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House of Representatives

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Mr. KUYKENDALL).

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DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
May 22, 2000.

I hereby appoint the Honorable STEVEN T. KUYKENDALL to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

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MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 19, 1999, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from Illinois (Mr. WELLER) for 5 minutes.

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NEW ECONOMY IS IMPORTANT FOR EVERY AMERICAN

Mr. WELLER. Mr. Speaker, I appreciate so much this opportunity to take a few minutes today to talk about something many of us call the new economy, some call the digital economy, the high-tech economy. But let me begin by just sharing some statistics, statistics that really illustrate how important the new economy is for every American.

Today over 100 million United States adults are using the Internet. In fact, seven new people are on the Internet every second. As elected officials, we should note that 78 percent of Internet users almost always vote in national, State, and local elections, compared with only 64 percent of non-Internet users.

It took just 5 years for the Internet to reach 50 million users. It took 38 years for the radio to reach that same audience, 13 years for television. In 1998, the Internet economy employed 4.8 million workers, more workers than steel and auto and petrochemical industries combined.

I would note that, with the economic growth we are enjoying today, the average high-tech wage is 77 percent higher than the average U.S. private sector wage and that Alan Greenspan, Chairman of the Federal Reserve, indicates that one-third of the economic growth that we have enjoyed today is resulting from the high-tech, new economy.

I am proud to be from a State that is a high-tech State. Illinois is a State which ranks fourth today in high-technology employment. We also rank third in high-technology exports. So clearly, this new economy, this technology economy that we are enjoying today is providing tremendous opportunity for every American family.

We often wonder who is really taking advantage of the opportunities that are there, how is the Internet and digital or new economy available to the average American. Statistics also show that if a family makes $75,000 or more, they are 20 times more likely than families with less income to have Internet access at home.

And when you think about it, our educators, our school teachers, the school board members, and school administrators back home in Illinois and Chicago and the south suburbs that I represent have told me they notice a difference in the classroom between those students who have a computer and Internet access at home and students who do not.

Children with computers and Internet access at home have an advantage when it comes to doing their homework as well as using the Internet to contact the Library of Congress to do research on school papers.

If my colleagues talk with lower-income families who do not have computer and Internet access, they tell us that the main reason is the cost; the cost of Internet access is really the barrier to digital opportunities for that family.

As Republicans, of course, our goal is to reduce that cost. We believe in a tax-free, regulation-free trade barrier, free new economy; and we want to ensure that the information superhighway is a freeway and not a tollway. We are looking for ways to remove those toll booths and make sure the Internet is free or at minimal cost to families.

I am proud of what we have been accomplishing. Just over the last few weeks, we passed legislation which says no new taxes on e-commerce, extending for 5 years the current Internet tax moratorium on e-commerce. I am proud to say that we passed legislation just 2 weeks ago which prohibits the Federal Communications Commission from using the authority they have had for a long time to impose new fees and taxes on Internet access.

This week the House is going to vote on legislation to eliminate the 3 percent excise tax on telephone calls, which really is a 3 percent excise tax on Internet access, because 96 percent of Americans who use the Internet and go on-line use their telephone service. So clearly, when this House votes this week to eliminate that 3 percent tax on telephone calls, we will be removing one more toll on the information superhighway.

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Clearly, as Republicans, our goal is simple. We want the information superhighway to be a freeway and not a toll-way.

I also want to mention two other proposals I am proud to sponsor, legislation which is designed to ensure the information highway is a freeway not a toll-way. I talked earlier about lower-income families not having computer and Internet access at home. I am proud to say that major employers in the State that I represent in Illinois have stepped forward, the private sector stepping forward to provide Internet and computer access as an employee benefit so the children of their janitors and laborers and assembly line workers of companies like Ford, Intel, American Airlines, and Delta Airlines have those computers.

Well, those computers should be tax free. Right now the IRS would like to tax them. That act would ensure they are treated the same as an employee benefit, such as pensions and retirement, as well as health care. I ask bipartisan support, and I look forward to working with my colleagues on these proposals.

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RECESS

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

Accordingly (at 12 o'clock and 37 minutes p.m.), the House stood in recess until 2 p.m.

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AFTER RECESS

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

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PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

''All flesh is like grass and all its glory like the flower of the field; the grass withers and the flower wilts; but the Word of the Lord remains forever.''

Creator of nature's beauty and Redeemer of all humanity, we have been born anew, not from perishable but from imperishable seed.

Your Word, O Lord, has created grateful hearts amid the wonders of this land and the rich progress of this Nation. May we never be weeded into discontent.

In all peoples You plant the seed of justice. Bring forth a springtime of peace among nations.

May the actions of this assembly nurture obedience to truth which produces sincerity of heart and mutual trust.

This is the Word we have accepted and now proclaim to the world: ''All flesh is like grass and all its glory like the flower of the field; the grass withers and the flower wilts; but the Word of the Lord remains forever.'' Amen.

THE JOURNAL

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

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

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PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Ohio (Mr. TRAFICANT) come forward and lead the House in the Pledge of Allegiance.

Mr. TRAFICANT led the Pledge of Allegiance as follows:

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

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SCANDALS OF THE ADMINISTRATION

(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, well, it took almost 2 years, but memos from FBI Director Louis Freeh regarding the Democratic fund-raising scandal have finally been turned over to Congress.

Perhaps the Clinton administration was hoping that the memos would never turn up, especially since they state that key administration officials were under a lot of pressure not to go forward with the investigation because the Attorney General's job might hang in the balance.

The American people have a right to expect the Department of Justice to investigate wrongdoing, no matter where it may occur.

Mr. Speaker, the Clinton administration is not exempt from the laws of our Nation. It is my hope that the ongoing congressional hearings and investigations into these scandals will reveal the truth once and for all.

I yield back the continuing scandals and illegal cover-ups that have become an unfortunate characteristic of this administration.

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CHINA SAYS AMERICAN SHIPS ARE DEAD MEAT

(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, military experts say that China just bought 24 cruise missiles from Russia. They now say American ships are now, quote/unquote, dead meat, dead meat. Think about it. We give Russia foreign aid. Russia builds missiles. Russia sells the missiles to China, built with American cash. China threatens Taiwan and Uncle Sam. Unbelievable.

I think it is time for Congress to tell China to keep their Communist hands off of Taiwan.

In addition, this sweetheart trade deal bothers me. It is very dangerous. If Uncle Sam will turn the other cheek on Taiwan, China will laugh all the way to the bank on this trade deal. Beam me up. We have gone from better dead than red to dead meat.

I yield back America's Naval fleet being called dead meat by Naval experts.

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IT IS TIME TO ABOLISH THE SPANISH AMERICAN WAR TAX

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

Mr. HEFLEY. Mr. Speaker, one of the top movies in America today is ''Gladiator,'' a story of a young upstart struggling against an outdated and cruel dictatorship.

This week, the House will witness a similar struggle, Americans with phone lines versus the Internal Revenue Service.

More than 252 million businesses and families use phone lines, allowing them access to telephones, faxes, computers, and cellular phones. They are beneficiaries of modern technological advances that have changed our society, and yet every time Americans use this technology, the IRS financially penalizes them with the outdated Spanish-American War phone tax.

This tax was used to fund the Spanish-American War, a conflict which began and ended in 1898, 102 years ago. It is yet another case of a greedy and overbearing government using any means to tax hard-working Americans and this must end.

This week, let us disconnect Americans from the Spanish-American War phone tax.

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ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 8 of rule XX, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Any record votes on postponed questions will be taken after debate has concluded on all motions to suspend the rules but not before 6 p.m. today.

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NATIONAL HISTORIC PRESERVATION ACT AMENDMENTS OF 2000

Mr. HEFLEY. Mr. Speaker, I move to suspend the rules and concur in the Senate amendments to the bill (H.R. 834) to extend the authorization for the National Historic Preservation Fund, and for other purposes.

The Clerk read as follows:

Senate Amendments:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''National Historic Preservation Act Amendments of 2000''.

SEC. 2. REAUTHORIZATION OF HISTORIC PRESERVATION FUND.

Section 108 of the National Historic Preservation Act (16 U.S.C. 470h) is amended by striking ''1997'' and inserting ''2005''.

SEC. 3. REAUTHORIZATION OF ADVISORY COUNCIL ON HISTORIC PRESERVATION.

Section 212(a) of the National Historic Preservation Act (16 U.S.C. 470t(a)) is amended by striking ''2000'' and inserting ''2005''.

SEC. 4. LOCATION OF FEDERAL FACILITIES ON HISTORIC PROPERTIES.

Section 110(a)(1) of the National Historic Preservation Act (16 U.S.C. 470h–2(a)(1)) is amended in the second sentence by striking ''agency.'' and inserting ''agency, in accordance with Executive Order 13006, issued May 21, 1996 (61 F.R. 26071).''.

SEC. 5. TECHNICAL AND CONFORMING AMENDMENTS.

(a) The National Historic Preservation Act (16 U.S.C. 470 et seq.) is amended as follows—

(1) in section 101(d)(2)(D)(ii) (16 U.S.C. 470a(d)(2)(D)(ii)) by striking ''Officer;'' and inserting ''Officer; and'';

(2) by amending section 101(e)(2) (16 U.S.C. 470a(e)(2)) to read as follows:

''(2) The Secretary may administer grants to the National Trust for Historic Preservation in the United States, chartered by an Act of Congress approved October 26, 1949 (63 Stat. 947) consistent with the purposes of its charter and this Act.'';

(3) in section 101(e)(3)(A)(iii) (16 U.S.C. 470a(e)(3)(A)(iii)) by striking ''preservation; and'' and inserting ''preservation, and'';

(4) in section 101(j)(2)(C) (16 U.S.C. 470a(j)(2)(C)) by striking ''programs;'' and inserting ''programs; and'';

(5) in section 102(a)(3) (16 U.S.C. 470b(a)(3)) by striking ''year.'' and inserting ''year;'';

(6) in section 103(a) (16 U.S.C. 470c(a))—

(A) by striking ''purposes this Act'' and inserting ''purposes of this Act''; and

(B) by striking ''him:.'' and inserting ''him.'';

(7) in section 108 (16 U.S.C. 470h)) by striking ''(43 U.S.C. 338)'' and inserting ''(43 U.S.C. 1338)'';

(8) in section 110(1) (16 U.S.C. 470h–2(1)) by striking ''with the Council'' and inserting ''pursuant to regulations issued by the Council'';

(9) in section 112(b)(3) (16 U.S.C. 470h–4(b)(3)) by striking ''(25 U.S.C. 3001(3) and (9))'' and inserting ''(25 U.S.C. 3001 (3) and (9)))'';

(10) in section 301(12)(C)(iii) (16 U.S.C. 470w(12)(C)(iii)) by striking ''Officer, and'' and inserting ''Officer; and'';

(11) in section 307(a) (16 U.S.C. 470w–6(a)) by striking ''Except as provided in subsection (b) of this section, no'' and inserting ''No'';

(12) in section 307(c) (16 U.S.C. 470w–6(c)) by striking ''Except as provided in subsection (b) of this section, the'' and inserting ''The'';

(13) in section 307 (16 U.S.C. 470w–6) by redesignating subsections (c) through (f), as amended, as subsections (b) through (e), respectively; and

(14) in subsection 404(c)(2) (16 U.S.C. 470x–3(c)(2)) by striking ''organizations, and'' and inserting ''organizations; and''.

(b) Section 114 of Public Law 96–199 (94 Stat. 71) is amended by striking ''subsection 6(c)'' and inserting ''subsection 206(c)''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Colorado (Mr. HEFLEY) and the gentleman from Guam (Mr. UNDERWOOD) each will control 20 minutes.

The Chair recognizes the gentleman from Colorado (Mr. HEFLEY).

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

Mr. Speaker, it seems to me that one of the basic purposes of government is to preserve the cultural fabric of the Nation. Since 1966, one way this Nation has tried to accomplish that goal is through the National Historic Preservation Act.

The bill before us reauthorizes that act through 2000 at its present level of $150 million a year.

It is a tribute to the program that it has achieved the success it has despite the fact that it has seldom received more than $40 million a year in appropriations.

State historic preservation agencies have used these Federal funds to attract three times that amount in State and private investment.

The bill also reaffirms the Nation's commitment to the use of historic properties by Federal agencies.

It also provides an authorization by which the Interior Department may administer grants to the National Trust for Historic Preservation. This does not mean we are putting the trust back on the public payroll. Instead, it will allow Interior to respond quickly to emergency situations such as hurricanes or flooding.

There were some things left undone in this bill. While we retained the exemptions for the Capitol, the Supreme Court building, and the White House from historic preservation law, we were unable to agree on language that aimed at making the Architect of the Capitol more responsive to local preservation concerns.

This was largely due to the fact that the architect is not a government agency.

I believe this is an issue that needs to be revisited in the future. We have gotten a lot of mileage out of the Defense Department's record in historic preservation, particularly at some old cavalry posts out West.

If these facilities can honor their heritage and yet serve an evolving role in today's warfighting, I fail to see why the homes of the three branches of government need special treatment.

This bill is already 3 years overdue, and we must move ahead.

In conclusion, this is the bill that makes no sweeping changes, only incremental changes to what has become a mature and successful program. It works and for those reasons, I move the bill and urge its passage.

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

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

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

Mr. UNDERWOOD. Mr. Speaker, H.R. 834 reauthorizes funding for the National Historic Preservation Fund and the Advisory Council on Historic Preservation. The bill also makes several minor changes to the National Historic Preservation Act. The legislation was originally considered by the House in September of last year and passed by voice vote. Subsequently, the Senate took up the legislation on April 13, 2000 and returned it to the House with an amendment.

The Senate amendment makes several technical and conforming changes to the bill. In addition, the bill deletes a provision that was in the original bill dealing with historic properties under the jurisdiction of the Architect of the Capitol.

Mr. Speaker, the extension of funds for the Historic Preservation Fund and the reauthorization of the Advisory Council on National Preservation are important matters that need to be acted on now. As such, we support H.R. 834, as amended, and would encourage our colleagues to do likewise.

Just as a personal note, the very first public service appointment I had was to the Guam Review Board on Historic Preservation. These are very vital programs, very important programs, for communities and have an impact upon communities in ways that many people sometimes even in this body are not familiar with.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Colorado (Mr. HEFLEY) that the House suspend the rules and concur in the Senate amendments to the bill, H.R. 834.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate amendments were concurred in.

The title of the bill was amended so as to read:

''An Act to extend the authorization for the Historic Preservation Fund and the Advisory Council on Historic Preservation, and for other purposes.''.

A motion to reconsider was laid on the table.

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GENERAL LEAVE

Mr. HEFLEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include therein extraneous material on the Senate amendments to H.R. 834.

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

There was no objection.

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ESTABLISHING A FEE SYSTEM FOR COMMERCIAL FILMING ACTIVITIES ON FEDERAL LAND

Mr. HEFLEY. Mr. Speaker, I move to suspend the rules and concur in the Senate amendments to the bill (H.R. 154) to provide for the collection of fees for the making of motion pictures, television productions, and sound tracks in National Park System and National Wildlife Refuge System units, and for other purposes.

The Clerk read as follows:

Senate amendments:

Strike out all after the enacting clause and insert:

SECTION 1. COMMERCIAL FILMING.

(a) COMMERCIAL FILMING FEE.—The Secretary of the Interior and the Secretary of Agriculture (hereinafter individually referred to as the ''Secretary'' with respect to lands under their respective jurisdiction) shall require a permit and shall establish a reasonable fee for commercial filming activities or similar projects on Federal lands administered by the Secretary. Such fee shall provide a fair return to the United States and shall be based upon the following criteria:

(1) The number of days the filming activity or similar project takes place on Federal land under the Secretary's jurisdiction.

(2) The size of the film crew present on Federal land under the Secretary's jurisdiction.

(3) The amount and type of equipment present.

The Secretary may include other factors in determining an appropriate fee as the Secretary deems necessary.

(b) RECOVERY OF COSTS.—The Secretary shall also collect any costs incurred as a result of filming activities or similar project, including but not limited to administrative and personnel costs. All costs recovered shall be in addition to the fee assessed in subsection (a).

(c) STILL PHOTOGRAPHY.—(1) Except as provided in paragraph (2), the Secretary shall not require a permit nor assess a fee for still photography on lands administered by the Secretary if such photography takes place where members of the public are generally allowed. The Secretary may require a permit, fee, or both, if such photography takes place at other locations where members of the public are generally not allowed, or where additional administrative costs are likely.

(2) The Secretary shall require and shall establish a reasonable fee for still photography that uses models or props which are not a part of the site's natural or cultural resources or administrative facilities.

(d) PROTECTION OF RESOURCES.—The Secretary shall not permit any filming, still photography or other related activity if the Secretary determines—

(1) there is a likelihood of resource damage;

(2) there would be an unreasonable disruption of the public's use and enjoyment of the site; or

(3) that the activity poses health or safety risks to the public.

(e) USE OF PROCEEDS.—(1) All fees collected under this Act shall be available for expenditure by the Secretary, without further appropriation, in accordance with the formula and purposes established for the Recreational Fee Demonstration Program (Public Law 104–134). All fees collected shall remain available until expended.

(2) All costs recovered under this Act shall be available for expenditure by the Secretary, without further appropriation, at the site where collected. All costs recovered shall remain available until expended.

(f) PROCESSING OF PERMIT APPLICATIONS.—The Secretary shall establish a process to ensure that permit applicants for commercial filming, still photography, or other activity are responded to in a timely manner.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Colorado (Mr. HEFLEY) and the gentleman from Guam (Mr. UNDERWOOD) each will control 20 minutes.

The Chair recognizes the gentleman from Colorado (Mr. HEFLEY).

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

Mr. Speaker, the bill before us, H.R. 154, would establish a uniform Federal policy for the collection of fees for commercial film work on America's public lands.

This bill is the result of some real grass-roots interest. Before I introduced this bill 3 years ago, a lady in Englewood, Colorado, contacted my office and wanted to know why Hollywood directors could film on Park Service land for free.

To the surprise of virtually everyone, we found that the Park Service and the Fish and Wildlife Service had been forbidden by regulation to collect such film fees since 1948.

No one knows why. We have tried to find out. No one knows why. This bill is our attempt to remedy this situation.

The bill directs the Secretaries of Interior and Agriculture to establish a reasonable fee for commercial filming activities on lands under their jurisdiction.

The fees collected would then be divided according to the formula set down in the recreational fee demonstration program, with 70 percent remaining in the unit where it was collected and 30 percent systemwide use.

These fees would be used to cover all costs associated with giving film, video, and photography professionals access to the land.

The bill also prohibits filming, taping, and photography in areas where such activity could cause environmental damage, disrupt public use of the land, or cause health or safety concerns.

Finally, the bill requires that the Secretaries create a process that will ensure timely responses to permit requests.

The bill before us incorporates the Senate's language which, by and large, has the effect of recognizing that one of the Nation's land management agencies, the U.S. Forest Service, is part of the Department of Agriculture, not Interior, but should also have a film policy.

In fact, the Forest Service already has such a policy, and this legislation would serve as a floor for that existing program.

H.R. 154 is the result of an unusual degree of cooperation between my office, the Department of Interior, and the Motion Picture Association of America. Its passage is supported by the Interior Department, the National Parks and Conservation Association, the MPAA and commercial still photographers.

It is indeed rare when a measure is endorsed by those who will be paying its fees. Its passage is one of Fish and Wildlife Service's top four legislative priorities.

In conclusion, this bill presents a win/win situation. We want people to film in our national parks. After all, many people were probably first exposed to our public lands through the classic westerns of John Ford, which were filmed on public lands near Moab, Utah.

At the same time, we do not want our public lands turned into sound stages. If permitting filming allows us to recoup its costs and to deal with some of the other needs of our land management agencies, then that is a desired result.

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H.R. 154 strikes the proper balance between use and preservation. It is the right thing to do. I urge its passage.

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

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

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

Mr. UNDERWOOD. Mr. Speaker, H.R. 154, as passed by the House in April 1999, provided for the collection of fees for the making of motion pictures, television production, sound tracks, and still photography on lands within the administrative jurisdiction of the Department of Interior.

The Senate subsequently took up the legislation in November of last year and has returned the bill to the House with an amendment in the nature of a substitute. The Senate amendment makes numerous changes to the House bill. While a number of these changes are minor and technical in nature, others were substantive, and there was little or no legislative history developed to determine the basis for the Senate changes.

The most substantive change involves adding the Forest Service to the legislation. As the Forest Service testified in the Senate, the agency already has the authority to collect film fees and, in fact, does collect such fees. Concerns have been raised that the Senate language may be inconsistent with the existing Forest Service regulations. It should be noted that the language of H.R. 154 is intended to be supplemental to the existing authorities that the Forest Service and other agencies possess to regulate commercial filming and photography.

In fact, all of the Federal agencies covered by H.R. 154 do have regulations on this matter. The purpose of H.R. 154 is to close a loophole that has prevented the National Park Service and Fish and Wildlife Service from charging fees for the use of public land for commercial filming and photography purposes and to allow all of the land management agencies to retain and expend such fees for authorized purposes.

As supplemental authority, we do not believe it is necessary for the agencies to issue all new regulations since such regulations are already on the books. This is especially important with regard to fees. New regulations could delay the collection and distribution of fees for a significant period of time, thus delaying the underlying purpose of this bill. Rather, the agencies should publish a schedule of such fees if they have not previously done so, allowing appropriate public review and comment before implementation.

We have been assured that the other changes made by the Senate can also be addressed through the existing regulatory authorities that the agencies

possess. We expect those agencies to use their regulatory authority to address such matters as bonding insurance and enforcement.

Mr. Speaker, everyone agrees that there should be fair and reasonable fees for the use of public resources for commercial filming and photography. With the understanding that the concerns raised today can be dealt with by the agencies involved, we will not object to the passage of H.R. 154, as amended.

I congratulate the gentleman from Colorado (Mr. HEFLEY) for this measure.

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

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

Mr. Speaker, I would like to express my appreciation to the gentleman from Guam (Mr. UNDERWOOD), to the minority and the majority and our committee, the Committee on Resources, for their help on this legislation. It has taken a lot longer than it should have. I think it will be very meaningful.

We are happy to try to work to encourage, if there are any problems in implementation, to encourage that to be taken care of. But I think we are making a major step.

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

The SPEAKER pro tempore (Mr. MILLER of Florida). The question is on the motion offered by the gentleman from Colorado (Mr. HEFLEY) that the House suspend the rules and concur in the Senate amendments to the bill, H.R. 154.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate amendments were concurred in.

The title of the bill was amended so as to read:

''An Act to allow the Secretary of the Interior and the Secretary of Agriculture to establish a fee system for commercial filming activities on Federal land, and for other purposes.''.

A motion to reconsider was laid on the table.

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GENERAL LEAVE

Mr. HEFLEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 154.

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

There was no objection.

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KAKE TRIBAL CORPORATION LAND TRANSFER ACT

Mr. YOUNG of Alaska. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 430) to amend the Alaska Native Claims Settlement Act to provide for a land exchange between the Secretary of Agriculture and the Kake Tribal Corporation, and for other purposes, as amended.

The Clerk read as follows:

S. 430

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 ''Kake Tribal Corporation Land Transfer Act''.

SEC. 2. DECLARATION OF PURPOSE.

The purpose of this Act is to authorize the reallocation of lands and selection rights between the State of Alaska, Kake Tribal Corporation, and the City of Kake, Alaska, in order to provide for the protection and management of the municipal watershed.

SEC. 3. AMENDMENT OF ALASKA NATIVE CLAIMS SETTLEMENT ACT.

The Alaska Native Claims Settlement Act (43 U.S.C. 1601 note) is amended by adding at the end the following new section:

''KAKE TRIBAL CORPORATION LAND TRANSFER

''SEC. 42. (a) IN GENERAL.—If—

''(1) the State of Alaska relinquishes its selection rights under the Alaska Statehood Act (Public Law 85–508) to lands described in subsection (c)(2) of this section; and

''(2) Kake Tribal Corporation and Sealaska Corporation convey all right, title, and interest to lands described in subsection (c)(1) to the City of Kake, Alaska,

then the Secretary of Agriculture (hereinafter referred to as 'Secretary') shall, not later than 180 days thereafter, convey to Kake Tribal Corporation title to the surface estate in the land identified in subsection (c)(2) of this section, and convey to Sealaska Corporation title to the subsurface estate in such land.

''(b) EFFECT ON SELECTION TOTALS.—(1) Of the lands to which the State of Alaska relinquishes selection rights and which are conveyed to the City of Kake pursuant to subsection (a), 694.5 acres shall be charged against lands to be selected by the State of Alaska under section 6(a) of the Alaska Statehood Act and 694.5 acres against lands to be selected by the State of Alaska under section 6(b) of the Alaska Statehood Act.

''(2) The land conveyed to Kake Tribal Corporation and to Sealaska Corporation under this section is, for all purposes, considered to be land conveyed under this Act. However, the conveyance of such land to Kake Tribal Corporation shall not count against or otherwise affect the Corporation's remaining entitlement under section 16(b).

''(c) LANDS SUBJECT TO EXCHANGE.—(1) The lands to be transferred to the City of Kake under subsection (a) are the surface and subsurface estate to approximately 1,430 acres of land owned by Kake Tribal Corporation and Sealaska Corporation, and depicted as 'KTC Land to City of Kake' on the map entitled 'Kake Land Exchange-2000', dated May 2000.

''(2) The lands subject to relinquishment by the State of Alaska and to conveyance to Kake Tribal Corporation and Sealaska Corporation under subsection (a) are the surface and subsurface estate to approximately 1389 acres of Federal lands depicted as 'Jenny Creek-Land Selected by the State of Alaska to KTC' on the map entitled 'Kake Land Exchange-2000', dated May 2000.

''(3) In addition to the transfers authorized under subsection (a), the Secretary may acquire from Sealaska Corporation the subsurface estate to approximately 1,127 acres of land depicted as 'KTC Land-Conservation Easement to SEAL Trust' on the map entitled 'Kake Land Exchange-2000', dated May 2000, through a land exchange for the subsurface estate to approximately 1,168 acres of Federal land in southeast Alaska that is under the administrative jurisdiction of the Secretary. Any exchange under this paragraph shall be subject to the mutual consent of the United States Forest Service and Sealaska Corporation.

''(d) WITHDRAWAL.—Subject to valid existing rights, the lands described in subsection (c)(2) are withdrawn from all forms of location, entry, and selection under the mining and public land laws of the United States and from leasing under the mineral and geothermal leasing laws. This withdrawal expires 18 months after the effective date of this section.

''(e) MAPS.—The maps referred to in this Act shall be maintained on file in the Office of the Chief, United States Forest Service, the Office of the Secretary of the Interior, and the Office of the Petersburg Ranger District, Alaska.

''(f) WATERSHED MANAGEMENT.—The United States Forest Service may cooperate with Kake Tribal Corporation and the City of Kake in developing a watershed management plan that provides for the protection of the watershed in the public interest. Grants may be made, and contracts and cooperative agreements may be entered into, to the extent necessary to assist the City of Kake and Kake Tribal Corporation in the preparation and implementation of a watershed management plan for the land within the City of Kake's municipal watershed.

''(g) EFFECTIVE DATE.—This section is effective upon the execution of one or more conservation easements that, subject to valid existing rights of third parties—

''(1) encumber all lands depicted as 'KTC Land to City of Kake' and 'KTC Land-Conservation Easement to SEAL Trust' on a map entitled 'Kake Land Exchange-2000' dated May 2000;

''(2) provide for the relinquishment by Kake Tribal Corporation of the Corporation's development rights on lands described in paragraph (1); and

''(3) provide for perpetual protection and management of lands depicted as 'KTC Land to City of Kake' and 'KTC Land-Conservation Easement to SEAL Trust' on the map described in paragraph (1) as—

''(A) a watershed;

''(B) a municipal drinking water source in accordance with the laws of the State of Alaska;

''(C) a source of fresh water for the Gunnuk Creek Hatchery; and

''(D) habitat for black bear, deer, birds, and other wildlife.

''(h) TIMBER MANUFACTURING; EXPORT RESTRICTION.—Notwithstanding any other provision of law, timber harvested from lands conveyed to Kake Tribal Corporation under this section shall not be available for export as unprocessed logs from Alaska, nor may Kake Tribal Corporation sell, trade, exchange, substitute, or otherwise convey such timber to any person for the purpose of exporting that timber from the State of Alaska.

''(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized such sums as may be necessary to carry out this Act, including to compensate Kake Tribal Corporation for relinquishing its development rights pursuant to subsection (g)(2) and to provide assistance to Kake Tribal Corporation to meet the requirements of subsection (h). No funds authorized under this section may be paid to Kake Tribal Corporation unless Kake Tribal Corporation is a party to the conservation easements described in subsection (g).''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Alaska (Mr. YOUNG) and the gentleman from Guam (Mr. UNDERWOOD) each will control 20 minutes.

The Chair recognizes the gentleman from Alaska (Mr. YOUNG).

GENERAL LEAVE

Mr. YOUNG of Alaska. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on S. 430.

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

There was no objection.

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 430 provides for a land exchange to resolve a problem faced by a town in Tongass National Forest. The Committee on Resources favorably reported S. 430 with an amendment. The bill under consideration today contains further changes to the reported bill.

The purpose of S. 430 is to protect the watershed of the City of Kake, Alaska, and to maintain the value of private native lands that form this watershed. The watershed lands are owned by the Kake Tribal Corporation, an Alaska Native Corporation.

Kake Tribal owns about 2,500 acres of land forming the watershed for a creek that supplies the city residents a fish hatchery with clean, fresh water.

The property has valuable timber, but its location on the watershed has persuaded the corporation's board of directors not to authorize logging it, in keeping with the wishes of the city residents.

Last year, the Kake Tribal Corporation filed for bankruptcy, the victim of a controversial lawsuit. As a result, the board may have to log the watershed to pay anxious creditors.

Alaska strongly supports timber harvest, but only when it makes sense. While the city of Kake has made it clear that logging should not occur on the municipal watershed, the corporation finds itself in a no-win situation and may have to log the property because of the bankruptcy.

S. 430, as supported by the Committee on Resources, offers a reasonable solution. The bill authorizes a land exchange, in combination with a conservation easement, to fulfill three basic purposes: protect the watershed lands from harmful development, maintain the full value of the Kake Natives' lands and interest, and enable them to generate revenues in a way that should satisfy its creditors.

This bill is the product of lengthy negotiation and the gentleman from California (Mr. GEORGE MILLER), ranking Democrat, and his staff; and I would commend all of them for their sound advice and assistance.

S. 430 is a practical solution to a present problem affecting a small town in the Nation's largest national forest. I urge its passage.

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

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

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

Mr. UNDERWOOD. Mr. Speaker, I rise in support of the legislation as amended by the Committee on Resources. At issue here is a bankrupt Alaska Native village corporation which is unable to log 2,500 acres of its lands which are adjacent to the community of Kake in southeast Alaska. Most of the corporation's 23,000-plus acres of lands have already been intensely logged, and the remaining uncut lands provide the watershed for the Kake residents and habitat for salmon and black bears.

In settlement of the 1984 lawsuit brought because logging operations were polluting the community's drinking water, the Kake Corporation and the city of Kake agreed not to allow additional logging in the watershed lands.

As passed by the Senate, S. 430 would have forced the Forest Service to exchange additional lands from the Tongass National Forest to the Kake Corporation. The administration has opposed this legislation. We share their concerns and do not think that the national forest should serve as a land bank to be drawn upon whenever Native corporations face financial problems and want new Federal lands containing old-growth timber.

But this bill has been greatly improved by the committee amendment and working closely together.

Instead of Tongass National Forest lands being conveyed out of public ownership as set forth in the Senate bill, the State of Alaska will now participate in the resolution of a local problem by exchanging State selected lands with the Kake Corporation.

The 1,430 acres obtained from Kake Corporation will, in turn, be transferred by the State of Alaska to the city of Kake to protect the municipal watershed. The amended bill also authorizes the purchase using funds to be appropriated by Congress of a conservation easement for an additional 1,127 acres of Kake Corporation-owned lands within the municipal watershed.

Under the conservation easement, these lands would be managed by the Southeast Alaska Land Trust to assure clean drinking water for the residents of Kake and to provide a fish and wildlife reserve for black bear and salmon.

Mr. Speaker, I especially want to recognize the gentleman from Alaska (Mr. YOUNG), the chairman of the Committee on Resources, for his pragmatic approach in this legislation.

The Kake Tribal Corporation, the U.S. Forest Service, Alaska Governor Tony Knowles, and the Southeast Alaska Conservation Council all deserve credit for their efforts to negotiate a constructive resolution in this matter.

I urge all Members to support S. 430, as amended.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Alaska (Mr. YOUNG) that the House suspend the rules and pass the Senate bill, S. 430, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill, as amended, was passed.

A motion to reconsider was laid on the table.

□

FEDERAL COURTS IMPROVEMENT ACT OF 2000

Mr. COBLE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1752) to make improvements in the operation and administration of the Federal courts, and for other purposes, as amended.

The Clerk read as follows:

H.R. 1752

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

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Federal Courts Improvement Act of 2000''.

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

TITLE I—JUDICIAL FINANCIAL ADMINISTRATION

Sec. 101. Transfer of retirement funds.
Sec. 102. Judiciary Information Technology Fund.
Sec. 103. Bankruptcy fees.
Sec. 104. Disposition of miscellaneous fees.
Sec. 105. Repeal of statute setting Court of Federal Claims filing fee.
Sec. 106. Technical amendment relating to the treatment of certain bankruptcy fees collected.
Sec. 107. Increase in fee for converting a chapter 7 or chapter 13 bankruptcy case to a chapter 11 bankruptcy case.
Sec. 108. Increase in chapter 9 bankruptcy filing fee.
Sec. 109. Creation of certifying officers in the judicial branch.
Sec. 110. Fee authority for technology resources in the courts.

TITLE II—JUDICIAL PROCESS IMPROVEMENTS

Sec. 201. Extension of statutory authority for magistrate judge positions to be established in the district courts of Guam and the Northern Mariana Islands.
Sec. 202. Magistrate judge contempt authority.
Sec. 203. Consent to magistrate judge authority in petty offense cases and magistrate judge authority in misdemeanor cases involving juvenile defendants.
Sec. 204. Savings and loan data reporting requirements.
Sec. 205. Place of holding court in the Eastern District of Texas.
Sec. 206. Federal substance abuse treatment program reauthorization.
Sec. 207. Membership in circuit judicial councils.
Sec. 208. Sunset of Civil Justice Expense and Delay Reduction Plans.

Sec. 209. Technical bankruptcy correction.
Sec. 210. Authority of presiding judge to allow media coverage of court proceedings.
TITLE III—JUDICIARY PERSONNEL ADMINISTRATION, BENEFITS, AND PROTECTIONS
Sec. 301. Disability retirement and cost-of-living adjustments of annuities for territorial judges.
Sec. 302. Federal Judicial Center personnel matters.
Sec. 303. Judicial administrative officials retirement matters.
Sec. 304. Judges' firearms training.
Sec. 305. Removal of automatic excuse from jury service for members of the Armed Services, members of fire and police departments, and public officers.
Sec. 306. Expanded workers' compensation coverage for jurors.
Sec. 307. Property damage, theft, and loss claims of jurors.
Sec. 308. Elimination of the public drawing requirements for selection of juror wheels.
Sec. 309. Annual leave limit for court unit executives.
Sec. 310. Payments to Military Survivor Benefit Plan.
Sec. 311. Authorization of a circuit executive for the Federal Circuit.
Sec. 312. Amendment to the jury selection process.
Sec. 313. Supplemental attendance fee for petit jurors serving on lengthy trials.
Sec. 314. Service on territorial courts.
Sec. 315. Residence of retired judges.
Sec. 316. Court of Federal Claims Judicial Conference.
Sec. 317. Recall of judges on disability status.
Sec. 318. Senior status provision.
Sec. 319. Miscellaneous provision.
TITLE IV—CRIMINAL JUSTICE ACT AMENDMENTS
Sec. 401. Maximum amounts of compensation for attorneys.
Sec. 402. Maximum amounts of compensation for services other than counsel.
Sec. 403. Tort Claims Act amendments relating to liability of Federal public defenders.

TITLE I—JUDICIAL FINANCIAL ADMINISTRATION

SEC. 101. TRANSFER OF RETIREMENT FUNDS.

Section 377 of title 28, United States Code, is amended by adding at the end the following new subsection:

''(p) TRANSFER OF RETIREMENT FUNDS.—Upon election by a bankruptcy judge or a magistrate judge under subsection (f) of this section, all of the accrued employer contributions and accrued interest on those contributions made on behalf of the bankruptcy judge or magistrate judge to the Civil Service Retirement and Disability Fund under section 8348 of title 5 shall be transferred to the fund established under section 1931 of this title, except that if the bankruptcy judge or magistrate judge elects, under section 2(c) of the Retirement and Survivors' Annuities for Bankruptcy Judges and Magistrates Act of 1988 (Public Law 100–659), to receive a retirement annuity under both this section and title 5, only the accrued employer contributions and accrued interest on such contributions made on behalf of the bankruptcy judge or magistrate judge for service credited under this section may be transferred.''.

SEC. 102. JUDICIARY INFORMATION TECHNOLOGY FUND.

Section 612 of title 28, United States Code, is amended—

(1) by striking ''equipment'' each place it appears and inserting ''resources'';

(2) by striking subsection (f) and redesignating subsequent subsections accordingly;

(3) in subsection (g), as so redesignated, by striking paragraph (3); and

(4) in subsection (i), as so redesignated—

(A) by striking ''Judiciary'' and inserting ''judiciary'';

(B) by striking ''subparagraph (c)(1)(B)'' and inserting ''subsection (c)(1)(B)''; and

(C) by striking ''under (c)(1)(B)'' and inserting ''under subsection (c)(1)(B)''.

SEC. 103. BANKRUPTCY FEES.

Subsection (a) of section 1930 of title 28, United States Code, is amended by inserting after paragraph (6) the following new paragraph:

''(7) In districts that are not part of a United States trustee region as defined in section 581 of this title, the Judicial Conference of the United States may require the debtor in a case under chapter 11 of title 11 to pay fees equal to those imposed by paragraph (6). Such fees shall be deposited into the fund established under section 1931.''.

SEC. 104. DISPOSITION OF MISCELLANEOUS FEES.

For fiscal year 2000 and thereafter, any portion of miscellaneous fees collected as prescribed by the Judicial Conference of the United States pursuant to sections 1913, 1914(b), 1926(a), 1930(b), and 1932 of title 28, United States Code, exceeding the amount of such fees established on the date of the enactment of this Act shall be deposited into the special fund of the Treasury established under section 1931 of title 28, United States Code.

SEC. 105. REPEAL OF STATUTE SETTING COURT OF FEDERAL CLAIMS FILING FEE.

Section 2520 of title 28, United States Code, and the item relating to such section in the table of contents for chapter 165 of such title, are repealed.

SEC. 106. TECHNICAL AMENDMENT RELATING TO THE TREATMENT OF CERTAIN BANKRUPTCY FEES COLLECTED.

(a) AMENDMENT.—The first sentence of section 406(b) of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1990 (Public Law 101–162; 103 Stat. 1016) is amended by striking ''service enumerated after item 18'' and inserting ''service not of a kind described in any of the items enumerated as items 1 through 7 and as items 9 through 18, as in effect on November 21, 1989, (and not of a kind described in items enumerated as items 8.1, 8.2, and 23, as in effect on January 1, 1998)''.

(b) APPLICATION OF AMENDMENT.—The amendment made by subsection (a) shall not apply with respect to fees collected before the date of the enactment of this Act.

SEC. 107. INCREASE IN FEE FOR CONVERTING A CHAPTER 7 OR CHAPTER 13 BANKRUPTCY CASE TO A CHAPTER 11 BANKRUPTCY CASE.

The flush paragraph at the end of section 1930(a) of title 28, United States Code, is amended by striking ''of $400'' and inserting ''which is the amount equal to the difference between the fee specified in paragraph (3) and the fee specified in paragraph (1)''.

SEC. 108. INCREASE IN CHAPTER 9 BANKRUPTCY FILING FEE.

Section 1930(a)(2) of title 28, United States Code, is amended by striking ''$300'' and inserting ''an amount equal to the fee specified in paragraph (3) for filing a case under chapter 11 of title 11. The amount by which the fee payable under this paragraph exceeds $300 shall be deposited in the fund established under section 1931 of this title''.

SEC. 109. CREATION OF CERTIFYING OFFICERS IN THE JUDICIAL BRANCH.

(a) APPOINTMENT OF DISBURSING AND CERTIFYING OFFICERS.—Chapter 41 of title 28, United States Code, is amended by adding at the end the following new section:

''§ 613. Disbursing and certifying officers

''(a) DISBURSING OFFICERS.—The Director may designate in writing officers and employees of the judicial branch of the Government, including the courts as defined in section 610 other than the Supreme Court, to be disbursing officers in such numbers and locations as the Director considers necessary. Such dispersing officers shall—

''(1) disburse moneys appropriated to the judicial branch and other funds only in strict accordance with payment requests certified by the Director or in accordance with subsection (b);

''(2) examine payment requests as necessary to ascertain whether they are in proper form, certified, and approved; and

''(3) be held accountable for their actions as provided by law, except such a disbursing officer shall not be held accountable or responsible for any illegal, improper, or incorrect payment resulting from any false, inaccurate, or misleading certificate for which a certifying officer is responsible under subsection (b).

''(b) CERTIFYING OFFICERS.—(1) The Director may designate in writing officers and employees of the judicial branch of the Government, including the courts as defined in section 610 other than the Supreme Court, to certify payment requests payable from appropriations and funds. These certifying officers shall be responsible and accountable for—

''(A) the existence and correctness of the facts recited in the certificate or other request for payment or its supporting papers;

''(B) the legality of the proposed payment under the appropriation or fund involved; and

''(C) the correctness of the computations of certified payment requests.

''(2) The liability of a certifying officer shall be enforced in the same manner and to the same extent as provided by law with respect to the enforcement of the liability of disbursing and other accountable officers. A certifying officer shall be required to make restitution to the United States for the amount of any illegal, improper, or incorrect payment resulting from any false, inaccurate, or misleading certificates made by the certifying officer, as well as for any payment prohibited by law or which did not represent a legal obligation under the appropriation or fund involved.

''(c) RIGHTS.—A certifying or disbursing officer—

''(1) has the right to apply for and obtain a decision by the Comptroller General on any question of law involved in a payment request presented for certification; and

''(2) is entitled to relief from liability arising under this section in accordance with title 31.

''(d) OTHER AUTHORITY NOT AFFECTED.—Nothing in this section affects the authority of the courts with respect to moneys deposited with the courts under chapter 129 of this title.''.

(b) CONFORMING AMENDMENT.—The table of sections for chapter 41 of title 28, United States Code, is amended by adding at the end the following new item:

''613. Disbursing and certifying officers.''.

(c) DUTIES OF DIRECTOR.—Paragraph (8) of subsection (a) of section 604 of title 28, United States Code, is amended to read as follows:

''(8) Disburse appropriations and other funds for the maintenance and operation of the courts;''.

SEC. 110. FEE AUTHORITY FOR TECHNOLOGY RESOURCES IN THE COURTS.

(a) IN GENERAL.—Chapter 41 of title 28, United States Code, is amended by adding at the end the following:

"§ 614. Authority to prescribe fees for technology resources in the courts

''The Judicial Conference is authorized to prescribe reasonable fees pursuant to sections 1913, 1914, 1926, 1930, and 1932, for use of information technology resources provided by the judiciary to improve the efficiency of and access to the courts. Fees collected pursuant to this section are to be deposited in the Judiciary Information Technology Fund to be available to the Director without fiscal year limitation for reinvestment in information technology resources which will advance the purposes of this section.''.

(b) CONFORMING AMENDMENT.—The table of sections for chapter 41 of title 28, United States Code, is amended by adding at the end the following new item:

''614. Authority to prescribe fees for technology resources in the courts.''.

TITLE II—JUDICIAL PROCESS IMPROVEMENTS

SEC. 201. EXTENSION OF STATUTORY AUTHORITY FOR MAGISTRATE JUDGE POSITIONS TO BE ESTABLISHED IN THE DISTRICT COURTS OF GUAM AND THE NORTHERN MARIANA ISLANDS.

Section 631 of title 28, United States Code, is amended—

(1) by striking the first two sentences of subsection (a) and inserting the following: ''The judges of each United States district court and the district courts of the Virgin Islands, Guam, and the Northern Mariana Islands shall appoint United States magistrate judges in such numbers and to serve at such locations within the judicial districts as the Conference may determine under this chapter. In the case of a magistrate judge appointed by the district court of the Virgin Islands, Guam, or the Northern Mariana Islands, this chapter shall apply as though the court appointing such a magistrate judge were a United States district court.''; and

(2) in the first sentence of subsection (b)(1), by inserting ''the Territory of Guam, the Commonwealth of the Northern Mariana Islands,'' after ''Commonwealth of Puerto Rico,''.

SEC. 202. MAGISTRATE JUDGE CONTEMPT AUTHORITY.

Section 636(e) of title 28, United States Code, is amended to read as follows:

''(e) CONTEMPT AUTHORITY.—

''(1) CONTEMPT AUTHORITY.—A United States magistrate judge serving under this chapter shall have within the territorial jurisdiction prescribed by his or her appointment the power to exercise contempt authority as set forth in this subsection.

''(2) SUMMARY CRIMINAL CONTEMPT AUTHORITY.—A magistrate judge shall have the power to punish summarily by fine or imprisonment such contempt of his or her authority constituting misbehavior of any person in the magistrate judge's presence so as to obstruct the administration of justice. The order of contempt shall be issued pursuant to Federal Rules of Criminal Procedure.

''(3) ADDITIONAL CRIMINAL CONTEMPT AUTHORITY IN CIVIL CONSENT AND MISDEMEANOR CASES.—In any case in which a United States magistrate judge presides with the consent of the parties under subsection (c) of this section, and in any misdemeanor case proceeding before a magistrate judge under section 3401 of title 18, the magistrate judge shall have the power to punish by fine or imprisonment such criminal contempt constituting disobedience or resistance to the magistrate judge's lawful writ, process, order, rule, decree, or command. Disposition of such contempt shall be conducted upon notice and hearing pursuant to the Federal Rules of Criminal Procedure.

''(4) CIVIL CONTEMPT AUTHORITY IN CIVIL CONSENT AND MISDEMEANOR CASES.—In any case in which a United States magistrate judge presides with the consent of the parties under subsection (c) of this section, and in any misdemeanor case proceeding before a magistrate judge under section 3401 of title 18, the magistrate judge may exercise the civil contempt authority of the district court. This paragraph shall not be construed to limit the authority of a magistrate judge to order sanctions pursuant to any other statute, the Federal Rules of Civil Procedure, or the Federal Rules of Criminal Procedure.

''(5) CRIMINAL CONTEMPT PENALTIES.—The sentence imposed by a magistrate judge for any criminal contempt set forth in paragraphs (2) and (3) of this subsection shall not exceed the penalties for a Class C misdemeanor as set forth in sections 3581(b)(8) and 3571(b)(6) of title 18.

''(6) CERTIFICATION OF OTHER CONTEMPTS TO THE DISTRICT COURT.—Upon the commission of any act—

''(A) in any case in which a United States magistrate judge presides with the consent of the parties under subsection (c) of this section, or in any misdemeanor case proceeding before a magistrate judge under section 3401 of title 18, that may, in the opinion of the magistrate judge, constitute a serious criminal contempt punishable by penalties exceeding those set forth in paragraph (5) of this subsection, or

''(B) in any other case or proceeding under subsection (a) or (b) of this section, or any other statute, where—

''(i) the act committed in the magistrate judge's presence may, in the opinion of the magistrate judge, constitute a serious criminal contempt punishable by penalties exceeding those set forth in paragraph (5) of this subsection,

''(ii) the act that constitutes a criminal contempt occurs outside the presence of the magistrate judge, or

''(iii) the act constitutes a civil contempt,

the magistrate judge shall forthwith certify the facts to a district judge and may serve or cause to be served upon any person whose behavior is brought into question under this paragraph an order requiring such person to appear before a district judge upon a day certain to show cause why he or she should not be adjudged in contempt by reason of the facts so certified. The district judge shall thereupon hear the evidence as to the act of conduct complained of and, if it is such as to warrant punishment, punish such person in the same manner and to the same extent as for a contempt committed before a district judge.

''(7) APPEALS OF MAGISTRATE JUDGE CONTEMPT ORDERS.—The appeal of an order of contempt issued pursuant to this subsection shall be made to the court of appeals in cases proceeding under subsection (c) of this section. The appeal of any other order to contempt issued pursuant to this subsection shall be made to the district court.''.

SEC. 203. CONSENT TO MAGISTRATE JUDGE AUTHORITY IN PETTY OFFENSE CASES AND MAGISTRATE JUDGE AUTHORITY IN MISDEMEANOR CASES INVOLVING JUVENILE DEFENDANTS.

(a) AMENDMENTS TO TITLE 18.—

(1) PETTY OFFENSE CASES.—Section 3401(b) of title 18, United States Code, is amended by striking ''that is a class B misdemeanor charging a motor vehicle offense, a class C misdemeanor, or an infraction'' after ''petty offense''.

(2) CASES INVOLVING JUVENILES.—Section 3401(g) of title 18, United States Code, is amended—

(A) by striking the first sentence and inserting the following: ''The magistrate judge may, in a petty offense case involving a juvenile, exercise all powers granted to the district court under chapter 403 of this title.'';

(B) in the second sentence by striking ''any other class B or C misdemeanor case'' and inserting ''the case of any misdemeanor, other than a petty offense,''; and

(C) by striking the last sentence.

(b) AMENDMENTS TO TITLE 28.—Section 636(a) of title 28, United States Code, is amended by striking paragraphs (4) and (5) and inserting the following:

''(4) the power to enter a sentence for a petty offense; and

''(5) the power to enter a sentence for a class A misdemeanor in a case in which the parties have consented.''.

SEC. 204. SAVINGS AND LOAN DATA REPORTING REQUIREMENTS.

Section 604 of title 28, United States Code, is amended in subsection (a) by striking the second paragraph designated (24) (relating to the savings and loan crisis).

SEC. 205. PLACE OF HOLDING COURT IN THE EASTERN DISTRICT OF TEXAS.

(a) TEXAS.—Section 124(c) of title 28, United States Code, is amended—

(1) in paragraph (3)—

(A) by striking ''Denton, and Grayson'' and inserting ''Delta, Denton, Fannin, Grayson, Hopkins, and Lamar''; and

(B) by inserting ''and Plano'' after ''held at Sherman'';

(2) by striking paragraph (4) and redesignating paragraphs (5) through (7) as paragraphs (4) through (6), respectively; and

(3) in paragraph (5), as so redesignated, by inserting ''Red River,'' after ''Franklin,''.

(b) TEXARKANA.—Sections 83(b)(1) and 124(c)(5) (as redesignated by subsection (a) of this section) of title 28, United States Code, are each amended by inserting after ''held at Texarkana'' the following: '', and may be held anywhere within the Federal courthouse in Texarkana that is located astride the State line between Texas and Arkansas''.

SEC. 206. FEDERAL SUBSTANCE ABUSE TREATMENT PROGRAM REAUTHORIZATION.

Section 4(a) of the Contract Services for Drug Dependent Federal Offenders Treatment Act of 1978 (Public Law 95–537; 92 Stat. 2038) is amended by striking all that follows ''there are authorized to be appropriated'' and inserting ''for fiscal year 2000 and each fiscal year thereafter such sums as may be necessary to carry out this Act.''.

SEC. 207. MEMBERSHIP IN CIRCUIT JUDICIAL COUNCILS.

Section 332 of title 28, United States Code, is amended in subsection (a)—

(1) by striking paragraph (3) and inserting the following:

''(3) Except for the chief judge of the circuit, either judges in regular active service or judges retired from regular active service under section 371(b) of this title may serve as members of the council.''; and

(2) by striking ''retirement,'' in paragraph (5) and inserting ''retirement pursuant to section 371(a) or section 372(a) of this title,''.

SEC. 208. SUNSET OF CIVIL JUSTICE EXPENSE AND DELAY REDUCTION PLANS.

Section 103(b)(2)(A) of the Civil Justice Reform Act of 1990 (Public Law 101–650; 104 Stat. 5096; 28 U.S.C. 471 note), as amended by Public Law 105–53 (111 Stat. 1173), is amended by inserting ''471,'' after ''sections''.

SEC. 209. TECHNICAL BANKRUPTCY CORRECTION.

Section 1228 of title 11, United States Code, is amended by striking ''1222(b)(10)'' each place it appears and inserting ''1222(b)(9).''.

SEC. 210. AUTHORITY OF PRESIDING JUDGE TO ALLOW MEDIA COVERAGE OF COURT PROCEEDINGS.

(a) AUTHORITY OF APPELLATE COURTS.—Notwithstanding any other provision of law, the presiding judge of an appellate court of the United States may, in his or her discretion, with the consent of all named parties, permit the photographing, electronic recording, broadcasting, or televising to the public of court proceedings over which that judge presides.

(b) AUTHORITY OF DISTRICT COURTS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, any presiding judge of a district court of the United States may, in his or her discretion, with the consent of all named parties, permit the photographing, electronic recording, broadcasting, or televising to the public of court proceedings over which that judge presides.

(2) OBSCURING OF WITNESSES.—(A) Upon the request of any witness in a trial proceeding other than a party, the court shall order the face and voice of the witness to be disguised or otherwise obscured in such manner as to render the witness unrecognizable to the broadcast audience of the trial proceeding.

(B) The presiding judge in a trial proceeding shall inform each witness who is not a party that the witness has the right to request that his or her image and voice be obscured during the witness' testimony.

(c) ADVISORY GUIDELINES.—The Judicial Conference of the United States is authorized to promulgate advisory guidelines to which a presiding judge shall refer in making decisions with respect to consistent criteria to be applied in the exercise of the discretion of the presiding judge, and to the management and administration of photographing, recording, broadcasting, and televising described in subsections (a) and (b).

(d) DEFINITIONS.—As used in this section:

(1) PRESIDING JUDGE.—The term ''presiding judge'' means the judge presiding over the court proceeding concerned. In proceedings in which more than one judge participates, the presiding judge shall be the senior active judge so participating or, in the case of a circuit court of appeals, the senior active circuit judge so participating, except that—

(A) in en banc sittings of any United States circuit court of appeals, the presiding judge shall be the chief judge of the circuit whenever the chief judge participates; and

(B) in en banc sittings of the Supreme Court of the United States, the presiding judge shall be the Chief Justice whenever the Chief Justice participates.

(2) APPELLATE COURT OF THE UNITED STATES.—The term ''appellate court of the United States'' means any United States circuit court of appeals and the Supreme Court of the United States.

(e) SUNSET.—The authority under subsection (b) shall terminate on the date that is 3 years after the date of the enactment of this Act.

TITLE III—JUDICIAL PERSONNEL ADMINISTRATION, BENEFITS, AND PROTECTIONS

SEC. 301. DISABILITY RETIREMENT AND COST-OF-LIVING ADJUSTMENTS OF ANNUITIES FOR TERRITORIAL JUDGES.

Section 373 of title 28, is amended—

(1) by amending subsection (c)(4) to read as follows:

''(4) Any senior judge performing judicial duties pursuant to recall under paragraph (2) of this subsection shall be paid, while performing such duties, the same compensation (in lieu of the annuity payable under this section) and the same allowances for travel and other expenses as a judge on active duty with the court being served.'';

(2) by amending subsection (e) to read as follows:

''(e)(1) any judge of the District Court of Guam, the District Court of the Northern Mariana Islands, or the District Court of the Virgin Islands who is not reappointed (as judge of such court) shall be entitled, upon attaining the age of 65 years or upon relinquishing office if the judge is then beyond the age of 65 years—

''(A) if the judicial service of such judge, continuous or otherwise, aggregates 15 years or more, to receive during the remainder of such judge's life an annuity equal to the salary received when the judge left office; or

''(B) if such judicial service, continuous or otherwise, aggregated less then 15 years, to receive during the remainder of such judge's life an annuity equal to that proportion of such salary which the aggregate number of such judge's years of service bears to 15.

''(2) Any judge of the District Court of Guam, the District Court of the Northern Mariana Islands, or the District Court of the Virgin Islands who has served at least 5 years, continuously or otherwise, and who retires or is removed upon the sole ground of mental or physical disability, shall be entitled to receive during the remainder of such judge's life an annuity equal to 40 percent of the salary received when the judge left office or, in the case of a judge who has served at least 10 years, continuously or otherwise, an annuity equal to that proportion of such salary which the aggregate number of such judge's years of judicial service bears to 15.'';

and

(3) by amending subsection (g) to read as follows:

''(g) Any retired judge who is entitled to receive an annuity under this section shall be entitled to a cost-of-living adjustment in the amount computed as specified in section 8340(b) of title 5, except that in no case may the annuity payable to such retired judge, as increased under this subsection, exceed the salary of a judge in regular active service with the court on which the retired judge served before retiring.''.

SEC. 302. FEDERAL JUDICIAL CENTER PERSONNEL MATTERS.

Section 625 of title 28, United States Code, is amended—

(1) in subsection (b)—

(A) by striking '', United States Code, governing appointments in'' and inserting ''governing appointments in the'';

(B) by striking ''such title, relating'' and inserting ''such title relating'';

(C) by striking ''pay rates, section 5316, title 5, United States Code'' and inserting ''under section 5316 of title 5, except that the Director may fix the compensation of 4 positions of the Center at a level not to exceed the annual rate of pay in effect for level IV of the Executive Schedule under section 5315 of title 5''; and

(D) by striking ''the Civil Servive'' and all that follows through ''Code'' and inserting ''subchapter III of chapter 83 of title 5 shall be adjusted pursuant to the provisions of section 8344 of such title, and the salary of a reemployed annuitant under chapter 84 of title 5 shall be adjusted pursuant to the provisions of section 8468 of such title'';

(2) in subsection (c)—

(A) by striking '', United States Code, governing appointments in competitive service'' and inserting ''governing appointments in the competitive service,''; and

(B) by striking ''such title, relating'' and inserting ''such title relating''; and

(3) in subsection (d)—

(A) by striking '', United States Code,''; and

(B) by striking '', section 5332, title 5, United States Code'' and inserting ''under section 5332 of title 5''.

SEC. 303. JUDICIAL ADMINISTRATIVE OFFICIALS RETIREMENT MATTERS.

(a) ELIMINATION OF MANDATORY RETIREMENT AGE FOR DIRECTOR OF FEDERAL JUDICIAL CENTER.—Section 627 of title 28, United States Code, is amended—

(1) by striking subsection (a); and

(2) by redesignating subsections (b) through (f) as subsections (a) through (e), respectively.

(b) CREDITABLE SERVICE FOR CERTAIN JUDICIAL ADMINISTRATIVE OFFICIALS.—

(1) Sections 611(d) and 627(d) (as redesignated by subsection (a) of this section) of title 28, United States Code, are each amended by inserting ''a congressional employee in the capacity of primary administrative assistant to a Member of Congress or in the capacity of staff director or chief counsel for the majority or the minority of a committee or subcommittee of the Senate or House of Representatives,'' after ''Congress,''; and

(2) Sections 611(b) and 627(b) (as redesignated by subsection (a) of this section) of such title are each amended—

(A) by striking ''who has served at least fifteen years and'' and inserting ''who has at least fifteen years of service and has''; and

(B) in the first undesignated paragraph, by striking ''who has served at least ten years,'' and inserting ''who has at least ten years of service,''.

(3) Sections 611(c) and 627(c) (as redesignated by subsection (a) of this section) of such title are each amended—

(A) by striking ''served at least fifteen years,'' and inserting ''at least fifteen years of service,''; and

(B) by striking ''served less than fifteen years,'' and inserting ''less than fifteen years of service,''.

SEC. 304. JUDGES' FIREARMS TRAINING.

(a) IN GENERAL.—Chapter 21 of title 28, United States Code, is amended by adding at the end the following new section:

''§ 464. Carrying of firearms by judicial officers

''(a) AUTHORITY.—A judicial officer of the United States is authorized to carry a firearm, whether concealed or not, under regulations promulgated by the Judicial Conference of the United States. The authority granted by this section shall extend only—

''(1) to those States in which the carrying of firearms by judicial officers of the State is permitted by State law, or

''(2) regardless of State law, to any State in which the judicial officer of the United States sits, resides, or is present on official travel status.

''(b) IMPLEMENTATION.—

''(1) REGULATIONS.—The regulations promulgated by the Judicial Conference under subsection (a) shall—

''(A) require a demonstration of a judicial officer's proficiency in the use and safety of firearms as a prerequisite to carrying of firearms under the authority of this section; and

''(B) ensure that the carrying of a firearm by a judicial officer under the protection of the United States Marshals Service while away from United States courthouses is consistent with Marshals Service policy on carrying of firearms by persons receiving such protection.

''(2) ASSISTANCE BY OTHER AGENCIES.—At the request of the Judicial Conference, the Attorney General and appropriate law enforcement components of the Department of Justice shall assist the Judicial Conference in developing and providing training to assist judicial officers in securing the proficiency referred to in paragraph (1).

''(c) DEFINITION.—For purposes of this section, the term 'judicial officer of the United States' means—

''(1) a justice or judge of the United States as defined in section 451 in regular active

service or retired from regular active service;

''(2) a justice or judge of the United States who has been retired from the judicial office under section 371(a) for—

''(A) no longer than a 1-year period following such justice's or judge's retirement; or

''(B) a longer period of time if approved by the Judicial Conference of the United States when exceptional circumstances warrant;

''(3) a United States bankruptcy judge;

''(4) a full-time or part-time United States magistrate judge;

''(5) a judge of the United States Court of Federal Claims;

''(6) a judge of the United States District Court of Guam;

''(7) a judge of the United States District Court for the Northern Mariana Islands;

''(8) a judge of the United States District Court of the Virgin Islands; or

''(9) an individual who is retired from one of the judicial positions described under paragraphs (3) through (8) to the extent provided for in regulations of the Judicial Conference of the United States.

''(d) EXCEPTION.—Notwithstanding section 46303(c)(1) of title 49, nothing in this section authorizes a judicial officer of the United States to carry a dangerous weapon on an aircraft or other common carrier.''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) The table of sections for chapter 21 of title 28, United States Code, is amended—

(A) in the item relating to section 452, by striking ''power'' and inserting ''powers''; and

(B) by adding at the end the following:

''464. Carrying of firearms by judicial officers.''.

(2) The section heading for section 453 of title 28, United States Code, is amended to read as follows:

''§ 453. Oath of justices and judges''.

(c) EFFECTIVE DATE.—The amendments made by subsection (a) and subsection (b)(1)(B) of this section shall take effect upon the earlier of the promulgation of regulations by the Judicial Conference under this section or one year after the date of the enactment of this Act.

SEC. 305. REMOVAL OF AUTOMATIC EXCUSE FROM JURY SERVICE FOR MEMBERS OF THE ARMED SERVICES, MEMBERS OF FIRE AND POLICE DEPARTMENTS, AND PUBLIC OFFICERS.

(a) REMOVAL OF AUTOMATIC EXCUSE.—Section 1863(b) of title 28, United States Code, is amended by striking paragraph (6) and redesignating subsequent paragraphs accordingly.

(b) CONFORMING AMENDMENTS.—Section 1869 of title 28, United States Code, is amended—

(1) by striking subsections (i) and (k);

(2) by redesignating subsection (j) as subsection (i) and by striking the semicolon at the end and inserting ''; and''; and

(3) by redesignating subsection (l) as subsection (k).

(c) SERVICE BY MEMBERS OF ARMED FORCES.—(1) Section 982 of title 10, United States Code, is amended—

(A) by amending the section heading to read as follows:

''§ 982. Members: service on Federal, State, and local juries''; and

(B) in subsection (a) by striking ''State or'' and inserting ''Federal, State, or''.

(2) The item relating to section 982 in the table of sections for chapter 49 of title 10, United States Code, is amended to read as follows:

''982. Members: service on Federal, State, and local juries.''.

SEC. 306. EXPANDED WORKERS' COMPENSATION COVERAGE FOR JURORS.

Paragraph (2) of section 1877(b) of title 28, United States Code, is amended—

(1) by striking ''or'' at the end of clause (C); and

(2) by inserting before the period at the end of clause (D) '', or (E) traveling to or from the courthouse pursuant to a jury summons or sequestration order, or as otherwise necessitated by order of the court''.

SEC. 307. PROPERTY DAMAGE, THEFT, AND LOSS CLAIMS OF JURORS.

Section 604 of title 28, United States Code, is amended by adding at the end the following new subsection:

''(i) The Director may pay a claim by a person summoned to serve or serving as a grand juror or petit juror for loss of, or damage to, personal property that occurs incident to that person's performance of duties in response to the summons or at the direction of an officer of the court. With respect to claims, the Director shall have the authority granted to the head of an agency by section 3721 of title 31 for consideration of employees' personal property claims. The Director shall prescribe guidelines for the consideration of claims under this subsection.''.

SEC. 308. ELIMINATION OF THE PUBLIC DRAWING REQUIREMENTS FOR SELECTION OF JUROR WHEELS.

(a) DRAWING OF NAMES FROM MASTER WHEEL.—Section 1864(a) of title 28, United States Code, is amended—

(1) by striking ''publicly'' in the first sentence; and

(2) by inserting after the first sentence the following: ''The clerk or jury commission shall post a general notice for public review in the clerk's office explaining the process by which names are periodically and randomly drawn.''.

(b) SELECTION AND SUMMONING OF JURY PANELS.—Section 1866(a) of title 28, United States Code, is amended—

(1) by striking ''publicly'' in the second sentence; and

(2) by inserting after the second sentence the following: ''The clerk or jury commission shall post a general notice for public review in the clerk's office explaining the process by which names are periodically and randomly drawn.''.

SEC. 309. ANNUAL LEAVE LIMIT FOR COURT UNIT EXECUTIVES.

Section 6304(f)(1) of title 5, United States Code, is amended—

(1) in subparagraph (D), by striking ''or'' after the semicolon;

(2) in subparagraph (E), by striking the period and inserting ''; or''; and

(3) by adding at the end the following:

''(F) the judicial branch designated as a court unit executive position by the Judicial Conference of the United States.''.

SEC. 310. PAYMENTS TO MILITARY SURVIVOR BENEFIT PLAN.

Section 371(e) of title 28, United States Code, is amended by inserting after ''such retired or retainer pay'' the following: '', except such pay as is deductible from the retired or retainer pay as a result of participation in any survivor's benefits plan in connection with the retired pay,''.

SEC. 311. AUTHORIZATION OF A CIRCUIT EXECUTIVE FOR THE FEDERAL CIRCUIT.

Section 332 of title 28, United States Code, is amended by adding at the end the following new subsection:

''(h)(1) The United States Court of Appeals for the Federal Circuit may appoint a circuit executive, who shall serve at the pleasure of the court. In appointing a circuit executive, the court shall take into account experience in administrative and executive positions, familiarity with court procedures, and special training. The circuit executive shall exercise such administrative powers and perform such duties as may be delegated by the court. The duties delegated to the circuit executive may include but need not be limited to the duties specified in subsection (e) of this section, insofar as they are applicable to the Court of Appeals for the Federal Circuit.

''(2) The circuit executive shall be paid the salary for circuit executives established under subsection (f) of this section.

''(3) The circuit executive may appoint, with the approval of the court, necessary employees in such number as may be approved by the Director of the Administrative Office of the United States Courts.

''(4) The circuit executive and staff shall be deemed to be officers and employees of the United States within the meaning of the statutes specified in subsection (f)(4).

''(5) The court may appoint either a circuit executive under this subsection or a clerk under section 711 of this title, but not both, or may appoint a combined circuit executive/clerk who shall be paid the salary of a circuit executive.''.

SEC. 312. AMENDMENT TO THE JURY SELECTION PROCESS.

Section 1865 of title 28, United States Code, is amended—

(1) in subsection (a) by inserting ''or the clerk under supervision of the court if the court's jury selection plan so authorizes,'' after ''jury commission,''; and

(2) in subsection (b) by inserting ''or the clerk if the court's jury selection plan so provides,'' after ''may provide,''.

SEC. 313. SUPPLEMENTAL ATTENDANCE FEE FOR PETIT JURORS SERVING ON LENGTHY TRIALS.

Section 1871(b)(2) of title 28, United States Code, is amended by striking ''thirty'' each place it appears and inserting ''five''.

SEC. 314. SERVICE ON TERRITORIAL COURTS.

Section 174 of title 28, United States Code, is amended by adding at the end the following new subsection:

''(c) Upon request by or on behalf of a territorial court, and with the concurrence of the chief judge of the Court of Federal Claims and the chief judge of the judicial circuit involved based upon a finding of need, judges of the Court of Federal Claims shall have the authority to conduct proceedings in the district courts of territories to the same extent as duly appointed judges of those courts.''.

SEC. 315. RESIDENCE OF RETIRED JUDGES.

Section 175 of title 28, United States Code, is amended by adding at the end the following new subsection:

''(c) Retired judges of the Court of Federal Claims are not subject to restrictions as to residence. The place where a retired judge maintains the actual abode in which such judge customarily lives shall be deemed to be the judge's official duty station for the purposes of section 456 of this title.''.

SEC. 316. COURT OF FEDERAL CLAIMS JUDICIAL CONFERENCE.

(a) IN GENERAL.—Chapter 15 of title 28, United States Code, is amended by adding at the end the following new section:

''§ 336. Judicial Conference of the Court of Federal Claims

''(a) ANNUAL CONFERENCE.—The chief judge of the Court of Federal Claims is authorized to summon annually the judges of that court to a judicial conference, at a time and place that the chief judge designates, for the purpose of considering the business of the Court of Federal Claims and improvements in the administration of justice in that court.

''(b) REPRESENTATION AND PARTICIPATION BY MEMBERS OF THE BAR.—The Court of Federal Claims shall provide by its rules or by

general order for representation and active participation by members of the bar at the judicial conference summoned under subsection (a).''.

(b) CONFORMING AMENDMENT.—The table of sections of chapter 15 of title 28, United States Code, is amended by adding at the end the following new item:

''336. Judicial Conference of the Court of Federal Claims.''.

SEC. 317. RECALL OF JUDGES ON DISABILITY STATUS.

Section 797(a) of title 28, United States Code, is amended—

(1) by inserting ''(1)'' after ''(a)''; and

(2) by adding at the end the following:

''(2) Any judge of the Court of Federal Claims receiving an annuity pursuant to section 178(c) of this title (pertaining to disability) who, in the estimation of the chief judge, has recovered sufficiently to render judicial service, shall be known and designated as a senior judge and may perform duties as a judge when recalled pursuant to subsection (b) of this section.''.

SEC. 318. SENIOR STATUS PROVISION.

(a) IN GENERAL.—Section 178 of title 28, United States Code, is amended by adding at the end the following new subsection:

''(m) For purposes of section 3121(i)(5) of the Internal Revenue Act of 1986 (26 U.S.C. 3121(i)(5)) and section 209(h) of the Social Security Act (42 U.S.C. 409(h)), the annuity of a judge of the Court of Federal Claims who is on senior status after attaining age 65 shall be deemed to be an amount paid under section 371(b) of this title for performing services under the provisions of section 294 of this title.''.

(b) CLERICAL AMENDMENT.—Section 178(k)(2) of title 28, United States Code, is amended by inserting ''the'' after ''Director of''.

SEC. 319. MISCELLANEOUS PROVISION.

Chapter 7 of title 28, United States Code, is amended by adding after section 178 the following new section:

''§ 179. Insurance and annuities programs

''(a) JUDGES DEEMED TO BE OFFICERS FOR PURPOSES OF TITLE 5.—For purposes of construing title 5, a judge of the United States Court of Federal Claims shall be deemed to be an 'officer' under section 2104(a) of such title.

''(b) HEALTH INSURANCE BENEFITS.—For purposes of construing chapter 89 of title 5, a judge of the United States Court of Federal Claims who—

''(1) is retired under section 178(a) or (b) of this title and performs recall service under section 178(d) of this title, and

''(2) was enrolled in a health benefits plan under chapter 89 of title 5 at the time the judge became a retired judge,

shall be deemed to be an annuitant meeting the requirements of section 8905(b)(1) of title 5, notwithstanding the length of enrollment prior to the date of retirement.''.

TITLE IV—CRIMINAL JUSTICE ACT AMENDMENTS

SEC. 401. MAXIMUM AMOUNTS OF COMPENSATION FOR ATTORNEYS.

Paragraph (2) of subsection (d) of section 3006A of title 18, United States Code, is amended—

(1) in the first sentence—

(A) by striking ''$3,500'' and inserting ''$5,400'';

(B) by striking ''$1,000'' and inserting ''$1,600'';

(2) in the second sentence by striking ''$2,500'' and inserting ''$3,900'';

(3) in the third sentence—

(A) by striking ''$750'' and inserting ''$1,200''; and

(B) by striking ''$2,500'' and inserting ''$3,900'';

(4) by inserting after the second sentence the following new sentence: ''For representation of a petitioner in a non-capital habeas corpus proceeding, the compensation for each attorney shall not exceed the amount applicable to a felony in this paragraph for representation of a defendant before a judicial officer of the district court. For representation of such petitioner in an appellate court, the compensation for each attorney shall not exceed the amount applicable for representation of a defendant in an appellate court.''; and

(5) in the last sentence by striking ''$750'' and inserting ''$1,200''.

SEC. 402. MAXIMUM AMOUNTS OF COMPENSATION FOR SERVICES OTHER THAN COUNSEL.

Section 3006A(e) of title 18, United States Code, is amended—

(1) in paragraph (2)—

(A) in subparagraph (A) by striking ''$300'' and inserting ''$500''; and

(B) in subparagraph (B) by striking ''$300'' and inserting ''$500''; and

(2) in paragraph (3) in the first sentence by striking ''$1,000'' and inserting ''$1,600''.

SEC. 403. TORT CLAIMS ACT AMENDMENTS RELATING TO LIABILITY OF FEDERAL PUBLIC DEFENDERS.

Section 2671 of title 28, United States Code, is amended in the second paragraph—

(1) by inserting ''(1)'' after ''includes''; and

(2) by striking the period at the end and inserting the following: '', and (2) any officer or employee of a Federal Public Defender Organization, except when such officer or employee performs professional services in the course of providing representation under section 3006A of title 18.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Carolina (Mr. COBLE) and the gentleman from Virginia (Mr. BOUCHER) each will control 20 minutes.

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

GENERAL LEAVE

Mr. COBLE. 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. 1752.

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

There was no objection.

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

Mr. Speaker, H.R. 1752 contains several provisions that are needed to improve the Federal court system. It is designed to improve administration and procedures, eliminate operational inefficiencies, and reduce operating expenses.

The provisions contained in H.R. 1752 address administrative, financial, personnel, organizational, and technical changes that are needed by the Article III Federal courts and their supporting agencies. These provisions are designed to have a positive effect on the operations of the Federal courts and enhance the delivery of justice in the Federal system.

The manager's amendment makes no substantive changes. However, on the advice of legislative counsel, certain technical and conforming changes have been made to H.R. 1752. Furthermore, after consultation with the Committee on the Budget, it became clear that the provision regarding the civil asset forfeiture would require unanticipated expenditures. Therefore, it was taken out of H.R. 1752 and will be reconsidered in the future.

H.R. 1752, Mr. Speaker, is necessary legislation for the proper functioning of our United States courts. It is nonpartisan and noncontroversial, and I urge the House to pass H.R. 1752.

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

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

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

Mr. BOUCHER. Mr. Speaker, I am pleased to rise today in support of this measure, which has been well described and characterized by the gentleman from North Carolina (Mr. COBLE), the chairman of the Subcommittee on Courts and Intellectual Property; and I commend him for his leadership in bringing this measure to the floor today.

The Federal Courts Improvement Act makes a variety of changes requested by the Judicial Conference to improve administration and operation of the United States courts. Among other measures, the bill harmonizes a variety of court fees, grants magistrate judges the power to exercise contempt authority in several instances, gives presiding judges the authority to allow media coverage of court proceedings in appropriate cases, and removes the automatic excuse from jury service for certain State and local employees and officials.

These changes will improve the operation of the United States courts, and I am pleased to endorse them this afternoon and to encourage our colleagues to pass this bill.

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

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

Mr. Speaker, I thank the gentleman from Virginia (Mr. BOUCHER) for his generous words. I thank the gentleman from California (Mr. BERMAN), ranking member, and all Members of the subcommittee for their assistance in formulating this bill and moving it forward to the House.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina (Mr. COBLE) that the House suspend the rules and pass the bill, H.R. 1752, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

□ 1430

EXTENDING DEADLINE FOR COMMENCEMENT OF CONSTRUCTION OF HYDROELECTRIC PROJECT IN STATE OF ALABAMA

Mr. OXLEY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3852) to extend the deadline for commencement of construction of a hydroelectric project in the State of Alabama.

The Clerk read as follows:

H.R. 3852

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

SECTION 1. EXTENSION OF DEADLINE AND REINSTATEMENT OF LICENSE.

(a) IN GENERAL.—Notwithstanding the time period specified in section 13 of the Federal Power Act (16 U.S.C. 806) that would otherwise apply to the Federal Energy Regulatory Commission project numbered 7115, the Commission shall, at the request of the licensee for the project, in accordance with the good faith, due diligence, and public interest requirements of that section and the Commission's procedures under that section, extend for 3 consecutive 2-year periods, the time period during which the licensee is required to commence construction of the project.

(b) APPLICABILITY.—Subsection (a) shall take effect on the expiration of the period required for commencement of construction of the project described in subsection (a).

(c) REINSTATEMENT OF EXPIRED LICENSE.—If the license for the project described in subsection (a) has expired prior to the date of enactment of this Act, the Commission shall reinstate the license effective as of the date of its expiration and extend the time required for commencement of construction of the project for not more than 3 consecutive 2-year periods, the first of which shall commence on the date of expiration of the license.

The SPEAKER pro tempore (Mr. MILLER of Florida). Pursuant to the rule, the gentleman from Ohio (Mr. OXLEY) and the gentleman from Virginia (Mr. BOUCHER) each will control 20 minutes.

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

GENERAL LEAVE

Mr. OXLEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation and to insert extraneous material on the bill.

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

There was no objection.

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

H.R. 3852 extends the construction period for a hydroelectric project in the State of Alabama. Under section 13 of the Federal Power Act, project construction must begin within 4 years of issuance of the license. If construction has not yet begun, FERC cannot extend the deadline and must terminate the license. H.R. 3852 grants the project developer up to 6 additional years to commence construction if it pursues the commencement of construction in good faith and with due diligence.

These types of bills have not been controversial in the past. The bill does not change the license requirements in any way and does not change environmental standards, but merely extends the construction deadline.

There is a need to act, Mr. Speaker, since the construction deadline for the George Andrews project expires in September. If Congress does not act, FERC will terminate the license, the project owner will lose its investment in the project, and the local community will lose jobs and revenues.

Mr. Speaker, I urge support of H.R. 3852.

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

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

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

Mr. BOUCHER. Mr. Speaker, I rise today in support of this measure. I want to congratulate our colleague, the gentleman from South Carolina (Mr. DEMINT), for his efforts on this measure. He has made an excellent case to the House for its approval, and I am pleased to urge its approval today.

The legislation directs the Federal Energy Regulatory Commission to extend the deadline for commencement of construction on the Andrews project, which is a 24 megawatt hydroelectric facility to be located on the Chattahoochee River in Houston County, Alabama and Early County, Georgia. The construction deadline for the project expires on September 21 of this year, and it is the purpose of this legislation to extend that deadline. The legislation will extend the deadline for up to 3 additional 2-year periods.

Congress has enacted similar legislation in past years extending construction deadlines on projects of this nature, and this particular legislation was reported unanimously by the Subcommittee on Energy and Power and by the full Committee on Commerce. I know of no objection to this legislation, either from any of our colleagues or from any States that have an interest in the project; and I am, therefore, pleased to urge its passage by the House.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. OXLEY) that the House suspend the rules and pass the bill, H.R. 3852.

The question was taken.

Mr. OXLEY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

EXTENDING DEADLINE FOR COMMENCEMENT OF CONSTRUCTION OF ARROWROCK DAM HYDROELECTRIC PROJECT IN STATE OF IDAHO

Mr. OXLEY. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1236) to extend the deadline under the Federal Power Act for commencement of the construction of the Arrowrock Dam Hydroelectric Project in the State of Idaho, as amended.

The Clerk read as follows:

S. 1236

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

SECTION 1. EXTENSION OF TIME FOR FEDERAL ENERGY REGULATORY COMMISSION PROJECT.

(a) IN GENERAL.—Notwithstanding the time period specified in section 13 of the Federal Power Act (16 U.S.C. 806) that would otherwise apply to the Federal Energy Regulatory Commission project numbered 4656, the Commission may, at the request of the licensee for the project and after reasonable notice, in accordance with the good faith, due diligence, and public interest requirements of that section and the Commission's procedures under that section, extend the time period during which the licensee is required to commence the construction of the project for three consecutive two-year periods.

(b) EFFECTIVE DATE.—Subsection (a) shall take effect on the date of the expiration of the extension issued by the Commission prior to the date of enactment of this Act under section 13 of the Federal Power Act (16 U.S.C. 806).

(c) REINSTATEMENT OF EXPIRED LICENSE.—If the period required for commencement of construction of the project described in subsection (a) has expired prior to the date of enactment of this Act, the Commission shall reinstate the license effective as of the date of its expiration and the first extension authorized under subsection (a) shall take effect on the date of such expiration.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. OXLEY) and the gentleman from Virginia (Mr. BOUCHER) each will control 20 minutes.

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

GENERAL LEAVE

Mr. OXLEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation and to insert extraneous material on the bill.

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

There was no objection.

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

Mr. Speaker, S. 1236 extends the construction period for the Arrowrock Dam Hydroelectric Project in the State of Idaho. Under section 13 of the Federal Power Act, project construction must begin within 4 years of issuance of the license. If construction has not begun by that time, FERC cannot extend the deadline and must terminate the license. S. 1236 authorizes the FERC to grant the project owner up to 6 additional years to commence construction in accordance with the good faith, due diligence, and public interest

requirements of section 13 of the Federal Power Act.

These types of bills have not been controversial in the past. The bill does not change the license requirements in any way and does not change environmental standards but merely extends the construction deadline. The construction deadline for the project expired in March 1999; and, unless Congress acts, FERC will terminate the license, the project owner will lose its investment, and the local community will lose jobs and revenues.

I note this project already received a legislative extension in 1992. For that reason, the committee expects that FERC will vigorously apply the good faith, due diligence, and public interest requirements of the Federal Power Act. If FERC determines that the owner is no longer pursuing project construction in good faith and with due diligence, the agency should refuse to issue further extensions in the construction deadline.

Mr. Speaker, I urge support of S. 1236.

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

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

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

Mr. BOUCHER. Mr. Speaker, I rise in support today of S. 1236 as reported by the Committee on Commerce. In its original form, this legislation would have authorized the Federal Energy Regulatory Commission to extend for 6 more years the deadline for commencing construction of the Arrowrock Dam Project in the State of Idaho.

In his testimony before the subcommittee on the legislation, the chairman of the Federal Energy Regulatory Commission stated his opposition to the bill in the form in which it was then pending before the committee because it would have extended the construction deadline on the Arrowrock Project for a total of up to 16 years.

Traditionally, Congress extends these licenses for a total of only 10 years; and in those instances in which FERC does not object, licenses have been extended for up to that period. I am only aware of one instance in recent memory in which a license has been extended for as much as 16 years.

When an entity holds a license but fails to develop a project, it is potentially preventing others from developing and exploiting that site for hydropower or for other uses. Sometimes a licensee who is not developing a site may be purposefully using license extensions for the very purpose of preventing other potential applicants from developing the site, and that is a process that is known as site banking.

When those rare instances occur in which we extend the license beyond the traditional period of 10 years, it is crucial that we ensure that the Federal Energy Regulatory Commission has the authority and the direction from Congress to prevent site banking.

The reported legislation of the Committee on Commerce, which was drafted with the full participation of the minority, ensures that the FERC has the authority to guard against site banking in this instance. The report is well drafted, and I want to thank the chairman of the subcommittee, my colleague and friend, the gentleman from Texas (Mr. BARTON), for ensuring that the committee report on the measure provides clear direction to FERC to be vigilant in this area. I had requested that treatment during subcommittee consideration; and, in fact, it was provided.

The report clearly states that if the Federal Energy Regulatory Commission determines that the licensee is not pursuing construction in accordance with the good faith, due diligence, and public interest requirements that are contained in section 13 of the Federal Power Act, then the committee expects the agency to refuse to grant a request for an additional license extension, and in that instance to terminate the license.

The subcommittee also corrects an oversight by the other body which failed to provide for the reinstatement of the license in the event that it lapses. And I would note that in this case the license has in fact lapsed and that correction is contained in the substitute that we are considering today.

Mr. Speaker, I support this measure as reported from the committee; and I am pleased to urge our colleagues to approve it this afternoon.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. OXLEY) that the House suspend the rules and pass the Senate bill, S. 1236, as amended.

The question was taken.

Mr. OXLEY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

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MUHAMMAD ALI BOXING REFORM ACT

Mr. OXLEY. Mr. Speaker, I move to suspend the rules and concur in the Senate amendments to the bill (H.R. 1832) to reform unfair and anti-competitive practices in the professional boxing industry.

The Clerk read as follows:

Senate amendments:

Page 6, after line 17, insert:

''(c) PROTECTION FROM COERCIVE CONTRACTS WITH BROADCASTERS.—Subsection (a) of this section applies to any contract between a commercial broadcaster and a boxer, or granting any rights with respect to that boxer, involving a broadcast in or affecting interstate commerce, regardless of the broadcast medium. For the purpose of this subsection, any reference in subsection (a)(1)(B) to 'promoter' shall be considered a reference to 'commercial broadcaster'.

Page 17, after line 24, insert:

(1) in paragraph (9) by inserting after ''match.'' the following: ''The term 'promoter' does not include a hotel, casino, resort, or other commercial establishment hosting or sponsoring a professional boxing match unless—

''(A) the hotel, casino, resort, or other commercial establishment is primarily responsible for organizing, promoting, and producing the match; and

''(B) there is no other person primarily responsible for organizing, promoting, and producing the match.'';

Page 18, line 1, strike out ''(1)'' and insert ''(2)''

Page 18, line 4, strike out ''(2)'' and insert: ''(3)''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. OXLEY) and the gentleman from Virginia (Mr. BOUCHER) each will control 20 minutes.

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

GENERAL LEAVE

Mr. OXLEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation and to insert extraneous material on the bill.

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

There was no objection.

Mr. OXLEY. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, I am proud to sponsor H.R. 1832, the Muhammad Ali Act, to enact anti-bribery safeguards for the sport of boxing.

Four years ago, I sponsored another piece of legislation, the Professional Boxing Safety Act of 1996. This act established the first-ever uniform licensing and health and safety system to protect professional boxers, and prohibited conflicts of interest by boxing's State regulatory commissions. This legislation was a great success, but the State boxing commissions and attorneys general have now asked us to go the next step to clean up the corruption among boxing's promoters, managers, and sanctioning bodies.

Ironically, the Professional Boxing Safety Act took effect on the same weekend as the now infamous fight between Mike Tyson and Evander Holyfield, where Tyson bit off a piece of Holyfield's ear. Before this act took effect, there was no uniform safety laws governing boxers, and States were unable to effectively regulate the sport. Because of the Professional Boxing Safety Act, the suspension of Mike Tyson by the Nevada Boxing Commission was recognized nationwide, preventing Tyson from fighting again until his suspension was completed.

The Muhammad Ali Boxing Reform Act, which we consider today, amends the Professional Boxing Safety Act to expand the consumer protections and anti-bribery provisions. It prevents

promoters, sanctioning bodies, and networks from forcing boxers into coercive contracts as a condition of participating in a mandatory bout. No longer will promoters be able to abuse boxers and monopolize the sport by requiring boxers to sign away all their rights in order to get a big break or keep their ranking.

The bill also cleans up the arbitrary ranking systems of sanctioning bodies. In the past, promoters and sanctioning bodies have been able to rig the sport by placing favored boxers who have signed away promotional rights in the top rankings. Boxers who do not grant appropriate favors are arbitrarily dropped from the ranking or prevented from moving up. This bill requires the sanctioning bodies to publish written criteria for ranking boxers and requires sanctioning bodies and promoters to disclose all revenues and other compensation received in connection with the boxers to minimize the opportunities for bribery and back-room dealing.

This new system will force sanctioning bodies to rank boxers based on merit not subservience. It will mean new opportunities for honest boxers who are trying to fight their way up the rankings and more integrity and respect for the sport since boxing fans will know that championship matches are being fought by true champions.

□ 1445

Judges and referees are also required to clean up their act under this legislation. They must be certified and approved by a State boxing commission, and they are required to disclose their sources of compensation in order to prevent any impropriety. No longer will sanctioning bodies and promoters be able to influence judges or hire uncertified referees.

The State boxing commissions are directed to develop and approve guidelines for uniform rating criteria for boxers. Boxing has long suffered from the lack of standardized rankings. This legislation maintains flexibility but directs the establishment of uniform guidelines to increase public confidence in the sport.

H.R. 1832 finishes the job started several years ago by weeding out corruption from boxing. It passed the House last November by voice vote. The only change today is the addition by the Senate of a provision stating that commercial broadcasters cannot coerce boxers into coercive contracts, parallel to the same restrictions already in the bill for promoters.

I do not believe that broadcasters have any interest in forcing boxers into exclusive long-term contracts as a condition of being able to fight in a broadcast event, so I view the amendment as a supplemental safeguard.

This legislation is good for boxing and good for the fans. It has been endorsed by almost every major boxing magazine, numerous high-profile boxers, promoters, managers, and almost half of the U.S. State attorneys general.

In the words of one of boxing's greatest, Muhammad Ali, ''The day this bill is signed into law cannot come soon enough. I pray justice will be done and somehow, along the way, honor can be restored to this sport.''

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

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

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

Mr. BOUCHER. Mr. Speaker, I want to begin this afternoon by commending our colleague, the gentleman from Ohio (Mr. OXLEY), for his truly excellent work in bringing this measure forward. I think he has performed an important public service. I am pleased to lend my support to the passage of this legislation.

Mr. Speaker, the Muhammad Ali Boxing Reform Act is cosponsored by 11 Democratic Members, including three Democratic members of the Committee on Commerce: the gentleman from New York (Mr. ENGEL), the gentleman from New Jersey (Mr. PALLONE), and the gentleman from Texas (Mr. HALL).

The bill was reported from the Committee on Commerce and was passed by the full House by voice vote. It also was approved by the Senate with an amendment by unanimous consent. And today we consider that Senate amendment, which I am pleased to endorse and with regard to which I am pleased to urge approval.

In 1996, the Committee on Commerce reported legislation which became law establishing minimum health and safety standards for professional boxing. The bill that we are considering today addresses abuses that occur on the business side of boxing. The bill contains protections for professional boxers against coercive contracts they may be pressured to sign by nonscrupulous promoters. The amendment to the bill added by the other body applies this same protection against coercive contracts that may be presented by broadcasters.

In addition, the bill requires sanctioning organizations and promoters to disclose to the State boxing commissions any agreement that they may have with the boxer and any fees they charge the boxer in the case of a fight of 10 rounds or more. These, I think, are helpful provisions.

Mr. Speaker, this bill has enjoyed broad support throughout the entire process, and I am pleased today to urge our colleagues to adopt the Senate amendment and give approval to this measure.

Mr. Speaker, I am pleased to yield 4 minutes to the gentlewoman from the District of Columbia (Ms. NORTON).

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

Mr. Speaker, I thank the gentleman from Ohio (Chairman OXLEY) and the gentleman from Virginia (Mr. BOUCHER) for their hard work on this bill.

My colleagues may wonder why this feminist Member is coming to the floor on this bill to strongly support it. I note that my name was not read off as a cosponsor. I have to ask my staff, in light of a bill I introduced, H.R. 2354, how they missed this one.

After the heavyweight match between Mike Tyson and Evander Holyfield in Las Vegas, I was so stunned and shamed by the incident that I decided to learn a little bit about this sport, which, I confess, I do not favor but accept as a reality will be with us for some time, and discovered the loophole that is closed by this bill today.

I introduced the State Reciprocity and Professional Boxing Act of 1997 since I saw I had no assurance that Mike Tyson could not, when suspended in Nevada, go off and fight in some other State. That seemed to me to be unprofessional and not what either the Congress intended in the Professional Boxing Safety Act of 1996 or, for that matter, anybody who watched that disgraceful performance would have wanted.

Now this bill has come forward to do precisely what my bill would have done and to go somewhat further in adopting the Senate amendments to ensure that no boxer is permitted to box while under suspension by any other State.

Wherever one stands on whether or not grown men should get in a ring and go at one another, we certainly know that they ought to do so governed by sportsman-like conduct.

I think it is most appropriate that this bill is named for Muhammad Ali. I am sure that if he were inclined to speak, as he often spoke out as a young man, he would find that this bill does the sport proud and helps elevate the sport once again.

I believe that the House, in making sure that it is vigilant whenever it sees amendments that should be made to the Professional Boxing Safety Act of 1996, does a great service to the sport, to reclaiming its good name, and especially to those honorable men and women, the great majority of them who continue to exercise this sport.

In light of my own concern and my own bill right after the Tyson-Holyfield fight, I wanted to be sure to come forward to thank the chairman and the ranking member for their diligence in seeing to it that this loophole is closed.

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

Mr. Speaker, let me thank the gentlewoman from the District of Columbia (Ms. NORTON) for her words and for her support of this legislation, as well as my good friend, the gentleman from Virginia (Mr. BOUCHER).

I would be remiss, also, without mentioning our good friend, Senator JOHN MCCAIN, who had been a real leader on this issue, the chairman of the Committee on Commerce in the Senate and the driving force behind this bill and the one we previously passed 2 years

ago. So we want to thank him for his leadership.

Mr. TAUZIN. Mr. Speaker, I rise in support of H.R. 1832, the Muhammad Ali Boxing Reform Act.

I grew up as a young boy living in south Louisiana. The first television set in our community came to my grandfather's house, and some of my earliest bonding memories with my dad and grandfather were when we got together with our friends from the whole community and gathered around that only television set in our area to watch the great boxing fights of our day.

Perhaps the greatest fighter in all of boxing history is Muhammad Ali. Muhammad Ali gave his name to this legislation because he believes it is absolutely critical to help protect boxers and clean up the sport from the occasional unscrupulous individuals who have recently given it a bad name.

Last June, my Commerce Subcommittee on Telecommunications, Trade, and Consumer Protection held a hearing on this legislation to get input from various State boxing commissioners, promoters, managers, boxing fans, and boxers. Coincidentally, the hearing took place just after an extremely controversial decision in a fight between Evander Holyfield and Lennox Lewis, in which an International Boxing Federation judge awarded the title to Mr. Holyfield, the IBF champion, instead of to Mr. Lewis, the World Boxing Council champion and clear apparent winner according to most boxing commentators. At our hearing, one witness said the decision by the IBF judge was dishonest, two said it was incompetent, the third called it ''highly influenced'', and Middleweight Boxer Alfonzo Daniels simply replied, ''Lewis was robbed''.

We are all robbed when this kind of corruption and incompetence touches on this great sport. Since that time there have continued to be indictments and allegations of corruption in the sport. The Miami Herald reported that over 30 prize fights have been fixed or tainted with fraud in the last dozen years. A Los Angeles Times investigation found that boxing ranking were sometimes sold by sanctioning bodies and that boxing promoters and managers make thinly disguised bribes to improve their boxers' standings and to get them more lucrative fights.

In fact, the week before the House passed an earlier version of this legislation last November, a Federal grand jury issued a 32-count indictment against the President and three officials of the International Boxing Federation on charges of taking bribes from promoters and managers to manipulate rankings, as well as racketeering and money laundering. According to the Federal prosecutor, ''In the IBF, ranking were bought, not earned . . . completely corrupt[ing] the . . . ranking system.''

This legislation will remove the few rotten actors that have been giving a bad name to the numerous honest and hardworking individuals that have made this sport so great. It is good for boxing and good for boxing fans. We will now all be able to trust in the integrity of the sport, and enjoy without suspicion boxing's championship fights, just like I did with my father and grandfather many years ago.

In conclusion, I would like to thank some of the people who have worked so hard on this legislation to make it a reality, including ABC President Greg Sirb, promoter Tony Holden, Senate Commerce Committee staff Paul Feeney, George Otto with the Quarry Foundation, and of course the Great One, Muhammad Ali, without whose persistence and support we would not be able to achieve what we are about to accomplish here today.

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

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

The SPEAKER pro tempore (Mr. MILLER of Florida). The question is on the motion offered by the gentleman from Ohio (Mr. OXLEY) that the House suspend the rules and concur in the Senate amendments to the bill, H.R. 1832.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate amendments were concurred in.

A motion to reconsider was laid on the table.

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NATIONAL MOMENT OF REMEMBRANCE TO HONOR MEN AND WOMEN WHO DIED IN PURSUIT OF FREEDOM AND PEACE

Mrs. BIGGERT. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 302) calling on the people of the United States to observe a National Moment of Remembrance to honor the men and women of the United States who died in the pursuit of freedom and peace.

The Clerk read as follows:

H. CON. RES. 302

Whereas the preservation of basic freedoms and world peace has always been a valued objective of this nation;

Whereas thousands of American men and women have selflessly given their lives in service as peacemakers and peacekeepers;

Whereas greater strides should be made to demonstrate appreciation for these loyal Americans and the ultimate sacrifice they each made;

Whereas Memorial Day is an appropriate day to remember American heroes by inviting the people of the United States to honor these heroes at a designated time;

Whereas Memorial Day needs to be made relevant to both present and future generations of Americans; and

Whereas a National Moment of Remembrance each Memorial Day at 3:00 p.m., local time, would provide the people of the United States an opportunity to participate in a symbolic act of American unity: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) calls on the people of the United States to observe a National Moment of Remembrance to honor the men and women of the United States who died in the pursuit of freedom and peace; and

(2) requests that the President issue a proclamation calling on the people of the United States to observe such a National Moment of Remembrance.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Illinois (Mrs. BIGGERT) and the gentlewoman from the District of Columbia (Ms. NORTON) each will control 20 minutes.

The Chair recognizes the gentlewoman from Illinois (Mrs. BIGGERT).

GENERAL LEAVE

Mrs. BIGGERT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Con. Res. 302.

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

There was no objection.

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

Mr. Speaker, President Calvin Coolidge once said, ''The nation which forgets its defenders will be itself forgotten.''

President Coolidge's words highlight the reason we must never forget those who have sacrificed everything for the defense of this country. They are also one of the main reasons why I rise today in strong support of House Concurrent Resolution 302, sponsored by our colleagues, the gentleman from California (Mr. ROHRABACHER) and the gentleman from Pennsylvania (Mr. MURTHA).

This bipartisan resolution calls upon the American people this Memorial Day to join together and observe a National Moment of Remembrance to honor the men and women who died in the pursuit of freedom and peace. The resolution also asks the President to issue a proclamation calling on the people of the United States to observe at 3 p.m. local time a National Moment of Remembrance for all those who fought for our country.

To put it succinctly, Mr. Speaker, the purpose of this resolution is to put the ''memorial'' back in ''Memorial Day.'' It is intended to serve as a reminder that a day has been set aside for us to formally recognize and give thanks for the efforts of those who have served in uniform.

Unfortunately, the meaning of this special day is slowly fading from our national conscience. In May 1996, children touring Lafayette Park here in our Nation's capital were asked about the meaning of Memorial Day. Their answer was ''That's the day the pools open.''

That exchange, which occurred right across the street from the White House, sparked the idea of a Moment of Remembrance to remind us all why we celebrate Memorial Day. This movement has been led by one of America's premier humanitarian organizations, No Greater Love.

Thanks to the efforts of this dedicated organization, 1997 was the first day in our history that ''Taps'' was played at 3 p.m. on Memorial Day in locations throughout the country. This simple but meaningful remembrance continued in 1998 and 1999. And how appropriate that dignified ceremony is.

No one can hear that solitary bugle's music without reflecting on the many fallen heroes at whose funerals it has been played over the years. These heroes were men and women who, in this century alone, saw us through two world wars, conflicts in Korea and

Vietnam, and more, recently, the victory in the Persian Gulf. Their strength also led us through a Cold War and laid the groundwork for democracy and freedom to flourish worldwide.

Mr. Speaker, in an article entitled ''Freedom's Worth,'' Marine Lt. Col. Jeff Douglass described an incident that he experienced while waiting for a flight in Sarajevo while serving on assignment with NATO forces in Bosnia and Herzegovina.

I want to quote from this article to give us all a better understanding of what is behind this resolution.

While waiting for the flight from Sarajevo to Vienna, I found myself in a conversation with a gentleman named Peter. Peter was departing Sarajevo after gathering research for a book he was writing. As we stood waiting for the flight, Peter pointed to my passport and said, ''Do you know what that is worth?'' I looked at him, then at my passport. ''I'm afraid I don't understand,'' I replied.

He glanced at me with a puzzled look, then laughed. ''Of course,'' he said. ''Forgive me, I forgot. You Americans do not realize the blessings you have. So many in this world envy you, and you do not know what you have.''

Peter pointed to the people who filled the terminal and waited for the same flight. There in the fog of tobacco smoke and the physical evidence of damage caused by the recent war, many travelers looked sad, saying good-bye to loved ones and friends.

As we watched, Peter continued his comments. ''You see, freedom is what these people cherish. It is such a dream for many. Here, as in the case for many countries, families are willing to send their young away to freedom, in spite of the pain. You Americans are a lighthouse beacon for freedom and I wonder if you realize this.''

□ 1500

Mr. Speaker, this resolution invites all Americans to keep in mind how blessed we are to live in this land of the free. But more important, by encouraging all of us to take one minute this Memorial Day to remember the thousands of young men and women who have given their lives to defend this Nation, it will give us a better understanding of the high price of the liberties we enjoy.

And our children will learn that there is much more, much more to Memorial Day than a day at the beach or the pool. They will also better understand the meaning of these words President Lincoln penned to Mrs. Bixby upon learning of the death of her five sons who died on Civil War battlefields.

I feel how weak and fruitless must be my word of mine which should attempt to beguile from the grief of a loss so overwhelming. But I cannot refrain from tendering to you the consolation that may be found in the thanks of the Republic they died to serve.

Mr. Speaker, I am proud to offer this legislation for consideration, and I encourage all my colleagues to support it.

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

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

Mr. Speaker, in the absence of the ranking member of the subcommittee, I am pleased to offer these remarks in support of H. Con. Res. 302, calling on the people of the United States to observe a national moment of remembrance to honor the men and women of the United States who died in pursuit of freedom and peace.

Mr. Speaker, 3 years ago, No Greater Love, a nonprofit organization providing annual programs for those who lost loved ones in service to our country, initiated the national moment of remembrance. No Greater Love is committed to freedom, human dignity, and the idea that the beginning of the end of war lies in remembrance. It is because of this commitment that No Greater Love sought to remind Americans of the true meaning of Memorial Day, which began in 1865 in Waterloo, New York.

Henry C. Wells, a druggist in the village of Waterloo, mentioned at a social gathering that honor should be shown to the patriotic dead of the Civil War by decorating their graves. In the spring of 1866, the townspeople adopted the idea and placed wreaths, crosses, and bouquets on each Union veteran's grave. The village is decorated with flags at half mast and draped with greenery and black streamers.

In May 1968, General John A. Logan, First Commander of the Grand Army of the Republic, issued General Order Number 11, establishing Decoration Day, now commonly referred to as Memorial Day. Waterloo joined other communities in celebrating the first official recognition of Memorial Day on May 30.

On the second of this month, President Clinton adopted No Greater Love's cause and issued a memorandum to all heads of executive departments and agencies directing them to promote and provide resources to support a national moment of remembrance on Memorial Day. This great institution can act by supporting H. Con. Res. 302.

This resolution introduced by the gentleman from California (Mr. ROHRABACHER) calls on the people of the United States to observe a national moment of remembrance to honor the men and women of the United States who died in pursuit of freedom and peace. The moment of remembrance would take place at 3 p.m. each Memorial Day to provide Americans with an opportunity to participate in a symbolic act of American unity.

Let us reclaim the vision of Henry Wells and the townspeople of Waterloo by passing this resolution and recommitting ourselves to truly honor the men and women who died for the freedom and peace we enjoy.

Today, I congratulate the sponsor and cosponsors of this resolution.

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

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

I commend the gentleman from California (Mr. ROHRABACHER) and the gentleman from Pennsylvania (Mr. MURTHA) for introducing this resolution. And I thank the gentleman from Indiana (Mr. BURTON), chairman of the Committee on Government Reform; the gentleman from Florida (Mr. SCARBOROUGH), chairman of the Subcommittee on Civil Service; and the gentleman from California (Mr. WAXMAN); and the gentleman from Maryland (Mr. CUMMINGS), the ranking members, respectively, of the Government Reform Committee and the Subcommittee on Civil Service, for expediting passage of this resolution. I thank the gentlewoman from the District of Columbia (Ms. Norton) for bringing this to the floor as well and for her strong support of it.

To close, Mr. Speaker, let me quote from a poem that captures perhaps more than any other, those emotions and realities that are symbolized by Memorial Day. This poem entitled ''In Flanders Fields'' serves as a lasting legacy to the terrible battles of World War I and to all the servicemen and women who have dedicated themselves to defending the freedoms we enjoy today.

''In Flanders fields the poppies blow
Between the crosses, row on row,
That mark our place; and in the sky
The larks, still bravely singing, fly

Scarce heard amid the guns below.
We are the Dead. Short days ago
We lived, felt dawn, saw sunset glow,
Loved and were loved, and now we lie,
In Flanders fields.

Take up our quarrel with the foe:
To you from failing hands we throw
The torch; be yours to hold it high.
If ye break faith with us who die
We shall not sleep, though poppies grow
In Flanders fields.

Mr. ROHRABACHER. Mr. Speaker, I wish to express my sincere appreciation to Committee Chairman DAN BURTON, Subcommittee Chairman JOE SCARBOROUGH, Ms. JUDY BIGGERT, Ms. ELEANOR HOLMES-NORTON, and other Members and staff of the House Government Reform Committee supporting this bipartisan resolution that honors the brave American men and women who have died defending freedom and peace. H. Con. Res. 302 calls on the people of the United States to observe a National Moment of Remembrance on Memorial Day.

The voluntary moment of silence at 3 p.m. local time in the various time zones that span our great nation, will offer all Americans the opportunity to participate in a symbolic act of national unity. In addition, this effort will reinforce the true meaning of Memorial Day and call attention to the high price that has been paid by Americans of all walks of life to win and defend our freedom, from George Washington's revolutionary forces to those heroes who have perished in more recent military actions from the Persian Gulf to Somalia to the Balkans.

In my personal experience, I grew up in a military family during the Cold War. My father, Colonel Donald Rohrabacher, a Marine Corps aviator, was a veteran of World War II and the Korean War. He was also among thousands of Americans who participated in dangerous experimental military missions to develop the weapons systems that led to our technological advantage and ultimate Cold War victory. In

particular, he commanded aviators participating in developing the methods of delivering nuclear weapons from tactical aircraft.

I recall my mother and father making Commander's condolence calls on the wives and children of members of his unit who perished in developing the dangerous aviation maneuvers. It was tragic that, because of the then-secret nature of this critical national security mission, the families never knew the true nature and importance of their sacrifices. They were told only that their loved ones perished in ''training'' exercises. I will never forget the faces of those widows and their children who were my playmates.

This resolution asks all Americans to recall and honor the sacrifices of these men and all of the others who made the ultimate sacrifice for our freedom. I extend gratitude to Carmella LaSpada, the director of the non-profit No Greater Love organization, who originated the idea for the National Moment of Silence. From the middle of the Vietnam War, No Greater Love has worked with the families of deceased service members and those missing in action, organized celebrities to conduct hospital visits for wounded veterans and has conducted Memorial Day remembrance ceremonies at Arlington National Cemetery.

I urge my colleagues on both sides of the aisle to support this resolution for a National Moment of Remembrance.

Mr. GILMAN. Mr. Speaker, I rise today in strong support of H. Con. Res. 302, legislation calling for a National moment of remembrance to honor the men and women who died in the pursuit of freedom and peace. I urge my colleagues to join in supporting this timely and appropriate measure.

This bill provides for a minute of remembrance to occur on each Memorial Day at 3 p.m., local time, for the population to pause and remember all those who selflessly gave their lives in defending the cause of freedom. It further calls on the President to issue a proclamation calling for the same.

Mr. Speaker, Memorial Day is a solemn occasion, that all too often in recent years, has become simply the unofficial start of summer or another excuse for a retail sale. Perhaps this is the result of the past near 30 years of relative peace.

Whatever the reason, it is important that we not forget the original reason for the founding of Memorial Day. This legislation will help to prevent this. We need to honor the memories of those who died to secure the blessings of liberty that we enjoy today. For this reason, I urge my colleagues to give their support to this worthy measure.

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

The SPEAKER pro tempore (Mr. MILLER of Florida). The question is on the motion offered by the gentlewoman from Illinois (Mrs. BIGGERT) that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 302.

The question was taken.

Mrs. BIGGERT. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until approximately 6 p.m.

Accordingly (at 3 o'clock and 6 minutes p.m.), the House stood in recess until approximately 6 p.m.

□

□ 1800

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. FOSSELLA) at 6 p.m.

□

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will now put the question on each motion to suspend the rules on which further proceedings were postponed earlier today in the order in which that motion was entertained.

Votes will be taken in the following order:

H.R. 3852, the yeas and nays;

S. 1236, the yeas and nays; and

H. Con. Res. 302, the yeas and nays.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

□

EXTENDING DEADLINE FOR COMMENCEMENT OF CONSTRUCTION OF HYDROELECTRIC PROJECT IN STATE OF ALABAMA

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 3852.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. OXLEY) that the House suspend the rules and pass the bill, H.R. 3852, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 354, nays 0, not voting 80, as follows:

[Roll No. 211]

YEAS—354

Abercrombie
Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baird
Baldacci
Baldwin
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Burr
Burton
Buyer
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Combest
Condit
Conyers
Cook
Costello
Cox
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
DeFazio
Delahunt
DeLauro
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Fossella
Fowler
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Hall (OH)
Hall (TX)
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilliard
Hinchey
Hinojosa
Hoeffel
Hoekstra
Holden
Holt
Horn
Hostettler
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
King (NY)
Kleczka
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lantos
Largent
Larson
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Mascara
Matsui
McCarthy (MO)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Price (NC)
Quinn
Radanovich
Rahall
Regula
Reyes
Rivers
Roemer
Rogan
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Ryan (WI)
Sabo
Salmon
Sanchez
Sandlin
Sanford
Sawyer
Saxton
Schaffer
Scott
Sensenbrenner
Serrano
Sessions
Shaw
Sherman
Sherwood
Shimkus
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Sununu
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Thune
Thurman
Tiahrt
Traficant
Udall (CO)
Udall (NM)
Upton
Velazquez
Vento
Visclosky
Vitter
Walsh
Wamp
Waters
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—80

Ackerman
Baker
Ballenger
Barton
Bilirakis
Brown (FL)
Brown (OH)
Bryant
Callahan

Capuano
Chenoweth-Hage
Coburn
Collins
Cooksey
Coyne
Deal
DeGette
DeLay
Forbes
Ford
Frank (MA)
Franks (NJ)
Gillmor
Goodling
Gutierrez
Gutknecht
Hansen
Hilleary
Hobson
Hooley
Houghton
Jones (OH)
Kaptur
Kind (WI)
Kingston
Klink
Lampson
Lazio
Lucas (OK)
Markey
Martinez
McCarthy (NY)
McIntosh
McKinney
McNulty
Meehan
Minge
Moakley
Paul
Peterson (PA)
Pomeroy
Pryce (OH)
Ramstad
Rangel
Reynolds
Riley
Rodriguez
Rogers
Rush
Ryun (KS)
Sanders
Scarborough
Schakowsky
Shadegg
Shays
Shows
Souder
Stupak
Sweeney
Taylor (MS)
Thompson (MS)
Tierney
Toomey
Towns
Turner
Walden
Watkins
Weiner
Wicker
Wise

□ 1823

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

So (two-thirds having voted in favor thereof) the rules were suspended and 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. SHADEGG. Mr. Speaker, I was unavoidably detained in Arizona and was unable to vote on rollcall No. 211. Had I been present, I would have voted ''yes.''

Mr. WALDEN of Oregon. Mr. Speaker, on rollcall No. 211, due to airline problems, I missed the vote. Had I been present, I would have voted ''yes.''

Mr. KIND. Mr. Speaker, on rollcall No. 211, unfortunately, due to an unavoidable weather delay I missed today's rollcall vote. Had I been present, I would have vote ''yea.''

Mr. OXLEY. Mr. Speaker, I ask unanimous consent that the Committee on Commerce be discharged from further consideration of the Senate bill (S. 1836) to extend the deadline for commencement of construction of a hydroelectric project in the State of Alabama, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore (Mr. FOSSELLA). Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 1836

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

SECTION 1. EXTENSION OF DEADLINE AND REINSTATEMENT OF LICENSE.

(a) IN GENERAL.—Notwithstanding the time period specified in section 13 of the Federal Power Act (16 U.S.C. 806) that would otherwise apply to the Federal Energy Regulatory Commission project numbered 7115, the Commission shall, at the request of the licensee for the project, in accordance with the good faith, due diligence, and public interest requirements of that section and the Commission's procedures under that section, extend for 3 consecutive 2-year periods, the time period during which the licensee is required to commence construction of the project.

(b) APPLICABILITY.—Subsection (a) shall take effect on the expiration of the period required for commencement of construction of the project described in subsection (a).

(c) REINSTATEMENT OF EXPIRED LICENSE.—If the license for the project described in subsection (a) has expired prior to the date of enactment of this Act, the Commission shall reinstate the license effective as of the date of its expiration and extend the time required for commencement of construction of the projects for not more than 3 consecutive 2-year periods, the first of which shall commence on the date of expiration of the license.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 3852) was laid on the table.

□

EXTENDING DEADLINE FOR COMMENCEMENT OF CONSTRUCTION OF ARROWROCK DAM HYDROELECTRIC PROJECT IN STATE OF IDAHO

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the Senate bill, S. 1236, as amended.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. OXLEY) that the House suspend the rules and pass the Senate bill, S. 1236, as amended, on which the yeas and nays are ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 356, nays 0, not voting 78, as follows:

[Roll No. 212]

YEAS—356

Abercrombie
Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baird
Baldacci
Baldwin
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Burr
Burton
Buyer
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Combest
Condit
Conyers
Cook
Costello
Cox
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
DeFazio
DeGette
Delahunt
DeLauro
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Fossella
Fowler
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Hall (OH)
Hall (TX)
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilliard
Hinchey
Hinojosa
Hoeffel
Hoekstra
Holden
Holt
Horn
Hostettler
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kleczka
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lantos
Largent
Larson
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Mascara
Matsui
McCarthy (MO)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Price (NC)
Quinn
Rahall
Regula
Reyes
Rivers
Roemer
Rogan
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Ryan (WI)
Sabo
Salmon
Sanchez
Sandlin
Sanford
Sawyer
Saxton
Schaffer
Scott
Sensenbrenner
Serrano
Sessions
Shaw
Sherman
Shimkus
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Thune
Thurman
Tiahrt
Traficant
Udall (CO)
Udall (NM)
Upton
Velazquez
Vento
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—78

Ackerman
Baker
Ballenger
Barton
Bilirakis
Brown (FL)
Brown (OH)
Bryant
Callahan
Capuano
Chenoweth-Hage
Coburn
Collins
Cooksey
Coyne
Deal
DeLay
Forbes
Ford
Frank (MA)
Franks (NJ)
Gillmor
Goodling
Gutierrez
Gutknecht
Hansen
Hilleary
Hobson
Hooley
Houghton
Jones (OH)
Kaptur
Kingston
Klink
Lampson
Lazio
Lucas (OK)
Markey
Martinez
McCarthy (NY)
McIntosh
McKinney
McNulty
Meehan
Minge
Moakley
Paul
Peterson (PA)
Pomeroy
Pryce (OH)
Radanovich
Ramstad
Rangel
Reynolds

Riley
Rodriguez
Rogers
Rush
Ryun (KS)
Sanders
Scarborough
Schakowsky
Shadegg
Shays
Sherwood
Shows
Souder
Stupak
Taylor (MS)
Thompson (MS)
Tierney
Toomey
Towns
Turner
Watkins
Weiner
Wicker
Wise

□ 1833

So (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. SHADEGG. Mr. Speaker, I was unavoidably detained in Arizona and was unable to vote on rollcall No. 212. Had I been present, I would have voted ''yea.''

□

NATIONAL MOMENT OF REMEMBRANCE TO HONOR MEN AND WOMEN WHO DIED IN PURSUIT OF FREEDOM AND PEACE

The SPEAKER pro tempore (Mr. FOSSELLA). The pending business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 302.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Illinois (Mrs. BIGGERT) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 302, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 362, nays 0, not voting 72, as follows:

[Roll No. 213]

YEAS—362

Abercrombie
Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baird
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Burr
Burton
Buyer
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Combest
Condit
Conyers
Cook
Costello
Cox
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Fossella
Fowler
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Hall (OH)
Hall (TX)
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilliard
Hinchey
Hinojosa
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kleczka
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lantos
Largent
Larson
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Mascara
Matsui
McCarthy (MO)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Price (NC)
Quinn
Radanovich
Rahall
Regula
Reyes
Rivers
Roemer
Rogan
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Ryan (WI)
Sabo
Salmon
Sanchez
Sandlin
Sanford
Sawyer
Saxton
Schaffer
Scott
Sensenbrenner
Serrano
Sessions
Shaw
Sherman
Sherwood
Shimkus
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Thune
Thurman
Tiahrt
Towns
Traficant
Udall (CO)
Udall (NM)
Upton
Velazquez
Vento
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—72

Ackerman
Baker
Barton
Bilirakis
Brown (FL)
Brown (OH)
Bryant
Callahan
Capuano
Chenoweth-Hage
Coburn
Collins
Cooksey
Coyne
DeLay
Forbes
Ford
Frank (MA)
Franks (NJ)
Gillmor
Goodling
Gutierrez
Gutknecht
Hansen
Hilleary
Hobson
Houghton
Jones (OH)
Kaptur
Kingston
Klink
Lampson
Lazio
Markey
Martinez
McCarthy (NY)
McIntosh
McKinney
McNulty
Meehan
Minge
Moakley
Obey
Paul
Peterson (PA)
Pomeroy
Pryce (OH)
Ramstad
Rangel
Reynolds
Riley
Rodriguez
Rogers
Rush
Ryun (KS)
Sanders
Scarborough
Schakowsky
Shadegg
Shays
Shows
Souder
Stupak
Taylor (MS)
Thompson (MS)
Tierney
Toomey
Turner
Watkins
Weiner
Wicker
Wise

□ 1841

So (two-thirds having voted in favor thereof), the rules were suspended and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. SHADEGG. Mr. Speaker, I was unavoidably detained in Arizona and was unable to vote on rollcall No. 213. Had I been present, I would have voted ''aye.''

□

PERSONAL EXPLANATION

Mr. MINGE. Mr. Speaker, on rollcall Nos. 211, 212, and 213 my flight was delayed for 2 hours and 15 minutes. As a consequence, I was unable to be present for said votes. Had I been present, I would have voted ''aye'' on all three.

□

PERSONAL EXPLANATION

Mr. BILIRAKIS. Mr. Speaker, my return flight to Washington was delayed due to bad weather and mechanical problems. Consequently, I was not able to vote on H.R. 3852, S. 1236 or H. Con. Res. 302. However, had I been present, I would have voted in favor of all three bills.

□

PERSONAL EXPLANATION

Mr. RAMSTAD. Mr. Speaker, severe weather today seriously delayed several flights into Reagan National Airport, including my own. Due to this inclement weather, I missed rollcall votes 211, 212, and 213. Had I been present, I would have voted ''yes'' on all three.

□

PERSONAL EXPLANATION

Mr. RILEY. Mr. Speaker, I was unavoidably detained for rollcall votes 211, 212, and 213. Had I been present I would have voted ''aye'' on H.R. 3852. I would also have voted ''aye'' on S. 1236. Lastly, I would have voted ''aye'' on H. Con. Res. 302.

□

PERSONAL EXPLANATION

Mr. CAPUANO. Mr. Speaker, due to inclement weather, which forced the cancellation of flights from my district, I was unavoidably detained in Massachusetts this afternoon. I was therefore unable to cast a vote on rollcall Votes 211, 212, and 213. Had I been present, I would have voted ''yea'' on rollcall 211, ''yea'' on rollcall 212, and ''yea'' on rollcall 213.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, May 22, 2000.

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

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on May 22, 2000 at 3:35 p.m. and said to contain a message from the President whereby he transmits an agreement with the Republic of Korea concerning Social Security.

With best wishes, I am
Sincerely,

JEFF TRANDAHL,
Clerk of the House.

□

AGREEMENT BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF KOREA ON SOCIAL SECURITY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 106–243)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Ways and Means and ordered to be printed:

To the Congress of the United States:

Pursuant to section 233(e)(1) of the Social Security Act, as amended by the Social Security Amendments of 1977 (Public Law 95–216, 42 U.S.C. 433(e)(1)) (the ''Act''), I transmit herewith the Agreement Between the United States of America and the Republic of Korea on Social Security, which consists of two separate instruments: a principal agreement and an administrative arrangement. The Agreement was signed at Washington on March 13, 2000.

The United States-Korean Agreement is similar in objective to the social security agreements already in force with Austria, Belgium, Canada, Finland, France, Germany, Greece, Ireland, Italy, Luxembourg, the Netherlands, Norway, Portugal, Spain, Sweden, Switzerland, and the United Kingdom. Such bilateral agreements provide for limited coordination between the United States and foreign social security systems to eliminate dual social security coverage and taxation and to help prevent the loss of benefit protection that can occur when workers divide their careers between two countries. The United States-Korean Agreement contains all provisions mandated by section 233 and other provisions that I deem appropriate to carry out the purposes of section 233, pursuant to section 233(c)(4) of the Act.

I also transmit for the information of the Congress a report prepared by the Social Security Administration explaining the key points of the Agreement, along with a paragraph-by-paragraph of the provisions of the principal agreement and the related administrative arrangement. Annexed to this report is the report required by section 233(e)(1) of the Social Security Act, a report on the effect of the Agreement on income and expenditures of the U.S. Social Security program and the number of individuals affected by the Agreement. The Department of State and the Social Security Administration have recommended the Agreement and related documents to me.

WILLIAM J. CLINTON.
THE WHITE HOUSE, *May 22, 2000.*

□

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

HOUSE OF REPRESENTATIVES,
Washington, DC, May 22, 2000.

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

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on May 22, 2000 at 3:35 p.m. and said to contain a message from the President whereby he transmits an agreement with the Republic of Chile concerning Social Security.

With best wishes, I am:
Sincerely,

JEFF TRANDAHL,
Clerk of the House.

□

□ 1845

AGREEMENT ON SOCIAL SECURITY BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF CHILE—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 106–244)

The SPEAKER pro tempore (Mr. FOSSELLA) laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Ways and Means and ordered to be printed:

To the Congress of the United States:

Pursuant to section 233(e)(1) of the Social Security Act, as amended by the Social Security Amendments of 1977 (Public Law 95–216, 42 U.S.C. 433(e)(1)) (the ''Act''), I transmit herewith the Agreement Between the United States of America and the Republic of Chile on Social Security, which consists of two separate instruments: a principal agreement and an administrative arrangement. The Agreement was signed at Santiago on February 16, 2000.

The United States-Chilean Agreement is similar in objective to the social security agreements already in force between the United States and Austria, Belgium, Canada, Finland, France, Germany, Greece, Ireland, Italy, Luxembourg, the Netherlands, Norway, Portugal, Spain, Sweden, Switzerland, and the United Kingdom. Such bilateral agreements provide for limited coordination between the United States and foreign social security systems to eliminate dual social security coverage and taxation, and to help prevent the loss of benefit protection that can occur when workers divide their careers between two countries. The United States-Chilean Agreement contains all provisions mandated by section 233 and other provisions that I deem appropriate to carry out the purposes of section 233, pursuant to section 233(c)(4) of the Act.

I also transmit for the information of the Congress a report prepared by the Social Security Administration explaining the key points of the Agreement, along with a paragraph-by-paragraph explanation of the provisions of the principal agreement and the related administrative arrangement. Annexed to this report is the report required by section 233(e)(1) of the Social Security Act, a report on the effect of the Agreement on income and expenditures of the U.S. Social Security program and the number of individuals affected by the Agreement. The Department of State and the Social Security Administration have recommended the Agreement and related documents to me.

WILLIAM J. CLINTON.
THE WHITE HOUSE, *May 22, 2000.*

□

INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2001

The SPEAKER pro tempore. Pursuant to House Resolution 506 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 4392.

□ 1846

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 4392) to authorize appropriations for fiscal year 2001 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes, with Mr. THORNBERRY in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Friday, May 19, 2000, all time for general debate had 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 by title, and each title shall be considered read.

No amendment to that amendment shall be in order except those printed in the portion of the CONGRESSIONAL RECORD designated for that purpose and pro forma amendments for the purpose of debate. Amendments printed in the RECORD may be offered only by the Member who caused it to be printed or his designee and shall be considered read.

The Chairman of the Committee of the Whole may postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment and may reduce to not less than 5 minutes the time for voting by electronic device on any postponed question that immediately follows another vote by electronic device without intervening business, provided that the time for voting by electronic device on the first in any series of questions shall not be less than 15 minutes.

The Clerk will designate section 1.

The text of section 1 is as follows:

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Intelligence Authorization Act for Fiscal Year 2001''.

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

Sec. 1. Short title; table of contents.

TITLE I—INTELLIGENCE ACTIVITIES

Sec. 101. Authorization of appropriations.
Sec. 102. Classified schedule of authorizations.
Sec. 103. Personnel ceiling adjustments.
Sec. 104. Intelligence community management account.
Sec. 105. Transfer authority of the Director of Central Intelligence.

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

Sec. 201. Authorization of appropriations.

TITLE III—GENERAL PROVISIONS

Sec. 301. Increase in employee compensation and benefits authorized by law.
Sec. 302. Restriction on conduct of intelligence activities.
Sec. 303. Sense of the Congress on intelligence community contracting.
Sec. 304. Authorization for travel on any common carrier for certain intelligence collection personnel.
Sec. 305. Reports on acquisition of technology relating to weapons of mass destruction and advanced conventional munitions.

TITLE IV—CENTRAL INTELLIGENCE AGENCY

Sec. 401. Modifications to Central Intelligence Agency's central services program.
Sec. 402. Technical corrections.

TITLE V—DEPARTMENT OF DEFENSE INTELLIGENCE ACTIVITIES

Sec. 501. Three-year extension of authority to engage in commercial activities as security for intelligence collection activities.
Sec. 502. Contracting authority for the National Reconnaissance Office.

The CHAIRMAN. Are there any amendments to section 1?

If not, the Clerk will designate title I. The text of title I is as follows:

TITLE I—INTELLIGENCE ACTIVITIES

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 2001 for the conduct of the intelligence and intelligence-related activities of the following elements of the United States Government:

(1) The Central Intelligence Agency.
(2) The Department of Defense.
(3) The Defense Intelligence Agency.
(4) The National Security Agency.
(5) The Department of the Army, the Department of the Navy, and the Department of the Air Force.
(6) The Department of State.
(7) The Department of the Treasury.
(8) The Department of Energy.
(9) The Federal Bureau of Investigation.
(10) The National Reconnaissance Office.
(11) The National Imagery and Mapping Agency.

SEC. 102. CLASSIFIED SCHEDULE OF AUTHORIZATIONS.

(a) SPECIFICATIONS OF AMOUNTS AND PERSONNEL CEILINGS.—The amounts authorized to be appropriated under section 101, and the authorized personnel ceilings as of September 30, 2001, for the conduct of the intelligence and intelligence-related activities of the elements listed in such section, are those specified in the classified Schedule of Authorizations prepared to accompany the bill H.R. 4392 of the One Hundred Sixth Congress.

(b) AVAILABILITY OF CLASSIFIED SCHEDULE OF AUTHORIZATIONS.—The Schedule of Authorizations shall be made available to the Committees on Appropriations of the Senate and House of Representatives and to the President. The President shall provide for suitable distribution of the Schedule, or of appropriate portions of the Schedule, within the executive branch.

SEC. 103. PERSONNEL CEILING ADJUSTMENTS.

(a) AUTHORITY FOR ADJUSTMENTS.—With the approval of the Director of the Office of Management and Budget, the Director of Central Intelligence may authorize employment of civilian personnel in excess of the number authorized for fiscal year 2001 under section 102 when the Director of Central Intelligence determines that such action is necessary to the performance of important intelligence functions, except that the number of personnel employed in excess of the number authorized under such section may not, for any element of the intelligence community, exceed two percent of the number of civilian personnel authorized under such section for such element.

(b) NOTICE TO INTELLIGENCE COMMITTEES.—The Director of Central Intelligence shall promptly notify the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate whenever the Director exercises the authority granted by this section.

SEC. 104. INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the Intelligence Community Management Account of the Director of Central Intelligence for fiscal year 2001 the sum of $144,231,000. Within such amount, funds identified in the classified Schedule of Authorizations referred to in section 102(a) for the Advanced Research and Development Committee shall remain available until September 30, 2002.

(b) AUTHORIZED PERSONNEL LEVELS.—The elements within the Intelligence Community Management Account of the Director of Central Intelligence are authorized 356 full-time personnel as of September 30, 2001. Personnel serving in such elements may be permanent employees of the Intelligence Community Management Account or personnel detailed from other elements of the United States Government.

(c) CLASSIFIED AUTHORIZATIONS.—

(1) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts authorized to be appropriated for the Intelligence Community Management Account by subsection (a), there are also authorized to be appropriated for the Intelligence Community Management Account for fiscal year 2001 such additional amounts as are specified in the classified Schedule of Authorizations referred to in section 102(a). Such additional amounts shall remain available until September 30, 2002.

(2) AUTHORIZATION OF PERSONNEL.—In addition to the personnel authorized by subsection (b) for elements of the Intelligence Community Management Account as of September 30, 2001, there are hereby authorized such additional personnel for such elements as of that date as are specified in the classified Schedule of Authorizations.

(d) REIMBURSEMENT.—Except as provided in section 113 of the National Security Act of 1947 (50 U.S.C. 404h), during fiscal year 2001, any officer or employee of the United States or a member of the Armed Forces who is detailed to the staff of the Intelligence Community Management Account from another element of the United States Government shall be detailed on a reimbursable basis, except that any such officer, employee, or member may be detailed on a nonreimbursable basis for a period of less than one year for the performance of temporary functions as required by the Director of Central Intelligence.

(e) NATIONAL DRUG INTELLIGENCE CENTER.—

(1) IN GENERAL.—Of the amount authorized to be appropriated in subsection (a), $28,000,000 shall be available for the National Drug Intelligence Center. Within such amount, funds provided for research, development, test, and evaluation purposes shall remain available until September 30, 2002, and funds provided for procurement purposes shall remain available until September 30, 2003.

(2) TRANSFER OF FUNDS.—The Director of Central Intelligence shall transfer to the Attorney General funds available for the National Drug Intelligence Center under paragraph (1). The Attorney General shall utilize funds so transferred for the activities of the National Drug Intelligence Center.

(3) LIMITATION.—Amounts available for the National Drug Intelligence Center may not be used in contravention of the provisions of section 103(d)(1) of the National Security Act of 1947 (50 U.S.C. 403–3(d)(1)).

(4) AUTHORITY.—Notwithstanding any other provision of law, the Attorney General shall retain full authority over the operations of the National Drug Intelligence Center.

SEC. 105. TRANSFER AUTHORITY OF THE DIRECTOR OF CENTRAL INTELLIGENCE.

(a) LIMITATION ON DELEGATION OF AUTHORITY OF DEPARTMENTS TO OBJECT TO TRANSFERS.—Section 104(d)(2) of the National Security Act of 1947 (50 U.S.C. 403–4(d)(2)) is amended—

(1) by inserting ''(A)'' after ''(2)'';

(2) by redesignating subparagraphs (A), (B), (C), (D), and (E) as clauses (i), (ii), (iii), (iv), and (v), respectively;

(3) in clause (v), as so redesignated, by striking ''the Secretary or head'' and inserting ''subject to subparagraph (B), the Secretary or head''; and

(4) by adding at the end the following new subparagraph:

''(B)(i) Except as provided in clause (ii), the authority to object to a transfer under subparagraph (A)(v) may not be delegated by the Secretary or head of the department involved.

''(ii) With respect to the Department of Defense, the authority to object to such a transfer may be delegated by the Secretary of Defense, but only to the Deputy Secretary of Defense.

''(iii) An objection to a transfer under subparagraph (A)(v) shall have no effect unless submitted to the Director of Central Intelligence in writing.''.

(b) LIMITATION ON DELEGATION OF DUTIES OF DIRECTOR OF CENTRAL INTELLIGENCE.—Section 104(d)(1) of such Act (50 U.S.C. 403–4(d)(1)) is amended—

(1) by inserting ''(A)'' after ''(1)''; and

(2) by adding at the end the following new subparagraph:

''(B) The Director may only delegate any duty or authority given the Director under this subsection to the Deputy Director of Central Intelligence for Community Management.''.

Mr. GOSS. Mr. Chairman, I ask unanimous consent that the remainder of the bill be printed in the RECORD and open to amendment at any point.

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

There was no objection.

The text of the remainder of the bill is as follows:

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated for the Central Intelligence Agency Retirement and Disability Fund for fiscal year 2001 the sum of $216,000,000.

TITLE III—GENERAL PROVISIONS

SEC. 301. INCREASE IN EMPLOYEE COMPENSATION AND BENEFITS AUTHORIZED BY LAW.

Appropriations authorized by this Act for salary, pay, retirement, and other benefits for Federal employees may be increased by such additional or supplemental amounts as may be necessary for increases in such compensation or benefits authorized by law.

SEC. 302. RESTRICTION ON CONDUCT OF INTELLIGENCE ACTIVITIES.

The authorization of appropriations by this Act shall not be deemed to constitute authority for the conduct of any intelligence activity which is not otherwise authorized by the Constitution or the laws of the United States.

SEC. 303. SENSE OF THE CONGRESS ON INTELLIGENCE COMMUNITY CONTRACTING.

It is the sense of the Congress that the Director of Central Intelligence should continue to direct that elements of the intelligence community, whenever compatible with the national security interests of the United States and consistent with operational and security concerns related to the conduct of intelligence activities, and where fiscally sound, should competitively award contracts in a manner that maximizes the procurement of products properly designated as having been made in the United States.

SEC. 304. AUTHORIZATION FOR TRAVEL ON ANY COMMON CARRIER FOR CERTAIN INTELLIGENCE COLLECTION PERSONNEL.

(a) IN GENERAL.—Title I of the National Security Act of 1947 (50 U.S.C. 402 et seq.) is amended by adding at the end the following new section:

''TRAVEL ON ANY COMMON CARRIER FOR CERTAIN INTELLIGENCE COLLECTION PERSONNEL

''SEC. 116. (a) IN GENERAL.—Notwithstanding any other provision of law, the Director of Central Intelligence may authorize travel on any common carrier that, in the discretion of the Director, would by its use maintain or enhance the protection of sources or methods of intelligence collection or maintain or enhance the security of personnel of the intelligence community carrying out intelligence collection activities.

''(b) AUTHORIZED DELEGATION OF DUTY.—The Director may only delegate the authority granted by this section to the Deputy Director of Central Intelligence, or with respect to employees of the Central Intelligence Agency the Director may delegate such authority to the Deputy Director for Operations.''.

(b) CLERICAL AMENDMENT.—The table of contents for the National Security Act of 1947 is amended by inserting after the item relating to section 115 the following new item:

''Sec. 116. Travel on any common carrier for certain intelligence collection personnel.''.

SEC. 305. REPORTS ON ACQUISITION OF TECHNOLOGY RELATING TO WEAPONS OF MASS DESTRUCTION AND ADVANCED CONVENTIONAL MUNITIONS.

Section 721(a) of the Intelligence Authorization Act for Fiscal Year 1997 (50 U.S.C. 2366) (Public Law 104–293, 110 Stat. 3474) is amended—

(1) by striking ''Not later than 6 months after the date of the enactment of this Act, and every 6 months thereafter,'' and inserting ''Not later than March 1, 2001, and every March 1 thereafter,''; and

(2) in paragraph (1), by striking ''6 months'' and inserting ''year''.

TITLE IV—CENTRAL INTELLIGENCE AGENCY

SEC. 401. MODIFICATIONS TO CENTRAL INTELLIGENCE AGENCY'S CENTRAL SERVICES PROGRAM.

Section 21(c)(2) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403u(c)(2)) is amended—

(1) by redesignating subparagraph (F) as subparagraph (G); and

(2) by inserting after subparagraph (E) the following new subparagraph:

''(F) Receipts from miscellaneous reimbursements from individuals and receipts from the rental of property and equipment to employees and detailees.''.

SEC. 402. TECHNICAL CORRECTIONS.

(a) REPORTING REQUIREMENT.—Section 17(d)(1) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403q(d)(1)) is amended—

(1) by adding ''and'' at the end of subparagraph (D);

(2) by striking subparagraph (E); and

(3) by redesignating subparagraph (F) as subparagraph (E).

(b) TERMINOLOGY WITH RESPECT TO GOVERNMENT AGENCIES.—Section 17(e)(8) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403q(e)(8)) is amended by striking ''Federal'' each place it appears and inserting ''Government''.

TITLE V—DEPARTMENT OF DEFENSE INTELLIGENCE ACTIVITIES

SEC. 501. THREE-YEAR EXTENSION OF AUTHORITY TO ENGAGE IN COMMERCIAL ACTIVITIES AS SECURITY FOR INTELLIGENCE COLLECTION ACTIVITIES.

Section 431(a) of title 10, United States Code, is amended by striking ''December 31, 2000'' and inserting ''December 31, 2003''.

SEC. 502. CONTRACTING AUTHORITY FOR THE NATIONAL RECONNAISSANCE OFFICE.

(a) IN GENERAL.—The National Reconnaissance Office (''NRO'') shall negotiate, write, and manage vehicle acquisition or launch contracts that affect or bind the NRO and to which the United States is a party.

(b) EFFECTIVE DATE.—This section shall apply to any contract for NRO vehicle acquisition or launch, as described in subsection (a), that is negotiated, written, or executed after the date of the enactment of this Act.

(c) RETROACTIVITY.—This section shall not apply to any contracts, as described in subsection (a), in effect as of the date of the enactment of this Act.

AMENDMENT NO. 1 OFFERED BY MR. ROEMER

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. ROEMER.

At the end of title III add the following new section (and conform the table of contents accordingly):

SEC. 306. ANNUAL STATEMENT OF THE TOTAL AMOUNT OF INTELLIGENCE EXPENDITURES FOR THE PRECEDING FISCAL YEAR.

Section 14 of the National Security Act of 1947 (50 U.S.C. 404i) is amended—

(1) by redesignating subsection (c) as subsection (d); and

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

''(c) ANNUAL STATEMENT OF THE TOTAL AMOUNT OF INTELLIGENCE EXPENDITURES FOR THE PRECEDING FISCAL YEAR.—Not later than February 1 of each year, the Director of Central Intelligence shall submit to Congress a report containing an unclassified statement of the aggregate appropriations for the fiscal year immediately preceding the current year for National Foreign Intelligence Program (NFIP), Tactical and Intelligence and Related Activities (TIARA), and Joint Military Intelligence Program (JMIP) activities, including activities carried out under the budget of the Department of Defense to collect, analyze, produce, disseminate, or support the collection of intelligence.''.

Mr. ROEMER. Mr. Chairman, I look forward to the debate on this particular issue.

First of all, I want to reiterate to the gentleman from Florida (Mr. GOSS) and the gentleman from California (Mr. DIXON) that I rise in strong support and bipartisan support of this bill overall. I do, however, bring up one consideration as amendment on this bill, and that is we do not want to reveal agency operations, we do not want to reveal any individual agency budgets, and we do not want to reveal spending on any kind of specific programs.

Given those parameters, what this amendment argues is for one ray of sunshine, one simple disclosure of the aggregate funding of all intelligence activities for fiscal year 1999. Not this year's request, not this year's budget, but 1999's budget.

We do that in light of the fact, and I stress to my colleagues, that the intelligence community has voluntarily disclosed the 1998 and the 1997 budgets, so we are simply saying that this one ray of sunlight comes down for the taxpayer to have some kind of sense of what the overall budget is for our intelligence community.

Now, this amendment is cosponsored by my good friend the gentleman from Virginia (Mr. MORAN), it is cosponsored by my friend the gentleman from Oregon (Mr. BLUMENAUER), it is cosponsored by my friend the gentleman from Washington (Mr. SMITH), and, I think most importantly, it is supported by my ranking member, who I have the deepest respect for, the gentleman from California (Mr. DIXON).

The organizations that are for this ray of sunshine, for a little bit of accountability in disclosure, the organizations that have written us letters on this, include the Taxpayers for Common Sense, Citizens Against Government Waste, the Council for a Livable World, the Center for Defense Information, the Center for International Policy, and the list goes on and on.

But I think one of the most compelling, one of the most compelling reasons to do this, Mr. Chairman, is a report that came out in 1996 by people

who go over these individual budget levels throughout the intelligence community, line-by-line, program by program, SAP by SAP, special access program by special access program, and they have analyzed this. And they are such people as the former Defense Secretaries, Mr. Brown and Mr. Aspin. They recommended that we disclose not just the current year, but the next year's budget. This was in the Aspin-Brown report in 1996. So they asked for a few rays of sunshine on this report, when all I am simply asking for is one on the 1999 budget funding level.

I think this is common sense, I think this will help us get a little bit more accountability with the intelligence community. I think this informs the taxpayer of an overall budget, what might be going on in terms of our intelligence operations. And I think one of the most really convincing arguments for this, Mr. Chairman, is that we have right here the Intelligence Authorization Act for Fiscal Year 2001. And in this we have listed, which is a public document, Mr. Chairman, this is an unclassified document, they go through here and list Rivet Joint Mission Trainer, $15.5 million plus-up; the Manned Reconnaissance Systems, $8 million plus-up; the F–18 Shared Airborne Reconnaissance Pod, $18 million plus-up; and on down, over page after page after page, a public document.

We are not even asking for that. We already disclose that in this report. We are asking for the aggregate level, not broken down by agency, for 1999. Not individual reports, not individual line items, like we do in the Defense Department budget, like we did last week, item by item, of helicopters and ships and personnel and operations and maintenance in our Defense budget. We are not calling for any of that in this budget; simply for an aggregate level.

Finally, Mr. Chairman, let me say that there are books out there that talk in explicit and sensitive detail about some of our very sensitive operations.

The CHAIRMAN. The time of the gentleman from Indiana (Mr. ROEMER) has expired.

(By unanimous consent, Mr. ROEMER was allowed to proceed for 1 additional minute.)

Mr. ROEMER. Mr. Chairman, there are books out there that you can pick up on the best seller list. I am not confirming, I am not denying what they say and what accuracy they have in a book written by Tom Clancy, or a book written called Blind Man's Bluff on submarines. But certainly some of these books that are written by former CIA people or are written by journalists and reporters, that talk in intimate detail about some of these programs, I do not support the release of that kind of information. But we are simply saying, Mr. Chairman, one ray of sunshine for disclosure, for public accountability and for information for the taxpayer, so that they have one grain of information to look at as they assess what our priorities should be with the intelligence budget as it relates to the overall budget.

Mr. SISISKY. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Indiana (Mr. ROEMER).

Mr. Chairman, I regret really having to oppose this amendment offered by my three very good friends and colleagues, but I do not believe it makes sense to force, and the word is ''force,'' the executive branch to declassify the aggregate amount appropriated for intelligence activities each year. If there is one item of information a country should not disclose to its adversaries, it is the amount of effort being made each year to discover those adversaries' plans and intentions, their secrets and vulnerabilities.

Much of the business of intelligence is expensive, especially when it comes to our government's amazing technical activities. Yet those capabilities can sometimes be defeated by comparatively simple countermeasures. If our adversaries can track the ups and downs of our intelligence budget over time, they may be able to figure out when new capabilities are coming on line and develop techniques to make the system less capable. We should keep our intelligence budget secret so we do not provide information to our adversaries about what we are working on and when.

Furthermore, I do not believe disclosure of the aggregate appropriations amount will improve the debates on intelligence in this body. Every Member of the House of Representatives may have access to this information, and considerably more, by taking advantage of the opportunity to read the classified schedule incorporated in the intelligence authorization bill each year. Disclosure of the appropriations total will not provide more information about intelligence activities to Members of the House and Senate than is now available.

Since disclosure of the aggregate intelligence budget will not provide more information to Members of Congress but could assist those who seek advantages over the United States of America, I urge the defeat of this amendment.

Mr. MORAN of Virginia. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, the sponsors of this amendment are not being subversive, and I do not think we are being naive. I think we are being responsible to the taxpayers, to the extent that it is responsible.

Now, I would certainly agree with my good friend who just spoke that we ought not disclose any kind of information that would jeopardize our ability to protect American citizens. But this does not do that.

When my good friend, the gentleman from Indiana (Mr. ROEMER), said he was offering the amendment and would I like to be a cosponsor, I said, ''Of course. Why not?'' That is still my reaction. Of course, we will not disclose the cumulative amount. Why not? It is not an astronomical amount; it is a very reasonable portion of the Federal budget. In fact, when you compare it to anyone that might be considered a potential threat, it is a very minimal amount to protect this country.

But we have a responsibility to the taxpayers. It is their money; it is not ours. It is one thing not to give the taxpayers a receipt or an accounting of how we might spend the money; it is quite another to ask for a blank check. Just sign the bottom line, we will fill in the amount.

I do not think that is the way we do things, that we ought to do things in a democracy. We ought to have as much transparency as possible. We ought to do everything that we can to restore trust in government. This is not a totalitarian society. I could see it if we were operating under a fascist or certainly a communist system. You would never imagine disclosing these kinds of amounts. But we have nothing to hide. We have very responsible members of the Committee on Appropriations on both sides of the aisle, and certainly the Senate Select Committee on Intelligence, and the gentleman from California (Mr. DIXON) is an extraordinarily responsible leader on our side, and the gentleman from Florida (Mr. GOSS) as well.

□ 1900

Now, the gentleman from California (Mr. DIXON) is supporting, but so is Warren Rudman, a former Senator, certainly not a subversive, certainly not someone that does anything in a radical kind of manner. General Harold Brown; we have the former CIA director Turner; we have any number of people that looked at this and decided this is not an irresponsible thing to do. In fact, this is a responsible thing to do in light of the requirement that we have to be responsive to the American taxpayer.

So I would suggest, Mr. Chairman, that this amendment ought to be included, and it probably ought to be included as a matter of course in each successive year. It is nice that the CIA or our intelligence agencies chose to disclose the amount in 1997 and 1998, and probably will be disclosed this year; but I think we ought to say as well that the legislative branch recognizes that this is an appropriate thing to do in light of the fact that it is not our money, it is the taxpayers' money.

It was a recommendation, as the gentleman from Indiana (Mr. ROEMER) said, of the commission that was put together to look at these types of national security issues. They came up with a recommendation that the amount be disclosed to the public, the overall amount for the intelligence budget on a current basis. This is not on a current basis, this is the previous fiscal year. I think it is a very moderate piece of legislation, it is a reasonable thing to do, and I would hope

that we would not have much controversy over something like this and deal with more difficult, complex matters.

Mrs. WILSON. Mr. Chairman, I move to strike the last word.

Mr. Chairman, there is something that I think we are forgetting in this debate and that is that every Member of Congress can go up to the Select Committee on Intelligence room and see the entire content of the intelligence authorization bill. There is nothing that is kept from us as elected representatives, but there are things that are kept in every detail from our opponents and our potential enemies.

That puts the responsibility on a small number of shoulders, and most of them are sitting in this room here now, the members of the House Permanent Select Committee on Intelligence. It is our job to review the budgets and the sources and the methods and to provide oversight of all of the intelligence agencies, and we have to do this job in a way that is kind of uncommon for politicians. We have to do it quietly, without a lot of public hooha, in a closed room where the press is not there. Most of us are used to putting out press releases on everything and arguing about things in the media, but we do not have that privilege on this committee, and we should not, because this is a matter of national security.

Declassifying the intelligence budget, whether as an overall number, or in smaller pieces, only helps our enemies to track trends in our spending and figure out what we are doing. My colleague from Indiana talks about books that have been published or articles that have been written, and none of us on this committee ever confirm or deny or say anything about what is right and what is wrong; and he well knows that a lot of it is complete wildness. But we do not comment on it, because it is our job not to.

The problem with declassifying the whole number is that one cannot talk about the details, so it makes no sense in context with other parts of the budget. We cannot explain it, we cannot defend it, we cannot talk about the details and what it means and what we are buying; but we can refer our colleagues up to the intelligence room to look at those details, even though we cannot talk about it publicly. Even the gentleman from Virginia (Mr. MORAN) seemed to find it difficult to talk about comparisons here on the floor because this is a public forum. We would have that difficulty again and again and again if we try to justify a declassified total number without being able to talk about the specifics that make it up.

I am also concerned that there are no exceptions in this amendment for time of war or national emergencies, and we are directing the President and the CIA to declassify numbers that, frankly, they already have the authority to do without direction of this Congress; and it concerns me when, as elected representatives, we tell the executive branch to declassify things and get proscriptive about how exactly that should be done. It is my view that that generally should be left up to the executive branch of government.

Sometimes I think that we get a little bit complacent. The Cold War is over. We are all focused on things at home, on Social Security and taxes and education, and things that our constituents are facing every day. But just because the Cold War is over does not mean that there are not people out there that would take advantage of the United States and whose interests are contrary to our own, and I am ever mindful of what Churchill once said. The truth must be protected by a bodyguard of lies, and it is sometimes in the interests of the United States of America to deceive our enemies about what we are actually doing in order to protect our national security.

My colleague from Indiana talks about one ray of sunshine. I see it a little differently. I think it is one piece of a puzzle, a piece of a puzzle that our enemies would very much like to have, and which I think is the obligation of this body to deny them.

Mr. ROEMER. Mr. Chairman, will the gentlewoman yield?

Mrs. WILSON. I yield to the gentleman from Indiana.

Mr. ROEMER. Mr. Chairman, I thank the gentlewoman, who is a very valuable member of the Committee on Intelligence, and I certainly respect her opinions on a host of different issues.

However, as she started out the debate on this issue, she said, we as members of the committee have access, the 16 of us, and all 435 members, have access if they want. This amendment is not about that access of Members of Congress. Sometimes we think we are pretty smart; we think we know and have a lot of the answers. This is about providing one simple piece of information to the people that work hard every day to fund the overall budget, and then they get one ray of sunshine to know how the intelligence budget fits into the overall budget.

The CHAIRMAN. The time of the gentlewoman from New Mexico (Mrs. WILSON) has expired.

(By unanimous consent, Mrs. WILSON was allowed to proceed for 1 additional minute.)

Mrs. WILSON. Mr. Chairman, that really was not my point. My point was that there are times when we as elected representatives have to take on and shoulder tremendous responsibility, and that responsibility may include access to information that we cannot share with our constituents. That is the responsibility we have been given as members of this committee, and it is one that I think that we should continue, including this one piece of information.

Mr. BLUMENAUER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the point, as my colleague from Indiana was making, was what the public has a right to know. The fiscal year 1997 budget was revealed to the American public as $26.6 billion. That was not something that was probably a shock to our adversaries, who have pretty good estimates of what we are doing in this arena. There are experts that speculate on this. The Republic's foundations have not been shattered. The next year when it was revealed that it was $26.7 billion, life went on, and if we were to give the American public what the figure is for this year and what is recommended in the aggregate for the following year, life as we know it will continue.

I think that we in this body and in the Federal Government generally tend to draw a curtain of secrecy over things that are not going to be secret from our adversaries; but they are going to keep, and this happens time and time again, information that we do not want revealed to the American public for whatever reason.

We are starting to see the history of what has happened with the FBI under J. Edgar Hoover under the guise of national security. We have seen the things that have been perpetrated by that agency under Mr. Hoover's regime.

Mr. Chairman, I think that it is time for us to take a step back and look at this amendment, which gives the American public an opportunity to evaluate some of the trending. It is not going to be a great mystery to our adversaries who have access to some information from their sources. It is speculated upon in the academic community, but it will give the American public a little more information.

I think it is appropriate for us to ask hard questions as a people about the resources that are being invested. How, given the tens of billions of dollars that were invested in our security apparatus, we could not predict the collapse of the former Soviet Union; that we somehow could not identify the Chinese embassy, which resulted in a tragic bombing, the impact of the repercussions we are still dealing with.

Mr. Chairman, I think that we ought to be honest about the public realm and stop the charade here. There is an adequate amount of information that is available for very sophisticated people to be able to allow some tracking of this. I think taking an additional step so that the American public has it makes sense. I hope that we will be more rational about what we keep secret and what we do not. I am all in favor of trying to protect things that are truly important for national security, but not to protect people from embarrassment about things years after the fact, and not to protect the American public from knowing how their tax dollars were spent.

Rumor has it that in about 1987 we had a peak of about $36 billion that were invested in all of these intelligence activities. Yet, today, 13 years later, with a less sophisticated array of allied forces that we are contending

with, we are still investing huge sums of money that ought to give us all an opportunity for a constructive national debate.

I think the approval of this amendment, with the recommendations of the commission that we had of other informed sources who want to pull this out into the light of day, as my friend, the gentleman from Indiana (Mr. ROEMER) has indicated, would be an important step forward.

Mr. Chairman, I hope that we as a body will be consistent in terms of wanting to make sure that the public has access to all of the positions that they have a right to have knowledge of and that does not compromise our security. We can start by at least going back and giving a third year's subject for what the total disclosure is.

Mr. Chairman, I urge the adoption of this amendment.

Ms. PELOSI. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the gentleman's amendment, and I thank him for his courage and his leadership in offering it here. He is a very serious member of the committee, as has been noted, and all of us on the committee take our responsibilities very seriously.

When a Member of the House receives the honor of serving on the House Permanent Select Committee on Intelligence, we assume a greater responsibility for our national security in that we have to be trusted with a great deal of information. We also take a responsibility to protect the sources and methods by which we obtain that information. That responsibility is a grave one for us, because lives are at stake.

We also want our President and the administration to have the best possible information in the interest of our national security and to make the decisions and judgments that a President must make, regardless of what party he belongs to, or what opinions he has. We want him to have the best possible information.

So we need to have, and again, as we are in a new world where it is not bipolar, but it is many serpents, as DCI Woolsey described it at one time, we need to have intelligence, but we ought to be careful enough to move in that direction with fiscal responsibility as well as responsibility for intelligence.

□ 1915

We are a very special country. The confidence that people have in our government is our strength. So it is hard to understand why, in this body, the House of the people, we would want to deprive the public of knowing what proportion of our budget is spent on intelligence.

I happen to think that we are good enough at that, that the intelligence community is good enough at releasing that figure and at the same time having our adversaries not have access to what that figure is spent on or what any increase in spending would be spent on.

I am certain that our intelligence community can meet that challenge.

The accountability that the intelligence community must have is one of the main reasons that I am supporting the amendment of the gentleman from Indiana (Mr. ROEMER). Some have said if we go through releasing this aggregate number, it starts us down a road to releasing other information. No, no, it does not have to be that way. We can say it is the aggregate number and that is that. We can make a decision, Congress can act, and that can be what the decision is.

It does not mean we are starting down the road to anything, except better accountability to the American people, again for how this fits into our total budget. Our budget is what we spend most of our time working on here, whether it is in the authorizing committees to prepare the policy or the Committee on the Budget to do the allocations or the Committee on Appropriations to do the final appropriating. So it is what we spend most of our time on, and this amount of money, whatever it is, is a large percentage of that discretionary spending, a very large percentage of it.

So as we have to make decisions about cuts here and there, I think it is perfectly appropriate that the public knows how this intelligence budget fits into the entire budget.

It is difficult to believe that the aggregate budget figure for fiscal years 1997 and 1998 could be made public by DCI Tenet with no impact on national security and the figure for fiscal year 1999 could not be because national security would be harmed if it were disclosed.

It is so sad, it is almost ludicrous, it is almost ludicrous, when what we are trying to do is to protect the community so that there is respect for the job that they do, but what we are trying to do is protect their sources and methods.

By the way, I want to add here that there is much else that should be declassified that is in the realm of classified now, and that is a whole other subject and one that hopefully we will go into in a more serious way as declassification is taking place, but this one simple matter, which says to the American people we are not afraid for them to know the aggregate number that we spend on intelligence.

The gentleman from Indiana (Mr. ROEMER) is doing a service to our country and to this Congress by proposing this amendment. Again, I commend him for his courage, his leadership and urge our colleagues to support his amendment.

Mr. LEWIS of California. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, as most of my colleagues know, for a reasonably short time I have had the privilege of chairing the Committee on Appropriations Subcommittee on Defense that deals with national security. As some of my colleagues have mentioned, there are some of our individual military items that are in what we call the black world. They are kept secret.

They are kept secret for a reason, and that is beyond just their technological potential and capability. There are a lot of things about those systems we would not want our enemies to know. I realize that this amendment has little to do with that, for we are not being asked to peel back the onion, even though the gentlewoman just suggested there are many things that are classified that she would prefer to be unclassified.

Ms. PELOSI. Mr. Chairman, would the gentleman yield?

Mr. LEWIS of California. Let me continue my statement. I would like to continue my statement.

Ms. PELOSI. I appreciate that, but that is not what I said. I am talking about information, and the gentleman knows I am respectful of his position.

Mr. LEWIS of California. I understand what the gentlewoman from California (Ms. PELOSI) was saying, but I am just making a suggestion that there is a parallel here.

One of the pieces of information that is largely public at this point has to do with our submarine force. There are people who would suggest that we do not need very many more submarines. There are others who suggest we ought to have at least as many as we have, and one of the reasons is because they go under the water and nobody really necessarily knows where they are.

In the straits near China, it might be interesting to have leaders wonder whether we are there or not.

Well, I make that point because there is a parallel here. Our intelligence effort is considerably smaller than some of us would like it to be and revealing that number might suggest to many as to why many of us are so concerned. On the other side of that, there is reason and value in suggesting that maybe our enemies or potential enemies think that we spend a lot more money than we do. I would like them to think that, frankly, and there is value in having them think that.

Now, the point that I am making is that this fabulous democracy that we have the privilege of representing here involves the people sending us to this great forum, to sit in committees, to sit on this floor, argue pro and con, develop the information that leads to logical policy conclusions. The public sends us here because they cannot come here to do that detail work. They send us here also knowing full well that there are items relative to the national interest, that not only are they not able to participate day in and day out about but indeed they think we should do it with competence and sometimes in confidence.

The fact is that there is not a ground swell of public outcry out there saying we have to have this number. It has

been debated here on the floor for several years, but the numbers of people who are really interested perhaps are reflected by the numbers of Members who have gone to our committee room to read these bills.

Outside of our committee, I believe the number last year where someone came in was seven Members actually went in to read the bill, and I frankly wonder if they read the whole bill. The first page on there shows them what the number is. There are four so far this year.

So there is this huge ground swell out there suggesting that the public has no confidence in us in this very delicate area. I would suggest that the public that actually studies this area knows there is value in not having our enemies or our potential enemies know how little we spend or how much we spend. Therefore, Mr. Chairman, I strongly oppose this amendment

Ms. PELOSI. Mr. Chairman, will the gentleman yield?

Mr. LEWIS of California. I yield to the gentlewoman from California.

Ms. PELOSI. I just want to make sure it is clear that I completely agree with everything the gentleman said except for the aggregate number.

Mr. LEWIS of California. I am making the point about the aggregate number.

Ms. PELOSI. I understand that. The gentleman said I said there should be more things. What I am talking about is the Hinchey amendment, which talked about our U.S. involvement in Chile and Guatemala and those things.

Mr. LEWIS of California. Reclaiming my time, Mr. Chairman.

Ms. PELOSI. Not the gentleman's budget, the gentleman is right.

The CHAIRMAN. The gentleman from California has the time.

Mr. LEWIS of California. Mr. Chairman, with that I believe I made the point that I do not want our enemies to know how much we are not spending as well as how much we are spending, and I think that is in the national interest, in the security of our country's interest and perhaps, well not perhaps but very much in the interest of peace.

Mr. DEFAZIO. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, those who are watching have to be extraordinarily puzzled by this debate. Now since the year I was born, and as everyone can all see I am getting a little long in the tooth, that has been quite a few years, 1947, the United States has kept secret the amount of money that is spent well and the amount of money that is not spent so well on the intelligence services and agencies of the United States.

This certainly could have been a rationale in 1947, the year I was born with the closing of the Iron Curtain, the fear of the Soviet Union and their growth across Europe and around the world; threats that we perceived, but that is history. The Soviet Union has collapsed. We are now confronted with rogue nations and others.

Our defense budget, and the gentleman waxed eloquent about how few go to read it, I do not go to read it. Does anyone know why? It is a Catch 22. If I go and read it, I cannot talk about it but if I do not read it then I can talk about it. I will say we are spending $30 billion, $30 billion of hard-earned taxpayer dollars on the intelligence services.

Now we had one agency a few years ago that lost $4 billion in bookkeeping. They did not know they had it. Well, they found it again after they were audited; and that money has been reallocated, I guess. I do not know. I have not gone up to check out the secret report.

The only reason it is kept secret is to keep it secret from the American people, not from our enemies. This amount of money is more than the gross domestic product of virtually all of our enemies combined. They would be frightened to death if they knew we were spending $30 billion to sneak around in their countries or to look at them from satellites or however else it is we are monitoring their activities. But they do not know that and the gentleman says, well, we would not want them to know how little we are spending. Only $30 billion, only $30 billion? This is extraordinary.

The gentleman has not even proposed that we would tell them how much we are going to spend this year, which is more secret. It might be an increase of X percent of X which might be Y. Those who took math can follow that. But we do not know. We really do not know, and they would not know. They would only know what we spent last year.

This is an incredibly modest amendment. It will let the taxpayers know how much money we spent last year. We are not going to audit how they spent it. We are not going to audit if they lost billions again like that agency unnamed did a few years ago. We are not going to audit to see if it was well spent, if it was spent on satellites or human information or other secret technologies to monitor every communication around the earth that I am getting a lot of e-mails about in my office. No. We would just know how much money we spent last year on this aggregate budget.

I think it would scare the bejesus out of all of our enemies if they knew how much we were spending. They would be really scared. They cannot come near 1/100th of 1 percent of that for their intelligence budget. So let us reveal it.

Like the gentleman has proposed, we are only going to reveal it for last year. I would go further. I would actually reveal it for this year. I do not think that would be a problem. In fact, we do have a report which came out, which I left over there, but a report in 1996 where in fact, chaired by the Secretary of Defense and others, the commission said that there would be no harm, no threat possible to our national security to publish this year's and even projected years' numbers. In fact, I believe it would scare our enemies into submission.

Mr. DIXON. Mr. Chairman, I move to strike the requisite number of words.

I support the Roemer amendment. This is an amendment that I think the American people are owed today. Perhaps at one time it would not have been appropriate to disclose the aggregate amount of the past year's intelligence budget, but I think the time has come to do so.

The first argument that we hear, it is either expressed or implied, is that if the American people knew the aggregate amount spent on intelligence they would demand that the amount be cut. The problem with this argument is that, even if that were true, that is not a reason to classify the amount.

Executive Order 12958 makes clear that information may only be classified to protect national security and not hinder discussion or debate.

The second argument we hear in one form or another is that making the aggregate figure public would provide no useful information, because a context for spending can only be provided at the program level. Because the public would be dissatisfied with this useless information, irresistible pressure would be brought to declassify more of the intelligence budget. This is called the slippery slope argument, and I disagree with it.

I for one will oppose declassification even at the agency level. Moreover, fear of what might happen in the future plainly does not meet the classification standard in the executive order.

The third argument is that America's enemies, by comparing year-to-year aggregate intelligence budgets, and this is the argument we have heard mostly tonight, could figure out what specific new programs were being funded and the deficiencies these programs were meant to remedy.

□ 1930

It is difficult to believe that an adversary, no matter how strong its analytical skills, could use the top line number to determine program specifics. Several nations disclose their intelligence budgets, and I doubt if our analysts use solely those figures as a basis for a judgment on the specific programs in those budgets.

Additionally, as the report accompanying this year's authorization makes clear, a great deal of information is already made public on the shortcomings of the intelligence community.

Some of us will argue that this year's budget is at an appropriate level; others will argue that the administration has not provided enough money. The administration's budget request is 6.6 percent above last year's appropriation level. Others will argue that, in fact, we should cut it.

If we are to make these arguments on the floor, the American public should

know what that inclusive figure is. It is entirely fighting with one's hands behind one's back to say that the President has offered up too much or too little, or we have provided too much or too little without the public knowing and being able to make the judgment on the aggregate number.

Mr. Chairman, I believe this amendment will make an important contribution to the debate on the resources necessary to support our national security, and I would urge the Members of the House to reflect on this overnight and give the public the opportunity to know last year's aggregate number. I pledge support to resist opening up the budget further. But as we argue too much or too little, the public should know what that reference is.

Mr. GOSS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am very pleased that we are having this debate again. We had it in committee. It was voted down in committee 11–5. In an abundance of fairness, the Committee on Rules has given us an open rule and done all these things, and we are getting to the point.

I think there are a couple of points that need to be said. First of all, accountability is very important, and I believe our committee does a fabulous job on accountability. The point that has been made by several who have spoken on this, any Member can come upstairs and satisfy themselves on any aspect. The American people look to us for that accountability. We are pleased to invite our colleagues to come up to the committee to make sure we are doing our job properly. So far, it seems we are because, as the gentleman from California (Mr. DIXON) pointed out, there is not a huge groundswell on this subject.

The second point that has been made as well it would be great to have some information out there. It might be confidence building. Well, it is true that the President of the United States who does have the authority to disclose this number, it does lie with the President of the United States to reveal it, chose to reveal it through the Director of Central Intelligence in 1997 and 1998. I do not believe there has been an uptick in confidence in the intelligence community because of that.

But something else did happen that caused us a problem. When they got to 1999, they discovered, whoops, we are getting into a trend-line situation. And the President said, ''I do not think it is in the national security interest to create these trend lines that our enemies can follow,'' and he chose not to disclose the number.

In fact, the DCI was taken to court over the number, over the issue. When the DCI got through making his defense, at the appropriate time I will put this in the record, he came to the conclusion that the trend-line fashion could be reasonably expected to damage national security. Judge Hogan for the Federal District Court for the District of Columbia sustained the DCI's conclusions and dismissed the lawsuit on the summary judgment.

So I have the President of the United States, head of the intelligence community, and the courts all agreeing we have got something new, and it is different here.

Now, some point has been made by the Aspin/Brown Commission. I do not claim infallibility for the Aspin/Brown Commission. I was on it. I can ensure the distinguished gentleman from Indiana (Mr. ROEMER), who has made the amendment, that we thought a consensus report was very important. We had quite a debate in Aspin/Brown. And rather than make a big issue over this, we said, let us have a unanimous report, and we put it out.

I would not read too much in it. What I would read into it is that other reports done at the same time, the IC–21 report and the CFR report, does not exactly come to the same conclusions. I think what we found is that, of the many recommendations that came out of Aspin/Brown, this one did not prove to be particularly useful. In fact, because of this trend-line problem, which we did not debate, incidentally, it did not turn out to be helpful.

Another point that has been made tonight is sunshine. We need just one ray of sunshine. Here is 48 pages of sunshine with lots of numbers, disclosure of the things that will not damage our national security. That is important. We make the decisions, if we think it can be disclosed, it should be disclosed, and we try and do that. Of course the President has the final word on the question of classification. It lies with the executive.

The final point I would make, I think, is this; and, again, I do not want this to be contentious, we have had the debate, and there are different views, and they are entirely legitimate, and I accept them. We work in a nonpartisan way upstairs, and we have come to a conclusion that this is not an amendment we wanted on our authorization, but we are bringing it to the Members because one of our Members did.

I honestly believe that the President trusts Americans. We trust Americans. Our committee trusts Americans. Trusting Americans is not what this is about. I do not trust our enemies. I do not know whether they can get anything useful, but I do not want to take the chance if the President of the United States feels that we should not. I do not want to give to any terrorist, to any drug dealer, to any weapons proliferator any information that could be used against us.

So perhaps it is an abundance of caution on my part. But those who have the first line of responsibility on this said, no, let us not reveal it. I think they have made the right judgment. I do not think we should override that judgment.

It is for that reason that I think that we should not approve this amendment, and I will urge our colleagues to vote against the Roemer amendment.

Mr. Chairman, I include the following materials for printing in the RECORD.

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

Steven Aftergood, on behalf of the Federation of American Scientists, Plaintiff, v. Central Intelligence Agency, Defendant.

Civ. No. 98–2107 (TFH)

DECLARATION OF GEORGE J. TENET

INTRODUCTION

I, GEORGE J. TENET, hereby declare:

1. I am the Director of Central Intelligence (DCI). I was appointed DCI on 11 July 1997. As DCI, I serve as head of the United States intelligence community, act as the principal adviser to the President for intelligence matters related to the national security, and serve as head of the Central Intelligence Agency (CIA).

2. Through the exercise of my official duties, I am generally familiar with plaintiff's civil action. I make the following statements based upon my personal knowledge, upon information made available to me in my official capacity, and upon the advice and counsel of the CIA's Office of General Counsel.

3. I understand that plaintiff has submitted Freedom of Information Act (FOIA) requests for ''a copy of documents that indicate the amount of the total budget request for intelligence and intelligence-related activities for fiscal year 1999'' and ''a copy of documents that indicate the total budget appropriation for intelligence and intelligence-related activities for fiscal year 1999, updated to reflect the recent additional appropriation of 'emergency supplemental' funding for intelligence.'' I also understand that plaintiff alleges that the CIA has improperly withheld such documents. I shall refer to the requested information as the ''budget request'' and ''the total appropriation,'' respectively.

4. As head of the intelligence community, my responsibilities include developing and presenting to the President an annual budget request for the National Foreign Intelligence Program (NFIP), and participating in the development by the Secretary of Defense of the annual budget requests for the Joint Military Intelligence Program (JMIP) and Tactical Intelligence and Related Activities (TIARA). The budgets for the NFIP, JMIP, and TIARA jointly comprise the budget of the United States for intelligence and intelligence-related activities.

5. The CIA has withheld the budget request and the total appropriation on the basis of FOIA Exemption (b)(1) because they are currently and properly classified under Executive Order 12958, and on the basis of FOIA Exemption (b)(3) because they are exempted from disclosure by the National Security Act of 1947 and the Central Intelligence Agency Act of 1949. The purpose of this declaration, and the accompanying classified declaration, is to describe my bases for determining that disclosure of the budget request or the total appropriation reasonably could be expected to cause damage to the national security and would tend to reveal intelligence methods.

6. I previously executed declarations in this case that were filed with the CIA's motion for summary judgment on 11 December 1998. Those two declarations described my bases for withholding the budget request only. Since the CIA filed its motion for summary judgment, plaintiff has filed an amended complaint seeking release of the total appropriation also. For the Court's convenience, the justifications contained in my earlier declarations are repeated and supplemented in this declaration and the accompanying classified declaration and describe my bases for withholding both the budget request and the total appropriation for fiscal year 1999.

PRIOR RELEASES

7. In October 1997, I publicly disclosed that the aggregate amount appropriated for intelligence and intelligence-related activities for fiscal year 1997 was $26.6 billion. At the time of this disclosure, I issued a public statement that included the following two points:

First, disclosure of future aggregate figures will be considered only after determining whether such disclosure could cause harm to the national security by showing trends over time.

Second, we will continue to protect from disclosure any and all subsidiary information concerning the intelligence budget: whether the information concerns particular intelligence programs. In other words, the Administration intends to draw the line at the top-line, aggregate figure. Beyond this figure, there will be no other disclosures of currently classified budget information because such disclosures could harm national security.

8. In March 1998, I publicly disclosed that the aggregate amount appropriated for intelligence and intelligence-related activities for fiscal year 1998 was $26.7 billion. I did so only after evaluating whether the 1998 appropriation, when compared with the 1997 appropriation, could cause damage to the national security by showing trends over time, or otherwise tend to reveal intelligence methods. Because the 1998 appropriation represented approximately a $0.1 billion increase—or less than a 0.4 percent change—over the 1997 appropriation, and because published reports did not contain information that if coupled with the appropriation, would be likely to allow the correlation of specific spending figures with particular intelligence programs, I concluded that release of the 1998 appropriation could not reasonably be expected to cause damage to the national security, and so I released the 1998 appropriation.

9. Since the enactment of the intelligence appropriation for fiscal year 1998, the budget process has produced: 1) the fiscal year 1998 supplemental appropriations; 2) the Administration's budget request for fiscal year 1999 (a subject of this litigation); 3) the fiscal year 1999 regular appropriation (a subject of this litigation); and 4) the fiscal year 1999 emergency supplemental appropriation (a subject of this litigation). Information about each of these figures—some of it accurate, some not—has been reported in the media. In evaluating whether to release the Administration's budget request or total appropriation for fiscal year 1999, I cannot review these possible releases in isolation. Instead, I have to consider whether release of the requested information could add to the mosaic of other public and clandestine information acquired by our adversaries about the intelligence budget in a way that could reasonably be expected to damage the national security. If release of the requested information adds a piece to the intelligence jigsaw puzzle—even if it does not complete the picture—such that the picture is more identifiable, then damage to the national security could reasonably be expected. After conducting such a review, I have determined that release of the Administration's intelligence budget request or total appropriation for fiscal year 1999 reasonably could be expected to cause damage to the national security, or otherwise tend to reveal intelligence methods. In the paragraphs that follow, I will provide a description of some of the information that I reviewed and how I reached this conclusion. I am unable to describe all of the information I reviewed without disclosing classified information. Additional information in support of my determination is included in my classified declaration.

10. At the creation of the modern national security establishment in 1947, national policymakers had to address a paradox of intelligence appropriations: the more they publicly disclosed about the amount of appropriations, the less they could publicly debate about the object of such appropriations without causing damage to the national security. They struck the balance in favor of withholding the amount of appropriations. For over fifty years, the Congress has acted in executive session when approving intelligence appropriations to prevent the identification of trends in intelligence spending and any correlations between specific spending figures with particular intelligence programs. Now is an especially critical and turbulent period for the intelligence budget, and the continued secrecy of the fiscal year 1999 budget request and total appropriation is necessary for the protection of vulnerable intelligence capabilities.

CLASSIFIED INFORMATION FOIA EXEMPTION (b)(1)

11. The authority to classify information is derived from a succession of Executive orders, the most recent of which is Executive Order 12958, ''Classified National Security Information.'' Section 1.1(c) of the Order defines ''classified information'' as ''information that has been determined pursuant to this order or any predecessor order to require protection against unauthorized disclosure.'' The CIA has withheld the budget request and the total appropriation as classified information under the criteria established in Executive Order 12958.

CLASSIFICATION AUTHORITY

12. Information may be originally classified under the Order only if it: (1) is owned by, produced by or for, or is under the control of the United States Government; (2) falls within one or more of the categories of information set forth in section 1.5 of the Order; and (3) is classified by an original classification authority who determines that its unauthorized disclosure reasonably could be expected to result in damage to the national security that the original classification authority can identify or describe. The classification of the budget request and the total appropriation meet these requirements.

13. The Administration's budget request and the total appropriation are information clearly owned, produced by, and under the control of the United States Government. Additionally, the budget request and the total appropriation fall within the category of information listed at section 1.5(c) of the Order: ''intelligence activities (including special activities), intelligence sources or methods, or cryptology.''

14. Finally, I have made the determination required under the Order to classify the budget request and the total appropriation. By Presidential Order of 13 October 1995, ''National Security Information'', 3 C.F.R. 513 (1996), reprinted in 50 U.S.C. §435 note (Supp. I 1995), and pursuant to section 1.4(a)(2) of Executive Order 12958, the President designated me as an official authorized to exercise original TOP SECRET classification authority. I have determined that the unauthorized disclosure of the budget request or the total appropriation reasonably could be expected to cause damage to the national security. Consequently, I have classified the budget request and the total appropriation at the CONFIDENTIAL level. In the paragraphs below, I will identify and describe the foreseeable damage to national security that reasonably could be expected to result from disclosure of the budget request or the total appropriation.

DAMAGE TO NATIONAL SECURITY

15. Disclosure of the budget request or the total appropriation reasonably could be expected to cause damage to the national security in several ways. First, disclosure of the budget request reasonably could be expected to provide foreign governments with the United States' own assessment of its intelligence capabilities and weakness. The difference between the appropriation for one year and the Administration's budget request for the next provides a measure of the Administration's unique, critical assessment of its own intelligence programs. A requested budget decrease reflects a decision that existing intelligence programs are more than adequate to meet the national security needs of the United States. A requested budget increase reflects a decision that existing intelligence programs are insufficient to meet our national security needs. A budget request with no change in spending reflects a decision that existing programs are just adequate to meet our needs.

16. Similar insights can be gained by analyzing the difference between the total appropriation by Congress for one year and the total appropriation for the next year. The difference between the appropriation for one year and the appropriation for the next year provides a measure of the Congress' assessment of the nation's intelligence programs. Not only does an increased, decreased, or unchanged appropriation reflect a congressional determination that existing intelligence programs are less than adequate, more than adequate, or just adequate, respectively, to meet the national security needs of the United States, but an actual figure indicates the degree of change.

17. Disclosure of the budget request or the total appropriation would provide foreign governments with the United States' own overall assessment of its intelligence weaknesses and priorities and assist them in redirecting their own resources to frustrate the United States' intelligence collection efforts, with the resulting damage to our national security. Because I have determined it to be in our national security interest to deny foreign governments information that would assist them in assessing the strength of United States intelligence capabilities, I have determined that disclosure of the budget request or the total appropriation reasonably could be expected to cause damage to the national security. I am unable to elaborate further on the bases for my determination without disclosing classified information. Additional information in support of my determination is included in my classified declaration.

18. Second, disclosure of the budget request or the total appropriation reasonably could be expected to assist foreign governments in correlating specific spending figures with particular intelligence programs. Foreign governments are keenly interested in the United States' intelligence collection priorities. Nowhere are those priorities better reflected than in the level of spending on particular intelligence activities. That is why foreign intelligence services, to varying degrees, devote resources to learning the amount and objects of intelligence spending by other foreign governments. The CIA's own intelligence analysts conduct just such analyses of intelligence spending by foreign governments.

19. However, no intelligence service, U.S. or foreign, ever has complete information. They are always revising their intelligence estimates based on new information. Moreover, the United States does not have complete information about how much foreign intelligence services know about U.S. intelligence programs and funding. Foreign governments collect information about U.S. intelligence activities from their human intelligence sources; that is, ''spies.'' While the United States will never know exactly how

much our adversaries know about U.S. intelligence activities, we do know that all foreign intelligence services know at least as much about U.S. intelligence programs and funding as has been disclosed by the Congress or reported by the media. Therefore, congressional statements and media reporting of the fiscal year 1999 budget cycle provide the minimum knowledge that can be attributed to all foreign governments, and serve as a baseline for predictive judgments of the possible damage to national security that could reasonably be expected to result from release of the budget request or the total appropriation.

20. Budget figures provide useful benchmarks that, when combined with other public and clandestinely-acquired information, assist experienced intelligence analysts in reaching accurate estimates of the nature and extent of all sorts of foreign intelligence activities, including covert operations, scientific and technical research and development, and analytic capabilities. I expect foreign intelligence services to do no less if armed with the same information. While other sources may publish information about the amounts and objects of intelligence spending that damages the national security, I cannot add to that damage by officially releasing information, such as the budget request or the total appropriation, that would tend to confirm or deny these public accounts. Such intelligence would permit foreign governments to learn about United States' intelligence collection priorities and redirect their own resources to frustrate the United States' intelligence collection efforts, with the resulting damage to our national security. Therefore, I have determined that disclosure of the budget request or the total appropriation reasonably could be expected to cause damage to the national security. I am unable to elaborate further on the basis for my determination without disclosing classified information. Additional information in support of my determination is included in my classified declaration.

21. In addition, release of both the budget request and the total appropriation would permit one to calculate the exact difference between the Administration's request and Congress' appropriation. It is during the congressional debate over the Administration's budget request that many disclosures of specific intelligence programs are reported in the media. Release of the budget request and total appropriation together would assist our adversaries in correlating the added or subtracted intelligence programs with the exact amount of spending devoted to them.

22. And third, disclosure of the budget request or the total appropriation reasonably could be expected to free foreign governments' limited collection and analysis resources for other efforts targeted against the United States. No government has unlimited intelligence resources. Resources devoted to targeting the nature and extent of the United States' intelligence spending are resources that cannot be devoted to other efforts targeted against the United States. Disclosure of the budget request or the total appropriation would free those foreign resources for other intelligence collection activities directed against the United States, with the resulting damage to our national security. Therefore, I have determined that disclosure of the budget request or the total appropriation reasonably could be expected to cause damage to the national security.

23. In summary, I have determined that disclosure of the budget request or the total appropriation reasonably could be expected to provide foreign intelligence services with a valuable benchmark for identifying and frustrating United States' intelligence programs. For all of the above reasons, singularly and collectively, I have determined that disclosure of the budget request or the total appropriation for fiscal year 1999 reasonably could be expected to cause damage to the national security. Therefore, I have determined that the budget request and the total appropriation are currently and properly classified CONFIDENTIAL.

INTELLIGENCE METHODS—FOIA EXEMPTION (b)(3)

24. Section 103(c)(6) of the National Security Act of 1947, as amended, provides that the DCI, as head of the intelligence community, ''shall protect intelligence sources and methods from unauthorized disclosure.'' Disclosure of the budget request or the total appropriation would jeopardize intelligence methods because disclosure would tend to reveal how and for what purposes intelligence appropriations are secretly transferred to and expended by intelligence agencies.

25. There is no single, separate appropriation for the CIA. The appropriations for the CIA and other agencies in the intelligence community are hidden in the various annual appropriations acts. The specific locations of the intelligence appropriations in those acts are not publicly identified, both to protect the classified nature of the intelligence programs themselves and to protect the classified intelligence methods used to transfer funds to and between intelligence agencies.

26. Because there are a finite number of places where intelligence funds may be hidden in the federal budget, a skilled budget analyst could construct a hypothetical intelligence budget by aggregating suspected intelligence line items from the publicly-disclosed appropriations. Release of the budget request or the total appropriation would provide a benchmark to test and refine such a hypothesis. Repeated disclosures of either the budget request or total appropriation could provide more data with which to test and refine a hypothesis. Confirmation of the hypothetical budget could disclose the actual locations in the appropriations acts where the intelligence funds are hidden, which is the intelligence method used to transfer funds to and between intelligence agencies.

27. Sections 5(a) and 8(b) of the CIA Act of 1949 constitute the legal authorization for the secret transfer and spending of intelligence funds. Together, these two sections implement Congress' intent that intelligence appropriations and expenditures, respectively, be shielded from public view. Simply stated, the means of providing money to the CIA is itself an intelligence method. Disclosure of the budget request or the total appropriation could assist in finding the locations of secret intelligence appropriations, and thus defeat these congressionally-approved secret funding mechanism. Therefore I have determined that disclosure of the budget request or the total appropriation would tend to reveal intelligence methods that are protected from disclosure. I am unable to elaborate further on the bases for my determination without disclosing classified information. Additional information in support of my determination is included in my classified declaration.

CONCLUSION

28. In fulfillment of my statutory responsibility as head of the United States intelligence community, as the principal adviser to the President for intelligence matters related to the national security, and as head of the CIA, to protect classified information and intelligence methods from unauthorized disclosure, I have determined for the reasons set forth above and in my classified declaration that the Administration's intelligence budget request and the total appropriation for fiscal year 1999 must be withheld because their disclosure reasonably could be expected to cause damage to the national security and would tend to reveal intelligence methods.

I hereby certify under penalty of perjury that the foregoing is true and correct.

Executed this 6th day of April, 1999.

GEORGE J. TENET,
Director of Central Intelligence.

MEMORANDUM OPINION

Pending before the Court is Defendant Central Intelligence Agency (''CIA'')'s Motion for Summary Judgment. After careful consideration of Defendant's Motion, Plaintiff's Memorandum in Opposition, Defendant's reply, the arguments presented at the November 1 hearing, and upon a second review of both classified affidavits as well as the unclassified affidavit filed by Defendant in this case, the Court will grant Defendant's Motion for Summary Judgment.

BACKGROUND

Plaintiff Steven Aftergood, on behalf of the Federation of American Scientists, seeks disclosure under the Freedom of Information Act (''FOIA''), 5 U.S.C. §552, of the Administration's total budget request for fiscal year 1999 for all intelligence and intelligence-related activities. Defendant, the United States Central Intelligence Agency (''CIA''), denied plaintiff's request on the basis that the information is exempt from FOIA's disclosure requirements because it is properly classified under Executive Order 12958 in the interest of national defense or foreign policy (Exemption 1) and because release of this figure would tend to reveal intelligence sources and methods that are specifically exempted from disclosure by statute (Exemption 3). On December 11, 1998, the Defendant moved for summary judgment on the basis of three declarations from George J. Tenet, Director of Central Intelligence (''DCI''), one unclassified filed as an exhibit to Defendant's Motion for Summary Judgment, and two classified which were filed under seal and ex parte for the Court's in camera review. These declarations explain why DCI Tenet believes the release of the figure requested by Plaintiff could reasonably be expected to cause damage to the national security and would tend to reveal intelligence methods and sources.

DISCUSSION

I. FOIA Exemption 1

Exemption 1 of FOIA exempts from mandatory disclosure records that are: (A) specifically authorized under criteria established by Executive Order to be kept secret in the interest of national defense or foreign policy, and (B) are in fact properly classified pursuant to such Executive Order. 5 U.S.C. §552(b)(1). The Executive Order currently in effect is Executive Order (''E.O.'') 12958, ''Classified National Security Information.''

Courts have prescribed a two-part test, part substantive and part procedural, to be applied in determining whether material has been properly withheld under Exemption 1. Substantively, the agency must show that the records at issue logically fall within the exemption, *i.e.*, that an Executive Order authorizes that the particular information sought be kept secret in the interest of national defense or foreign policy. Procedurally, the agency must show that it followed the proper procedures in classifying the information. *Salisbury* v. *United States*, 690 F.2d 966, 970–72 (D.C. Cir. 1982). If the agency meets both tests, it is then entitled to summary judgment. See, e.g., *Abbotts* v. *NRC*, 766 f.2d 604, 606 (D.C. Cir. 1985); *Miller* v. *Casey*, 730 F.2d 773, 776 (D.C. Cir. 1984).

a. The Procedural Requirements of Exemption 1

Based on the unclassified Declaration of DCI Tenet, the CIA has demonstrated that it

has followed the proper procedures in classifying the total budget request for intelligence activities. Proper classification must be made by an original classification authority who determines that the information is owned by, produced by or for, or is under the control of the United States Government; that it falls within one or more categories of information set forth in section 1.5 of the Executive Order; and that the information's unauthorized disclosure reasonably could be expected to result in damage to the national security that the original classification authority can identify or describe. See E.O. 12958, §1.2(a); see also 32 C.F.R. §2001.10(b) (Information Security Oversight Office directive explaining that agency classifier must be able to identify and describe damage to national security potentially caused by unauthorized disclosure).

DCI Tenet is an official authorized to exercise original TOP SECRET classification authority. Tenet Declaration ¶13; see Presidential Order of 13 October 1995, ''National Security Information,'' 3 C.F.R. §513 (1996); E.O. 12958 §1.4(a)(2). Further DCI Tenet has determined that the amount of the budget request for all intelligence activities is owned by the United States Government, see Tenet Declaration, ¶12; that it falls within the category of information listed at section 1.5(c) of the Executive Order, described as ''intelligence activities (including special activities), intelligence sources or methods, or cryptology,'' see *Id.*; and that its disclosure reasonably could be expected to cause damage to the national security, see Id. at ¶¶13 et seq.

Plaintiff contends that DCI's determination is at odds with that of the President of the United States and that this conflict renders DCI determination invalid. However, although the President clearly has the authority to do so, the President has never released or ordered the release of, the Administration's budget request or the total appropriated amount for intelligence activities for fiscal year 1999. Therefore, the statement of a Presidential spokesman, made three years earlier, that, as a general matter, the President believed ''that disclosure of the annual amount appropriated for intelligence purposes will not, in itself, harm intelligence activities,'' is neither on point nor in any way legally binding. Plaintiff has offered this Court no evidence that the President has ever addressed the impact of disclosure of the Administration's budget request or the total amount appropriated for intelligence activities for fiscal year 1999. The fact that the President encouraged release of similar information in earlier years is not determinative here. Unless or until the President explicitly orders the release of this information or withdraws his authorization of DCI Tenet to make these classified determinations, and absent a finding by this Court that DCI Tenet was somehow acting in bad faith in refusing to release this information, the Court finds that TCI Tenet is authorized to make this highly fact-dependent classification determination at issue in this case, and that he has properly done so here.

b. The Substantive Requirements of Exemption I

To demonstrate that the budget request for intelligence falls within Exemption 1, the CIA must also explain why the information at issue properly falls within one or more of the categories of classifiable information, in this case ''intelligence sources or methods,'' see E.O. 12958 §1.5(c), and why its unauthorized disclosure could reasonably be expected to result in damage to the national security.

When determining whether the records at issue are properly within the scope of the exemption; this Court must ''determine the matter *de novo*.'' 5 U.S.C. §552(a)(4)(B). In Exemption 1 cases, Congress has indicated and courts have consistently recognized, that an agency's determination as to potential adverse effects resulting from public disclosure of a classified record should be accorded substantial weight. See, e.g., *Bowers* v. *Department of Justice*, 930 F.2d 350, 357 (4th Cir. 1991) (''What fact or bit of information may compromise national security is best left to the intelligence experts.''); *Taylor* v. *Department of the Army*, 684 F.2d 99, 109 (D.C. Cir. 1982) (the agency's determination should be accorded ''utmost deference''); *Washington Post* v. *DOD*, 766 F.Supp. 1, 6–7 (D.D.C. 1991) (judicial review of agency classification decision should be ''quite deferential''). The agency's determination merits this deference because ''[e]xecutive departments responsible for national defense and foreign policy matters have unique insights into what adverse affects [sic] might occur as a result of public disclosure of a particular classified record.'' *Salisbury*, 690 F.2d at 970 (quoting S. Rep. No. 1200, 93rd Cong., 2d Sess. 12 (1974)). Thus, summary judgment for the government in an Exemption 1 FOIA action should be granted on the basis of agency affidavits if they simply contain ''reasonable specificity'' and if they are not called into question by contradictory evidence in the record or by evidence of agency bad faith. *Halperin* v. *CIA*, 629 F.2d 144, 148 (D.C. Cir. 1980).

DCI Tenet's Declarations meet this deferential standard. Essentially, DCI Tenet explains that disclosure of the budget request reasonably could be expected to cause damage to national security in several ways: (1) disclosure ''reasonably could be expected to provide foreign governments with the United States' own assessment of its intelligence capabilities and weaknesses,'' Tenet Declaration ¶ 14; (2) disclosure ''reasonably could be expected to assist foreign governments in correlating specific spending figures with particular intelligence programs,'' Tenet Declaration ¶ 16; and (3) official disclosure could be expected to free foreign governments' limited collection and analysis resources for other efforts targeted against the United States, Tenet Declaration ¶18.

Obviously, DCI Tenet cannot be certain that damage to our national security would result from release of the total budget request for 1999, but the law does not require certainty or a showing of harm before allowing an agency to withhold classified information. Courts have recognized that an agency's articulation of the threatened harm must always be speculative to some extent, and that to require an actual showing of harm would be judicial ''overstepping.'' See *Halperin*, 629 F.2d at 149. In the area of intelligence sources and methods, the D.C. Circuit has ruled that substantial deference is due to an agency's determination regarding threats to national security interests because this is ''necessarily a region for forecasts in which the CIA's informed judgment as to potential future harm should be respected.'' *Gardels* v. *CIA*, 689 F.2d 1100, 1106 (D.C. Cir. 1982). Further, the Court noted that ''the CIA has the right to assume that foreign intelligence agencies are zealous ferret.'' Id.

In this case, plaintiff has offered no contrary record evidence undermining the validity of DCI Tenet's highly fact-dependent determination. First, the Brown Commission's 1996 recommendations in favor of disclosure are not binding on this Court. The Brown Commission was a congressionally-charted commission made up of private citizens who lacked classification authority and who made non-binding recommendations to Congress and the President on intelligence matters. Neither Congress nor the President ever enacted the Brown Commission's recommendation on public disclosure of the intelligence budget. Nor did the Brown Commission ever consider the precise issue of classification presented here: whether, in 1999, and under the circumstances described in DCI Tenet's unclassified and classified declarations, it would recommend disclosure of the budget figures for that particular year.

Second, the fact that DCI Tenet disclosed the total intelligence budget in prior years is not necessarily adverse record evidence. On the contrary, this Court finds that it indicates DCI Tenet's careful, case-by-case analysis of the impact of each disclosure and his willingness to accommodate budget requests whenever possible. When he made these prior disclosures, DCI Tenet emphasized that he would continue to make that case-by-case determination in future year. Tenet Declaration ¶ 7. Here, DCI Tenet has explained, in both his classified and unclassified declarations, the rationale underlying his predictive judgment that release of the figures for fiscal year 1999 could reasonably be expected to cause damage to national security. Therefore, the Court must defer to DCI Tenet's decision that release of a third consecutive year, amidst the information already publicly-available, provides too much trend information and too great a basis for comparison and analysis for our adversaries.

II. FOIA Exemption 3

The CIA is also entitled to summary judgment on the basis that the budget request is exempt from disclosure under FOIA Exemption 3. Exemption 3 excludes from mandatory disclosure information that is ''specifically exempted from disclosure by statute . . . provided that such statute requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue, or establishes particular criteria for withholding or refers to particular types of matters to be withheld.'' 5 U.S.C. §552(b)(3)(A) & (B).

In examining an Exemption 3 claim, a court must determine, first, whether the claimed statute is a statute of exemption under FOIA, and, second, whether the withheld material satisfied the criteria of the exemption statute. *CIA* v. *Sims*, 471 U.S. 159, 167 (1985); *Fitzgibbon* v. *CIA*, 911 F.2d 755, 761 (D.C. Cir. 1990). In this case, the CIA has withheld information from plaintiff because DCI Tenet has determined that the budget request falls within Section 103(c)(6) of the National Security Act of 1947, as amended, 50 U.S.C. §403–3(c)(6) (formerly section 403(d)(3)), which requires the DCI to ''protect intelligence sources and methods from unauthorized disclosure.'' It is well settled that section 403–3(c)(6) falls within Exemption 3. *Sims*, 471 U.S. at 167. Thus, the Court need only consider whether the Administration's budget request falls within that statute. Id.

There is no doubt that the scope of the statute is broad; as the Supreme Court has commented, ''[p]lainly the broad sweep of this statutory language comports with the nature of the [CIA's] unique responsibilities.'' Sims, 471 U.S. at 169. The legislative history of §403–3(c)(6) also makes clear that Congress intended to give the [DCI] broad authority to protect the secrecy and integrity of the intelligence process.'' Id. at 170. To establish that the budget request is exempt under FOIA, therefore, the CIA need only demonstrate that the information ''relates'' to intelligence sources and methods. Fitzgibbon, 911 F.2d at 762. Like the DCI's determination under Exemption 1, the DCI's determination under Exemption 3 is entitled to ''substantial weight and due consideration.'' Id.

One nexus between the Administration's budget request and ''disclosure of intelligence sources and methods'' is found in the

special appropriations process used for intelligence activities. Disclosure of the budget request would tend to reveal ''how and for what purposes intelligence appropriations are secretly transferred to and expended by intelligence agencies.'' Tenet Declaration ¶ 20.

There is no single, separate appropriation for the CIA. Appropriations for the CIA and other agencies in the intelligence community are hidden in the various appropriation acts. Id. ¶ 21. The locations are not publicly identified, both to protect the classified nature of the intelligence programs that are funded and to protect the classified intelligence methods used to transfer funds to and between intelligence agencies. Id. Sections 5(a) and 8(b) of the CIA Act of 1949, 50 U.S.C. §§ 403f, 403j, provide the legal authorizations for the secret transfer and spending of intelligence funds. Id. ¶ 23. DCI Tenet has asserted that since there are a finite number of places where intelligence funds may be hidden in the federal budget, a budget analyst could construct a hypothetical intelligence budget by aggregating suspected intelligence line items from the publicly-disclosed appropriations and that repeated disclosures of either the budget request or the budget appropriation would provide more data with which to test and refine the hypothesis. Id. Plaintiff denies the viability of this argument but provides no conclusive evidence of its implausibility.

Several courts have held that information tending to reveal the secret transfer and spending of intelligence funds is exempt from disclosure under FOIA as an ''intelligence method.'' See e.g., *Military Audit Project* v. *Casey*, 656 F.2d 724, 745 (D.C. Cir. 1981). Therefore, because DCI Tenet has determined that release of the total budget request would tend to reveal secret budgeting mechanisms constituting ''intelligence methods,'' it is also exempt from disclosure under FOIA Exemption 3.

CONCLUSION

The Declarations of DCI Tenet logically establish that release of the Administration's budget request for fiscal year 1999 could reasonably be expected to result in harm to the national security and to reveal intelligence ''sources and methods.'' On the basis of these declarations and the entire record in this case as well as the discussion above, this Court will grant the CIA's Motion for Summary Judgment. An order will accompany this Memorandum Opinion.

November 12, 1999.

THOMAS F. HOGAN,
United States District Judge.

ORDER

In accordance with the accompanying memorandum opinion, it is hereby

ORDERED that Defendant Central Intelligence Agency's Motion for Summary Judgment is granted. It is further hereby

ORDERED that this case is dismissed with prejudice.

November 12, 1999.

THOMAS F. HOGAN,
United States District Judge.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana (Mr. ROEMER).

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

Mr. ROEMER. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to House Resolution 506, further proceedings on the amendment offered by the gentleman from Indiana (Mr. ROEMER) will be postponed.

The point of no quorum is considered withdrawn.

AMENDMENT NO. 3 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. 3 offered by Mr. TRAFICANT:

At the end of title III, insert the following new section (and conform the table of contents accordingly):

SEC. 306. UPDATE OF REPORT ON EFFECTS OF FOREIGN ESPIONAGE ON UNITED STATES TRADE SECRETS.

By not later than 270 days after the date of the enactment of this Act, the Director of Central Intelligence shall submit to Congress a report that updates, and revises as necessary, the report prepared by the Director pursuant to section 310 of the Intelligence Authorization Act for Fiscal Year 2000 (Public Law 106–120, 113 Stat. 1613) (relating to a description of the effects of espionage against the United States, conducted by or on behalf of other nations, on United States trade secrets, patents, and technology development).

Mr. TRAFICANT. Mr. Chairman, this amendment calls for an update from our intelligence community on the effects of foreign espionage on United States trade secrets, on, in fact, our patents, our technology development, our industrial complex, our military industrial complex, and the basic elements that fuel our economy and is our national security.

It is straightforward. It makes sense. I urge its approval.

Mr. Chairman, I yield to the gentleman from Florida (Mr. GOSS).

Mr. GOSS. Mr. Chairman, I thank the gentleman from Ohio (Mr. TRAFICANT) for yielding. I want to thank the gentleman from Ohio for his interest and his work with the committee and his support for our men and women of our intelligence community. I appreciate his efforts on behalf of the economy of the United States of America, which he is very outspoken on and very forthright.

This amendment is eminently reasonable, and I would accept the amendment on behalf of the committee. I appreciate the consideration of the gentleman from Ohio of the best interest of the intelligence community and his willingness to cooperate with the committee on that amendment.

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

Mr. TRAFICANT. I am proud to yield to the gentleman from California.

Mr. DIXON. Mr. Chairman, the minority has no problem with the amendment, and I will be glad to accept it.

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

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

Mr. TRAFICANT. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to House Resolution 506, further proceedings on the amendment offered by the gentleman from Ohio (Mr. TRAFICANT) will be postponed.

The point of no quorum is considered withdrawn.

AMENDMENT NO. 4 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. 4 offered by Mr. TRAFICANT:

At the end of the bill, add the following new section:

SEC. —. The Director shall report to the House Permanent Select Committee on Intelligence within 60 days whether the policies and goals of the People's Republic of China constitute a threat to our national security.

Mr. TRAFICANT. Mr. Chairman, this is a straightforward amendment. I just listened to the last debate. I have a tendency to agree with the gentleman from Florida (Chairman GOSS). The numbers to me are not important. I look at what I consider to be results.

I believe if America would have investigated allegations in the Chinese meddling into our political system and to buying and spying on our military secrets and technology, if we would have spent as much money on that as we spent on investigating Microsoft, I think our Nation would be safer.

But I have a question here today to the Congress. I wonder if the Central Intelligence Agency or if our intelligence community has basically said to Congress, ''be careful about China.'' I do not know. We are going to take up a big vote here later this week, and I believe we are going to go ahead and ratify and approve a massive trade agreement with China.

I do not know how much we are spending. But, quite frankly, what do they advise us? What has our intelligence community taken the time to educate us about where we are going when I read that China just purchased 24 cruise missiles from Russia, and the Pentagon spokesman, on conditions of anonymity said, any American Naval vessel without the protection of a carrier fleet is ''dead meat.'' This is the first shipment of the cruise missiles. Now, look, a second shipment they said is expected in several months.

For the first time in history, China, which is showing an aggressive posture to Taiwan, for the first time in history, our administration is not willing to, in fact, help Taiwan. Now we are embarking on a massive trade agreement. I think the trade agreement bothers me on the surface with an $80 billion surplus now surpassing Japan, and Japan has never opened their markets, and every President from Nixon to Clinton threatening to open the markets. So, evidently, they have not abided by any agreement we have ever signed.

I am concerned about the national security implications with China. The

Traficant amendment says tell us what are the goals and policies of the People's Republic of China, a communist nation, and if in fact they constitute a threat to our national security.

Now, if I am off base with that, then God save the Republic, because we should all have been briefed in our office by the CIA telling us what is going on over there. Otherwise, we make this suggestion, give $1 billion to CNN, $1 billion. Save a lot of money. Help our people with the balance. Because they told us about the fall of the Soviet Union, the Berlin Wall, the invasion of Kuwait. We did not hear it from CIA. We heard it on CNN. So I think we should know that.

The Traficant amendment says tell us and go put it down on paper. The intelligence community cannot have it both ways and say, Aw shucks, look what happened. Tell us if it is a good deal or a bad deal and if we have got a problem. They have got to put it on paper, and history can reflect it.

With that, I urge an aye vote that would require our intelligence community to advise us if there is this powerful threat.

Mr. Chairman, I yield to the gentleman from Florida (Mr. GOSS).

Mr. GOSS. Mr. Chairman, I thank the distinguished gentleman from Ohio (Mr. TRAFICANT) for yielding to me again. I appreciate his efforts to raise the consciousness of the House to the risk we face from the People's Republic of China. He has obviously done it very well.

I certainly believe the DCI can operate within the 60-day timeframe that we have talked about. In fact, I think he can do it more speedily than that, given the other matters going on of interest to this body. I would be prepared to accept the amendment and thank the gentleman again for his contribution.

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

Mr. Chairman, I rise to accept the amendment, and I rise to support the amendment. I think the gentleman from Ohio (Mr. TRAFICANT) has an excellent amendment. But I also think it is fair to point out that the gentleman from Virginia (Mr. WOLF), the chairman of the Subcommittee on Transportation of the Committee on Appropriations, has been encouraging Members of this House to get two briefings from the Central Intelligence Agency.

□ 1945

In fact, I received those briefings with staff on Friday. So I cannot say that the Central Intelligence Agency does not have information available. Perhaps this will better organize it and have a date certain for it to come, but any Member can request those two briefings and I think it is only fair to point that out.

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

Mr. DIXON. I yield to the gentleman from Ohio.

Mr. TRAFICANT. I appreciate the gentleman yielding, and I would simply ask, does the Central Intelligence Agency, under the milieu of events occurring around the world, do they support our efforts in moving forward with the trade agreement? And does the Central Intelligence Agency believe that the behavior of China poses a significant threat?

I think just having people coming in and talking to us, I want them to put it down on paper, and I think that is what Congress should require. We may be, without a doubt, dealing with the most serious threat in our Nation's history, and our children and their children, God forbid, may some day realize that. I hope that does not occur.

So with that, I appreciate the time the gentleman has afforded me and appreciate the gentleman's statement.

Mr. DIXON. Reclaiming my time, Mr. Chairman, the Central Intelligence Agency made it clear from the very beginning of the briefing that they had obtained certain information and analyzed it; it was up to the Member of Congress receiving that briefing to make a judgment on it.

So I do not think that we will find the Central Intelligence Agency making a judgment. In this particular case, as it relates to China and whether they have permanent normal trade relations, that is up to each Member of Congress based in part on what the analysis is. But as far as whether they are a threat or a nonthreat, the CIA made it very clear that they were not taking a position in this debate and that they were presenting what they felt was sound information and that we should, in fact, make our own judgment.

Mr. TRAFICANT. Mr. Chairman, if the gentleman will continue to yield, the amendment says the CIA shall let us know whether or not the policies and goals of the People's Republic of China constitutes a threat to our national security. That is all in writing.

Mr. DIXON. I realize the amendment says that, but the threat is in the eye of the beholder. And one agency may think it is a threat and another agency may think that it is a nonthreat.

But in the final analysis, we have to take intelligence information, that every Member of this House has been encouraged over and over by the gentleman from Virginia (Mr. WOLF) to receive, and make a judgment call Wednesday or some time in the future.

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

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

Mr. TRAFICANT. Mr. Speaker, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to House Resolution 506, further proceedings on the amendment offered by the gentleman from Ohio (Mr. TRAFICANT) will be postponed.

The point of no quorum is considered withdrawn.

Mr. ROEMER. Mr. Chairman, I rise in strong bipartisan support of the fiscal year 2001 intelligence authorization.

I believe this bill sets about the right level of overall funding for intelligence activities next year. The President requested 6.6 percent more in funding for national programs over last year's appropriated level. While some have complained that the administration failed to request sufficient funding for intelligence activities, the testimony we heard during our budget hearings did not convince me we needed to go beyond the relatively robust topline increase in the request.

Nevertheless, there was room for concern about some aspects of the request and the allocation of those resources. I have been very critical of one classified program of great cost and exceedingly doubtful impact. I have also been extremely concerned that the heightened pace of U.S. Government counterterrorism efforts arising out of the threat identified over the Millennium could not be sustained through the end of this fiscal year and into FY 2001. Finally, through oversight and legislative hearings, the compiled evidence significantly increased my concerns about the state of language capabilities of intelligence community personnel. I have found that not only are there too few people speaking the language in country, but too often the ones who do are not sufficiently proficient. I addressed these three concerns with an amendment to transfer some of the funding from the highly questionable classified program to areas of greater need involving terrorism and language proficiency. This was a bipartisan effort and I thank Chairman GOSS and Ranking Member DIXON for their help.

Mr. Chairman, later in the debate I will offer an amendment to require an annual unclassified statement of the aggregate amount appropriate for the previous fiscal year. It is my understanding that one of the reasons offered for why the intelligence budget total should remain classified is that its disclosure may provide foreign governments with the U.S. Government's own assessment of its intelligence capabilities and weaknesses. This is not persuasive. The fact of the matter is that in our great democratic country, there is considerable unclassified information openly published containing official assessments of intelligence capabilities and shortcomings. The intelligence community has, in fact, published the 1997 and 1998 aggregate level of spending. There are legitimate concerns about protecting through counter intelligence measures and enhanced security our sensitive information. An accurate report of the aggregate number appropriated for intelligence each year would cause no harm to national security and would clearly be a welcome addition to the public's understanding of the roles and mission of the intelligence community. It could also provide some measure of accountability from the agencies. I urge my colleagues to support my amendment later this week.

Mr. GOSS. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. MCINNIS) having assumed the chair, Mr. THORNBERRY, 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. 4392) to authorize appropriations for fiscal year 2001 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes, had come to no resolution thereon.

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GENERAL LEAVE

Mr. GOSS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill (H.R. 4392) to authorize appropriations for fiscal year 2001 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes, and that I may include tabular and other extraneous material.

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

There was no objection.

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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.

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The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. HINCHEY) is recognized for 5 minutes.

(Mr. HINCHEY addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

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IN MEMORY OF VICKI LEE GREEN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Colorado (Mr. MCINNIS) is recognized for 5 minutes.

Mr. MCINNIS. Mr. Speaker, I rise today in great sadness. I lost a friend of mine but, more importantly than my loss, is the loss to the entire community of Glenwood Springs, Colorado, one of their leading and most outstanding citizens, Vicki Lee Green.

Vicki is survived by her husband Lee, a tremendous individual; by her daughter Tanya, of whom Vicki was always so proud of, and especially proud of Tanya who is now following in her mother's business that Vicki set up; by her brother Bill, who showed so much compassion and care over the last several years during Vicki's battle with a terrible disease; and, of course, Bill's wife, Jeannie, and numerous other relatives.

Mr. Chairman, I wanted to visit with my colleagues to tell them about this wonderful, wonderful person who represented the standard of strength. Vicki did not inherit her strength. She worked for it. And she built her foundation of strength with several different pillars, and those pillars have really on one end family, which she truly loved and devoted her life to, and on the other end friends. Those were the two main pillars that held up that structure of strength that Vicki Lee Green demonstrated to all of us who knew her.

Between those two great pillars of family and friends were several other smaller pillars, but nonetheless important for the maintenance of the structure, and they were, first of all, integrity. No one ever questioned Vicki Lee's integrity. I dealt with her on a number of business transactions, and I have never known anyone in my professional career, ever, not anyone, who questioned Vicki Lee Green's word or her integrity. It was impeccable.

Her character. She was an enjoyable person to be around. She was all business, make no mistake about that, but she was just an enjoyable person to do business with. She was an enjoyable person to be a friend of, and she was an enjoyable person in the community.

She was very bright, and that in itself is a pillar. In the kind of business that she was in, real estate, she was very competitive but she was bright, and that is an asset. It is important for strength.

I can tell my colleagues that she was very determined, one of the most determined people I have ever known. And I think that was most clearly demonstrated not only by the success of Vicki's business accomplishments but by her very, very brave battle against this terrible disease which unfairly took my friend and the community's friend, and a mother, and a sister, and a wife at age 51.

Today, they had Vicki's service in Glenwood Springs. I regret the fact that I could not attend, but my duties required that I be here with my colleagues. But I do want my colleagues to know that a lot of times we can tell by the outpouring of a community just how much they love somebody, and there is no question that today the outpouring of that community for the services of Vicki Lee Green was tremendous, probably one of the largest attended services in the history of that community.

In so many ways Vicki Lee Green was a beautiful, beautiful person; and I can tell all of my colleagues that many of us in Colorado and many of her friends throughout the country, as well as her family, will miss her deeply.

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The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 5 minutes.

(Mr. GONZALEZ addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

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The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. NETHERCUTT) is recognized for 5 minutes.

(Mr. NETHERCUTT addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

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The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. FRELINGHUYSEN) is recognized for 5 minutes.

(Mr. FRELINGHUYSEN addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

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The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Missouri (Mr. HULSHOF) is recognized for 5 minutes.

(Mr. HULSHOF addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

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The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. PAUL) is recognized for 5 minutes.

(Mr. PAUL addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

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PERMANENT NORMAL TRADE RELATIONS FOR CHINA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 60 minutes as the designee of the minority leader.

Mr. DEFAZIO. Mr. Speaker, I rise this evening to speak on the proposed legislation that will be before this House in 2 days on the so-called permanent normal trade relations for China, that is once and for all the United States surrendering any right for the Congress to review the actions of the Government of China in terms of its compliance with past, existing agreements on trade, no matter how unfair; any right to review their actions in the area of human rights; any right to review their actions in the area of nuclear proliferation in dealing with terrorist nations. In fact, we would be writing a blank check for the government of China, a government which has broken every past agreement with the United States.

But let us go back a little further. I quote. ''If it seems increasingly likely China embraces a trade regime that permits American firms to enjoy what our Secretary of State terms a fair field and no favor, how much does the United States stand to gain? According to the editorial pages of our most respected newspapers, senior government officials, captains of industry, and numerous other opinion makers, the answer to that question appears to be much more than we can possibly imagine. The chairman of a prominent U.S.-China business group, for example, contends that an accord will incalculably

strengthen and stimulate our trade ties. A commercial roundtable claims no other market in the world offers such vast and varied opportunities for the further increase of American exports. Echoing these appraisals, The New York Times declares that it is not our present trade with all Chinese exports, but the right to all that trade with its future increase for which America will become a source of great profit.''

Unfortunately, they were all wrong. The President was McKinley, the year was 1899, and the policy was open door toward China.

But let us move ahead to more recent actions in the closed Chinese market. The Chinese are the most unfair trading nation on earth. My colleagues do not have to take that from me. We can go to one of the biggest cheerleaders for this accord, the President's special trade representative, Charlene Barshefsky, whose annual report has detailed that, in fact, the Chinese have a plethora of nonmarket-based exclusions to U.S. and other goods around the world.

The President proclaims they will lower their tariffs. Well, guess what, the tariffs are meaningless. That is not how the Chinese keep the goods out of their country. They keep them out with nontariff barriers. So they have given away something that is meaningless. They will no longer levy on tariffs the goods they do not allow to be imported; and the U.S., of course, will lower all its barriers.

Now, we are a market-based economy. Lowering our tariffs does mean more Chinese goods will flow into the United States. This is what has happened under the past agreements with China. Perhaps I should turn it over. This is the growth in our trade deficit, the growth in red ink with China. It reached a record last year, and it is projected that if the Chinese live up to the current agreement, which is pending, that in fact this trend will accelerate. And if they do not live up to it, it will grow even more quickly. The loss of jobs will be palpable here in the United States of America.

□ 2000

If we use the U.S. International Trade Commission's own model, they say that our trade deficit with China will continue to grow for the next half a century, reaching a peak of $649 billion in 2048, our trade deficit with China would not fall below its current level until 2060. Now, that is if they live up to the agreement. Remember, they have broken every agreement.

Now, well, maybe this is different. Well, let us go to a good source, quotes from the Chinese official who negotiated these trade agreements. He is talking about a couple of specific things. He says, in fact, and he is talking about the import of meat and he says, this is a change of wording. This has created a fuss in the United States. People think that China has opened its door wide for import of meat. In fact, this is only a theoretical market opportunity. During diplomatic negotiations, it is imperative to use beautiful words for this to lead to success, the same kind of success that the Chinese have had in the past, every time beautiful words, signing agreements, every time violating the agreements and a dramatic acceleration in the U.S. trade deficit.

Now, I have had the farmers from my State, I have had the cattlemen, I have had the wheat farmers, they say, Congressman, what an opportunity for us. The U.S. market is not so great. We need help. We need access to the Chinese market. I said to them, What if you thought that, in fact, the tables were going to be turned, if wheat produced cheaply in China was going to be imported into the United States? They said, Well, no one talked about that.

Well, they did not tell the tomato growers in Florida about that when we entered into the NAFTA agreement, either; and they have been wiped out by the cheap tomatoes from Mexico. And, in fact, there is no huge opportunity to import meat into China, as we heard. These are beautiful words to get success in negotiations according to the chief Chinese negotiator.

He went on to talk about wheat. ''Some people think there will be a massive amount of smut going into China,'' he is talking about something that grows on wheat, not pornography, ''if we promise to import 7.3 million tons of wheat annually from the United States. This is absolutely wrong. Commitment is just an opportunity for market accession in terms of theory. We may or may not import such an amount of wheat as 7.3 million tons.''

He went on elsewhere to talk about how, in fact, the Chinese have made vast strides in producing and stockpiling wheat and that they fully intend to be major exporters of wheat and other agricultural commodities. And by the U.S. dropping all of its tariff barriers while the command and control, centralized communist economy of China has given us meaningless concessions on trade, those goods will be flooding into the U.S., further hurting our farmers and further impacting other sectors of our economy.

What other sectors? Well, we have been told this is a vast opportunity. Remember, a hundred years ago we heard the same thing. We heard it a mere less than a decade ago about Mexico, how Americans were going to get wealthy, they were going to get wealthy by exporting goods to Mexico.

No one talked about the fact that the total buying power of the nation of Mexico was less than the State of New Jersey. And in this case no one is talking about the fact that China is less important than Belgium to the United States in terms of exports. And the Chinese have no intention of opening that market because they are a command and control, communist, top-down dictated economy. They are not a market economy, and they will not become; and they are not required to become a market economy under this agreement.

Most economists say everything but the military telecommunications, energy industries, along with some parts of the transportation sector will be opened to private competition. State-run monopolies and exports, imports and manufacturing, for example, will be dismantled. That is the promise.

The reality is, headline: ''China Car Makers Expect Continued Protection After WTO Entry.'' Beijing Dow Jones. ''China Will Continue to Protect Its Agricultural Industry After Its Expected Entry Into The World Trade Organization.'' And the list goes on.

Telecommunications, automobiles, transportation. The Chinese have a huge labor surplus. They are not about to risk the stability of their country by putting those people out of work by more efficient manufacturers here in the United States.

This is not about exporting U.S. manufactured goods to China. It is exactly about the same thing that happened in Mexico. It is about making it safe for U.S. manufacturers to move huge sums of capital and manufacturing equipment in the past to Mexico and now to an even cheaper source of labor.

Just think of it. They work for one-fifth of the dollar an hour that the Mexicans get paid. There will be endless threats of moving the company to China if they do not get wage concessions here at home.

This is not about the buying power of the Chinese people at 20 cents an hour. A person who works in the plant manufacturing Nikes at 20 cents an hour, 6½ days a week, 12 hours a day could, yeah, it is true, if they took 3 months' wages and got an employee discount, they could buy a pair of Air Maxes. Not too likely, and not even Nike says that.

In fact, many multinationals are not mentioning selling. If you go visit their Web sites, it is very instructive. We have all heard talk about this, from their American-based factories to China, which might benefit American workers. Instead, they are carrying on about turning the People's Republic into a low-wage production base. That is what this is all about.

Procter & Gamble, they want the low wages. Motorola, they want the low wages. Westinghouse, they are all saying, and they say this openly on their Web sites, they plan to substitute Chinese parts and materials steadily for American-made ones, the ones that they still send to China to put into finished goods.

The predictable result is the loss of high-wage American manufacturing jobs. A trend that started with Mexico is going to dramatically accelerate with China.

I see a couple of other Members have joined me, and let me go to them in a moment. But let me just go back to can we trust the government of China.

We have outstanding numerous trade agreements with the Chinese, most importantly the 1979 Bilateral Accord signed by the government of China and the Government of the United States: Where the contracting parties shall accord each other most favored nation treatment with respect to products originating in or destined for the other country, any advantage, favor, privilege, or immunity they grant to like products originating from any other country or region in all matters regarding.

It goes on and on and on. We have this agreement. We do not need to give them these extraordinary new concessions. We do not have to give them a permanent blank check. All we have to do is demand that they live up to an agreement they signed 21 years ago, which they have not lived up to in 21 years, and they have no intention of living up to in the future in addition to the newly phrased, nicely worded, beautifully worded, as the Chinese negotiator says, and successful negotiations they have just had with the United States, which is about to be or they are going to attempt to jam down the throats of this Congress and the American people.

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

Mr. BONIOR. Mr. Speaker, I thank my colleague for yielding. I want to compliment him for his statements and his explaining to the American people and to our colleagues here that what we are talking about in this trade agreement with China is quite similar to what we had as a result of the North American Free Trade Agreement, that is, creating another export platform for products.

Businesses in this country move to low-wage, often authoritarian governments, countries, establish their business there and they do not have to deal with the question of paying decent wages or decent benefits, where there is no rule of law that allows people in those countries to form independent labor organizations, where there is oftentimes no chance to even provide a political voice in opposition.

So that is kind of the strategy here for many of the multinationals that are locating in Asia and oftentimes in other underdeveloped or developing world countries. And I think you can tell from the chart that the gentleman has how clearly this policy that we have had for the last decade, well, actually it is more than the last decade, the chart indicates right there from 1983 to 1999 we have granted China all these trade concessions.

All those arrows that are pointing at the red part of that graph are trade agreements we have reached with China. By the way, none of which were ever complied with. The result of that is the red that you see on that chart. And the red, of course, is the growing deficit from $6 billion in trade deficit back in 1983 to now approaching $70 billion annually.

The tragedy, of course, is because these countries, China in this instance, has such regressive, repressive laws about organizing politically, religiously, trade union-wise, their workers cannot earn enough money to purchase anything we might want to sell them. Even if we could get it into their country, which we cannot get, anyway, but assuming we could get it in, they have not the wherewithal to purchase the products we want.

The United States Business and Industry's Council's Globalization fact sheet, China Trade, came out in July of 1999, one of their fact sheets, and it states ''What Will They Use for Money?''

What they do is outline the cost of an automobile made in China. The price of a Buick is about $40,000. The price of a GM minivan planned to be made in China is about $48,000. The price of a small Volkswagen planned to be made in China is $12,000. The price of a Honda Accord planned to be made in China is $36,000.

The point here is the average Chinese urban worker's annual income is about $600, and if you look at the Chinese manufacturing worker, they labor for about 13 cents an hour; and, as a result, one of the fastest growing export sectors to China is already parts for reassembly and export back to the United States. And this has grown at 349 percent over the past 5 years, exactly what they do in Mexico.

Our corporations will go to the workers in this country and their representative unions and they will say to them, listen, if you do not take a cut in salary, if you do not take a freeze in benefits, we are out of here, we are leaving, we are going to Mexico, or we are going, in this case, to China. And they go and they hire people, as they have in many of the sweatshops in China, to put together handbags and clothing and shoes, athletic shoes, for anywhere between 3 cents an hour and 30 cents an hour.

And the people that put those things together, they work long hours, oftentimes 30 out of 31 days a month, 12 hours a day, and they are working for literally pennies. So much so that the women who make shoes in some of these factories live in dormitories, the size of which in a 1020 room there are nine or 12 women with bunk beds living in these cramped quarters.

And so after they get done working these incredibly horrendous hours, 12 hours a day almost every day of the month, they do not make enough at the end of the month to buy even one of the athletic shoes that they are making; and oftentimes what they make is taken from them to pay for their food and their dormitory use, which are really tragic.

In fact, I think we have a shot of one that if the camera could put that up on the easel. This is the iron bars covering the dormitories where these women work. Not unusual. They work without gloves. They use toxic glues and all the horrors that you could imagine exist. Not unlike the maquiladora along the U.S.-Mexican border where often women young women in their teens, in their twenties work these long hours for very, very little pay.

So when we are up here arguing, as the gentleman from Oregon (Mr. DEFAZIO) has so eloquently done this evening, about standards, when we talk about working conditions, when we talk about living up to their trade agreements, which the Chinese have not done, when we talk about meshing this together into a policy that makes sense for workers both here and in China, we are talking about really where the future is in trade.

The policies that we have now are the past masquerading as the future. They are the same trade policies we have had for a hundred years in this country.

What has changed, of course, is the globalized nature of the world that we live in today. Because everyone is more interconnected. We are interconnected by the work that we do. We are interconnected by the air that we breathe and the water that we drink.

□ 2015

Some people say, well, why are you so opposed to this environmental grounds. I do not get the Chinese environmental piece, what is that all about? Well, it clearly is this. China has a policy, and they will tell you this openly and they will be very clear to you that you cannot have environmentalism and economic growth at the same time. That is what the Chinese Government maintains. So as a result, five of the 10 most polluted cities in the world are in China.

The air and the water in China is terrible, 2 million die each year of air-related or water-related illnesses in China. The rivers in China, 80 percent of them, do not have fish in them because of the toxics and the pollutants that are dumped in them. And, of course, the ozone layer is being eaten away.

China produces more fluorocarbons than any other place on the face of the Earth. Now, why this is important to us or to China's neighbors is because that water flows not only in China. It flows into other bodies of water that border on other nations, the air, the ozone layer. The problem that causes is a result of the fluorocarbon production that affects all of us on the face of the Earth.

The air that they pollute moves about the universe, so we are all interrelated; and that is why people who have a voice, need a voice, and want a voice at the table, whether it is the WTO or these trade agreements we do bilaterally or the IMF or the World Bank, we need to have people in the discussions at the table making policies that represent these views on the environment, on labor standards, and on human rights.

There is kind of a mindset in this debate that I would like to kind of challenge, if I could for a second; and I encourage my colleagues to join me in this part of the debate, because it is a really critical piece to how we confront this issue.

The proponents of this Chinese deal will argue to you, and they will argue vociferously, and I believe many of them believe this, they will say if we invest, engage with China, and I want to invest and I want to engage, but I want to do so under conditions, 15 percent of the American people in the Business Week poll said the best way to improve human rights and worker rights in China is not to restrict trade, but to engage China and include it in the World Trade Organization and give it permanent access to the U.S. market. Seventy-nine percent said, Congress should only give China permanent access to the U.S. market when it agrees to meet human rights and labor standards.

The American people believe, by a large margin, that we should engage them, but only when they agree to meet human rights and labor standards. So their argument on the other side goes something like that that if we engage in trade, it will open up their economy, people will be on the Internet, they will be talking to each other, da da, da, da, and democracy will flourish.

Mr. Speaker, of course, we have had now over 10 years of that, and the repression in China has only gotten worse. You can use these technologies in an Orwellian way to stifle peoples' rights to speak, to restrict their abilities to communicate or to organize.

Technology can be used both ways, and if you have a government that forces the negative as opposed to accentuating the positive, it sounds like a song, then you have a very bad situation; and that is what we have in China. Religiously, if you challenge the government, whether you are a Buddhist or a Catholic or a Muslim, or what have you, you will end up in jail where tens of thousands of religious activists, political activists and labor activists now reside.

I say to that argument that by trading, you can only open up the government, not through just the free market. The free market by itself did not open up anything. It did not open up our country. What opened up our country was people banning together democratically to form political organizations, labor organizations, religious organizations, human rights organizations that then came together and changed the laws of our country so more people could vote and participate. They were empowered politically, so that more people could have a right to organize in a union and collectively bargain; and they were empowered economically, so people could come together and form religions and express themselves through their faith in a religious way.

And that is what changes people. Free market by itself, we had the free market in Chile during Pinochet's time. We had the free market in Indonesia during Suharto's time. If the government is there repressing the people, the things that my friends, the proponents of this trade agreement, want, will not happen. It is only through the people's courage and determination and fight that you could bring change.

We need to stand on the side of those people who are trying to do that, the tens of thousands who have been locked up in prison, the other dissidents who are still there on the street, some who are in exile. The human rights advocates for China today, Harry Wu, Wei Jingsheng and many others like them, say do not do this trade deal, because the Chinese Government has not agreed to open up their labor rights and environmental and other issues to the general public.

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

Mr. BONIOR. I yield to the gentleman from Oregon.

Mr. DEFAZIO. Mr. Speaker, I think that is an extraordinarily important point, because I remember sitting in your office with Wei Jingsheng and he said, when I was locked up in prison in China with no communication with the outside world, he said, I could assess the state of affairs between the United States of America and the dictators in China. He said, At times I was treated much better in prison, and at other times I was treated much worse.

And, of course, my immediate assumption was, well, I guess when we made concessions to the Chinese they treated him better. He said no. He said, in fact, when the United States was confronting the dictators in China, when the United States was taking a stand for the few months that President Clinton said that we were going to link human rights and labor rights to our trade concessions to China, he was treated better, as were other prisoners. But as soon as the U.S. caves in, every time the U.S. caves in, the oppression washes this back.

Mr. BONIOR. This is permanent what we are talking about. This is permanent caving in. This is like we do not get to have this debate any more, the annual debate. Even though we debate this every year, we raise the consciousness of the country and the Chinese people and the world community who care about human rights, even though we are unwilling as a country to enact the laws that we need to really send a message to the Chinese. At least we have debate. Now, they even want to take the debate away from us, and that is how convoluted and how twisted this has all become.

Mr. DEFAZIO. If I could reclaim my time, there are some who claim, well, in fact, we have to do this so they can accede to the WTO. In fact, that is patently false. The 1979 agreement guarantees the U.S. and China reciprocity in trade. Of course, they have not followed that agreement, and the WTO would allow under their rules China to accede, if the U.S. supported them, and continue to annually review their performance on a number of issues. To give that up, which we are doing here for all time, I mean, we are giving them everything they could have ever wanted, they could have ever dreamed of. They violated all past agreements, but the beautiful words are that they will do better in the future as their negotiators said.

I think it should be performance based. The European Union set an example when Greece and Portugal wanted to accede to the European Union. They did not say, oh, sure come on right in and please, you know, we have some concerns, but if you will promise to fix those things, we will let you in right now full membership. They said, no, we want you to deal with labor conditions, environmental problems and other concerns, low wages in your country, because we are worried about a flood of our manufacturers into your countries. And, in fact, they conditioned their accession, and they said we are going to set benchmarks. You meet the benchmarks; we will bring you along. You meet another benchmark; we will bring you along. And when you finally reach the goal, we will give you full rights. Why could we not do that with China? Will the gentleman tell me?

Mr. BONIOR. Of course, we could do that with China. We could do that with Mexico. We could do that with other Latin American countries, and we do not. We gave that away under the North America Free Trade Agreement, that was the time to set the pattern. We set this terrible pattern of no responsibility; and as a result of no responsibility, we got no accountability.

And we have walked this path of no return it seems, unless people decide to stand up and say, no, we are not going on this path. We want to make people responsible so that standards rise; they do not fall for working people in the country.

And the other side, and I will just conclude with this, and I know the gentlewoman from California (Ms. PELOSI) is here and the gentleman from New Jersey (Mr. PASCRELL) is here, the real champions on this issue, the other side will also argue, they will say, well, you know, I saw the President on TV just a while ago. He was being interviewed by Tom Brokaw on NBC; he was saying this is a win for us, because we get all this access to the Chinese market, all our stuff is going to be able to come in, because their tariffs are going to come down. But what he fails to tells you is that they do not have any compliance or enforcement, and they do not let our stuff in, even though they say they can come in.

Let me give you a couple of quick examples. In the area of wheat, China will establish large and increasing tariff rate quotas for wheat with a substantial share reserved for private

trade. This is the USTR agreement with China. After that was agreed to, Mr. Long also said that although Beijing had agreed to allow 7.3 million tons of wheat from the United States to be exported to the mainland each year, it is a ''complete misunderstanding'' to expect this grain to enter the country. In its agreements with the U.S., Beijing only conceded a theoretical opportunity for the export of grain.

Let me move to another commodity: meat. China has also agreed to the elimination of sanitary, phytosanitary barriers that are not based on scientific evidence, USTR, in other words, breaking down this barrier of allowing our meat into their country. Here is what the Chinese said right after that was agreed to: ''Diplomatic negotiations involve finding new expressions. If you find a new expression, this means you have achieved a diplomatic result. In terms of meat imports, we have not actually made any material concessions,'' China trade envoy Long Yongtu, China's chief WTO negotiator.

I could just go on and on and on: telecommunications, insurance. Insurance industry is running all of these ads on the radio; you hear them everywhere you go. You turn on your radio, they are spending all of these hundreds of millions of dollars in this campaign to convince the American people that we will be able to sell the Chinese insurance products. Agreements: ''China agrees to award licenses to U.S. insurance firms solely on the basis of prudential criteria, with no economic needs tests or quantitative limits.''

It sounds pretty good, pretty strong, USTR negotiated in November. Ma Yongwei, chairman of China's Insurance Regulatory Communication, top person, she says, that ''even after China's accession to the WTO, Beijing reserved the right to block licenses for foreign insurance companies if their approval seemed to threaten stability of economic policy.''

Now, come on, you do not have to be a rocket scientist to figure this stuff out. I mean, this is the same game they played since 1983, which has allowed our deficit to mushroom and go out of control, and here we are with these basic commodities, meat, wheat, insurance, telecommunications, and they are playing the same game.

And I say to my friends in the agricultural sector especially who are, you know, trying to persuade us, China is awash in food today. They are not going to be importing all of this food.

Mr. DEFAZIO. If I could reclaim my time, just to finish the statement by the chief negotiator, and I thought this was very telling, too, he said during diplomatic negotiations, it is imperative to use beautiful words, for this will lead to success. That is success in negotiations, not success in U.S. access.

I sit as the ranking member on the Coast Guard and Maritime Affairs subcommittee, our maritime commission has come to us and said U.S. ships cannot access Chinese ports. It is not tariffs. It is not phytosanitary barriers. It is not environmental concerns. They have a constantly set of mutating unwritten rules for port access.

We have ships dispatched from the United States, the few that carry goods back that way, because most all of their deadheading back just to bring Chinese goods here, when they get to a Chinese port, they are told, we are sorry, you must leave, and they say, why, and they say, well, the rules have changed since you left the United States. And they said, could we see the rules, and they said, well, we are we sorry, the rules are not written, but we can assure that those rules do not lie. None of that will change under this agreement.

□ 2030

The tariff barriers are meaningless, meaningless, in a command and control Communist Chinese top down state-dominated economy.

Mr. BONIOR. The gentleman forgot one other adjective, corrupt. The Chinese government is a corrupt government. It functions based upon, to a large extent, on bribery. It is a very corrupt government.

Now, I have been through this before. In fact, the gentleman from California (Mr. DREIER), who has just risen, and I were debating this issue a little bit. And I remember him getting up and arguing that the Salinas government in Mexico was such an outstanding government and Salinas was such an outstanding individual, and things would change, things would get better in Mexico as a result of this.

Well, of course, Salinas now is in exile, having been scorned by his own countrymen for the corruption of him and his family. And, as a result, what we find in Mexico are people whose standard of living has dropped appreciably, and it was not just because of the devaluation of the peso, by the way, which could very easily happen to the currency in China if this goes through. Do not be surprised if the same thing happens in China, because it probably will.

But the people in Mexico, in Maquiladora, in real wages are earning anywhere from 20 to 30 percent less than they were prior to NAFTA. Of course, we have lost many of our jobs there as well.

Mr. DREIER. Mr. Speaker, will the gentleman yield, in light of the fact that the gentleman mentioned my name?

Mr. DEFAZIO. Mr. Speaker, I have other Members to recognize first.

The SPEAKER pro tempore (Mr. COOK). The gentleman from Oregon (Mr. DEFAZIO) controls the time.

Mr. DEFAZIO. Mr. Speaker, if I could add, just to go back to the argument that the gentleman made, after the NAFTA agreement, after they devalued, after the people of Mexico were impoverished, the economists who promoted this and talked about the huge market and the jobs said, ''How could we have predicted this?'' I remember that the gentleman from Michigan predicted it. I predicted it. I only have a bachelor's degree in economics. What is wrong with these people? The same thing could happen with the RMB, so the 20 cents an hour buying power, which is going to be an incredible boon for American industry, is going to drop to 10 cents an hour wages. That is not going to buy a heck of a lot from here.

Mr. Speaker, I yield to the gentleman from New Jersey (Mr. PASCRELL), who has been very patient.

Mr. PASCRELL. I would like to start by thanking my colleague, the gentleman from Oregon (Mr. DEFAZIO) for his leadership in this area.

Frankly, I have seen enough ads and watched enough of them, so I do not need any retort or debate at this point. Our argument is not with the Chinese people, and we need to be very clear about this, but I had a horrible dream the other evening. I dreamt after standing with those dissidents in front of the Capitol, I dreamt that there was an uprising in China against the authoritarian dictatorship, and that we in America sided with a government which we have helped prop up. That is a nightmare.

Have we lost our moral compass altogether? The New York Times can try to anesthetize this all it wants in its editorials and its big ads, but it does not change.

This vote is not a referendum on one billion people who are forced to live under communist tyranny; this vote is about America's relationship with the Chinese government.

We have lost our moral compass to listen to the administration and to leadership in this House about where we are to go on this vote. There is a reason that the proponents of this flawed deal have been touting the national security and theoretical reform benefits they see in this package. They know that the argument that this bill is good for our working families is plain wrong.

As China seeks entry into the World Trade Organization and as our trade deficit with China soars to record heights, our manufacturing jobs are being sucked from our shores, away from our workers. Those jobs are going to places like China, where there is very little regard for working people, very little regard for their safety, very little regard for the environmental conditions within which people work, very little regard for health standards.

When dealing with issues such as this, I find it is best to step back and look at exactly what we are doing. What does this vote mean? Granting PNTR to China would strip America's ability to keep check on the communist regime in China. Granting PNTR to China says that China has gained our trust and approval, and I would be saying I believe this trade deal is the best thing for working folks

in my district, in your district, the gentleman from Oregon, in your district, the gentlewoman from California.

I will not do that, because this is a bad deal. The numbers do not lie. In New Jersey, we will lose 23,000 jobs. In the United States as a whole, we will suffer a net job loss of 872,000 jobs over the same 10 years. We are not creating jobs in America, we are creating jobs in China. And why are we creating jobs in China? Proponents like to talk about job creation, although lately they have quieted that message, but they do not like publicizing the job loss on our side.

The real job creation is in China, where United States businesses will flock with their factories. Do you remember the words, in May of 1999, by the former Chief Economic Adviser to President Clinton, when she wrote in Business Week Magazine the following. Think of American workers reading this, hearing this, whether they are in machine shops, whether they are in the textile industries, whether they are making shows, whether they are farmers. Think of them hearing these words that she wrote: ''The only big change to American markets with China trade would be in the textile industry, which is currently protected by quotas slated for elimination under the WTO rules. China is among the world's lowest-cost producers of textiles, and one of the great benefits of WTO membership would be the elimination of U.S. quotas.''

For an addendum, ''lowest cost producers.'' There is the rub, because we could talk about every one of those industries that I have just mentioned. What we are going to see is corporate America, part of corporate America, move offshore more jobs into China. Why? Let us listen to what Ms. Tyson said: ''Because China is among the world's lowest cost producers of textiles.''

Yet, and here is the second rub, when my wife goes into a department store to buy a Liz Claiborne dress, she is paying exactly the same amount of money most of the time as if that dress was made in the United States; and we know it is made for from $7 to $15 in China, Korea, Honduras, in Mexico, you name it. Well, where did this money go? Whose pockets are enhanced?

How can we stand before the American people and argue moral principles are involved here and that is why we should vote for WTO, that is why we should vote for permanent recognition of trade with China? What a sad day. It is pathetic, and I do not care whether it is coming from that side of the aisle or in my own party. It is not acceptable. I have not lost my moral compass, and I will tell that to the President, I will tell that to the folks on the other side who are in the leadership. You know the movie, you know the movie, it was a very nice movie, it was a very interesting movie, Sleeping With the Enemy. It was a great movie. I guess we missed the point.

They will go there, these corporations, and pay, as the gentleman from Michigan pointed out, they will pay 33, 13, even 3 cents an hour in sweatshops. We are condoning this by our actions. We are propping up a dictatorship that has sold to countries military secrets, missile secrets, missiles aimed at us. The report is clear. We have all been briefed, and when we have been briefed that means it is in The New York Times. Nothing special ever goes to a Congressman. It is there. It is part of the record, and there is no two ways about it.

So I say to Ms. Tyson, come to Patterson, come to Pittsburgh, come to Toledo and tell the folks who work hard to make ends meet in America, to bring food home to their families, tell them they will be better off when their jobs shut down.

Today we had a press conference. Little did I know that one of the factories right in back of where I had the press conference is shutting down, 110 more jobs. While we do little patterning here, the manufacturing is moving offshore. We have lost our moral compass.

This is not normal trade relations by any stretch of the imagination. Our trade deficit with China grows from $7 billion 10 years ago to $70 billion; and if NAFTA is any model, and the administration will tell you there is a big difference, and while I hope there is a big difference, everything you told us about NAFTA did not come true.

It had better be different. What is the difference, if you export the jobs to Mexico or if you export the jobs to China? We say ''give us your tired, your weary.'' We say ''come to America'' to immigrants. We say ''our doors are open.'' Then the very jobs that immigrant is working in are the very jobs that we are shipping to the very places they came from. The irony of it all.

We do not need permanent trade relationships with China right now. It is bogus. What we need to do is make a commitment to the Chinese people that we will never surrender our moral compass, and that the only thing we want to be permanent is their commitment to freedom. When the Chinese government begins to change, not just by innuendo, but by reality, then, then we can talk about PNTR for this great democracy of the United States.

Mr. DEFAZIO. Mr. Speaker, the gentleman has been most eloquent. I would note that the gentleman from California came on the floor during the debate and asked for time, and I would hope that we could arrange actually a time where Members could share an hour, equally, half an hour or so on either side, to debate, and would hope that can be arranged. I had a number of Members previously waiting on the floor, so I was unable to yield to him. Tomorrow night I would hope that perhaps we might do that, or even some other special procedure. Since the gentleman is Chair of the Committee on Rules, he could make some time available for us to do that.

Mr. Speaker, I yield to the gentlewoman from California (Ms. PELOSI).

□ 2045

Ms. PELOSI. Mr. Speaker, I thank the gentleman for yielding and for calling this Special Order, and I would like to associate myself with his remarks that we should have an exchange. I think the American people would benefit from that. I have no fear that in the discussion our point of view that Permanent Normal Trade Relations for China are not appropriate at this time.

Mr. Speaker, I come to this group, and I commend my colleagues for the depth of their knowledge and commitment on this issue, but I come as one who supported NAFTA, who has supported almost every trade agreement that I have had to vote on. Having said that, I say that some of the Members of Congress who did support NAFTA, who now do not support this, do so for a very good reason. This is not right, it is not ready, it is not fully negotiated. What is the rush?

Let me just say this. As my colleagues know, over time, there have been three areas of concern in this Congress about U.S.-China relations; and over the past decade, the situation has not improved. Those areas include proliferation of weapons of mass destruction; indeed, three pillars of our foreign policy are to stop the proliferation of weapons of mass destruction, to promote democratic values, and to grow our economy by promoting exports. In all three of those areas, this proposal falls very, very short.

In terms of proliferation of weapons of mass destruction, despite administration statements to the contrary, China still continues to proliferate weapons, biological, chemical and nuclear weapons technology and their delivery systems, the missiles to deliver them, to rogue states like Pakistan, Iran, and now Libya. Libya, I might add, and this is recent, it is current, it is this spring, it is as we speak, the Chinese are improving the technology for Libya's missile capability. In a February speech, Secretary of Defense William Cohen explained the danger that Libya poses. Libya has chemical capabilities and is trying to buy long-range missiles. Rogue states like Libya, Iraq and Iran are not trying to build the missiles for regional conflict, they want long-range missiles to coerce and threaten us.

So while China is engaged in this dangerous proliferation to Libya, who has been established as a threat publicly by Secretary Cohen, we are not overlooking that proliferation; we, this administration, is certifying that it is not happening. This country is in such denial about China's proliferation activities that it is appalling, and it is not in our national security interest for us to proceed in this fashion.

Then we come to the issue of human rights. The administration has told us over time that if we engage with China in the manner they propose, and by the

way, I certainly believe that we should engage with China in a sustainable way, but if we kowtow to the whim of the regime at every turn, that human rights will improve. Well, right now, today, there are more people in prison for their religious and political beliefs than at any time since the cultural revolution. The State Department's own Country Report documents that and the Congressional Commission on Religious Freedom also says that China should not get PNTR until there is improvement there.

But that is about human rights and that is about proliferation, and others say to us, well, for those reasons you want to sacrifice U.S. jobs, the opportunity for U.S. jobs; and that, I say to my colleagues, is the grand hoax. The very idea that proponents of PNTR would say that for promoting human rights and stopping proliferation, we would sacrifice U.S. jobs is ridiculous.

In fact, as my colleague pointed out, in the past 10 years, the trade deficit with China has gone from $7 billion to $70 billion, and it will be over $80 billion for the year 2000. Our colleagues who promote this say that for every $1 billion of exports produces 20,000 jobs in the U.S. Well, by their standard, the $70 billion, just taking this year's figure, would cost us 1,400,000 jobs to China with a $70 billion trade deficit. Now, they say, oh it does not work in reverse, it just works this way. Well, tell that to people who are losing their jobs.

Now, again, I come to this floor as a free and fair trader, and I come from a city built on trade and many people there are not in support of my position. But I will tell my colleagues this: they can advocate all they want. We have the facts here, and we have a responsibility to the public interest, and we must talk about the jobs issue.

People talk, and my colleague from New Jersey has mentioned the textile issue. We have already said, textiles are low tech, they will go offshore; but that is not all that is going offshore. Many of these circuit boards, there is so much that is being done offshore in the high-tech industry. Let us take an example: aerospace. Boeing, Boeing, Boeing sets our China policy, we know that. But in aerospace, do my colleagues know that there is a province in China called Tian Province. You probably know it from the clay soldiers that are there, but there are also there 20,000 workers who make $60 a month making parts of the Boeing airplanes, 20,000 workers. There is a book called Job on the Wing, and it describes this transfer of technology and production of jobs in the aerospace industry, which is one of the leading advocates for the PNTR. No wonder. Philip Condit, the head of Boeing, said when a plane flies to China, it is as if it is going home, so much of it has been made there.

So do not talk to us about this being about U.S. jobs. It is largely about U.S. investment in China; it is on platforms for cheap labor to export back to the U.S. But let us say, let us say it is about what they say it is about, that we really are going to have this good deal and it is going to create jobs, if the Chinese government complies with the terms of the agreement, which as our distinguished whip earlier spelled out, their reinterpretation already at the 1999 China-U.S. trade agreement, not to mention the fact that they have never honored any trade agreement all along the way.

Workers' rights and what workers make. Today, there was a press conference our colleagues had and a worker had just come from China. He worked in a group that made $40 a day. Divide that up among 24 workers for this particular product. I know the product, but it is up to him to say, that worker to divulge that. Mr. Speaker, $40 a day divided up among 24 workers for a full day's work. So workers' rights, well, they are a competitiveness issue, and although it is a human right as well, it is about jobs.

The environment is a competitiveness issue as well. I was pleased to join our colleagues in sending a letter all around talking about the disappointment we had that this bilateral agreement, the U.S.-China bilateral agreement negotiated by the Clinton administration did not prioritize transfer and export of clean energy technology to China. It could have, but it did not. Also, it did not obtain a commitment from China that it would not use the World Trade Organization to challenge invasive species controls under the CITES, and that any trade investment agreement with China should place basic environmental obligations on U.S. corporations so that they do not escape the regulations that are in the U.S. That is a competitiveness issue.

So here we have a situation where we are helping to despoil the environment of China, where we are helping to abuse the workers' rights and, by the way, the workers in China whom I have met with have said, you are throwing us into the sea when you go down this path. Do not salve your own conscience by having some code of conduct or some other camouflage, because only we can speak for ourselves; and until we, the workers of China, can speak for ourselves and can organize, only then can you talk about trade with China lifting up workers in China.

So here we have this situation where we do not even know if the Chinese will agree to it; it is not completely negotiated. The trade representative has said the mechanism for compliance has not been negotiated yet, and for this we are squandering our values and our national security and 1,400,000 U.S. jobs.

Mr. DEFAZIO. Mr. Speaker, the gentleman from Ohio has been very patient. There is only a couple of minutes left, but I understand that the gentleman from California (Mr. DREIER) would like to yield to him during the next hour. I have another commitment, and I have to leave, but he wants to yield time to someone to debate.

Mr. DREIER. Mr. Speaker, I said I will yield to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. Mr. Speaker, I thought the gentleman from California might yield to the gentleman from Ohio.

Mr. Speaker, I yield to the gentleman from Ohio.

Mr. KUCINICH. Mr. Speaker, may I inquire as to how much time there is?

The SPEAKER pro tempore (Mr. COOK). The gentleman from Oregon has 1 minute remaining.

Mr. KUCINICH. Mr. Speaker, this is the beginning of a lively debate that will take place over the next few days.

The administration is attempting to inject this idea of this being a national security vote. Well, look at the kinds of high technology which we are buying now from China as a result of a $70 billion trade deficit where we have forgotten the commitment that we should have to this country's security first.

We are buying now from China, not shipping there. We are buying turbojet aircraft engines, turbo propeller aircraft engines, radar designed for boat and ship installation, reception apparatus for radio, prison binoculars which are military issue, rifles that eject missiles by release of air and gas, parts for military airplanes and helicopters, parascopes designed to form parts of machines, turbojet aircraft engines, transmitters, bombs, grenades, torpedoes, and similar munitions of war.

They are making this now and selling it back to us. What is happening with this country? We are forgetting about our own strategic industrial base.

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ONE-MAN TRUTH SQUAD

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from California (Mr. DREIER) is recognized for 60 minutes as the designee of the majority leader.

Mr. DREIER. Mr. Speaker, I have taken out this Special Order to lead at this point what will be a one-man truth squad to try and respond to some of the things that have been said over the past hour about this issue. During that time, I am happy to yield to my friend from Oregon who refused to, I guess like the Chinese leadership, refused to yield to me when I was simply going to ask a question in response to the fact that the gentleman from Michigan referred to me.

So let me just take a few minutes to respond to a couple of those points that were made that come to mind and then talk about this general issue, and then I should inform my friends that I would love to do this over the hour, but because of the fact that my colleagues would not yield to me and because of time constraints, I have to be upstairs for another commitment in about 12 minutes. There are two television programs. I am going to be debating, in

fact, the minority whip on one of the television programs where he and I will discuss this, but it was a previous commitment that my office made for me. So I hope my friends will understand. But I will try within the 12-minute period that I have to, unlike my friends from the other side of the aisle, yield to them for a question or a comment, and I will do it just as generously as I possibly can. It will certainly be more generous than my democratic colleagues did.

Let me say this: this vote that we are going to be casting the day after tomorrow is the single most important vote that we will cast, clearly, in this session of the Congress. I believe that as we look at this question, it really transcends simply the issue of job creation and economic growth. It has to do with whether the United States of America is going to maintain its role as the paramount global leader.

Why is that so important? It is very important because this building in which we are all seated or standing, happens to be the symbol throughout the world for freedom, and one of the most important freedoms that exists happens to be economic freedom.

Now, my colleagues were talking about the fact that over the past 2 decades, we have seen the United States grant Most Favored Nation status to the People's Republic of China, and look how bad the situation is. Well, Mr. Speaker, they are not going to get an argument from me about many of the problems that exist in China today. I am the first to admit that we have very serious human rights problems. In fact, I will take a back seat to no one in this Congress or anywhere in demonstrating concern about human rights. I have adopted Refuseniks, I brought wounded Mujahadine in from Afghanistan during that war, I have worked for human rights, I marched to the Chinese embassy the week after the Tiananmen Square massacre in June of 1989.

So anyone who tries to claim that those of us who believe passionately in economic freedom and want to expand that throughout China are somehow placing American business interests above the interests of our very precious American values are wrong. They are wrong in making that claim. They fail to realize the interdependence of political and economic freedom, and they fail to recognize that while over the last couple of decades we have dealt with a situation which has provided China one-way access to the U.S. consumer market, this is a vote that is unlike any in the past. This vote does, in fact, pry open that market with 1.3 billion consumers, nearly five times the population of the United States. Do they have a standard of living or a wage rate that is anything like that of the United States? Absolutely not.

□ 2100

Mr. Speaker, I want them to. I want them to. I aspire to seeing economic strength throughout the world and even for the impoverished hundreds of millions in China.

Now the minority whip talked earlier about some quotes that came from Chinese leaders stating that if in the area of insurance, for example, they do not like a decision that is made, they will ignore it. They talked about the area of agriculture and some leader in China saying if they do not like exactly what is taking place in some deal that is put together, that they will just null and void it. That is the whole point of what it is we are trying to do here, Mr. Speaker.

We are trying to put into place a structure whereby the People's Republic of China, a country that, yes, has violated agreements in the past, a country that has not been forthright, a country that has been very repressive, they will, under this agreement, be forced to live with a rules-based trading system; and, as I said, for the first time they will be forced to open up their markets.

What happens if they decide to thumb their nose at an agreement that is made? We have for the first time, Mr. Speaker, an opportunity with 134 other nations, this international organization known as the WTO, and I know many people like to criticize it, but do they know what the goal of the WTO going right back to when it was the general agreement on tariffs and trade in 1947, established following the Second World War, do they know what the goal of it was? To cut taxes; to cut taxes. That is the raison d'etre for what was the GATT and now the WTO, because, Mr. Speaker, a tariff is a tax. A tax, unfortunately, creates a situation whereby we do not allow for the free flow of goods and services.

Let us talk about the issue of automobiles, and I will say that on the issue of automobiles we have a situation where we export about 600 cars a year into China. That tariff is 45 percent. It drops under this agreement. I cannot say that every one of the 1.3 billion Chinese will be able to buy a sport utility vehicle at $50,000, but I will say this, that there will be an opportunity to sell more U.S.-manufactured automobiles in China.

I will say another thing. They keep saying on the other side of the aisle that we are trying to do everything that we possibly can to make sure that companies have a chance to move to China, set up operations there. Well, Mr. Speaker, they can do that today.

Guess what? They have to do it today because of domestic content requirements that exist in China. But under this agreement, those domestic content requirements are thrown out. So the incentive that many companies have to open up their plants in China today will not be as great.

I do not want to stop any company from making a business decision if they want to move to China. I do not think it is my responsibility. I do not think it is government's responsibility to block the free flow of goods, services, ideas, or businesses, but I do think that anything we can do to provide an incentive for a level playing field, whereby these companies can stay in the United States and still sell their products there, is the right thing for us to do.

Mr. Speaker, I would be happy to yield if there is a question or two to my friend from Oregon (Mr. DEFAZIO), if he would like to pose a question to me.

Mr. DEFAZIO. Mr. Speaker, I thank the gentleman for yielding. That is generous of him, and I regret again that earlier, because of the number of Members I had here, I could not yield to him.

The gentleman seems to be mixing the issue of the WTO and rules and enforceability with the permanent normal trade relations accession by the United States. There is nothing in the WTO that says that permanent normal trade relations status must be granted before a country can accede. We can recommend and vote for their accession without giving up our right to annually review the actions of the Chinese Government in a host of areas, including conformance with trade agreements, which the gentleman admits they have violated in the past.

Mr. DREIER. If I can reclaim my time, I will explain this. Let me explain the situation as it exists. Last Friday, we saw an agreement that was struck between the European Union and the People's Republic of China. That agreement will basically seal the deal whereby, as I said, the other 134 nations that are members of the WTO will be able to have access to the Chinese consumer market, and it is absolutely essential that the United States of America, if we as a nation are going to have that same access to the Chinese market, that we grant permanent normal trade relations.

Why? Because under the Jackson-Vanik provision that exists, the constant review would, in fact, prevent us from having the consistent access that all the other countries have into the Chinese market. It seems to me that as we look at that, it is very important for us, as the world's paramount leader, to be not behind the 8-ball but, in fact, we are the ones who should be providing the leadership, and that is exactly what we have done to date. We have been encouraging the other member nations of the WTO to proceed with their negotiations with the People's Republic of China.

We had, actually, what I thought was a very good arrangement a year ago this past April; and unfortunately it was not accepted. But negotiations continued and our great U.S. Trade Representative, Ms. Barshefsky was able to put together a very good deal last November when she sealed that package, and the contingency is that we must grant permanent normal trade relations to make that happen.

Now I believe that we should continue to have some review. We do need

to do everything that we possibly can to make sure that we raise tough questions about human rights policies, about other provisions. That is why we have included what is referred to as the Bereuter-Levin proposal. That proposal will allow us the opportunity to, through a Helsinki-type commission, have 14 representatives, 9 Members of Congress and 5 appointees from the executive branch, who will meet and make recommendations and observe the human rights policies that exist in China.

So when my friend said that he believes it is important that we continue to review it, we are going to have a delegation of Members of Congress who will be part of this.

I see my friend from New Jersey (Mr. FRELINGHUYSEN) has just arrived, and I would be happy to yield to him.

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

Mr. DREIER. I have yielded to my friend, the gentleman from Oregon (Mr. DEFAZIO), and I think it is only fair, since I have to leave in 3 minutes.

Mr. DEFAZIO. Mr. Speaker, will the gentleman yield on that issue? I have a particular question on that issue.

Mr. DREIER. I am happy to yield to my friend, the gentleman from Oregon.

Mr. DEFAZIO. The gentleman mentioned we needed this agreement for regular relations and access to the Chinese market, but has the gentleman read the agreement signed in Beijing July 7, 1979 which says, and I quote, any advantage, favor, privilege or immunity that either of the parties grants to like products originating in or destined for any other country or region in all matters regarding shall be granted to each of the signers of this agreement?

We already have an agreement which says they must do that and we must do that with them, and they are violating it.

Mr. DREIER. I agree there have been violations of agreements. That is why we have a retaliation mechanism within the WTO. We have not had a means by which we could retaliate. That is what the WTO is all about.

Mr. Speaker, at this point I am happy to yield to my friend from New Jersey (Mr. FRELINGHUYSEN). Mr. Speaker, at this juncture I have to go upstairs. I ask unanimous consent to yield the balance of my time to the gentleman from New Jersey (Mr. FRELINGHUYSEN), and if I can come back in just a few minutes I will try to do that.

The SPEAKER pro tempore (Mr. PEASE). Is there objection to the request of the gentleman from California.

There was no objection.

The SPEAKER pro tempore. The gentleman from New Jersey (Mr. FRELINGHUYSEN) will control the time of the gentleman from California (Mr. DREIER).

Mr. FRELINGHUYSEN. Mr. Speaker, I thank the gentleman from California (Mr. DREIER) for yielding, and I thank the gentleman from Georgia (Mr. NORWOOD) for his assistance in allowing me to precede him.

The SPEAKER pro tempore. The RECORD should reflect that the decision to yield was also with the acquiescence of the majority leader. The gentleman may proceed.

Mr. FRELINGHUYSEN. Mr. Speaker, I rise in support of extending permanent normal trade relations with China and to talk for a few minutes about how this agreement will benefit my State, New Jersey and, of course, the Nation.

Mr. Speaker, international trade, whether with China or any other Nation, means jobs for New Jersians and the continued prosperity for our State. That is the bottom line.

Out of New Jersey's 4.1 million member workforce, about 600,000 people Statewide from Main Street to Fortune 500 companies are employed because of exports, imports, and direct foreign investment. Currently, China ranked as New Jersey's ninth largest export destination in 1998, an increase from 13 in 1993.

Our Garden State has exported $668 million in merchandise to China in 1998, more than double what was exported 5 years earlier.

Mr. Speaker, for many months now I have been actively spreading the positive word about the benefits trade with China will bring to my home State of New Jersey. I found many companies that are being just as active in educating their own employees, customers, and the public about the benefits to their business and to our national economy that permanent trade with China brings about. I congratulate these firms, particularly American International Group based in Madison, New Jersey.

In Livingston, New Jersey, AIG, for example, has devoted a public policy Web site for AIG employees to learn more about the importance of trade with China. They should be commended.

Mr. Speaker, I have also written many of the large and small businesses in my congressional district to get their reaction to the need for permanent trading relations with China, and I would like to report back on what some of these companies are saying about PNTR and why it is important to them.

Bill Donnelly, President of the Morris County Chamber of Commerce said, and I quote, ''This, meaning trade with China, is about more than just a transfer of products. It is a transfer of values,'' end of quotation.

Tommy Thomsen, president and CEO of the shipping giant Maersk, based in Madison, said, and I quote, ''Our experience is that artificial trade barriers hurt all shipping companies, from the largest global carrier to the smallest niche player. Our own business and that of the U.S. exporters have excelled when companies are allowed unencumbered access and are given a chance to compete. American exporters have and will respond with ingenuity, with creative ideas and technology to make them competitive,'' end of quotations.

Armand J. Visioli, President of Automatic Switch Company in Florham Park, New Jersey, believes, and I quote, ''The failure to provide PNTR for China would mean our global competitors would enjoy significant advantages in the China market while American companies and farmers would see no change to the status quo.'' End of quotations.

The New Jersey State Chamber of Commerce, quote, ''Recognizes the importance of economic engagement with China in order to not only enjoy the vastly improved trading relations with an emerging economy but also to position itself for continuing input on human rights conditions as well.'' End of quotation.

The New Jersey Farm Bureau said, and I quote, ''Expanding agricultural trade opportunities is a solid weapon to combat the low commodity prices plaguing farmers and driving down the domestic farm economy.'' End of quotation.

Joe Gonzalez, Jr., President of the New Jersey Business and Industry Association, said to me in a letter, ''Annual reviews of China's trade status over the past 20 years have had a negative impact on the United States-China relations by restricting opportunities for U.S. workers to compete in the global market. U.S. exports to China currently support hundreds of thousands of jobs and the Chinese market represents the most important growth market for American agriculture. U.S. firms need to be part of China's development to remain competitive and to encourage private market development.'' End of quotations.

The governor of my State, Christine Todd Whitman, has urged support for PNTR and said, ''Because international trade and investments are integral to New Jersey's economic vitality, the outcome of debate of whether to extend PNTR to China will have unquestionable ramifications for New Jersey. We anticipate substantial export growth for both goods and services from New Jersey in the Chinese market. Continued export growth in the region will lead to increased business for our ports as well.'' End of quotations.

Richard Swift, chairman and president and CEO of the Foster Wheeler Corporation in Clinton, New Jersey, said, ''Foster Wheeler Corporation is one of the largest exporters of power generation equipment to China. One typical Foster Wheeler boiler export adds $10 million to $12 million to New Jersey's economy each year. These expenditures support 1,200 jobs at our New Jersey-based suppliers, many of which are small- and medium-sized businesses.'' End of quotations.

Mr. Speaker, as we are aware, New Jersey is a medicine cabinet of the Nation, home to the world's major pharmaceutical companies, providing both the medicines and research that save lives around the globe.

Jack Stafford, chairman, president and CEO of American Home Products in Madison, had this to say about the China agreement, and I quote, ''The United States is the world's leader in pharmaceutical innovation, reflecting our long-standing support for a business environment that rewards competitive strength and scientific research, medical innovation and biotechnology. The United States' pharmaceutical industry first entered China 20 years ago. Today there are 19 major research-based pharmaceutical companies in China. These leading U.S. companies have about $750 million in annual sales and 12 percent of its $6.1 billion Chinese market.''

□ 2115

''The market is growing nearly 10 percent annually. U.S. research pharmaceutical companies have helped introduce innovative world class medicines greatly improving the lives of millions of Chinese patients.

''American home products investment in the Chinese market is significant, and the opportunity for growth for our company and our industry is tremendous.

''As with all foreign direct investments of U.S.-based multinational companies, this creates more jobs in our U.S.-based operations and greater resources to invest in research and development for new medication for the U.S. market and around the world.''

Michael Bonsignore, CEO of Honeywell in Morristown, New Jersey, who has been a true leader through his work at Honeywell and as chairman of the U.S.-China Business Council said, ''Beyond the commercial benefits that will come from this agreement, China's accession to the World Trade Organization constitutes a very positive development in the overall U.S.-China bilateral relationship. It will enhance the stability of the overall relationship by reinforcing the mutual interests and benefits. And, as the World Trade Organization is based on rule of law, China's commitment to adopt the terms of this vital multilateral organization is a powerful signal of China's desire to operate as a full member of the global community.''

Richard McGinn, chairman and CEO of Lucent Technologies in Murray Hill, also wrote me and said the following, ''China represents the largest single emerging market opportunity for telecommunications products and services'' that we produce ''in the world. Today, less than 10 percent of the 1.2 billion people in China have telephone service, and one person in 400 has access to the Internet. It is estimated that China will account for 20 percent of the global telecommunications market by the year 2010.

''Lucent's success in China means continued investment in research and development, and increased production here in the United States. It is very clear that Lucent Technologies, its employees, customers and shareholders have a tremendous stake in making sure that our company is afforded the same trading rights with China as our foreign competitors. The only viable way'', he says, ''to guarantee this is through the granting of permanent normal trade relations with China.''

Mr. Speaker, I urge my colleagues to vote in support of this agreement and in support of America's continued economic prosperity and our Nation's continued democratic influence on global affairs.

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PERMANENT NORMAL TRADE RELATIONS FOR CHINA

The SPEAKER pro tempore (Mr. PEASE). Under the Speaker's announced policy of January 6, 1999, the gentleman from Georgia (Mr. NORWOOD) is recognized for 60 minutes.

Mr. NORWOOOD. Mr. Speaker, I am grateful for this time tonight to talk about what I think all of us have in our heart today and knowing that the China vote, the trade issues will come up this week, as early, perhaps, as Wednesday. My colleagues that have preceded me and all of us have been very thoughtful, I hope, and very concerned. I hope that we all realize that there are good people on both sides of this issue, people who are trying their best to understand what is right, people from both parties that are for and people from both parties that are against.

Now, Mr. Speaker, the President has called on us to approve trade with China, based on a philosophy that we should be, and I would quote the President ''reaching out a hand, not shaking a clenched fist.'' Well, I agree with that philosophy. The problem is I believe that for the last 5 years, we have been reaching out a hand, while Beijing continues to shake their fist at us.

Before we even begin discussing why we should not extend new trade privileges to China, the American people need to be made aware that we are not talking about stopping trade with China. The gentleman from New Jersey (Mr. FRELINGHUYSEN) listed CEO after CEO that presently is doing business with China. If we do not approve the PNTR, it does not mean at all that we will not continue doing business with China just as they are today.

Far too many factions in this debate have attempted, I believe, to build a strawman argument by insisting that a vote against PNTR is a vote to block trade with China or isolate China or even the United States from world trade. That is simply not the case.

Here is the truth about a ''no'' vote on PNTR. If we vote no, China and the U.S. continue trading just as they are today with China receiving most favored nation's status, or normal trade relations, whichever way one prefers to call it. Nothing necessarily changes. Later this year, Congress will need to approve, then, a normal trade relations for another year, just as we have done every year since I have been here, after we examine China's progress on human rights, on trade practices, and on our national defense concerns. That is the same process that we have used every year since 1979.

Supporters of PNTR claim that a ''no'' vote by Congress will upset the entire World Trade Organization movement with America blocked from participation. But according to Professor Mark Barenberg of Columbia University, that is just nonsense. I would like to quote the learned profession: ''If China grants market-opening concessions to WTO members, then existing bilateral trade agreements between China and the United States require that China grant those same concessions to the United States, even if Congress does not grant PNTR to China.'' That is through our existing bilateral trade agreements.

Mr. Speaker, I will offer Professor Mark Barenberg's statement for the RECORD.

So if we vote no, nothing about our existing or future trade with China really changes. The only thing that really changes will be the monitoring of Communist China's records on human rights, fair trade, and military expansion. It stops.

These, then, bring up for me three powerful reasons that we should oppose bringing China into the WTO and extending permanent normal trade relations at this time. Many people are going to vote no Wednesday who might, under different circumstances, be very ready to vote yes a year from now. But at this time we should not extend permanent normal trade relations. We have normal trade relations with China. We are asked to do it permanently.

The first reason is trade itself. China has normal trade relations with us today, and they simply do not keep their agreements with us at all. For instance, they do not let us sell tobacco to them under the false pretense that our tobacco has blue mold spores. Now, we know that the Chinese Government simply made that up to keep us from exporting tobacco.

They agree to ship a limited amount of textiles to America each year, and we agree with that, with that bilateral trade agreement. Yet they still tranship millions of dollars of textiles beyond that agreement through Africa.

They can currently, today, buy all the cotton and chickens that they want from America. But they do not do it. Why should they do that? They have a surplus of cotton, cheap cotton that they produce with slave labor. Why would they buy ours?

They currently export chickens to America, probably not to my home State of Georgia. We grow a few, too. But we are not going to send them any

chickens, at least any more than we presently do.

We have agreements with them not to steal our technology, military or otherwise, but they do. They have a larger espionage operation going on in our country for these purposes today than any time in our history.

We have agreements that they are not to steal our intellectual property, but they do. We have agreements that they are not to force American companies to turn over technology in order to just do business in China, but they do. They are not supposed to attempt to corrupt our political system, but they do.

Chinese military leaders have and are contributing to Federal election campaigns in an attempt to sway this very vote. They do not keep their word. They totally ignore agreements.

How do we respond to that? We offer them permanent trade relations for all of their good deeds. Why? Well, we say, if only they were in the WTO, we could make them behave. To enter the WTO, they once again enter into an agreement.

Why does anyone believe, all of a sudden, they are going to keep their word with agreements that are not enforceable, particularly when China would then have a vote on what was enforced? The WTO would enforce only what it wants enforced, not what America needs to have enforced.

Supporters of PNTR say if China would only lower their tariffs, we could sell to them. Well, Mr. Speaker, the ''them'' is the Chinese Government, not private Chinese businesses or even the people, but the government alone.

We have normal trade relations with China today. Why does the Chinese government not buy from us now? They set the tariffs. They could lower the tariffs if they are so anxious to buy from America. There is no reason to believe that they will improve after being in the WTO. They can buy cotton or chicken or Coca-colas or beef from us today. We are glad to sell it to them. Why do they not?

Well, the answer in one case is that they grow cotton, cheap cotton because of slave labor and/or low wages, no regulations from the EPA or OSHA. They export this cheap cotton. Do my colleagues know why? Our textile mills need cheap cotton in order to compete globally. It is understandable they are sending us their cotton. That is not going to help our cotton farmers.

We say over and over again this agreement will help the American farmer. How? China is trying to do the same thing we are, that is, to feed themselves and furnish their own fiber. Why will they buy cotton from us when they have a surplus which they gained after we taught them how to grow cotton more efficiently, for goodness sakes.

□ 2130

Yes, they are going to buy some of our products, particularly those that they cannot currently produce for themselves, and they are going to continue to do that whether we make this permanent or not. But before we count on those sales, we need to remind ourselves of the Chinese doctrine. It mandates that if we sell any product there, we also have to provide the technology for China to produce the products themselves. And where did they learn to gin cotton? From us.

This situation occurs between the Chinese Government and American companies who are forced to enter into joint ventures in order to sell product in China. WTO rules say China cannot do that. We say that if we could only get them into the WTO, the WTO would enforce this agreement. How? If a big sale to China is dependent on giving them technology, some American companies, or their international competitors, will do it. How do I know that? They already have done it.

Chinese business is government business. It is run with the same goals in mind as private business, as we know it in this country, with one critical twist. Instead of profiting stockholders or individual entrepreneurs, it profits only the Chinese Government.

Instead of failing or succeeding based on profits in global competition, it succeeds entirely on whether specific operations meet the needs of the Chinese Government. Chinese export successes help China's Communist government and no one else, unless we want to count the $1 a day discretionary allowance granted the workers by the Communist party.

I want to remind my colleagues that the Chinese Government can buy from America today if they want to. If we have normal trade relations with China now, why do they simply not lower their tariffs now and buy from us, if that indeed is what this agreement is all about, us exporting to China?

Bringing China into the WTO helps China and it hurts America, in my opinion. It will encourage American companies to move their factories to China to take advantage of cheap labor, no health or safety regulations, and low cost of production. These goods will then be imported back to America to compete against our companies; that is our companies that have not already been put out of business under our existing trade agreements with our high cost of production, including, I might add, the high cost of a justice system and a lawsuit-happy Nation.

Today, Wal-Mart is the single largest importer in the United States. Half of their imports come from China. Does Wal-Mart have factories in China? Who has the majority interest and control of those factories? The Chinese Government, not private Chinese business interests. These imports are not promoting Chinese capitalism, they are funding the Chinese Communist government.

If we approve PNTR and China's entry into the WTO, we will witness the total and complete collapse of the textile industry in America, along with some other industries.

Reason number two that I oppose PNTR is national security. I have attended over the last 2 weeks two top-secret briefings from the CIA. What I have learned, that I can tell, is this: The Chinese military considers us to be their main enemy that they must fight one day. They are building missiles with Russian cooperation just as fast as they can go. These missiles are aimed at our friend Taiwan and U.S. carrier forces. Does anybody remember the Taiwan Relations Act?

They are preparing to attack our satellites. They are working on long-range missiles aimed at the American heartland. Remember Los Alamos, where they stole our secrets on nuclear warhead technology? They are buying military hardware anywhere in the world as fast they can, including AWACS from Israel.

They are doing this to the tune of $40 billion a year. They are using our own money because we believe that we must have $2 hammers. Remember, they receive $70 billion U.S. dollars per year because of the trade deficit we have with them today. They are buying weapons with cash, our cash, not credit. On top of this, they are selling military hardware to Pakistan, Iran, North Korea, and others.

Reason number three for me is human rights. I voted for MFN in 1995, and I did so because I was told that we would be able to sell more goods to this great nation called China with her population of 1.2 billion consumers. I was asked to believe that if China just had enough blue jeans to wear they would turn into this kind, friendly nation. Slave labor would go away, human rights would be better, and the Chinese people would have the freedom to worship God as they saw fit, if I would just vote for MFN in 1995.

The fact is the opposite has occurred over the last 5 years. All of these things are worse after 5 years of normal trade relations with America. So I am not just a ''no'' on this vote, I am a ''hell no.'' But only for this year. We must look at this year by year and reserve the right to reward China for proven progress in human rights and in fair trade and in peaceful relations. But this year, of all years, is not the year to help China.

Are we going to reward them? Do we allow China to profit from trying to corrupt our system of free elections with illegal campaign money? Do they profit from stealing our technology, including nuclear weapons secrets? Do they profit from violating our existing trade agreements and throwing hard-working Americans out of their manufacturing jobs? Or do they profit because they threaten an invasion of our friend and ally, Taiwan? Or do they profit from threatening a nuclear attack on American cities? Do they profit from invading islands belonging to the Philippines, Indonesia, and Vietnam? Do they profit from holding those

Tiananmen Square protesters at gun point and forcing them to make shoes to export to America? Do they profit from forcing young Chinese mothers to endure forced abortions and sterilizations and watch government doctors kill their own child as it is being born? Do they profit from throwing Christians in jail just for having a Bible, or crushing the right of the people of Tibet to worship as they see fit?

I am for free trade, but I am also for fair trade and smart trade. Permanent normal trade with China, while these conditions exist, is not free and it is not fair and it is not smart.

There are many who support PNTR because they honestly believe that all-out global trade with no restrictions or oversight has a chance of simply overwhelming China's corrupt political and economic system. Although I disagree with that, I respect their position and do not doubt their honest motives.

But there is a seamier side of the PNTR lobby that has successfully spread false information to America's business leaders and, frankly, many of our colleagues, and have taken advantage of those honest motives. This side of the China lobby has but one motive: Profit for a few at the expense of many. They do not care about the people of America or Taiwan or Europe or China. They only care about the bottom line of corporations that are really no longer American businesses.

This new breed of corporation recognizes no border, no nation and no law, just the ability to sell their goods and services produced in the cheapest possible manner on Earth, anywhere they choose, with no restrictions and no concern for the national security or sovereignty of the United States or of any nation.

We have a choice here in this House. Our collective voice will be heard by billions of people around the world, people who are yearning and struggling against tyranny, hoping, fighting and praying for democracy, human rights, and peace. Our choice will determine whether those masses of humanity locked in the darkness and our own citizens continue to believe in America as the great beacon of human decency and divine providence, a Nation by whose light all mankind can see that liberty still shines brighter than gold. The choice is between freedom and greed. I choose freedom and I urge my colleagues to do the same.

I ask my colleagues to vote this year ''no'' on permanent normal trade with China, knowing that we do have normal trade with China, and let us review that again next year.

Mr. Speaker, I include for the RECORD the article I referred to earlier:

THE DEBATE ON PNTR FOR CHINA: A RESPONSE TO BARSHEFSKY AND JACKSON

(By Mark Barenberg)

INTRODUCTION

On March 1, 2000, I issued a statement analyzing the legal implications of the Congressional vote on PNTR for China. That analysis reached the following conclusion: ''If China, in acceding to the WTO, grants market-opening concessions to WTO members other than the United States, then existing bilateral trade agreements between China and the United States require that China grant those same concessions to the United States, even if Congress does not grant PNTR to China.''

Subsequently, in a March 8, 2000 letter advocating enactment of the sPNTR legislation, Ms. Charlene Barshefsky asserted that the 1979 Bilateral Agreement between China and the United States will not legally obligate China to grant to the United States all market-opening benefits that our competitors will gain, if China enters the WTO while the United States Congress votes against the PNTR legislation.

In a March 28, 2000, letter responding to a query from several Congressmen, Professor John Jackson explicitly declined to undertake a full legal analysis of Ms. Barshefsky's claim. Jackson nonetheless ventured an opinion that the US-China bilateral trade relationship will face 'many interpretive controversies' if the Congress votes against the PNTR legislation. While Professor Jackson concedes that 'such interpretive problems' will still arise if Congress votes in favor of the PNTR legislation, he predicts that the WTO multilateral settlement procedures applicable to those interpretive disputes would provide a better 'juridical institutional framework' than would bilateral procedures. On this basis, Jackson supports PNTR.

In this paper, I respond to the arguments made by Ms. Barshefsky and Professor Jackson:

EXECUTIVE SUMMARY: A RESPONSE TO MS. BARSHEFSKY'S AND MR. JACKSON'S ARGUMENTS

Ms. Barshefsky's claim, summarized above in the Introduction, is legally incorrect. That simple fact is that China is obligated by binding international law to grant the United States substantially all the economic benefits it grants to our competitors, even if Congress declines to enact PNTR.

If Congress does not enact PNTR, our trade relationship with China will be governed by the international law contained in the bilateral trade agreements between China and the United States. Article III(A) of the 1979 bilateral Agreement states in full and without exception or qualification:

''For the purpose of promoting economic and trade relations between their two countries, the Contracting Parties [the U.S. and China] agree to accord firms, companies and corporations, and trading organizations of the other Party treatment no less favorable than is afforded to any third country or region.''

Therefore, if China grants our competitors any economic concessions in order to join the WTO, this clear, sweeping provision of the 1979 Bilateral Agreement requires that China grant the same benefits to United States businesses. That provision, on its face, applies to all U.S. businesses in all areas of economic and trade relations, without exception or qualification.

It is striking that none of the proponents of PNTR—neither Barshefsky, Jackson, nor any China Lobbyist—quotes Article III(A) in full and without qualification in their written statements. As a matter of law, the plain language of that provision is manifestly devastating to their position. It is not surprising that the only ''arguments'' on this point by commentators are bald assertions unsupported by an reasoning or legal principles, let alone analysis of the actual language of Article III(A). Mr. Gary Hufbauer, for example, says simply that Article III(A) can indeed be read as broadly as its plain meaning, but that it is ''doubtful'' that it should be so read. See G. Hufbauer, ''American Access to China's Market'' (April, 2000). Professor Jackson's letter explicitly disavows undertaking a careful legal analysis of the question, but then asserts that the words of the Bilateral must be ''stretched'' to mean what they plainly say.

In straining to give the narrowest possible interpretation to China's obligations to the United States, Ms. Barshefsky directs attention toward irrelevant, ancillary legislation and treaties, and away from the plain meaning of Article III(A), the central, broadly worded provision of the 1979 bilateral Agreement. This legal exercise runs directly contrary to the Vienna Convention on the Law of Treaties, which provides the authoritative rules for the interpretation of international agreements.

Indeed, in advancing a narrow, strained interpretation of the commitments made by China to the United States in the 1979 Bilateral Agreement, the USTR contradicts her own and president Clinton's pledge—often repeated, prior to their current all-out lobbying campaign—to interpret and enforce our trading partners' obligations aggressively for the benefit of American businesses, farmers, and workers. This is especially remarkable, in light of the fact that even zealous proponents of PNTR concede that Article III(A) of the 1979 bilateral Agreement is indeed open to the broader interpretation which would give effect—and properly so under the international law of treaty interpretation—to the plain meaning of that provision. See, for example, G. Hufbauer, supra.

John Jackson's argument—that Congress should enact PNTR because the WTO's multilateral dispute procedure is juridically superior to bilateral dispute procedures—simply fails to address the two most serious ''procedural'' concerns raised by opponents of PNTR.

The first concern is that a Congressional vote in favor of PNTR would commit the United States to use the WTO dispute procedure, and only the WTO dispute procedure, to enforce our trade-related interests vis-a-vis China. Such a U.S. commitment to WTO procedures in our trade relationship with China would allow the U.S. to bring complaints only against those Chinese unfair practices that are narrowly defined in WTO rules. Further, such a U.S. commitment would render illegal any and all trade-related dispute resolution and enforcement by the United States, whether multilateral or bilateral, in response to China's human-rights, labor-rights, and environmental abuses and, indeed, purely commercial abuses that fall outside WTO-defined unfair practices, no matter how horrendous those abuses may be.

Through such disarmament, the United States would give up the bilateral enforcement tools (such as Section 301 of the 1974 Trade Act, or similar future Congressional enactments) that enforced the GATT agreements for decades before the establishment of the WTO, and that managed the U.S.-China bilateral trade relation for the last 21 years. Those tools, if retained by a Congressional vote against PNTR and implemented consistently, will provide the basis for adequately disciplining China in its bilateral trade relationship with the United States.

Indeed, prior to the Clinton Administration's current campaign to enact PNTR, Charlene Barshefsky repeatedly testified to Congress that the credible threat of United States unilateral sanctions were indispensable to ensure that China implemented any trade concessions it might make. Such testimony based on actual experience weakens Jackson's prediction that abandonment of bilateral disciplines will serve U.S. interests in its future trade relations with China. Today, China remains heavily dependent on

access to United States markets, in order to maintain the economic growth that is the single most important prop to the current Chinese regime. Chinese exports into the U.S. market are vital to the Chinese regime, while U.S. exports and investment into the Chinese market are trivial relative to U.S. domestic and international economic activity. China is therefore quite susceptible to the kind of United States bilateral tools that enforced the GATT system and U.S.-China bilateral trade deals for decades, if those tools are effectively and consistently deployed.

In fact, if China joins the WTO and Congress votes against PNTR, China will be subject both to bilateral disciplines by the United States and to WTO multilateral disciplines by Europe, Japan, and other WTO members. Furthermore, if the WTO resolves any disputes against China in a way that affords economic benefits to our competitors, the United States is also entitled to receive those benefits, since the 1979 Bilateral Agreement requires China to grant to the United States any benefits it grants to third countries.

The first ''procedural'' concern ignored by Jackson—unilateral disarmament by the United States—is compounded by a second. The WTO is an intergovernmental organization that operates by negotiated consensus. The world's most powerful countries play a disproportionate role in shaping that consensus. Upon joining the WTO, China—the world's largest Police State—will therefore have a powerful vote, and an effective veto, in any future WTO efforts to reform the ground rules of global markets.

In other words, China will be authorized to block any proposals—of the kind supported in Seattle by the Clinton Administration itself—to add basic human, labor, and environmental rights to the WTO system. This would mark a significant set-back for all those individuals, governments, and non-governmental organizations who aspire to ensure that the rules of the global economy protect not only commercial rights but fundamental personal and social rights.

In sum: At a minimum, Ms. Barshefsky greatly understates the economic concessions which China will remain legally obligated to grant the United States if Congress votes against PNTR; and Professor Jackson greatly overstates the net benefits to the United States, in terms of capacity to enforce United States interests, if Congress votes for PNTR and the United States enters a ''binding WTO relationship'' with China.

Equally important, Ms. Barshefsky and Professor Jackson both examine only one side of the scale—namely, the potential benefits to United States commercial interests. They do not examine the costs of U.S. abandonment of all trade-related enforcement measures—multilateral or unilateral—aimed toward ensuring that the global regime protects fundamental individual rights of autonomy and associated, and safeguards distributive justice and social wellbeing of a sort that cannot be measured by maximization of corporate shareholder returns or aggregate monetary wealth.

The ''cost'' side of the scale is all the weightier, relatively speaking, once Ms. Barshefsky's and Professor Jackson's overstatement of the commercial ''benefits'' of PNTR is fully recognized.

In deciding which way to vote on PNTR, our Representatives should at least have an accurate understanding of the costs and benefits they must weigh.

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LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. MCNULTY (at the request of Mr. GEPHARDT) for today on account of personal business.

Mr. STUPAK (at the request of Mr. GEPHARDT) for today and May 23 on account of family matters.

Mr. WEINER (at the request of Mr. GEPHARDT) for today and May 23 on account of a death in the family.

Mr. SCARBOROUGH (at the request of Mr. ARMEY) for today on account of canceled flights due to inclement weather.

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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. DEFAZIO) to revise and extend their remarks and include extraneous material:)

Mr. HINCHEY, for 5 minutes, today.

Mr. GONZALEZ, for 5 minutes, today.

(The following Members (at the request of Mr. MCINNIS) to revise and extend their remarks and include extraneous material:)

Mr. MCINNIS, for 5 minutes, today.

Mr. NETHERCUTT, for 5 minutes, today.

Mr. FRELINGHUYSEN, for 5 minutes, today.

Mr. HULSHOF, for 5 minutes, today.

Mr. PAUL, for 5 minutes, today.

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ADJOURNMENT

Mr. NORWOOD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 44 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, May 23, 2000, at 9 a.m., for morning hour debates.

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EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

7736. A letter from the Acting Executive Director, Commodity Futures Trading Commission, transmitting the Commission's final rule—Minimum Financial Requirements for Futures Commission Merchants and Introducing Brokers (RIN: 3038–AB51) received April 24, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7737. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule—Change in Disease Status of the Republic of South Africa Because of Foot-and-Mouth Disease and Rinderpest [Docket No. 98–029–2] received April 19, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7738. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Pyridate; Pesticide Tolerance [OPP–300989; FRL–6550–9] (RIN: 2070–AB78) received April 25, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7739. A letter from the Senior Banking Counsel, Office of the General Counsel, Departmental Offices, Department of the Treasury, transmitting the Department's final rule—Financial Subsidaries (RIN: 1505–AA80) received March 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

7740. A letter from the Executive Director, Emergency Steel Guarantee Loan Board, transmitting the Board's final rule—Emergency Steel Guarantee Loan Program; Conforming Changes (RIN: 3003–ZA00) received April 25, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

7741. A letter from the General Counsel, Federal Emergency Management, transmitting the Agency's final rule—Changes in Flood Elevation Determinations [Docket No. FEMA–7309] received April 24, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

7742. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Changes in Flood Elevation Determinations—received April 24, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

7743. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Final Flood Elevation Determinations—received April 24, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

7744. A letter from the Assistant General Counsel for Regulations, Office of Post Secondary Education, Department of Education, transmitting the Department's final rule—Gaining Early Awareness and Readiness for Undergraduate Programs (RIN: 1840–AC82) received April 24, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

7745. A letter from the Director, Corporate Policy and Research Department, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule—Lump Sum Payment Assumptions (RIN: 1212–AA92) received April 24, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

7746. A letter from the Director, Coporate Policy and Research Department, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule—Valuation of Benefits; Use of Single Set of Assumptions for all Benefits (RIN: 1212–AA91) received April 24, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

7747. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Plans for Designated Facilities and Pollutants: Oklahoma [OK–19–1–7453a; FRL–6582–1] received April 25, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7748. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans ; Reasonably Available Control Technology for Oxides of Nitrogen for the State of New York [Region II Docket No. NY42–21–1; FRL–6583–8] received April 25, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7749. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Protection of Stratospheric Ozone; Listing of Substitutes

for Ozone-Depleting Substances [FRL–6585–3] (RIN: 2060–AG12) received April 24, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7750. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—National Emission Standards for Hazardous Air Pollutants for Polyether Polyols Production; Synthetic Organic Chemical Manufacturing Industry; Epoxy Resins Production and Non-Nylon Polyamides Production; and Petroleum Refineries [AD-FRL–6585–5] (RIN: 2060–AE86) received April 24, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7751. A letter from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Spencer and Webster, Massachusetts) [MM Docket No. 00–8 RM–9788] received April 24, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7752. A letter from the Chief, Network Services Division, Common Carrier Bureau, Federal Communications Commission, transmitting the Commission's final rule—Numbering Resource Optimization [CC Docket No. 99–200] received April 24, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7753. A letter from the Auditor, District of Columbia, transmitting a copy of a report entitled ''Agency Retaliation Against Contractors Appearing Before or Providing Information to the Council,'' pursuant to D.C. Code section 47—117(d); to the Committee on Government Reform.

7754. A letter from the Auditor, District of Columbia, transmitting a copy of a report entitled ''Analysis of the FY 2001 Proposed Revenue Forecast and FY 2000 Revised Revenue Forecast,'' pursuant to D.C. Code section 47—117(d); to the Committee on Government Reform.

7755. A letter from the Acting General Counsel, Executive Office for Immigration Review, Department of Justice, transmitting the Department's final rule—Executive Office for Immigration Review; Board of Immigration Appeals; 21 Board Members [EOIR No. 126F; AG Order No. 2297–2000] (RIN: 1125–AA28) received April 24, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

7756. A letter from the Secretary, Federal Trade Commission, transmitting the Commission's final rule—Antitrust Guidelines for Collaborations Among Competitors—received April 7, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

7757. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Orange City, IA [Airspace Docket No. 00–ACE–9] received April 28, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7758. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Sheldon, IA [Airspace Docket No. 00–ACE–8] received April 28, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7759. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Saginaw, MI [Airspace Docket No. 99–AGL–58] received April 28, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7760. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Coldwater, MI [Airspace Docket No. 99–AGL–59] received April 28, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7761. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Watertown, SD, and Britton, SD [Airspace Docket No. 99–AGL–60] received April 28, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7762. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Amendment of Class E Airspace; McMinnville, TN [Airspace Docket No. 00–ASO–05] received April 28, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7763. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Amendment of Class E Airspace; Dayton, TN [Airspace Docket No. 00–ASO–06] received April 28, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7764. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Revision of the Legal Description of the Houston Class B Airspace Area; TX [Airspace Docket No. 00–AWA–1] (RIN: 2120–AA66) received April 28, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7765. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Creston, IA [Airspace Docket No. 00–ACE–1] received April 28, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7766. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Ord, NE [Airspace Docket No. 00–ACE–2] received April 28, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7767. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; O'Neill, NE [Airspace Docket No. 99–ACE–55] received April 28, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7768. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Dornier Model 328–100 Series Airplanes [Docket No. 99–NM–40–AD; Amendment 39–11658; AD 2000–0704] (RIN: 2120–AA64) received April 28, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7769. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Turbomeca Makila 1 Series Turboshaft Engines [Docket No. 99–NE–11–AD; Amendment 39–11652; AD 2000–06–11] (RIN: 2120–AA64) received April 28, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7770. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Turbomeca Artouste III Series Turboshaft Engines [Docket No. 99–NE–33–AD; Amendment 39–11653; AD 2000–06–12] (RIN: 2120–AA64) received April 28, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7771. A letter from the Chief, Regulations Division, Bureau of Alcohol, Tobacco and Firearms, transmitting the Bureau's final rule—Implementation of Public Law 105–34, Section 1417, Related to the Use of Additional Ameliorating Material In Certain Wines [T.D. ATF–403] (RIN: 1512–AB78) received April 5, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7772. A letter from the Chief, Regulations Division, Bureau of Alcohol, Tobacco and Firearms, transmitting the Bureau's final rule—Implementation of Public Law 105–33, Section 9302, Relating to Tobacco Importation Restrictions, Markings, Minimum Manufacturing Requirements, and Penalty Provisions (98R–369P) [T.D. ATF–421] (RIN: 1512–AB99) received April 5, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7773. A letter from the Regulatory Policy Officer, Bureau of Alcohol, Tobacco and Firearms, transmitting the Bureau's final rule—Implementation of Public Law 105–33, Section 9302, Requiring the Qualification of Tobacco Product Importers (98R–316P) And Miscellaneous Technical Amendments [T.D. ATF–422; RE: Notice No. 888] (RIN: 1512–AC07) received April 5, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7774. A letter from the Deputy Executive Secretary, Health Care Financing Administration, Department of Health and Human Services, transmitting the Department's final rule—Medicare and Medicaid Programs; Religious Nonmedical Health Care Institutions and Advance Directives [HCFA–1909–IFC] (RIN: 0938–AI93) received April 18, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Commerce.

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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. ARCHER: Committee on Ways and Means. H.R. 3916. A bill to amend the Internal Revenue Code of 1986 to repeal the excise tax on telephone and other communication services; with an amendment (Rept. 106–631). Referred to the Committee of the Whole House on the State of the Union.

Mr. ARCHER: Committee on Ways and Means. H.R. 4444. A bill to authorize extension of nondiscriminatory treatment (normal trade relations treatment) to the People's Republic of China; with an amendment (Rept. 106–632). Referred to the Committee of the Whole House on the State of the Union.

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PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. ABERCROMBIE (for himself and Mrs. MCCARTHY of New York):

H.R. 4512. A bill to amend the Internal Revenue Code of 1986 to provide an extension of time for payment of estate tax for estates with closely held businesses, and for other purposes; to the Committee on Ways and Means.

By Ms. NORTON:

H.R. 4513. A bill to require the Secretary of the Treasury to mint coins in commemoration of the African-American Civil War veterans who served with Union forces; to the Committee on Banking and Financial Services.

By Mr. POMEROY:

H.R. 4514. A bill to strengthen the standards by which the Surface Transportation Board reviews railroad mergers, and to apply the Federal antitrust laws to rail carriers and railroad transportation; to the Committee on Transportation and Infrastructure, and in addition to the Committee on the Judiciary, 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. ARMEY (for himself, Mr. GEPHARDT, Mr. GILMAN, and Mr. GEJDENSON):

H. Con. Res. 331. Concurrent resolution commending Israel's redeployment from southern Lebanon; to the Committee on International Relations.

By Mr. CAMPBELL:

H. Con. Res. 332. Concurrent resolution expressing the sense of the Congress with regard to providing humanitarian aid to cyclone victims in the Indian State of Orissa; to the Committee on International Relations.

By Mr. MOORE (for himself, Mr. DOGGETT, and Mr. STENHOLM):

H. Res. 508. A resolution providing for consideration of the bill (H.R. 3688) to amend the Internal Revenue Code of 1986 to require certain political organizations under such Code to report information to the Federal Election Commission, and for other purposes; to the Committee on Rules.

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ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 8: Mr. TAUZIN.

H.R. 329: Mr. GANSKE.

H.R. 353: Mr. HINCHEY, Mr. GEJDENSON, Mr. CROWLEY, Mr. DEUTSCH, Mr. HOLT, Mr. MORAN of Kansas, Ms. MCKINNEY, Mr. DICKS, Ms. ROS-LEHTINEN, Mrs. BONO, Mr. FRANKS of New Jersey, Mr. MEEKS of New York, Mr. BACA, and Mr. HAYES.

H.R. 372: Mr. KLINK and Ms. BERKLEY.

H.R. 531: Mr. FLETCHER.

H.R. 534: Mr. WELLER and Mr. BACA.

H.R. 632: Mr. BALLENGER.

H.R. 997: Mr. REYNOLDS.

H.R. 1217: Mr. VENTO.

H.R. 1456: Ms. SCHAKOWSKY, Mr. GILCHREST, Mr. CARDIN, and Mr. DELAHUNT.

H.R. 1690: Mr. ROHRABACHER and Mr. BOUCHER.

H.R. 1707: Mr. UPTON.

H.R. 1732: Mr. LOBIONDO.

H.R. 2059: Ms. KILPATRICK and Mr. FRANK of Massachusetts.

H.R. 2120: Mr. GUTIERREZ and Mr. EVANS.

H.R. 2713: Mr. FATTAH.

H.R. 3059: Mr. OBERSTAR.

H.R. 3091: Mr. BOUCHER and Mr. TIERNEY.

H.R. 3113: Mr. BURR of North Carolina.

H.R. 3433: Mr. BONILLA, Mr. MALONEY of Connecticut, Mr. NEY, Mr. DAVIS of Illinois, Mr. PASCRELL, Mr. DEUTSCH, and Ms. SCHAKOWSKY.

H.R. 3514: Mr. HALL of Texas, Mr. EVANS, Mr. WYNN, Mr. PRICE of North Carolina, and Mr. GOODLING.

H.R. 3518: Mr. WALDEN of Oregon and Mr. OXLEY.

H.R. 3544: Mr. HASTINGS of Washington, Mr. DEFAZIO, Mr. GANSKE, and Mr. MARTINEZ.

H.R. 3580: Mr. WISE, Mr. GALLEGLY, Mr. LIPINSKI, Mr. HALL of Texas, Mr. BOYD, Mrs. MYRICK, Mr. WATTS of Oklahoma, Mrs. MEEK of Florida, Mr. THOMPSON of California, Mr. ORTIZ, Mr. DIAZ-BALART, Mr. RADANOVICH, Mr. BLUMENAUER, Mr. RYAN of Wisconsin, Ms. ROS-LEHTINEN, Ms. BALDWIN, Mr. LAZIO, Mr. BERMAN, Mr. ISTOOK, Mr. DEFAZIO, Mr. TRAFICANT, Mr. DICKS, Mrs. ROUKEMA, and Ms. KAPTUR.

H.R. 3594: Mr. BARRETT of Wisconsin.

H.R. 3610: Mr. NEY, Mrs. CLAYTON, and Mr. PAYNE.

H.R. 3625: Mrs. WILSON and Mr. CLEMENT.

H.R. 3916: Mr. BARTLETT of Maryland, Mr. MORAN of Kansas, Mr. TOOMEY, Mr. GOSS, and Mr. HINOJOSA.

H.R. 4042: Mr. OBERSTAR.

H.R. 4064: Mr. GEKAS.

H.R. 4071: Mr. NETHERCUTT.

H.R. 4132: Mr. HINCHEY and Mr. JOHN.

H.R. 4140: Mrs. CLAYTON, Ms. WOOLSEY, Ms. BROWN of Florida, and Mr. JEFFERSON.

H.R. 4162: Mr. CUMMINGS and Mr. RAHALL.

H.R. 4168: Mr. TAYLOR of Mississippi and Mr. KILDEE.

H.R. 4211: Mr. SANDERS, Ms. RIVERS, Mr. CUMMINGS, Mr. CARSON, Ms. SCHAKOWSKY, and Mr. LANTOS.

H.R. 4242: Mr. OXLEY.

H.R. 4274: Mr. ARMEY, Mr. SHIMKUS, Mrs. EMERSON, Mr. BAKER, and Mr. WATTS of Oklahoma.

H.R. 4277: Mrs. EMERSON, Mr. PAUL, and Mr. FROST.

H.R. 4314: Mr. WALSH.

H.R. 4328: Mr. DICKEY and Mr. CAMPBELL.

H.R. 4334: Ms. LOFGREN.

H.R. 4383: Mr. WATKINS.

H.R. 4447: Mr. WYNN, Mrs. MORELLA, Mr. EHRLICH, and Mr. CARDIN.

H.R. 4448: Mr. WYNN, Mrs. MORELLA, Mr. EHRLICH, and Mr. CARDIN.

H.R. 4449: Mr. WYNN, Mrs. MORELLA, Mr. EHRLICH, and Mr. CARDIN.

H.R. 4450: Mr. WYNN, Mrs. MORELLA, Mr. EHRLICH, and Mr. CARDIN.

H.R. 4451: Mr. WYNN, Mrs. MORELLA, Mr. EHRLICH, and Mr. CARDIN.

H.R. 4488: Ms. SCHAKOWSKY.

H.R. 4489: Mr. SENSENBRENNER, Mr. BONIOR, Mr. MCCOLLUM, Mr. DELAHUNT, Mr. DINGELL, Mr. ORTIZ, Mr. BALDACCI, Mr. HINOJOSA, Mr. EHRLICH, Mr. KOLBE, Mr. GREENWOOD, Mr. GIBBONS, Mr. SWEENEY, Mr. CAMP, and Ms. STABENOW.

H.J. Res. 55: Mr. COX.

H.J. Res. 98: Mr. BENTSEN, Mr. NADLER, Mr. HANSEN, and Mr. GONZALEZ.

H. Con. Res. 302: Mr. TURNER, Mr. ROMERO-BARCELO, and Mr. KOLBE.

H. Con. Res. 308: Mr. FILNER.

H. Res. 398: Mr. BILBRAY, Mr. CONDIT, Ms. SANCHEZ, and Mr. BENTSEN.

H. Res. 452: Mr. WAXMAN, Mr. DAVIS of Illinois, and Mr. MCHUGH.

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DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petitions:

[Omitted from the Record of May 19, 2000]

Petition 9 by Mr. MINGE on House Resolution 478: Brian Baird, Earl Blumenauer, and Bart Gordon.

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AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

LEGISLATIVE BRANCH APPROPRIATIONS, FY 2001

OFFERED BY: MR. NEY

AMENDMENT NO. 1: Page 8, line 24, insert after the first dollar figure the following: ''(increased by $7,000,000)''.

Page 8, line 24, insert after the second dollar figure the following: ''(increased by $3,290,000)''.

Page 9, line 2, insert after the dollar figure the following: ''(increased by $3,710,000)''.

Page 22, line 11, insert after the first dollar figure the following: ''(reduced by $5,000,000)''.

Page 23, line 14, insert after the first dollar figure the following: ''(reduced by $500,000)''.

Page 24, line 16, insert after the dollar figure the following: ''(reduced by $500,000)''.

Page 28, line 15, insert after the dollar figure the following: ''(reduced by $1,000,000)''.

LEGISLATIVE BRANCH APPROPRIATIONS, FY 2001

OFFERED BY: MR. NEY

AMENDMENT NO. 2: Page 22, line 11, insert after the first dollar figure the following: ''(reduced by $3,000,000)''.

Page 23, line 14, insert after the first dollar figure the following: ''(reduced by $500,000)''.

Page 24, line 1, insert after the dollar figure the following: ''(increased by $5,000,000)''.

Page 24, line 16, insert after the dollar figure the following: ''(reduced by $1,000,000)''.

Page 28, line 15, insert after the dollar figure the following: ''(reduced by $1,000,000)''.

H.R. 4461

OFFERED BY: MR. ANDREWS

AMENDMENT NO. 4: At the end of title VII of the bill, add the following new section:

SEC. 753. Section 502(h) of the Housing Act of 1949 (42 U.S.C. 1472(h)) is amended by adding at the end the following new paragraph:

''(13) GUARANTEES FOR REFINANCING LOANS.—Upon the request of the borrower, the Secretary shall guarantee a loan that is made to refinance an existing loan that is made under this section or guaranteed under this subsection, and that the Secretary determines complies with the following requirements:

''(A) INTEREST RATE.—The refinancing loan shall have a rate of interest that is fixed over the term of the loan and does not exceed the interest rate of the loan being refinanced.

''(B) SECURITY.—The refinancing loan shall be secured by the same single-family residence as was the loan being refinanced, which shall be owned by the borrower and occupied by the borrower as the principal residence of the borrower.

''(C) AMOUNT.—The principal obligation under the refinancing loan shall not exceed an amount equal to the sum of the balance of the loan being refinanced and such closing costs as may be authorized by the Secretary, which shall include a discount not exceeding 2 basis points and an origination fee not exceeding such amount as the Secretary shall prescribe.

''(D) PAYMENT STATUS.—The borrower shall not be more than 2 months delinquent in payments on the loan being refinanced.

''(E) TERM.—The term of the refinancing loan may not exceed the original term of the loan being refinanced by more than 10 years.''.

The provisions of the last sentence of paragraph (1) and paragraphs (2), (5), and (9) shall apply to loans guaranteed under this subsection, and no other provisions of paragraphs (1) through (12) shall apply to such loans.''.

H.R. 4461

OFFERED BY: MR. ANDREWS

AMENDMENT NO. 5: At the end of title VII of the bill, add the following new section:

SEC. 753. Section 502(h) of the Housing Act of 1949 (42 U.S.C. 1472(h)) is amended by adding at the end the following new paragraph:

''(13) GUARANTEES FOR REFINANCING LOANS.—Upon the request of the borrower,

the Secretary shall guarantee a loan that is made to refinance an existing loan that is made under this section or guaranteed under this subsection, and that the Secretary determines complies with the following requirements:

''(A) INTEREST RATE.—The refinancing loan shall have a rate of interest that is fixed over the term of the loan and does not exceed the interest rate of the loan being refinanced.

''(B) SECURITY.—The refinancing loan shall be secured by the same single-family residence as was the loan being refinanced, which shall be owned by the borrower and occupied by the borrower as the principal residence of the borrower.

''(C) AMOUNT.—The principal obligation under the refinancing loan shall not exceed an amount equal to the sum of the balance of the loan being refinanced and such closing costs as may be authorized by the Secretary, which shall include a discount not exceeding 2 basis points and an origination fee not exceeding such amount as the Secretary shall prescribe.

''(D) PAYMENT STATUS.—The borrower shall not be more than 2 months delinquent in payments on the loan being refinanced.

''(E) TERM.—The term of the refinancing loan may not exceed the original term of the loan being refinanced by more than 10 years.''.

The provisions of the last sentence of paragraph (1) and paragraphs (2), (5), and (9) shall apply to loans guaranteed under this subsection, and no other provisions of paragraphs (1) through (12) shall apply to such loans.''.

H.R. 4461

OFFERED BY: MR. COBURN

AMENDMENT NO. 6: Insert before the short title the following title:

TITLE IX—ADDITIONAL GENERAL PROVISIONS

SEC. 901. None of the funds made available in this Act may be used by the Food and Drug Administration for the testing, development, or approval (including approval of production, manufacturing, or distribution) of any drug solely intended for the chemical inducement of abortion.

H.R. 4461

OFFERED BY: MR. DEFAZIO

AMENDMENT NO. 7: Insert before the short title the following:

TITLE IX—ADDITIONAL GENERAL PROVISIONS

SEC. 901. Notwithstanding any other provision of this Act, not more than $28,684,000 of the funds made available in this Act may be used for Wildlife Services Program operations under the heading ''ANIMAL AND PLANT HEALTH INSPECTION SERVICE'', and none of the funds appropriated or otherwise made available by this Act for Wildlife Services Program operations to carry out the first section of the Act of March 2, 1931 (7 U.S.C. 426), may be used to conduct campaigns for the destruction of wild animals for the purpose of protecting livestock.

H.R. 4461

OFFERED BY: MRS. KELLY

AMENDMENT NO. 8: Page 32, line 20, strike ''or'' through ''the American heritage rivers initiative'' on line 21.

H.R. 4461

OFFERED BY: MR. KUCINICH

AMENDMENT NO. 9: Page 96, after line 7, insert the following new title:

TITLE IX—GENETICALLY ENGINEERED FOOD RIGHT TO KNOW ACT

SEC. 901. SHORT TITLE.

(a) SHORT TITLE.—This title may be cited as the ''Genetically Engineered Food Right to Know Act''.

SEC. 902. FINDINGS.

The Congress finds as follows:

(1) The process of genetically engineering foods results in the material change of such foods.

(2) The Congress has previously required that all foods bear labels that reveal material facts to consumers.

(3) Federal agencies have failed to uphold Congressional intent by allowing genetically engineered foods to be marketed, sold and otherwise used without labeling that reveals material facts to the public.

(4) Consumers wish to know whether the food they purchase and consume contains or is produced with a genetically engineered material for a variety of reasons, including the potential transfer of allergens into food and other health risks, concerns about potential environmental risks associated with the genetic engineering of crops, and religiously and ethically based dietary restrictions.

(5) Consumers have a right to know whether the food they purchase contains or was produced with genetically engineered material.

(6) Reasonably available technology permits the detection in food of genetically engineered material, generally acknowledged to be as low as 0.1 percent.

SEC. 903. LABELING REGARDING GENETICALLY ENGINEERED MATERIAL; AMENDMENTS TO FEDERAL FOOD, DRUG, AND COSMETIC ACT.

(a) IN GENERAL.—Section 403 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 343) is amended by adding at the end the following paragraph:

''(t)(1) If it contains a genetically engineered material, or was produced with a genetically engineered material, unless it bears a label (or labeling, in the case of a raw agricultural commodity, other than the sale of such a commodity at retail) that provides notices in accordance with the following:

''(A) A notice as follows: 'GENETICALLY ENGINEERED'.

''(B) A notice as follows: 'UNITED STATES GOVERNMENT NOTICE: THIS PRODUCT CONTAINS A GENETICALLY ENGINEERED MATERIAL, OR WAS PRODUCED WITH A GENETICALLY ENGINEERED MATERIAL'.

''(C) The notice required in clause (A) immediately precedes the notice required in clause (B) and is not less than twice the size of the notice required in clause (B).

''(D) The notice required in clause (B) is of the same size as would apply if the notice provided nutrition information that is required in paragraph (q)(1).

''(E) The notices required in clauses (A) and (B) are clearly legible and conspicuous.

''(2) For purposes of subparagraph (1):

''(A) The term 'genetically engineered material' means material derived from any part of a genetically engineered organism, without regard to whether the altered molecular or cellular characteristics of the organism are detectable in the material.

''(B) The term 'genetically engineered organism' means—

''(i) an organism that has been altered at the molecular or cellular level by means that are not possible under natural conditions or processes (including but not limited to recombinant DNA and RNA techniques, cell fusion, microencapsulation, macroencapsulation, gene deletion and doubling, introducing a foreign gene, and changing the positions of genes), other than a means consisting exclusively of breeding, conjugation, fermentation, hybridization, in vitro fertilization, or tissue culture, and

''(ii) an organism made through sexual or asexual reproduction (or both) involving an organism described in subclause (i), if possessing any of the altered molecular or cellular characteristics of the organism so described.

''(3) For purposes of subparagraph (1), a food shall be considered to have been produced with a genetically engineered material if—

''(A) the organism from which the food is derived has been injected or otherwise treated with a genetically engineered material (except that the use of manure as a fertilizer for raw agricultural commodities may not be construed to mean that such commodities are produced with a genetically engineered material);

''(B) the animal from which the food is derived has been fed genetically engineered material, or

''(C) the food contains an ingredient that is a food to which clause (A) or (B) applies.

''(4) This paragraph does not apply to food that—

''(A) is served in restaurants or other establishments in which food is served for immediate human consumption,

''(B) is processed and prepared primarily in a retail establishment, is ready for human consumption, which is of the type described in clause (A), and is offered for sale to consumers but not for immediate human consumption in such establishment and is not offered for sale outside such establishment, or

''(C) is a medical food as defined in section 5(b) of the Orphan Drug Act.''.

(b) CIVIL PENALTIES.—Section 303 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 333) is amended by adding at the end the following subsection:

''(h)(1) With respect to a violation of section 301(a), 301(b), or 301(c) involving the misbranding of food within the meaning of section 403(t), any person engaging in such a violation shall be liable to the United States for a civil penalty in an amount not to exceed $100,000 for each such violation.

''(2) Paragraphs (3) through (5) of subsection (g) apply with respect to a civil penalty under paragraph (1) of this subsection to the same extent and in the same manner as such paragraphs (3) through (5) apply with respect to a civil penalty under paragraph (1) or (2) of subsection (g).''.

(c) GUARANTY.—

(1) IN GENERAL.—Section 303(d) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 333(d)) is amended—

(A) by striking ''(d)'' and inserting ''(d)(1)''; and

(B) by adding at the end the following paragraph:

''(2)(A) No person shall be subject to the penalties of subsection (a)(1) or (h) for a violation of section 301(a), 301(b), or 301(c) involving the misbranding of food within the meaning of section 403(t) if such person (referred to in this paragraph as the 'recipient') establishes a guaranty or undertaking signed by, and containing the name and address of, the person residing in the United States from whom the recipient received in good faith the food (including the receipt of seeds to grow raw agricultural commodities), to the effect that (within the meaning of section 403(t)) the food does not contain a genetically engineered material or was not produced with a genetically engineered material.

''(B) In the case of a recipient who with respect to a food establishes a guaranty or undertaking in accordance with subparagraph

(A), the exclusion under such subparagraph from being subject to penalties applies to the recipient without regard to the use of the food by the recipient, including—

''(i) processing the food,

''(ii) using the food as an ingredient in a food product,

''(iii) repacking the food, or

''(iv) growing, raising, or otherwise producing the food.''.

(2) FALSE GUARANTY.—Section 301(h) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 331(h)) is amended by inserting ''or 303(d)(2)'' after ''303(c)(2)''.

(d) UNINTENDED CONTAMINATION.—Section 303(d) of the Federal Food, Drug, and Cosmetic Act, as amended by subsection (c)(1) of this section, is amended by adding at the end the following paragraph:

''(3)(A) No person shall be subject to the penalties of subsection (a)(1) or (h) for a violation of section 301(a), 301(b), or 301(c) involving the misbranding of food within the meaning of section 403(t) if—

''(i) such person is an agricultural producer and the violation occurs because food that is grown, raised, or otherwise produced by such producer, which food does not contain a genetically engineered material and was not produced with a genetically engineered material, is contaminated with a food that contains a genetically engineered material or was produced with a genetically engineered material (including contamination by mingling the two), and

''(ii) such contamination is not intended by the agricultural producer.

''(B) Subparagraph (A) does not apply to an agricultural producer to the extent that the contamination occurs as a result of the negligence of the producer.''.

SEC. 904. LABELING REGARDING GENETICALLY ENGINEERED MATERIAL; AMENDMENTS TO FEDERAL MEAT INSPECTION ACT.

(a) REQUIREMENTS.—The Federal Meat Inspection Act is amended by inserting after section 7 (21 U.S.C. 607) the following section:

''SEC. 7A. REQUIREMENTS FOR LABELING REGARDING GENETICALLY ENGINEERED MATERIAL.

''(a) DEFINITIONS.—In this section:

''(1) The term 'meat food' means a carcass, part of a carcass, meat, or meat food product that is derived from cattle, sheep, swine, goats, horses, mules, or other equines and is capable of use as human food.

''(2) The term 'genetically engineered material' means material derived from any part of a genetically engineered organism, without regard to whether the altered molecular or cellular characteristics of the organism are detectable in the material (and without regard to whether the organism is capable of use as human food).

''(3) The term 'genetically engineered organism' means—

''(A) an organism that has been altered at the molecular or cellular level by means that are not possible under natural conditions or processes (including but not limited to recombinant DNA and RNA techniques, cell fusion, microencapsulation, macroencapsulation, gene deletion and doubling, introducing a foreign gene, and changing the positions of genes), other than a means consisting exclusively of breeding, conjugation, fermentation, hybridization, in vitro fertilization, or tissue culture; and

''(B) an organism made through sexual or asexual reproduction (or both) involving an organism described in subparagraph (A), if possessing any of the altered molecular or cellular characteristics of the organism so described.

''(b) LABELING REQUIREMENT.—

''(1) REQUIRED LABELING TO AVOID MISBRANDING.—For purposes of sections 1(n) and 10, a meat food is misbranded if it—

''(A) contains a genetically engineered material or was produced with a genetically engineered material; and

''(B) does not bear a label (or include labeling, in the case of a meat food that is not packaged in a container) that provides, in a clearly legible and conspicuous manner, the notices described in subsection (c).

''(2) RULE OF CONSTRUCTION.—For purposes of paragraph (1)(A), a meat food shall be considered to have been produced with a genetically engineered material if—

''(A) the organism from which the food is derived has been injected or otherwise treated with a genetically engineered material;

''(B) the animal from which the food is derived has been fed genetically engineered material; or

''(C) the food contains an ingredient that is a food to which subparagraph (A) or (B) applies.

''(c) SPECIFICS OF LABEL NOTICES.—

''(1) REQUIRED NOTICES.—The notices referred to in subsection (b)(1)(B) are the following:

''(A) A notice as follows: 'GENETICALLY ENGINEERED'.

''(B) A notice as follows: 'UNITED STATES GOVERNMENT NOTICE: THIS PRODUCT CONTAINS A GENETICALLY ENGINEERED MATERIAL, OR WAS PRODUCED WITH A GENETICALLY ENGINEERED MATERIAL'.

''(2) LOCATION AND SIZE.—(A) The notice required in paragraph (1)(A) shall immediately precede the notice required in paragraph (1)(B) and shall be not less than twice the size of the notice required in paragraph (1)(B).

''(B) The notice required in paragraph (1)(B) shall be of the same size as would apply if the notice provided nutrition information that is required in section 403(q)(1) of the Federal Food, Drug, and Cosmetic Act.

''(d) EXCEPTIONS TO REQUIREMENTS.—Subsection (a) does not apply to any meat food that—

''(1) is served in restaurants or other establishments in which food is served for immediate human consumption; or

''(2) is processed and prepared primarily in a retail establishment, is ready for human consumption, is offered for sale to consumers but not for immediate human consumption in such establishment, and is not offered for sale outside such establishment.

''(e) GUARANTY.—

''(1) IN GENERAL.—A packer, processor, or other person shall not be considered to have violated the requirements of this section with respect to the labeling of meat food if the packer, processor, or other person (referred to in this subsection as the 'recipient') establishes a guaranty or undertaking signed by, and containing the name and address of, the person residing in the United States from whom the recipient received in good faith the meat food or the animal from which the meat food was derived, or received in good faith food intended to be fed to such animal, to the effect that the meat food, or such animal, or such food, respectively, does not contain genetically engineered material or was not produced with a genetically engineered material.

''(2) SCOPE OF GUARANTY.—In the case of a recipient who establishes a guaranty or undertaking in accordance with paragraph (1), the exclusion under such paragraph from being subject to penalties applies to the recipient without regard to the use of the meat food by the recipient (or the use by the recipient of the animal from which the meat food was derived, or of food intended to be fed to such animal), including—

''(A) processing the meat food;

''(B) using the meat food as an ingredient in another food product;

''(C) packing or repacking the meat food; or

''(D) raising the animal from which the meat food was derived.

''(3) FALSE GUARANTY.—It is a violation of this Act for a person to give a guaranty or undertaking in accordance with paragraph (1) that the person knows or has reason to know is false.

''(f) CIVIL PENALTIES.—

''(1) IN GENERAL.—The Secretary may assess a civil penalty against a person that violates subsection (b) or (c)(3) in an amount not to exceed $100,000 for each such violation.

''(2) NOTICE AND OPPORTUNITY FOR HEARING.—A civil penalty under paragraph (1) shall be assessed by the Secretary by an order made on the record after opportunity for a hearing provided in accordance with this subparagraph and section 554 of title 5, United States Code. Before issuing such an order, the Secretary shall give written notice to the person to be assessed a civil penalty under such order of the Secretary's proposal to issue such order and provide such person an opportunity for a hearing on the order. In the course of any investigation, the Secretary may issue subpoenas requiring the attendance and testimony of witnesses and the production of evidence that relates to the matter under investigation.

''(3) CONSIDERATIONS REGARDING AMOUNT OF PENALTY.—In determining the amount of a civil penalty under paragraph (1), the Secretary shall take into account the nature, circumstances, extent, and gravity of the violation or violations and, with respect to the violator, ability to pay, effect on ability to continue to do business, any history of prior such violations, the degree of culpability, and such other matters as justice may require.

''(4) CERTAIN AUTHORITIES.—The Secretary may compromise, modify, or remit, with or without conditions, any civil penalty under paragraph (1). The amount of such penalty, when finally determined, or the amount agreed upon in compromise, may be deducted from any sums owing by the United States to the person charged.

''(5) JUDICIAL REVIEW.—Any person who requested, in accordance with paragraph (2), a hearing respecting the assessment of a civil penalty under paragraph (1) and who is aggrieved by an order assessing a civil penalty may file a petition for judicial review of such order with the United States Court of Appeals for the District of Columbia Circuit or for any other circuit in which such person resides or transacts business. Such a petition may only be filed within the 60-day period beginning on the date the order making such assessment was issued.

''(6) FAILURE TO PAY.—If a person fails to pay an assessment of a civil penalty—

''(A) after the order making the assessment becomes final, and if such person does not file a petition for judicial review of the order in accordance with paragraph (5); or

''(B) after a court in an action brought under paragraph (4) has entered a final judgment in favor of the Secretary;

the Attorney General shall recover the amount assessed (plus interest at currently prevailing rates from the date of the expiration of the 60-day period referred to in paragraph (5) or the date of such final judgment, as the case may be) in an action brought in any appropriate district court of the United States. In such an action, the validity, amount, and appropriateness of such penalty shall not be subject to review.''.

(b) INCLUSION OF LABELING REQUIREMENTS IN DEFINITION OF MISBRANDED.—Section 1(n) of the Federal Meat Inspection Act (21 U.S.C. 601(n)) is amended—

(1) by striking ''or'' at the end of paragraph (11);

(2) by striking the period at the end of paragraph (12) and inserting ''; or''; and

(3) by adding at the end the following paragraph:

''(13) if it fails to bear a label or labeling as required by section 7A.''.

SEC. 905. LABELING REGARDING GENETICALLY ENGINEERED MATERIAL; AMENDMENTS TO POULTRY PRODUCTS INSPECTION ACT.

The Poultry Products Inspection Act is amended by inserting after section 8 (21 U.S.C. 457) the following section:

''SEC. 8A. REQUIREMENTS FOR LABELING REGARDING GENETICALLY ENGINEERED MATERIAL.

''(a) DEFINITIONS.—In this section:

''(1) The term 'genetically engineered material' means material derived from any part of a genetically engineered organism, without regard to whether the altered molecular or cellular characteristics of the organism are detectable in the material (and without regard to whether the organism is capable of use as human food).

''(2) The term 'genetically engineered organism' means—

''(A) an organism that has been altered at the molecular or cellular level by means that are not possible under natural conditions or processes (including but not limited to recombinant DNA and RNA techniques, cell fusion, microencapsulation, macroencapsulation, gene deletion and doubling, introducing a foreign gene, and changing the positions of genes), other than a means consisting exclusively of breeding, conjugation, fermentation, hybridization, in vitro fertilization, or tissue culture; and

''(B) an organism made through sexual or asexual reproduction (or both) involving an organism described in subparagraph (A), if possessing any of the altered molecular or cellular characteristics of the organism so described.

''(b) LABELING REQUIREMENT.—

''(1) REQUIRED LABELING TO AVOID MISBRANDING.—For purposes of sections 4(h) and 9(a), a poultry product is misbranded if it—

''(A) contains a genetically engineered material or was produced with a genetically engineered material; and

''(B) does not bear a label (or include labeling, in the case of a poultry product that is not packaged in a container) that provides, in a clearly legible and conspicuous manner, the notices described in subsection (c).

''(2) RULE OF CONSTRUCTION.—For purposes of paragraph (1)(A), a poultry product shall be considered to have been produced with a genetically engineered material if—

''(A) the poultry from which the food is derived has been injected or otherwise treated with a genetically engineered material;

''(B) the poultry from which the food is derived has been fed genetically engineered material; or

''(C) the food contains an ingredient that is a food to which subparagraph (A) or (B) applies.

''(c) SPECIFICS OF LABEL NOTICES.—

''(1) REQUIRED NOTICES.—The notices referred to in subsection (b)(1)(B) are the following:

''(A) A notice as follows: 'GENETICALLY ENGINEERED'.

''(B) A notice as follows: 'UNITED STATES GOVERNMENT NOTICE: THIS PRODUCT CONTAINS A GENETICALLY ENGINEERED MATERIAL, OR WAS PRODUCED WITH A GENETICALLY ENGINEERED MATERIAL'.

''(2) LOCATION AND SIZE.—(A) The notice required in paragraph (1)(A) shall immediately precede the notice required in paragraph (1)(B) and shall be not less than twice the size of the notice required in paragraph (1)(B).

''(B) The notice required in paragraph (1)(B) shall be of the same size as would apply if the notice provided nutrition information that is required in section 403(q)(1) of the Federal Food, Drug, and Cosmetic Act.

''(d) EXCEPTIONS TO REQUIREMENTS.—Subsection (a) does not apply to any poultry product that—

''(1) is served in restaurants or other establishments in which food is served for immediate human consumption; or

''(2) is processed and prepared primarily in a retail establishment, is ready for human consumption, is offered for sale to consumers but not for immediate human consumption in such establishment, and is not offered for sale outside such establishment.

''(e) GUARANTY.—

''(1) IN GENERAL.—An official establishment or other person shall not be considered to have violated the requirements of this section with respect to the labeling of a poultry product if the official establishment or other person (referred to in this subsection as the 'recipient') establishes a guaranty or undertaking signed by, and containing the name and address of, the person residing in the United States from whom the recipient received in good faith the poultry product or the poultry from which the poultry product was derived, or received in good faith food intended to be fed to poultry, to the effect that the poultry product, poultry, or such food, respectively, does not contain genetically engineered material or was not produced with a genetically engineered material.

''(2) SCOPE OF GUARANTY.—In the case of a recipient who establishes a guaranty or undertaking in accordance with paragraph (1), the exclusion under such paragraph from being subject to penalties applies to the recipient without regard to the use of the poultry product by the recipient (or the use by the recipient of the poultry from which the poultry product was derived, or of food intended to be fed to such poultry), including—

''(A) processing the poultry;

''(B) using the poultry product as an ingredient in another food product;

''(C) packing or repacking the poultry product; or

''(D) raising the poultry from which the poultry product was derived.

''(3) FALSE GUARANTY.—It is a violation of this Act for a person to give a guaranty or undertaking in accordance with paragraph (1) that the person knows or has reason to know is false.

''(f) CIVIL PENALTIES.—

''(1) IN GENERAL.—The Secretary may assess a civil penalty against a person that violates subsection (b) or (c)(3) in an amount not to exceed $100,000 for each such violation.

''(2) NOTICE AND OPPORTUNITY FOR HEARING.—A civil penalty under paragraph (1) shall be assessed by the Secretary by an order made on the record after opportunity for a hearing provided in accordance with this subparagraph and section 554 of title 5, United States Code. Before issuing such an order, the Secretary shall give written notice to the person to be assessed a civil penalty under such order of the Secretary's proposal to issue such order and provide such person an opportunity for a hearing on the order. In the course of any investigation, the Secretary may issue subpoenas requiring the attendance and testimony of witnesses and the production of evidence that relates to the matter under investigation.

''(3) CONSIDERATIONS REGARDING AMOUNT OF PENALTY.—In determining the amount of a civil penalty under paragraph (1), the Secretary shall take into account the nature, circumstances, extent, and gravity of the violation or violations and, with respect to the violator, ability to pay, effect on ability to continue to do business, any history of prior such violations, the degree of culpability, and such other matters as justice may require.

''(4) CERTAIN AUTHORITIES.—The Secretary may compromise, modify, or remit, with or without conditions, any civil penalty under paragraph (1). The amount of such penalty, when finally determined, or the amount agreed upon in compromise, may be deducted from any sums owing by the United States to the person charged.

''(5) JUDICIAL REVIEW.—Any person who requested, in accordance with paragraph (2), a hearing respecting the assessment of a civil penalty under paragraph (1) and who is aggrieved by an order assessing a civil penalty may file a petition for judicial review of such order with the United States Court of Appeals for the District of Columbia Circuit or for any other circuit in which such person resides or transacts business. Such a petition may only be filed within the 60-day period beginning on the date the order making such assessment was issued.

''(6) FAILURE TO PAY.—If a person fails to pay an assessment of a civil penalty—

''(A) after the order making the assessment becomes final, and if such person does not file a petition for judicial review of the order in accordance with paragraph (5); or

''(B) after a court in an action brought under paragraph (4) has entered a final judgment in favor of the Secretary;

the Attorney General shall recover the amount assessed (plus interest at currently prevailing rates from the date of the expiration of the 60-day period referred to in paragraph (5) or the date of such final judgment, as the case may be) in an action brought in any appropriate district court of the United States. In such an action, the validity, amount, and appropriateness of such penalty shall not be subject to review.''.

(b) INCLUSION OF LABELING REQUIREMENTS IN DEFINITION OF MISBRANDED.—Section 4(h) of the Poultry Products Inspection Act (21 U.S.C. 453(h)) is amended—

(1) by striking ''or'' at the end of paragraph (11);

(2) by striking the period at the end of paragraph (12) and inserting ''; or''; and

(3) by adding at the end the following paragraph:

''(13) if it fails to bear a label or labeling as required by section 8A.''.

SEC. 906. EFFECTIVE DATE.

This title and the amendments made by this title take effect upon the expiration of the 180-day period beginning on the date of the enactment of this title.

H.R. 4461

OFFERED BY: MR. NEY

AMENDMENT NO. 10: Page 6, line 16, insert ''(reduced by $34,000)'' after ''$34,708,000''.

Page 8, line 3, insert ''(reduced by $33,000)'' after ''$8,138,000''.

Page 9, line 3, insert ''(reduced by $33,000)'' after ''$29,194,000''.

Page 10, line 23, insert ''(increased by $100,000)'' after ''$850,384,000''.

H.R. 4461

OFFERED BY: MR. ROYCE

AMENDMENT NO. 11: Page 96, after line 7, insert the following:

TITLE IX—ADDITIONAL GENERAL PROVISIONS

SEC. 901. ACROSS-THE-BOARD PERCENTAGE REDUCTION.

Each amount appropriated or otherwise made available by this Act that is not required to be appropriated or otherwise made available by a provision of law is hereby reduced by one percent.