two D's''—domestic production and diplomacy.

The United States imports around 55% of its petroleum requirements largely because it is so difficult to produce petroleum in this country. Mr. Speaker, the Administration imposes serious limits on exploration, drilling and refining oil through a Byzantine permitting and regulatory scheme. These regulations force many facilities to shut down when oil prices are low and make it uneconomical to reopen when prices rise.

This takes us to the second D—diplomacy. The Administration knew one year ago that these prices were coming down the pipeline. Unfortunately, Energy Secretary Richardson was preoccupied by a major spy scandal at DOE—as he himself said on February 16th, ''It is obvious that the federal government was not prepared. We were caught napping. We got complacent.''

The Administration was unable or unwilling to convince our friends in OPEC and other oil-producing countries to keep the spigot turned on. It is this lack of effort that brings us to where we are today—gasoline prices racing towards $2.50 a gallon.

The only thing that saved our seniors in the Northeast from freezing recently was the arrival of warmer weather. Now those living on fixed incomes will face exorbitant prices at the gas pump. That is the legacy of Clinton-Gore.

Mr. Speaker, I give this Administration's ''two D's'' and an ''F.''

CELEBRATING THE CENTENNIAL OF THE CALUMET THEATRE

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2000

Mr. STUPAK. Mr. Speaker, I rise today to join other northern Michigan residents in celebrating the centennial of the Calumet Theatre, in Calumet, Michigan, on the beautiful Keweenaw Peninsula.

Despite its remoteness, this remarkable theater once provided a stage for some of the greatest actors and actresses who traveled the country shortly after the turn of the century. Like many institutions of its kind, the theater fell on hard times but was rediscovered by farsighted local residents. Now it is the bright jewel of a national project. The Calumet Theatre, which occupies a place on the National Register of Historic Places, sits in the heart of downtown Calumet, which is also listed on the National Register. Both in turn are major features and attractions in one of the nation's newest national parks, Keweenaw National Historic Park.

The performers who appeared for local audiences included such luminaries as Lillian Russell, John Philip Sousa, Sarah Bernhardt, Douglas Fairbanks Sr., Lon Chaney Sr., Jason Robards Sr., William S. Hart, and Wallace and Noah Beery.

Also appearing was Madame Helen Modjeska, whose spirit is being resurrected in a new book by author Susan Sontag, but whose actual ghost is said to occasionally walk the boards of the stage, just as she did in real life in 1900, 1902 and 1905.

As the story is told—even as far away as Madame Modjeska's home country of Poland—an actress with a New York theatrical troupe was playing the role of Kate in Taming of the Shrew in 1958, when she suddenly went blank on her monologue. She was saved by the pale figure of Madam Modjeska, who fed her the lines from the balcony.

Is there really a ghost, Mr. Speaker? Ask former reporter Rick Rudden, now editor of the Escanaba Daily Press, who spent a ghost hunting night in a theater filled with strong raps, knocks and other inexplicable sounds.

But it is my own district, Mr. Speaker, which threatened for many years to become a ghost of its own former glory in the heyday of copper mining. The copper boom is a fixture of the distant past, but the echoes of a dying industry can still be heard. As recently as 1995 the nearby White Pine Mine closed, taking with it 1,200 good-paying jobs.

This is the context in which we celebrate the centennial of the Calumet Theatre. The community—the region—looks back a hundred years to a grand past, but it need only look at yesterday to see a time of economic struggle and uncertainty. Yet, in the midst of these very lean years, residents have worked to save such assets as the theater, not only as showpieces for visitors but as living and working community centers for the performing arts.

As the theater's Web site proudly proclaims, restoration and performances at the Calumet Theatre are organized by the Calumet Theatre Company, a member-supported volunteer based organization. The theater now serves as a venue for 60–80 events annually, including symphony performances, folk music, jazz, opera, plays, dance, dinner movies, community events, as well as public meetings and guided tours.

With this passion for preserving and continuing such cultural traditions, Mr. Speaker, it is certainly no wonder that the early home of the current chairman of the National Endowment for the Arts, William Ivey, is only minutes from the Calumet Theatre.

I salute the people of Calumet for their foresight and hard work in restoring this community asset and ensuring it is included in our nation's inventory of architectural treasures. I am pleased the theater has been designated as a ''Save America's Treasures'' site by the Millennium Council at the White House. I thank Bill Ivey for his tireless efforts towards this goal, and I commend the Calumet Theatre Company for undertaking the day-to-day task of preserving this facility.

IN RECOGNITION OF ALICE CARDONA'S 70TH BIRTHDAY

HON. NYDIA M. VELAZQUEZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2000

Ms. VELAZQUEZ. Mr. Speaker, I rise today to recognize Alice Cardona on her 70th birthday and to take this opportunity to thank her for her life-long dedication and service in helping others in our community.

W.A. Nance once said ''No person can be a great leader unless he takes genuine joy in the successes of those under him.'' Through her work in education advocacy and with Hispanic women, Alice's joy is evident.

Born and raised in New York City, Alice has had a long and distinguished career in public service. She was former Governor Cuomo's Assistant Director of the New York State Division for Women where she represented the Division at the Minority and Women Business Enterprise Advisory Council and various conferences, conventions and public affairs events, including serving as Ombudsperson to the Department of State. There she networked and reached out to community-based organizations and State agencies and national Latino organizations.

Alice had an equally long career in education advocacy where she was the ASPIRA of New York Director of the Parent Student Guidance Program and she served as a member of Commissioner Ambach's New York State Education Department, Bilingual Education Advisory Council for six years.

Alice has also founded several prominent organizations for Hispanic women including the Puerto Rican/Latino Education Roundtable, National Conference of Puerto Rican Women, New York City Chapter, National Latina Caucus, HACER, Inc., Hispanic Women's Center, Hispanic AIDS Forum, Women AIDS Resource Center, Queens Women's Network, the National Latina Institute for Reproductive Health, the New York State Spanish Domestic Violence Hotline, New York Women's Foundation, Sister Fund, New York Women's Agenda, and she is presently Chair of the Board of Puerto Rican Association for Community Affairs.

In recognition for her community service work, Alice not surprisingly, is the recipient of numerous honors and awards.

It is especially today, on her 70th birthday, that I thank Alice for all her hard work, time and energy she has spent over the years contributing to her community and wish her a very special birthday this year and in the years to come.

HONORING THE SAVANNAH SHAMROCKS RUGBY CLUB

HON. JACK KINGSTON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2000

Mr. KINGSTON. Mr. Speaker, I would like to take this opportunity to recognize The Savannah Shamrocks Rugby Club, which is a non-profit, charity aiding organization in Savannah, GA. The club was founded in 1978 and now has approximately sixty members. The club is comprised of Military personnel, Teachers, Scientists, Doctors, Engineers, Sales people, and College students. The team plays 24 games per year in Savannah, facing competition from local teams such as Georgia Southern, Hilton Head, Columbia, and Augusta. Occasionally, the club is given the opportunity to compete against International teams such as the British Navy, South America, and Canada. There are two seasons per year, one is played in the Fall and the other in the Spring.

The main highlight for the club is the popular, annual St. Patrick's Day Rugby Tournament. This tournament is held every year on St. Patrick's Day weekend, which makes it feasible for the ''out of town teams'' to compete. The tournament's overwhelming popularity on St. Patrick's Day is the main reason The Shamrocks is the number one amateur sporting event economically in the Savannah area. Based on sheer numbers of players and supporters, who attend this great event, it is estimated that approximately $3 million is generated to the local economy over this one weekend. During the rest of the year the club spends about $42,000 per year locally, and approximately $54,000 on ''out of town'' spending. The club also donates annually to local charities and in nine years the club has donated over $25,000 to MDA. The Shamrocks have hosted this tournament for the past twenty one years, and would like to continue to host the tournament for many more years to come.

It is my pleasure to commend this charitable organization, which provides many benefits to the community beyond the intense, competitive game of Rugby.

TRIBUTE TO THE REVEREND RICHARD BURNS

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2000

Mr. THOMPSON of Mississippi. Mr. Speaker, it does my heart good to stand here and pay tribute to Reverend Richard Burns as he retires from the pulpit after more than 30 years of service.

Reverend Burns has spent many years bringing hope and comfort to people in his community. Rev. Burns, at the young age of 91, has been preaching at New Mount Elem Missionary Baptist Church for 32 years. Rev. Burns has dedicated his life to the upliftment of the word of the Bible to the people and his family of Vicksburg, Mississippi.

Rev. Burns was born in Vicksburg, MS and has nine children, thirty-six grandchildren and fifty great-grandchildren. With an impressive family roster as this one, Rev. Burns will be sure to have his time filled with enjoying his family. On February 19, 2000, Reverend Burns was honored for his service. He will be truly missed. However, it is pleasing to know that he will still be in the community doing his best to be a role model for many of us to follow.

TRIBUTE TO CONSTANCE AND DELBERT LORENSON ON THE OCCASION OF THEIR 50TH WEDDING ANNIVERSARY

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2000

Mr. STUPAK. Mr. Speaker, I would like to speak briefly tonight about a married couple that have had an incredibly wonderful and positive impact on my life. I use the occasion of the golden wedding anniversary of Connie and Delbert Lorenson on February 11 to reflect on the important values I learned from them as a young man. I learned much as a friend of the family, a frequent visitor and guest at their home in Gladstone, Michigan, and as a Boy Scout under Delbert's leadership.

In 1950, so the Escanaba Daily Press reminds us, Delbert Lorenson married the former Connie Jacks of Detroit at the Trinity Lutheran Church in Stonington. 1950 was certainly a different world, as most of us know, and the tiny town in Michigan's Upper Peninsula where they were married was in some ways even more remote from today. Nowadays, it seems the expression ''family values'' often applies to a concept in political campaigns; in 1950 in this most rural region of the Midwest it was—and it remains—a foundation of our way of life.

Not that we thought ourselves rural or remote. Television was just about to be beamed north from Green Bay, and the Interstate Highway System was about to be born. Cars were about to become sleek and common. The world was becoming much smaller in that post World War II world for this veteran and his new bride.

In reality, however, our world would remain slower and quieter for another decade. I spent a lot of time with the Lorensons' son, Rick. Although he was one year older, we participated together in high school sports, especially in football and track and field. Perhaps most important to my ties with this family, we were also Scouts together.

Delbert was my Scoutmaster, helping Rick and me achieve the goal of becoming Eagle Scouts. So it's natural, I suppose, that when I have recalled my time with the Lorensons, the memory of working for merit badges and attending troop meetings is bound together with the memory of dinners at the Lorenson home and camping trips together.

But today, as I think of Connie and Delbert's 50 years together, the values learned in Scouting are foremost in my mind. These values aren't mere categories of accomplishment checked off as one moves up the ranks of Scouting. Scouts are taught life skills—discipline, responsibility, perseverance, teamwork, respect for others, a sense of community, sacrifice—and we were taught these skills in the context of love, concern and a pervasive spirituality. What better skills can a couple possess to allow them to remain lovingly together for 50 years! What better skills can they teach to the next generation that might justifiably wear the label ''family values!''

Rick and I have gone our separate paths, but our values were clearly formed in the same crucible. I have entered public service as a Member of Congress, and Rick has become a minister. Two other children, Tom and Pam, recently joined Rick in hosting a dinner and dance to celebrate their parents' 50 years together.

I treasure the wisdom I learned from the Lorensons. I wish them many, many more years of love, health and joy.

IN RECOGNITION OF GREEK INDEPENDENCE DAY

HON. NYDIA M. VELAZQUEZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2000

Ms. VELAZQUEZ Mr. Speaker, I rise today to recognize March 26th as Greek Independence Day. In honor of this day, The Federation of Hellenic Societies of Greater New York is organizing the annual Greek Independence Day Parade in New York City.

The Federation of Hellenic-American Societies of Greater New York was established on November 22nd, 1937 and has made the Parade a City ritual for the last 61 years.

In a March 24, 1999, proclamation declaring Greek Independence Day, President Clinton said ''Greek thought and the passion for truth and justice deeply influenced many of our nation's earliest and greatest leaders. Americans of Greek descent have brought their energy, grace and determination to every field of endeavor, and they have added immeasurably to the richness and diversity of our national life.''

New York has seen this passion, energy and grace ever since early days of Greek settlement in the City and I am proud to say that New York is the home of the largest Greek community in the United States.

This national holiday in Greece celebrates the anniversary of the country's proclamation of independence in 1821 after four centuries of Turkish occupation. The war that followed went on until 1829 when finally the Turkish sultan recognized the independence of Greece.

I thank The Federation of Hellenic Societies of Greater New York for all the contributions they have made to our community and in their efforts to make each year's Greek Independence Day Parade more memorable than the last.

HONORING THE LATE MOSES COX AND JAMES RANSOME AVANT, DISTINGUISHED VETERANS

HON. JACK KINGSTON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2000

Mr. KINGSTON. Mr. Speaker, today I recognize two distinguished veterans from Georgia, Mr. Moses Cox and Mr. James Ransome

Avant. On March 18, 2000 these two Veterans will be honored by their families and friends as they place Military Headstones on their graves in the Avant-Cox-Pierce Cemetery in Washington County, Georgia.

Mr. Moses Cox started his illustrious military career in our Nation's fight for freedom and independence. He proudly served as a Private (Scout) in the Revolutionary War with the North Carolina Militia for over three years. He fought in the victorious Patriot Battle of Moores Creek Bridge on February 27, 1776. This battle was a decisive victory over British Loyalists at a point in time that served to dramatically raise the morale of the Patriot forces. Soon thereafter Mr. Cox was called to bear arms in the battles of Brier Creek (GA), Battle of Catawba (NC), and at Gates Defeat (SC) where he was wounded in the right forearm. He gallantly continued the Patriot fight for independence and marched from Wilmington and Fayetteville, NC to Camden, SC.

Mr. Cox married Martha Patsy Avant; blessed with a large family, came by wagon train to Washington County, GA where he settled Cox Town Road and a small community called Coxtown, later changed to Oconee. He accepted over 400 acres of Pioneer Bounty land off Coxtown Road in Oconee, cleared the land, built a house and raised his large family. He was again called to arms to serve and protect his beloved country in the War of 1812. He served as Lieutenant in the 98th District of Georgia Militia from Washington County, Georgia. A fine soldier, father, and husband he was laid to rest on December 19, 1845 with only family honors.

Mr. James Ransome Avant proudly served as a Private in Company B, 12th Battalion Georgia Light Artillery, Confederate States Army during the Civil War. Mr. James Ransome was married to Moses and Martha Cox's granddaughter Lucretia Cox. Mr. Avant died in 1876 and also received a burial with family honors.

Family, friends, and guests will be gathering at the Avant-Cox-Pierce Cemetery off Coxtown Road in Oconee, Washington County, GA and honor these two Veterans. I would like to formally recognize the bravery, honor, and selfless services with which these veterans served as the families remember these special veterans on March 18, 2000.

TRIBUTE TO COACH SHIRLEY WALKER AND THE ALCORN STATE LADY BRAVES

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2000

Mr. THOMPSON of Mississippi. Mr. Speaker, it gives me great pleasure to stand before you and pay tribute to someone who has been a pioneer in coaching women's basketball. Coach Shirley Walker, head coach of the Alcorn State Lady Braves won her first automatic bid to the NCAA tournament this past weekend as her Lady Braves won a convincing game (83–58) against Grambling State University for the Southwestern Athletic Conference (SWAC) Championship.

Although this was Coach Walker's fourth SWAC Championship, it was her first time earning an automatic invitation into the NCAA tournament. Getting an automatic invitation to the tournament has been a goal that Coach Walker has lobbied for her entire 21 seasons at Alcorn State. Coach Walker has been credited for her efforts in developing women's basketball in the SWAC by her peers and is most deserving of this opportunity to display her talents on the highest level college basketball has to offer. Without her contributions to this cause, women's basketball in the SWAC may have never had the chance to be represented at the NCAA tournament.

Mr. Speaker, this upcoming Saturday, Coach Walker and her Lady Braves set off on a journey many dream of at the beginning of each basketball season, I ask that you join me in congratulating them and wishing them the best of luck in the ''Road to the Final Four!''

MINIMUM WAGE INCREASE ACT

SPEECH OF

HON. JACK QUINN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 2000

Mr. QUINN. Mr. Speaker, I rise today in support of the Martinez/Traficant amendment to increase the minimum wage by $1.00 over two years.

I have been a proponent of increasing the minimum wage since elected to Congress. I feel strongly that we need to give the working poor an increase in their wages.

Our country is in the midst of the longest period of economic growth in our history and yet the disparity between rich and poor has never been greater. An increase of a dollar over two years is a highly effective way in which we can bridge the gap of the economic disparity in our country.

Over time, as the value of purchasing power of the minimum wage has been eroded by inflation, it has become impossible to expect workers to live a dignified life when they are employed at or below the minimum wage. That is why it needs to be raised now and why it needs to be raised by a dollar over the next two years. This increase would simply catch up the wage to inflation since the last time the minimum was raised.

There are over 12 million people working for or close to the minimum wage. Some studies have indicated that of these 12 million Americans who earn between $5.15 and $6.15, 15 percent are African-American, 60 percent are women; and nearly two-fifths are the only earner in their families.

Increasing the minimum wage to $6.15 an hour will not eliminate jobs or put people out of work. There is little or no evidence that illustrates job loss or the loss of opportunity since the last increase in the minimum wage.

It is imperative that the wage is increased by $1.00 over two years. Some have argued that a $1.00 an hour increase over 3 years is suffice for the working poor. Unfortunately, a minimum wage of $6.15 an hour would not lift a minimum wage earner out of poverty. Therefore, we in Congress owe it to the working poor to give them a raise over the shortest period of time—2 years.

A wage increase spread over 3 years would cost a full time minimum wage earner $1000. $1,000 may not seem like a lot of money to most people here but for minimum wage earners in Buffalo, New York and throughout the country that $1,000 a year may mean 6 months of rent payments, groceries on the table, or presents under the tree.

CONGRATULATIONS TO DR. SUSAN SOLOMON

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2000

Mr. UDALL of Colorado. Mr. Speaker, I am proud to announce that a constituent from my district, Dr. Susan Solomon, is the recipient of the 1999 National Medal of Science. Dr. Solomon is a senior scientist at the National Oceanic and Atmospheric Administration, based in Boulder, Colorado, and is the first NOAA scientist to be awarded the medal, which is the nation's highest scientific honor. She is also the recipient of many other honors and awards that recognize her important work.

In commending her accomplishments, Secretary of Commerce William Daley called Dr. Solomon ''one of the most important and influential researchers in atmospheric science during the past 15 years.'' I know I join all my colleagues in congratulating Dr. Solomon on this well-deserved honor.

Dr. Solomon first theorized in the 1980s that the explanation for the Antarctic ozone hole involved chemistry on clouds, not just gas molecule reactions, as was thought then. Dr. Solomon confirmed her theories with solid data observed during two National Ozone Expeditions to the Antarctic in 1986 and 1987, when she identified reactions between two different forms of chlorine on the stratospheric cloud surface. These reactions release chlorine molecules, which separate and act as catalysts in destroying ozone.

Because of Dr. Solomon's discovery, scientists were then able to conclude that the chlorine responsible for the ozone hole originates from chlorofluorocarbons and other man-made compounds.

Dr. Solomon and other leaders in her field provide important role models for today's students as they prepare to meet the demands of tomorrow's technology-based economy. But it is not only the young who can benefit from Dr. Solomon's example. She cites as the most important lesson from her research the ''need to keep an open mind on environmental issues.'' We should all heed her very good advice.

ON THE 100TH BIRTHDAY OF CAROLINE L. GUARINI: THREE CENTURIES AND TWO MILLENNIA

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2000

Mr. RANGEL. Mr. Speaker, I rise to recognize and honor the distinguished Caroline Guarini, mother of our former colleague, U.S. Congressman Frank J. Guarini, Jr., on the celebration of her 100th birthday, March 25, 2000. After 100 years, Caroline continues to be an inspiration to us all, a model wife, mother, and human being. Her everlasting dedication to those who are less fortunate, combined

with her devotion to those who surround her, stand as testament to Caroline's commitment to making this world a better place for everyone.

Born on March 25, 1900, in Niagara Falls, NY, Caroline attended the Loretta Convent School and a business academy in Ontario, Canada. After completing her studies, she worked in her family's furniture business for a time, and in 1923 married Frank J. Guarini, Sr., who was a well known and highly respected attorney in Jersey City, NJ. A lieutenant in the U.S. Army during World War I, her husband was corporation counsel in Jersey City and a prominent member of the New Jersey Legislature. Together they enjoyed a life in politics.

Caroline has been active in many charitable and civic groups including the Cleo Club, the Dante Alighieri Society, and the American Committee for Italian Migration. Concerned for the needs of the less fortunate, she has spent countless hours delivering baskets of food and toys to the poor during the holiday seasons. As a senior citizen, she served as a hospital volunteer for the sick and elderly. Caroline's talents include singing and playing the piano. She has been active in her church choir and, at 100, still plays the piano remarkably well.

The Guarinis had two children, Frank Jr. and Marie. Influenced by the spirit and example of his parents—and since the apple doesn't fall far from the tree—Frank J. Guarini, Jr., studied law and went into politics. A distinguished attorney, he was elected to two terms in the New Jersey State Senate and seven terms in the U.S. House of Representatives. He served on the Ways and Means Committee and the Budget Committee. He was majority whip at-large for the Democratic leadership. He recently served as the United States of America Representative to the General Assembly of the United Nations. During World War II, the former member of Congress saw active combat duty in the Pacific as a Navy lieutenant.

Caroline's daughter and faithful companion, Marie, married Albert Mangin and began her career at New York's Lexington School for the Deaf, later teaching elementary school in Newark. The Mangins are the parents of two children, Peter, a noted attorney who is president of the Garden State Development which is engaged in rebuilding the Hudson County Waterfront, and Carol, who holds an MBA and is a medical consultant at Meditech in Boston.

When family and friends ask what she is looking forward to in the new millennium, Caroline, in her usual warm and gracious manner, says, ''The celebration of my 100th birthday!''

Through a life that has spanned three centuries and two millennia, one phrase has followed Caroline throughout, and continues to ring true today—what a lady!

IN SUPPORT OF TAIWAN

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2000

Mr. RADANOVICH. Mr. Speaker, prior to Taiwan's second presidential election on March 18, the People's Republic of China increased its rhetoric and essentially gave Taiwan an ultimatum—to start reunification talks or risk invasion. Such hostile rhetoric from Beijing has evoked strong responses in both Taipei and Washington. The people in Taiwan are more determined than ever to disregard Beijing's dire warnings and reject Beijing's ''one country, two systems'' formula that governed the return of Hong Kong and Macao. The people of Taiwan would have to see a genuine Western-style democracy take hold in China before serious reunification talks could begin. In Washington, both administration officials and lawmakers have warned China that any action against Taiwan would be a matter of grave concern to the United States.

As a strong supporter of Taiwan's vibrant democracy, I believe we must do all we can to ensure that the voters in Taiwan are guaranteed the right to freely elect their president this March 18, and that China must not interfere in Taiwan's electoral process. I know that I, and many of my colleagues, become incensed when China repeatedly threatens its small and democratic neighbor—particularly during an election year. We certainly consider China's latest threats against Taiwan unwarranted, untimely, and unwise.

I am proud of the long-standing friendly relations between the United States and Taiwan, and I believe its time to show support for our friend.

TRIBUTE TO THOMAS GILMARTIN

HON. JACK QUINN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2000

Mr. QUINN. Mr. Speaker, I am honored to rise today on the floor of this House in recognition of Mr. Thomas Gilmartin from my district, as the 2000 St. Patrick's Day Parade Grand Marshall.

A prominent Irish-American in Western New York, Tom's community service includes work with the Knights of Columbus, the Irish-American Cultural Association, the Gaelic-American Athletic Association, the Ancient Order of the Hibernians, and the Irish Parade Committee. In fact, he has been involved with the parade committee for over twelve years. In recognition of that dedicated service and his commitment to our Proud Irish-American Heritage, Tom will serve as the Grand Marshall of the 2000 St. Patrick's Day Parade in the City of Buffalo.

Recently, I selected the Buffalo St. Patrick's Day Parade as one of New York's local legacies. This program's chief purpose is to document distinctive examples of a cultural heritage in each of the nation's fifty states, which will then serve as a record of life in America at the end of the Twentieth Century. Our parade is a fitting example of that cultural tradition, and Tom Gilmartin will make a fine Grand Marshall during this important event.

Tom and his wife, Mary (Steffan) are lifelong residents of Western New York, and attend Mass at Sts. Peter and Paul R.C. Church in Hamburg. The Gilmartins have four children and one grandchild.

In addition to his outstanding community service, Tom served the Town of Hamburg as Superintendent for Buildings and Grounds for over 20 years, where I had the privilege of working with him as Town Supervisor. Prior to his service to the Town of Hamburg, Tom served the Village of Blasdell in the Department of Public Works. I am proud to call him my friend.

Mr. Speaker, today I would like to join with the entire Gilmartin Family, the United Irish American Association, and indeed, all of Western New York in tribute to Mr. Thomas Gilmartin, a proud Irishman and Grand Marshall of our great parade.

SMALL BUSINESS REAUTHORIZATION ACT OF 2000

SPEECH OF

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 2000

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 3843) to reauthorize programs to assist small business concerns, and for other purposes:

Mr. UDALL of Colorado. Mr. Chairman, I rise in support of H.R. 3843, the Small Business Reauthorization Act of 2000 and urge its adoption.

This reauthorization bill authorization funding for the SBA's primary lending programs, the 7(a), 504 and microloan programs. It also includes provisions to authorize and fund disaster loan surety bond guarantees, Small Business Development Centers (SBDC's) the Historically Underutilized Business Zone (HUBZone) program, the National Women's Business Council, the Service Corps of Retired Executives (SCORE) program, and the Drug Free Workplace program.

H.R. 3843 provides record funding for these critical programs that have played a large role in creating and maintaining this country's unprecedented economic growth. The record funding levels will insure that the core SBA programs will continue to grow over the next 3 years. When enacted, H.R. 3843 will fund $1.3 billion in additional 7(a) loans, $3.3 million more in SBIC equity investment loans, and a doubling in Microloan technical assistance grants.

Mr. Chairman, in the Second District of Colorado, many small businesses have reaped the benefits of technology related SBA programs. In particular the Small Business Innovation Research (SBIR) Program provides the funds necessary to refine their ideas, turn them into products, and to take those products to the commercial marketplace. Although the main purpose of the program remains meeting the federal government's research and development needs, small businesses have turned SBIR-inspired research into commercial products that have improved our economy and scientific advances that have helped to improve the health of people everywhere.

Studies show that nationwide, small businesses produce twice as many technological innovations per employee, as compared with large employers. In fact, most of the significant technological innovations of the 20th century ranging from personal computers to high resolution x-ray microscopes can be traced to the small business community.

Clearly, the success stories of small business owners who have participated in SBA programs provide powerful testimony to their merits. I commend Chairman TALENT and

Ranking Member VELAZQUEZ on crafting a bipartisan piece of legislation that authorizes record funding for the SBA over the next 3 years. I intend to continue working to help our small business succeed in today's technology driven economy.

Mr. Chairman, I urge my colleagues to vote ''yes'' on reauthorizing these important programs.

OUR RESPONSIBILITY TO AFRICA: SUPPORT AGOA TEXTILE PROVISIONS BENEFICIAL TO AFRICANS

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2000

Mr. RANGEL. Mr. Speaker, as we work toward final passage of the African Growth and Opportunity Act, I want to reiterate the importance of the provisions related to textile and apparel products. These provisions are paramount to the success of the legislation's primary objective—to promote the use of trade as a vehicle for sustainable development in sub-Saharan Africa.

In the March 7, 2000 edition of my hometown journal, the New York Times, Tom Friedman makes a compelling case for a commercially viable trade bill for Africa. While 85% of the garments sold in the United States are sewn outside of the United States, all 48 sub-Saharan African countries produce less than 1% of these products. Twenty-two individual countries export more clothing to the U.S. market than all of the countries in the entire sub-Saharan Africa region. Friedman rightfully points out that even ''little Honduras'' exports seven times more textiles and apparel to the U.S. than all 48 nations of sub-Saharan Africa combined.

It is critical that the African Growth and Opportunity Act that we pass contains provisions that allow African countries to produce duty-free textile and apparel without insurmountable hurdles and quantitative restrictions. Quantitative restrictions placed on that production are certain to discourage the investments necessary to grow industries and compete with Asian countries in the U.S. import market.

In this case, the so-called ''technical details'' of the final bill, though often overlooked, will mean the difference between a bill that is commercially viable for African and a symbolic bill. A symbolic bill would fail to sufficiently bolster African economies so that these countries can become better trading partners with the U.S. and better friends in the fight against transnational threats, such as illicit drug trafficking, environmental degradation, international terrorism and infectious disease.

I agree with Tom Friedman. Shame on all of us if we do not seize this historical moment to help, in a meaningful way, over 290 million people in sub-Saharan Africa living on $1 a day. In this era of globalization we must not ignore and leave behind 10% of the world's population.

[From the New York Times, Mar. 7, 2000]

DON'T PUNISH AFRICA

(By Thomas L. Friedman)

There is a travesty brewing in Congress that, if allowed to continue, will be a source of shame for all Americans. It will certainly be an ugly stain on the U.S. labor movement, particularly the apparel union and the A.F.L.–C.I.O.—a stain that will highlight all the unions' phony-baloney assertions in Seattle that they just want to improve worker rights around the world and help the poor.

This controversy has to do with a stalled trade bill called The African Growth and Opportunity Act. And the bottom line is this: At a time when Africa is ravaged by AIDS, at a time when 290 million Africans—more than the entire population of the U.S.—are living on a dollar a day, the main U.S. textile union, UNITE!; the main textile manufacturers' lobby, ATMI; and the lawmakers who bow to both of them are blocking a bill that would allow Africans to export clothing to America duty free—instead of with the current 17 percent import tax.

Why the opposition? Because Africa might increase its share of U.S. textile and apparel imports from its current level of 0.8 percent! Shame on the people blocking this bill. Shame on them.

Some 85 percent of the garments sold in the U.S. today are already sewn abroad. Honduras, little Honduras, already exports seven times more textiles and apparel to the U.S. than all 48 nations of sub-Saharan Africa combined. With our minimum wages, we can't produce jeans that retail for $16 and we don't want to. North Carolina's textile industry has already become highly automated and has moved away from low-value goods to high-value, high-tech fabrics. Much of the unionized labor force sewing clothes in the U.S. is in large cities and comprises new immigrants, many not citizens, since most Americans don't want these jobs.

If Africa were given duty-free access to our market, sophisticated textile plants in North Carolina wouldn't move to Madagascar. China would be the big loser, because Africans have the same skills to knit cashmere sweaters cheaply as people in China, and if Africa were given a 17 percent import tax advantage in shipping to the U.S., manufacturers would move their production from low-wage China to low-wage Africa. Which is why a study by the U.S. International Trade Commission concluded that ''the impact of quota removal [for African imports] on U.S. producers and U.S. workers would be negligible.''

So why do the unions still oppose it? Sheer knee-jerk protectionism—even though the bill has tough measures to protect against any surge in imports from Africa, and restricts free-trade status to African countries moving toward democracy, economic reform and real worker protection.

No matter. Right now the only version of the bill the textile makers would permit is one that says Africa can only import duty-free into the U.S. if it first buys all the fabric, thread and yarn from U.S. factories, then ships it to Africa to be sewn, and then ships it back to the U.S. to be sold—a costly obstacle course that would prevent any new investment in African factories. The real motto of U.S. trade unions is: We're for more worker standards in Africa, not more work.

This is really bad. This bill isn't a panacea for Africa, but it's important. Throughout the history of industrialization, poor countries have started down the road of development by sewing clothes. It's the one thing that poor people can do right away. It's critical that this bill go through now because by 2005 all the quotas on textile imports into the U.S. will expire. It will be a free-for-all. Right now investors are deciding where to locate plants for 2005—whether to stick with China or branch out to Africa, Vietnam or Mexico. If Africa is shut out from these investment decisions, it will fall even further behind.

The Clintonites talk the talk of Africa and AIDS, but, sadly, they have been afraid to get tough with the unions on this textile issue. Why is AIDS spreading so quickly among young women in Africa? One reason is that women have so few jobs they have to sell themselves to men with AIDS. Apparel jobs largely employ women. They make a difference.

But this is of no interest to the A.F.L.–C.I.O. crowd. All they care about is that Africa not sell more than 0.8 percent of garments here. Shame on them for what they are doing, and shame on us if we let them.

CONDEMNING THE RACIST AND ANTI-SEMITIC VIEWS OF THE REVEREND AL SHARPTON

HON. JOE SCARBOROUGH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2000

Mr. SCARBOROUGH. Mr. Speaker, I offer the following for printing in the RECORD.

Whereas the Congress strongly rejects the racist and incendiary actions of the Reverend Al Sharpton;

Whereas the Reverend Al Sharpton has condoned anti-Semitic views in that protesters from the Reverend Sharpton's National Action Network have referred to members of the Jewish faith as ''blood-sucking [J]ews'', and ''Jew bastards'';

Whereas the Reverend Al Sharpton has referred to members of the Jewish faith as ''white interlopers'' and ''diamond merchants'';

Whereas the Reverend Al Sharpton was found guilty of defamation by a jury in a New York court arising from the false accusation that former Assistant District Attorney Steven Pagones, who is white, raped and assaulted a fifteen-year-old black girl;

Whereas to this day, the Reverend Al Sharpton has refused to accept responsibility and expresses no regret for defaming Mr. Pagones;

Whereas the Reverend Al Sharpton's vicious verbal anti-Semitic attacks directed at members of the Jewish faith, and in particular, a Jewish landlord, arising from a simple landlord-tenant dispute with a black tenant, incited widespread violence, riots, and the murder of five innocent people;

Whereas the Reverend Al Sharpton's fierce demagoguery incited violence, riots, and murder in the Crown Heights section of Brooklyn, New York, following the accidental death of a black pedestrian child hit by the motorcade of Orthodox Rabbi Menachem Schneerson;

Whereas the Reverend Al Sharpton led a protest in the Crown Heights neighborhood and marched next to a protester with a sign that read, ''The White Man is the Devil'';

Whereas the Reverend Al Sharpton has insulted members of the Jewish faith by challenging Jews to violence and stating to Jews to ''pin down'', their yarmulkes; and

Whereas the Reverend Al Sharpton has practiced the policies of racial division and made inflammatory remarks against whites by characterizing the death of Amadou Diallo as a ''racially motivated police assassination'': Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) condemns the practices of the Reverend Al Sharpton, which seek to divide Americans on the basis of race, ethnicity, and religion;

(2) expresses its outrage over the violence that has resulted due to the Reverend Al Sharpton's incendiary words and actions; and

(3) fervently urges elected officials and public servants, who have condoned and legitimized the Reverend Al Sharpton's incendiary words and actions, to publicly denounce and condemn such racist and anti-Semitic views.

NUNS ATTACKED IN INDIA, SAVED BY SIKH FAMILY

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2000

Mr. TOWNS. Mr. Speaker, the wave of violence against Christians by Hindu fundamentalists continues. Since Christmas 1998, churches have been burned, priests have been murdered, nuns have been raped, and Christian schools and prayer halls have been destroyed. The government of Orissa now requires anyone who wishes to change religions to get a permit from the government. Sikhs and Muslims have previously been subjected to similar tyranny.

These attacks have been carried out by Hindu fundamentalists who belong to a branch of the RSS, an openly Fascist umbrella organization that includes the ruling Bharatiya Janata Party under its umbrella.

In the most recent incident, a gang of RSS militants attacked the Convent of Our Lady of Grace in Panipat. Previously, a priest from the same complex had been murdered. This is the fourth attack on the church in Panipat, according to The Deccan Herald.

Fortunately, when the militant Hindus attacked the convent, the nuns screamed and the alarm went off, attracting the attention of the Sikh family next door. They got their gun and came over to the complex, where the RSS mob attacked the rescuers using steel rods and guns. One of the attackers was captured.

Unfortunately, this incident shows us again that there is no religious freedom in India. Hindu nationalist mobs associated with the ruling party have free rein to commit these acts of violence against the religious minorities and they rarely get any punishment from the government. Instead, the government uses these incidents to try to set one religious group against the other so that they can continue their brutal, intolerant, tyrannical rule. In the murder of missionary Graham Staines, which was carried out by Hindu militants chanting ''Victory to Hannuman,'' a Hindu god, the government arrested a man who uses the alias Dara Singh in order to blame the Sikhs.

This kind of intolerance is unacceptable. As the lone superpower and the beacon of freedom in the world, the United States must act to bring freedom to all the people of South Asia. While President Clinton visits India, it is crucial that he bring up the issues of political prisoners, religious freedom, and self-determination.

There are also things we can do here in Congress. We should stop all American aid to India until these basic human rights are respected and we should declare our support for an internationally-supervised plebiscite on independence for Punjab, Khalistan, for Kashmir, for Nagaland, and for the other nations seeking to free themselves from India's brutal, corrupt rule. We must be prepared to take responsible measures to extend freedom to all the people of the world.

[From the Deccan Chronicle, Mar. 14, 2000]

SIKH FAMILY SAVES NUNS FROM BAWARIA ATTACK

New Delhi: A Sikh family saved the lives of five nuns who were attacked by a group of over ten armed men in the wee hours of the morning on 11 March, in Panipat. Putting their own safety at risk the male members of the family attacked the intruders armed with guns and steel rods who had entered the church where the Franciscan nuns were staying.

Answering to the alarm call of the nuns, the Sikh men immediately came to their rescue. The incident happened in Panipat in the convent of Our Lady of Grace. The Sikh family who have been staying in the Joti Nagar area next to the convent for over a decade, hearing the cries of the nuns and the alarm calls of the chowkidar, rushed to their help.

Armed with their licensed country made gun attacked the men. In the ensuing chaos the assailants attacked the Sikhs with steel rods and fired two rounds of gun shots. One of the Sikhs managed to nab one of the men, who in his desperation to escape bit him. Meanwhile the other gang members started firing from behind the church forcing the Sikhs to shoot back and attack them.

The nabbed man has been identified as Kala and belongs to the Bawaria caste. The gang is believed to be involved in the earlier attacks on the church. This is the fourth such attack in the past three months on the church in the Sonepath-Panipat Samalkha region.

The superior of the convent, Sr Vandana said, ''We are very grateful to them for helping us, even though they could have been killed in the process. We will always remember them in our prayers.''

Earlier a priest living in the same compound was attacked by unknown men a few weeks ago. As a result, two police guards were posted outside the church compound which houses a church, and quarters for the priest and nuns.

The police removed the guards from duty and within two days of this the church was attacked again. Recalling the incident Sr Vandana said, ''Though convent houses six nuns, one of them was not present at the time of the incident. The men scaled the compound wall, broke opened the main wooden entrance of the convent and then tried to break in the door of the dormitories where the five nuns were sleeping. The shocked and panic struck nun rushed into the smaller rooms and bathroom, where they locked themselves. The men later broke open an almirah.'' The Sonepat-Panipat Samalkha region had reported spate of violence which included attack on a priest who narrowly escaped and threatened several nuns. The area also witnessed four cases of dacoity.

Earlier two cases of dacoity had taken place in Samalkha and Panipat within three days of each other. In Samalkha in the early hours of March 9, 2000, gang of ten men raided and looted the Ish Mata Church and made off with Rs 60,000 kept for refurbishing the church. Fr Azeem Raj of the church escaped by locking himself in the bathroom. On 1 January Fr Vikas of Panipat Church was serious injured and his skull and limbs fractured when he was attacked by a gang of armed men. This incident took place in the same compound where the nuns were attacked.

The district collector of the Panipat, Sandeep Garag said, thanked the Sikhs for the help and has advised that the guards be posted back to the church and more arms be sanctioned.

TRIBUTE TO THE LATE JAMES BLISS

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2000

Mr. FARR of California. Mr. Speaker, I rise today to recognize and honor a long time friend and community member. James Bliss served his community well as a long time forester for the Department of California Forestry.

James was born in Portland, Oregon. He lived in Monterey County for over twenty-five years, during which time he attended Monterey High School and went on to study in California Polytechnic State University in San Luis Obispo. My father, former State Senator Fred Farr, helped to get him his first job as a seasonal firefighter with the California Department of Forestry. He then went on to serve for thirty-four years with the Department of Forestry, retiring as Deputy Chief for Command and Control in the Sacramento headquarters. His loyalty and integrity were recognized in an article by the San Francisco Examiner hailing him as ''The Cool Field General Whose Enemy was Fire.'' His career did not end there. After his retirement he went on to work as general manager of R.C.C. Consultants Inc.

James will be forever remembered by dear family and friends. He is survived by his wife, Annette; his son, James Shelby; his daughter, Shannon Dudek; his brother, Todd Bliss; his sister, Teri Cotham; and his father, Edwin Bliss.

HONORING MR. ALFRED SZALA

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2000

Mr. McGOVERN. Mr. Speaker, it is with great pride that I rise today to honor a truly dedicated public servant, Mr. Alfred A. Szala, the registrar for the town of Dartmouth, Massachusetts.

Mr. Szala has been a member of the Dartmouth Board of Registrars for 51 years and its chairman for over 30 years. He and his wife, Cecilia, have been happily married for 55 years and are proud to call Dartmouth, Massachusetts, home.

For a half-century, Mr. Szala has honorably served the people of Dartmouth. He has witnessed many elections over the past five decades and strongly believes it is everyone's civic responsibility to vote. His life has been dedicated to community service and he is a true role model for the next generation of leaders.

Mr. Speaker, it is with great honor that I honor Mr. Szala in the United States House of Representatives. He has given so much back to his community and for this we are all very grateful. Best wishes to him and his wonderful family.

CELEBRATING THE CAREER OF MR. BERNAL W. COY

HON. TAMMY BALDWIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2000

Ms. BALDWIN. Mr. Speaker, I rise today to recognize Mr. Bernal W. Coy of Richland Center, WI. Mr. Coy has served as an elected official in Richland County for over 41 years. He will retire this April. I rise to congratulate him and thank him for his many years of public service.

His exceptionally distinguished career has been marked with significant achievements. Mr. Coy was first elected to public office in 1958 as Richland County Clerk. He served honorably for more than 29 years, during an additional 14 terms. In 1988, Mr. Coy was then elected to the Richland County Board of Supervisors, representing the district of Richland Township. His leadership was recognized by his colleagues, who elected him to serve as Vice-Chairman of the County Board, a position he has held continuously ever since.

During his 41 years of public service, he helped to ensure long-term economic growth and higher standards of living for Richland County through his work in establishing the University of Wisconsin at Richland. He also helped to ensure the public good with his work towards the establishment of the Pine Valley Manor, which was a much-needed replacement of the former County Home. He helped to ensure justice and public safety with his involvement in the building of a new Sheriff's office, as well as an expansion to the Richland County Courthouse.

His public service was not without the strong support of one very important person, his wife Elaine. Together they have raised seven children. During the Second World War, Mr. Coy answered the call and served his country honorably. Amazingly, Mr. Coy still found time for civic involvement. Over the years he has served as a cornerstone of the Richland community in a variety of roles including the Richland Hospital Board, the American Legion, 40 et 8, the Lions Club, the Masonic Lodge, and as a Shriner.

Mr. Coy's selfless and lifelong public contributions serve as a shining light for others to emulate. This, coupled with his extensive civic involvement, exemplifies our most longstanding national values.

I thank him for his service to Wisconsin, and extend my very best wishes for a well-deserved retirement.

TRIBUTE TO WASHINGTON HIGH SCHOOL LADY CATS BASKETBALL TEAM

HON. JOE SCARBOROUGH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2000

Mr. SCARBOROUGH. Mr. Speaker, the Washington High School Lady Cats basketball team of Pensacola, FL, deserves special commendation for recently capping its perfect season by winning the Class 4A Florida state championship. As 1999–2000 4A State Champions, earning an impressive 31–0 record, I proudly recognize their achievement as the only undefeated high school basketball team—boys or girls—in my State.

I grant credit for this outstanding achievement to the entire Lady Cats team. I especially congratulate Jessica Pierce, who was named Class 4A Player of the Year, as well as 4A tournament Most Valuable Player. She and Lady Cats Jeanine Albritton, Sarah Bennett, Syreeta Byrd, Tasha Cook, LaTrachia Davis, Audra Hayes, Laura Humphreys, Clenita Jones, Felecia Likely, Vicky McMillan, Ayana McWilliams, and Rebecca Rood demonstrated the necessary skill, teamwork, and dedication to achieve their success.

Coaches Ronnie Bond and Janis Bond also share in the Lady Cats success and deserve special recognition. In 25 years coaching Washington High School Lady Cats Basketball, they enjoyed 585 wins with only 113 losses. During their tenure, in fact, the Lady Cats claimed four State championships and landed four State runners up. Therefore, I regard the team's recent success as a tribute to these coaches tireless effort as well.

Mr. Speaker, I commend the Washington High School Lady Cats basketball team for exemplifying the true spirit of American sportsmanship. Their success shows the value of determination and commitment, and should inspire everyone to see that hard work and sacrifice lead to attaining the highest goals.

RECOGNIZING HERMAN S. ''WOODY'' DORSEY

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2000

Mr. TOWNS. Mr. Speaker, I rise today to pay tribute to Herman S. ''Woody'' Dorsey on the occasion of his receiving the 2000 James E. Stewart Award from the American Association of Blacks in Energy (AABE).

The American Association of blacks in Energy is the preeminent association of Black energy professionals. By virtue of training, expertise, and experience in the energy realm, AABE emerged in the energy crisis of the 1970s to create a structure by which Blacks bring their expertise, experience, and perspectives to bear on energy policymaking. AABE members provide a vital service to those of us trying to formulate the best energy policies for all the citizens of the United States. Since its establishment in 1977, AABE has continually and insightfully informed the members of the Congressional Black Caucus on considerations vital to an effective national energy policy. We are particularly indebted to AABE for their expert counsel for the past two decades.

The Stewart Award is AABE's highest level of recognition. This year's award honors Woody Dorsey's long years of local and national leadership dedicated to a AABE's growth and viability. Woody joins the ranks of 13 earlier distinguished recipients of the Stewart Award. It is bestowed only upon those who have demonstrated outstanding achievement and leadership both within the AABE and the larger African American community. Woody's career and life exemplifies both extraordinary achievement and leadership.

A member of the AABE Board of Directors since 1990, Woody rose through the officer ranks of AABE in record time. He served as the Board's chairman for two years during which time he increased the number of chapters in the organization by 35 percent. Woody also applied his skills and enthusiasm to the High Energy Partnership (HEP) program to guide promising young engineers from college to hands-on work experience with mentors. Woody was instrumental in getting his Company, the Consolidated Edison Company of New York to adopt a New York city high school in order to extend student development. As a result, students at Woody's ''adopted'' high school receive mentoring from energy professionals and college scholarships for engineering majors.

Since 1978, Mr. Dorsey has served as visiting engineering professor in the Black Executive Exchange Program (BEEP) of the National Urban League. Mr. Dorsey participated in the 1997 White House Conference on global warming. Mr. Dorsey is the Plant Manager of the 59th Street electrical generating plant in New York City. He was co-chairman of the Department of Energy's workshop on district heating and cooling and has written a number of technical papers on cogeneration.

Mr. Speaker, I want to congratulate Mr. Dorsey for meriting the distinguished Stewart Award. Woody is a true leader in AABE, his company, his community, and the Nation. We owe him a debt of gratitude.

HAVEN OF REST MINISTRIES

HON. TOM SAWYER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2000

Mr. SAWYER. Mr. Speaker, the census is the largest, broadest, and most complex peacetime civic activity this Nation conducts. The Census Bureau will hire hundreds of thousands of temporary workers to ensure timely, accurate, and complete information.

We've all heard that, and some of us have had occasion to mention those facts once or twice.

But sometimes, the big picture can seem overwhelming. I'd like to address one small part of this big picture.

For more than half a century, the Haven of Rest Ministries in my home town of Akron, OH, has worked among the poor, homeless, and spiritually destitute. Founded by the Rev. and Mr. Charles C. Thomas, Haven of Rest provides a wide range of programs and services, not duplicated by other agencies or organizations in our community. Its doors are open 24 hours a day, 7 days a week, 365 days of year. There is never a charge.

Haven of Rest neither seeks nor receives financial assistance from the United Way or, more remarkably, from any government agency. The overwhelming percentage of its financial support—over 80 percent—comes from individuals.

In short, Haven of Rest is intimately in touch with a part of our community and a population who are often overlooked.

And now, Haven of rest is doing its part to assist in that civic activity we call the census. Haven of Rest has become a designated census site. As important, eight members of the Haven's staff have received training as census takers. They were selected because of their

well-established relationship with the homeless, and that is where their energies will be focused—counting those hardest-to-count individuals, the wandering homeless who all too early slip into invisibility.

That is exactly the sort of commitment, dedication, and civic partnership the census requires. This is (as we in Akron say) ''where the rubber meets the road''—finding, identifying, and counting those who lack basic shelter.

For three generations, the Thomas family has guided the Haven of Rest with a deep and abiding sense of the dignity and worth of every individual. They understand and live the creed that everyone matters and every one of us counts.

I commend them for their caring, and for their inspirational demonstration of what ''civic duty is really all about.

INTRODUCTION OF DILLONWOOD GIANT SEQUOIA GROVE PARK EXPANSION ACT; AND GIANT SEQUOIA GROVES PROTECTION AND MANAGEMENT ACT OF 2000

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2000

Mr. RADANOVICH. Mr. Speaker, today I am introducing legislation to preserve some of America's greatest treasures—the giant sequoias of central California.

The first bill I am offering would expand the boundaries of Sequoia National Park. There is an area called Dillonwood Grove that includes one of the riches sequoia groves in the region. The private owners want this tract to become a part of our Park system and I support their right to do that. This bill would authorize the change.

The most compelling thing about Dillonwood, however, is that this private property has been actively managed for many years and it offers us living proof to the advantages of flexible forest management. While Dillonwood will enter into the Sequoia National Park, it is important to look at the management lessons from Dillonwood, as we seek to protect, restore and maintain the sequoia groves outside of the Park.

The President thinks the best way to do this by designating a 400,000-acre national monument. I disagree.

First, the giant sequoia in the Sequoia, Sierra and Tahoe Forests have been off limits to logging for over 10 years! A Mediated Settlement in 1990 set aside these groves to permanently ensure their protection. President George Bush signed a proclamation in 1992 to state the policy for management to be to protect, preserve and restore goods for giant sequoia groves in national forests. In fact, over 80% of the Sequoia National Forest is already off limits to logging.

The scientists also disagree. In 1996, the Sierra Nevada Ecosystem Project said the best way to keep the forest healthy was through active management of the groves. They did not recommend a monument. In addition, the Giant Sequoia Ecology Cooperative has advocated a flexible and adaptive management strategy. A monument designation would undermine this kind of flexibility.

I would like to introduce a letter into the RECORD from Dr. Douglas Piirto, a Professor of Forestry and Natural Resource Management at Cal Poly, in San Luis Obispo, California. He has been working on giant sequoia health for almost thirty years and is very concerned about how monument status will undermine forest management flexibility. I would encourage my colleagues to read his thoughtful recommendations.

Unfortunately, the Administration has completely ignored all of these scientific findings. And the Forest Service has done little to implement them.

Instead, what we now see is an election campaign driving forest policy. The campaign pollsters say we should lock it up! But this is not in the best interest of these sequoia groves—it is only in the best interest of one election campaign.

This second bill would authorize a National Research Council study of the forest. They should review past studies and offer recommendations for exactly what kind of management will preserve these treasures. The National Research Council offers us some of the best independent scientific review in the world and I hope the Administration will listen to them.

This should be about the health of the forest, not the health of an election campaign.

If we really care about the future of the giant sequoia, then we will listen to the scientists. Campaign spin doctors and their polls cannot and should not try to manage a forest.

MARCH 7, 2000.

Re Antiquities Act and Giant Sequoia Groves: Giant Sequoia—a Relic of the Past or an Icon to the Future

Hon. William Clinton,
President of the United States,
White House, Washington, DC.

DEAR PRESIDENT CLINTON: I write this letter with a highest degree of urgency and respect for your office. You are about to make a decision that NBC states in their 2/16/2000 news story could impact the long-term survival of giant sequoia trees. They are right but not in the context that they say it. Deciding to create a national monument for the giant sequoia groves that occur on national forest lands will result in the creation of places where ''relics'' of giant sequoia are featured. To think that simply drawing a line around a giant sequoia grove and stopping all management activity is in the best interest of the long-term survival of giant sequoia is incorrect. I fully disagree with any attempt to put the national forest giant sequoia groves in national monument status. A flexible range of management is needed that cannot occur if they are designated only as national monuments or national parks. I reach out to you at this time with the greatest degree of humility I can muster. There is no scientific justification in my opinion to designate giant sequoia groves on national forest land as national monuments. Our common interest is to see that they receive the best stewardship possible. So, as much as we may differ on a variety of issues, I need to have your attention for the next few minutes as I make my case regarding the future of giant sequoia groves.

I have organized this letter into the following sections: A Win/Win Solution; My Credentials, Interest, and Role in Giant Sequoia Management; The Problem As I See It; Why the Need for a Flexible Range of Management; What the Politics and Science Tells Us; Conclusion, and Selected References from my Curriculum Vitae. The recommendations presented in the Win/Win Section of this letter are supported and expanded upon by the information that is presented in the sections which follow it.

Please refer to the figure attached at the end of this letter before proceeding with reading the Win/Win Solution section of this letter. They say a picture tells what a 1,000 words can't do. The figure of the Confederate Group in Mariposa Grove illustrates what can happen to vegetation within a giant sequoia grove over an 80-year period. This letter makes the case that significant management flexibility is needed to respond to the dramatic changes in vegetation that can occur in giant sequoia groves.

A WIN/WIN SOLUTION

Let's first start with what I think most informed people agree on: (1) Some people might debate the meanings of the protect, preserve, and restore goals for national forest giant sequoia groves as specified in the 1992 Presidential Proclamation but most citizens would, I think, largely agree with their intent; (2) some type of management area designation featuring giant sequoias may be appropriate; (3) the subwatershed basin containing the giant sequoia grove should be the area that is specifically identified to receive a specific management area designation; (4) flexible/adaptive management, including fire surrogate methods (*e.g.*, selective thinning to reduce risk of catastrophic fire occurrence) is needed given the many different conditions that exist in national forest giant sequoia groves; (5) Management must be tied to science; (6) Adequate funding must be provided to support management and research work; and (7) The role of the Giant Sequoia Ecology Cooperative should be reinforced and expanded with an adequate funding mechanism to support an Executive Director, staff, office space and associated costs for managing the Cooperative. So if it follows that there is widespread agreement on these 7 main items, then I would suggest the following management actions be addressed:

1. Expand on the 1992 Presidential Proclamation by issuing a 2000 Presidential Proclamation directing the Forest Service to provide protection, preservation, and restoration work to the lands within the sub-watershed basin containing the giant sequoia groves. Ask Congress for approval of your proclamation if possible to gain a broader spectrum of support. Approximately 19,345 acres exist with the tree-line areas of the 38+ giant sequoia groves that occur on the Sequoia National Forest. Increasing management attention to the subwatersheds that contain the giant sequoia groves would increase this special designation status to about 100,000 acres on the Sequoia National Forest. I recommend that the remaining 300,000 acres be released from management area special designation which would respond to concerns expressed by the local forest products industry.

2. I recommend a designation other than national monument. National monument connotes to me the idea of preserving relics rather than adaptively managing ecosystems. The Forest Service has a large number of special designations it uses for the lands under its jurisdiction. One of those designations, I think, should suffice. The important thing is that a subwatershed area is identified for each grove that will fall under the three goals of protect, preserve, and restore.

3. The goals of protect, preserve, and restore should be expanded to include the Sierra and Tahoe National Forest groves.

4. Some further refinement as to the meaning of protect, preserve, and restore might be appropriate. I know they are referred to in the 1992 proclamation but the wording of any

new proclamation must account for the current variety of conditions in the Sequoia, Sierra, and Tahoe groves. Please refer to the report titled ''An Ecological Foundation for Management of National Forest Giant Sequoia Ecosystems'' for further clarification.

5. The role of the Giant Sequoia Ecology Cooperative must be further defined, reinforced, and supported with staffing and funding. This important body has begun to make a difference but its efficiency could be improved with renewed and expanded support from the President. This will insure a cross-section of scientific support for the work occurring in all giant sequoia groves whether within state of federal jurisdiction.

6. Some direction as to how to bring about management in the 38+ national forest giant sequoia groves should be included in the 2000 Presidential Proclamation. For example, it would be an overwhelming task to write an EIS document for each national forest giant sequoia grove. So, specific direction laying out the actions necessary to move to projects within national forest giant sequoia groves, I think, is needed.

7. No matter what the 2000 Presidential Proclamation specifies, very little will be achieved without adequate funding and staffing. Drawing a line around giant sequoia groves does very little for their long-term sustainability.

8. Provide funding for a 2002 giant sequoia symposium. The Forest Service along with other agencies sponsored the highly effective 1992 symposium.

9. Finally, I think some credit must be given to the Forest Service for the work they have achieved to date. We know more today about national forest giant sequoia than ever before. That is because of the work they and others have done. No organization or agency is perfect. But the morale of an organization can be severely degraded when allegations are made that are not supported by science and experience. Organizations get better with proactive leadership that builds on the strengths, skills, and abilities of the people that comprise them.

The information which follows provides support to this Win/Win solution.

MY CREDENTIALS, INTEREST, AND ROLE IN GIANT SEQUOIA MANAGEMENT

My name is Dr. Douglas D. Piirto. I am presently a Professor of Forestry and Natural Resources Management at Cal Poly, San Luis Obispo. I am a Registered Professional Forester and Certified Silviculturist in California. My experience with giant sequoia and coast redwood started in 1972 and continues to the present. I have dedicated my career to furthering our knowledge about these two magnificent species with a major focus on giant sequoia. My Ph.D. work at UC Berkeley was focused on ''Factors Associated with Tree Failure of Giant Sequoia.'' I published six papers based on my Ph.D. dissertation.

My experience with giant sequoia since completion of my Ph.D. work is extensive. I have worked as a Forest Manager on lands that contained giant sequoia groves. I have developed giant sequoia grove management plans, completed over $1,000,000 in research projects over the past 28 years focused on giant sequoia, have two major giant sequoia research projects ongoing, and have just finished a major report for the USDA Forest Service titled ''An Ecological Foundation for Management of National Forest Giant Sequoia Ecosystems. I am well acquainted with almost all aspects of giant sequoia management, the public issues, and scientific information. For example, I annotated over 175 scientific articles for the recent report I just finished for the Forest Service. So, I speak with a significant amount of background regarding giant sequoia that has help up to the peer review process.

Further, I was actively involved in the planning and execution of the 1985 shortcourse titled Management of Giant Sequoia sponsored by the USDA Forest Service and the Society of American Foresters. I served as an expert witness for the 1991 Congressional Hearing on management of national forest giant sequoia groves. I was actively involved in the planning and execution of the 1992 Giant Sequoia Symposium which occurred as a result of recommendations made at the 1991 Congressional hearing. At that same time I completed a major study for the National Park Service titled Biological and Management Implications of Fire Pathogen Interactions in the Giant Sequoia Ecosystem.

My current research, funded by Save the Redwoods League and Sierra Forest Products focuses on evaluating vegetative structure of a highly altered giant sequoia grove (e.g., Converse Basin) and the Redwood Mountain Grove, a grove which has only had prescribed burning. We are obtaining some fascinating management oriented results from this study.

I present my comments, opinions and recommendation in this letter as a Cal Poly representative to the Giant Sequoia Ecology Cooperative, a group of managers and managers focused on linking science to management policies. The points I make in this letter are based on years of experience and interaction with many learned individuals. The comments I make should only be construed as my point of view and not that of the collective body of Cal Poly or of the Giant Sequoia Ecology Cooperative. However, having now said that, my opinions presented here are widely supported particularly my views on the need for an adaptive, flexible management strategy that is focused on the subwatersheds containing giant sequoia groves. Please refer to the Congressional Testimony I presented in 1991 that specifically outlines my views as to the need for a flexible management policy. Also refer to the McKinley Grove Environmental Assessment that I helped prepare in 1978. In that EA, I recommended that the subwatershed be the area that is given focused attention. These documents are listed in the Selected References which appear at the end of this letter. More detailed listing of my credentials, experience and publications appear in my Curriculum Vitae which will be provided upon request.

THE PROBLEM AS I SEE IT

Considerable discussion has and is occurring as to how to best protect naturally occurring giant sequoia groves. It is my opinion that the issue should rather focus on how to manage giant sequoia groves. However, defining what constitutes ''best'' management is not an easy matter and is subject to interpretation by various concerned individuals and organizations. I made this statement in my testimony to the 1991 Congressional Hearing on management of giant sequoia groves.

The 1991 Congressional Hearing led to several positive outcomes: 1.) the 1992 Giant Sequoia symposium; 2.) increased USDA Forest Service funding to located boundaries and inventory national forest giant sequoia groves; 3.) increased research activity on giant sequoia; 4.) 1992 Presidential Proclamation; 5.) development of a Giant Sequoia Ecology Cooperative which advises all organizations that have a responsibility for managing giant sequoia groves; and 6.) development of an ecological foundation report for management of national forest giant sequoia ecosystems. We didn't precisely know in 1990 where national forest giant sequoia groves began and ended. We do now because the 1989 Mediated Settlement followed by the 1992 Presidential Proclamation focused our attention on three objectives: protect, preserve, restore. And, increased funding led to our accurately locating the boundaries of all giant sequoia groves buffer zones, and subwatersheds. And more recently we have identified fire influence zones for several of the national forest giant sequoia groves. So to say that very little has occurred regarding national forest giant sequoia groves is a gross misstatement.

Drawing lines to exclude certain management activities is not what we as a society must focus on. Rather we must center our attention on flexible management strategies that accommodate the variety of stand conditions which exist within the proposed 400,000 acre national monument for national forest giant sequoia groves. As far as I can tell the actual acreage of national forest giant sequoia groves is something less than 19,345 acres. So, I wonder why it is necessary to reserve from use some 400,000 acres of land. Admittedly there are watershed and fire influence concerns which must be addressed but those areas outside the actual treeline areas of giant sequoia groves can be managed in such a fashion that both allows use and reduced risk of catastrophic fire or watershed events occurring within the giant sequoia groves.

And to think that one form of management is in the best interest of all the national forest giant sequoia groves fails to realize that there are significant differences in the composition and structure of the 38 national forest sequoia groves on the Sequoia National Forest. Converse Basin, for example when it was privately owned was extensively logged some 100 years ago. There have been two very large wildland fires that have also affected the Converse Basin grove as well. The structure and composition of the Converse Basin grove is thus much different from a grove that has not had this disturbance history. Thus it follows that our management approach for Converse Basin would by necessity be different from other less disturbed groves. Will establishing a national monument allow for this range of management flexibility? I think not. We must rise to higher level as we focus our attention on what is best management for national forest giant sequoia groves.

WHY THE NEED FOR A FLEXIBLE RANGE OF MANAGEMENT

Agencies are moving forward with management activities trying to ''learn as they go'' as to what works and doesn't work. For example, the California Department of Forestry and Fire Protection employs uneven-aged forest management practices (e.g., selective cutting) and prescribed burning to meet management objectives for the Mountain Home grove of giant sequoias. The USDI National Park Service employs prescribed burning focusing on fuel reduction. The USDA Forest Service was using both even and uneven-aged forest management followed by prescribed burning practices in several of the giant sequoia groves on the Tahoe, Sierra, and Sequoia National Forest in the 1970s and 1980s. The Forest Service has imposed a moratorium around 1988 on management projects in national forest giant sequoia groves until more is learned about them (e.g., inventories) and until a Land Management Plan Amendment can be developed and approved. The California Department of Parks and Recreation which manages Calaveras Bigtrees State Park employs primarily prescribed burning practices to meet management objectives. The Bureau of Land Management has recently launched a program to inventory attributes of the Case Mountain giant sequoia grove. But aside from custodial protection, BLM is not aggressively managing the Case Mountain

grove until it evaluates a suitable management strategy. The managers of the Tule River Indian Reservation employ uneven management of the giant sequoia lands that occur there. The range of management approaches varies from timber management followed by prescribed burning to only prescribed burning to custodial management to let's wait and inventory what we have at this time. Which approach is correct?

A few long-term studies have been done focused on management strategies for giant sequoia groves. The USDI National Park Service has done work on prescribed burning but not in comparison to its effectiveness to silvicultural management strategies. To say that prescribed burning for fuel reduction is the only safe course of action for all giant sequoia groves is inappropriate because it is an opinion based on limited research information. We really do not know if prescribed burning alone is the best course of action for the long-term survival and perpetuation of the giant sequoia species. Prescribed burning has both positive and negative effects on the giant sequoia ecosystems.

Understanding that prescribed burning is not without its negative consequences, some foresters employed a variety of silvicultural methods to achieve desired management objectives. Silvicultural manipulation (e.g., tree removal) has both positive and negative consequences as does prescribed burning. Competing whitewood trees are either partially or totally removed from small areas of the larger giant sequoia groves to reduce fuel levels, reduce competition, and create seedbed conditions that enable giant sequoia to become established, survive, and grow. Very few young-growth stands of giant sequoia exist in California. The ones that do exist developed as a result of past site disturbances. Silvicultural manipulation of giant sequoia groves and adjacent areas can actually increase the amount of area occupied by young, healthy giant sequoia trees.

The decision as to what is the most appropriate course of action to take with reference to the management of giant sequoia is not an easy one to make given these uncertainties. However, it seems inappropriate to put all of the giant sequoia grove areas under the same form of management. Placing the 41+/− giant sequoia groves on the Sequoia, Sierra, and Tahoe National Forests into a national monument status reduces to a significant degree management flexibility. Management flexibility is needed as we learn more about effective approaches. National monument status will insure custodial protection but will this designation ultimately lead to healthy ecosystems and perpetuation of the giant sequoia species? Do we really have enough information to suggest that only national park or national monument status will result in ''best'' management practices for the giant sequoia ecosystem? I think not. It is not yet clear what approach will be best for the species as a whole in the long-term. As such, it seems more reasonable and prudent to continue with a range of management approaches with some restrictions as to the extent of activity that can occur.

WHAT THE POLITICS AND SCIENCE TELLS US

So who's right? What course of action should we as a nation take at this point in time? What have we learned from what research and management activities that have been undertaken? The lessons learned as I see them are:

1. There continues to be significant interest in the giant sequoia resource as there well should be. Yet this interest and concern is not supported by adequate funding to do research and carry out management in an orderly and planned manner.

2. Organizations and agencies involved with giant sequoia management have varied opinions as to what is the most appropriate course of action to follow.

3. More comparative research is needed to evaluate management approaches for giant sequoia ecosystems.

4. Significant site disturbance is needed to obtain giant sequoia seedling establishment and survival. Mineral soil conditions favor seedling establishment and canopy openings facilitate growth and survival of established seedling.

5. Thrifty young-growth stands of giant sequoia are not widespread with its native range.

6. Fire suppression over the past 90 years has resulted in significant stand density increases of associated tree species found in giant sequoia groves. These changes in stand density are also influencing pathogen and insect relationships in the grove areas.

7. Both prescribed burning and silvicultural manipulation of giant sequoia groves have positive and negative effects which are not fully understood. for example, researchers have measured lethal temperatures at significant depths beneath the bark of old-growth giant sequoia trees during prescribed burning operations.

8. Custodial protection without some form of prescribed burning and/or silvicultural manipulation is probably not in the best interest for perpetuating the species

9. Giant sequoia trees are subject to the same natural forces and man-caused influences as other tree species. Specimen giant sequoia trees have fallen within the boundaries of National Parks, State Parks, State Forests, National Forests, and on private lands. Various factors are involved. And in some cases human activities have probably contributed to premature failure in all of these governmentally protected and managed areas. It is not known whether or not the present rate of old-growth giant sequoia tree failures is higher than historic patterns.

10. Both prescribed burning and silvicultural manipulation of giant sequoia groves have received adverse public criticism. It seems that no one agency is doing a perfect job of giant sequoia management. However, Mountain Home State Forest might come closest if we were to judge performance on the amount of public criticism expressed and publicity received. But the Jury is still out as to what management approaches are most effective for perpetuation of the ecosystem and the giant sequoia species.

11. Giant sequoia groves have and are affected by a wide range of disturbance events. We understand that some proportion of a giant sequoia landscape should be comprised of early stage vegetation so that sustainability and the overall health of the grove is maintained.

CONCLUSION

Management by necessity must involve more than custodial protection. And it can't simply focus on changing jurisdictional authorities. Management must be continuous as the ecosystems within which giant sequoia occurs are dynamic. Given these three premises, I make a number of recommendations as shown in the Win/Win solution section of this letter.

Changing jurisdictional authorities is not the answer. Education and research continue to be needed on giant sequoia. Positive change will occur as we learn more about this most magnificent tree species and ecosystem. I truly believe that the giant sequoia groves are not relics of the past. They should not receive protective regulations that treat them as such. Drawing a circle around the giant sequoia groves and calling them national monuments seems to infer ''relic'' status. Flexible management strategies with restrictions on the extent of management activity that can occur at any one time seems to be, in my opinion, the better approach to insure the perpetuation of the giant sequoia species and the ecosystems within which they occur. Please refer you to the Win/Win Solution section at the beginning of this letter for more specifies as to the recommendations I offer.

Thank you for giving me this opportunity to express my opinions on giant sequoia. I list in the following section selected publications, technical reports, and invited presentations in support of my credentials to express an authoritative opinion on the pending proposal to establish a national monument for national forest giant sequoia groves.

SELECTED REFERENCES

I list only peer reviewed publications, technical reports, and papers I have delivered that are focused on giant sequoia. A complete listing of all my publications and presentations appears in my current Curriculum Vitae which is available upon request.

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DOUGLAS D. PIIRTO. PH.D., RPF,
Professor of Forestry and Natural Resources Management.

TRIBUTE TO JOHN CARDINAL O'CONNOR—PERSONAL EXPLANATION

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2000

Mrs. LOWEY. Mr. Speaker, on February 15, my colleagues honored John Cardinal O'Connor by passing H.R. 3557, a bill to award him the Congressional Gold Medal. Unfortunately, because I had requested and been granted official leave of absence, I was unable to cast my vote in support of this measure. Please let the record show that had I been here I would have voted ''yes'' for H.R. 3557.

As a fellow New Yorker, I have seen firsthand the good work of the Cardinal, in particular, his tireless efforts to improve Catholic-Jewish relations. The negotiations to establish diplomatic relations between the Vatican and Israel were initiated, in large part, by Cardinal O'Connor. The Cardinal's work has truly enhanced human rights and religious tolerance around the globe.

Cardinal O'Connor has also been a leader in the effort to provide care to individuals stricken with AIDS. The Cardinal opened New York State's first AIDS-only unit at St. Clare's Hospital. This effort created a home for those in need of support and care, and supplied Cardinal O'Connor with yet another place to volunteer his time and counsel.

In addition to these remarkable accomplishments, Cardinal O'Connor has devoted his time to promoting racial equality, creating valuable educational opportunities for children, and assisting the poor, sick and disabled. It is clear that Cardinal O'Connor has touched the lives of many Americans and deserves this body's highest honor.

PRAISING GARROD HYDRAULICS

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2000

Mr. GOODLING. Mr. Speaker, I would like to take this opportunity to extend my congratulations to the employees of Garrod Hydraulics, Inc. for receiving the ISO 9002 (International Organization of Standardization) registration. I am proud to honor the only company registered in the United States for Hydraulic Cylinder Repair, especially when it has been serving York County for over 20 years. With over 35 employees, the company is certainly expanding and has distinguished itself within the industry and the other 22,399 companies with ISO 9002 registration. Garrod Hydraulics has joined the fraternity of Best in the Class, and I salute their hard work and dedication.

HONORING MAGGIE ADELE MCCULLOCH ON HER 1ST BIRTHDAY

HON. JOHN W. OLVER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2000

Mr. OLVER. Mr. Speaker, I rise today to pay tribute to Mark and Molly McCulloch of Holyoke as they celebrate the birthday of their daughter Maggie Adele McCulloch who turns 1 year old today, March 16, 2000.

Mr. Speaker, I commend the McCulloch family for their commitment to Massachusetts and their community.

Over the past decade, my constituent Mr. Mark McCulloch has played a prominent role in the community as Editor of the Holyoke Sun, Westfield Evening News, and now as

Editor of the Ware River News. I am grateful for Mr. McCulloch's passion and commitment to politics and journalism.

As many of you know, a child's 1st birthday is a joyous occasion.

Therefore, it is only appropriate that I ask the House in joining me today in wishing Maggie Adele McCulloch a Happy Birthday.

HONORING MINNESOTA STAND DOWN

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2000

Mr. VENTO. Mr. Speaker, I rise today to recognize and honor the tremendous success of the Minnesota Stand Down.

Since 1993, Minnesota Stand Down has set forth an excellent example of successful collaborative efforts with the National Guard and Reserve Units, homeless shelter programs, health care providers and other members of the community in order to help combat the growing problem of homeless veterans. With the help of hundreds of volunteers from over 150 different agencies and organizations, Minnesota Stand Down is truly a magical operation.

I have had the honor of attending and participating in numerous Stand Down events in Minnesota over the years. Each event gathered over 1,000 veterans in search of medical attention, shelter, food, legal assistance, transitional housing program assistance, showers and haircuts, clothing and meals. Most importantly, these special events provide companionship, camaraderie and mutual support.

In its eighth year, Minnesota Stand Down is designed to give homeless veterans a brief respite from life on the streets. In response to this growing problem, I have sponsored H.R. 566, The Stand Down Authorization Act. This important legislation would, in conjunction with the grassroots community, expand the VA's role in providing outreach assistance to homeless veterans. H.R. 566 has the strong support of over 100 bi-partisan cosponsors, the VA, the American Legion, the Veterans of Foreign Wars (VFW) and the Disabled American Vets (DAV). Stand Downs are not a solution to the problem of homelessness among veterans, but an opportunity to create an atmosphere and policy path conducive to bring about hope and long term solutions.

I would like to share with all Members an uplifting poem written by Kathy Lindboe, the daughter of Minnesota Stand Down coordinator, Bill Lindboe. It is my hope that this enlightening message will ignite our efforts in providing more resources towards our forgotten heroes . . . homeless veterans.

A LONELY MAN WALKS IN THE NIGHT

(By Kathy Lindboe)

A lonely man walks in the night, it is cold and quiet with no end in sight.

With looks of anger, looks of disgust, the strangers pass him.

They assume he must be another bum who deserves the street, never knowing his name, never knowing his feat.

That he fought for their freedom to walk on by,

that he fought for their country, he saw his friends die.

That he fought for tomorrow, he was shot in the chest, he fought for them all, for he loved them all best.

Now he talks to himself for some company.

He keeps his head down, he doesn't want them to see, his unshaven face, his frostbitten ears, the fear in his eyes from the last 30 years.

He hides from the world, existing on pride.

That for his country he lives, for this country, men died.

And his cry in the night, lingers on in his soul.

Another lonely man living, The war veterans role.

THE FED'S UNNECESSARY ASSAULT ON WAGES

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2000

Mr. FRANK of Massachusetts. Mr. Speaker, I have become increasingly concerned that the relentless drive of the Federal Reserve to cut back on economic growth will lead to serious economic problems later this year. Federal Reserve officials have heretofore stressed that there is a time lag of many months between their decisions to raise interest rates and the effect those increases will have on the economy. We have recently had four Federal Reserve increases in interest rates, and by the Fed's own previous standards, only one of those could possibly have begun to have any economic impact, and that, barely so. For the Federal Reserve despite this to continue to raise interest rates threatens us with serious economic problems later in the year. I do not at this point believe that this will lead to a recession, although if the Fed continues to raise interest rates on a regular basis that will be the result. But what their actions will guarantee is a significant slow down in the growth of our economy. That is not only bad in itself, it will deprive our economy of the one factor that has served in recent years to alleviate the increasing trend towards exacerbating inequality that has accompanied overall prosperity for much of the past decade.

The justification for the Federal Reserve's action is of course that it is necessary to stave off inflation. This is a justification the Fed offers, despite what might appear to be the inconvenient fact that no inflation is in prospect. In a recent analysis, Jeff Faux of the Economic Policy Institute analyzes the Federal Reserve's argument, and delves into American economic history to show the fallacy of the Fed's approach.

Because of the importance of this topic to both the economic and social health of our country, and because of the cogency of Mr. Faux's analysis, I ask that it be printed here.

THE FED'S UNNECESSARY ASSAULT ON WAGES

(By Jeff Faux)

The Federal Reserve Board has raised its key interest rate a full percentage point since June 1999, and it has indicated that it will continue to raise rates until economic growth slows down.

It takes a while for interest rate changes to work their way through the economy. But sometime this year, the nation can expect to begin paying the costs. These costs will include: An increase in joblessness and a weakening of the bargaining power of low- and middle-income families, whose wages—after being stagnant for most of the 1990s—have been rising in the last several years because of tight labor markets. Higher housing, consumer credit, and general borrowing costs. a worsening of the trade deficit, because raising interest rates will increase the near-term value of the dollar.

According to Fed Chairman Alan Greenspan, these costs are justified by the benefits of slower growth, which will: (1) prevent the current boom from ''overheating,'' i.e., generating politically unacceptable levels of inflation that must then be brought down by engineering a deep recession, and (2) deflate the overpriced stock market, thereby preventing a future crash.

But the slowing of the economy is unnecessary. As Greenspan himself admitted in his February 17 semi-annual report to Congress, ''inflation has remained largely contained.'' Moreover, the historical evidence for Greenspan's inflationary scenario is weak. As for an overpriced stock market, the Fed has other policy options with which to deflate it. These realities suggest that the Fed's intervention has been aimed more at preventing wage increases than at preventing inflation.

If anything, lowering, rather than raising, interest rates is a more appropriate monetary policy for the current condition of the economy.

NO INFLATION SIGNALS

There are no signs that the economy is approaching close enough to capacity to represent a serious inflationary threat. The latest data show that the January ''core'' inflation rate—consumer prices other than volatile energy and food prices—rose only 1.9% above the year before, compared with a 2.3% annual increase a year earlier.

Nor is there any evidence that production is threatening to outstrip capacity. The Federal Reserve's own numbers show the capacity utilization rate at 81.6%, substantially below the 85.4% reached in 1988–89, at the peak of the last business cycle.

The employment cost index—the statistic said to be most watched by the Fed economists—in the fourth quarter of 1999 was rising at an annual rate of 4.5%. But productivity was rising even faster—by 5%—leaving room in the economy for more noninflationary wage increases.

THE DISAPPEARING NAIRU

It is of course plausible that at some point spending could outgrow the economy's capacity to produce, causing prices to accelerate to unacceptable levels. Economists have labeled the unemployment rate below which this inflationary spiral would theoretically ignite as the NAIRU, or the non-accelerating-inflation rate of unemployment.

In the early 1990s, the conventional wisdom among economists, including most at the Federal Reserve, was that the unemployment rate could not go below 6% without triggering an accelerating rate of inflation. The few economists who pointed out that there was little empirical evidence to support this theory and that the economy could achieve noninflationary unemployment rates of 4% or even lower were derided by the profession and ignored by the business media. (The late William Vickery of Columbia University, a Nobel Prize winner, said in 1994 that a 2% unemployment rate was feasible.)

The unemployment rate has now been below 6% since September 1994, below 5% since June 1997, and below 4.5% since April 1998. As we have seen, core inflation has not only not accelerated, it remains dormant.

The experience has taught us that no one, not even Dr. Greenspan, can calculate the

NAIRU beforehand. Moreover, it has discredited the notion that low levels of unemployment will cause wages and prices to accelerate out of control. The NAIRU is revealed as useless as a guide to economic policy.

THE WRONG HISTORY LESSON

Still, the threat of the kind of runaway inflation that caused such economic and political havoc in the 1970s has been enough to stifle objections to the Fed's current strategy, even in an election year.

The inflationary terror with which Greenspan threatens us is a scenario in which rising demand in a peacetime economy bursts through the limits of capacity to set off a wage price spiral that feeds on itself, becomes politically unacceptable, and compels the government to bring it down by engineering a recession (reducing demand by reducing incomes). But, in fact, since 1914, when the U.S. began to measure consumer prices with a comprehensive index, a demand-driven peacetime economic boom has never generated the kind of inflation with which Greenspan frightens policy makers and the public.

A reasonable definition of ''politically unacceptable'' inflation is a condition in which rising consumer prices are used by the political opposition to successfully affect the outcome of elections. In this sense, price inflation was a significant national political issue on several 20th century occasions. One was the aftermath of World War I, when wartime inflation continued to increase through 1920. Prices rose 15% that year, and Republican Warren Harding, along with a GOP Congress, was elected on a platform of a ''return to normalcy.''

The next was 1946, when the end of World War II's price controls saw prices rise at a rate of 8.3% between 1945 and 1946. Rising meat prices were a particular sore spot with the voters, who elected a Republican Congress that November. Interestingly, prices rose at an annual rate of 11.3% over the next two years, but Democrat Harry Truman was still re-elected in 1948.

The next time that rising prices were a significant political issue was in the early 1970s. World oil prices were driven up by an oil-producing cartel, and a series of bad harvests in Russia and elsewhere caused global grain prices to rise as well. Price increases in these sectors then rippled through the U.S. economy. Between 1972 and 1980, consumer prices rose at an annual rate of 8.9%, and for three of those years the increases were in double digits. Political victims included Republican members of Congress decimated in the off-year election in 1974, President Gerald Ford in 1976, and President Jimmy Carter in 1980.

Thus, the general price increases that have reached politically troublesome levels have all involved several years of sustained inflation at rates that at some point reached double digits.

If we take a 5% increase in the consumer price index (CPI) as the point in which prices are moving toward this ''politically unacceptable'' range, we find that in no case since 1914 did price inflation reach even that level as a result of a peacetime economy growing beyond its capacity to produce. Every time the growth in the consumer price index reached 5%, the cause was exogenous to the domestic economy, i.e., war-related or energy and food price shocks emanating from outside U.S. borders.

Figure 4 shows the history of consumer price changes year-by-year since 1914. Working backward, the brief price spike in 1990 that put the CPI slightly over 5% was a result of a sharp, short run-up in oil prices during the Gulf War. As indicated above, the inflation of the 1970s was not a result of an overheated economy but was generated by world oil and grain price shocks. Nor was the previous bout of inflation in the late 1960s ignited by an insufficiently vigilant Fed; the culprit was Lyndon Johnson's refusal to raise taxes to pay for the Vietnam War. The inflation episode before that was fueled by the Korean War. And, as indicated, the other two bouts of inflation were the products of the 20th century's world wars.

In other words, the memories of inflation that give political support to Greenspan's policy of raising interest rates reflect past experiences that are irrelevant to the present condition of the American economy. In fact, one cannot find in modern history the inflationary scenario from which Greenspan is presumably protecting us.

DAMPENING STOCK MARKET EXUBERANCE

Recently, the stock market has been deflating on its own. Still, given the widespread casino mentality that pervades the markets, it is not unreasonable to attempt to bring down values more in line with economic fundamentals, i.e., the growth of employment, incomes, and production.

But it is not reasonable to undercut those economic fundamentals in order to bring down a speculative bubble in the stock market. Instead, the Fed should be trying to achieve balance by contracting the stock market and letting the productive part of the economy expand, gradually substituting real for speculative value in share prices.

Much of the recent overvaluation of U.S. stock markets has been fueled by excessive credit. The share of ''margin debt'' to the capitalization of the stock market is now at or above the heights reached just before the 1987 market crash. The ratio of margin debt to the gross domestic product (GDP) is now double what it was at that time.

A number of market observers, including financier George Soros and Stanley Fischer, deputy director at the International Monetary Fund, have recently advocated that the Fed let air out of this credit boom by raising margin requirements. But Asian Greenspan has consistently refused. When asked about this at his confirmation hearing before the U.S. Senate Banking Committee. Greenspan said that he did not want to discriminate against individuals who were not wealthy enough to have other assets against which to borrow in order to play the stock market. Given that people who use margin leverage to buy stock are typically wealthy by any reasonable standard, this is a rather weak rationale for favoring higher interest rate policies whose costs will largely be felt by lower-and middle-income working people.

To the extent that Greenspan is concerned about irrational exuberance in the stock market, raising margin requirements should certainly be the weapon of choice.

WAGES—THE FED'S REAL TARGET

Given the absence of inflationary signals, the lack of historical precedent, and the Fed's disinclination to target the stock market bubble directly, it does not appear that preventing an outbreak of inflation—at least as most Americans would understand the term—is the root motivation behind the Fed's recent interest rate increases. Rather, it seems to be aiming at preventing wage increases.

The Fed's defenders would of course argue that that is exactly how one prevents ''wage-price'' spirals from taking off. But as economist Jamie Galbraith has pointed out, every episode of accelerating inflation since 1960, with the exception of the lifting of Vietnam-era price controls after Richard Nixon's re-election, were led by prices, not by wages.

The current effort to slow down the economy, therefore, appears to be targeted at weakening the bargaining position of labor vis-a-vis capital. Indeed, throughout this economic expansion of the 1990, we have seen a shift of market incomes from wages to profits. This shift has been so pronounced that economist Jared Bernstein has calculated that, even if labor costs were to accelerate to rising 1% faster than productivity (as opposed to their current slower growth rate), it would take four years before wages and profits went back to their respective shares in the decade of the 1980s.

It is reasonable to ask the following: if the expansion of profits and the subsequent reallocation of income from labor to capital that occurred throughout the 1990s did not by itself raise inflationary concerns, why should a potential swing back to labor's favor?

The Fed is unlikely to enlighten us. But it is obvious that Federal Reserve Boards have historically considered themselves defenders of the interests of those who invest for a living as opposed to those who work for wages. This one is no exception.

Greenspan deserves some credit for not having cut off this current expansion when the unemployment rate reached what the conventional wisdom assumed were NAIRU limits. On the other hand, he has responded much faster to problems in financial markets than to problems in labor markets. Thus, he was quick to intervene in the economy in the case of the stock market crash of 1987, the Asia financial crisis of 1997, and the Long Term Capital Management debacle of 1998. But he was so slow to react to a rising unemployment rate in the early 1990s that he allowed the economy to fall into a recession.

Greenspan himself has said on several occasions that job insecurity has been a significant factor in limiting labor's earnings during the expansion and thus adding to profits and the profit expectations that have fueled the stock market. From this perspective, raising interest rates to raise the unemployment rate, as opposed to targeting margin requirements, insures that labor's share remains depressed even as the financial markets are forced to undergo a correction.

KEEPING THE EXPANSION GOING

The economic policy task now facing the United States is how to keep the current expansion alive by keeping it in balance, e.g., avoiding speculative markets, excessive debt, and high interest rates. This will require careful management by both the Federal Reserve and the administration.

First, at the very least, the Fed should not raise interest rates any further. In fact, the Fed should gradually begin lowering rates to keep probing the economy's limits and to allow the dollar to fall and to make U.S. goods more internationally competitive. If and when signs appear that the domestic economy is overheating and price inflation threatens, there will be plenty of time to raise interest rates (or taxes) to reduce the growth rate.

Second, at the same time, the Fed should use its authority to raise margin requirements. In addition, both the Fed and the Clinton Administration should move to reduce excessive stock market and consumer credit use. Bank regulators should discourage the growing issuance of unsound mortgage lending and home equity loans and impose stricter regulation of credit care companies.

Tightening credit in speculative markets while allowing the rest of the economy to grow will bring more balance to the economy. In particular, it would help to raise real incomes and at the same time help reduce consumer debt, providing more stability and staying power for the household sector that has been the sustaining force for growth over the past decade.

Third, neither the Fed nor the Administration should attempt to slow economic

growth if energy prices continue to rise. The lesson from the 1970s is that oil price cartels do not last. It helps that the U.S. economy is less energy intensive than it was in the 1970s and less vulnerable to energy price increases. The president's decision to increase subsidies to help low-income families to cope with temporarily higher heating oil prices was wise. If necessary, the Administration should use national oil reserves to counter any extraordinary short-term surge in prices that threatens to cut off economic growth.

This longest economic expansion in modern history has in the last few years finally begun to bring real income growth to low- and middle-income Americans. Maintaining that growth is essential for America's private sector to remain competitive and its public sector to have the revenues it needs to finance social investment.

The risk of jeopardizing these goals far outweighs any small risk of a sudden and historically unprecedented outbreak of demand-driven inflation.

H.R. —, THE NATIONAL FISH AND WILDLIFE FOUNDATION ESTABLISHMENT ACT AMENDMENTS OF 2000

HON. ENI F.H. FALEOMAVAEGA

OF AMERICAN SAMOA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2000

Mr. FALEOMAVAEGA. Mr. Speaker, I rise today to introduce legislation to amend and reauthorize the National Fish and Wildlife Foundation Establishment Act.

Since its creation in 1984, the National Fish and Wildlife Foundation has been very successful in establishing public and private partnerships to conserve fish, wildlife, and plants using Federal funds matched by private donations. On average, the Foundation has brought in more than two private sector dollars for every Federal dollar appropriated. With these funds, the Foundation has financed more than 3,500 on-the-ground conservation projects throughout the United States and abroad. Together with partnerships and challenge grants, the Foundation has provided $441 million for conservation projects. Their record is impressive.

To fund these projects, the Foundation has entered into partnerships with a wide range of State and local agencies, academic institutions, conservation groups, and businesses. In a time of diverse interests and an ever increasing strain on our natural resources, the ability to forge productive and workable partnerships between all sectors of society is of paramount importance. The Foundation possesses this ability, and makes unparalleled use of it to award grants in five major categories: conservation education, wetlands and private lands protection, neotropical migratory bird conservation, fisheries conservation and management, and wildlife and habitat management.

In the past, legislation to reauthorize the Foundation generated unnecessary and misguided criticism. Such criticism has been surprising considering the noncontroversial nature and mission of the Foundation and its solid history of bipartisan support in Congress. The National Fish and Wildlife Foundation represents one of Congress' finest conservation innovations, and embodies what we should strive to achieve every day—the intelligent and economical conservation of our fish, wildlife and plants.

This legislation is very similar to legislation introduced by the late Senator JOHN CHAFEE and passed by the Senate by unanimous consent. It is strongly supported by the National Fish and Wildlife Foundation as well as both the Fish and Wildlife Service and the National Oceanic and Atmospheric Administration.

Mr. Speaker, in the interest of time, I will submit additional comments describing the legislation and explaining the changes it makes to existing law.

In closing, the National Fish and Wildlife Foundation is an important element in our national effort to build partnerships to conserve our common natural heritage. I urge my friends and colleagues on both sides of the aisle to support this bill.

OBJECTIVES OF LEGISLATION

This legislation makes several significant changes to the National Fish and Wildlife Foundation's (Foundation) establishment legislation. First, it expands board membership from the current number of 15 to 25. Second, the bill expands the Foundation's jurisdiction to include additional agencies within the Department of the Interior and the Department of Commerce to further the conservation and management of fish, wildlife, and plants and natural resources. Third, it authorizes annual appropriations through fiscal year 2006 to the Department of the Interior for $30 million and to the Department of Commerce for $10 million. The Foundation's current authorization expired on September 30, 1998.

SECTION-BY-SECTION ANALYSIS

Section 2 would amend the National Fish and Wildlife Foundation Establishment Act by providing authority for the Foundation to accept and administer private gifts of property in connection with the work of agencies within the Department of the Interior and the Department of Commerce. Under current law, the Foundation is only authorized to accept and administer private gifts of property in connection with the Fish and Wildlife Service and NOAA.

Section 3 would increase the Foundation's Board of Directors from 15 to 25 members, including the Director of the Fish and Wildlife Service and the Under Secretary of Commerce for Oceans and Atmosphere (Administrator of NOAA).

Section 4 would authorize the Foundation to have its principal offices in the greater Washington D.C. metropolitan area. This section would also establish conditions for the Foundation to acquire and convey property (dependent upon agency approval) and invest and deposit Federal funds. Section 4 would revise provisions relating to agency approval of acquisitions of property and of conveyances and grants. It also would set forth limitations relating to the Foundation's conveyances of real property and overhead expenditures.

Section 5 would authorize appropriations of $40 million per year to implement the National Fish and Wildlife Foundation Establishment Act Amendments of 2000 through fiscal year 2006 of which $30 million would go to the Department of the Interior and $10 million would go to the Department of Commerce. This section would also authorize the Foundation to accept funds from a Federal agency under any other Federal law to further its conservation and management activities. In addition, it would prohibit grant recipients from using Federal appropriations under this Act to engage in activities relating to lobbying or litigation.

Section 6 would clarify that nothing within this Bill authorizes the Foundation to perform activities that are within the jurisdiction of the National Park Foundation by Public Law 90–209 (16 U.S.C. 19e et seq.).

HONORING THE CORLEONE SOCIETY [UNIONE SPORTIVA CORLEONE]

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2000

Mr. ENGEL. Mr. Speaker, today I recognize the members of the Corleone Society (Unione Sportiva Corleone) and their 25th Annual Dinner-Dance this week. I also take this opportunity to recognize Paolo Muratore and his 16 years of leadership as the President of the Corleone Society.

In 1973 a group of friends, originally from the Italian city of Corleone, met to celebrate a traditional holiday from their native town. During this event they decided to form the Corleone Society (Unione Sportiva Corleone) in order to extend their culture and traditions to the United States of America. The people of Corleone, a city of 15,000 inhabitants, have chosen a lion clutching a flaming heart as a symbol of their nobility and generosity. Since 1973 until today the members of the Corleone Society have contributed to the enrichment of our culture with the traditions and values of the city of Corleone in Sicily.

For 25 years the members of the Corleone Society have gathered together to celebrate their traditions and emphasize their commitment to noble causes. They award scholarships to support talented students in their educational endeavors. At the same time, they are dedicated to improving the health and welfare of children worldwide. The Corleone Society offers its patronage to orphanages and it sponsors sick children from abroad to receive medical treatment in the United States.

Mr. Speaker, I ask you and my colleagues to join me in expressing our gratitude for the indispensable services and contributions the Corleone Society has given to so many in the United States and around the world.

CENSUS DEBATE

HON. PAUL RYAN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2000

Mr. RYAN of Wisconsin. Mr. Speaker, I'd like to express my shock and disappointment at the tenor and content of the Special Order that was coordinated by the Ranking Member of the Subcommittee on the Census last night.

But before I go on please please everyone in America fill out your census forms and mail them in.

For months now Republicans and Democrats have been promoting the census. No political cheap shots, no debates over sampling. But after the Democrats ambush last night, it's time to take the gloves off.

As we all know, this is the most critical time for the census and for making sure that everyone participates. But the Democrats have obviously decided that promoting the census is

secondary to promoting their own political agenda. Are the Democrats so scared of George Bush that they would inject politics into the census, the very week people are filling out their forms and mailing them in? Sadly the answer can only be yes.

Are the Democrats so afraid that we will retain the House in the upcoming election that they would risk alienating people from participating in the census? Once again, the sad answer is yes.

While it is no secret that our parties and the presidential candidates differ on the use of estimated numbers for purposes of adjustment, the fact that you could not simply promote the census during this most crucial of weeks is very disappointing.

Democrats have stated all along that they want everyone to fill out their forms to assist the Bureau in getting the best count ever. I now wonder whether this was merely a ruse you maintained to harbor another objective. The Democrat message on Wednesday to the American people was ''Don't worry about filling out your form—let the government estimate where you are.'' The effect of these statements is to undermine a good mail-back response rate. There is a very good chance that statistical sampling will be found illegal for redistricting as it was found illegal by the Supreme Court for reapportionment. Supporters of sampling are selling people a false bill of goods.

Let's face reality for a moment—the Supreme Court ruled last January that sampling cannot be used for apportionment and that the Census Bureau must conduct a full enumeration. Therefore your attack on Presidential candidate George Bush is ludicrous. And as we both know, the National Academy of Sciences has yet to endorse the complex ACE estimation plan. In fact, at last month's NAS meeting there was much debate on both sides of the issue and it was clear that there was uncertainty. To suggest that the NAS has endorsed the specifics of ACE is to mislead the American people.

In conclusion, I think that those that participated in last night's ambush on Republicans have done far more to hurt the census efforts than you all may believe. Many Americans are concerned about the intrusiveness of the long form. Even the Bureau acknowledges that many of their phone calls and emails are complaints. All offices are fielding numerous calls from upset constituents. In fact, you could not have picked a worse day in a worse week to make your purely partisan political diatribe.

Last night, on the House floor, you had an opportunity to do one of two things: Promote the census and the importance of mailing back the forms, or use the opportunity for political grandstanding. Unfortunately, you chose the latter. To insert the debate over sampling and to take cheap shots at Governor Bush will not motivate one single person to fill out their census form and mail it in.

I can only hope that American people can see through your partisan motives and rhetoric and realize that the answer to their needs will not be met by a statistical silver bullet and that despite your obvious attempts to dissuade them, will fill out their census forms.

CONFERENCE REPORT ON S. 376, OPEN-MARKET REORGANIZATION FOR THE BETTERMENT OF INTERNATIONAL TELECOMMUNICATIONS ACT

SPEECH OF

HON. RON KLINK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 2000

Mr. KLINK. Mr. Speaker, I support the passage of the conference agreement on satellite communications reform. This is an important bill that will revise our laws to encourage more competition in the global satellite communication services market and deliver more choices to consumers. I strongly urge its adoption.

The conference agreement eliminates antiquated statutory barriers that have prevented the purchase of COMSAT. I am very pleased that the conferees dropped the Level IV direct access rules which would have unfairly taken value away from COMSAT shareholders. It also repeals the ownership cap on COMSAT without conditions, rather than making it contingent upon unrelated events as the House bill would have. In addition, the bill sets forth an effective roadmap for INTELSAT and Inmarsat to transition from intergovernmental organizations to truly pro-competitive, privatized entities.

I want to stress that while the bill gives the FCC authority to assess and evaluate INTELSAT's and Inmarsat's privatization efforts, nothing in this bill gives the FCC authority to control the business operations of these entities after they have attained a pro-competitive privatization. The bill will encourage the transition of INTELSAT and Inmarsat into normal, commercial entities so the global satellite market will be more competitive. Once privatization is achieved, INTELSAT and Inmarsat will be regulated by the FCC like any other business in the global satellite communications market.

Again, I am pleased that we will finally pass a bill that will truly level the playing field in the satellite communications services market, and I commend the Conferees for producing such a good, bipartisan bill.

NEW TESTS FOR PUBLIC SERVANTS

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2000

Mr. KLECZKA. Mr. Speaker, I recently received a copy of a letter to the editor of the Milwaukee Journal Sentinel written by Mr. Steve Cywinski, one of my constituents from South Milwaukee. I submit this letter to be included in the RECORD.

NEW TESTS FOR PUBLIC SERVANTS

I was very impressed with the article in the Milwaukee Journal Sentinel on Sen. William Proxmire (''Proxmire honored for sharp eye on money,'' Dec. 8). He served from 1957–'89. His mission was to cut wasteful spending. He was credited with 168 Golden Fleece awards. My question: Is Bill Proxmire the only one of some 500 politicians in Washington, DC, who had his eyes and ears open? I would propose hearing and eye tests for politicians before being sworn into office.

STEVE CYWINSKI,
South Milwaukee.

PROPOSED ACCOUNTING RULE CHANGES FOR TECHNOLOGY MERGERS

HON. BOB GOODLATTE

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2000

Mr. GOODLATTE. Mr. Speaker, in today's rapidly growing technology and information markets, the need for maintaining an accounting system that is best suited to handle the growing trend of technology sector mergers is key. The ''pooling'' system of accounting has made possible some of the largest mergers of our time; without this system the unifications of Netscape/AOL, Citicorp/Travelers, NationsBank/Bank of America, and Daimler/Chrysler quite possibly would have never taken place, reducing innovation and benefits to consumers.

Current regulations allow many high-tech companies to take advantage of this ''pooling'' system of accounting, which allows corporations to easily merge without attaching a goodwill accounting charge. This is the amount paid in an acquisition that is added to the fair market value of a company's tangible assets. If the Financial Accounting Standards Board has its way, it would require that all mergers be viewed not as the melding of separate entities, but as a direct purchase, forcing companies to accept the purchase method of accounting. This system worked for the bricks and mortar corporations of the past, but in the age of high-tech companies whose value lies in information, the purchase method of accounting has no place.

Forcing these high-tech/high performance companies to use the direct purchase accounting system will only serve to stifle growth and limit our country's edge in this information age. We should take every opportunity to support and ensure continued innovation and expansion in this technology sector that has done so much to energize our economy. This can be accomplished if we say yes to the continuation of pooling mergers, and no to attempts to further regulate this important sector of our economy.

GREATER PITTSTON FRIENDLY SONS OF ST. PATRICK HONOR MICHAEL TIGUE

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2000

Mr. KANJORSKI. Mr. Speaker, I rise today to pay tribute to Mr. Michael F. Tigue. This year the Greater Pittston Friendly Sons of St. Patrick will honor Mr. Tigue as ''Man of the Year'' at their 86th annual St. Patrick's Day banquet. I am honored to have been asked to participate in this prestigious event.

Michael Tigue is a lifelong resident of Hughestown, in my District in Pennsylvania. In the early days of the coal industry, young boys

were used on the breakers to sort coal. It was backbreaking work that paid pennies a day. Michael Tigue was one of these lads while attending school. He later went on to work at the Lehigh Valley Railroad and then as a pipefitter. He is a member of Plumbers and Pipefitters Local Union 524, the Knights of Columbus and the Ancient Order of Hibernians.

Mr. Speaker, Michael Tigue has been married to his wife Joan for 56 years. They are the proud parents of four, Thomas, Mariclaire, Michael, and Kevin. Their son, State Representative Tom Tigue, is a longtime friend and colleague of mine.

The Tigues boast 10 grandchildren and 5 great grandchildren and are members of the Blessed Sacrament Parish in Hughestown.

Mr. Speaker, I applaud this year's choice for the Friendly Sons' ''Man of the Year'' award and send my sincere best wishes to Mr. Tigue and his family.

TAIWAN'S SECOND PRESIDENTIAL ELECTION

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2000

Mr. ORTIZ. Mr. Speaker, on the eve of Taiwan's second presidential election there has been much talk about China's use of force against Taiwan. I am concerned that the voters of Taiwan may be intimidated in this election and their vote may be influenced. We should let the electoral process work itself through. The people of Taiwan deserve the right to exercise their judgment in this democratic election for one of the three candidates.

While we all agree that there is one China, reunification talks between Taiwan and Beijing should be conducted freely and the two sides should have equal footing in any negotiations. I urge all involved in this process to let the voters in Taiwan elect their new President on March 18. After all, peace and stability in the Taiwan Straits are in the best interests of everyone.

MINIMUM WAGE INCREASE ACT

SPEECH OF

HON. CORRINE BROWN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 9, 2000

Ms. BROWN of Florida. Mr. Speaker, I rise today in support of an increase in the minimum wage. Last year in my state of Florida, more than half a million people earned the minimum wage, a full 10% of the state's employees. Many of these workers are women, and most are adults who are trying to support a family. Don't be fooled by the claims that these workers are all teenagers. In fact, seventy-two percent of our nation's minimum wage workers are adults, and their family incomes are well below the national average. For a family of four to live above the poverty threshold, which is $17,000 a year, the minimum wage would have to be increased to $8.19 an hour!

Since the 1980s, real earnings for our nation's workers have declined by 12 percent, while the wealthiest 20 percent swallowed up almost all of the increases. It's ironic that productivity, profits, executive pay and the stock market are rising, but the incomes of the poorest working families in our nation are not.

The last time we raised the minimum wage, 10 million American workers benefitted and no jobs were lost. The 1996 minimum wage increase provided a pay raise to 10 million workers, and since then the economy has continued to speed ahead, creating thousands of new jobs.

H.R. 3846 shortchanges minimum wage workers by stretching out a $1 an hour increase over 3 years, making low wage workers wait as long as possible before receiving the full increase.

In addition, this bill is loaded down with tax breaks for big business, and by doing so it threatens Social Security and other invaluable programs! Not surprisingly, 73% of the beneficiaries of these tax breaks are the wealthiest 1% of our citizens! This is another case of Reverse Robin Hood—stealing from the poor and working people, and giving tax breaks to the wealthy.

The Joint Committee on Taxation reports that this will cost our country $123 billion over the next ten years!

I urge my colleagues to vote for a fair minimum wage bill and support the Democratic substitute. Stand up for our country's hard working minimum wage earners and vote ''no'' on the Republican measures.

DALLAS STARS—1999 STANLEY CUP CHAMPIONS

HON. MARTIN FROST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2000

Mr. FROST. Mr. Speaker, the members of the North Texas Congressional Delegation honor today in Washington, DC, the 1999 National Hockey League Stanley Cup Champions—the Dallas Stars.

The Dallas Stars electrified all of Texas en route to winning the oldest trophy in North America and along the way these champs gave us some unforgettable performances on the ice. Whether it was the clutch play of center Mike Modano, the acrobatic saves of veteran goalie Eddie Belfour, the crushing defense of captain Derian Hatcher, the leadership of MVP Joe Nieuwendyk, or the stick handling of Brett Hull, who scored the Cup-winning goal—it seemed like every game a different Star player stepped up and inspired the team to victory.

Further, we would like to commend team owner Tom Hicks, President Jim Lites, General Manager Bob Gainey, and Coach Ken Hitchcock for giving all Texans a hockey team to be proud of and showing that hard work and perseverance do pay off. Many in this Nation scoffed when the Stars announced in 1993 that they were bringing professional hockey to Dallas, Texas. And now, just seven years later, Texas is the home to Stanley Cup Champions who have inspired many of our youth to participate in this team sport.

Again, on behalf of Congressmen DICK ARMEY, EDDIE BERNICE JOHNSON, SAM JOHNSON, and PETE SESSIONS, congratulations from the North Texas Congressional Delegation and a hearty Texas thank you to the mighty Dallas Stars, 1999 Stanley Cup Champions.

A TRIBUTE TO MRS. JUDITH KIRCHMAN

HON. MIKE McINTYRE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2000

Mr. McINTYRE. Mr. Speaker, today I want to extend my warmest thanks and my most sincere best wishes to my District Director, Judith Kirchman, who will be retiring in June after 20 years of service to the citizens of the Seventh Congressional District of North Carolina.

Judith, a native of Fayetteville, NC, began work in June 1980, for my predecessor, the Honorable Charlie Rose. During the past 20 years, Judith has performed superbly in various positions and tasks. From assisting citizens in their dealings with Federal agencies to being that ''point person'' on natural disasters to strategic advice and counsel, Judith has been both resourceful and thoughtful.

When I think of Judith's commitment to the public good, the words ''spirit, sacrifice, and service'' come to mind. Judith's positive spirit has always been to do the task at hand—a spirit that inspires others to achieve. Judith's sacrifice in time and commitment has been to make southeastern North Carolina a better place to live and work—a sacrifice that meant doing the right thing and not being concerned with who gets the credit.

Pearl S. Buck once said, ''To serve is beautiful, but only if it is done with joy and a whole heart and free mind.'' Judith, there is no question that your 20 years of service have been the epitome of this statement. Service to others has been the embodiment of your life—service that sets a path for others to follow and that we all should emulate.

As you enter this next stage of your life, I am confident that your talents and energy will continue to be of benefit to many. Through your commitment to your church, your family, and your community, a shining jewel you will continue to be.

Bart Giamatti, the former president of Yale University, said it well in 1987,

> Be mindful of what we share and must share; not the least of which is that each of our hopes for a full and decent life depends upon others hoping the same and all of us sustaining each other's hopes . . . If there is no striving for the good life for any of us, there cannot be a good life for any of us.

Judith, on behalf of the citizens of the Seventh Congressional District of North Carolina, thank you so much for the good life you have given to so many. Now, you enjoy the same, and may God's strength, peace and joy be with you always.

SMALL BUSINESS REAUTHORIZATION ACT OF 2000

SPEECH OF

HON. ROBERT A. WEYGAND

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 2000

The House in Committee of the Whole House on the State of the Union had under

consideration the bill (H.R. 3843) to reauthorize programs to assist small business concerns and for other purposes:

Mr. WEYGAND. Mr. Chairman, I rise today to express my support for the reauthorization of the Small Business Administration, which has provided essential assistance and guidance to our nation's entrepreneurs since its creation in 1953. Though the agency was originally intended as a temporary response to address the economic concerns of the postwar economy, it has grown significantly and has helped small businesses become a driving force in our nation's economy.

Small businesses play an integral role in sustaining our Nation's economic strength. Innovative, flexible, and resilient, independent businesses have had a significant impact on all sectors of industry, from service to high-technology. Enterprises with fewer than 500 workers employ 52 percent of the Nation's private sector workforce, produce 51 percent of private sector output, represent 96 percent of exporters of goods, and produce virtually all new jobs in our changing economy. The small firm embodies the American ideals of independence, innovation and adaptability, which is one reason why the small business thrives in the United States.

Not only have small businesses had a positive impact on our economy, they also undertake significant responsibilities in communities. The 1996 changes to the Nation's welfare system emphasized the transition from government assistance to the work force, and small firms have been instrumental in providing employment to former welfare recipients. By doing so, workers learn new skills in a small, manageable atmosphere and can become productive members of a business team. Furthermore, small businesses cooperate with local government, schools, and other organizations to cement the bonds of a strong community. Whether sponsoring a little league team or donating computers to an elementary school, the small business is an anchor of any town or city.

As a former small business owner, I know firsthand the challenges faced by our Nation's entrepreneurs. Embarking on a new venture is a period of excitement for entrepreneurs, though the task ahead appears daunting and formidable. Not only must a small business owner consider the financial implications of an endeavor, he or she must also master the Federal and State regulations pertaining to business owners. Luckily, the Small Business Administration is available to provide financial assistance and legal expertise to entrepreneurs. In fiscal year 1999, the SBA provided $10.1 billion in loans to small businesses, with almost $108 million in loans to businesses in my State of Rhode Island. Furthermore, the SBA excels at providing continued assistance to firms, sharing information about new technologies, trade and export opportunities, and pertinent federal laws and regulations. I applaud the SBA for its commitment to fostering creativity and entrepreneurship in the United States, as well as its assistance to small businesses in meeting the new challenges of our Nation's changing economy.

Today we have the opportunity to enact legislation to reauthorize the Small Business Administration and its programs through fiscal year 2003. Given all of the substantial benefits this organization has provided in its 47-year history, I strongly believe that we must give this agency the opportunity to continue its mission for the next 3 years. I urge my colleagues to join me today in giving our nation's entrepreneurs the tools and resources needed to pursue their personal dreams. I urge them to vote in favor of SBA reauthorization.

APPLES FOR THREE MILLION TEACHERS ACT

HON. MATT SALMON

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2000

Mr. SALMON. Mr. Speaker, last year Senator JON KYL and I introduced the K–12 Education Excellence Now (KEEN) Act to provide tax relief for all Americans, including our Nation's teachers. This year we are introducing another much-needed avenue for teacher relief: the Apples for Three Million Teachers Act. The bill will offer America's 3,107,000 public and private school educators a $100 dollar-for-dollar tax credit for out-of-pocket classroom expenses. It also contains another provision—one included in the $792 billion tax relief package vetoed by the President last year—that will permit educators to claim a tax deduction for expenses above $100. I am pleased to report that the Apples for Teachers Act passed 98–0 in the Senate as an amendment offered by Senator KYL and Senator SUSAN COLLINS to the Education Savings Accounts Bill (S. 1134). The House would be wise to incorporate this amendment into the education tax incentive package currently being crafted. The President has shown his tendency to deprive parents and grandparents of a tax-free way to save for education expenses in twice vetoing legislation expanding Education Savings Accounts to elementary and secondary educational expenses. He might hesitate if faced with the prospect of denying every K–12 teacher in America partial from classroom expenses

Education funding tends to be rigid, with money distributed on a categorical basis leaving teachers with little flexibility to direct funds. The Apples for Teachers Act is desperately needed because teachers often have to dip into their own resources to provide their students with the resources they need when, as so often is the case, the provided materials are inadequate. The National Education Association estimates that teachers spend an average of $408 annually on out-of-pocket, non-reimbursable materials for their classrooms. A seven year veteran teacher who now serves on my staff reports that this estimate may be very low. While teaching in inner city schools, she spent $900 to $1,200 annually to subsidize her classroom. She believes this is below or within the norm of her colleagues.

Further, in a letter endorsing the teacher tax relief contained in my broader KEEN Act, 53,000 educators of the National Science Teachers Association and 110,000 members of the National Council of Teachers of Mathematics commented that the KEEN tax credit bill "would alleviate a teacher's financial burden in getting needed materials for his or her classroom." Apples for Teachers furthers this same goal.

Certainly, one of the most important factors in the academic success of a student is teacher quality. But to achieve quality, teachers need more than praise: They need the resources necessary to provide our children with the learning materials teaching requires. It's time for Congress to assist the men and women in American who not only dedicate their careers to educating our children, but continue to sacrifice financially for them as well. I urge my colleagues to cosponsor the Apples for Teachers Act and believe that this legislation should be included in any tax package devoted to improving K–12 education.

NELSON MANDELA

HON. LAMAR S. SMITH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 2000

Mr. SMITH of Texas. Mr. Speaker, at the suggestion of the distinguished former Chairman of the Senate Foreign Relations Committee, the Honorable Charles Percy, I am pleased to request that the following two part series on Nelson Mandela, recently published in The Christian Science Monitor, be submitted into the RECORD.

[From The Christian Science Monitor, Feb. 10, 2000]

MANDELA

(By John Battersby)

Ten years after Nelson Mandela walked out of prison on Robben Island, and seven months after stepping down as president of South Africa, he reflects, in an interview with the Monitor, on his legacy and the lasting influence his 27 years in prison had on him.

"Whatever my wishes may be, I cannot bind future generations to remember me in the particular way I would like," Nelson Mandela says.

Despite peace missions, a blistering schedule of overseas travel and stepped-up philanthropic activities, Mr. Mandela has begun to reflect on how he wants to be remembered both in an interview and at functions to pay tribute to him.

And despite his reluctance to be singled out and discuss his personal qualities, there is consensus in South Africa that without Mandela's personal commitment to reconciliation, his moral authority, integrity, and intense compassion, the country's transition to democracy might not have gone as smoothly.

Mandela is at pains to ensure that he is remembered as an ordinary mortal with qualities that are within the reach of ordinary people. "What always worried me in prison was [that I could acquire] the image of someone who is always 100 percent correct and can never do any wrong," he told one audience of 500. "People expect me to perform far beyond my ability."

He expanded on these reflections for the first time in a recent interview with the Monitor, which probed his philosophy of reconciliation, the origins of his moral integrity, and the experiences and influences that forged the qualities which have made him one of the heroes of the 20th century.

He also spoke about the importance of religion in his life and the crucial role of reflection and "the time to think" during his 27 years in jail.

History will remember Mandela for having the strength of conviction to risk engaging his jailers—and thereby humanizing them—from inside prison and eventually setting the stage for the ANC to negotiate them out of power. Mandela sees the success of the ANC in mobilizing both domestic and international opinion against the apartheid government as the key factor.

In the interview, Mandela insisted that he wanted to be remembered as part of a collective and not in isolation. On his release from jail 10 years ago tomorrow, he made it clear that he regarded himself as a ''loyal and obedient servant'' of the African National Congress (ANC), the liberation movement he headed before becoming South Africa's first democratically elected president in May 1994.

''I would like to be remembered as part of a team, and I would like my contribution to be assessed as somebody who carried out decisions taken by that collective,'' Mandela says, adding that even if he wanted to be remembered in a specific way that was not a realistic option.

Mandela was speaking in the living room of the house he shares with his second wife Graca Machel, whom he married in 1998. It is a doubly-story house in the plush Johannesburg neighborhood of Houghton.

''As prisoners, we used our individual and collective positions to make friends with some of our jailers. But this must be understood against the bigger picture of what was happening outside—an organized and disciplined struggle by our organization and the international community,'' he says.

PLEASE, NO SAINTHOOD

At the launch, late last year, of a book to commemorate him, written by South African journalist Charlene Smith (due out in the US this April, New Holland/Stuik), Mandela insisted that he not be elevated to some kind of sainthood.

The paradoxical side of the man is that he has sometimes taken on superhuman tasks such as his shuttle last October to Iran, Syria, Jordan, Israel, Gaza, and the United States in a bid to broker a comprehensive Middle East peace.

Despite what Madela described as ''positive and cordial'' meetings with Israeli Prime Minister Ehud Barak and President Ezer Weizman, Israel rejected his intervention. But Mandela was not unduly discouraged.

''There are bound to be setbacks,'' he says.

Mandela was greatly encouraged by the eventual outcomes of his interventions in East Timor and the handing over by Libya of those accused of the bombing of the Pan Am flight over the Scottish town of Lockerbie in 1988. He spent seven years mediating the behind-the-scenes negotiations with Saudi Arabia.

He says it is important that leaders should be presented to people with their weaknesses and all. ''If you come across as a saint, people can become very discouraged,'' he says. ''I was once a young man and I did all the things young men do,'' Mandela says, to drive home the point of his human fallibility.

Biographers and commentators have been intrigued by Mandela's extraordinary focus and unity of purpose during his years as a young ANC activist and later as its spiritual leader from behind bars.

''If you have an objective in life, then you want to concentrate on that and not engage in infighting with your enemies,'' he says in the interview. ''You want to create an atmosphere where you can move everybody towards the goal you have set for yourself—as well as the collective for which you work.

''And, therefore, for all people who have found themselves in the position of being in jail and trying to transform society, forgiveness is natural because you have no time to be retaliative. . . . You want to mobilize everybody to support your cause and the aims you have set for your life,'' he says.

Asked about the origins of his passionate belief in reconciliation and forgiveness, Mandela goes into a lengthy explanation of how the launched he Mandela Children's Fund after a personal encounter with homeless children in Cape Town who had come to see him to explain their plight. He was so moved that he vowed in that moment to launch the fund, which has collected more than $25 million and has helped hundreds of children. Mandela donated a third of his presidential salary to the fund during his five years in office. Many business executives matched his example and some bettered it.

WHAT PRICE RECONCILIATION?

Mandela is sensitive to criticism from certain black leaders that he has leaned over too far toward whites in his efforts to achieve reconciliation and forgiveness. He becomes emotional when defending his impressive campaign over the past few years to get business leaders to donate funds for the building of schools and clinics in the rural areas.

''Why would anyone say that I am leaning too much towards whites? Tell me the record of any black man in this country who has done as much as that [for black people] . . . I am not aware of any other black man who has spent so much time addressing the problems of poverty, lack of education, and disease amongst our people,'' Mandela says, adding that he had nothing but cooperation and support from the white business community.

When it comes to his moral authority and achievement in persuading his jailers and their political bosses to negotiate with him, Mandela again stresses the moral high ground of the ANC cause.

''When you have attained the moral high ground, it is better to confront your people directly and say: Let's sit down and talk. So, it is not something that just comes from me. It is something that was worked out by the organization to which I belong.''

Mandela speaks of the influence that veteran ANC leader Walter Sisulu had had on him while in prison and how he was instrumental in taking care of fellow prisoners regardless of their political background.

Mandela has in turn been praised by Eddie Daniels, a former Robben Island prisoner from a rival anti-apartheid organization, who has told how Mandela befriended him and kept his cell clean when he was ill.

TRANSFORMATION IN PRISON

Mandela says, ''I can tell you that a man like Sisulu was almost like a saint in things of that nature.

''You would really admire him because he is continually thinking about other people.

''I learned a great deal from him—not only on that respect but also, politically, he was our mentor. He is a very good fellow . . . and humble. He led from behind and put others in front, but he reversed the position in situations of danger. Then he chose to be in the front line.''

In ''Mandela: The Authorized Biography'' (Knopf), Anthony Sampson notes the remarkable transformation in the Mandela that emerged from jail compared with the impulsive activist with a quick temper he knew in the late 1950s (reviewed Sept. 30, 1999).

Mandela does not dispute Mr. Sampson's judgment and acknowledges the importance of mastering his anger while in prison. ''One was angry at what was happening [in apartheid South Africa]—the humiliation, the loss of our human dignity. We tended to react in accordance with anger and our emotion rather than sitting down and thinking about things properly.

''But in jail—especially for those who stayed in single cells—you had enough opportunity to sit down and think. And you were in contact with a lot of people who had a high education and who were widely traveled. When they told of their experiences, you felt humbled.

''All those influences changed one,'' Mandela says. Sampson quotes from a letter that Mandela wrote to his then wife, Winnie, in 1981 after she had been jailed.

Mandela noted that there were qualities ''in each of us'' that form the basis of our spiritual life and that we can change ourselves by observing our reactions to the unfolding of life.

He urged Winnie in the letter ''to learn to know yourself . . . to search realistically and regularly the processes of your own mind and feelings.''

In the interview, Mandela says that one of the most powerful forces that changed him was thinking about how he had behaved and reacted to generosity and compassion expressed toward him in the past.

''For example, when I arrived in Johannesburg [as a young man], I was poor, and many people helped me get by. But when I became a lawyer and I was in a better position [financially], I became too busy with legal affairs and forgot about people who had helped me.

''Instead of going to them and saying: Look, here's a bunch of flowers or a box of chocolates and saying thank you, I had never even thought about these things. I felt that I had behaved like a wild man . . . like an animal and I really criticized myself for the way I had behaved.

''But I was able to do this because I had time to think about it, whereas outside jail—from morning to sunset—you are moving from one meeting to the other, and there is no time to think about problems. Thinking is one of the most important weapons in dealing with problems . . . and we didn't have that outside.''

Peter Ustinov, the veteran actor, author, and international citizen, met Mandela in South Africa two years ago and was struck by the importance Mandela attached to the long period of solitude in prison.

''I had a most inspiring meeting with Nelson Mandela,'' Ustinov told this reporter in an interview in the Swiss Alpine town of Davos. ''He told me with a certain amount of irony and wickedness: 'I am grateful for the 27 years I spent in prison because it gave me the opportunity to meditate and think deeply. . . . But since I came out of prison, I haven't had the time.'''

MAKE TIME FOR REFLECTION

How has Mandela made time to think since his release from jail in 1990? He says that he has tried to emulate the practice of businessmen who take a complete break from their work over weekends. Mandela says he consciously has tried to make time for reflection.

After his separation from Winnie, Mandela used to spend long periods in retreat in the home of a wealthy Afrikaner businessman, Douw Steyn, who ran an open house for the ANC to hold meetings during the negotiations with the government. It was here that Mandela proofread the script of his autobiography: ''Long Walk to Freedom'' (Little Brown).

In November last year, Mandela accepted an invitation to be the guest speaker at a gala evening to mark the transformation of the house into a super-luxury guest house, retreat, and conference center.

In an impromptu speech, Mandela waxed philosophical and introspective in paying tribute to the warmth and hospitality of his Afrikaner hosts.

''It has been said that difficulties and disaster destroy some people and make others,'' Mandela began. It was a phrase he had last used in a letter to Winnie in 1975. ''Douw Steyn is one of those who has turned disaster

into success,'' he said of the wealthy businessman who had formerly supported apartheid.

CHANGE YOURSELF FIRST

''One of the most difficult things is not to change society—but to change yourself,'' he said. ''I came to stay here at some of the most difficult moments, and the way Liz and Douw treated me has left me with fond memories.''

Mandela said that Douw Steyn had changed and was now part of the white business community that was sharing its resources with the poor. That gave him a feeling of fulfillment.

''It enables me to go to bed with an enriching feeling in my soul and the belief that I am changing myself [by reconciling with former adversaries],'' Mandela said.

Mandela has spoken on other occasions of the importance of giving. When he received a bag of some 20,000 postcards in September from children who were invited to wish him well for his retirement, he said that there was nothing more important in life than giving. Tolerance is forged when people look beyond their own desires, he said.

Mandela said that religion had played a very important role in his life. He has tended to avoid talking about the subject in the past.

In December, Mandela addressed a gathering of religious leaders from the world's major faiths in Cape Town. He spoke publicly about his views on religion for the first time.

''I appreciate the importance of religion. You have to have been in a South African jail under apartheid where you could see the cruelty of human beings to each other in its naked form. Again, religious institutions and their leaders gave us hope that one day we would return.''

Mandela said that real leaders were those who thought about the poor 24 hours a day and who knew in their hearts that poverty was the single biggest threat to society.

''We have sufficient cause to be cynical about humanity. We have seen enough injustice, strife, division, suffering, and pain, and our capacity to be massively inhuman. But this gathering counters despairing cynicism and reaffirms the nobility of the human spirit,'' Mandela said.

POWER OF RELIGION

Mandela went on to say, ''Religion is one of the most important forces in the world. Whether you are a Christian, a Muslim, a Buddhist, a Jew, or a Hindu, religion is a great force, and it can help one have command of one's own morality, one's own behavior, and one's own attitude.''

''Religion has had a tremendous influence on my own life. You must remember that during our time—right from Grade 1 up to university—our education was provided by religious institutions. I was in [Christian] missionary schools. The government [of the day] had no interest whatsoever in our education and, therefore, religion became a force which was responsible for our development,'' he said.

The discipline of jail also played a role in his transformation, he said.

''It was difficult, of course, to always be disciplined before one went to jail except to say that I have always liked sport. And to that extent I was disciplined in the sense that four days a week I went to the gym for at least two hours.

''Also, I was a lawyer, and I had to be disciplined to keep up with events in the legal field, and to that extent I was disciplined,'' he said.

But Mandela said there were many respects in which he and his colleagues were not disciplined when they went to jail.

''In prison, you had to follow a highly disciplined regime, and that, of course, influenced your behavior and your thinking,'' he said.

Mandela said there was also a personal discipline. ''We continued to do our own exercises, and we continued with study and conversing with others to gain from their experiences.''

He said that reading the biographies of the great leaders of the century also had a major impact on him. Mandela said it was through reading and biographies that he realized that problems make some people and destroy others. Mandela said that the prison experience taught him to respect even the most ordinary people. ''I have been surprised a great deal sometimes when I see somebody who looks less than ordinary, but when you talk to the person and he (or she) opens his mouth, he is something completely different.

''It is possible that if I had not gone to jail and been able to read and to listen to the stories of many people . . . I might not have learned these things.'' (c) Copyright 2000. The Christian Science Publishing Society

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[From the Christian Science Monitor, Feb. 11, 2000]

HOW WELL THEY REMEMBER THE DAY

(By Corinna Schuler)

Ten years ago today, Nelson Mandela walked through the gates of Victor Verster prison and, beaming, raised his right fist in a power salute. The crowd roared.

For black South Africans, it was a moment of triumph. For many whites, it was a time of trepidation. But today, just as Americans remember the assassination of President John Kennedy, virtually everyone in this country recalls precisely the instant when the world's most famous political prisoner became a free man. It's hard to overstate the significance. Everyone has a misty-eyed story to tell—from the television cameraman who left his wedding reception to capture the event to the lawyer who represented Mandela.

''Feb. 11, 1990, was the culmination of decades of struggle against apartheid,'' recalls Rev. Alan Boesak, then the leader of the United Democratic Front, who spent hours trying to keep frenzied masses of well-wishers calm. ''It was crazy, but it was glorious. * * * His release * * * set in motion all other events that led to our reclaiming of the country.''

The public had not seen Mandela since he was shipped to Robben Island. He had spent 27 years in South African jails, all the while fighting for the end of apartheid—the system of segregating blacks from whites. He emerged triumphant and went on to become the country's first black president.

Hundreds of photographers and television cameramen raced to see the man who emerged—thin, slightly grayed, and beaming— from his prison cell. ''Within 20 feet or so of the gate, the cameras started clicking, a noise that sounded like some great herd of metallic beasts,'' Mandela writes in his autobiography, ''Long Walk to Freedom.''

When a television crew thrust ''a long, dark furry object'' at Mandela, he feared it was a newfangled weapon developed while he was in prison. ''Winnie informed me that it was a microphone.''

This was the story of the decade, if not the century.

''I was at my wedding reception when I got a call, and they said: 'come to work,' '' television editor Kenny Geraghty remembers. ''I had to cut a piece for [CBS journalist] Dan Rather * * * I hardly saw my wife for three weeks afterward. But there was no way I would have said no. We had been waiting years for that moment.''

From his home in Johannesburg, lawyer George Bizos choked back tears as he watched the scene unfold on his television set. Mr. Bizos had defended Mandela and his comrades at the famous 1964 Rivonia trial. He lost that case, and dozens more that followed, as Bizos stood up again and again in valiant yet futile efforts to defend black activists.

''I had had nightmares that Mr. Mandela would die in prison,'' Bizos says. ''His coming out was the most joyous occasion for me.''

Helen Suzman, the only member of the liberal Progressive Conservative party in parliament and the lone voice of political opposition to apartheid rulers, also watched from her television. ''I knew this meant a total turn-around in the political scene,'' she says today. ''I was exhilarated. At last we would no longer be a pariah nation.''

Mandela was whisked away from the prison gates to attend a planned 3 p.m. rally at the city's Grande Parade. But the anxious crowd went wild when they saw Mandela's car—surrounding the vehicle, shaking it, even jumping on top of the hood.

''It looked as though they were going to eat up that car,'' says Mr. Boesak. When several dozen marshals finally cleared a path, the driver sped away from the square. ''Man, where are you going?'' Mandela asked.

''I don't know!'' he responded. ''I've never experienced anything like this before.''

They ended up at the home of fellow activist Dullah Omar. But soon, Archbishop Desmond Tutu phoned: Get back to the Grande Parade, he said, or ''I think there is going to be an uprising.''

Among thousands who waited more than six hours to see Mandela that day was Andre Odendaal, a local history professor. ''I had been playing in a cricket match, but we called it off half way when we heard the news that Mandela was going to be released * * * I think it must have been like Liberation Day in Europe at the end of World War II.''

Dusk had fallen by the time Mandela was finally led to the top floor of a stately building to see the cheering supporters. He had forgotten his glasses in his hasty departure from prison and was forced to read his speech with a pair he borrowed from his wife.

Mandela's main point was to stress that he was a ''loyal and disciplined member'' of the African National Congress—something he has repeated again and again to argue that he is not a saint, just one of many who fought in the struggle.

But, like it or not, Mandela is a living legend. Ahmed Kathrada, a man who was imprisoned with Mandela on Robben Island in 1964, says he is never annoyed that his leader is most famed for sacrificing freedom. ''Some people criticize the so-called great-man theory of history,'' says Mr. Kathrada. ''But Mandela as an individual really did play a decisive role in the history of South Africa. We are all proud.''

Mandela is now deeply involved in the Burundi peace talks, but he now gets to spend more time with his family. ''I scold my grandchildren when I get tired of playing with them,'' he said playfully this week.

He realizes that South Africans may romanticize the day of his release. But Bizos says the warm feelings people get—both black and white—whenever they think of that historic moment deserves a purpose. ''A legend like Mandela is important for building a nation. It is unifying. And that is something South Africa needs as it goes through these difficult times of transition.''

Daily Digest

HIGHLIGHTS

The House passed H.R. 2372, Private Property Rights Implementation Act of 2000.

House Committees ordered reported 16 sundry measures.

Senate

Chamber Action

The Senate was not in session today. It will next meet on Monday, March 20, 2000, at 12 noon.

Committee Meetings

No committee meetings were held.

House of Representatives

Chamber Action

Bills Introduced: 35 public bills, H.R. 3998–4032; 5 resolutions, H.J. Res. 91; H. Con. Res. 286–288, and H. Res. 443 were introduced. **Pages H1118–19**

Reports Filed: Reports were filed today as follows:

Report of the Committee on Commerce on the Congressional Proceedings against Dr. Miles Jones for failure to appear pursuant to a duly authorized subpoena (H. Rept. 106–527). **Page H1118**

Guest Chaplain: The prayer was offered by the guest Chaplain, the Right Reverend M. Thomas Shaw, III, Bishop of the Episcopal Diocese of Massachusetts. **Page H1079**

Private Property Rights Implementation Act of 2000: The House passed H.R. 2372, to simplify and expedite access to the Federal courts for injured parties whose rights and privileges, secured by the United States Constitution, have been deprived by final actions of Federal agencies, or other government officials or entities acting under color of State law; to prevent Federal courts from abstaining from exercising Federal jurisdiction in actions where no State law claim is alleged; to permit certification of unsettled State law questions that are essential to resolving Federal claims arising under the Constitution; and to clarify when government action is sufficiently final to ripen certain Federal claims arising under the Constitution by a yea and nay vote of 226 yeas to 182 nays, Roll No. 55. **Pages H1089–H1114**

Rejected the Conyers amendment that sought to recommit the bill to the Committee on the Judiciary with instructions to report it back with an amendment that exempts claims dealing with actions to protect the public from prostitution or illegal drugs; control adult book stores and the distribution of pornography; protect against illegal ground water contamination, waste dumps, or similar environmental degradation; or that results from a voter initiative to control development by a recorded vote of 155 ayes to 254 noes, Roll No. 54. **Pages H1111–13**

Agreed to the Committee amendment in the nature of a substitute, as amended, and made in order by the rule. **Page H1111**

Agreed To:

Traficant amendment, as modified, that requires a Federal agency to notify property owners within thirty days of any action taken by the agency to limit the use of the property. **Pages H1101–02**

Rejected:

Watt of North Carolina amendment that sought to remove the bill's limitation to claims involving private property (rejected by a recorded vote of 170 ayes to 251 noes, Roll No. 52) and

Pages H1098–H1101

Boehlert amendment in the nature of a substitute that sought to limit takings claims to those involving the Federal government (rejected by a recorded vote of 179 ayes to 234 noes, Roll No. 53).

Pages H1102–11

Earlier, agreed to H. Res. 441, the rule that provided for consideration of the bill by a yea and nay vote of 276 yeas to 145 nays, Roll No. 51. Pursuant to the rule, the Committee on the Judiciary amendment in the nature of a substitute now printed in the bill was considered as an original bill for the purpose of amendment. **Pages H1083–88**

Recess: The House recessed at 11:32 and reconvened at 2:00 p.m. **Pages H1088–89**

Late Report: The Committee on the Budget received permission to have until midnight on Monday, March 20 to file a privileged report to accompany a concurrent resolution on the budget.

Page H1114

Legislative Program: The Majority Leader announced the Legislative Program for the week of March 20. **Page H1114**

Meeting Hour—March 20: Agreed that when the House adjourns today, it adjourn to meet at 2 p.m. on Monday, March 20. **Page H1114**

Meeting Hour—March 21: Agreed that when the House adjourns on Monday, March 20, it adjourn to meet at 12:30 p.m. on Tuesday, March 21, for morning-hour debate. **Page H1114**

Private Calendar: Agreed to dispense with the call of the Private Calendar on Tuesday, March 21.

Page H1114

Calendar Wednesday: Agreed to dispense with the business in order under the Calendar Wednesday rule be dispensed with on March 22. **Page H1114**

Ticket to Work and Work Incentives Advisory Panel: The Chair announced the Speaker's appointment of Mr. Steve Start of Spokane, Washington and Ms. Susan Webb of Phoenix, Arizona, to the Ticket to Work and Work Incentives Advisory Panel.

Page H1115

Quorum Calls Votes: Two yea and nay votes and three recorded votes developed during the proceedings of the House today and appear on pages H1088, H1101, H1111, H1112–13, and H1113–14. There were no quorum calls.

Adjournment: The House met at 10:00 a.m. and adjourned at 6:33 p.m.

Committee Meetings

AGRICULTURE, RURAL DEVELOPMENT, FDA AND RELATED AGENCIES APPROPRIATIONS

Committee on Appropriations: Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies, held a hearing on Chief Information Officer. Testimony was heard from the following officials of the USDA: Joseph Leo, Chief Information Officer; and Pearlie S. Reed, Chairman, National Food and Agriculture Council.

COMMERCE, JUSTICE, STATE AND JUDICIARY APPROPRIATIONS

Committee on Appropriations: Subcommittee on Commerce, Justice, State, and Judiciary held a hearing on the Small Business Administration. Testimony was heard from Aida Alvarez, Administrator, SBA; and Louis J. Freeh, Director, FBI, Department of Justice.

DEFENSE APPROPRIATIONS

Committee on Appropriations: Subcommittee on Defense met in executive session to hold a hearing on Ballistic Missile Defense. Testimony was heard from Lt. Gen. Ronald T. Kadish, USAF, Director, Ballistic Missile Defense, Department of Defense.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS

Committee on Appropriations: Subcommittee on Energy and Water Development held a hearing on Department of Energy—Energy Resources and Science. Testimony was heard from the following officials of the Department of Energy: James Decker, Acting Director, Office of Science; Dan W. Reicher, Assistant Secretary, Energy Efficiency and Renewable Energy; and William D. Magwood, Director, Office of Nuclear Energy, Science and Technology.

INTERIOR APPROPRIATIONS

Committee on Appropriations: Subcommittee on Interior held a hearing on the Geological Survey. Testimony was heard from Charles G. Groat, Director, U.S. Geological Survey, Department of the Interior.

LABOR-HHS-EDUCATION APPROPRIATIONS

Committee on Appropriations: Subcommittee on Labor, Health and Human Services, and Education held a hearing on Howard University, Gallaudet University, Special Institutions for the Disabled, and Special Education and Rehabilitative Services. Testimony was heard from the following officials of the Department of Education: H. Patrick Swygert, President, Howard University; I. King Jordan, President, Gallaudet University; Judith E. Heumann, Assistant

Secretary, Special Education and Rehabilitative Services; Tuck Tinsley, III, President, American Printing House for the Blind; and Robert R. Dilva, Vice President, National Technical Institute for the Deaf.

MILITARY CONSTRUCTION APPROPRIATIONS

Committee on Appropriations: Subcommittee on Military Construction held a hearing on Family Housing Privatization. Testimony was heard from public witnesses.

TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATIONS

Committee on Appropriations: Subcommittee on Treasury, Postal Service, and General Government held a hearing on the IRS, and the Secretary of the Treasury. Testimony was heard from the following officials of the Department of the Treasury: Lawrence H. Summers, Secretary; and Charles O. Rossotti, Commissioner, IRS.

VA, HUD, AND INDEPENDENT AGENCIES APPROPRIATIONS

Committee on Appropriations: Subcommittee on VA, HUD and Independent Agencies held a hearing on the EPA. Testimony was heard from Carol Browner, Administrator, EPA.

NATIONAL NUCLEAR SECURITY ADMINISTRATION

Committee on Armed Services, Special Oversight Panel on Department of Energy Reorganization, hearing on the National Nuclear Security Administration and implementation of the provisions of Title XXXII. Testimony was heard from the following officials of the Department of Energy: T.J. Glauthier, Deputy Secretary; David M. Klaus, Director, Office of Management and Administration, Brig. Gen. Thomas F. Gioconda, USAF, Acting Deputy Administrator, Defense Programs; Adm. F.L. Bowman, USN, Deputy Director, Naval Reactors and Rose E. Gottemoeller, Acting Deputy Administrator, Defense Nuclear Nonproliferation, all with the National Nuclear Security Administration.

MILITARY HOUSING PRIVATIZATION INITIATIVE

Committee on Armed Services: Subcommittee on Military Installations and Facilities held a hearing on the implementation of the Military Housing Privatization Initiative, utilities infrastructure privatization, and asset management practices of the military departments. Testimony was heard from the following officials of the Department of Defense: Randall Yim, Deputy Under Secretary (Installations); Mahlon Apgar IV, Assistant Secretary, Army (Installations and Environment); Duncan Holaday, Deputy Assistant Secretary, Navy (Installations); and Jimmy Dishner, Deputy Assistant Secretary, Air Force.

AIR FORCE PROGRAMS

Committee on Armed Services: Subcommittee on Military Procurement and the Subcommittee on Military Research and Development held a joint hearing on Air Force programs. Testimony was heard from the following officials of the Department of the Air Force, Department of Defense: Lawrence J. Delaney, Assistant Secretary (Acquisition); and Lt. Gen. Stephen Plummer, USAF, Principal Deputy Assistant Secretary (Acquisition).

HEDGE FUND DISCLOSURE ACT

Committee on Banking and Financial Services: Subcommittee on Capital Markets Securities and Government-Sponsored Enterprises approved for full Committee action, as amended, H.R. 2924, Hedge Fund Disclosure Act.

Prior to this action, the Subcommittee held a hearing on H.R. 2924. Testimony was heard from Lee Sachs, Assistant Secretary, Financial Markets, Department of the Treasury.

NATIONAL PRACTITIONER DATA BANK—ASSESSING THE OPERATION

Committee on Commerce: Subcommittee on Oversight and Investigations held a hearing on Assessing the Operation of the National Practitioner Data Bank. Testimony was heard from Tom Croft, Director, Division of Quality Assurance, Health Resources and Services Administration, Department of Health and Human Services.

RURAL LOCAL BROADCAST SIGNAL ACT

Committee on Commerce: Subcommittee on Telecommunications, Trade, and Consumer Protection held a hearing on H.R. 3615, Rural Local Broadcast Signal Act. Testimony was heard from Representative Goodlatte; Dan L. Crippen, Director, CBO; Roger C. Viadero, Inspector General, USDA; and public witnesses.

WEALTH THROUGH THE WORKPLACE ACT

Committee on Education and the Workforce: Subcommittee on Employer-Employee Relations held a hearing on H.R. 3462, Wealth Through the Workplace Act of 1999. Testimony was heard from public witnesses.

"FEDERAL ACQUISITION: WHY ARE BILLIONS BEING WASTED"

Committee on Government Reform: Subcommittee on Government Management, Information, and Technology held a hearing on "Federal Acquisition: Why

are Billions Being Wasted?'' Testimony was heard from Henry L. Hinton, Jr., Assistant Comptroller General, National Security and International Division, GAO: the following officials of the Department of Defense: Robert J. Lieberman, Assistant Inspector, Audits; and Stan Z. Soloway, Deputy Under Secretary, Acquisition Reform; Deidre Lee, Director, Office of Federal Procurement Policy, OMB; and public witnesses.

NORTH KOREA

Committee on International Relations: Held a hearing on North Korea: Leveraging Uncertainty? Testimony was heard from Wendy R. Sherman, Counselor, Department of State; and public witnesses.

AFRICA'S ENERGY POTENTIAL

Committee on International Relations: Subcommittee on Africa held a hearing on Africa's Energy Potential. Testimony was heard from Calvin Humphrey, Deputy Assistant Secretary, International Affairs, Department of Energy; and a public witness.

MISCELLANEOUS MEASURES

Committee on the Judiciary: Ordered reported, as amended, H.R. 1283, Fairness in Asbestos Compensation Act of 1999.

The Committee also began markup of H.R. 1304, Quality Health-Care Coalition Act of 1999.

Will continue March 22.

FEDERAL PRISONER HEALTH CARE COPAYMENT ACT; PRESIDENTIAL THREAT PROTECTION ACT

Committee on the Judiciary: Subcommittee on Crime approved for full Committee action, as amended, the following bills: H.R. 1349, Federal Prisoner Health Care Copayment Act of 1999; and H.R. 3048, Presidential Threat Protection Act of 1999.

OVERSIGHT—BUDGET REQUESTS

Committee on Resources, Subcommittee on Energy and Mineral Resources held an oversight hearing on Fiscal Year 2001 Budget requests for the following Department of the Interior Agencies: Office of Surface Mining, Reclamation and Enforcement; Minerals Management Service; energy and minerals programs of the Bureau of Land Management, and the U.S. Geological Survey, except water resources programs. Testimony was heard from the following officials of the Department of the Interior: Kathy Karpan, Director, Office of Surface Mining Reclamation and Enforcement; Walt Rosenbusch, Director, Minerals Management Service; Nina Rose Hatfield, Deputy Director, Bureau of Land Management; and P. Patrick Leahy, Chief Geologist, U.S. Geographical Survey.

MISCELLANEOUS MEASURES

Committee on Resources: Subcommittee on National Parks and Public Lands held a hearing on the following bills: H.R. 2941, Las Cienegas National Conservation Area Establishment Act of 1999; H.R. 3676, Santa Rosa and San Jacinto Mountains National Mountains National Monument Act of 2000; and H.R. 3293, to amend the law that authorized the Vietnam Veterans Memorial to authorize the placement within the site of the memorial of a plaque to honor those Vietnam veterans who died after their service in the Vietnam war, but as a direct result of that service. Testimony was heard from Representatives Kolbe, Pastor, Bono and Gallegly; the following officials of the Department of the Interior: Bruce Babbitt, Secretary; and John Parsons, Associate Director, Lands, Resources, and Planning, National Capitol Region, National Park Service; and public witnesses.

BIENNIAL BUDGETING

Committee on Rules: Continued hearings on Biennial Budgeting: A Tool for Improving Government Fiscal Management and Oversight. Testimony was heard from Lee Hamiltoon, Director, Woodrow Wilson Center; and public witnesses.

ENERGY DEPARTMENT—BUDGET AUTHORIZATION REQUEST

Committee on Science: Subcommittee on Energy and Environment continued hearings on the Fiscal Year 2001 Budget Authorization Request: Department of Energy Offices of Energy Efficiency and Renewable Energy; Fossil Energy; and Nuclear Energy, Science and Technology. Testimony was heard from the following officials of the Department of Energy: Dan W. Reicher, Assistant Secretary, Energy Efficiency and Renewable Energy; Robert S. Kripowicz, Principal Deputy Assistant Secretary, Fossil Energy and William D. Magwood, IV, Director, Office of Nuclear Energy, Science and Technology.

NASA BUDGET REQUEST

Committee on Science: Subcommittee on Space and Aeronautics held a hearing on NASA Fiscal Year 2001 Budget Request for Human Spaceflight. Testimony was heard from the following officials of NASA: Joseph Rothenberg, Associate Administrator, Human Spaceflight; Roberta Gross, Inspector General; and Henry McDonald, Director, Ames Research Center; and Allen Li, Associate Director, National Security and International Affairs Division, GAO.

MISCELLANEOUS MEASURES

Committee on Transportation and Infrastructure: Ordered reported the following measures: H.R. 3903, to deem the vessel M/V Mist Cove to be less than 100

gross tons, as measured under chapter 145 of title 46, United States Code; H.R. 910, amended, San Gabriel Basis Water Quality Initiative; H.R. 1775, amended, Estuary Habitat Restoration Partnership Act of 1999; H.R. 2328, amended, to amend the Federal Water Pollution Control Act to reauthorize the Clean Lakes Program; H.R. 3039, Chesapeake Bay Restoration Act of 1999; H.R. 938, to designate the Federal building located at 290 Broadway in New York, New York, as the "Ronald H. Brown Federal Building"; H.R. 1279, amended, to designate the Federal building and United States post office located at 223 Sharkey Street in Clarksdale, Mississippi, as the "Aaron E. Henry Federal Building and United States Post Office"; H.R. 1605, amended, to designate the United States courthouse building located at 402 North Walnut Street and Prospect Avenue in Harrison, Arkansas, as the "J. Smith Henley Federal Building"; H.R. 2412, to designate the Federal building and United States courthouse located at 1300 South Harrison Street in Fort Wayne, Indiana, as the "E. Ross Adair Federal Building and the United States Courthouse"; H. Con. Res. 279, authorizing the use of the Capitol Grounds for the 200th birthday celebration of the Library of Congress; H. Con. Res. 280, authorizing the District of Columbia Special Olympics Law Enforcement Torch Run to be run through the Capitol Grounds; H. Con. Res. 281, authorizing the use of the East Front of the Capitol Grounds for performances by the John F. Kennedy Center for the Performing Arts; H. Con. Res. 277, authorizing the use of the Capitol Grounds for the Greater Washington Soap Box Derby; H. Con. Res. 278, authorizing the use of the Capitol Grounds for the 19th annual National Peace Officers' Memorial Service; and H.R. 809, amended, Federal Protective Service Reform Act of 1999.

The Committee also approved 5 Corps of Engineers Survey Resolutions.

RETENTION OF SCREENERS

Committee on Transportation and Infrastructure: Subcommittee on Aviation held a hearing on Aviation Security, focusing on Training and Retention of Screeners. Testimony was heard from the following officials of the Department of Transportation: Alexis M. Stefani, Assistant Inspector General, Auditing; and Adm. Cathal Flynn, USN, Associate Administrator, Civil Aviation Security, FAA; Gerald L. Dillingham, Associate Director, Transportation Issues, GAO; and public witnesses.

LOAN GUARANTY SERVICE—VETERANS AFFAIRS DEPARTMENT

Committee on Veterans' Affairs: Subcommittee on Oversight and Investigations held a hearing on the Department of Veterans Affair's Loan Guaranty Service. Testimony was heard from Representative Ackerman; the following officials of the Department of Veterans Affairs: Michael Slachta, Jr., Assistant Inspector General, Auditing; and Keith Pedigo, Director, Loan Guaranty Service, Veterans' Benefits Administration; and representatives of veterans organizations.

COMPASSION FOR CHILDREN AND CHILD SUPPORT ENFORCEMENT ACT

Committee on Ways and Means: Subcommittee on Human Resources held a hearing on H.R. 1488, Compassion for Children and Child Support Enforcement Act of 1999. Testimony was heard from Representatives Hyde and Woolsey; Jeffrey Cohen, Director, Office of Child Support, State of Vermont; Nick Young, Director, Child Support Enforcement Division, State of Virginia; and public witnesses.

BABY BOOMER BENEFICIARIES—SOCIAL SECURITY READINESS

Committee on Ways and Means: Subcommittee on Social Security continued hearings to examine Social Security's readiness for the impending wave of Baby Boomer beneficiaries. Testimony was heard from Kenneth S. Apfel, Commissioner, SSA; and public witnesses.

CENTRAL INTELLIGENCE PROGRAM BUDGET

Permanent Select Committee on Intelligence: Met in executive session to hold a hearing on Fiscal Year 2001 Central Intelligence Program Budget. Testimony was heard from departmental witnesses.

NEW PUBLIC LAWS

(For last listing of Public Laws, see DAILY DIGEST, *p. D213)*

H.R. 1883, to provide for the application of measures to foreign persons who transfer to Iran certain goods, services, or technology. Signed March 14, 2000. (P.L. 106–178)

S. 613, to encourage Indian economic development, to provide for the disclosure of Indian tribal sovereign immunity in contracts involving Indian tribes. Signed March 14, 2000. (P.L. 106–179)

COMMITTEE MEETINGS FOR FRIDAY, MARCH 17, 2000

Senate

No meetings/hearings scheduled.

House

Committee on Armed Services, Subcommittee on Military Personnel, hearing on sustaining the All Volunteer Force, 8:30 a.m., 2118 Rayburn.

CONGRESSIONAL PROGRAM AHEAD

Week of March 20 through March 25, 2000

Senate Chamber

On *Monday*, Senate will be in a period of morning business.

On *Tuesday*, Senate will begin consideration of H.R. 5, to amend title II of the Social Security Act to eliminate the earnings test for individuals who have attained retirement age.

During the remainder of the week, Senate may consider any other cleared legislative and executive business.

Senate Committees

(Committee meetings are open unless otherwise indicated)

Committee on Agriculture, Nutrition, and Forestry: March 22, Subcommittee on Forestry, Conservation, and Rural Revitalization, to hold hearings on issues relating to cabin fees, 3 p.m., SR–328A.

Committee on Appropriations: March 21, Subcommittee on Labor, Health and Human Services, and Education, to hold hearings to examine issues dealing with Alzheimer's Disease, 9:30 a.m., SH–216.

March 21, Subcommittee on Commerce, Justice, State, and the Judiciary, to hold hearings on proposed budget estimates for fiscal year 2001 for the Federal Communications Commission and the Securities and Exchange Commission, 10 a.m., S–146, Capitol.

March 21, Subcommittee on Legislative Branch, to hold hearings on proposed budget estimates for fiscal year 2001 for the Secretary of the Senate, and the Sergeant at Arms, 10 a.m., SD–116.

March 22, Subcommittee on Interior, to hold hearings on the President's proposed budget request for fiscal year 2001 for the Forest Service, Department of Agriculture, 9:30 a.m., SD–124.

March 23, Subcommittee on VA, HUD, and Independent Agencies, to hold hearings on proposed budget estimates for fiscal year 2001 for the Environmental Protection Agency, 9:30 a.m., SD–138.

March 23, Subcommittee on Commerce, Justice, State, and the Judiciary, to hold hearings on proposed budget estimates for fiscal year 2001 for the National Oceanic and Atmospheric Administration of the Department of Commerce, and the Securities and Exchange Commission, 10 a.m., S–146, Capitol.

Committee on Armed Services: March 21, to hold hearings on pending nominations, 9:30 a.m., SR–222.

March 22, Subcommittee on Airland, to hold hearings on proposed legislation authorizing funds for fiscal year 2001 for the Department of Defense and the Future Years Defense Program, focusing on tactical aviation, 2 p.m., SR–222.

March 23, Subcommittee on SeaPower, to hold hearings on proposed legislation authorizing funds for fiscal year 2001 for the Department of Defense and the Future Years Defense Program, focusing on Navy and Marine Corps' seapower operational capability requirements, 2:30 p.m., SR–222.

Committee on Banking, Housing, and Urban Affairs: March 21, Subcommittee on Housing and Transportation, to hold oversight hearings on HUD's Public Housing Assessment System (PHAS), 2 p.m., SD–628.

March 22, Subcommittee on Securities, to hold hearings to examine electronic communications networks and brokerage firms efforts to meet investors' needs in the financial marketplace of the future, 10 a.m., SD–628.

March 23, Full Committee, to hold oversight hearings on the Monetary Policy Report to Congress pursuant to the Full Employment and Balanced Growth Act of 1978, 10 a.m., SH–216.

Committee on the Budget: March 22, Committee on the Budget, business meeting to discuss the President's proposed budget request for fiscal year 2001, 2 p.m., SD–608.

Committee on Commerce, Science, and Transportation: March 21, to hold hearings to examine the impact of interactive violence on children, 9:30 a.m., SR–253.

March 22, Full Committee, to hold hearings on the nomination of Susan Ness, of Maryland, to be a Member of the Federal Communications Commission, 9:30 a.m., SR–253.

March 22, Subcommittee on Science, Technology, and Space, to hold hearings to examine recent program and management issues at NASA, 2:30 p.m., SR–253.

March 23, Subcommittee on Aviation, to hold hearings to examine issues relating to aviation security, 9:30 a.m., SR–253.

Committee on Energy and Natural Resources: March 22, Subcommittee on Water and Power, to hold hearings on H.R. 862, to authorize the Secretary of the Interior to implement the provisions of the Agreement conveying title to a Distribution System from the United States to the Clear Creek Community Services District; H.R. 992, to convey the Sly Park Dam and Reservoir to the El Dorado Irrigation District; H.R. 1235, to authorize the Secretary of the Interior to enter into contracts with the Solano County Water Agency, California, to use Solano Project facilities for impounding, storage, and carriage of nonproject water for domestic, municipal, industrial, and other beneficial purposes; H.R. 3077, to amend the Act that authorized construction of the San Luis Unit of the Central Valley Project, California, to facilitate water transfers in the Central Valley Project; S. 1659, to convey the Lower Yellowstone Irrigation Project, the Savage Unit of the Pick-Sloan Missouri Basin Program, and the Intake Irrigation Project to the appurtenant irrigation districts; and S. 1836, to extend the deadline for commencement of construction of a hydroelectric project in the State of Alabama, 2:30 p.m., SD–366.

March 23, Full Committee, to hold hearings on the nomination of Thomas A. Fry, III, of Texas, to be Director of the Bureau of Land Management, Department of the Interior, 9:30 a.m., SD–366.

March 23, Subcommittee on National Parks, Historic Preservation, and Recreation, to hold oversight hearings to examine the status of monuments and memorials in and around Washington, D.C., 2:30 p.m., SD–366.

Committee on Environment and Public Works: March 21, Subcommittee on Transportation and Infrastructure, to hold hearings on General Services Association's fiscal year 2001 Capital Investment and Leasing Program, including the courthouse construction program, 10 a.m., SD–406.

March 21, Subcommittee on Superfund, Waste Control, and Risk Assessment, to hold hearings to examine the current status of cleanup activities under the Superfund program, 2 p.m., SD–406.

March 23, Subcommittee on Fisheries, Wildlife, and Drinking Water, to resume hearings to examine the Environmental Protection Agency's proposed rules regarding changes in the total maximum daily load and NPDES permit programs pursuant to the Clean Water Act, 10 a.m., SD–406.

Committee on Finance: March 22, to hold hearings to examine the inclusion of a prescription drug benefit in the Medicare program, 10 a.m., SD–215.

Committee on Foreign Relations: March 21, Subcommittee on East Asian and Pacific Affairs, to hold hearings to examine North Korea, focusing on progress after Perry, 10 a.m., SD–419.

March 21, Full Committee, to hold hearings to examine nonproliferation threats and U.S. policy formulation, 2 p.m., SD–419.

March 23, Full Committee, to hold hearings to examine India, Pakistan, and North Korea, focusing on nonproliferation policy, 9:30 a.m., SD–419.

March 23, Full Committee, business meeting to mark up the proposed Technical Assistance, Trade Promotion and Anti-Corruption Act, 2:30 p.m., SD–419.

Committee on Governmental Affairs: March 22, to hold hearings on Department of Energy's management of health and safety issues surrounding the DOE's gaseous diffusion plants at Oak Ridge, Tennessee, and Piketon, Ohio, 10 a.m., SD–342.

March 23, Full Committee, business meeting to consider pending calendar business, 10:30 a.m., SD–342.

Committee on Health, Education, Labor, and Pensions: March 21, to hold hearings on regulating Internet pharmacies, 9:30 a.m., SD–430.

March 23, Subcommittee on Public Health, to hold hearings on health care for the uninsured, focusing on safety net providers, 9:30 a.m., SD–430.

Committee on Indian Affairs: March 21, to hold hearings on S. 2102, to provide to the Timbisha Shoshone Tribe a permanent land base within its aboriginal homeland, 10:30 a.m., SR–485.

March 22, Full Committee, business meeting, to consider pending calendar business; to be followed by hearings on the nomination of Thomas N. Slonaker, of Arizona, to be Special Trustee, Office of Special Trustee for American Indians, Department of the Interior, 9:30 a.m., SR–485.

Select Committee on Intelligence: March 22, to hold closed hearings on pending intelligence matters, 2 p.m., SH–219.

March 23, Full Committee, to hold closed hearings on pending intelligence matters, 2 p.m., SH–219.

Committee on the Judiciary: March 22, Subcommittee on Antitrust, Business Rights, and Competition, to hold oversight hearings on certain antitrust issues, 2 p.m., SD–226.

March 23, Full Committee, business meeting to consider pending calendar business, 10 a.m., SD–226.

March 23, Subcommittee on Constitution, Federalism, and Property Rights, to hold hearings to examine racial profiling within law enforcement agencies, 2 p.m., SD–226.

Committee on Rules and Administration: March 22, to hold hearings on the Constitution and campaign reform, 9 a.m., SR–301.

United States Senate Caucus on International Narcotics Control: March 21, to hold hearings to review the annual certification process, 10 a.m., SD–215.

Committee on Small Business: March 21, business meeting to consider certain legislation regarding the Small Business Administration and Small Business Innovation Research Program reauthorization, 9:30 a.m., SR–428A.

Committee on Veterans' Affairs: March 22, to hold joint hearings with the House Committee on Veterans' Affairs on the Legislative recommendation of the Vietnam Veterans of America, the Retired Officers Association, American Ex-Prisoners of War, AMVETS, and the National Association of State Directors of Veterans Affairs, 10 a.m., 345, Cannon Building.

House Chamber

To Be Announced.

House Committees

Committee on Agriculture, March 22, Subcommittee on General Farm Commodities, Resource Conservation, and Credit, hearing to review the reauthorization of the United States Grain Standards Act, 10 a.m., 1300 Longworth.

March 23, Subcommittee on Department Operations, Oversight, Nutrition, and Forestry, to consider H.R. 852, Freedom to E-File Act, 10 a.m., 1300 Longworth.

Committee on Appropriations, March 21, Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies, on Food Safety and Inspection Service, 10 a.m., 2362–A Rayburn.

March 21, Subcommittee on the District of Columbia, on DC Public Schools (including Charter Schools), 2 p.m., 2359 Rayburn.

March 21, Subcommittee on Energy and Water Development, on Department of Energy—Nuclear Waste Management and Disposal, 10 a.m., 2362–B Rayburn.

March 21, Subcommittee on Interior, on Indian Health Service, 10 a.m., B–308 Rayburn.

March 21, Subcommittee on Labor, Health and Human Services, and Education, on Public Witnesses, 10 a.m. and 2 p.m., 2358 Rayburn.

March 21, Subcommittee on VA, HUD, and Independent Agencies, on Consumer Product Safety Commission, 9:30 a.m., on Consumer Information Center, 10:30 a.m., on Office of Inspector General—FDIC, 11:30 a.m., H–143 Capitol.

March 22, Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related

Agencies, on Rural Development, 10:00 a.m., 2362–A Rayburn.

March 22, Subcommittee on Commerce, Justice, State, and Judiciary, on Federal Judiciary, 10 a.m., H–309 Capitol, and on International Organizations, 2 p.m., 2226 Rayburn.

March 22, Subcommittee on Defense, executive, on Fiscal Year 2001 Intelligence Budget, 9:30 a.m., and 1:30 p.m., H–405 Capitol.

March 22, Subcommittee on Foreign Operations, Export Financing and Related Programs, on AID Administrator, 2 p.m., H–144 Capitol.

March 22, Subcommittee on Interior, on Presidio Trust, 10 a.m., on Department of Energy—Energy Information Administration, 11 a.m., B–308 Rayburn.

March 22, Subcommittee on Labor, Health and Human Services, and Education, on Secretary of Labor, 10 a.m., on OSHA and Mine Safety and Health Administration, 2 p.m., 2358 Rayburn.

March 22, Subcommittee on Transportation, on Aviation, 10 a.m., 2358 Rayburn.

March 22, Subcommittee on Treasury, Postal Service, and General Government, on Federal Election Commission, 10 a.m., H–144 Rayburn.

March 22, Subcommittee on VA, HUD and Independent Agencies, Secretary of Veterans Affairs, 9:30 a.m., 2359 Rayburn.

March 23, Subcommittee on Commerce, Justice, State, and Judiciary, on Drug Enforcement, 10 a.m., on Members of Congress, 2 p.m., H–309 Capitol.

March 23, Subcommittee on the District of Columbia, on Corrections and Related Activities, 2 p.m., 2362–A Rayburn.

March 23, Subcommittee on Energy and Water Development, executive, on Department of Energy—Atomic Energy Defense Activities, 10 a.m., 2362–B Rayburn.

March 23, Subcommittee on Interior, on National Endowment for the Humanities, 10 a.m., on National Endowment for the Arts, 11 a.m., B–308 Rayburn.

March 23, Subcommittee on Labor, Health and Human Services, and Education, on Employment Standards Administration and Bureau of Labor Statistics, 10 a.m., on Employment and Training Administration/Veterans Employment, and Pension Agencies, 2 p.m., 2358 Rayburn.

March 23, Subcommittee on Treasury, Postal Service, and General Government, on Office of National Drug Control Policy, 10 a.m., on Executive Office of the President, 2 p.m., 2358 Rayburn.

March 23, Subcommittee on VA, HUD and Independent Agencies, on HUD, 9:30 a.m. and 1:30 p.m., 2359 Rayburn.

Committee on Armed Services, March 21, Subcommittee on Military Procurement, hearing on the Department of Energy Fiscal Year 2001 Budget request (defense programs) and related matters, 1 p.m., 2118 Rayburn.

March 22, full Committee, to continue hearings on the Fiscal year 2001 National Defense authorization budget request, 10 a.m., 2118 Rayburn.

March 23, hearing on U.S. policy towards Colombia, 9:30 a.m., 2118 Rayburn.

Committee on Banking and Financial Services, March 21, Subcommittee on Domestic and International Monetary Policy, hearing on Margin Lending, 2 p.m., 2128 Rayburn.

March 22, Subcommittee on Capital Markets, Securities, and Government Sponsored Enterprises, hearing on improving the regulation of the housing Government Sponsored Enterprises, focusing on H.R. 3703, Housing Finance Regulatory Improvement Act, 10 a.m., 2128 Rayburn.

March 23, full Committee, hearing on International Financial Architecture, 9:30 a.m., 2128 Rayburn.

Committee on Commerce, March 22. Subcommittee on Energy and Power, hearing on the following bills: H.R. 3383, to amend the Atomic Energy Act of 1954 to remove separate treatment or exemption for nuclear safety violations by nonprofit institutions; H.R. 3906, to ensure that the Department of Energy has appropriate mechanisms to independently assess the effectiveness of its policy and site performance in the areas of safeguards and security and cyber security; and H.R. 3907, External Regulation of the Department of Energy Act, 10:30 a.m., 2322 Rayburn.

March 22, Subcommittee on Health and Environment, to mark up H.R. 3301, to amend the Public Health Service Act with respect to children's health, 1 p.m., 2123 Rayburn.

March 23, Subcommittee on Health and Environment, hearing on Patient Access to Self-injectable Prescription Drugs in the Medicare Program, 10 a.m., 2322 Rayburn.

March 23, Subcommittee on Telecommunications, Trade, and Consumer Protection, oversight hearing to receive the report of the Advisory Commission on Electronic Commerce, 10 a.m., 2123 Rayburn.

Committee on Government Reform, March 22, Subcommittee on National Security, Veterans' Affairs and International Relations, hearing on Combating Terrorism: Coordination of Nonmedical Research and Development Programs, 10 a.m., 2247 Rayburn.

March 23, full Committee, hearing on ''Missing White House E-Mails: Mismanagement of Subpoenaed Records'', 10 a.m., 2154 Rayburn.

March 23, Subcommittee on the Civil Service, hearing on the Failure of the FEHBP Demonstration Project: Another Broken Promise? 10 a.m., 2247 Rayburn.

Committee on International Relations, March 23, hearing on U.S. Policy Toward Iraq, 10 a.m., room to be announced.

Committee on the Judiciary, March 21, Subcommittee on the Constitution, oversight hearing on Private Property Rights and Telecommunications Policy, 10 a.m., 2237 Rayburn.

March 22, full Committee, hearing on H.R. 3138, Free Market Antitrust Immunity Reform (FAIR) Act of 1999, 10 a.m.; and to continue markup of H.R. 1304, Quality Health-Care Coalition Act of 1999, and to mark up H.R. 3660 Partial-Birth Abortion Ban Act of 2000, 2 p.m., 2141 Rayburn.

March 23, Subcommittee on Commercial and Administrative Law, oversight hearing on the Advisory Commission on Internet Commerce, 10 a.m., 2141 Rayburn.

March 23, Subcommittee on the Constitution, hearing on H.J. Res. 9, proposing an amendment to the Constitution of the United States to allow an item veto of appropriation bills, 10 a.m., 2237 Rayburn.

March 23, Subcommittee on Courts and Intellectual Property, to mark up the following: United States and Trademark Office Reauthorization Act; and H.R. 2100, Antitampering Act of 1999, 10 a.m., B–352 Rayburn.

March 23, Subcommittee on Crime, hearing on the following bills: H.R. 2810, Violent Offender DNA Identification Act; H.R. 3087, DNA Backlog Elimination Act; and H.R. 3375, Convicted Offender DNA Index System Support Act, 2 p.m., 2226 Rayburn.

Committee on Resources, March 22, to consider pending business, 11 a.m., 1324 Longworth.

March 23, Subcommittee on Fisheries Conservation, Wildlife and Oceans, to mark up the following bills: H.R. 2090, Exploration of the Seas Act; and H.R. 3919, Coral Reef Conservation and Restoration Partnership Act of 2000; followed by an oversight hearing on the Fiscal Year 2001 budget recommendations for the U.S. Fish and Wildlife Service, 10 a.m., 1334 Longworth.

March 23, Subcommittee on Forests and Forest Health, hearing on H.R. 3327, Cabin User Fee Fairness Act of 1999, 2 p.m., 1334 Longworth.

March 23, Subcommittee on National Parks and Public Lands, to mark up the following bills: H.R. 1500, Americas' Wilderness Protection Act; H.R. 1509, to authorize the Disabled Veterans' LIFE Memorial Foundation to establish a memorial in the District of Columbia or its environs to honor veterans who became disabled while serving in the Armed Forces of the United States; H.R. 1864, to standardize the process for conducting public hearings for Federal agencies within the Department of the Interior; H.R. 2932, Golden Spike/Crossroads of the West National Heritage Area Act of 1999; H.R. 3293, to amend the law that authorized the Vietnam Veterans Memorial to authorize the placement within the site of the memorial of a plaque to honor those Vietnam veterans who died after their service in the Vietnam war, but as a direct result of that service; and H.R. 3605, San Rafael Western Legacy District and National Conservation Act, 10 a.m., 1324 Longworth.

Committee on Rules, March 22, Subcommittee on Rules and Organization, hearing on the Government Performance and Results Act and the Legislative Process of House Committees, 9:30 a.m., H–313 Capitol.

Committee on Science, March 22, hearing on EPA's Sludge Rule: Closed Minds or Open Debate, 10:30 a.m., 2318 Rayburn.

March 22, Subcommittee on Space and Aeronautics, hearing on NASA's Fiscal Year 2001 Budge Request: Life and Microgravity Research, 2 p.m., 2318 Rayburn.

March 23, Subcommittee on Energy and Environment, hearing on Fiscal Year 2001 Budget Authorization Request: Environmental Protection Agency Science and Technology Budget, 10 a.m., 2318 Rayburn.

Committee on Small Business, March 22, hearing on aspects of the New Markets Initiative, 10 a.m., 2360 Rayburn.

Committee on Transportation and Infrastructure, March 21, Subcommittee on Ground Transportation, hearing on the Impact on Transportation Programs of Reducing the Federal Fuel Tax, 2 p.m., 2167 Rayburn.

March 22, Subcommittee on Oversight, Investigations, and Emergency Management, hearing on Program Data Quality, 10 a.m., 2253 Rayburn.

March 22, Subcommittee on Water Resources and Environment, hearing on the Administration's proposals for a Water Resources Development Act of 2000, 11 a.m., 2167 Rayburn.

March 23, Subcommittee on Economic Development, Public Buildings, Hazardous Materials and Pipeline Transportation, hearing on GSA's Fiscal Year 2001 Capital Investment Programs, 10 a.m., 2253 Rayburn.

Committee on Veterans' Affairs, March 23, Subcommittee on Benefits, hearing on the Department of Veterans Affairs obligation to assist veterans in filing claims for benefits, and H.R. 3193, Duty to Assist Veterans Act of 1999, 10 a.m., 334 Cannon.

Committee on Ways and Means, March 21, Subcommittee on Oversight, hearing on Tax Incentives to assist distressed communities, 2 p.m., 1100 Longworth.

March 23, Subcommittee on Social Security, hearing on Work Incentives for Blind and Disabled Social Security Beneficiaries, 10 a.m., B–318 Rayburn.

Joint Meetings

Joint Meetings: March 22, Senate Committee on Veterans' Affairs, to hold joint hearings with the House Committee on Veterans' Affairs on the Legislative recommendation of the Vietnam Veterans of America, the Retired Officers Association, American Ex-Prisoners of War, AMVETS, and the National Association of State Directors of Veterans Affairs, 10 a.m., 345 Cannon Building.

Commission on Security and Cooperation in Europe: March 21, to hold hearings on the state of democratization and human rights in Turkmenistan, 2 p.m., 334 CHOB.

Next Meeting of the SENATE

12 noon, Monday, March 20

Senate Chamber

Program for Monday: Senate will be in a period of morning business, during which two Senators will be recognized.

Next Meeting of the HOUSE OF REPRESENTATIVES

2 p.m., Monday, March 20

House Chamber

Program for Monday: Pro forma session.

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