



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 106th CONGRESS, SECOND SESSION

Vol. 146

WASHINGTON, MONDAY, JUNE 26, 2000

No. 82

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,
June 26, 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 Florida (Mr. STEARNS) for 5 minutes.

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UNITED STATES AIR FORCE IN KOSOVO

Mr. STEARNS. Mr. Speaker, last month the May 15 edition of Newsweek ran an article regarding Kosovo and the damage assessment data that was gathered by NATO and the United States Air Force. While some of the accusations in the article raised concerns on both sides of the issue, I believe, Mr. Speaker, it misses the point, and, that is, the outstanding job accomplished by our men and women of the United States Air Force.

What many fail to realize is that the Air Force was practically engaged in a major theater war. Thirty-eight thousand sorties were flown during the 78-day operation with two aircraft lost to enemy fire. At the beginning of Operation Allied Force, the average number of sorties flown per day was 200. That number increased to 1,000 by the end of that conflict. Furthermore, the United States expended over 23,315 munitions with the United States Air Force accounting for 91 percent of that amount. That in itself, Mr. Speaker, is a logistics success story.

Over 20,000 Air Force personnel were deployed in Operation Allied Force. The operation also included 13 percent of Air Force fighter aircraft, 16 percent of bombers and 28 percent of tanker aircraft. At the same time, United States Air Force equipment and personnel were deployed to Northern Watch in Iraq, Southwest Asia, Central and South America, and various Pacific operations. In fact, Mr. Speaker, we have over 260,000 military personnel in over 100 countries. Our military has been deployed more times during this administration than the entire Cold War period.

I am concerned that the Newsweek article chose not to highlight the major effort in which the United States Air Force engaged over those 78 days, but the outstanding performance continued after hostilities ceased as Air Force officials delved into an in-depth analysis of the warfare data.

This article in Newsweek dated May 15, this year, attempts to persuade the reader that NATO, the Pentagon and United States Air Force officials purposely misstated the number of tanks, artillery and armored personnel carriers destroyed in Operation Allied Force. However, the author based his assertions on a so-called suppressed report. In reality, his information was likely provided by way of an initial ground survey conducted by NATO itself.

This initial survey documented actual on-site findings of damaged or destroyed equipment. But let me emphasize a point here. This survey was conducted after 78 days of aerial combat operations where the battlefield, of course, can drastically change from day to day. Furthermore, it is common practice for any army to remove as much as possible of its equipment and damage from the battlefield as soon as possible.

Let me emphasize that this data project was conducted by NATO itself, with the support of the United States Air Force. Obviously since the Air Force conducted most of the offensive operations, its involvement was crucial to gathering accurate data. The project was also designed as an assessment of weapons targeting, their impact and effectiveness, and, of course, not just counting armor damage.

The data released by NATO was the result of a thorough methodology composed of ground survey, mission reports, cockpit videos, satellite and other imagery and, of course, intelligence reports. This data also had to factor in decoy use, multiple strikes on a target, and, of course, unconfirmed strikes. As a result, the data released was in fact more conservative than initial battle damage assessments. That is precisely the point of this in-depth analysis, to get an accurate picture of what happened so you can learn and adapt for future conflicts.

The Newsweek article does raise a few questions, but if one looks at the entire picture of this operation, that person will see the Herculean effort shouldered by the United States Air Force. In the end, the Serbs retreated. The Air Force mission was accomplished, which, of course, is the real message for all Americans, that the Air Force did its job and did it well.

We can be proud of these men and women and their commitment to serve their country and fight for a people whom they did not

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



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know. I commend the United States Air Force, and all the other armed services in support of Operation Allied Force.

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IN OPPOSITION TO H.R. 4680, REPUBLICAN PRESCRIPTION DRUG BENEFIT BILL

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from Texas (Mr. BENTSEN) is recognized during morning hour debates for 5 minutes.

Mr. BENTSEN. Mr. Speaker, later this week the Republican leadership will bring to the floor a bill purporting to be a new prescription drug benefit for America's senior citizens. In reality, it is a bill which is fatally flawed, providing a political fig leaf for Republicans while providing false hope to the senior citizens we all represent who are feeling increasingly pinched by ever rising prescription drug costs.

Mr. Speaker, the Republican bill fails both in its structure and its scope, and it as well as any plausible alternative as proposed by Democrats is subject to an artificial monetary constraint imposed by the Republicans in their budget resolution which is both disingenuous and hypocritical.

In their desire to do anything but create a real prescription drug benefit under Medicare, the Republicans' Rx proposal creates a Rube Goldberg structure that involves subsidizing insurance companies to do what they do not want to do while creating a new government bureaucracy in Medicare. The Republican plan is modeled after the Medicare Choice structure of enticing private insurers to take over the administration and delivery of benefits in lieu of Medicare for a profit. It pays insurers to create a prescription drug plan, but, while it limits the coverage, it does not limit the premiums that can be charged to senior citizens. And it empowers this new bureaucracy, the Medicare Benefits Administration, to increase the taxpayer subsidy to the insurance companies if they are unable to develop a plan which meets both the basic structure and is affordable. Thus, monthly premiums to seniors are allowed to rise far higher than the \$40 a month assumed by the authors of this flawed bill, and insurers are entitled to higher taxpayer subsidies if they cannot make enough money.

Mr. Speaker, your own press secretary told the New York Times this Sunday that the insurance market for prescription drugs for senior citizens would develop because under your leadership's plan it would be, quote, awash in money. For the record, Mr. Speaker, that is the taxpayers' money. The fact that the Congressional Budget Office scored this proposal at all is astounding given the open-ended nature of the program. But perhaps they see something the Republican sponsors missed or are not telling us; that is, the program will not cost too much because health insurance companies do not like

it and will not do it. And like Medicare Choice, once you start restricting the Federal subsidy, profits dry up and insurance companies pull out. Just witness the exodus from Medicare managed care after the 1997 Balanced Budget Act restricted the ever increasing adjusted average per capita cost.

The Republican leadership's prescription drug plan were it to ever be enacted into law would fail because it is designed in such a way that senior citizens will not be able to afford the premiums and insurance companies will not be able to make a profit. Moreover, it spends taxpayer dollars to subsidize insurance companies to do what they do not want to do and what Medicare can do and that Congress will ultimately restrict.

Mr. Speaker, I hope that the Republicans give an opportunity for a fair substitute that brings the benefit of prescription drugs to America's senior citizens.

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SOCIAL SECURITY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from Michigan (Mr. SMITH) is recognized during morning hour debates for 5 minutes.

Mr. SMITH of Michigan. Mr. Speaker, I want to take a couple of minutes to talk about one of America's most important programs and that is Social Security. Looking at this chart, we see the pie graph of all of the Federal Government's \$1.8 trillion Federal spending. The bottom piece of pie represents Social Security. Social Security now is 20 percent of everything that the Federal Government spends. Medicare is at 11 percent, and both programs are growing very rapidly in terms of outlays. Senior programs now utilize over 50 percent of total Federal spending. Because of the demographics, because of the fact that individuals are living longer and because of the slowing down of the birthrate over the years the problem is exacerbated. When the baby boomers retire we will have this exceptionally large number of individuals born shortly after World War II retire. They will change status from paying tax into the Social Security System to retirees that take out, along with the fact of increasing life span that is going to additionally complicate the challenges of keeping Social Security and Medicare solvent.

In this morning's Washington Post, a news piece quoted Vice President GORE as saying that Governor Bush's plan, if he does what he says and protects all current retirees against having any cut in benefits, it would take 14 years off the already short life, and Social Security would go bankrupt by 2023. This statement is false. Most every bill introduced in the House and Senate in fact do make sure there is no reduction in retirees benefits. To the contrary, the Vice President is suggesting that we take the Social Security surplus

and pay down the debt held by the public. That means, if you will excuse the analogy, using one credit card account to pay down another credit card account. Mr. GORE is suggesting, taking the Social Security Trust Fund surplus money and using that money to pay back another debt, a debt held by the public. But that does nothing to solve the long term solvency. At such time there is less Social Security tax revenue coming in than is required to pay benefits, in about 2014, the debt starts increasing again and as you see on this chart, debt soars, and we leave our kids and grand kids a huge mortgage. That is why it is so important that we have some structural changes to keep Social Security solvent.

I hope what the Vice President was quoted in the newspaper was not a correct quote, because the statement has been repeatedly demonstrated as false by the Social Security actuaries themselves.

There are several plans. In fact, most of the plans that have been introduced in the Senate, most of the plans that have been introduced in the House are plans that reflect what Governor Bush has suggested. That is they actually make sure that we do not cut benefits for existing retirees and we do not cut benefits for near-term retirees. I will give a few examples. The Senate bipartisan Social Security plan introduced in the Senate by six Senators; the gentleman from Ohio (Mr. KASICH's) plan; and my Social Security proposal contains no changes to the benefit levels of current retirees and all of these proposals have been certified by the Social Security Administration as keeping Social Security solvent. So to play light with such an important program I think does a disservice. It would have been my hopes that President Clinton and Vice President GORE would have taken the opportunity in the last 2 years to move ahead with plans and proposals to keep Social Security solvent. With White House leadership, we could have done that this year. It is going to take the leadership of a President to bring Democrats and Republicans together to make sure that we save this important program. Simply by creative financing such as adding "I.O.U.s" to the trust fund, that does not honestly deal with the fact that there is going to be less revenues coming in than what is needed to pay benefits is a disservice because it does not solve the problem.

Briefly, I want to go over my Social Security proposal, the Social Security Solvency Act for 2000. It allows workers to invest a portion of their Social Security taxes in their own personal retirement accounts. I start at 2.5 percent. It may be appropriate that government defines limits on how you invest that money to make sure they are safe investments. It won't take much investment wetdown to make sure that it brings in more money than the 1.7 percent that economist predict workers can expect as a return on the payroll

taxes paid in that they will get through their retirement years from Social Security. 1.7 percent is what the economist predict you are going to get in your retirement years. We can do better than that in a CD at your local bank. The problem is that government doesn't save and invest your money, it spends it.

But I think the other important consideration is that the Supreme Court has said that there is no obligation of the Federal Government to give you Social Security benefits. The Social Security tax is a separate tax. Benefits is a decision made by Congress and the President. That is why when we have gotten in trouble in several times, such as in 1977, again in 1983, we increased taxes and cut benefits. Let us not let that happen again.

The highlights of my bi-partisan Social Security bill, H.R. 3206, are as follows:

Allows workers to own and invest a portion of their Social Security taxes by creating Personal Retirement Savings Accounts (PRSAs); PRSA investment starts at 2.5% of wages and gradually increases;

PRSA limited to a variety of safe investments;

Uses surpluses to finance PRSAs;

No increases in taxes or government borrowing;

PRSA account withdrawals may begin at 59½ while the eligibility age for fixed benefits is indexed to life expectancy;

Tax incentive for workers to invest an additional \$2,000 each year;

Gradually slows down benefit increases for high income retirees by changing benefit indexation from wage growth to inflation;

Divides PRSA contributions between couples to protect low income and non-working spouses;

Widows or widowers benefit increased to 110% of standard benefit payment;

Repeals the Social Security earnings test;

Scored by the Social Security Administration to keep Social Security solvent; and

Maintains a Trust Fund reserve.

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EMERGENCY SUPPLEMENTAL FOR FISCAL YEAR 2000

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentlewoman from North Carolina (Mrs. CLAYTON) is recognized during morning hour debates for 5 minutes.

Mrs. CLAYTON. Mr. Speaker, it has been more than 8 months since my State, North Carolina, was struck by Hurricane Floyd, one of three hurricanes to hit our State in succession. And it has been more than 3 months since the House passed H.R. 3908, the emergency supplemental for this fiscal year. Mr. Speaker, we are beyond an emergency. In Eastern North Carolina we are now in a crisis. Title III of the bill includes \$2.2 billion for assistance in the wake of the hurricanes. Those disaster relief provisions are urgently needed.

States like North Carolina, hit hard by the hurricanes and flooding of last fall, critically need that support for

their recovery and rebuilding efforts. North Carolina suffered the worst devastation in its history.

The bill contains \$77.4 million in additional funds for FEMA to be used for short-term emergency housing, home buyouts and relocation assistance; \$42 million targets funds for USDA and \$25 million in funds for HUD, to be used for long-term housing needs, new rural rental housing, rental assistance grants, mutual self-help housing grants and rural housing assistance grants; \$33.3 million in funds for the SBA. The bill also contains \$25.8 million in funds for EDA, to be used for vital economic recovery needs, disaster loans, planning assistance, public works grants and capitalization of revolving loan funds.

In addition, the bill contains critical funding for agriculture, funding to help our farmers through the forgiveness of marketing loans made by the Commodity Credit Corporation, supplemental funding for crop insurance, and \$77.5 million in urgently needed funding for staffing and other needs of the Farm Service Agency. The bill contains funding to assist our fishermen who suffered untold losses from the hurricanes. Funding for dredging, snagging, clearing and debris removal at navigation projects is also included. And the bill has funding to study the dike at Princeville, a town completely destroyed by the flooding.

Mr. Speaker, America is at its best when its citizens are at their worst. When government can and does help, it makes a difference in the lives of our citizens. The lives of the people of Eastern North Carolina were forever changed when Hurricanes Dennis, Floyd and Irene struck. In some instances, the damage reached 175 miles inland, away from the shore, leaving a swath of death, destruction and despair never before seen in my State. Whether their lives were unalterably changed now rests largely in the hands of Congress.

When we passed the emergency bill in the House, the bipartisan support provided to relieve the suffering experienced by the flooding in these States gave hope that the things that are common to us are far stronger than the things on which we differ.

Mr. Speaker, there remains an emergency in North Carolina. It is an emergency in every sense of the word, an unexpected predicament, a crisis, a situation that caught North Carolina and other States entirely by surprise. The destruction is enormous, the needs are great, the situation is urgent.

I urge the House and the Senate to get together and send us a conference report.

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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. today.

Accordingly (at 12 o'clock and 50 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

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AFTER RECESS

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

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PRAYER

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

Lord God, You hold all in good order. Yet You give us the freedom of choice and the realm of good conscience.

Be with Your people today, especially our leaders in religion, in government, and in all civil service.

Help us to maintain good conduct in ourselves and in this Nation. Provide us with insight into our own behavior.

Guided by Your Spirit, make us accountable for our deeds before Your eternal tribunal and in the public forum of respectful performance.

May this, the House of Representatives of the United States, do all in its power to maintain good conduct among its citizens.

May we, by our behavior, find credence among other nations so that they observe our good works and glorify You, our God, as our protector, now and forever.

Amen.

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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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MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate has passed without amendment bills and concurrent resolutions of the House of the following titles:

H.R. 642. An act to redesignate the Federal building located at 701 South Santa Fe Avenue in Compton, California, and known as the Compton Main Post Office, as the "Mervyn Malcolm Dymally Post Office Building".

H.R. 643. An act to redesignate the Federal building located at 10301 South Compton Avenue, in Los Angeles, California, and known

as the Watts Finance Office, as the "Augustus F. Hawkins Post Office Building".

H.R. 1666. An act to designate the facility of the United States Postal Service at 200 East Pinckney Street in Madison, Florida, as the "Captain Colin P. Kelly, Jr. Post Office".

H.R. 2307. An act to designate the building of the United States Postal Service located at 5 Cedar Street in Hopkinton, Massachusetts, as the "Thomas J. Brown Post Office Building".

H.R. 2357. An act to designate the United States Post Office located at 3675 Warrensville Center Road in Shaker Heights, Ohio, as the "Louise Stokes Post Office".

H.R. 2460. An act to designate the United States Post Office located at 125 Border Avenue West in Wiggins, Mississippi, as the "Jay Hanna 'Dizzy' Dean Post Office".

H.R. 2591. An act to designate the United States Post Office located at 713 Elm Street in Wakefield, Kansas, as the "William H. Avery Post Office".

H.R. 2952. An act to redesignate the facility of the United States Postal Service located at 100 Orchard Park Drive in Greenville, South Carolina, as the "Keith D. Oglesby Station".

H.R. 3018. An act to designate certain facilities of the United States Postal Service in South Carolina.

H.R. 3699. An act to designate the facility of the United States Postal Service located at 8409 Lee Highway in Merrifield, Virginia, as the "Joel T. Broyhill Postal Building".

H.R. 3701. An act to designate the facility of the United States Postal Service located at 3118 Washington Boulevard in Arlington, Virginia, as the "Joseph L. Fisher Post Office Building".

H.R. 4241. An act to designate the facility of the United States Postal Service located at 1818 Milton Avenue in Jamesville, Wisconsin, as the "Les Aspin Post Office Building".

H. Con. Res. 293. Concurrent resolution urging compliance with the Hague Convention on the Civil Aspects of International Child Abduction.

H. Con. Res. 304. Concurrent resolution expressing the condemnation of the continued egregious violations of human rights in the Republic of Belarus, the lack of progress toward the establishment of democracy and the rule of law in Belarus, calling on President Alyaksandr Lukashenka's regime to engage in negotiations with the representatives of the opposition and to restore the constitutional rights of the Belarusian people, and calling on the Russian Federation to respect the sovereignty of Belarus.

The message also announced that the Senate has passed with amendments in which the concurrence of the House is requested, a concurrent resolution of the House of the following title:

H. Con. Res. 251. Concurrent resolution commending the Republic of Croatia for the conduct of its parliamentary and presidential elections.

The message also announced that the Senate has passed bills and concurrent resolutions of the following titles in which the concurrence of the House is requested:

S. 2043. An act to designate the United States Post Office building located at 3101 West Sunflower Avenue in Santa Ana, California, as the "Hector G. Godinez Post Office Building".

S. 2460. An act to authorize the payment of rewards to individuals furnishing information relating to persons subject to indictment for serious violations of international humanitarian law in Rwanda, and for other purposes.

S. 2677. An act to restrict assistance until certain conditions are satisfied and to support democratic and economic transition in Zimbabwe.

S. 2682. An act to authorize the Broadcasting Board of Governors to make available to the Institute for Media Development certain materials of the Voice of America.

S. Con. Res. 117. Concurrent resolution commending the Republic of Slovenia for its partnership with the United States and NATO, and expressing the sense of Congress that Slovenia's accession to NATO would enhance NATO's security, and for other purposes.

S. Con. Res. 118. Concurrent resolution commemorating the 60th anniversary of the execution of Polish captives by Soviet authorities in April and May 1940.

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BIG OIL COMPANIES GOUGING AMERICAN CONSUMERS

(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, for months, big oil companies have been averaging 350 percent profits. Averaging 350 percent.

And after all that, finally the EPA says, and I quote: We suspect gouging by the big oil companies.

No kidding, Sherlock.

The truth is these stumbling, bumbling, crepitating nincompoops at the EPA could not find buffalo chips in bottled water.

Beam me up.

It is time to pass H.R. 3902, that slaps a \$100 million fine on oil companies that gouge American consumers. Mr. Speaker, money is all they understand.

Mr. Speaker, I yield back a message to the OPEC countries. The next time they are attacked by Saddam Hussein, call UNICEF, not Uncle Sam.

□

A CALL FOR INVESTIGATION OF THE FBI AND JUSTICE DEPARTMENT IN THE NORTHERN DISTRICT OF OHIO

(Mr. TRAFICANT asked and was given permission to address the House for 3 minutes.)

Mr. TRAFICANT. Mr. Speaker, I am under investigation in the Northern District of Ohio by the United States Justice Department, the Federal Bureau of Investigation, and the Internal Revenue Service. They have targeted me for 20 years.

They suborned perjury in my first trial, where I am the only American in the history of the country to have defeated the Justice Department in a RICO case pro se, and they have never forgotten it and they have targeted me ever since.

The bottom line is there may be an indictment any day. But during this period of time where I have been targeted, I have been investigating the Federal Bureau of Investigation and the Justice Department in the Northern District of Ohio. FBI agents in the northern district of Ohio have been on the payroll of the Mob. They have been

bank rolled by the Mob. In fact, the Mob had directed the first indictment of JIM TRAFICANT.

Mr. Speaker, in addition, I have credible evidence and an affidavit that supports the fact that an individual informant has charged the FBI with asking him to commit murder. I will be presenting these matters to a respective committee of Congress asking for a committee investigation with full subpoena powers to back up the affidavits that I have before me.

So, Mr. Speaker, having taken this time, I thank the Chair for allowing me to make such a statement.

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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.

Such rollcall votes, if postponed, 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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PRESIDENTIAL THREAT PROTECTION ACT OF 2000

Mr. COBLE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R., 3048) to amend section 879 of title 18, United States Code, to provide clearer coverage over threats against former Presidents and members of their families, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3048

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 "Presidential Threat Protection Act of 2000".

SEC. 2. REVISION OF SECTION 879 OF TITLE 18, UNITED STATES CODE.

(a) IN GENERAL.—Section 879 of title 18, United States Code, is amended—

(1) by striking "or" at the end of subsection (a)(2);

(2) in subsection (a)(3)—

(A) by striking "the spouse" and inserting "a member of the immediate family"; and

(B) by inserting "or" after the semicolon at the end;

(3) by inserting after subsection (a)(3) the following:

"(4) a person protected by the Secret Service under section 3056(a)(6);";

(4) in subsection (a)—

(A) by striking "who is protected by the Secret Service as provided by law."; and

(B) by striking "three years" and inserting "5 years"; and

(5) in subsection (b)(1)(B)—

(A) by inserting "and (a)(3)" after "subsection (a)(2)"; and

(B) by striking "or Vice President-elect" and inserting "Vice President-elect, or major candidate for the office of President or Vice President".

(b) CONFORMING AMENDMENTS.—

(1) **HEADING.**—The heading for section 879 of title 18, United States Code, is amended by striking “protected by the Secret Service”.

(2) **TABLE OF SECTIONS.**—The item relating to section 879 in the table of sections at the beginning of chapter 41 of title 18, United States Code, is amended by striking “protected by the Secret Service”.

SEC. 3. CLARIFICATION OF SECRET SERVICE AUTHORITY FOR SECURITY OPERATIONS AT EVENTS AND GATHERINGS OF NATIONAL SIGNIFICANCE.

Section 3056 of title 18, United States Code, is amended by adding at the end the following:

“(e) Under the direction of the Secretary of the Treasury, the United States Secret Service is authorized to coordinate the design, planning, and implementation of security operations for any special event of national significance, as determined by the President or the President’s designee.”.

SEC. 4. NATIONAL THREAT ASSESSMENT CENTER.

(a) **ESTABLISHMENT.**—The United States Secret Service (hereinafter in this section referred to as the “Service”), at the direction of the Secretary of the Treasury, may establish the National Threat Assessment Center (hereinafter in this section referred to as the “Center”) as a unit within the Service.

(b) **FUNCTIONS.**—The Service may provide the following to Federal, State, and local law enforcement agencies through the Center:

(1) Training in the area of threat assessment.

(2) Consultation on complex threat assessment cases or plans.

(3) Research on threat assessment and the prevention of targeted violence.

(4) Facilitation of information sharing among all such agencies with protective or public safety responsibilities.

(5) Programs to promote the standardization of Federal, State, and local threat assessments and investigations involving threats.

(6) Any other activities the Secretary determines are necessary to implement a comprehensive threat assessment capability.

(c) **REPORT.**—Not later than one year after the date of the enactment of this Act, the Service shall submit a report to the committees on the judiciary of the Senate and the House of Representatives detailing the manner in which the Center will operate.

SEC. 5. ADMINISTRATIVE SUBPOENAS WITH REGARD TO PROTECTIVE INTELLIGENCE FUNCTIONS OF THE SECRET SERVICE.

(a) **IN GENERAL.**—Section 3486(a) of title 18, United States Code, is amended—

(1) so that paragraph (1) reads as follows: “(1)(A) In any investigation of—

“(i) a Federal health care offense or (II) a Federal offense involving the sexual exploitation or abuse of children, the Attorney General; or

“(ii) an offense under section 871 or 879, or a threat against a person protected by the United States Secret Service under paragraph (5) or (6) of section 3056, if the Director of the Secret Service determines that the threat constituting the offense or the threat against the person protected is imminent, the Secretary of the Treasury;

may issue in writing and cause to be served a subpoena requiring the production and testimony described in subparagraph (B).

“(B) Except as provided in subparagraph (C), a subpoena issued under subparagraph (A) may require—

“(i) the production of any records or other things relevant to the investigation; and

“(ii) testimony by the custodian of the things required to be produced concerning the production and authenticity of those things.

“(C) A subpoena issued under subparagraph (A) with respect to a provider of electronic communication service or remote computing service, in an investigation of a Federal offense involving the sexual exploitation or abuse of children shall not extend beyond—

“(i) requiring that provider to disclose the name, address, local and long distance telephone toll billing records, telephone number or other subscriber number or identity, and length of service of a subscriber to or customer of such service and the types of services the subscriber or customer utilized, which may be relevant to an authorized law enforcement inquiry; or

“(ii) requiring a custodian of the records of that provider to give testimony concerning the production and authentication of such records or information.

“(D) As used in this paragraph, the term ‘Federal offense involving the sexual exploitation or abuse of children’ means an offense under section 1201, 2241(c), 2242, 2243, 2251, 2251A, 2252, 2252A, 2260, 2421, 2422, or 2423, in which the victim is an individual who has not attained the age of 18 years.”;

(2) in paragraph (3)—

(A) by inserting “relating to a Federal health care offense” after “production of records”; and

(B) by adding at the end the following: “The production of things in any other case may be required from any place within the United States or subject to the laws or jurisdiction of the United States.”; and

(3) by adding at the end the following:

“(5) At any time before the return date specified in the summons, the person or entity summoned may, in the United States district court for the district in which that person or entity does business or resides, petition for an order modifying or setting aside the summons, or a prohibition of disclosure ordered by a court under paragraph (6).

“(6)(A) A United States district court for the district in which the summons is or will be served, upon application of the United States, may issue an ex parte order that no person or entity disclose to any other person or entity (other than to an attorney in order to obtain legal advice) the existence of such summons for a period of up to 90 days.

“(B) Such order may be issued on a showing that the things being sought may be relevant to the investigation and there is reason to believe that such disclosure may result in—

“(i) endangerment to the life or physical safety of any person;

“(ii) flight to avoid prosecution;

“(iii) destruction of or tampering with evidence; or

“(iv) intimidation of potential witnesses.

“(C) An order under this paragraph may be renewed for additional periods of up to 90 days upon a showing that the circumstances described in subparagraph (B) continue to exist.

“(D) Whoever knowingly violates an order under this paragraph shall be fined under this title or imprisoned not more than 5 years, or both.

“(7) A summons issued under this section shall not require the production of anything that would be protected from production under the standards applicable to a subpoena duces tecum issued by a court of the United States.

“(8) If no case or proceeding arises from the production of records or other things pursuant to this section within a reasonable time after those records or things are produced, the agency to which those records or things were delivered shall, upon written demand made by the person producing those records or things, return them to that person, except where the production required was only of copies rather than originals.

“(9) A subpoena issued under paragraph (1)(A)(i)(II) or (1)(A)(ii) may require production as soon as possible, but in no event less than 24 hours after service of the subpoena.

“(10) As soon as practicable following the issuance of a subpoena under paragraph (1)(A)(ii), the Secretary of the Treasury shall notify the Attorney General of its issuance.”.

(b) **CONFORMING AMENDMENTS.**—

(1) **SECTION HEADING.**—The heading for section 3486 of title 18, United States Code, is amended by striking:

“in Federal health care investigations”.

(2) **TABLE OF SECTIONS.**—The item relating to section 3486 in the table of sections at the beginning of chapter 223 of title 18, United States Code, is amended by striking:

“in Federal health care investigations”.

(3) **CONFORMING REPEAL.**—Section 3486A, and the item relating to that section in the table of sections at the beginning of chapter 223, of title 18, United States Code, are repealed.

(c) **TECHNICAL AMENDMENT.**—Section 3486 of title 18, United States Code, is amended—

(1) in subsection (a)(4), by striking “summoned” and inserting “subpoenaed”; and

(2) in subsection (d), by striking “summons” each place it appears and inserting “subpoena”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Carolina (Mr. COBLE) and the gentleman from Ohio (Mr. TRAFICANT) 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 the bill under consideration.

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. 3048, the Presidential Threat Protection Act of 2000, was introduced by the chairman of the Crime Subcommittee, the gentleman from Florida (Mr. MCCOLLUM) and is the product of close collaboration between the gentleman from Florida and the staff of the Subcommittee on Crime and the Secret Service.

The bill addresses several problems that the Director of the Secret Service raised at an oversight hearing held by the Subcommittee on Crime last year.

The subcommittee reported the bill favorably by voice vote in March and the full Committee on the Judiciary reported the bill favorably by voice vote last month.

The principal purpose of the bill is to clarify the Secret Service’s jurisdiction to investigate threats made against former Presidents or their families and the immediate families of the President, Vice President, President-elect, the Vice President-elect and major candidates for the offices of President or Vice President.

Under current law, Mr. Speaker, for the Secret Service to investigate a threat made against one of these persons, that person must be receiving Secret Service protection at the time the threat is made. Should a former President decline Secret Service protection, as has occurred in the past, threats made against him would not be Federal crimes and so could not be investigated by the Secret Service.

This problem will be exacerbated in the future by a decision Congress made in 1994 that Secret Service protection for former Presidents and their spouses terminate 10 years after the President leaves office.

To remedy this problem, H.R. 3048 will amend current law to make it a Federal crime which the Secret Service is authorized to investigate for any person to threaten any current or former President, the current Vice President, the President-elect, or Vice President-elect, or the immediate family of such person, regardless of whether the Secret Service is protecting the person at the time the threat is made.

This section of the bill will expand current Secret Service authority so that it may investigate threats made against the immediate family of major candidates for the office of President or Vice President. Under current law, the Secret Service may only investigate threats made against the candidate and his or her spouse. The bill will also clarify the Agency's authority to plan security for events of national significance such as an economic summit of G7 ministers or a meeting of the WTO, for example.

In recent years, the President has directed the Service to participate in the design, planning and implementation of security operations at special events of national significance. In some cases, however, none of the persons traditionally protected by the Service may be present at these events or present at all times during the event. Therefore, the Service's authority to coordinate the security for these events is unclear.

As the Service is the preeminent law enforcement agency in the world when it comes to expertise in planning security operations, it is appropriate that this expertise be brought to bear in the planning for events of this magnitude. This bill will make that authority clear.

H.R. 3048 also authorizes the Secret Service to use administrative subpoenas in limited situations. Administrative subpoenas are subpoenas issued by a law enforcement agency rather than a United States court. Administrative subpoenas are authorized by the Attorney General under current law for investigations of drug crime, Federal health care offenses, or cases involving child abuse and child sexual exploitation.

The Service has requested administrative subpoena authority for investigations of threats made against the President and its other protectees. There is no question that if the Service is delayed for several days in obtaining a subpoena it needs, such as when the courts are closed over a weekend or during a Federal holiday, the trail of a potential assassin could be lost. It seems reasonable to me to allow the Service to issue these types of subpoenas, but only in threat cases.

This bill would give the Secretary of the Treasury the authority to issue such a subpoena, but only upon the determination of the Director of the Secret Service that a threat against one of its protectees is imminent. Further, the power is limited to requesting only the production of records and other tangible things. The subpoena may not

be used to obtain the testimony of any person, except for the person who is the custodian of the records for an organization.

This bill also creates a means by which a citizen can challenge an administrative subpoena in the courts, something for which current law does not specifically provide.

The Secret Service is one of our Nation's oldest and best law enforcement agencies. We need to give it the statutory authority and investigative tools it needs to do the job that Congress has given it. This bill will help do that.

Mr. Speaker, I urge all of my colleagues to support it.

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

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

Mr. Speaker, I want to start out by commending the gentleman from North Carolina (Mr. COBLE), the gentleman from Virginia (Mr. SCOTT), the Committee on the Judiciary, the gentleman from Florida (Mr. MCCOLLUM), the gentleman from Illinois (Mr. HYDE), and the gentleman from Michigan (Mr. CONYERS) on a bill that passed the Committee on the Judiciary unanimously, not only of its import but the significance of it in this timely fashion as we approach a season of presidential elections.

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I too rise in strong support of H.R. 3048. It reflects that bipartisanship, and it is a pleasure to see such bipartisanship here in the House.

As the gentleman from North Carolina (Mr. COBLE) has stated, the bill would amend current law to make it clear that it is a Federal crime, a Federal crime which the Secret Service is authorized to investigate, for any person to threaten any current or former President, Vice President, or immediate family member of that person, notwithstanding the fact that the Secret Service may not be at that time, in fact, protecting the person that the threat is made on.

It also expands current Secret Service authority to investigate threats made against the immediate family of candidates for the office of President or Vice President. Under current law, the protection covers only the candidates and their spouses.

Another provision of the bill authorizes the Secret Service to participate in the planning, coordination, and implementation of security operations at events and gatherings of national significance, even if the President or Vice President is not scheduled to attend.

In light of the Secret Service's expertise, second to none in the area of planning security operations of this type and its responsibilities in protecting diplomats, it makes for sound public policy to authorize the agency to participate in such planning and coordination, as they did at summit meetings such as the G-7 economic ministers meeting held here not so long ago.

The bill also provides, as the gentleman from North Carolina (Mr. COBLE) had so eloquently explained, a limited-use administrative subpoena authority by the Secret Service where there has been a threat against the President, a former President, or other persons protected by the Secret Service.

I would just like to close by saying that the Secret Service is a very noble agency. I think they do a tremendous job for the American people. I believe this bill is fitting, and I want to commend the Committee on the Judiciary for its unanimous vote and its bipartisanship in addressing it in this season.

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

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

The SPEAKER pro tempore (Mr. PETRI). 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. 3048, 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.

□

PRIBILOF ISLANDS TRANSITION ACT

Mr. SHERWOOD. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3417) to complete the orderly withdrawal of the National Oceanic and Atmospheric Administration from the civil administration of the Pribilof Islands, Alaska, as amended.

The Clerk read 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.

This Act may be referred to as the "Pribilof Islands Transition Act".

SEC. 2. PURPOSE.

The purpose of this Act is to complete the orderly withdrawal of the National Oceanic and Atmospheric Administration from the civil administration of the Pribilof Islands, Alaska.

SEC. 3. FINANCIAL ASSISTANCE FOR PRIBILOF ISLANDS UNDER FUR SEAL ACT OF 1966.

Public Law 89-702, popularly known and referred to in this Act as the Fur Seal Act of 1966, is amended by amending section 206 (16 U.S.C. 1166) to read as follows:

"SEC. 206. FINANCIAL ASSISTANCE.

"(a) GRANT AUTHORITY.—

"(1) IN GENERAL.—Subject to the availability of appropriations, the Secretary shall provide financial assistance to any city government, village corporation, or tribal council of St. George, Alaska, or St. Paul, Alaska.

"(2) USE FOR MATCHING.—Notwithstanding any other provision of law relating to matching funds, funds provided by the Secretary as assistance under this subsection may be used by the entity as non-Federal matching funds under any Federal program that requires such matching funds.

“(3) RESTRICTION ON USE.—The Secretary may not use financial assistance authorized by this Act—

“(A) to settle any debt owed to the United States;

“(B) for administrative or overhead expenses; or

“(C) for contributions authorized under section 5(b)(3)(B) of the Pribilof Islands Transition Act.

“(4) FUNDING INSTRUMENTS AND PROCEDURES.—In providing assistance under this subsection the Secretary shall transfer any funds appropriated to carry out this section to the Secretary of the Interior, who shall obligate such funds through instruments and procedures that are equivalent to the instruments and procedures required to be used by the Bureau of Indian Affairs pursuant to title IV of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.).

“(5) PRO RATA DISTRIBUTION OF ASSISTANCE.—In any fiscal year for which less than all of the funds authorized under subsection (c)(1) are appropriated, such funds shall be distributed under this subsection on a pro rata basis among the entities referred to in subsection (c)(1) in the same proportions in which amounts are authorized by that subsection for grants to those entities.

“(b) SOLID WASTE ASSISTANCE.—

“(1) IN GENERAL.—Subject to the availability of appropriations, the Secretary shall provide assistance to the State of Alaska for designing, locating, constructing, redeveloping, permitting, or certifying solid waste management facilities on the Pribilof Islands to be operated under permits issued to the city of St. George and the city of St. Paul, Alaska, by the State of Alaska under section 46.03.100 of the Alaska Statutes.

“(2) TRANSFER.—The Secretary shall transfer any appropriations received under paragraph (1) to the State of Alaska for the benefit of rural and Native villages in Alaska for obligation under section 303 of Public Law 104-182, except that subsection (b) of that section shall not apply to those funds.

“(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for fiscal years 2001, 2002, 2003, 2004, and 2005—

“(1) for assistance under subsection (a) a total not to exceed—

“(A) \$9,000,000, for grants to the city of St. Paul;

“(B) \$6,300,000, for grants to the Tanadgusix Corporation;

“(C) \$1,500,000, for grants to the St. Paul Tribal Council;

“(D) \$6,000,000, for grants to the city of St. George;

“(E) \$4,200,000, for grants to the St. George Tanaq Corporation; and

“(F) \$1,000,000, for grants to the St. George Tribal Council; and

“(2) for assistance under subsection (b), such sums as may be necessary.

“(d) LIMITATION ON USE OF ASSISTANCE FOR LOBBYING ACTIVITIES.—None of the funds authorized by this section may be available for any activity a purpose of which is to influence legislation pending before the Congress, except that this subsection shall not prevent officers or employees of the United States or of its departments, agencies, or commissions from communicating to Members of Congress, through proper channels, requests for legislation or appropriations that they consider it necessary for the efficient conduct of public business.

“(e) IMMUNITY FROM LIABILITY.—Neither the United States nor any of its agencies, officers, or employees shall have any liability under this Act or any other law associated with or resulting from the designing, locating, contracting for, redeveloping, permit-

ting, certifying, operating, or maintaining any solid waste management facility on the Pribilof Islands as a consequence of having provided assistance to the State of Alaska under subsection (b).

“(f) REPORT ON EXPENDITURES.—Each entity which receives assistance authorized under subsection (c) shall submit an audited statement listing the expenditure of that assistance to the Committee on Appropriations and the Committee on Resources of the House of Representatives and the Committee on Appropriations and the Committee on Commerce, Science, and Transportation of the Senate, on the last day of fiscal years 2002, 2004, and 2006.

“(g) CONGRESSIONAL INTENT.—Amounts authorized under subsection (c) are intended by Congress to be provided in addition to the base funding appropriated to the National Oceanic and Atmospheric Administration in fiscal year 2000.

SEC. 4. DISPOSAL OF PROPERTY.

Section 205 of the Fur Seal Act of 1966 (16 U.S.C. 1165) is amended—

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

“(c) Not later than 3 months after the date of enactment of the Pribilof Islands Transition Act, the Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Resources of the House of Representatives a report that includes—

“(1) a description of all property specified in the document referred to in subsection (a) that has been conveyed under that subsection;

“(2) a description of all Federal property specified in the document referred to in subsection (a) that is going to be conveyed under that subsection; and

“(3) an identification of all Federal property on the Pribilof Islands that will be retained by the Federal Government to meet its responsibilities under this Act, the Convention, and any other applicable law.”; and

(2) by striking subsection (g).

SEC. 5. TERMINATION OF RESPONSIBILITIES.

(a) FUTURE OBLIGATION.—

(1) IN GENERAL.—The Secretary of Commerce shall not be considered to have any obligation to promote or otherwise provide for the development of any form of an economy not dependent on sealing on the Pribilof Islands, Alaska, including any obligation under section 206 of the Fur Seal Act of 1966 (16 U.S.C. 1166) or section 3(c)(1)(A) of Public Law 104-91 (16 U.S.C. 1165 note).

(2) SAVINGS.—This subsection shall not affect any cause of action under section 206 of the Fur Seal Act of 1966 (16 U.S.C. 1166) or section 3(c)(1)(A) of Public Law 104-91 (16 U.S.C. 1165 note)—

(A) that arose before the date of the enactment of this Act; and

(B) for which a judicial action is filed before the expiration of the 5-year period beginning on the date of the enactment of this Act.

(3) RULE OF CONSTRUCTION.—Nothing in this Act shall be construed to imply that—

(A) any obligation to promote or otherwise provide for the development in the Pribilof Islands of any form of an economy not dependent on sealing was or was not established by section 206 of the Fur Seal Act of 1966 (16 U.S.C. 1166), section 3(c)(1)(A) of Public Law 104-91 (16 U.S.C. 1165 note), or any other provision of law; or

(B) any cause of action could or could not arise with respect to such an obligation.

(4) CONFORMING AMENDMENT.—Section 3(c)(1) of Public Law 104-91 (16 U.S.C. 1165 note) is amended by striking subparagraph (A) and redesignating subparagraphs (B) through (D) in order as subparagraphs (A) through (C).

(b) PROPERTY CONVEYANCE AND CLEANUP.—

(1) IN GENERAL.—Subject to paragraph (2), there are terminated all obligations of the Secretary of Commerce and the United States to—

(A) convey property under section 205 of the Fur Seal Act of 1966 (16 U.S.C. 1165); and

(B) carry out cleanup activities, including assessment, response, remediation, and monitoring, except for postremedial measures such as monitoring and operation and maintenance activities, related to National Oceanic and Atmospheric Administration administration of the Pribilof Islands, Alaska, under section 3 of Public Law 104-91 (16 U.S.C. 1165 note) and the Pribilof Islands Environmental Restoration Agreement between the National Oceanic and Atmospheric Administration and the State of Alaska, signed January 26, 1996.

(2) APPLICATION.—Paragraph (1) shall apply on and after the date on which the Secretary certifies that—

(A) the State of Alaska has provided written confirmation that no further corrective action is required at the sites and operable units covered by the Pribilof Islands Environmental Restoration Agreement between the National Oceanic and Atmospheric Administration and the State of Alaska, signed January 26, 1996, with the exception of postremedial measures, such as monitoring and operation and maintenance activities;

(B) the cleanup required under section 3(a) of Public Law 104-91 (16 U.S.C. 1165 note) is complete;

(C) the properties specified in the document referred to in subsection (a) of section 205 of the Fur Seal Act of 1966 (16 U.S.C. 1165(a)) can be unconditionally offered for conveyance under that section; and

(D) all amounts appropriated under section 206(c)(1) of the Fur Seal Act of 1966, as amended by this Act, have been obligated.

(3) FINANCIAL CONTRIBUTIONS FOR CLEANUP COSTS.—(A) On and after the date on which section 3(b)(5) of Public Law 104-91 (16 U.S.C. 1165 note) is repealed by this Act, the Secretary may not seek or require financial contribution by or from any local governmental entity of the Pribilof Islands, any official of such an entity, or the owner of land on the Pribilof Islands, for cleanup costs incurred pursuant to section 3(a) of Public Law 104-91 (as in effect before such repeal), except as provided in subparagraph (B).

(B) Subparagraph (A) shall not limit the authority of the Secretary to seek or require financial contribution from any person for costs or fees to clean up any matter that was caused or contributed to by such person on or after March 15, 2000.

(4) CERTAIN RESERVED RIGHTS NOT CONDITIONS.—For purposes of paragraph (2)(C), the following requirements shall not be considered to be conditions on conveyance of property:

(A) Any requirement that a potential transferee must allow the National Oceanic and Atmospheric Administration continued access to the property to conduct environmental monitoring following remediation activities.

(B) Any requirement that a potential transferee must allow the National Oceanic and Atmospheric Administration access to the property to continue the operation, and eventual closure, of treatment facilities.

(C) Any requirement that a potential transferee must comply with institutional controls to ensure that an environmental cleanup remains protective of human health or the environment that do not unreasonably affect the use of the property.

(D) Valid existing rights in the property, including rights granted by contract, permit, right-of-way, or easement.

(E) The terms of the documents described in subsection (d) (2).

(c) **REPEALS.**—Effective on the date described in subsection (b) (2), the following provisions are repealed:

(1) Section 205 of the Fur Seal Act of 1966 (16 U.S.C. 1165).

(2) Section 3 of Public Law 104-91 (16 U.S.C. 1165 note).

(d) **SAVINGS.**—

(1) **IN GENERAL.**—Nothing in this Act shall affect any obligation of the Secretary of Commerce, or of any Federal department or agency, under or with respect to any document described in paragraph (2) or with respect to any lands subject to such a document.

(2) **DOCUMENTS DESCRIBED.**—The documents referred to in paragraph (1) are the following:

(A) The Transfer of Property on the Pribilof Islands: Description, Terms, and Conditions, dated February 10, 1984, between the Secretary of Commerce and various Pribilof Island entities.

(B) The Settlement Agreement between Tanadgusix Corporation and the city of St. Paul, dated January 11, 1988, and approved by the Secretary of Commerce on February 23, 1988.

(C) The Memorandum of Understanding between Tanadgusix Corporation, Tanaq Corporation, and the Secretary of Commerce, dated December 22, 1976.

(e) **DEFINITIONS.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), the definitions set forth in section 101 of the Fur Seal Act of 1966 (16 U.S.C. 1151) shall apply to this section.

(2) **NATIVES OF THE PRIBILOF ISLANDS.**—For purposes of this section, the term “Natives of the Pribilof Islands” includes the Tanadgusix Corporation, the St. George Tanaq Corporation, and the city governments and tribal councils of St. Paul and St. George, Alaska.

SEC. 6. TECHNICAL AND CLARIFYING AMENDMENTS.

(a) Public Law 104-91 and the Fur Seal Act of 1966 are amended by—

(1) striking “(d)” and all that follows through the heading for subsection (d) of section 3 of Public Law 104-91 and inserting “sec. 212.”; and

(2) moving and redesignating such subsection so as to appear as section 212 of the Fur Seal Act of 1966.

(b) Section 201 of the Fur Seal Act of 1966 (16 U.S.C. 1161) is amended by striking “on such Islands” and insert “on such property”.

(c) The Fur Seal Act of 1966 is amended by inserting before title I the following:

“SECTION 1. SHORT TITLE.

“This Act may be cited as the ‘Fur Seal Act of 1966’.”

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

Section 3 of Public Law 104-91 (16 U.S.C. 1165 note) is amended—

(1) in subsection (f) by striking “1996, 1997, and 1998” and inserting “2001, 2002, 2003, 2004, and 2005”; and

(2) by adding at the end the following:

“(g) **LOW-INTEREST LOAN PROGRAM.**—

“(1) **CAPITALIZATION OF REVOLVING FUND.**—Of amounts authorized under subsection (f) for each of fiscal years 2001, 2002, 2003, 2004, and 2005, the Secretary may provide to the State of Alaska up to \$2,000,000 per fiscal year to capitalize a revolving fund to be used by the State for loans under this subsection.

“(2) **LOW-INTEREST LOANS.**—The Secretary shall require that any revolving fund established with amounts provided under this subsection shall be used only to provide low-interest loans to Natives of the Pribilof Islands to assess, respond to, remediate, and monitor contamination from lead paint, asbestos, and petroleum from underground storage tanks.

“(3) **NATIVES OF THE PRIBILOF ISLANDS DEFINED.**—The definitions set forth in section 101 of the Fur Seal Act of 1966 (16 U.S.C. 1151) shall apply to this section, except that the term ‘Natives of the Pribilof Islands’ shall include the Tanadgusix and Tanaq Corporations.”

The **SPEAKER** pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. **SHERWOOD**) and the gentleman from California (Mr. **GEORGE MILLER**) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. **SHERWOOD**).

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

Mr. Speaker, the chairman of the Committee on Resources, the gentleman from Alaska (Mr. **YOUNG**), introduced H.R. 3417, the Pribilof Islands Transition Act, following a hearing on the ongoing transition of the communities of St. Paul and Saint George, Alaska, from Federal to private ownership.

St. Paul and Saint George are located on isolated islands in the Bering Sea that are also the breeding grounds of the north Pacific fur seal. The islands were settled when Russian fur seal traders forcibly kidnapped, relocated, and enslaved native Alaskan Aleuts to continue to conduct fur seal harvests.

This bill provides payments to the municipal governments, village corporations, and tribal councils on the islands. This money will compensate them for the funds they spent to build harbors and to repair and replace transferred property that was inadequate to provide public service. The bill also authorizes funds to complete the environmental cleanup of the mess the government left on the islands during its 120 year reign.

Finally, the bill establishes what NOAA must do before its responsibilities on the islands are terminated. This bill makes good on our promises to a group of Native Americans. I urge an “aye” vote on H.R. 3417.

Mr. Speaker, I submit for the **RECORD** a communication from the chairman of the Committee on Resources to the ranking member of the committee.

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON RESOURCES,
Washington, DC, June 26, 2000.

Hon. **GEORGE MILLER**,
Ranking Democratic Member, Committee on Resources, Washington, DC.

DEAR MR. MILLER: The purpose of H.R. 3417 is to complete the transition of the Pribilof Islands, Alaska, from being a ward of the state to being an independent and, hopefully, successful community with the same independent responsibilities of any other community in the United States. The bill establishes the parameters for ending the special relationship between National Oceanic and Atmospheric Administration (NOAA) and the Pribilofs. After all the actions required in this legislation are taken, it is my intention that NOAA will not be expected to have any responsibilities to the communities on the Pribilof Islands in addition to those that it would have to any other community in the United States.

The Pribilof Islands, St. Paul and St. George, are located in the Bering Sea 800

miles west-southwest of Anchorage, Alaska. The Islands are the breeding grounds of the North Pacific Fur Seal. The Islands were discovered in 1786 by Russian explorers who were searching for the fur seal breeding grounds. To exploit the fur seals for their pelts, the Russians relocated and enslaved Aleuts from islands that lie to the south. These Native Alaskans were experienced seal hunters, and the pelts were tremendously valuable in China, Russia, and Europe.

When the Federal Government acquired Alaska in 1867, the purchase included the Pribilof Islands. In 1868, the Islands were declared to be a special Federal Reserve for purposes of management and preservation of fur seals and other fur-bearing species. The Federal Government contracted with private firms for the harvest of fur seals and the Aleuts continued to conduct the harvests as employees of these firms. It is estimated that the Federal Government's portion of the profit from the fur seal trade paid for the purchase price of Alaska in roughly 20 years. Later the government ran the fur seal harvests directly, but never allowed other business interests to develop on the Islands.

By 1983, the fur seal harvest and the profits to the Federal government had diminished dramatically, but Federal expenditures on the Islands had risen to \$6.3 million annually. NOAA estimates that 95 percent of those expenditures were for municipal and social services. After negotiations with the Administration, Congress adopted the Fur Seal Act Amendments of 1983. These amendments adopted a scheme proposed by NOAA to complete the government withdrawal activities on the Island that were not related to fur seal management. NOAA Administrator Anthony J. Calio best laid out this scheme in a November 1, 1982, letter to all Island residents. This letter states:

“To ensure a smooth transition and to foster development of a new and expanded economic base, [NOAA] propose[s] to provide a one-time payment of \$20 million, to be placed in trust, which will provide you with the resources necessary for general community expenses during the interim period, as well as working capital so badly needed for economic development. . . .

“As you know, harbor facilities will be vital to the success of your efforts to establish a viable economic base. In order for our proposal to be successful, we must have assurance of State [of Alaska] support for these harbor facilities. The proposed \$20 million fund is contingent on a firm State commitment. . . .

“The National Marine Fisheries Service has substantial property holdings on the Islands. [NOAA] propose[s] to transfer this property, with a few exceptions, . . . to the Islands. In the future, community and municipal services will be provided by Island organizations, and this property, which includes land, buildings, equipment and supplies, it vital to the provision of such services.

“Under [the NOAA] proposal, the Islands would be responsible for conducting the annual seal harvest and for the associated marketing of the seal skins. To assure the long-term success of this effort, we will provide all resources needed to conduct the 1983 harvest. Commencing in 1983 all [U.S. shares of] skins, seals and byproducts . . . will belong to the Islanders and when sold should provide you with the resources needed to successfully conduct future harvests. . . .

“The phase out of the Pribilof Islands Program will significantly reduce associated Federal jobs. We would except some of these jobs would naturally transfer to the Island-operated seal harvest and marketing and for the provision of Island services. During the harbor facility construction period, we can

foresee many employment opportunities and once the fishing or other industries come on line, job possibilities should expand significantly."

A Memorandum of Intent signed by Calio and Island leaders were also included with this letter. This memorandum states: "The parties hereto recognize the State of Alaska's appropriation of the monies necessary to construct boat harbors on St. Paul and St. George Island . . . is an indispensable contribution to achieving the goal of self sufficiency on the Pribilof Islands."

Administrator Calio also laid out this plan in May 19, 1983, testimony on H.R. 2840, an Administration-drafted bill to provide for the orderly termination of Federal management of the Pribilof Islands before the Merchant Marine and Fisheries Committee. He stated the NOAA proposal, which was reflected in the bill, would "Create a \$20 million fund to replace annual Federal appropriations which, when combined with a state initiative to construct harbors on both islands, would give the Pribilovians the resources needed to make the transition to a self-sustaining economy; to transfer most real and personal property owned by the Federal Government to the islanders; to transfer responsibility for the fur seal harvest to the islanders; and to help the islanders get job training." Later in that testimony he again reiterated the importance of harbor construction to the success of this scheme, when he said, "The transfer of Federal property on the islands and the appropriation of the \$20 million, in concert with State contributions for the construction of harbors on each island, will give the Pribilovians the unique opportunity to develop a diversified and enduring economy."

The State of Alaska also testified at that hearing. The State witness made clear that, though Governor Sheffield had requested \$10.4 million for harbor construction, those funds had not been approved and may not be sufficient to complete the projects even if approved. The State also noted that:

. . . given the checkered history of the Federal Government's relationship to the Pribilovians, there is a moral if not legal obligation that should not be overlooked.

. . . we perceive the conception that the State of Alaska will simply fill the void created by the Federal Government's abrupt departure. We can make no such commitment . . . the economic, social and infrastructure requirements of the Pribilofs are immense

. . . the Federal Government must be willing to upgrade existing facilities to minimum State health and safety standards."

The Fur Seal Act Amendments of 1983 were adopted. The Federal Government did create and fund the \$20 million Trust Fund. The State of Alaska did not commit to, nor did it fund, construction of new harbors on the Islands. Real and personal property has been transferred by the Federal Government, but the municipalities maintain that it failed to meet the Islands public infrastructure needs. In 1984, the Senate failed to ratify the Fur Seal Treaty, thus ending fur seal harvests. Since three legs of the stool failed, most of the \$20 million was used to fund harbor construction, infrastructure repair and replacement, and social benefit needs. This delayed the development of a self-sufficient economy on the Islands.

In 1976, NOAA entered into a Memorandum of Understanding (MOU) with TDX and Tanaq which identified the tracts of property the government intended to retain. Under Section 3(e) of ANCSA, the government was directed to retain the "smallest practicable tracts enclosing land actually used in connection with the administration of a Federal installation." Therefore, the MOU served to

let the village corporations know which lands were unavailable for selection under ANCSA.

Pursuant to Section 205 of the 1983 Amendments, NOAA entered into a Transfer of Property Agreement with the municipal governments, village corporations and tribal councils on the Islands and the State of Alaska to receive a portion of the property that was originally scheduled to be retained by NOAA. This agreement has withstood a court challenge, and most of the property has been transferred. Unfortunately, environmental contamination on much of the property has prevented the highest and best economic use of the land, and in other cases delayed the transfer altogether. NOAA and the State of Alaska signed the Pribilof Islands Environmental Restoration Agreement (Two Party Agreement). This document in conjunction with the cleanup requirements set forth in Public Law 104-91 govern NOAA's ongoing cleanup.

It is clear that the failure to construct harbors, transfer property, complete the environmental cleanup, or provide adequate municipal infrastructure, and the elimination of revenue from the fur seal harvest doomed to failure the transition scheme laid out by NOAA and adopted by Congress in 1983. To make good on the 1983 commitments, H.R. 3417 provides additional resources to the Islanders, and sets out the terms under which NOAA non-fur seal management responsibilities end. The bill provides grants to Island entities and grants to the State to construct solid waste management facilities. The bill also terminates NOAA's economic and municipal responsibilities after it has obligated whatever funds are appropriated for the authorized grants, completed the environmental cleanup, and transferred property under the TOPA.

I hope this letter clarifies for you the reason for, and intent of, H.R. 3417. I appreciate your support for this legislation.

Sincerely,

DON YOUNG,

Chairman, Committee on Resources.

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

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the gentleman from Pennsylvania has properly explained the bill, and I am pleased to rise in support of this important legislation sponsored by the gentleman from Alaska.

As Members of this body know, the chairman of the Committee on Resources is a forceful advocate for his Alaska constituents. The bill before the House today is improved in numerous respects from the version reported by the committee last April. As a result of the changes made to accommodate NOAA's concerns, it is my understanding the administration now supports the bill as amended.

There is also an attempt here to strike a responsible balance in this bill. There are now caps in the amounts authorized for the economic assistance grants to the Aleut Natives and to local governments, and I urge the Members of the House to support the bill.

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

GENERAL LEAVE

Mr. SHERWOOD. Mr. Speaker, I ask unanimous consent that all Members

may have 5 legislative days in which to revise and extend their remarks, and to include extraneous material on H.R. 3417, the bill now under consideration.

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

There was no objection.

Mr. SHERWOOD. 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 Pennsylvania (Mr. SHERWOOD) that the House suspend the rules and pass the bill, H.R. 3417, as amended.

The question was taken.

Mr. GEORGE MILLER of California. 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.

□

NEOTROPICAL MIGRATORY BIRD CONSERVATION ACT

Mr. SHERWOOD. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 148) to require the Secretary of the Interior to establish a program to provide assistance in the conservation of neotropical migratory birds, as amended.

The Clerk read as follows:

S. 148

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 "Neotropical Migratory Bird Conservation Act".

SEC. 2. FINDINGS.

Congress finds that—

(1) of the nearly 800 bird species known to occur in the United States, approximately 500 migrate among countries, and the large majority of those species, the neotropical migrants, winter in Latin America and the Caribbean;

(2) neotropical migratory bird species provide invaluable environmental, economic, recreational, and aesthetic benefits to the United States, as well as to the Western Hemisphere;

(3)(A) many neotropical migratory bird populations, once considered common, are in decline, and some have declined to the point that their long-term survival in the wild is in jeopardy; and

(B) the primary reason for the decline in the populations of those species is habitat loss and degradation (including pollution and contamination) across the species' range; and

(4)(A) because neotropical migratory birds range across numerous international borders each year, their conservation requires the commitment and effort of all countries along their migration routes; and

(B) although numerous initiatives exist to conserve migratory birds and their habitat, those initiatives can be significantly strengthened and enhanced by increased coordination.

SEC. 3. PURPOSES.

The purposes of this Act are—

(1) to perpetuate healthy populations of neotropical migratory birds;

(2) to assist in the conservation of neotropical migratory birds by supporting conservation initiatives in the United States, Latin America, and the Caribbean; and

(3) to provide financial resources and to foster international cooperation for those initiatives.

SEC. 4. DEFINITIONS.

In this Act:

(1) ACCOUNT.—The term “Account” means the Neotropical Migratory Bird Conservation Account established by section 9(a).

(2) CONSERVATION.—The term “conservation” means the use of methods and procedures necessary to bring a species of neotropical migratory bird to the point at which there are sufficient populations in the wild to ensure the long-term viability of the species, including—

(A) protection and management of neotropical migratory bird populations;

(B) maintenance, management, protection, and restoration of neotropical migratory bird habitat;

(C) research and monitoring;

(D) law enforcement; and

(E) community outreach and education.

(3) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

SEC. 5. FINANCIAL ASSISTANCE.

(a) IN GENERAL.—The Secretary shall establish a program to provide financial assistance for projects to promote the conservation of neotropical migratory birds.

(b) PROJECT APPLICANTS.—A project proposal may be submitted by—

(1) an individual, corporation, partnership, trust, association, or other private entity;

(2) an officer, employee, agent, department, or instrumentality of the Federal Government, of any State, municipality, or political subdivision of a State, or of any foreign government;

(3) a State, municipality, or political subdivision of a State;

(4) any other entity subject to the jurisdiction of the United States or of any foreign country; and

(5) an international organization (as defined in section 1 of the International Organizations Immunities Act (22 U.S.C. 288)).

(c) PROJECT PROPOSALS.—To be considered for financial assistance for a project under this Act, an applicant shall submit a project proposal that—

(1) includes—

(A) the name of the individual responsible for the project;

(B) a succinct statement of the purposes of the project;

(C) a description of the qualifications of individuals conducting the project; and

(D) an estimate of the funds and time necessary to complete the project, including sources and amounts of matching funds;

(2) demonstrates that the project will enhance the conservation of neotropical migratory bird species in the United States, Latin America, or the Caribbean;

(3) includes mechanisms to ensure adequate local public participation in project development and implementation;

(4) contains assurances that the project will be implemented in consultation with relevant wildlife management authorities and other appropriate government officials with jurisdiction over the resources addressed by the project;

(5) demonstrates sensitivity to local historic and cultural resources and complies with applicable laws;

(6) describes how the project will promote sustainable, effective, long-term programs to conserve neotropical migratory birds; and

(7) provides any other information that the Secretary considers to be necessary for evaluating the proposal.

(d) PROJECT REPORTING.—Each recipient of assistance for a project under this Act shall submit to the Secretary such periodic reports as the Secretary considers to be necessary. Each report shall include all information required by the Secretary for evaluating the progress and outcome of the project.

(e) COST SHARING.—

(1) FEDERAL SHARE.—The Federal share of the cost of each project shall be not greater than 25 percent.

(2) NON-FEDERAL SHARE.—

(A) SOURCE.—The non-Federal share required to be paid for a project shall not be derived from any Federal grant program.

(B) FORM OF PAYMENT.—

(i) PROJECTS IN THE UNITED STATES.—The non-Federal share required to be paid for a project carried out in the United States shall be paid in cash.

(ii) PROJECTS IN FOREIGN COUNTRIES.—The non-Federal share required to be paid for a project carried out in a foreign country may be paid in cash or in kind.

SEC. 6. DUTIES OF THE SECRETARY.

In carrying out this Act, the Secretary shall—

(1) develop guidelines for the solicitation of proposals for projects eligible for financial assistance under section 5;

(2) encourage submission of proposals for projects eligible for financial assistance under section 5, particularly proposals from relevant wildlife management authorities;

(3) select proposals for financial assistance that satisfy the requirements of section 5, giving preference to proposals that address conservation needs not adequately addressed by existing efforts and that are supported by relevant wildlife management authorities; and

(4) generally implement this Act in accordance with its purposes.

SEC. 7. COOPERATION.

(a) IN GENERAL.—In carrying out this Act, the Secretary shall—

(1) support and coordinate existing efforts to conserve neotropical migratory bird species, through—

(A) facilitating meetings among persons involved in such efforts;

(B) promoting the exchange of information among such persons;

(C) developing and entering into agreements with other Federal agencies, foreign, State, and local governmental agencies, and nongovernmental organizations; and

(D) conducting such other activities as the Secretary considers to be appropriate; and

(2) coordinate activities and projects under this Act with existing efforts in order to enhance conservation of neotropical migratory bird species.

(b) ADVISORY GROUP.—

(1) IN GENERAL.—To assist in carrying out this Act, the Secretary may convene an advisory group consisting of individuals representing public and private organizations actively involved in the conservation of neotropical migratory birds.

(2) PUBLIC PARTICIPATION.—

(A) MEETINGS.—The advisory group shall—

(i) ensure that each meeting of the advisory group is open to the public; and

(ii) provide, at each meeting, an opportunity for interested persons to present oral or written statements concerning items on the agenda.

(B) NOTICE.—The Secretary shall provide to the public timely notice of each meeting of the advisory group.

(C) MINUTES.—Minutes of each meeting of the advisory group shall be kept by the Secretary and shall be made available to the public.

(3) EXEMPTION FROM FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the advisory group.

SEC. 8. REPORT TO CONGRESS.

Not later than October 1, 2002, the Secretary shall submit to Congress a report on the results and effectiveness of the program carried out under this Act, including recommendations concerning how the Act might be improved and whether the program should be continued.

SEC. 9. NEOTROPICAL MIGRATORY BIRD CONSERVATION ACCOUNT.

(a) ESTABLISHMENT.—There is established in the Multinational Species Conservation Fund of the Treasury a separate account to be known as the “Neotropical Migratory Bird Conservation Account”, which shall consist of amounts deposited into the Account by the Secretary of the Treasury under subsection (b).

(b) DEPOSITS INTO THE ACCOUNT.—The Secretary of the Treasury shall deposit into the Account—

(1) all amounts received by the Secretary in the form of donations under subsection (d); and

(2) other amounts appropriated to the Account.

(c) USE.—

(1) IN GENERAL.—Subject to paragraph (2), the Secretary may use amounts in the Account, without further Act of appropriation, to carry out this Act.

(2) ADMINISTRATIVE EXPENSES.—Of amounts in the Account available for each fiscal year, the Secretary may expend not more than 3 percent or up to \$80,000, whichever is greater, to pay the administrative expenses necessary to carry out this Act.

(d) ACCEPTANCE AND USE OF DONATIONS.—The Secretary may accept and use donations to carry out this Act. Amounts received by the Secretary in the form of donations shall be transferred to the Secretary of the Treasury for deposit into the Account.

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to the Account to carry out this Act \$5,000,000 for each of fiscal years 2001 through 2005, to remain available until expended, of which not less than 75 percent of the amounts made available for each fiscal year shall be expended for projects carried out outside the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. SHERWOOD) and the gentleman from California (Mr. GEORGE MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. SHERWOOD).

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

Mr. Speaker, I am pleased to support the Neotropical Migratory Bird Conservation Act. Neotropical migrants are birds that travel across international borders and depend upon thousands of miles of suitable habitat. Each autumn some 5 billion birds from 500 species migrate between their breeding grounds in North America and their tropical homes in the Caribbean and Latin America.

Regrettably, the population of many Neotropical migratory bird species has declined to dangerously low levels. There are many reasons for this population collapse, including hazards along migratory routes, pesticide use, and loss of essential habitat.

While S. 148 will not solve all the problems facing neotropical migratory birds, it is a positive step. Under this bill, we would create a neotropical migratory bird conservation account. This account would be used to finance worthwhile conservation projects approved by the Secretary of the Interior. I urge an "aye" vote on S. 148.

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

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I support S. 148, the Neotropical Migratory Bird Conservation Act, and have cosponsored its companion in the House with the chairman of the Committee on Resources, the gentleman from Alaska (Mr. YOUNG).

As the gentleman from Pennsylvania pointed out, this is a rather dramatic migration of billions of birds that takes place every year, but the populations of many of these birds are, in fact, threatened. This legislation is designed to take a proactive approach to reversing the decline of the neotropical migratory birds' populations.

Mr. Speaker, I urge the House to support this bill.

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

GENERAL LEAVE

Mr. SHERWOOD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on S.148, the Senate bill now under consideration.

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

There was no objection.

Mr. YOUNG of Alaska. Mr. Speaker, I am pleased to present to the House S. 148, the Neotropical Migratory Bird Conservation Act.

Neotropical migrants are birds that travel across international borders and depend upon thousands of miles of suitable habitat. Each autumn some 5 billion birds from 500 species migrate between their breeding grounds in North America and their tropical homes in the Caribbean and Latin America.

Regrettably, the population of many neotropical migratory bird species had declined to dangerously low levels. There are many reasons for this population collapse including competition among species, hazards along migration routes, pesticide use, and loss of essential habitat.

What is lacking is a strategic international plan for bird conservation, money for on-the-ground projects, public awareness, and any real cooperation between those countries where these birds live.

While S. 148 will not solve all the problems facing neotropical migratory birds, it is a positive step. Under this bill, we would create a Neotropical Migratory Bird Conservation Account. This account would be used to finance worthwhile conservation projects approved by the Secretary of the Interior.

S. 148 has been adopted by the other body, and today we are considering a modified

version of that legislation. This bill supports conservation initiatives in the Caribbean, Latin America, and the United States; extends the authorization period until September 30, 2005; lowers the Federal matching requirement; reduces the amount of administrative expenses; and stipulates that not less than 75 percent of the money appropriated under this act must be spent on conservation projects undertaken outside the United States. This is simply recognition of the fact that most of the problems facing neotropical migratory birds occur in foreign migration routes and that every effort should be made to spend these limited Federal funds on conservation and not bureaucracy.

Furthermore, as the House author of H.R. 39, I do not expect that any of the money appropriated under this act will be spent on land acquisition in the United States.

Finally, I want to thank my good friend, Congressman RICHARD POMBO, for his willingness to work together on this proposal, and I compliment Senator SPENCER ABRAHAM for his tireless leadership on this important conservation measure.

I urge an "Aye" vote on S. 148.

Mr. SHERWOOD. 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 Pennsylvania (Mr. SHERWOOD) that the House suspend the rules and pass the Senate bill, S. 148, as amended.

The question was taken.

Mr. GEORGE MILLER of California. 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.

□

ATLANTIC STRIPED BASS CONSERVATION ACT REAUTHORIZATION

Mr. SHERWOOD. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4408) to reauthorize the Atlantic Striped Bass Conservation Act, as amended.

The Clerk read as follows:

H.R. 4408

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

SECTION 1. REAUTHORIZATION OF ATLANTIC STRIPED BASS CONSERVATION ACT.

Section 7(a) of the Atlantic Striped Bass Conservation Act (16 U.S.C. 1851 note) is amended to read as follows:

"(a) AUTHORIZATION.—For each of fiscal years 2001, 2002, and 2003, there are authorized to be appropriated to carry out this Act—

- (1) \$1,000,000 to the Secretary of Commerce; and
- (2) \$250,000 to the Secretary of the Interior."

SEC. 2. POPULATION STUDY OF STRIPED BASS.

(a) STUDY.—The Secretaries (as that term is defined in the Atlantic Striped Bass Conservation Act), in consultation with the Atlantic States Marine Fisheries Commission,

shall conduct a study to determine if the distribution of year classes in the Atlantic striped bass population is appropriate for maintaining adequate recruitment and sustainable fishing opportunities. In conducting the study, the Secretaries shall consider—

(1) long-term stock assessment data and other fishery-dependent and independent data for Atlantic striped bass; and

(2) the results of peer-reviewed research funded under the Atlantic Striped Bass Conservation Act.

(b) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretaries, in consultation with the Atlantic States Marine Fisheries Commission, shall submit to the Committee on Resources of the House of Representatives the results of the study and a long-term plan to ensure a balanced and healthy population structure of Atlantic striped bass, including older fish. The report shall include information regarding—

(1) the structure of the Atlantic striped bass population required to maintain adequate recruitment and sustainable fishing opportunities; and

(2) recommendations for measures necessary to achieve and maintain the population structure described in paragraph (1).

(c) AUTHORIZATION.—There are authorized to be appropriated to the Secretary of Commerce \$250,000 to carry out this section.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. SHERWOOD) and the gentleman from California (Mr. GEORGE MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. SHERWOOD).

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

Mr. Speaker, today we are considering H.R. 4408, a bill proposed by my colleague, the gentleman from New Jersey (Mr. SAXTON), to reauthorize the Atlantic Striped Bass Conservation Act.

Striped bass are an important recreational and commercial resource on the East Coast. The original Striped Bass Conservation Act was enacted in 1984. The act provides a means to enforce a single interstate management plan.

H.R. 4408 is a simple bill to reauthorize the Striped Bass Act. The bill provides funding for striped bass research that will be carried out through the National Marine Fisheries Service. H.R. 4408 authorizes a total of \$4.5 million over 3 years.

Mr. Speaker, H.R. 4408 is non-controversial and is supported by the administration. I urge an "aye" vote on this important conservation measure.

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

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Atlantic striped bass is an important commercial and recreational fish found along the U.S. East Coast from the Saint Lawrence River in Canada to the Saint John's River in Florida.

The Atlantic Striped Bass Conservation Act was first passed in 1984, and

since then has been an effective mechanism for enforcing the interstate fishery management plan for the striped bass, and I urge my colleagues in the House to support this legislation.

Mr. SAXTON. Mr. Speaker, I am pleased that today the House is considering H.R. 4408, a bill to reauthorize the Atlantic Striped Bass Conservation Act. Striped bass are extremely important to many people on the east coast, including my home State of New Jersey. In New Jersey, commercial fishing is prohibited but recreational anglers spend a great deal of time and money pursuing striped bass. These anglers support State tourism industries, including charter boat captains and bait and tackle stores.

I introduced H.R. 4408 to continue the recovery program for this important species. The recovery of this species stands as a rare example of bringing an irreplaceable resource back from the brink of disaster. Reauthorization of the Atlantic Striped Bass Conservation Act is a critical component of the management strategy for striped bass.

The original striped bass legislation was enacted in 1984, several years after the Atlantic Coast stock of striped bass suffered a severe population crash. The Striped Bass Act provides a means to enforce a single interstate management plan through the Atlantic States Marine Fisheries Commission. As it turns out, this was the action that was needed to save the species. Over the last 16 years this program has succeeded beyond any expectations. In 1984, the outlook was truly bleak for striped bass and the fishermen who depend on them. Striper populations have since recovered to fishable levels. The stocks appear to be strong, although there is some concern that we have continued to allow overfishing in some areas.

H.R. 4408 is a simple bill to reauthorize the Striped Bass Act. The bill provides funding for the ongoing striped bass research that has been carried out through the National Marine Fisheries Service at universities such as Rutgers. The restoration program relies on this research to make informed, science-based management decisions. H.R. 4408 authorizes an additional \$200,000 a year to carry out these studies. It is my hope that this additional funding will be used to focus on the predator/prey relationships between striped bass and bluefish, as required by the act.

H.R. 4408 also includes \$250,000 to study the population structure of Atlantic striped bass. I am concerned that the Atlantic States Marine Fisheries Commission has allowed fishermen to overharvest the larger and older striped bass. Stock assessment data for 1998 indicate that fish over 8 years old are rare, and that the fish may have been decimated by fishing pressure. These bigger fish are not only valued by the recreational fishermen in my district, but they play an important ecological role in ensuring sufficient numbers of young fish in the next generation of striped bass. The larger fish produce proportionally more eggs, and are the most important age group during the spring spawning runs.

Despite their importance, reauthorization of the Striped Bass Act and continuing research on the species is not enough. Congress needs to provide adequate funding to NOAA and the National Marine Fisheries Service to continue regular stock assessment and data collection for this species. We also need to continue to

investigate other factors that affect striped bass, such as pollution, environmental change, and competition with other species. We need the best information possible to protect the gains that we have made.

Mr. Speaker, today we have the opportunity to build upon our past successes with Atlantic striped bass, and I urge the House to support this measure.

Mr. PALLONE. Mr. Speaker, I speak today in support of the reauthorization of the Atlantic Striped Bass Conservation Act.

The Atlantic striped bass is a valuable coastal resource and one of the most important fisheries for recreational anglers—especially within the Sixth Congressional District of New Jersey. As a senior member of the Subcommittee on Fisheries Conservation, Wildlife, and Oceans, I have a long history of involvement in protecting, preserving, and enhancing the striped bass. In fact, I have sponsored legislation to designate the striped bass as a federal gamefish. This bill would prohibit the commercial harvesting of striped bass and reserve this resource for recreational catches only, therefore ensuring a healthy sustainable recreational fishery.

The recovery of the striped bass fishery since the crash of the late 1970's is an example of successful state and federal cooperation and angler support over the last two decades. By the numbers, the Atlantic striped bass fishery appears to be thriving and healthy, but maintaining these harvests will require continued coordination and careful management.

The 1998–99 harvest data show a harvest increase for both commercial and recreational fishermen over previous years. In fact, harvest levels have been increasing steadily since the moratorium on striped bass fishing was lifted in 1990. In its 1999 report to Congress, the Atlantic States Marine Fishery Commission states that the 1999 stock assessment revealed cause for concern that striped bass were fished above the target level in 1998 and 1999.

Of particular concern was the finding that fishing mortality for older (age 8 and up) fish exceeded the definition of overfishing in 1998. These age 8 and older fish represent the most important age class for recreational fishermen, and provide a large percentage of the spawning biomass.

While these stock assessment figures raise concerns about the harvest of larger fish, the fishery does not appear to be in danger of collapse in the near future. However, I believe we must take precautionary measures now to avoid that potential threat of a collapse in the future.

In 1979, Congress first authorized the Emergency Striped Bass Study as part of the Anadromous Fish Conservation Act to address the problem of declining striped bass stocks. This legislation was later expanded by the Atlantic Striped Bass Conservation Act of 1984 which ensured that the states would comply with a coast-wide fishery management plan. Since its inception, this bill has been a positive step in managing the Atlantic striped bass fishery. It is for that reason that I support passage of the Atlantic Striped Bass Conservation Reauthorization.

Mr. GEORGE MILLER of California. 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 Pennsylvania (Mr. SHERWOOD) that the House suspend the rules and pass the bill, H.R. 4408, as amended.

The question was taken.

Mr. GEORGE MILLER of California. 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.

□

GREATER YUMA PORT AUTHORITY PROPERTY CONVEYANCE

Mr. SHERWOOD. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3023) to authorize the Secretary of the Interior, acting through the Bureau of Reclamation, to convey property to the Greater Yuma Port Authority of Yuma County, Arizona, for use as an international port of entry, as amended.

The Clerk read as follows:

H.R. 3023

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

SECTION 1. CONVEYANCE OF LANDS TO THE GREATER YUMA PORT AUTHORITY.

(a) AUTHORITY TO CONVEY.—

(1) IN GENERAL.—The Secretary of the Interior, acting through the Bureau of Reclamation, may, in the 5-year period beginning on the date of the enactment of this Act and in accordance with the conditions specified in subsection (b) convey to the Greater Yuma Port Authority the interests described in paragraph (2).

(2) INTERESTS DESCRIBED.—The interests referred to in paragraph (1) are the following:

(A) All right, title, and interest of the United States in and to the lands comprising Section 23, Township 11 South, Range 24 West, G&SRBM, Lots 1–4, NE¹/₄, N¹/₂ NW¹/₄, excluding lands located within the 60-foot border strip, in Yuma County, Arizona.

(B) All right, title, and interest of the United States in and to the lands comprising Section 22, Township 11 South, Range 24 West, G&SRBM, East 300 feet of Lot 1, excluding lands located within the 60-foot border strip, in Yuma County, Arizona.

(C) All right, title, and interest of the United States in and to the lands comprising Section 24, Township 11 South, Range 24 West, G&SRBM, West 300 feet, excluding lands in the 60-foot border strip, in Yuma County, Arizona.

(D) All right, title, and interest of the United States in and to the lands comprising the East 300 feet of the Southeast Quarter of Section 15, Township 11 South, Range 24 West, G&SRBM, in Yuma County, Arizona.

(E) The right to use lands in the 60-foot border strip excluded under subparagraphs (A), (B), and (C), for ingress to and egress from the international boundary between the United States and Mexico.

(b) DEED COVENANTS AND CONDITIONS.—Any conveyance under subsection (a) shall be subject to the following covenants and conditions:

(1) A reservation of rights-of-way for ditches and canals constructed or to be constructed by the authority of the United States, this reservation being of the same character and scope as that created with respect to certain public lands by the Act of August 30, 1890 (26 Stat. 391; 43 U.S.C. 945), as it has been, or may hereafter be amended.

(2) A leasehold interest in Lot 1, and the west 100 feet of Lot 2 in Section 23 for the operation

of a Cattle Crossing Facility, currently being operated by the Yuma-Sonora Commercial Company, Incorporated. The lease as currently held contains 24.68 acres, more or less. Any renewal or termination of the lease shall be by the Greater Yuma Port Authority.

(3) Reservation by the United States of a 245-foot perpetual easement for operation and maintenance of the 242 Lateral Canal and Well Field along the northern boundary of the East 300 feet of Section 22, Section 23, and the West 300 feet of Section 24 as shown on Reclamation Drawing Nos. 1292-303-3624, 1292-303-3625, and 1292-303-3626.

(4) A reservation by the United States of all rights to the ground water in the East 300 feet of Section 15, the East 300 feet of Section 22, Section 23, and the West 300 feet of Section 24, and the right to remove, sell, transfer, or exchange the water to meet the obligations of the Treaty of 1944 with the Republic of Mexico, and Minute Order No. 242 for the delivery of salinity controlled water to Mexico.

(5) A reservation of all rights-of-way and easements existing or of record in favor of the public or third parties.

(6) A right-of-way reservation in favor of the United States and its contractors, and the State of Arizona, and its contractors, to utilize a 33-foot easement along all section lines to freely give ingress to, passage over, and egress from areas in the exercise of official duties of the United States and the State of Arizona.

(7) Reservation of a right-of-way to the United States for a 100-foot by 100-foot parcel for each of the Reclamation monitoring wells, together with unrestricted ingress and egress to both sites. One monitoring well is located in Lot 1 of Section 23 just north of the Boundary Reserve and just west of the Cattle Crossing Facility, and the other is located in the southeast corner of Lot 3 just north of the Boundary Reserve.

(8) An easement comprising a 50-foot strip lying North of the 60-foot International Boundary Reserve for drilling and operation of, and access to, wells.

(9) A reservation by the United States of $1/16$ of all gas, oil, metals, and mineral rights.

(10) A reservation of $1/16$ of all gas, oil, metals, and mineral rights retained by the State of Arizona.

(11) Such additional terms and conditions as the Secretary considers appropriate to protect the interests of the United States.

(c) CONSIDERATION.—

(1) IN GENERAL.—As consideration for the conveyance under subsection (a), the Greater Yuma Port Authority shall pay the United States consideration equal to the fair market value on the date of the enactment of this Act of the interest conveyed.

(2) DETERMINATION.—For purposes of paragraph (1), the fair market value of any interest in land shall be determined—

(A) taking into account that the land is undeveloped, that 80 acres of the land is intended to be dedicated to use by the Federal Government for Federal governmental purposes, and that an additional substantial portion of the land is dedicated to public right-of-way, highway, and transportation purposes; and

(B) deducting the cost of compliance with applicable Federal laws pursuant to subsection (e).

(d) USE.—The Greater Yuma Port Authority and its successors shall use the interests conveyed solely for the purpose of the construction and operation of an international port of entry and related activities.

(e) COMPLIANCE WITH LAWS.—Before the date of the conveyance, actions required with respect to the conveyance under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), the National Historic Preservation Act (16 U.S.C. 470 et seq.), and other applicable Federal laws must be completed at no cost to the United States.

(f) USE OF 60-FOOT BORDER STRIP.—Any use of the 60-foot border strip shall be made in coordination with Federal agencies having authority with respect to the 60-foot border strip.

(g) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of property conveyed under this section, and of any right-of-way that is subject to a right of use conveyed pursuant to subsection (a)(2)(E), shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the Greater Yuma Port Authority.

(h) DEFINITIONS.—

(1) 60-FOOT BORDER STRIP.—The term “60-foot border strip” means lands in any of the Sections of land referred to in this Act located within 60 feet of the international boundary between the United States and Mexico.

(2) GREATER YUMA PORT AUTHORITY.—The term “Greater Yuma Port Authority” means Trust No. 84-184, Yuma Title & Trust Company, an Arizona Corporation, a trust for the benefit of the Cocopah Tribe, a Sovereign Nation, the County of Yuma, Arizona, the City of Somerton, and the City of San Luis, Arizona, or such other successor joint powers agency or public purpose entity as unanimously designated by those governmental units.

(3) SECRETARY.—The term “Secretary” means the Secretary of the Interior, acting through the Bureau of Reclamation.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. SHERWOOD) and the gentleman from California (Mr. GEORGE MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. SHERWOOD).

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

Since the early 1990s, automobile and truck traffic at the United States port of entry in Yuma County, Arizona, has exceeded the capacity of the existing port of entry. The current port is located directly in the heart of the City of San Luis, just south of downtown Yuma.

□ 1430

Mr. Speaker, H.R. 3023 was introduced on October 5, 1999, by the gentleman from Arizona (Mr. PASTOR) to improve the United States Port of Entry in Yuma County. This bill would convey to an organization known as the Greater Yuma Port Authority an area of land currently controlled by the Bureau of Reclamation consisting of approximately 330 acres just east of the city of San Luis for the purpose of the construction of a commercial Port of Entry. This land would be conveyed to the Greater Yuma Port Authority at fair market value.

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

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the gentleman from Pennsylvania (Mr. SHERWOOD) has explained the bill. There is not much more to say about this bill. It is a simple land transfer bill, and the land will be conveyed at a price that fairly reflects the value of the property. I urge our colleagues to support the legislation.

Mr. PASTOR. Mr. Speaker, I rise in support of H.R. 3023 and I want to personally thank

Chairman YOUNG and Chairman DOOLITTLE, and Ranking Member MILLER and Ranking Member DOOLEY for their cooperation and persistence in moving this legislation so quickly. I also want to thank the Cities of Somerton, San Luis, and Yuma, the Cocopah Indian Nation, and the Bureau of Reclamation. Without the cooperation of all, we would not be considering this legislation today.

H.R. 3023 is critical to the continued economic development of Yuma, Arizona. It is relatively simple legislation, but it is a tremendous and important step toward relieving congestion at one of the busiest border crossings in our nation. It would convey a portion of land, approximately 330 acres, to the Greater Yuma Port Authority for the construction and operation of an International Port of Entry.

Since the early 1990s, the Port of Entry in Yuma County, Arizona began to experience serious delays, particularly with commercial traffic. The current Port is located directly in the heart of the City of San Luis, just south of downtown Yuma. Delays continued to grow over the years, with vehicles backing up on both sides of the border.

Then, of course, with the passage of the North American Free Trade Agreement, NAFTA, the traffic has since become such that individuals are having to wait anywhere from two to four hours to make the crossing. This is particularly true in the case of commercial vehicles.

Because of the serious impact these delays are having on commerce and the quality of life of the people in the region, I began working with the communities to develop some solution to this border crossing nightmare.

H.R. 3023 would convey to the Greater Yuma Port Authority an area of land currently controlled by the Bureau of Reclamation just east of the City of San Luis, for the construction of a commercial Port of Entry. This land, of course, would be conveyed to the Greater Yuma Port Authority at “fair market value.”

This bill, as passed by the Committee on Resources, has been carefully crafted by all parties involved over several months. The Cities of Yuma, Somerton, and San Luis, the County of Yuma, the Cocopah Indian Nation, and the Bureau of Reclamation all contributed to the final version of this legislation. Also, the Border Patrol and the State Department were consulted. After several very lengthy and detailed meetings, all parties involved agreed with the spirit and with the letter of this legislation.

The Bureau of Reclamation had several suggested changes to the original version. These changes were primarily technical changes and the simple rearrangement of Sections and phrases to better fit the flow of the legislative intent. All of the Bureau of Reclamations suggested changes were accepted by myself and the representatives of the Greater Yuma Port Authority and were incorporated into this bill during the Subcommittee on Water and Power mark-up session.

Mr. Speaker, this is a simple land transfer which have a significant impact on the lives of people of Yuma. It will ensure a much more timely and convenient crossing for individuals and for commercial enterprises.

I strongly urge my colleagues to support H.R. 3023.

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

The SPEAKER pro tempore (Mr. PETRI). The question is on the motion

offered by the gentleman from Pennsylvania (Mr. SHERWOOD) that the House suspend the rules and pass the bill, H.R. 3023, as amended.

The question was taken.

Mr. GEORGE MILLER of California. 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.

□

GENERAL LEAVE

Mr. SHERWOOD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H.R. 3023 and H.R. 4408.

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

There was no objection.

□

KEEPING SOCIAL SECURITY AND MEDICARE SOLVENT

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

Mr. SMITH of Michigan. Mr. Speaker, this afternoon the President is releasing his mid-session economic review. That review indicates that there will be over \$800 billion more revenues coming into the Federal Government in the next 10 years than was projected just last January, \$800 billion. There is a substantial increase in this year, 2000, of \$45 billion more than we anticipated just 6 months ago. It is \$64 billion more next year in 2001 than we anticipated.

That means that the Social Security "lockbox" as well as the Medicare "lockbox" that we passed last week is going to be maintained. It means that, with a little discipline from this body, we will not be spending that Social Security surplus or the Medicare trust fund surplus.

I think we are in a unique position and that unique position means that we have an opportunity now to keep Social Security and Medicare solvent. We have an opportunity to make the kind of changes that will not leave our kids and our grandkids with a huge debt and, in effect, say to them that they are going to be responsible for paying off that kind of debt, that now amounts to \$5.7 trillion.

And why would they be responsible for more debt? It is because this body and the President of the United States have found it to their political advantage to simply spend more and more money.

At some time we are going to have to decide, as part of good public policy, how much taxes should be in this country, what is reasonable in terms of the percent of what a worker earns, should go for taxes. Right now, an average

taxpayer, pays 41 percent of every dollar they earn in taxes.

After we decide on a reasonable level of taxation, then we have got to prioritize spending. Part of that priority has got to make sure that we keep Social Security and Medicare solvent.

□

CHURCH PLAN PARITY AND ENTANGLEMENT PREVENTION ACT

Mr. BOEHNER. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1309) to amend title I of the Employee Retirement Income Security Act of 1974 to provide for the preemption of State law in certain cases relating to certain church plans.

The Clerk read as follows:

S. 1309

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

SECTION 1. PURPOSE.

The purpose of this Act is only to clarify the application to a church plan that is a welfare plan of State insurance laws that require or solely relate to licensing, solvency, insolvency, or the status of such plan as a single employer plan.

SEC. 2. CLARIFICATION OF CHURCH WELFARE PLAN STATUS UNDER STATE INSURANCE LAW.

(a) IN GENERAL.—For purposes of determining the status of a church plan that is a welfare plan under provisions of a State insurance law described in subsection (b), such a church plan (and any trust under such plan) shall be deemed to be a plan sponsored by a single employer that reimburses costs from general church assets, or purchases insurance coverage with general church assets, or both.

(b) STATE INSURANCE LAW.—A State insurance law described in this subsection is a law that—

(1) requires a church plan, or an organization described in section 414(e)(3)(A) of the Internal Revenue Code of 1986 and section 3(33)(C)(i) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(33)(C)(i)) to the extent that it is administering or funding such a plan, to be licensed; or

(2) relates solely to the solvency or insolvency of a church plan (including participation in State guaranty funds and associations).

(c) DEFINITIONS.—For purposes of this section:

(1) CHURCH PLAN.—The term "church plan" has the meaning given such term by section 414(e) of the Internal Revenue Code of 1986 and section 3(33) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(33)).

(2) REIMBURSES COSTS FROM GENERAL CHURCH ASSETS.—The term "reimburses costs from general church assets" means engaging in an activity that is not the spreading of risk solely for the purposes of the provisions of State insurance laws described in subsection (b).

(3) WELFARE PLAN.—The term "welfare plan"—

(A) means any church plan to the extent that such plan provides medical, surgical, or hospital care or benefits, or benefits in the event of sickness, accident, disability, death or unemployment, or vacation benefits, apprenticeship or other training programs, or day care centers, scholarship funds, or pre-paid legal services; and

(B) does not include any entity, such as a health insurance issuer described in section 9832(b)(2) of the Internal Revenue Code of 1986 or a health maintenance organization described in section 9832(b)(3) of such Code, or any other organization that does business with the church plan or organization sponsoring or maintaining such a plan.

(d) ENFORCEMENT AUTHORITY.—Notwithstanding any other provision of this section, for purposes of enforcing provisions of State insurance laws that apply to a church plan that is a welfare plan, the church plan shall be subject to State enforcement as if the church plan were an insurer licensed by the State.

(e) APPLICATION OF SECTION.—Except as provided in subsection (d), the application of this section is limited to determining the status of a church plan that is a welfare plan under the provisions of State insurance laws described in subsection (b). This section shall not otherwise be construed to recharacterize the status, or modify or affect the rights, of any plan participant or beneficiary, including participants or beneficiaries who make plan contributions.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. BOEHNER) and the gentleman from New Jersey (Mr. ANDREWS) each will control 20 minutes.

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

GENERAL LEAVE

Mr. BOEHNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on S. 1309.

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

There was no objection.

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

Mr. Speaker, I rise today in support of S. 1309, to clarify the status of church-sponsored health plans. Church plans are treated similarly to the health plans for the employees of State and local governments. These health plans are defined in the Employee Retirement Income Security Act, or, as we know it, ERISA, and then excluded from its provisions. This exclusion is important because of the need to protect unnecessary Government entanglement in the internal affairs of churches.

Ironically, our Federal effort to prevent Government intrusion has left the status of these church programs under State laws uncertain. State laws have developed without regard to the special characteristics of church benefit programs. Accordingly, these church programs are potentially subject to regulation by individual States, which was never intended when church plans were designed.

The impetus for the present legislation is twofold. First, from time to time, State insurance commissioners raise questions as to the need for church plans to obtain a license as an insurance company; and, secondly, due to their exclusion from ERISA, many insurance companies and health care providers are ambivalent about their capacity to contract with church plans for coverage or services.

The bill, S. 1309, attempts to solve both these problems by prohibiting a State from acquiring any church plan to obtain a license as an insurance company in that State and clarifies that a church plan should be treated as a single employer plan.

We have worked with Senator SESSIONS; the Church Alliance, the Church Pension Boards of 32 Protestant, Jewish, and Catholic denominations; the administration; and the National Association of Insurance Commissioners to revise H.R. 2183, a bill originally introduced by myself and the gentleman from New Jersey (Mr. ANDREWS) and a companion bill introduced by Senator SESSIONS in the other body.

The product of this process is S. 1309, as amended. This legislation clarifies the status of church welfare plans under certain specified State insurance law requirements, particularly the need to be licensed as an insurance company. With this clarification and the deeming of church plans to be single employer plans, churches will have greater bargaining power with health insurance companies and health network providers when purchasing coverage for their employees.

Additionally, the bill keeps intact certain regulatory responsibilities that State insurance departments presently have to protect consumers, such as regulations that prevent fraud and misrepresentations as to coverage.

Mr. Speaker, I urge my colleagues to support this measure.

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

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

Mr. Speaker, the minority does not object to the passage of this bill. I would note, for the record, that we would have preferred the bill follow regular order and have hearings and committee markups. But we certainly do not object to its passage. I support passage of the bill.

I thank my friend, the gentleman from Ohio (Mr. BOEHNER), for his cooperation with the administration, the National Association of Insurance Commissioners, and all of the interested parties in making this a reality.

As the gentleman from Ohio (Mr. BOEHNER) noted, this bill is closely patterned after H.R. 2183, which he and I introduced into the House June 14 of last year, and it accomplishes two important objectives. The first is balance.

It is important that the rights of individual plan participants in church-held plans be protected, that all of the consumer and fiduciary protections to which they are entitled are preserved. This bill does that.

It also provides for proper balance between the legitimate interests of the States and regulating the fiduciary health of health plans and projecting proper State regulation of health plans. It balances that against the need for church health plans to have similar contract authority with health plans around the country.

I believe it will, as the gentleman from Ohio (Mr. BOEHNER) just said, facilitate the negotiating position of health plans when they purchase health and health insurance services to benefit their members.

Importantly, this legislation promotes clarity. Those who would offer services to church plans, those who administer church plans, and those who benefit from church plans will now have the benefit of a clear statement of the intent of this Congress with respect to legal arrangements underlying their health plans.

This is a technical bill with a very common sense purpose. Its technicalities are a bit difficult to follow, but its purposes are very clear. We want the men and women who work for church and religious organizations around the country to have the very best protection and the very best choice of benefits that can be reasonably made available by their employer, and we want those benefits to be offered free of any entanglement by policymakers in the legitimate religious preferences of the employing organization.

Because I believe that this legislation accomplishes both of those objectives, I support it.

Mr. Speaker, we have no further speakers on our side, and I yield back the balance of my time.

Mr. RAMSTAD. Mr. Speaker, I rise in strong support of S. 1309, a bill to clarify the status of church-sponsored employee benefit plans under state law.

Currently, church-sponsored employee benefit plans are exempt from ERISA and therefore are not exempt from state insurance laws like other employer-sponsored plans. Even so, these plans have generally operated as if they were exempt from state law. It is unfair for church plans to be potentially subject to greater regulations than other employer-sponsored plans, and it does not make sense to subject church employee benefit plans to state insurance laws that are not designed or equipped to deal with these unique plans.

My home state of Minnesota is one of four states that already provides an exemption for church plans. However, church plans have no legal certainty when they provide benefits in the remaining 46 states. This has caused many insurers to refuse to do business with church plans because these plans could be considered unlicensed entities.

Last year, I heard from the Board of Pensions of the Evangelical Lutheran Church in America, headquartered in Minneapolis, about the need to clarify the status of church benefit plans. I especially appreciated the advice and counsel of Bob Rydland and John Kapanke about this urgent problem affecting more than one million clergy and lay workers across the United States.

Because the rules affecting church plans are found in the tax code, I asked Chairman ARCHER of the Ways and Means Committee, with the support of 13 bipartisan colleagues, to support a legislative correction to this problem. I am pleased this legislation before us today accomplishes our objective.

S. 1309 will clarify that church employee benefit plans are not insurance companies under state insurance laws. This bill was craft-

ed with the help of state insurance commissioners, and it does not prevent states from enacting legislation targeted at these plans.

I am also grateful to Chairman BOEHNER and Ranking Member ANDREWS of the Education and Workforce Subcommittee on Employer-Employee Relations for their work on this important issue.

Mr. Speaker, I urge my colleagues to support this important legislation to protect the employee benefits of America's church workers.

Mr. BOEHNER. Mr. Speaker, I thank my colleague from New Jersey (Mr. ANDREWS) for his comments.

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. BOEHNER) that the House suspend the rules and pass the Senate bill, S. 1309.

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

A motion to reconsider was laid on the table.

□

EXTENDING PERIOD FOR WHICH CHAPTER 12 OF TITLE 11 OF UNITED STATES CODE IS REENACTED

Mr. COBLE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4718) to extend for 3 additional months the period for which chapter 12 of title 11 of the United States Code is reenacted.

The Clerk read as follows:

H.R. 4718

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

SECTION 1. AMENDMENTS.

Section 149 of title 1 of division C of Public Law 105-277, as amended by Public Law 106-5 and Public Law 106-70, is amended—

(1) by striking "July 1, 2000" each place it appears and inserting "October 1, 2000"; and

(2) in subsection (a)—

(A) by striking "September 30, 1999" and inserting "June 30, 2000"; and

(B) by striking "October 1, 1999" and inserting "July 1, 2000".

SEC. 2. EFFECTIVE DATE.

The amendments made by section 1 shall take effect on July 1, 2000.

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

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

□ 1445

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 and include extraneous material on H.R. 4718, the bill under consideration.

The SPEAKER pro tempore (Mr. PETRI). 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, Chapter XII is a specialized form of bankruptcy relief only available to family farmers. It was first extended on a temporary basis in 1986 to respond to the particularized needs of farmers in financial distress as part of the Bankruptcy Judges, United States Trustees and Family Farmer Bankruptcy Act. Following its initial extension in 1993 to September 30, 1998, it has been further extended on several occasions and is currently due to expire on July 1 in the year 2000.

As we know, the House more than a year ago passed H.R. 833, the Bankruptcy Reform Act of 1999, with an overwhelmingly bipartisan vote of 313 to 108. As one of its key provisions, H.R. 833 would make Chapter XII a permanent form of bankruptcy relief for family farmers.

The Senate counterpart to H.R. 833, which also passed with a strong bipartisan vote of 83 to 14, contains a nearly identical provision. While significant progress has been made in reconciling the House and Senate bills, final action is still required.

As we await final passage of H.R. 833, it is clear that certain sectors of the farming industry continue to suffer financial distress resulting from devastating weather conditions or other factors.

We also note, however, that the current extension of Chapter XII is due to expire on July 1. If Chapter XII is not available, farmers will be forced to seek relief under the Bankruptcy Code's other alternatives. No other form of bankruptcy relief works quite as well for farmers as does Chapter XII.

Chapter VII would require the farmer to liquidate his or her farming operation. Many farmers would simply be ineligible to file under Chapter XIII because of its debt limits.

Chapter XI is an expensive process that does not accommodate the special needs of farmers. H.R. 4718 would simply extend Chapter XII for a 3-month period, which expires on October 1, 2000. This extension will provide important protections, at least on an interim basis, to family farmers.

Upon final passage and enactment of H.R. 833, however, Chapter XII would become a permanent fixture of the Bankruptcy Code. I commend my colleague, the gentleman from Michigan (Mr. SMITH) for his continuing leadership on this matter and long-standing commitment to family farmers. I urge my colleagues to vote in favor of H.R. 4718.

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

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, on behalf of the members of the Committee on the Judiciary on this side, today we rise in strong support of this legislation but we must also say that we consider this legisla-

tion an insult in the sense that it provides only 3 additional months for protection under Chapter XII of the Bankruptcy Code.

While I seriously doubt anyone will vote against this bill, it is shameful that we are being asked to play games yet again with the future of family farmers in America as we are witnessing one of the worst farm crisis since the birth of Chapter XII more than a decade ago.

No one disagrees that Chapter XII should be made permanent. No one. Bipartisan legislation was introduced in the other body by Senators GRASSLEY and DASCHLE and in the House by our colleagues, the gentleman from Minnesota (Mr. MINGE) and the gentleman from Michigan (Mr. SMITH).

Those bills also increase the eligibility of threshold from the current \$1.5 million in aggregate debt to \$3 million and give certain tax debts nonpriority status if the debtor completes the plan.

The National Bankruptcy Review Commission recommended increasing the threshold and making Chapter XII permanent, and all three provisions in those bills have been endorsed in a joint statement by the Commercial Law League of America, and National Bankruptcy Conference and the National College of Bankruptcy.

Unfortunately, it seems that the secret shadow conference has betrayed family farmers and will not include all of these provisions in the final bankruptcy legislation that is now lumbering through the process.

This stealth conference, which excludes the minority and makes decisions with industry lobbyists outside public view will, we are told, attempt to sneak its work into an unrelated conference report. No member of the public will have an opportunity to review this secret bill before the vote. Anything could be in it. We will not know until it is too late.

In fact, the sponsor of this legislation introduced a measure earlier in this Congress which would have extended Chapter XII by 6 months past the sunset date rather than merely by the 3 months in this legislation. He then introduced a bill granting only an additional 3 months. Evidently this more modest effort found favor with the Republican leadership. It attracted the cosponsorship of the chairman of the Subcommittee on the Commercial and Administrative Law and was given a fast track. Today we are repeating that farce by extending Chapter XII for another 3 months.

The gentlewoman from Wisconsin (Ms. BALDWIN) attempted to make Chapter XII permanent when the legislation was considered in the Committee on the Judiciary and was stopped by a procedural technicality, and that is the reason that we have this legislation here today. I urge my colleagues to support this legislation but I must say it is simply inadequate to address the farm crisis that is con-

fronting so many families in America today.

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

Mr. COBLE. Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan (Mr. SMITH), who has worked endlessly on this legislation.

(Mr. SMITH of Michigan asked and was given permission to revise and extend his remarks.)

Mr. SMITH of Michigan. Mr. Speaker, the gentleman from North Carolina (Mr. COBLE) and the gentleman from California (Mr. GEORGE MILLER) make very good points. Agriculture is in a very precarious situation right now. Many farmers are facing bankruptcy; and of course, that is why it is so important that we do not let the provisions in the bankruptcy law expire in 5 days as they would under existing law.

The question of whether this should be 3 months or 6 months or 9 months or permanent is a question, and I think everybody agrees that in the long run it should be permanent.

Let me explain to my colleagues why we are going ahead with my bill that calls for 3 months. It is because the bankruptcy bill itself is moving through the House and the Senate right now. There are hopes from many parties that we will conclude a bankruptcy bill and have it signed into law within the next 3 months. There is a concern from some of the House Members and some of the Senators that if we start passing legislation such as the continuation of these provisions for family farmers, it will start a lot of the other parts of the bankruptcy law that is agreed to by everybody to come to the floor to get rid of that particular problem and make those solutions permanent.

There is a hope that we can do everything and hopefully we will do it this year.

Mr. Speaker, just a comment. As a farmer from Michigan, let me comment just for a minute on the seriousness of the plight facing American agriculture, the farmers and ranchers of this Nation.

These are people that have lived most of their life getting up at sunrise and finishing work 12, 14 hours later at sunset. They have been called the backbone of our society because it has been the industriousness of hard-working family farmers that has allowed people to move off the farm and into manufacturing production that has made this country so great and so strong economically.

We are looking at an agriculture that is faced with prices that are at 30-year lows in terms of the commodity prices they are receiving for many different reasons. We are just starting to develop new farm policy to try to help farmers. This is simply one of the many tools that we give to farmers, and the provisions of Chapter XII simply say to farmers they do not have to sell their tractor and their plow and their drag

and their welder, and then try to pay off their debts. It says, look, they can keep some of that equipment and try to work it out themselves within a limited period of time.

The provisions of this bill only apply to family farmers. Chapter XII of title XI of the Bankruptcy Code is only available to these kind of family farmers. Congress temporarily extended Chapter XII for 9 months. Now we are looking at another extension of 3 months. The logic is that a farmer, like anybody else, needs particular tools to survive.

I am pleased that the gentleman from Pennsylvania (Mr. GEKAS) and this body are taking action on this legislation today. With 5 days to go before expiration, time is very short. We need to get this over to the Senate, and we need to get it to the President for his signature.

Mr. Speaker, agriculture continues to be in serious condition right now. It is the 3rd consecutive year of such hardship. Times are tough in farm country. While the rest of the economy is booming, American farmers and ranchers have not been invited to the party. Commodity prices are at record lows, export markets are weak, and no relief is expected any time soon. While the farm credit system is currently sound, there are some producers who just will not be able to make it in the short term. Bankruptcy filings by farmers have become regular occurrence.

I have visited with a lot of farmers from my district. Many are as smart as most any entrepreneur of small business. Yet because of prices, even with their efforts to lay off workers and dramatically expand their working week, their family farms may not make it.

Chapter 12 of the title 11 bankruptcy code is only available to family farmers. Last September, Congress temporarily extended chapter 12 for 9 months. Now we are looking at another extension because chapter 12 now is set to expire in five days, on July 1, 2000. H.R. 4718, will temporarily extend chapter 12 for another 3 months so that this critical option for America's family farmers does not expire.

Chapter 12 allows family farmers the option to reorganize debt rather than having to liquidate when declaring bankruptcy.

The logic is that a farmer, like anybody else that needs particular tools to survive, needs the temporary allowance to keep those farm tools. In this case, Chapter 12 allows a farmer to continue to have some of those tools of production in order to keep farming while they are reorganizing finances. I think it is important that these provisions only apply to a family farm. That is characterized under current law by a debt that does not exceed \$1.5 million, 80 percent or more of the debt must be agricultural, and users of Chapter 12 must have over 50 percent of their individual gross income from agriculture and their farming operation.

I am pleased that Chairman GEKAS and this body is taking action on this legislation today. With five days to go before expiration, time is very short. Pending bankruptcy legislation (H.R. 833) now in conference between the House and Senate will make chapter 12 permanent. We hear that this bill could come to the floor any week. However, issues such as abortion and other issues are delaying any

final resolve of the bankruptcy bill. Until enactment of that legislation, H.R. 4718 is necessary to extend the law beyond July 1st, its current expiration date. This legislation is needed to assure producers that this risk management tool is available to them.

Again, I thank both sides of the aisle and the chairman for moving ahead.

Mr. BEREUTER. Mr. Speaker, this Member rises today to express his support for H.R. 4718, which extends Chapter 12 of the Bankruptcy Code for three additional months until October 1, 2000. Chapter 12 bankruptcy, which allows family farmers to reorganize their debts as compared to liquidating their assets, will expire on July 1, 2000, without the passage of this measure.

This Member would thank the distinguished gentleman from Michigan (Mr. NICK SMITH) for introducing H.R. 4718. In addition, this Member would like to express his appreciation to the distinguished Chairman of the Judiciary Committee from Illinois (Mr. HENRY HYDE), and the distinguished Ranking Minority Member of the Judiciary Committee from Michigan (Mr. JOHN CONYERS, Jr.) for their efforts in expediting this measure to the House Floor today.

Chapter 12 bankruptcy has been a viable option for family farmers nationwide. It has allowed family farmers to reorganize their assets in a manner which balances the interests of creditors and the future success of the involved farmer. If Chapter 12 bankruptcy provisions are not extended for family farmers, this will have a drastic impact on an agricultural sector already reeling from low commodity prices. Not only will many family farmers have to end their operations, but also land values will likely plunge downward. Such a decrease in land values will affect both the ability of family farmers to earn a living and the manner in which banks, making agricultural loans, conduct their lending activities. This Member has received many contacts from his constituents regarding the extension of Chapter 12 bankruptcy because of the serious situation now being faced by our nation's farm families—although the U.S. economy is generally healthy, it is clear that agricultural sector is hurting.

The gravity of this situation for family farmers nationwide makes it imperative that Chapter 12 bankruptcy is extended for at least this three-month period. Beyond this extension, it is this Member's hope that Chapter 12 bankruptcy is extended permanently as provided in the Bankruptcy Reform Act of 1999 (H.R. 833) which on May 5, 1999, passed the House by vote of 313–108, with my support. This Member is an original cosponsor of the Bankruptcy Reform Act, that was introduced by the distinguished Chairman of the Judiciary Subcommittee on Commercial and Administrative Law from Pennsylvania (Mr. GEORGE GEKAS). Moreover, the Senate also passed a version of bankruptcy reform. Unfortunately, at this time, bankruptcy reform is caught in the tangled web of an informal conference; therefore, the three-month extension for Chapter 12 bankruptcy is a necessity for our family farmers.

I closing, this Member would encourage his colleagues support for H.E. 1718, which provides a three-month extension of Chapter 12 bankruptcy.

Mr. COBLE. 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. 4718.

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

A motion to reconsider was laid on the table.

□

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until approximately 4 p.m.

Accordingly (at 2 o'clock and 56 minutes p.m.), the House stood in recess until approximately 4 p.m.

□

□ 1600

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. SMITH of Michigan) at 4 o'clock and one minute p.m.

□

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

The SPEAKER pro tempore. Pursuant to House Resolution 529 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. 4690.

□ 1601

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. 4690) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2001, and for other purposes, with Mr. PEASE (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole rose on Friday June 23, 2000, the amendment by the gentleman from North Carolina (Mr. COBLE) had been disposed of and the bill was open for amendment from page 44, line 18 to page 44, line 22.

Pursuant to the orders of the House of Thursday, June 22, and Friday, June 23, no further amendments to the bill shall be in order except pro forma amendments offered by the chairman and ranking member of the Committee on Appropriations or their designees for the purpose of debate and amendments printed in the CONGRESSIONAL RECORD on or before June 22, 2000.

Amendments printed in the CONGRESSIONAL RECORD may be offered only by the Member who caused it to be printed or his designee, shall be considered read, shall be debatable for 10 minutes, except that amendment No. 23 shall be

debatable for 30 minutes and amendment No. 60 shall be debatable for 60 minutes, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for a division of the question.

AMENDMENT NO. 74 OFFERED BY MR. SMITH OF MICHIGAN

Mr. SMITH of Michigan. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 74 offered by Mr. SMITH of Michigan:

Page 44, line 21, after the dollar amount insert the following: "(increased by \$4,350,000)".

Page 73, line 19, after the dollar amount insert the following: "(reduced by \$8,700,000)".

The CHAIRMAN pro tempore. Pursuant to the order of the House of Friday, June 23, 2000, the gentleman from Michigan (Mr. SMITH) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Michigan (Mr. SMITH).

Mr. SMITH of Michigan. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment helps assure that we have more accurate statistics that guide over \$2 trillion in State and Federal spending and hundreds of billions of dollars in wage decisions and revenue-sharing decisions.

If this amendment had been taken up last week, there were several individuals that had indicated that they would like to speak on the importance of accurately funding BEA, the Bureau of Economic Analysis. That is because we depend so much on what happens with BEA. Seventy percent of our determinations coming from the Congressional Budget Office, coming from the President's Office of management and budget, is from BEA. The ranking member of the Committee on the Budget, the gentleman from South Carolina (Mr. SPRATT) as well as two potential chairmen of that committee indicated that it is important that we adequately fund BEA. This amendment contains \$4.3 million that we put into BEA to help make sure that they can do their job.

Here is the problem. They have been cut 12 percent in real terms over the last several years, and the economy is changing so dramatically that they cannot be underfunded with the freeze in personnel they have had for the last several years. It will be difficult if not impossible to do the job we need them to do.

I would just like to quote a couple of people, and I will start out with Alan Greenspan. Alan Greenspan said, and I quote, "I am extraordinarily reluctant to advocate any increase in spending, so it's got to be either a very small amount or a very formidable argument, and I find in this case that both conditions are met."

Mr. Chairman, I would like to quote a comment from Robert Shapiro, Under

Secretary for Economic Affairs: "Without your amendment, the bill would seriously threaten our capacity to understand and measure the rapidly changing American economy." Then he goes on to say, the new expanded responsibility that BEA has in this new economy and their predictions are so crucial. BEA tracks economic activity and calculates the U.S. domestic products. BEA statistics underlie virtually all economic projections in both business and government.

Mr. Chairman, I say to the gentleman from New York and the gentleman from Kentucky that I have not gone out and solicited political supporters for this amendment. This is not a very glitzy amendment. It is not very exciting. But please consider its importance. Consider the fact that, without these kinds of estimates being accurate, we are going to end up having very poor economic projections.

According to OMB and CBO, discrepancies in the current GDP data, that is what BEA does, can change estimates of government revenues by as much as \$200 billion over the projection period. A recent example: in 1998, CBO projected a unified budget, listen to this, in 1998, CBO projected a unified budget deficit of \$70 billion for this year based on BEA estimates. As it turns out, there is a \$200 billion surplus. This \$270 billion discrepancy can be largely traced to the BEA data.

Mr. Chairman, they have been doing an excellent job, but we have short-changed them. They are 12 percent below what they were in real terms. The President suggested in his budget that we increase them by \$5 million; this amendment will only mean that we increase them by \$4.3 million.

I think it is important to make a quick comment on the offset. The amendment draws from the State Department's Educational and Cultural Exchange Account. We did not pass the amendment when we finished last Friday to take something like \$90 million out of that account. CBO informs me that they are only going to spend half of the money that they get in this account. This amendment takes only \$4 million.

This account is one of the few that received a significant increase in this legislation.

While I support cultural exchange, I feel that our need for accurate data on the economy for government and business is more pressing and justifies this small transfer.

The Educational and Cultural Exchange fund would still receive slightly more funding than it got for FY 2000 under this amendment.

CONCLUSION

Chairman Greenspan of the Federal Reserve said the following of BEA in February:

We are moving into an economy, the structure of which none of us has ever seen before. . . . This means that a lot of the things we examine in the economy are very poorly represented in our current statistics. . . . [A]dditional funds could probably very effectively be spent to improve the quality of our statistics both for the private sector, which is crucial, and for those of us who have to be involved in governmental economic policy.

Alan Greenspan:

I am extraordinarily reluctant to advocate any increase in spending. So it's got to be either a very small amount or a very formidable argument. And I find, in this case, that both conditions are met.

I ask for my colleagues' support on my amendment.

Mr. Chairman, I just think it is so very important that the chairman and ranking member of this committee consider the importance of this amendment, and I hope that they will concur.

Mr. Chairman, I submit for the RECORD the letter I quoted from earlier from Mr. Robert Shapiro.

UNITED STATES DEPARTMENT OF COMMERCE, THE UNDER SECRETARY FOR ECONOMIC AFFAIRS,

Washington, DC, June 26, 2000.

Representative NICK SMITH,
306 Cannon House Office Building,
Washington, DC.

DEAR REPRESENTATIVE SMITH: Thank you for your letter asking our views on your proposal to add \$4.35 million to the \$43.8 million in the Appropriations Committee's FY 2001 budget for the Bureau of Economic Analysis (BEA). Without your amendment, the bill could seriously threaten our capacity to understand and measure the rapidly changing American economy.

The basic measures produced by BEA range from the Gross Domestic Product (GDP) and the balance of payments, to domestic investment and state and local income. BEA is also the world's leading statistical agency in the area of measuring the New Economy—including the development of innovative techniques to measure software as business investments; rapid quality changes in semiconductors, computers and telecommunications equipment; and productivity in banking. The quality of spending and investment decisions across government and the private sector will depend on the BEA's ability to continue these efforts.

With an additional \$4.35 million in support, BEA will be able to measure additional aspects of the New Economy critical for American business and government—including the size of e-commerce markets; the output of industries such as business services, financial services and education that rely heavily on information technologies; the role of stock options in compensation; and the dimensions of investment, consumption, and wealth. Improving the accuracy of BEA's national statistics will also help end the periodic revenue surprises associated with Administration and Congressional budget forecasts, and improve the allocation of more than \$100 billion a year in federal funds based on BEA state and local income estimates.

In recent Senate testimony, Federal Reserve Chairman Alan Greenspan said that BEA is one of the few areas of government that meet his conditions for increased spending. As Congress continues consideration of the Commerce, Justice, State appropriations, I hope your colleagues will seriously consider the enormous benefits to the United States from fully funding the Bureau of Economic Analysis.

Sincerely,

ROBERT SHAPIRO,

Under Secretary for Economic Affairs.

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

The CHAIRMAN pro tempore. Does the gentleman from Kentucky (Mr. ROGERS) claim the time in opposition?

Mr. ROGERS. Mr. Chairman, I do.

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

Mr. Chairman, I reluctantly rise to oppose the gentleman's amendment, well-intentioned as it is. He wants to increase the funding for economic and statistical analysis at the Commerce Department by \$4.35 million.

I will be happy to work with the gentleman as we go through the process in conference with the Senate and further, but in the process this amendment would slash double that amount from the State Department's international exchange program. The funding level in the bill for exchanges provides only for wage and price increases, so any reduction to the level in the bill would be a cut into the meat of these programs, which include the Fulbright Scholarship Program and the International Visitor Program.

Exchanges like these, Mr. Chairman, foster the international dialogue that is critical to American leadership in the world and to long-term peaceful and productive relations with other countries. Exchange programs are a vital tool to advance our foreign economic and security policies, and this amendment would cut them to below a freeze level.

I do appreciate the gentleman's concerns about the economic and statistical programs of the Commerce Department, but this bill already provides funding for those programs at the current year level, which includes an increase over last year's for an initiative to update and improve statistical measurement of the U.S. economy and the measurement of international transactions. In addition, the Department of Commerce will be able to submit a reprogramming for additional funding for these programs if they feel it necessary.

I would be happy to work with the gentleman to address his concerns, and the concerns of all of us, as we continue through the process; but the proposed offset would do real damage to the exchange program at State; and, therefore, I am constrained to urge that we reject this amendment.

Mr. Chairman, I yield 1 minutes to the gentleman from New York (Mr. SERRANO).

Mr. SERRANO. Mr. Chairman, I thank the gentleman for yielding me this time, and I want to join the chairman in his comments that he has made.

Let me first say that many Members have come to me and told me that this is an area they wish would not be used for offsets. This especially cuts the Fulbright program, which has been cut by Congress by more than 25 percent in fiscal year 1995 and 1996. In addition, I am informed that this would also cut educational advising, which assists folks who are interested in attending school over here.

So, in general, while we certainly understand what the gentleman is trying to do, and under normal circumstances I probably would join him, there are many people on this side who believe that hurting this program would just

not be the proper thing to do at this time.

Mr. ROGERS. Mr. Chairman, I yield myself such time as I may consume to note that I am joined in opposition by the gentleman from New York (Mr. GILMAN) of the Committee on International Relations, and by the chairman of the Subcommittee on International Operations and Human Rights, the gentleman from New Jersey (Mr. SMITH), in urging that we reject the amendment.

Mr. SMITH of Michigan. Mr. Chairman, will the gentleman yield?

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

Mr. SMITH of Michigan. I thank the gentleman from Kentucky for yielding to me, and I appreciate the Chairman's frugal manner and the fact that there are not a lot of excess appropriations in his budget. However, in this particular account, the Educational and Cultural Exchange Account, there was an increase. This amendment still leaves that account with more money than they had last year.

And, again, I would just call to the chairman's attention the fact that BEA has been cut 12 percent in real terms since 1993. It is being held flat this year, even though there are tremendous changes in our economy to calculate.

Do I understand the chairman to say that he will work, as this goes to conference and through the process, to try to more adequately fund the BEA?

Mr. ROGERS. Reclaiming my time, Mr. Chairman, the gentleman is correct. I will work with the gentleman and others to see if there is some way we can find extra money for BEA. I realize the importance of it and that they are being squeezed by this funding level. So I will work with the gentleman to see if there is something we can do along the way.

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

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Michigan (Mr. SMITH).

The amendment was rejected.

The CHAIRMAN pro tempore. The Committee will rise informally.

The SPEAKER pro tempore (Mr. SMITH of Michigan) assumed the Chair.

□

FURTHER MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate has passed without amendment a bill of the House of the following title:

H.R. 3903. An act to deem the vessel M/V MIST COVE to be less than 100 gross tons, as measured under chapter 145 of title 46, United States Code.

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

H.R. 1651. An act to amend the Fishermen's Protective Act of 1967 to extend the period during which reimbursement may be provided to owners of United States fishing vessels for costs incurred when such a vessel is seized and detained by a foreign country, and for other purposes.

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

S. 2327. An act to establish a Commission on Ocean Policy, and for other purposes.

The SPEAKER pro tempore. The Committee will resume its sitting.

□

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

The Committee resumed its sitting.

Mr. ROGERS. Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 50, line 18 be considered as read, printed in the RECORD and open to amendment at any point.

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

There was no objection.

The text of the bill from page 45, line 1, through page 50, line 18, is as follows:

BUREAU OF THE CENSUS SALARIES AND EXPENSES

For expenses necessary for collecting, compiling, analyzing, preparing, and publishing statistics, provided for by law, \$140,000,000.

PERIODIC CENSUSES AND PROGRAMS

For necessary expenses to conduct the decennial census, \$392,898,000 to remain available until expended: of which \$24,055,000 is for Program Development and Management; of which \$57,096,000 is for Data Content and Products; of which \$122,000,000 is for Field Data Collection and Support Systems; of which \$1,500,000 is for Address List Development; of which \$115,038,000 is for Automated Data Processing and Telecommunications Support; of which \$55,000,000 is for Testing and Evaluation; of which \$5,512,000 is for activities related to Puerto Rico, the Virgin Islands and Pacific Areas; of which \$9,197,000 is for Marketing, Communications and Partnerships activities; and of which \$3,500,000 is for the Census Monitoring Board, as authorized by section 210 of Public Law 105-119.

In addition, for expenses to collect and publish statistics for other periodic censuses and programs provided for by law, \$137,969,000, to remain available until expended.

NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION SALARIES AND EXPENSES

For necessary expenses, as provided for by law, of the National Telecommunications and Information Administration (NTIA), \$10,975,000, to remain available until expended: *Provided*, That, notwithstanding 31 U.S.C. 1535(d), the Secretary of Commerce shall charge Federal agencies for costs incurred in spectrum management, analysis, and operations, and related services and such fees shall be retained and used as offsetting collections for costs of such spectrum services, to remain available until expended: *Provided further*, That hereafter, notwithstanding any other provision of law, NTIA shall not authorize spectrum use or provide any spectrum functions pursuant to the National Telecommunications and Information

Administration Organization Act, 47 U.S.C. 902-903, to any Federal entity without reimbursement as required by NTIA for such spectrum management costs, and Federal entities withholding payment of such cost shall not use spectrum: *Provided further*, That the Secretary of Commerce is authorized to retain and use as offsetting collections all funds transferred, or previously transferred, from other Government agencies for all costs incurred in telecommunications research, engineering, and related activities by the Institute for Telecommunication Sciences of NTIA, in furtherance of its assigned functions under this paragraph, and such funds received from other Government agencies shall remain available until expended.

PUBLIC TELECOMMUNICATIONS FACILITIES,
PLANNING AND CONSTRUCTION

For grants authorized by section 392 of the Communications Act of 1934, as amended, \$31,000,000, to remain available until expended as authorized by section 391 of the Act, as amended: *Provided*, That not to exceed \$1,800,000 shall be available for program administration as authorized by section 391 of the Act: *Provided further*, That notwithstanding the provisions of section 391 of the Act, the prior year unobligated balances may be made available for grants for projects for which applications have been submitted and approved during any fiscal year.

INFORMATION INFRASTRUCTURE GRANTS

For grants authorized by section 392 of the Communications Act of 1934, as amended, \$15,500,000, to remain available until expended as authorized by section 391 of the Act, as amended: *Provided*, That not to exceed \$3,000,000 shall be available for program administration and other support activities as authorized by section 391: *Provided further*, That, of the funds appropriated herein, not to exceed 5 percent may be available for telecommunications research activities for projects related directly to the development of a national information infrastructure: *Provided further*, That, notwithstanding the requirements of sections 392(a) and 392(c) of the Act, these funds may be used for the planning and construction of telecommunications networks for the provision of educational, cultural, health care, public information, public safety, or other social services: *Provided further*, That notwithstanding any other provision of law, no entity that receives telecommunications services at preferential rates under section 254(h) of the Act (47 U.S.C. 254(h)) or receives assistance under the regional information sharing systems grant program of the Department of Justice under part M of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796h) may use funds under a grant under this heading to cover any costs of the entity that would otherwise be covered by such preferential rates or such assistance, as the case may be.

PATENT AND TRADEMARK OFFICE
SALARIES AND EXPENSES

For necessary expenses of the Patent and Trademark Office provided for by law, including defense of suits instituted against the Director of Patents and Trademarks, \$650,035,000, to remain available until expended: *Provided*, That of this amount, \$650,035,000 shall be derived from offsetting collections assessed and collected pursuant to 15 U.S.C. 1113 and 35 U.S.C. 41 and 376, and shall be retained and used for necessary expenses in this appropriation: *Provided further*, That the sum herein appropriated from the general fund shall be reduced as such offsetting collections are received during fiscal year 2001, so as to result in a final fiscal year 2001 appropriation from the general fund estimated at \$0: *Provided further*, That, during

fiscal year 2001, should the total amount of offsetting fee collections be less than \$650,035,000, the total amounts available to the Patent and Trademark Office shall be reduced accordingly: *Provided further*, That any amount received in excess of \$650,035,000 in fiscal year 2001 shall not be available for obligation: *Provided further*, That not to exceed \$254,889,000 from fees collected in fiscal years 1999 and 2000 shall be made available for obligation in fiscal year 2001.

SCIENCE AND TECHNOLOGY
TECHNOLOGY ADMINISTRATION
UNDER SECRETARY FOR TECHNOLOGY/OFFICE OF
TECHNOLOGY POLICY
SALARIES AND EXPENSES

For necessary expenses for the Under Secretary for Technology/Office of Technology Policy, \$7,945,000.

NATIONAL INSTITUTE OF STANDARDS AND
TECHNOLOGY
SCIENTIFIC AND TECHNICAL RESEARCH AND
SERVICES

For necessary expenses of the National Institute of Standards and Technology, \$292,056,000, to remain available until expended, of which not to exceed \$282,000 may be transferred to the "Working Capital Fund".

INDUSTRIAL TECHNOLOGY SERVICES

For necessary expenses of the Manufacturing Extension Partnership of the National Institute of Standards and Technology, \$104,836,000, to remain available until expended.

CONSTRUCTION OF RESEARCH FACILITIES

For construction of new research facilities, including architectural and engineering design, and for renovation of existing facilities, not otherwise provided for the National Institute of Standards and Technology, as authorized by 15 U.S.C. 278c-278e, \$26,000,000, to remain available until expended.

The CHAIRMAN pro tempore. Are there any amendments to that portion of the bill?

The Clerk will read.

The Clerk read as follows:

NATIONAL OCEANIC AND ATMOSPHERIC
ADMINISTRATION
OPERATIONS, RESEARCH, AND FACILITIES
(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of activities authorized by law for the National Oceanic and Atmospheric Administration, including maintenance, operation, and hire of aircraft; grants, contracts, or other payments to nonprofit organizations for the purposes of conducting activities pursuant to cooperative agreements; and relocation of facilities as authorized by 33 U.S.C. 883i, \$1,606,925,000, to remain available until expended: *Provided*, That fees and donations received by the National Ocean Service for the management of the national marine sanctuaries may be retained and used for the salaries and expenses associated with those activities, notwithstanding 31 U.S.C. 3302: *Provided further*, That in addition, \$68,000,000 shall be derived by transfer from the fund entitled "Promote and Develop Fishery Products and Research Pertaining to American Fisheries": *Provided further*, That grants to States pursuant to sections 306 and 306A of the Coastal Zone Management Act of 1972, as amended, shall not exceed \$2,000,000: *Provided further*, That, of the \$1,734,925,000 provided for in direct obligations under this heading (of which \$1,606,925,000 is appropriated from the General Fund, \$92,000,000 is provided by transfer, and \$36,000,000 is derived from deobligations from prior years), \$260,561,000 shall be for the National Ocean Service, \$405,383,000 shall be

for the National Marine Fisheries Service, \$264,561,000 shall be for Oceanic and Atmospheric Research, \$621,726,000 shall be for the National Weather Service, \$106,585,000 shall be for the National Environmental Satellite, Data, and Information Service, \$58,094,000 shall be for Program Support, \$7,000,000 shall be for Fleet Maintenance, and \$11,015,000 shall be for Facilities Maintenance: *Provided further*, That not to exceed \$31,439,000 shall be expended for Executive Direction and Administration, which consists of the Offices of the Undersecretary, the Executive Secretariat, Policy and Strategic Planning, International Affairs, Legislative Affairs, Public Affairs, Sustainable Development, the Chief Scientist, and the General Counsel: *Provided further*, That the aforementioned offices, excluding the Office of the General Counsel, shall not be augmented by personnel details, temporary transfers of personnel on either a reimbursable or nonreimbursable basis or any other type of formal or informal transfer or reimbursement of personnel or funds on either a temporary or long-term basis above the level of 33 personnel: *Provided further*, That no general administrative charge shall be applied against an assigned activity included in this Act and, further, that any direct administrative expenses applied against an assigned activity shall be limited to 5 percent of the funds provided for that assigned activity: *Provided further*, That any use of deobligated balances of funds provided under this heading in previous years shall be subject to the procedures set forth in section 605 of this Act.

AMENDMENT NO. 79 OFFERED BY MR. FARR OF
CALIFORNIA

Mr. FARR of California. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 79 offered by Mr. FARR of California:

Page 51, lines 3, 16, and 17, after each dollar amount, insert the following: "(increased by \$85,772,000)".

Page 51, line 20, after the dollar amount, insert the following: "(increased by \$18,277,000)".

Page 51, line 21, after the dollar amount, insert the following: "(increased by \$16,343,000)".

Page 51, line 22, after the dollar amount, insert the following: "(increased by \$35,941,000)".

Page 51, line 24, after the dollar amount, insert the following: "(increased by \$4,500,000)".

Page 52, line 1, after the dollar amount, insert the following: "(increased by \$4,459,000)".

Page 52, line 2, after the dollar amount, insert the following: "(increased by \$6,243,000)".

Page 52, line 3, after the dollar amount, insert the following: "(increased by \$9,000)".

Mr. ROGERS. Mr. Chairman, I reserve a point of order.

The CHAIRMAN pro tempore. Pursuant to the order of the House of Friday, June 23, 2000, the gentleman from California (Mr. FARR) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California (Mr. FARR).

Mr. FARR of California. Mr. Chairman, I yield myself such time as I may consume, and I want to thank the chairman for giving us 5 minutes on this very important amendment.

I rise with this amendment to restore the whacking that the National Oceanic and Atmospheric Administration has taken in this appropriation bill. The chairman of the subcommittee and I are fond of discussing that Kentucky does not have a lot of oceans, but I am fond of reminding everyone that this land is the land from sea to shining sea and that some of those ocean waters begin in Kentucky.

□ 1615

My amendment restores the cuts to this year's current levels. I am not asking for an increase, merely a restoration of what the current level is, meeting the status quo.

The earmark in the bill is 76 percent less than what the President requested. The subcommittee cut several programs from current levels. They cut the National Ocean Service. They cut the National Marine Fisheries Service. They cut the Oceanic and Atmosphere Research Service. They cut the National Environmental Satellite Service. They cut the Pacific Salmon Treaty program by \$12 million, less than its current level funding. They cut the National Marine Sanctuary Program.

The cuts, according to NOAA, will result in staffing cuts up to a thousand of our Federal employees that will have to be laid off at a time when we are in more need of good natural science information than any other time in history. These cuts have unintended consequences.

We have programs in agriculture that need to be reviewed and need permits. We have programs in the fisheries that need to be reviewed and need permits. We have programs relating to endangered species. We have programs relating to forest management. And these staff persons are the people that review these and grant the permits that are allowed to continue in those endeavors.

If we look at where we are with NOAA, this is the 30th anniversary of that organization. We are very proud of its work here in the United States. But this bill's birthday present is kind of a slap in the face. This bill tells the story. The cuts to NOAA, essentially, went to pay for prisons.

I know it is sad that we have to cut these programs from the current expenditure because of the allocation cap given by the Republican budget resolution. That figure did not say that we had to plus up the prisons at the expense of good science.

Perhaps some cynic might suggest that the cutting of our environmental regulators will create more law breakers who have to then wait too long to get permits who violate the law and then we will have to put them in those new prisons that we are building.

I do not agree with that. I think that this Nation's inhabitants and our own economic well-being depend on our ability to have clean air and healthy oceans. These cuts promote neither, Mr. Chairman. They must be restored.

Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Mr. Chairman, I thank the gentleman from California (Mr. FARR) for offering this amendment.

He has outlined the kind of damage that the committee budget does to the National Marines Fisheries Service.

I would just point out that the budget for Fisheries Stock Assessment and Management programs will hinder our conservation efforts and hurt the commercial fishing industry on our Pacific Coast. In California, where we are facing the collapse of our groundfish stocks, the ability to collect data and to fund an observer program will be critical to the survival of this fishery and the fishing industry.

But this is not just a West Coast problem, however. Throughout the United States, fish stocks have become depleted, wetlands that are important nursery areas for young fish stocks are being destroyed and damaged due to pollution and human encroachment. At such a critical time, it seems illogical to cut the programs that fund the ocean and marine science that will lead to a better stewardship of our oceans and the sustainable use of these ocean resources.

This modest amendment is far below the administration's request for what they thought was necessary for NOAA. I urge the Members of Congress to support this amendment. This can have a long-term, devastating impact on the commercial fisheries, which are basically made up of small business people running their boats, running their family operations; and if we cannot keep these stocks up into healthy populations, then those people will be put out of business and they will lose their livelihood for themselves and their families and for their communities.

I thank the gentleman from California (Mr. FARR) for offering the amendment.

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

Mr. Chairman, I know that the gentleman from Kentucky (Mr. ROGERS) is going to reserve his point of order. We will probably lose on a technicality. But I just want to emphasize my sincere concern that, in conference, that these monies need to be restored.

The greatest populations of the United States live along the coastlines and they make their living off the coastlines. If we look at the cuts, these affect the essential coastal communities in the United States and their ability to do the job they need to do working in partnership with good Government. So these are going to have devastating impacts, particularly if we have to lay off a thousand employees who are now currently working for the Federal Government.

So I would request that the gentleman from Kentucky (Mr. ROGERS) work in a bipartisan fashion to help in conference restore these funds.

The CHAIRMAN pro tempore (Mr. PEASE). Does the gentleman from Ken-

tucky (Mr. ROGERS) insist on his point of order?

Mr. ROGERS. Mr. Chairman, I yield myself such time as I may consume, and I rise in opposition to the amendment.

Mr. Chairman, before I make the point of order, let me say, the interest of the gentleman is appreciated, his long-term support of NOAA, but I must oppose the amendment.

The bill provides for a whole host of coastal and ocean programs, including \$25.5 million for the Marine Sanctuaries program, including \$3 million for construction and maintenance, the same level as current year, with the exception of a one-time-only Senate project.

Last year the bill included an enhancement of \$8.6 million over the prior year. It also provides \$12 million for the National Estuarine Research Reserve System and \$59.2 million for the Coastal Zone Management Grant Program, the same level as in the current year.

The bill provides \$58 million for the Pacific salmon recovery efforts, subject to authorization, the same amount of funding in the current year. It provides an increase of \$4.2 million over the current year for the West Coast Ground Fishery, including \$2 million for a new beneficiary observer program and \$2 million for stock assessments, almost doubling the program.

The bill also provides \$61.3 million for the National Sea Grant Program, an increase of \$2 million over current year.

What it does not include is a number of new unauthorized and undefined programs. But, overall, this is a very generous bill. We will work with the gentleman from California (Mr. FARR) and others as we go along to see what may be possible.

With our tight spending constraints we are under, however, this is as far as we have been able to go at this time.

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

POINT OF ORDER

Mr. ROGERS. Mr. Chairman, reluctantly, I do make a point of order against the amendment because it is in violation of section 302(f) of the Congressional Budget Act of 1974. The amendment would provide new budget authority in excess of the subcommittee suballocation made under 302(b) and is not permitted under section 302(f) of the Act.

I ask for a ruling from the Chair.

The CHAIRMAN pro tempore. If there are no other Members wishing to be heard, the Chair is authoritatively guided by an estimate of the Committee on the Budget, pursuant to section 312 of the Budget Act, that an amendment providing any net increase in new discretionary budget authority would cause a breach of the pertinent allocation of such authority.

The amendment offered by the gentleman from California (Mr. FARR) would increase the level of new discretionary budget authority in the bill. As

such, the amendment violates section 302(f) of the Budget Act.

The point of order is therefore sustained. The amendment is not in order.

AMENDMENT NO. 70 OFFERED BY MRS. MINK OF HAWAII

Mrs. MINK of Hawaii. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 70 offered by Mrs. MINK of Hawaii:

Page 51, line 3, after the dollar amount insert "(increased by \$1,200,000)".

Page 51, line 16, after the dollar amount insert "(increased by \$1,200,000)".

Page 51, line 17, after the dollar amount insert "(increased by \$1,200,000)".

Page 51, line 21, after the dollar amount insert "(increased by \$1,200,000)".

Page 53, line 12, after the dollar amount insert "(reduced by \$1,200,000)".

The CHAIRMAN pro tempore. Pursuant to the order of the House of Friday, June 23, 2000, the gentlewoman from Hawaii (Mrs. MINK) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Hawaii (Mrs. MINK).

Mrs. MINK of Hawaii. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise to offer my amendment, which simply adds \$1.2 million to the National Marine Fisheries Service in order to provide needed funds for the Hawaii Longline Observer Program. Due to lack of funds, 14 observers that we had had to be cut to only a force of two observers in mid-May of this year.

The observer program began about 10 years ago to provide accurate data on the number of endangered and threatened sea turtles that are caught by the fleet of about 130 longline fishing vessels in the Pacific. They come under the jurisdiction of the United States because of the agreement that the zone which constitutes the 200 miles surrounding Hawaii is the economic zone over which we have economic as well as commercial and scientific and endangered species control.

I regret that I did not have this information in time to bring this matter to the subcommittee and to discuss it with the chairman and with the ranking member. These observers are extremely important to the proper management of the fisheries.

Under the Endangered Species Act, the National Marine Fisheries Service is responsible for evaluating the impact of the longline fishery on the endangered and threatened sea turtles. Over the past decades, several biological opinions resulted, each requiring the observer program as a condition of the ongoing operation of this longline fishery.

The most recent opinion, issued in 1998, specified that the National Marine Fisheries Service was to continue to monitor the longline fishery with this observer program. The effort is absolutely essential in order to provide us

with the data necessary to make an evaluation as to the take by this fishery.

The National Marine Fisheries Service has been under a court order to monitor these endangered species, and last year the Court ordered that the Northern Pacific area actually be banned from this fishery.

Last week, when I prepared this amendment and came to the floor, it was in terms of a crisis. Today it is a calamity. I appeal to the chairman of the subcommittee and the ranking member to agree to this amendment and to allow this very minimal funding.

On Friday last week, June 23, Judge Ezra of the United States District Court ordered the National Marine Fisheries Service to provide one observer per longline fishing vessel currently fishing in the Hawaiian waters. That means 130 observers for our fleet.

Currently, the Fishery Service maintains only two observers. As I noted earlier, they fired the other 12 on May 9.

The Court has noted that the Marine Fishery Service has had a budgetary problem. But the Court clearly stated that the compliance with the National Environment Act was a legal requirement that had to be met and, therefore, ordered the National Marine Fisheries Service to comply with NEPA in an expeditious manner in order to avoid an undue burden on the fisheries.

Well, the court order requires that within 30 days there shall be one observer on each one of the longline line vessels. That is nearly impossible.

What I am hoping today that the chairman and the ranking member will agree to, this amendment, that at least we can begin a discussion with the Court, perhaps go to the Court and seek a modification of his order. He has already blocked off whole portions of the Pacific as areas that cannot be fished. What is left is a small portion of the Pacific, but even that will be involved in a ban if we cannot come up with the observers.

This 30-day mandate may be subject to appeal. It may be subject to negotiations with the Court. But one thing I do know is that if the House, together with the Senate, acts appropriately, this could certainly be a measure of support that we could take to the Court and ask for its reasonableness.

This is a \$170 million industry that is going to go down the tubes. Not only the industry and our economy will be affected, but the tourists coming to Hawaii will not have the fresh fish source that it is accustomed to having when they come to Hawaii.

The United States has jurisdiction over the 200-mile economic zone. If we fail to support our fishery with some reasonable efforts, surely we want to save the turtles, but we also have to think about this fishery. And if the U.S. fishery collapses in this area, it means that the foreign fisheries that are now sending out its massive fleets

will simply take over the industry and we will be subject to buying from these foreign vessels.

The species that we are talking about are tuna, swordfish, mahi-mahi, the highly-prized species that make up the gourmet meals in our industry.

I would hope that the chairman would agree to this amendment together with the ranking member.

Mr. ROGERS. Mr. Chairman, I yield myself such time as I may consume, and I rise in support of the amendment.

Mr. Chairman, the gentlewoman makes an awfully strong case. We were just informed this morning on the subcommittee of the decision of the Court. I realize that it puts everyone in a very severe bind. I think we should agree to this. I urge adoption of the amendment.

Mr. ABERCROMBIE. Mr. Chairman, I rise in support of Mrs. MINK's amendment supporting additional funding for the National Marine Fisheries Service. It is her intent that this funding be used to support the Hawaii Longline Fisheries Observer Program, a threatened program absolutely essential to fisheries in the Pacific. The observer program is used to ensure that the longlining industry in the Pacific is not capturing, through incidental take, rare and endangered species such as leatherback sea turtles. NMFS has stated that it is mandatory that the observer program be in place to monitor the longline fishery, yet has cut this program from 13 to 2 people because of budget shortfalls. A proposed lawsuit threatens to close down the fishery entirely without observers, and we can not allow this to happen. We need to get the observers back on the boats where they belong! The Western Pacific Fishery Management Council has been supportive of the observer program as it provides important data needed for effective management. It is my understanding that the proposed budget includes funding for other observer programs, but that the Hawaiian longline observer program is sorely neglected. I urge support of this program by Congress in order to correct this oversight as a matter of fairness to fisheries in the Pacific.

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

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentlewoman from Hawaii (Mrs. MINK).

The amendment was agreed to.

□ 1630

The CHAIRMAN pro tempore (Mr. PEASE). The Clerk will read.

The Clerk read as follows:

In addition, for necessary retired pay expenses under the Retired Serviceman's Family Protection and Survivor Benefits Plan, and for payments for medical care of retired personnel and their dependents under the Dependents Medical Care Act (10 U.S.C. ch. 55), such sums as may be necessary.

PROCUREMENT, ACQUISITION AND CONSTRUCTION (INCLUDING TRANSFERS OF FUNDS)

For procurement, acquisition and construction of capital assets, including alteration and modification costs, of the National Oceanic and Atmospheric Administration, \$564,656,000, to remain available until expended: *Provided*, That unexpended balances of amounts previously made available in the

"Operations, Research, and Facilities" account for activities funded under this heading may be transferred to and merged with this account, to remain available until expended for the purposes for which the funds were originally appropriated.

PACIFIC COASTAL SALMON RECOVERY

For necessary expenses associated with the restoration of Pacific salmon populations and the implementation of the 1999 Pacific Salmon Treaty Agreement between the United States and Canada, \$58,000,000, subject to express authorization.

COASTAL ZONE MANAGEMENT FUND

Of amounts collected pursuant to section 308 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1456a), not to exceed \$4,000,000, for purposes set forth in sections 308(b)(2)(A), 308(b)(2)(B)(v), and 315(e) of such Act.

FISHERMEN'S CONTINGENCY FUND

For carrying out the provisions of title IV of Public Law 95-372, not to exceed \$951,000, to be derived from receipts collected pursuant to that Act, to remain available until expended.

FOREIGN FISHING OBSERVER FUND

For expenses necessary to carry out the provisions of the Atlantic Tunas Convention Act of 1975, as amended (Public Law 96-339), and the Magnuson-Stevens Fishery Conservation and Management Act of 1976, as amended (Public Law 100-627), and the American Fisheries Promotion Act (Public Law 96-561), to be derived from the fees imposed under the foreign fishery observer program authorized by these Acts, not to exceed \$189,000, to remain available until expended.

FISHERIES FINANCE PROGRAM ACCOUNT

For the cost of direct loans, \$238,000, as authorized by the Merchant Marine Act of 1936, as amended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That none of the funds made available under this heading may be used for direct loans for any new fishing vessel that will increase the harvesting capacity in any United States fishery.

GENERAL ADMINISTRATION SALARIES AND EXPENSES

For expenses necessary for the general administration of the Department of Commerce provided for by law, including not to exceed \$3,000 for official entertainment, \$31,392,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended (5 U.S.C. App. 1-11, as amended by Public Law 100-504), \$21,000,000.

GENERAL PROVISIONS—DEPARTMENT OF COMMERCE

SEC. 201. During the current fiscal year, applicable appropriations and funds made available to the Department of Commerce by this Act shall be available for the activities specified in the Act of October 26, 1949 (15 U.S.C. 1514), to the extent and in the manner prescribed by the Act, and, notwithstanding 31 U.S.C. 3324, may be used for advanced payments not otherwise authorized only upon the certification of officials designated by the Secretary of Commerce that such payments are in the public interest.

SEC. 202. During the current fiscal year, appropriations made available to the Department of Commerce by this Act for salaries and expenses shall be available for hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344; services as authorized by 5 U.S.C. 3109; and uniforms or allowances

therefore, as authorized by law (5 U.S.C. 5901-5902).

SEC. 203. None of the funds made available by this Act may be used to support the hurricane reconnaissance aircraft and activities that are under the control of the United States Air Force or the United States Air Force Reserve.

SEC. 204. None of the funds provided in this or any previous Act, or hereinafter made available to the Department of Commerce, shall be available to reimburse the Unemployment Trust Fund or any other fund or account of the Treasury to pay for any expenses authorized by section 8501 of title 5, United States Code, for services performed by individuals appointed to temporary positions within the Bureau of the Census for purposes relating to the decennial censuses of population.

SEC. 205. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Commerce in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 10 percent by any such transfers: *Provided*, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 206. (a) Should legislation be enacted to dismantle or reorganize the Department of Commerce, or any portion thereof, the Secretary of Commerce, no later than 90 days thereafter, shall submit to the Committees on Appropriations of the House of Representatives and the Senate a plan for transferring funds provided in this Act to the appropriate successor organizations: *Provided*, That the plan shall include a proposal for transferring or rescinding funds appropriated herein for agencies or programs terminated under such legislation: *Provided further*, That such plan shall be transmitted in accordance with section 605 of this Act.

(b) The Secretary of Commerce or the appropriate head of any successor organization(s) may use any available funds to carry out legislation dismantling or reorganizing the Department of Commerce, or any portion thereof, to cover the costs of actions relating to the abolishment, reorganization, or transfer of functions and any related personnel action, including voluntary separation incentives if authorized by such legislation: *Provided*, That the authority to transfer funds between appropriations accounts that may be necessary to carry out this section is provided in addition to authorities included under section 205 of this Act: *Provided further*, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 207. Any costs incurred by a department or agency funded under this title resulting from personnel actions taken in response to funding reductions included in this title or from actions taken for the care and protection of loan collateral or grant property shall be absorbed within the total budgetary resources available to such Department or agency: *Provided*, That the authority to transfer funds between appropriations accounts as may be necessary to carry out this section is provided in addition to authorities included elsewhere in this Act: *Provided further*, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 208. The Secretary of Commerce may award contracts for hydrographic, geodetic, and photogrammetric surveying and mapping services in accordance with title IX of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 541 et seq.).

SEC. 209. The Secretary of Commerce may use the Commerce franchise fund for expenses and equipment necessary for the maintenance and operation of such administrative services as the Secretary determines may be performed more advantageously as central services, pursuant to section 403 of Public Law 103-356: *Provided*, That any inventories, equipment, and other assets pertaining to the services to be provided by such fund, either on hand or on order, less the related liabilities or unpaid obligations, and any appropriations made for the purpose of providing capital shall be used to capitalize such fund: *Provided further*, That such fund shall be paid in advance from funds available to the Department and other Federal agencies for which such centralized services are performed, at rates which will return in full all expenses of operation, including accrued leave, depreciation of fund plant and equipment, amortization of automated data processing (ADP) software and systems (either acquired or donated), and an amount necessary to maintain a reasonable operating reserve, as determined by the Secretary: *Provided further*, That such fund shall provide services on a competitive basis: *Provided further*, That an amount not to exceed 4 percent of the total annual income to such fund may be retained in the fund for fiscal year 2001 and each fiscal year thereafter, to remain available until expended, to be used for the acquisition of capital equipment, and for the improvement and implementation of department financial management, ADP, and other support systems: *Provided further*, That such amounts retained in the fund for fiscal year 2001 and each fiscal year thereafter shall be available for obligation and expenditure only in accordance with section 605 of this Act: *Provided further*, That no later than 30 days after the end of each fiscal year, amounts in excess of this reserve limitation shall be deposited as miscellaneous receipts in the Treasury: *Provided further*, That such franchise fund pilot program shall terminate pursuant to section 403(f) of Public Law 103-356.

This title may be cited as the "Department of Commerce and Related Agencies Appropriations Act, 2001".

TITLE III—THE JUDICIARY

SUPREME COURT OF THE UNITED STATES

SALARIES AND EXPENSES

For expenses necessary for the operation of the Supreme Court, as required by law, excluding care of the building and grounds, including purchase or hire, driving, maintenance, and operation of an automobile for the Chief Justice, not to exceed \$10,000 for the purpose of transporting Associate Justices, and hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344; not to exceed \$10,000 for official reception and representation expenses; and for miscellaneous expenses, to be expended as the Chief Justice may approve; \$36,782,000.

CARE OF THE BUILDING AND GROUNDS

For such expenditures as may be necessary to enable the Architect of the Capitol to carry out the duties imposed upon the Architect by the Act approved May 7, 1934 (40 U.S.C. 13a-13b), \$7,530,000, of which \$4,460,000 shall remain available until expended.

UNITED STATES COURT OF APPEALS FOR THE
FEDERAL CIRCUIT

SALARIES AND EXPENSES

For salaries of the chief judge, judges, and other officers and employees, and for necessary expenses of the court, as authorized by law, \$17,846,000.

UNITED STATES COURT OF INTERNATIONAL
TRADE

SALARIES AND EXPENSES

For salaries of the chief judge and eight judges, salaries of the officers and employees of the court, services as authorized by 5 U.S.C. 3109, and necessary expenses of the court, as authorized by law, \$12,299,000.

COURTS OF APPEALS, DISTRICT COURTS, AND
OTHER JUDICIAL SERVICES

SALARIES AND EXPENSES

For the salaries of circuit and district judges (including judges of the territorial courts of the United States), justices and judges retired from office or from regular active service, judges of the United States Court of Federal Claims, bankruptcy judges, magistrate judges, and all other officers and employees of the Federal Judiciary not otherwise specifically provided for, and necessary expenses of the courts, as authorized by law, \$3,328,778,000 (including the purchase of firearms and ammunition); of which not to exceed \$17,817,000 shall remain available until expended for space alteration projects; and of which not to exceed \$10,000,000 shall remain available until expended for furniture and furnishings related to new space alteration and construction projects.

In addition, for expenses of the United States Court of Federal Claims associated with processing cases under the National Childhood Vaccine Injury Act of 1986, not to exceed \$2,600,000, to be appropriated from the Vaccine Injury Compensation Trust Fund.

DEFENDER SERVICES

For the operation of Federal Public Defender and Community Defender organizations; the compensation and reimbursement of expenses of attorneys appointed to represent persons under the Criminal Justice Act of 1964, as amended; the compensation and reimbursement of expenses of persons furnishing investigative, expert and other services under the Criminal Justice Act of 1964 (18 U.S.C. 3006A(e)); the compensation (in accordance with Criminal Justice Act maximums) and reimbursement of expenses of attorneys appointed to assist the court in criminal cases where the defendant has waived representation by counsel; the compensation and reimbursement of travel expenses of guardians ad litem acting on behalf of financially eligible minor or incompetent offenders in connection with transfers from the United States to foreign countries with which the United States has a treaty for the execution of penal sentences; and the compensation of attorneys appointed to represent jurors in civil actions for the protection of their employment, as authorized by 28 U.S.C. 1875(d), \$420,338,000, to remain available until expended as authorized by 18 U.S.C. 3006A(i).

FEEES OF JURORS AND COMMISSIONERS

For fees and expenses of jurors as authorized by 28 U.S.C. 1871 and 1876; compensation of jury commissioners as authorized by 28 U.S.C. 1863; and compensation of commissioners appointed in condemnation cases pursuant to rule 71A(h) of the Federal Rules of Civil Procedure (28 U.S.C. Appendix Rule 71A(h)), \$60,821,000, to remain available until expended: *Provided*, That the compensation of land commissioners shall not exceed the daily equivalent of the highest rate payable under section 5332 of title 5, United States Code.

COURT SECURITY

For necessary expenses, not otherwise provided for, incident to providing protective guard services and the procurement, installation, and maintenance of security equipment for the United States Courts in courtrooms and adjacent areas, including building ingress-egress control, inspection of packages, directed security patrols, and other similar activities as authorized by section 1010 of the Judicial Improvement and Access to Justice Act (Public Law 100-702), \$198,265,000, of which not to exceed \$10,000,000 shall remain available until expended for security systems, to be expended directly or transferred to the United States Marshals Service, which shall be responsible for administering elements of the Judicial Security Program consistent with standards or guidelines agreed to by the Director of the Administrative Office of the United States Courts and the Attorney General.

ADMINISTRATIVE OFFICE OF THE UNITED
STATES COURTS

SALARIES AND EXPENSES

For necessary expenses of the Administrative Office of the United States Courts as authorized by law, including travel as authorized by 31 U.S.C. 1345, hire of a passenger motor vehicle as authorized by 31 U.S.C. 1343(b), advertising and rent in the District of Columbia and elsewhere, \$58,340,000, of which not to exceed \$8,500 is authorized for official reception and representation expenses.

FEDERAL JUDICIAL CENTER

SALARIES AND EXPENSES

For necessary expenses of the Federal Judicial Center, as authorized by Public Law 90-219, \$18,777,000; of which \$1,800,000 shall remain available through September 30, 2002, to provide education and training to Federal court personnel; and of which not to exceed \$1,000 is authorized for official reception and representation expenses.

JUDICIAL RETIREMENT FUNDS

PAYMENT TO JUDICIARY TRUST FUNDS

For payment to the Judicial Officers' Retirement Fund, as authorized by 28 U.S.C. 377(o), \$25,700,000; to the Judicial Survivors' Annuities Fund, as authorized by 28 U.S.C. 376(c), \$8,100,000; and to the United States Court of Federal Claims Judges' Retirement Fund, as authorized by 28 U.S.C. 178(l), \$1,900,000.

UNITED STATES SENTENCING COMMISSION

SALARIES AND EXPENSES

For the salaries and expenses necessary to carry out the provisions of chapter 58 of title 28, United States Code, \$9,615,000, of which not to exceed \$1,000 is authorized for official reception and representation expenses.

GENERAL PROVISIONS—THE JUDICIARY

SEC. 301. Appropriations and authorizations made in this title which are available for salaries and expenses shall be available for services as authorized by 5 U.S.C. 3109.

SEC. 302. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Judiciary in this Act may be transferred between such appropriations, but no such appropriation, except "Courts of Appeals, District Courts, and Other Judicial Services, Defender Services" and "Courts of Appeals, District Courts, and Other Judicial Services, Fees of Jurors and Commissioners", shall be increased by more than 10 percent by any such transfers: *Provided*, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 303. Notwithstanding any other provision of law, the salaries and expenses appropriation for district courts, courts of appeals, and other judicial services shall be available for official reception and representation expenses of the Judicial Conference of the United States: *Provided*, That such available funds shall not exceed \$11,000 and shall be administered by the Director of the Administrative Office of the United States Courts in the capacity as Secretary of the Judicial Conference.

SEC. 304. (a) The Director of the Administrative Office of the United States Courts (the Director) may designate in writing officers and employees of the judicial branch of the United States Government, including the courts as defined in section 610 of title 28, United States Code, but excluding the Supreme Court, to be disbursing officers in such numbers and locations as the Director considers necessary. These disbursing officers will (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) of this section, (2) examine payment requests as necessary to ascertain whether they are in proper form, certified, and approved, and (3) be held accountable as provided by law. However, a disbursing officer will 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) of this section.

(b)(1) The Director may designate in writing officers and employees of the judicial branch of the United States Government, including the courts as defined in section 610 of title 28, United States Code, but excluding the Supreme Court, to certify payment requests payable from appropriations and funds. These certifying officers will 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 will 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) 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 as provided by law.

(d) The Director shall disburse, directly or through officials designated pursuant to this section, appropriations and other funds for the maintenance and operation of the courts.

(e) Nothing in this section affects the authority of the courts to receive or disburse moneys in accordance with chapter 129 of title 28, United States Code.

(f) This section shall be effective for fiscal year 2001 and hereafter.

This title may be cited as the "Judiciary Appropriations Act, 2001".

Mr. ROGERS (during the reading).
Mr. Chairman, I ask unanimous consent that the remainder of the bill

through page 69, line 19 be considered as read, printed in the RECORD and open to amendment at any point.

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

There was no objection.

The CHAIRMAN pro tempore. Are there any amendments to those sections?

The Clerk will read.

The Clerk read as follows:

TITLE IV—DEPARTMENT OF STATE AND RELATED AGENCY

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

For necessary expenses of the Department of State and the Foreign Service not otherwise provided for, including expenses authorized by the State Department Basic Authorities Act of 1956, as amended, the Mutual Educational and Cultural Exchange Act of 1961, as amended, and the United States Information and Educational Exchange Act of 1948, as amended, including employment, without regard to civil service and classification laws, of persons on a temporary basis (not to exceed \$700,000 of this appropriation), as authorized by section 801 of such Act; expenses authorized by section 9 of the Act of August 31, 1964, as amended; representation to certain international organizations in which the United States participates pursuant to treaties, ratified pursuant to the advice and consent of the Senate, or specific Acts of Congress; arms control, nonproliferation and disarmament activities as authorized by the Arms Control and Disarmament Act of September 26, 1961, as amended; acquisition by exchange or purchase of passenger motor vehicles as authorized by law; and for expenses of general administration, \$2,689,825,000: *Provided*, That, of the amount made available under this heading, not to exceed \$4,000,000 may be transferred to, and merged with, funds in the "Emergencies in the Diplomatic and Consular Service" appropriations account, to be available only for emergency evacuations and terrorism rewards: *Provided further*, That, in fiscal year 2001, all receipts collected from individuals for assistance in the preparation and filing of an affidavit of support pursuant to section 213A of the Immigration and Nationality Act shall be deposited into this account as an offsetting collection and shall remain available until expended: *Provided further*, That, of the amount made available under this heading, \$246,644,000 shall be available only for public diplomacy international information programs: *Provided further*, That, notwithstanding any other provision of law, not to exceed \$342,667,000 of offsetting collections derived from fees collected under the authority of section 140(a)(1) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103-236) during fiscal year 2001 shall be retained and used for authorized expenses in this appropriation and shall remain available until expended: *Provided further*, That any fees received in excess of \$342,667,000 in fiscal year 2001 shall remain available until expended, but shall not be available for obligation until October 1, 2001: *Provided further*, That advances for services authorized by 22 U.S.C. 3620(c) may be credited to this account, to remain available until expended for such services.

AMENDMENT NO. 17 OFFERED BY MR. BILBRAY

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

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 17 offered by Mr. BILBRAY: Page 71, line 1, after the dollar amount, insert the following: "(reduced by \$500,000)".

Page 79, line 19, after the dollar amount, insert the following: "(increased by \$500,000)".

The CHAIRMAN pro tempore. Pursuant to the order of the House of Friday, June 23, 2000, the gentleman from California (Mr. BILBRAY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California (Mr. BILBRAY).

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

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

Mr. Chairman, I would like to thank the gentleman from Kentucky (Mr. ROGERS). I appreciate the fact that he has been working with us on this amendment and other related amendments that directly affect the constituency of South San Diego County.

Mr. Chairman, in my hometown of Imperial Beach, we spend our summers being greeted by this sign. It is a sign that many people in America see every once in awhile, but in I.B., sadly much too often. As a surfer and a diver, it is something that all of us who spend time in the water care a lot about, especially those of us who have children who spend time in the water.

The difference in Imperial Beach and in Coronado is that the pollution that causes this sign does not come from a factory or a business or a community in America that is not taking care of its problems. Imperial Beach and Coronado in South San Diego County has been required by the EPA and the Federal Government to clean up their act so they do not pollute their beaches.

The pollution that causes this sign comes from a foreign country crossing our international boundary and entering the United States and polluting our U.S. territorial waters and endangering the lives of children and the families of American citizens on American soil.

Mr. Chairman, these two photos are a classic example of a technology that I have been working with the chairman on, remote sensing. One will actually be able to picture here the pollution or the turbidity coming across and entering the United States. One of the problems we have in San Diego is the Tijuana River flows from the urban areas of Tijuana, Mexico, and flows north into the United States and then enters the Pacific Ocean after going through a Federal estuarine and wildlife preserve. Supposedly one of the most protected Federal lands in America is an estuary and preserve with a designation of research capabilities.

This pollution is not something new. It is something we have been putting up with since I was a child. It has become chronic over the last 20 years with the extensive growth in Mexico, and at the same time the Federal Government is requiring every city and

every community in America to address its nonpoint sources coming out of its flood control channels and its storm drains.

The United States Federal Government, through the International Boundary and Water Commission, has owned a flood control channel entering the country that constitutes the largest single pollutant source in San Diego County, and I am here to ask for support for an amendment that says the Federal Government will hold itself to the same standards that it demands on everybody else. We will not allow sewage to enter this country and run down a federally owned flood control system and pollute our estuaries and our preserve areas and our beaches and our children and their playground.

Mr. Chairman, my amendment provides \$500,000 to be able to develop a system so that at this flood control channel as it enters the United States, the United States will be able to defend its citizens by catching the sewage, diverting it out of the flood control system and put it into a sewage system through an outfall and treatment concept.

Without this system, without this \$500,000, the citizens of the United States who live in this area are exposed to a foreign government's whim, at when they want to dump raw sewage on the United States and when they do not.

Now I strongly believe that we need to have peacekeeping and intervention all over the world, but I would ask my colleagues on both sides of the aisle, and I would ask the ranking member to consider this: Who do we owe more obligation to to defend from foreign intervention than U.S. citizens on their own soil in their own neighborhoods?

Now, understand that this is not a wealthy area. This is a working-class neighborhood. It has high minority numbers, and some of us may say, well, that is why it has been ignored for so long.

I do not think so. I think it is because we do not understand the border and the border region. I like to think that it is a misunderstanding that has caused this situation.

So I am asking that both the majority and the minority accept an amendment that says we have ignored this public health threat too long; we are willing to address this issue, and we are willing to make this commitment. Just as we make a commitment to people all over the world to stop the pollution problems that are affecting their neighborhoods, we are now finally going to address the issue here in the United States.

Again, this is not a problem being created by the people in this neighborhood. This is a threat that begins in a foreign government and then travels.

The CHAIRMAN pro tempore. The time of the gentleman from California (Mr. BILBRAY) has expired.

Mr. BILBRAY. Mr. Chairman, I ask unanimous consent for one additional minute.

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

There was no objection.

Mr. BILBRAY. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, there are a whole lot of other things that I want to work with the chairman on. We have maintenance issues at this plant. We built a \$200 million plant, and it is not properly maintained; the parts are not there. But I am asking just for this amendment now as a sign that the United States will do everything it can to defend its citizens from foreign pollution on U.S. soil.

At this time, I ask both the majority and the minority, this is a chance for us to all pull together. The gentleman from California (Mr. FILNER) represents part of this area. I represent the other. Here is a chance to show true bipartisan support, true bipartisan commitment, to defending Americans and protect the environment no matter what their party affiliation, no matter what neighborhoods they live in.

Mr. Chairman, I have three amendments before the committee today which I would like to explain for my colleagues. The purpose of my amendments is very straightforward. Let me first express that I have great respect and appreciation for the subcommittee chairman, HAL ROGERS, and the challenges he's had to address in order to prepare his bill. I know that the limits of your allocation have made for difficult decisions, and I commend you for assembling such a good bill under these tough circumstances. I am also very appreciative of the chairman's willingness to work with me in order to address the difficult public health and environmental problems my district faces as a result of untreated sewage flows from Mexico.

In mid-1999, at my request, the city of San Diego initiated a study to determine the usefulness of satellite remote imaging for mapping and monitoring the dispersion of sewage discharges in the United States-Mexico border region.

The objectives of this study were to (1) to demonstrate what type of remote sensing data can be useful for imaging effluent plumes, and (2) to validate information obtained by remote sensing data with field data. While the number of image sets available were limited, the results of this study indicate that all the remote sensing data types can significantly contribute to determining the contributions and extent of the sewage runoff discharges that affect the United States-Mexico border region. Among other things, this will help in isolating the true effects of the South Bay Ocean Outfall from "false" signals created from effluent from other shoreline sources.

The satellite images in this study, two of which I have enlarged here today for my colleagues to see, show distinct near-shore turbidity patterns as well as larger-scale patterns extending further offshore. It is helpful to understand that the major turbidity signals within the near-shore zone are linked to terrestrial effluent discharges or runoff, as opposed to the stirring up of bottom sediments by winds, waves, or tidal currents.

The image in figure 1 of the report was not preceded by any appreciable rain for more than three days. There are four areas where

fresh discharge can be identified—the Tijuana River, a couple of smaller areas just south of there, the San Antonio Los Buenos treatment facility, and Los Buenos Creek. In figure 2, this image was acquired just 24 hours after a 2-day rain event, and clearly shows fresh runoff plumes from numerous sources.

Clearly, this type of imaging can yield tremendous volumes of information which will be critical in helping to monitor, track, and respond to sources of ocean pollution plumes. I have prepared an amendment (#45) that would provide \$200,000 to the IBWC, for the purposes of continuing to provide this kind of satellite image monitoring. My amendment would be offset from the Department of State's Diplomatic and Consular Affairs account.

I also have at the desk another amendment which these photos will help to explain—located here in the photo, on the border, is the International Wastewater Treatment Plant. As the chairman is well aware, the IBWC has since 1998 been operating the U.S. International Wastewater Treatment Plant (IWTP), which sits along our southern border with Mexico and is presently treating up to 25 mgd of Mexican sewage to primary levels. This effluent is then discharged via the South Bay Ocean Outfall. Since this plant began operation in 1998, its operations and maintenance costs have increased considerably, as a result of several factors.

1. Pumps and other processing equipment consume large amounts of electrical power, and power costs at the IWTP are directly related to the volume of wastewater treated. Power costs at the plant have risen as a result of increased pumping needs at the IWTP, Smugglers' pump station, and Goat Canyon pump station.

2. Perhaps even more important, is the increasing recognition of the need to begin recurring nonannual preventive maintenance and testing—this includes such things as pump rebuilding, testing of electrical systems, and conveyor overhaul—the basic functions that make the plant work. What we have here is a brand new plant, which is now beginning to reach its maintenance cycles, and in some instances, cycles which were projected as 2 or 3 year are starting to be seen as annual maintenance needs.

This may sound like a lot of nuts and bolts, but the outcome is what is critical to me and my communities, Mr. Chairman, and that is whether the beaches are open and safe for people to use. To paraphrase the old saying, for want of a pump, the plant was lost—clearly, this is the situation we must avoid. The IBWC has worked hard to help keep the beaches open in the south San Diego county region, and I don't want to see that change out of maintenance needs.

I recognize that the subcommittee worked hard to level fund these Commissions at the existing FY 2000 levels, Mr. Chairman, but I believe we must find a way to provide assurances that basic maintenance needs do not result in threats to the public health and environment in the upcoming summer months. Additionally, as I have discussed with the chairman, it is important to ensure that the IBWC will have adequate funds available to operate the emergency connection to the city of San Diego's Point Loma treatment plant, in the event of an emergency need this summer.

My amendment (#16) would transfer \$5.1 million to the IBWC's salaries and expenses

account, for the purposes of ensuring that this routine but critical maintenance will continue to occur. I want to clarify for my colleagues that, as the chairman well knows, it is in this salaries and expenses account that operations and maintenance funds are located; this amendment is not going for additional salaries, or administrative overhead.

The offset for my amendment is provided out of the Department of State's Contributions for International Peacekeeping Activities, which is funded in the bill at \$498,100,000. I don't mean to diminish the importance of our peacekeeping operations abroad, but I feel very strongly that we must first protect our own borders, in this case from the public health threat generated by flows of Mexican sewage that has been confronting my constituents for decades. Chairman ROGERS knows how strongly I feel about this, and is due a lion's share of the credit for the great work this committee has done on border environmental issues up to this point.

My third amendment (#17) addresses an issue with which the chairman is very familiar, from our ongoing discussions.

With my previous amendment on the IBWC, I talked about ensuring that the IBWC is able to continue operating the plant, which treats captured sewage. This amendment addresses what can be a far greater problem, which is the flows of renegade sewage that doesn't make it into any pipes or plants for treatment.

An odd fact of nature is that in this part of the region the watershed, rivers, and urban runoff flow north, into the United States. When there are rain events, or when Mexican infrastructure breaks, fails, or is simply turned off without warning (which happens far too often), raw sewage runs downhill into the canyons along the border and into the Tijuana Estuary, or down the Tijuana River into the flood control channel where it enters the United States and continues toward the beaches in my hometown of Imperial Beach.

All the treatment plants in the world won't end our contamination problem, if there are still significant volumes which aren't ending up "in the pipe". The IBWC is presently working on a plan to improve the capacity of the canyon sewage collectors which are now in place at Goat Canyon and Smuggler's Gulch, and this will certainly help.

But the biggest "non-point" source of the United States side (I say U.S. because clearly, as the images from this report show, runoff from Los Buenos Creek is a major problem for both Mexican and United States beaches as the current takes it northward) is the Tijuana River, which is why I've gone to Chairman ROGERS with a specific request. I believe it is essential that a diversionary structure be built in the flood control channel as it enters the United States, which could then capture renegade flows and divert them to the IWTP or other facilities for at least some level of treatment. IBWC agrees with this need, and is prepared to move forward with this project.

My amendment would provide \$500,000 for this purpose to the IBWC's construction account. It is offset from the State Department's Diplomatic and Consular Programs account, which is presently funded at \$2,689,000.

Mr. Chairman, I have some additional background materials, along with my full statement and amendments, which I would ask be entered into the RECORD at the appropriate point. I would urge my colleagues to support these

amendments, and would reserve the balance of my time.

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

The CHAIRMAN pro tempore. Does the gentleman from Kentucky (Mr. ROGERS) seek to claim the time in opposition?

Mr. ROGERS. Mr. Chairman, I ask unanimous consent to proceed for 3 minutes.

The CHAIRMAN pro tempore. Without objection, and without objection, the time in opposition is increased to 6 minutes as a result of the unanimous consent request of the gentleman from California (Mr. BILBRAY).

The gentleman from Kentucky (Mr. ROGERS) is recognized for 6 minutes.

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

Mr. Chairman, I want to congratulate and thank the gentleman from California (Mr. BILBRAY) for his devotion to this cause. This is a long-standing problem that is getting worse, and the gentleman has focused on this problem and devoted himself to trying to solve it. It is a vexing problem that crosses the international boundary line with Mexico and is a problem that has to be addressed really on both sides of the border, but the gentleman from California (Mr. BILBRAY) has indeed focused our attention on the problem. It is a matter that needs to be addressed; and this amendment, I think, will go a long way towards starting the effort to solve this long-standing problem.

So I am very pleased to accept the amendment on our side as a beginning point for trying to solve this long-standing problem for the residents of the entire area around San Diego and the adjoining area in Mexico.

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

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

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

Mr. FILNER. Mr. Chairman, I thank the gentleman from Kentucky (Mr. ROGERS) for yielding, and I thank the gentleman from California (Mr. BILBRAY) for offering this amendment. We represent adjacent districts. He talked about a bipartisan approach. I want to illustrate that on the floor today. The gentleman from California (Mr. BILBRAY), when he was a county supervisor in San Diego, was at the same time that I was a city councilman in San Diego. Our districts pretty much meshed; and we worked on this together for many, many, many years. We are at the point of solving these problems, and with the help of this Congress we will.

We have tried to get this diversionary structure in place. It helps protect our citizens from health hazards caused by the river of sewage; but it was built quickly and now that the international treatment plant is in operation, we must expand and improve the capacity. It has limited capacity. It

clogs with silt and debris, as I am sure the gentleman from California (Mr. BILBRAY) pointed out, and it must be shut down for maintenance when the rains and other events make it exceed its capacity.

So what the amendment of the gentleman from California (Mr. BILBRAY) does is provide the funding to design improvements needed to increase its capacity, solve these problems.

I am sure the gentleman from California (Mr. BILBRAY) and I are the only two Congressmen in this House that can say that raw sewage flows through our districts; up to 50 million gallons a day.

We have a series of attempts to improve this situation, legislation that we hope will follow in the authorization process, and I thank the Chair and the gentleman for making this amendment and supporting it.

I urge my colleagues to support this amendment. In 1991, as a San Diego City Councilman, I worked with the IBWC to build a diversionary structure in the international flood control channel to capture 13 million gallons per day of sewage that flowed through the Tijuana River to our beaches. This diversionary structure helped protect our citizens from the health hazards caused by this river of sewage. But it was built quickly. Now that the International Treatment Plant is in operation, the structure must be improved and its capacity expanded. Currently, it has a limited capacity of often clogs with silt and debris. Whenever flows exceed its capacity or it must be shut down for maintenance, raw sewage flows freely throughout the Tijuana River. This amendment would provide the funding to design improvements needed to increase its capacity and solve these problems.

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

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

Mr. SERRANO. Mr. Chairman, I rise in support of the amendment, in support of the comments of the gentleman from California (Mr. FILNER). I would hope that this is the kind of issue that we can continue to solve.

Just as an aside, I thank the gentleman from California (Mr. BILBRAY) for bringing a sign in two languages.

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

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

Mr. BILBRAY. Mr. Chairman, actually I was a county supervisor which had supervision over county health; and because of all of the activities at the border, we decided when I was Chair that we needed to have it in both languages so everybody knew what was going on, including those who might have been visiting from down south.

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

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

Mr. SERRANO. Mr. Chairman, I support the gentleman from California (Mr. BILBRAY) in that. I support him in his amendment, and I hope he remembers that when we discuss another bill later on.

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

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

Mr. BILBRAY. Mr. Chairman, I would like at this time to really thank the gentleman from Kentucky (Mr. ROGERS) for his cooperation on this specific issue but also with the other issues, as the gentleman from California (Mr. FILNER) has so appropriately brought up, that we have a comprehensive problem here and I look forward to working with the chairman as this bill moves forward, making sure that we address these issues, these environmental issues.

I want to sincerely thank him very much for being so sensitive to a problem that has been ignored for much too long.

Mr. ROGERS. Mr. Chairman, I want to thank the gentleman from California (Mr. BILBRAY) again for his persistence on this matter. There are other areas that he is working with our subcommittee on in this regard, and we will continue to work with the gentleman to try to help solve a massive problem on our border with Mexico.

I urge adoption of the amendment.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from California (Mr. BILBRAY).

The amendment was agreed to.

The CHAIRMAN pro tempore. Are there further amendments to this section of the bill?

The Clerk will read.

The Clerk read as follows:

In addition, not to exceed \$1,252,000 shall be derived from fees collected from other executive agencies for lease or use of facilities located at the International Center in accordance with section 4 of the International Center Act, as amended; in addition, as authorized by section 5 of such Act, \$490,000, to be derived from the reserve authorized by that section, to be used for the purposes set out in that section; in addition, as authorized by section 810 of the United States Information and Educational Exchange Act, not to exceed \$6,000,000, to remain available until expended, may be credited to this appropriation from fees or other payments received from English teaching, library, motion pictures, and publication programs, and from fees from educational advising and counseling, and exchange visitor programs; and, in addition, not to exceed \$15,000, which shall be derived from reimbursements, surcharges, and fees for use of Blair House facilities in accordance with section 46 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2718(a)).

In addition, for the costs of worldwide security upgrades, \$410,000,000, to remain available until expended.

CAPITAL INVESTMENT FUND

For necessary expenses of the Capital Investment Fund, \$79,670,000, to remain available until expended, as authorized in Public Law 103-236, as amended; *Provided*, That section 135(e) of Public Law 103-236 shall not apply to funds available under this heading.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended (5 U.S.C. App.), \$28,490,000, notwithstanding section 209(a)(1) of the Foreign

Service Act of 1980, as amended (Public Law 96-465), as it relates to post inspections.

EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

For expenses of educational and cultural exchange programs, as authorized by the Mutual Educational and Cultural Exchange Act of 1961, as amended (22 U.S.C. 2451 et seq.), and Reorganization Plan No. 2 of 1977, as amended (91 Stat. 1636), \$213,771,000, to remain available until expended as authorized by section 105 of such Act of 1961 (22 U.S.C. 2455): *Provided*, That not to exceed \$800,000, to remain available until expended, may be credited to this appropriation from fees or other payments received from or in connection with English teaching and educational advising and counseling programs as authorized by section 810 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1475e).

REPRESENTATION ALLOWANCES

For representation allowances as authorized by section 905 of the Foreign Service Act of 1980, as amended (22 U.S.C. 4085), \$5,826,000.

PROTECTION OF FOREIGN MISSIONS AND OFFICIALS

For expenses, not otherwise provided, to enable the Secretary of State to provide for extraordinary protective services in accordance with the provisions of section 214 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 4314) and 3 U.S.C. 208, \$8,067,000, to remain available until September 30, 2002.

EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE

For necessary expenses for carrying out the Foreign Service Buildings Act of 1926, as amended (22 U.S.C. 292-300), preserving, maintaining, repairing, and planning for, buildings that are owned or directly leased by the Department of State, renovating, in addition to funds otherwise available, the Main State Building, and carrying out the Diplomatic Security Construction Program as authorized by title IV of the Omnibus Diplomatic Security and Antiterrorism Act of 1986 (22 U.S.C. 4851), \$416,976,000, to remain available until expended as authorized by section 24(c) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2696(c)), of which not to exceed \$25,000 may be used for domestic and overseas representation as authorized by section 905 of the Foreign Service Act of 1980, as amended (22 U.S.C. 4085): *Provided*, That none of the funds appropriated in this paragraph shall be available for acquisition of furniture and furnishings and generators for other departments and agencies.

In addition, for the costs of worldwide security upgrades, acquisition, and construction as authorized by the Secure Embassy Construction and Counterterrorism Act of 1999, \$648,000,000, to remain available until expended.

EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE

For expenses necessary to enable the Secretary of State to meet unforeseen emergencies arising in the Diplomatic and Consular Service pursuant to the requirement of 31 U.S.C. 3526(e), and as authorized by section 804(3) of the United States Information and Educational Exchange Act of 1948, as amended, \$5,477,000, to remain available until expended as authorized by section 24(c) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2696(c)), of which not to exceed \$1,000,000 may be transferred to and merged with the Repatriation Loans Program Account, subject to the same terms and conditions.

REPATRIATION LOANS PROGRAM ACCOUNT

For the cost of direct loans, \$591,000, as authorized by section 4 of the State Depart-

ment Basic Authorities Act of 1956 (22 U.S.C. 2671): *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974. In addition, for administrative expenses necessary to carry out the direct loan program, \$604,000, which may be transferred to and merged with the Diplomatic and Consular Programs account under Administration of Foreign Affairs.

PAYMENT TO THE AMERICAN INSTITUTE IN TAIWAN

For necessary expenses to carry out the Taiwan Relations Act, Public Law 96-8, \$16,345,000.

PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND DISABILITY FUND

For payment to the Foreign Service Retirement and Disability Fund, as authorized by law, \$131,224,000.

INTERNATIONAL ORGANIZATIONS AND CONFERENCES

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

For expenses, not otherwise provided for, necessary to meet annual obligations of membership in international multilateral organizations, pursuant to treaties ratified pursuant to the advice and consent of the Senate, conventions or specific Acts of Congress, \$880,505,000: *Provided*, That any payment of arrearages under this title shall be directed toward special activities that are mutually agreed upon by the United States and the respective international organization: *Provided further*, That none of the funds appropriated in this paragraph shall be available for a United States contribution to an international organization for the United States share of interest costs made known to the United States Government by such organization for loans incurred on or after October 1, 1984, through external borrowings: *Provided further*, That, of the funds appropriated in this paragraph, \$100,000,000 may be made available only on a semi-annual basis pursuant to a certification by the Secretary of State on a semi-annual basis, that the United Nations has taken no action during the preceding 6 months to increase funding for any United Nations program without identifying an offsetting decrease during that 6-month period elsewhere in the United Nations budget and cause the United Nations to exceed the budget for the biennium 2000-2001 of \$2,535,700,000: *Provided further*, That funds appropriated under this paragraph may be obligated and expended to pay the full United States assessment to the civil budget of the North Atlantic Treaty Organization.

AMENDMENT NO. 71 OFFERED BY MR. SERRANO

Mr. SERRANO. Mr. Chairman, I offer an amendment. I am acting as the designee of the gentleman from Wisconsin (Mr. OBEY).

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 71 offered by Mr. SERRANO: Page 77, strike the proviso beginning on line 2.

The CHAIRMAN pro tempore. Pursuant to the order of the House of Friday, June 23, 2000, the gentleman from New York (Mr. SERRANO) and a Member opposed each will control 5 minutes.

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

□ 1645

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

Mr. Chairman, as I said, I am acting as the designee of the gentleman from Wisconsin (Mr. OBEY). Let me first tell the gentleman from Kentucky (Mr. ROGERS) that it is our intention to withdraw this amendment, but we want to bring this issue up and discuss it properly.

Mr. Chairman, included in the bill is language that would withhold \$100 million in regular dues to the United Nations until the United Nations certifies a no-growth budget. This is of great concern to us on this side, because we believe that this would have a significant and devastating impact on ongoing negotiations.

What happened is that last year we did something great in this bill, we were able to pay our arrears, but payment was based also on our claim that our assessment should be lower, that the dues that were assessed should be lower. Those negotiations are going on right now.

In our opinion, to put this language in the bill would just send a very bad message, not only to those folks at the U.N. and our government to have to negotiate this issue, but also to other countries who we are trying to negotiate with.

On one hand, we are telling them that it is our intent to pay our dues, at the same time we are telling them we think we are paying too much and we should not carry such a load. While that is going on, we then send a message that we will withhold amounts which, one, as I said, would just send a very bad message. It would make us look like we are negotiating in bad faith, and at the same time begin to put us again in arrears, something we are working hard and in a bipartisan fashion of last year, to try to do away with.

While it is our intent to withdraw this amendment, I would just hope that in the comments of the gentleman from Kentucky (Chairman ROGERS), if he wishes to make some, he would begin to send us the message that this is not the way we want to go, and that we have to continue to send a positive message to the U.N.

Lastly, we in this Chamber take great credit for all the activities that this country undertakes throughout the world, and I think that more and more every day we have to understand that we do not take those activities alone. In the last few years and in the last decade, we have been taking them very closely and in conjunction with the U.N. as part of members of the U.N., and we should not continue to on one hand work closely with the U.N. to deal with issues throughout the world that are of great importance to our national security and to peace and prosperity throughout the world and at the same time continue to bash the U.N.

I think that what we are seeing in this language is in fact U.N. bashing, and I will wait for some comments from the gentleman from Kentucky (Mr. ROGERS), if he has any, and then I withdraw the amendment

The CHAIRMAN pro tempore (Mr. PEASE). Does the gentleman from Kentucky (Mr. ROGERS) claim the time in opposition?

Mr. ROGERS. I do, Mr. Chairman.

The CHAIRMAN. The gentleman from Kentucky is recognized for 5 minutes.

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

Mr. Chairman, I rise in opposition. The provision that the gentleman from New York (Mr. SERRANO) proposes to strike has been a critical part of what we have been able to achieve thus far in bringing fiscal discipline and responsibility back to the United Nations.

It is part of the overall approach the Congress has taken toward the U.N. since 1997, an approach that the administration has in turn adopted; that is, to establish zero nominal growth budgets at the United Nations and other international organizations. Then once those budgets have been adopted at the U.N., to insist on a discipline to live within the budget that they have adopted.

Mr. Chairman, consider what this provision really does. Does it underfund the anticipated U.S. share of the U.N. regular budget? The answer is no. The bill contains the full \$300 million for our U.N. assessment.

Does the provision require that the U.S. reopen budget issues that the U.N. already has agreed upon? The answer is no. It accepts the budget that the U.N. adopted in December, even though that budget exceeded zero nominal growth, which is what I would have preferred.

The provision that the amendment proposes to strike conditions only one-third of our dues on a simple certification by the State Department. They must certify to the Congress that the U.N. is living within the biennial budget that the U.N. members themselves adopted in December. In other words, any increase in the U.N. budget from this point forward should be accompanied by an equal offset in their spending, much the same as we are required to do here in the Congress.

It is the same provision we carried in 1997, Mr. Chairman; the same one we carried in 1998; the same one we carried in 1999. It is a well-known U.S. policy and should not come as a surprise to anybody. In previous years, the State Department made these certifications and the U.S. paid its dues in full. No arrears were created as a result of this provision. Unless people at the U.N. are already planning to bust the current U.N. budget, which they agreed to only a few short months ago, the Department should have no problem making the certifications and paying the calendar year 2000 assessment in full.

This exact, same amendment was defeated convincingly in the committee 18-34, 2 weeks ago. I urge that it be rejected again today.

Mr. HALL of Ohio. Mr. Chairman, I rise in support of the Obey amendment which will allow the United States to pay all the annual dues we owe to the United Nations this year.

Mr. Chairman, it was just last year that this Congress finally met our international obligations and paid our back dues to the U.N. We also required reforms at the U.N. which are now being implemented.

Congress just solved this problem and now, with this bill, we will go back into debt again.

The United Nations is a beacon of hope for the world. It promotes world peace and is a leader in the fight against hunger and poverty.

The Obey amendment will allow all of our 2000 U.N. dues to be paid in the year 2000. Without the Obey amendment, \$100 million of the dues we owe will be late.

Mr. Chairman, great nations pay their bills on time. I would urge all Members to support the Obey amendment.

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

Mr. SERRANO. I ask unanimous consent to withdraw my amendment, Mr. Chairman.

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

There was no objection.

The Clerk will read.

The Clerk read as follows:

CONTRIBUTIONS FOR INTERNATIONAL
PEACEKEEPING ACTIVITIES

For necessary expenses to pay assessed and other expenses of international peacekeeping activities directed to the maintenance or restoration of international peace and security, \$498,100,000: *Provided*, That none of the funds made available under this Act shall be obligated or expended for any new or expanded United Nations peacekeeping mission unless, at least 15 days in advance of voting for the new or expanded mission in the United Nations Security Council (or in an emergency, as far in advance as is practicable): (1) the Committees on Appropriations of the House of Representatives and the Senate and other appropriate committees of the Congress are notified of the estimated cost and length of the mission, the vital national interest that will be served, and the planned exit strategy; and (2) a re-programming of funds pursuant to section 605 of this Act is submitted, and the procedures therein followed, setting forth the source of funds that will be used to pay for the cost of the new or expanded mission: *Provided further*, That funds shall be available for peacekeeping expenses only upon a certification by the Secretary of State to the appropriate committees of the Congress that American manufacturers and suppliers are being given opportunities to provide equipment, services, and material for United Nations peacekeeping activities equal to those being given to foreign manufacturers and suppliers: *Provided further*, That none of the funds made available under this heading are available to pay the United States share of the cost of court monitoring that is part of any United Nations peacekeeping mission.

AMENDMENT NO. 62 OFFERED BY MR. JACKSON OF
ILLINOIS

Mr. JACKSON of Illinois. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 62 offered by Mr. JACKSON of Illinois:

In title IV, in the item relating to "CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES", after the aggregate dollar amount, insert the following: "(increased by \$240,566,000)".

Mr. ROGERS. Mr. Chairman, I reserve a point of order.

The CHAIRMAN. The gentleman from Illinois (Mr. JACKSON) is recognized for 5 minutes.

PARLIAMENTARY INQUIRY

Mr. JACKSON of Illinois. Mr. Chairman, let me thank the gentleman from Ohio (Mr. OBEY), the ranking member and the gentleman from Kentucky (Mr. ROGERS), chairman of the full committee for allowing me the opportunity to offer this amendment.

It is my understanding, Mr. Chairman, under the ruling, we are entitled to 30 minutes on this side and the other side will have 30 minutes as well. Is that correct, Mr. Chairman?

The CHAIRMAN. No. Under the unanimous consent agreement, the gentleman from Illinois is entitled to 5 minutes and a Member in opposition has 5 minutes.

Mr. JACKSON of Illinois. Mr. Chairman, let me just get some clarification.

The CHAIRMAN. Is the gentleman from Illinois (Mr. JACKSON) offering his own amendment?

Mr. JACKSON of Illinois. Mr. Chairman, I am offering the Dixon amendment, it is the Dixon-Jackson-Crowley amendment, as his designee, Mr. Chairman. I believe it is Amendment No. 60, Mr. Chairman.

AMENDMENT NO. 60 OFFERED BY MR. JACKSON OF
ILLINOIS

The CHAIRMAN. Without objection amendment 62 is withdrawn and the Clerk will designate the Dixon amendment for which the gentleman from Illinois (Mr. JACKSON) is the designee.

The text of the amendment is as follows:

Amendment No. 60 offered by Mr. JACKSON of Illinois as designee of the gentleman from California (Mr. DIXON):

In title IV, in the item relating to "CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES", after the aggregate dollar amount, insert the following: "(increased by \$240,566,000)".

The CHAIRMAN. Pursuant to the order of the House of Friday, June 23, 2000, the gentleman from Illinois (Mr. JACKSON) and a Member opposed each will control 30 minutes.

Mr. ROGERS. Mr. Chairman, just to be sure that a point of order is reserved on this amendment as well.

The CHAIRMAN. The gentleman from Kentucky (Mr. ROGERS) reserves a point of order.

The Chair recognizes the gentleman from Illinois (Mr. JACKSON) for 30 minutes.

Mr. JACKSON of Illinois. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me first begin by commending the distinguished gentleman from California (Mr. DIXON) for bringing the amendment that has been offered to the committee's attention. The CJS appropriations bill reduces the administration's contributions to international peacekeeping activities request of \$739 million by \$241 million, almost one-third.

The committee report is not amendable on the floor, the report does did not include funding for following peacekeeping missions in Africa: MINURSO in Western Sahara; UNAMSIL in Sierra Leone, Ethiopia, Eritrea populations; and phase 2 of the MONUC in the Congo.

The report languages for this bill singles out peacekeeping missions in Africa by failing to provide funding for these missions, unless it is reprogrammed for other missions. In this bill, the committee has underfunded the contributions to international peacekeeping activities and has directed the State Department, and I quote "to take no action to extend existing missions or create new missions for which funding is not available."

This amounts to a direction to veto U.N. peacekeeping missions. The requests by the President of \$739 million would provide 25 percent, that is the U.S. portion agreed to last year, in the Helms-Biden compromise of the total estimated costs of the 15 current U.N. peacekeeping missions.

The amount approved by the committee for fiscal year 2001, \$498 million, is frozen at the level appropriated for fiscal year 2000. Our distinguished chairman, the gentleman from Kentucky (Chairman ROGERS), argues that the administration and the U.N. must live within the appropriation and approve no new missions; however, this ignores the realities of international conflict, of wars and conflicts that are unpredictable and that can erupt at any given time.

Mr. Chairman, I find it quite interesting that of all of the U.N. missions, the report language, which I already indicated is unamendable on the floor, specifically singles out all of the peacekeeping missions in Africa. It does not deal with the U.N. force in Cyprus, U.N. operation in Georgia, the U.N. mission in Tazikstan, the war crimes tribunal in Yugoslavia, while funding the war crimes tribunal in Rwanda, U.N. transitional administration in East Timor, U.N. mission in Kosovo, but specifically looks at peacekeeping missions in Africa.

Mr. Chairman, with the balance of our time, I hope that during the course of this hour, we have a very informed debate to find out what is behind why African life in this report and in this bill is being treated differently than life of Europeans. We will discuss that at great length.

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

The SPEAKER pro tempore. Does the gentleman from Kentucky (Mr. ROGERS) claim the time in opposition?

Mr. ROGERS. Mr. Chairman, I do claim such time.

The CHAIRMAN. Does the gentleman reserve his point of order?

Mr. ROGERS. Mr. Chairman, yes, and I reserve the balance of my time.

Mr. JACKSON of Illinois. Mr. Chairman, I am honored to yield 5 minutes to the gentleman from Wisconsin (Mr.

OBEY), the distinguished ranking member of the full committee.

Mr. OBEY. Mr. Chairman, the 21st century in terms of American lives lost was the bloodiest in our history and the meanest, except for the 19th, in which we conducted an American Civil War which put brother against brother and from which we are still suffering some of the consequences. Now, we are turning into a different century, and it is to be hoped that America's role in the world is changing somewhat. At this point, there is no other power in the world that even comes close.

We have the military might to cover any region, to reach any region, to sail any sea, to find and hit virtually any target, if we want; but we also have another role, and that role has been to try to serve not so much as a fighter, but as a separator of parties in many regional fights, in a peacekeeping role.

Now, that is going to be a very messy situation. It is not always going to work, and there will be Americans who die. But if we do it right, there will be far less for America to pay in human terms than we have seen in each of the previous two centuries; that is what we try to do through the peacekeeping operations in the United Nations.

Mr. Chairman, I do not happen to be thrilled with all of those peacekeeping operations, but I would point out one thing. We created the United Nations and we created the rules. Under those rules, when the United Nations votes for a peacekeeping operation in the security council, that requires a mandatory contribution from this country to fulfill our share of the financial burden.

We are very lucky in comparison to a number of other countries in the world, because we more often than not do not supply the troops. We supply a little cash, and we supply a lot of advice, but we supply a very tiny percentage of the troops. We ought to be grateful for that.

Now, what this bill asks us to do is to support the idea that a subcommittee of this House somehow has the right to interpose its judgment and to decide for itself just what peacekeeping operations the United Nations will support and which ones they will not.

□ 1700

Well, that is not the way it is supposed to work. I did not realize that the gentleman from Kentucky had been confirmed as our ambassador to the United Nations and also as our Secretary of State and Secretary of Defense at the same time. I kind of missed that. I did not see those headlines.

So what we have here in this bill is an attempt to say to the President of the United States and to the U.N. Security Council, "Sorry, but regardless of the conditions in the world, you are limited to a specific dollar amount for peacekeeping operations. And the world can change overnight, but sorry, our green eye shade is more important

than world considerations." I do not think that makes any sense, not if we are trying to preserve American power and influence; not if we are trying to prevent the loss of American lives; and not if we are trying to prevent the loss of other lives and to bring stability into the world.

So what this amendment simply tries to do is to eliminate the pretentious action on the part of this subcommittee which says that this subcommittee somehow has the right, on mandatory contributions to the United Nations, to abrogate to itself the decision as to which peacekeeping operations will be undertaken. I believe that that is an ill-advised decision. I believe, as the Washington Post describes, that that is "playing" at foreign policy, and I think it is extremely dangerous.

I congratulate the gentleman for offering his amendment, because in the end, we have no choice but to provide these funds under the rules which we ourselves wrote almost 50 years ago.

The CHAIRMAN pro tempore (Mr. PEASE). The gentleman from Kentucky reserves his time and his point of order.

Mr. JACKSON of Illinois. Mr. Chairman, I yield 2½ minutes to the gentleman from Texas (Ms. JACKSON-LEE).

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the gentleman from Illinois for his leadership.

Mr. Chairman, the gentleman from Wisconsin, the ranking member of the Committee on Appropriations, asked some questions that I think bear repeating, and that is whether or not we remove from the appropriate officials in the administration, the appointed United Nations ambassador, the Secretary of State, the vital responsibilities of ensuring that we adhere to our word of being a Nation of peace and not of war.

Just a few days ago, Mr. Chairman, I sat in the United Nations Security Council meeting watching the very effective work of our ambassador, arguing about ensuring that peacekeeping in the Democratic Republic of the Congo was reinforced by the U.N. Security Council, by ensuring that Uganda would restrain from any actions to the contrary. Generally the discussion of the U.N. Security Council of the U.N. was regarding peace. It was that debate that made me have a clearer understanding of the vital necessity of ensuring that the United States does not pull away from peacekeeping and continues to fund our collaborative peacekeeping efforts with the U.N.

Just a few weeks ago, several refugees in Houston went home to Kosovo. I heard the negative comments when we were in the midst of a Kosovo conflict, that we should not be involved. Yet today, however uneven as it is, there is peace in Kosovo.

Now, this legislative initiative, this appropriations bill does not provide the

funding that we need to ensure that on the continent of Africa, we can likewise have peace. There is a commitment by the United Nations Security Council; there is a commitment by other African nations to be able to provide support in areas like Sierra Leone, in areas like Ethiopia and Eritrea, where peace is imminent. How can we instruct our administration not to engage in efforts to secure such peace?

How can we do that when we have 37,000 U.S. troops as peacekeepers in South Korea? How can we do that when we have 5,500 troops in Bosnia and nearby countries participating in or contributing to the stabilization force? How can we discriminate against the peacekeeping efforts on the continent of Africa when, in Sierra Leone, arms of farmers and children are being hatched off?

Mr. Chairman, I think we do ourselves a disservice and we are not befitting of the name "America" if we say that we cannot help secure peace in the world.

I support this amendment. I congratulate the gentleman. We must be supporters of peace. Let us vote for this amendment.

The CHAIRMAN pro tempore. The gentleman from Kentucky (Mr. ROGERS) reserves his time and his point of order.

Mr. JACKSON of Illinois. Mr. Chairman, I would like to inquire of the distinguished chairman of the subcommittee as to whether or not he was going to use any of his time, because I do have a number of speakers; and if he is not going to use it, I would certainly be willing to accept of it if he is willing to offer.

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

Mr. JACKSON of Illinois. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Chairman, at this time I will be the only speaker, and my intent is that the gentleman would use as much time as he desires, and then I would conclude with whatever remarks I have.

Mr. JACKSON of Illinois. Mr. Chairman, I thank the gentleman.

Mr. Chairman, I yield 2 minutes to the distinguished gentleman from New York (Mr. SERRANO), the ranking member of the subcommittee.

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

Let me quickly make two points: first of all, a personal point and then an observation in general.

Personally, anyone who has followed me during these 10 years that I have been in Congress knows that I am very outspoken on my country being involved in military activities throughout the world. On many occasions, when we have been involved in the last 10 years, I have spoken against it because I have questioned what we were doing in certain places.

Secondly, I, as the gentleman from Wisconsin (Mr. OBEY) and so many of

us do, recognize that the world has changed in such a way where we are truly the last strong standing superpower. So with that comes a responsibility, in my opinion; and the responsibility is especially what we have been doing the last few years throughout the world, and that is joining other countries in peacekeeping operations.

I can see no better way to use our military forces than in attempting to keep the peace rather than engaging in war. Unfortunately, the whole world has not changed the way some places have changed, and so we have areas of the world where there are serious problems still going on, and we can either stand by and allow some of these things to happen, or we can take a role.

Well, I cannot double-talk. I did not want us to take certain roles of going in and joining one side and fighting the other. But what we are doing now I think is honorable, and it is humane and it is proper, when we go in as part of the U.N. to participate with other countries in keeping the peace.

So at this point, I think it is totally improper for us in this subcommittee, in this Congress, to tell our administration to tell our leaders, and I will take the same position should there be new leadership in the future at the White House, that we should not take the role of saying, we cannot participate, and in keeping the peace.

What this bill does, and what this whole message is is that we do not care, we do not care what happens throughout the world, and we do not care what role we play.

Let me just close by repeating again. I am not one of those who supports our military actions, but I do support our peacekeeping actions.

Mr. JACKSON of Illinois. Mr. Chairman, I yield myself 1 minute.

I want to be very, very clear, Mr. Chairman. This amendment restores the President's request of \$240 million to international peacekeeping activities. What this report, the bill that the Congress of the United States will be voting on in a moment specifically targets and eliminates peacekeeping in Africa. So it is okay to do peacekeeping in Europe, it is okay to do peacekeeping in other parts of the world, but we do not want you in Western Sahara, Sierra Leone, the Democratic Republic of the Congo, we do not want you anywhere else unless we will resubject this money to reprogramming and therefore, redefine all peacekeeping missions.

As of June 2000, only 826 Americans, that is 791 civilian police and 35 observers are serving in U.N. peacekeeping operations. That accounts for only 2.3 percent of the 3,535,546 U.N. peacekeepers worldwide. There are currently no American military troops serving in U.N. peacekeeping operations.

Mr. Chairman, I yield 3 minutes to the gentleman from Massachusetts (Mr. OLVER).

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

I rise in strong support for the Jackson amendment. I only wish we had more opportunities to discuss America's constructive involvement in global affairs.

Mr. Chairman, peacekeeping is not intervention; peacekeeping is the promotion of peace and security. It is the international cooperation required for a war-torn region to transition from militarization to democracy. In many areas of the globe, international peacekeeping missions are the only lines of defense against ethnic cleansing. We need look no further than Kosovo or East Timor to know that our participation saves lives.

The amendment before us would add \$241 million to our peacekeeping contributions. This modest increase should not be controversial, given the state of the conflict in this world. Frankly, the \$498 million line item for peacekeeping in this bill falls well short of our international commitments. I think we are ignoring fundamental needs globally, but particularly in Africa. The language of the report is particularly insensitive to African needs.

I want to just quote several pieces here over a page, the first line of each of several paragraphs. The committee recommendation does not include amounts requested for certain peacekeeping missions, including MINURSO in Western Sahara, UNAMSIL in Sierra Leone, MONUC in the Democratic Republic of Congo. And then the committee is particularly concerned about the future of the UNAMSIL mission in Sierra Leone. The recommendation does not include requested funding for the MONUC mission. And then, the recommendation again does not include funding for the MINURSO mission. Then, the recommendation does not include requested funding for the Angola Monitoring mission. Again, the committee recommendation does not include funding requested for a new mission for Ethiopia and Eritrea.

Of all of our peacekeeping efforts around the globe, all in Africa are underfunded; and virtually nowhere else is that measure being used.

The multinational war in Congo and several recent severe outbreaks of ethnic cleansing and ethnic violence have created enormous humanitarian needs throughout Africa, but especially in Angola, Congo, Sierra Leone, Western Sahara, Ethiopia, Sudan, and Eritrea. America's peacekeeping program is a work in progress. We should not halt that progress; we should keep the U.S. a responsible and engaged actor in the international community by supporting the Jackson-Dixon amendment.

Mr. JACKSON of Illinois. Mr. Chairman, I yield 4 minutes to the gentleman from Virginia (Mr. WOLF), the distinguished chairman of the Subcommittee on Transportation.

Mr. WOLF. Mr. Chairman, I rise in strong support of the Jackson amendment. I have visited Sierra Leone in December of this year, along with the

gentleman from Ohio Congressman Mr. HALL). We went into camps where we saw many people with their arms cut off.

Before I talk about that, let me just mention a little bit about Sierra Leone. Sierra Leone was founded by William Wilberforce. He was a strong Christian believer in the British Parliament, and John Newton, who wrote the words to Amazing Grace that all of us have sung, was a slave trader in Sierra Leone and was picked off up the island, and after that, had a religious conversion and became a man of great faith with the whole goal of abolishing the slave trade in Great Britain. On the death bed of William Wilberforce, they abolished the slave trade.

This young girl had her arm cut off by the rebels, and if there is not some peacekeeping operation in Sierra Leone and other countries, the rebels will continue to cuff off arms. They go into a village, and they ask them to draw out a piece of paper; and it may say right arm or left arm, and then they say, do you want a short sleeve or a long sleeve? If you say you want a short sleeve, they cut your arm off between your elbow and your shoulder. If you want a long sleeve, they cut it off between the wrist and the elbow.

We saw another young lady who was pregnant, 13 years old, with both of her arms cut off. In Sierra Leone, they take young women into the bush with the rebels for sex slaves, and when we talked to the Italian doctors in the City of Freetown, they said every young lady who came in was infected with AIDS.

□ 1715

There were thousands of people killed in Sierra Leone in the last several years. The life expectancy in Sierra Leone is 25.6 years. It is the lowest, in Sierra Leone, of any country in the world.

In the Congo, that this amendment would also help, 1.7 million people have been killed in the last 22 months, 1.7 million people, and 35 percent are under the ages of 5. Without the Jackson amendment, the guerillas, the Sankohs and the Charles Taylors and all those other people can continue this action whereby women are taken away as sex slaves and children are losing their arms and moms and dads live in terror.

For that reason, and for those who remember the legacy of William Wilburforce who became a believer, standing in the House of parliament to abolish the slave trade, and when we think of the words of John Newton in Amazing Grace, think of the Jackson amendment that will allow the peacekeepers to come and keep peace.

I do not want American soldiers to go to Sierra Leone or to the Congo, but when the peacekeepers are willing to come from the U.N. to keep peace so this little girl does not lose her other arm, then I think it is a worthwhile version.

So I say to my colleagues on both sides of the aisle, this is a good amendment. This will help bring some sort of peace, and make it whereby moms and dads can raise their kids in some sort of semblance of peace, not only in Sierra Leone but in the Congo and other places.

Mr. JACKSON of Illinois. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me also add that I want to thank the distinguished gentleman from New York (Mr. CROWLEY) for his support of this amendment.

Mr. JACKSON. Mr. Chairman, I am honored and privileged to yield 2 minutes to the distinguished gentlewoman from California (Ms. LEE).

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

Mr. Chairman, I rise in strong support for the Serrano-Jackson-Dixon-Crowley amendment to increase peacekeeping by \$241 million.

United Nations peacekeepers perform the critical functions that help maintain peace and stability. Many U.N. peacekeeping missions have brought about successful results in El Salvador, in the Middle East, and in Mozambique.

As a member of the Subcommittee on Africa, I am especially concerned about the prohibition on new peacekeeping missions in Africa. This prohibition really does send a message that Africa does not matter, and that promoting peace in Africa is of no concern to this Congress.

Many of us here strongly disagree. Africa does matter because it is a continent of vast resources, enormous diversity, and millions of people whom the world has neglected and exploited. Years of colonization have balkanized the continent of Africa. The least we can do is to support a strong United States peacekeeping mission on the continent of Africa.

In February, the President declared AIDS in Africa to be a threat to national security. It is our moral obligation to fight the war on HIV and AIDS. To do that, however, Africa must have peace, security, and stability.

I urge my colleagues to support this amendment. I stand here to really challenge all of us in the United States to be a leader, not just in Europe, not just an Asia, but also in Africa.

Mr. JACKSON of Illinois. Mr. Chairman, I am proud to yield 4½ minutes to the gentleman from New Jersey (Mr. PAYNE), the ranking member on the Subcommittee on Africa.

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

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

Mr. Chairman, I rise in strong support of the Jackson amendment to the Commerce-State-Justice bill, H.R. 4690. Let me commend the gentleman from Illinois (Mr. JACKSON) for putting in this commonsense amendment. It is simply nothing more than that. It is common sense.

Why is it common sense? It is common sense because, as we have heard a previous speaker say in a very eloquent appeal, the gentleman from Virginia (Mr. WOLF), that the United States is the number one nation in the world. Our country is experiencing all-time heights in the stock market, the quality of life, unemployment, profits.

Here we have a nation that is number one in the world, a nation that spends this year \$310 billion on defense, many on these weapons that make war. These weapons are to supposedly defend ourselves against the enemy. We really have no enemy that we can see. The USSR is gone. We have potentials all around, but there is no threat as there was in World War II and as there was in World War I, or as there were during the Cold War.

As we spend \$330 billion making weapons of war, B-2 bombers, MX missiles, and *Sea Wolf* submarines, we say that we cannot afford \$2.7 billion to preserve the peace; not to make the war, but to preserve the peace.

Can it be that these are people whose skin is black? Can it be because these are people who struggle daily simply to eke out a living? They do not buy our cars, they do not buy our equipment, they do not buy our televisions, they do not buy our computers. So does that mean that these people do not count? They are human beings, like everyone else. When their fingers are cut, the little children, the blood is red. When their bellies hurt, their eyes show the pain.

Why can we then say as a nation, the home of the free, the land of the brave, that we cannot put \$2.7 billion in to preserve the peace? This is a disgrace. It is a shame. I almost feel that it is an embarrassment being a Member of this House, where we talk about taking money out that will preserve the peace.

We are not talking about sending U.S. troops there to be in harm's way. We do not do that anymore. The French did it in the Congo when they went in and protected several million people. The British just went into Sierra Leone. But we do not now do that, and we are not asking us to do that, since we do not do that anymore.

But we cannot give \$2.7 billion so Ethiopia and Eritrea can stop the conflict? They want to do it, they are ready. They simply want some observers in to make sure that things are even. There is the Congo, with seven nations battling and saying, we are willing to step back if you send the U.N. in. There is the situation in Sierra Leone. They are ready to say, at least we need a semblance of peace and justice. Let the U.N. come in and all sides will agree.

And we are saying that we do not want to send \$2.7 billion of United States taxpayers' money to this region? Why? I am still trying to find out the reason why. Is it because their skin is black? Is it because they are poor? Is it because they have been exploited by the Cold War? No blood was shed during the Cold War except in Africa.

Mr. Chairman, we have supported Mobutu, a despot, a tyrant, for 30 years, who stole from and ravaged his country, but the U.S. supported him. That is one of the problems in the Congo today, because of the legacy of Mobutu. We cannot now send \$2.7 billion to the United Nations to try to undo what we have done? It is wrong. I would urge that we pass the Jackson amendment.

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

The CHAIRMAN. The gentleman from Illinois (Mr. JACKSON) is recognized for 4 minutes.

(Mr. JACKSON of Illinois asked and was given permission to revise and extend his remarks.)

Mr. JACKSON of Illinois. Mr. Chairman, we have heard from the various speakers on our side of the aisle just how complicated this bill is for sub-Saharan Africa.

Not long ago, this Congress voted on a new relationship with sub-Saharan Africa, the Crane-Rangel bill, 309 yeas, 110 nays, to establish a new premise for relating to sub-Saharan Africa. Trade, not aid, was the mantra that was offered by Democrats and Republicans in this Congress to establish a new relationship with sub-Saharan Africa.

Now the rubber meets the road in the Commerce-Justice-State appropriations bill where, when it comes to providing not only trade but providing sustainable development and peace in a region that wants to work its way out of its economic condition and provide economic hope for its people, the United States government, through this report, has determined that funding peacekeeping missions in sub-Saharan Africa is not worth our time or worth our money.

It does not say that about Kosovo. It does not say that about U.N. missions in other parts of the world. It specifically singles out in this bill Africa for no peacekeeping resources.

At the conclusion of World War I, President Wilson proposed a League of Nations to keep World War I from ever happening again. Because it did not pass through the political process in our country and around the world, quickly we found ourselves involved in World War II, which led, at the conclusion of World War II, to the idea of a United Nations.

Why a United Nations? The United Nations, with all of its problems, was brought into existence as an early warning system for Hitler. It was the early warning system in the latter half of the 20th century to determine if another fascist, another tyrant, another totalitarian regime began moving, not only on U.S. interests but on world interests.

That is why peacekeepers came into existence, as an early warning system to provide people in the world an opportunity to rally behind an international governing body that could indeed determine that undemocratic

practices were taking place somewhere in the world.

So what does this bill do? It challenges that very basic premise. It says that \$100 million of this particular bill, unless the U.N. balances its budget like we are balancing our budget, should not go looking for despots or tyrants. It says that peacekeeping should not be done in Africa, do it everywhere else in the world.

It would be one thing if the chairman and the distinguished committee could hide behind, could hide behind this amendment, but the reality is that it cuts Africa.

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

Mr. JACKSON of Illinois. I yield to the distinguished gentleman from Maryland (Mr. HOYER).

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

Mr. HOYER. Mr. Chairman, I rise in support of the gentleman's proposition. I understand the administration has increased somewhat the monies for international peacekeeping, but the monies are critically needed, and although I did not have the opportunity, unfortunately, because I was late getting to the floor, to hear all of the comments of my distinguished friend, the gentleman from Illinois, I think we all agree that the United States' interests, our strategic interests, are served by fully participating in the U.N. peacekeeping process.

It is my understanding that there is not an American soldier right now involved in U.N. peacekeeping efforts outside of Kosovo, which is an OSCE, essentially, with U.N. participation. The fact of the matter, though, is I think we are foolish if we do not fund our fair share. One could argue about fair share, but in my view, we are certainly at this level, at this level, paying a share that is less than some other countries on a per capita basis.

The CHAIRMAN. The time of the gentleman from Illinois (Mr. JACKSON) has expired.

Mr. JACKSON of Illinois. Mr. Chairman, I ask unanimous consent to proceed for 1 additional minute.

The CHAIRMAN. Without objection, 1 additional minute is granted to each side.

There was no objection.

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

Mr. JACKSON of Illinois. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Chairman, I think we should pay our fair share.

My father was born in Copenhagen. I visited Bosnia some years ago. There were 985 Danish troops in Bosnia. That was more troops per capita than any other Nation on Earth. Obviously, they were not the largest contingent that was there, but in terms of the commitment they were making it was, relatively speaking, the largest.

The United States continues, obviously, to make the most significant

contribution in many areas of the U.N., relatively speaking, not only to our wealth and our capabilities but also relative to the consequences that will occur if the U.N. peacekeeping efforts are not successful.

In other words, the investment we are making in keeping the peace frankly is not only saving us money, it is also saving us risk at putting additional assets deployed in those areas. So I would urge my colleagues to adopt this amendment and increase to the President's level.

Mr. JACKSON of Illinois. Mr. Chairman, I yield myself the balance of my time, and thank the gentleman from California (Mr. DIXON) and the gentlemen from New York, Mr. CROWLEY and Mr. SERRANO, for bringing this very important amendment to the people.

Mr. ROGERS. Mr. Chairman, I reserve a point of order on the amendment.

□ 1730

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

Mr. Chairman, let me try to dispel some misunderstandings about peacekeeping and what we fund in this bill. For example, we did not fund in this bill the NATO mission in Kosovo. We fund the peacekeeping portion of the effort in Kosovo, after the peace was won.

We did not fund the war-stopping measures in East Timor. Australia did that. They established peace, and then we fund the peacekeeping U.N. contributions.

This bill does not fund the effort to establish order in Haiti. We approved the funding for the peacekeeping in Haiti after the peace was established.

And the same will be true of Sierra Leone, Congo, Ethiopia, anywhere else in the world that the U.N. is the appropriate vehicle to keep a peace. The U.N. cannot make peace. The U.N. can keep, hopefully, a peace. That is where we are now.

Mr. Chairman, let me correct another misconception, that we do not provide adequate resources for U.N. peacekeeping. This bill contains \$500 million for our share of U.N. peacekeeping. And I would point out, our share, the U.S. share, up until recently, was 30 percent and the rest of the world paid the balance. But we paid by far the biggest share and still do. Our share now is 25 percent, not only of peacekeeping but of the regular U.N. dues.

But we provide \$500 million in this bill for peacekeeping operations of the United Nations. We are pulling our fair share. Let no one dispute that. If there is disagreement about the appropriate numbers of dollars in the U.N. peacekeeping missions, go talk to our friends in England and Japan and Greece and the rest of the world, China, about paying a better share of the costs of U.N. peacekeeping. Do not tell me that the United States is not a big-time partner in peacekeeping around the world. We pay a fourth of

the costs, not counting what we contribute militarily, which does not count in this budget, for transporting troops all over the world in our planes, our fuel, our ships, our troops, in transporting people all around the world for peacekeeping missions.

Now, in the year 2000, this current year, we gave the U.N. a 120 percent increase in the number of peacekeeping dollars that we contributed. It went from \$231 million in fiscal 1999, we increased that to \$498 million in this current year. Now, what the administration is requesting is an increase of that figure by \$241 million. We do not provide that additional increase because these missions are not quite ready yet.

Earlier on, we thought Sierra Leone was ready. There was a peace agreement. The U.N. voted for a peacekeeping mission to keep the peace in Sierra Leone. We approved the reprogramming monies and we sent \$42 million to the U.N. for the peacekeeping operation in Sierra Leone, so we have approved that. Now they want more for Sierra Leone. But by everyone's account, Sierra Leone has now descended back into warfare for which the United Nations is not equipped. We all know that. Secretary General Annan says that.

Now, there is a misconception about how peacekeeping monies are spent and how they are doled out. Every year, the Congress approves a sum of money for U.N. peacekeeping assessments. That money stays in the peacekeeping account. When our Ambassador to the U.N. is preparing to vote for another peacekeeping mission, they are required by law to notify the Congress, this subcommittee, and the Congress in general, of their intent to vote for another peacekeeping mission at the U.N. Security Council, along with a reprogramming request of us to take from the \$500 million account and apply so much to that peacekeeping mission.

They did so with Sierra Leone back in February and, pronto, the Congress approved. We reprogrammed \$42 million from the general account for peacekeeping for that particular mission. And as we all know since that time, Sankoh and the rebels have gone back on the attack and Sierra Leone is no longer working under a peace agreement for which the U.N. could keep the peace. It has descended back into warfare and we are withholding the reprogramming of further Sierra Leone peacekeeping missions until order can be restored.

Now, how does that take place? How can order be restored in Sierra Leone so that the U.N. can keep a peace? The same way we did in Kosovo. In Kosovo, the regional power went in with military force, led by NATO, the U.S. being a big portion, of course, and restored a peace. Now we are funding a peacekeeping mission through the U.N. in Kosovo.

What happened in East Timor? We relied upon Australia, the regional

power, to go in militarily. Not with U.N. peacekeeping dollars, but other money. Military aid to establish the peace in East Timor. Now we have sent U.N. peacekeepers to East Timor because there is a peace to be kept.

It happened that way in Haiti. The U.S. was the regional power. It can happen that way in Sierra Leone. How? By equipping militarily Nigeria, the regional power, with U.S. dollars. It is not peacekeeping monies. It would come out of the Defense Department or from foreign military assistance in the foreign aid bill, not this one, to directly militarily assist Nigeria to go into Sierra Leone and establish a peace which can be kept by the U.N.

Mr. Chairman, we are discussing that with the administration. Ambassador Holbrooke is working night and day for that very objective. We are conferring with him almost daily in that respect. Do not expect the U.N. peacekeeping mission to be able to go in and fight a war. They cannot do that. We learned that in Somalia. We have learned it all around the world. Let us not relearn a lesson that has cost American lives as in Somalia and other nations, military personnel, peacekeeping personnel, as we have learned, unfortunately, only recently.

Last November, Secretary General Kofi Annan was quoted as saying,

Peacekeeping and warfighting are distinct activities which should not be mixed. Peacekeepers must never again be deployed into an environment in which there is no ceasefire or peace agreement.

I agree with that entirely. But the U.N. apparently is not following its own advice. Right now the largest U.N. peacekeeping mission in the world is in Sierra Leone, a country where there is now open warfare. U.N. peacekeepers kidnapped, some 500 of them, by Sankoh and the rebels. The U.N. has demonstrated absolutely no capability to restore and enforce peace there. And we did not expect them, frankly, when they were sent there earlier on, to get into an open warfare situation. Nineteen peacekeepers are still captive. Another 230 surrounded and detained. They are not trained for warfare. We all know that.

The British came in and prevented a total collapse by the U.N., but now the British are withdrawing and the U.N. is likely to be challenged again.

The U.N. commander in Sierra Leone recently tried to explain why his troops surrendered without a fight and were taken hostage last month. He said they were taken hostage because they were, quote, "using the weapon we know best: Negotiation. We did not want to use force. We did not come here for war." End of quote. The commander of the U.N. in Sierra Leone.

If the task at hand is negotiation, peacekeeping, obviously the U.N. should take the lead. When the task at hand is to fight a war, the U.N. is the wrong tool for the job. Do not expect them to be able to fight a war. They are not equipped for that. They are not trained for that.

So what is the U.N.'s response so far to renewed fighting in Sierra Leone? More personnel. More potential hostages or worse, casualties. More chaos and violence for the citizens of Sierra Leone. The U.N. expanded the force to 11,000, then to 13,000, soon to 16,500, yet that force is not equipped. It still has poor logistics and poor communication. Even reports of direct insubordination within the command. They ran when the rebels attacked and then surrendered. I believe it is a recipe for disaster.

Mr. Chairman, we have urged the administration to pursue other policy options to bring peace first to Sierra Leone, if that is indeed possible. And the only way to do that, unless it is direct U.S. military personnel, is to equip and arm Nigeria and allow them to establish a peace to be kept in Sierra Leone.

If my colleagues agree with the U.N.'s undisciplined, uncontrolled approach to peacekeeping, then they should support the gentleman's amendment and the administration's funding request, a second consecutive annual increase of over \$200 million. This approach led to disaster in the past and it will again.

The bill in front of us today holds U.N. peacekeeping at the elevated level that we gave them in the year 2000, a 120 percent increase over fiscal 1999. It will help the administration to argue against the wishful thinking of those at the U.N. who believe that placing U.N. personnel into combat zones will magically bring peace. As we so tragically now know, that does not take place.

We have to make difficult choices in this bill to live within the allocation we were handed. We have not targeted peacekeeping money for reduction. We have simply held it at the current elevated level of last year the current year, which we have had to do in so many other accounts in this bill. We do not prohibit peacekeeping missions anywhere in the world. That is just not in this bill.

No offset is proposed in the gentleman's amendment. This is the exact same amendment that we rejected in the full committee 2 weeks ago, and were it not to be the subject of a point of order, I am confident that that would be the case in this body.

Mr. Chairman, let me say this in conclusion. I hope that the administration will equip the Nigerians with whatever military capabilities are needed to establish a peace in Sierra Leone. In that case, monies will be approved for a peacekeeping mission in Sierra Leone by the U.N., as it should be. The same, frankly, will be true in the Congo when there is a peace to be kept, as there is not today. The same will be true in Ethiopia/Eritrea. In fact, since the bill was marked up, there has now come about a peace agreement in Ethiopia and I am sure we will receive soon a request for peacekeeping reprogramming funds from the general account to a

peacekeeping mission in Ethiopia to keep the peace established by that accord. There is a peace apparently to be kept in Ethiopia and it will be funded in due course of time.

But I plead with my colleagues, understand the limitations that the U.N. has in bringing about peace. They can negotiate, they can keep a peace once it is established, they just do not have the capability to wage war.

□ 1745

They are not a war-fighting organization. They are a peacekeeping organization. We fund peacekeeping in this bill. They fund war-fighting in other bills.

So I would hope that my colleagues will understand the position that this chairman and this subcommittee take. We support peacekeeping when there is a peace to be kept. We understand the U.N. cannot fight wars. Only a militarily capable entity, such as NATO or such as a regional military power, like Australia, Britain, the U.S., others, Nigeria in Sierra Leone's case, establish a peace to be kept.

I say to my colleagues that once that peace is established, and there is a peace to be kept and the United Nations asks the U.S. to share in the cost of the peacekeeping mission to the tune of 25 percent, this subcommittee will reprogram funds from this account to fund that peacekeeping mission, wherever it is, Sierra Leone, the Congo, Ethiopia, Haiti, East Timor, Western Sahara, and others. There are many of them going on at this moment.

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

Mr. ROGERS. I yield to the gentleman from New Jersey.

Mr. PAYNE. Mr. Chairman, I appreciate the gentleman yielding to me.

Let me say in regard to a few of the figures the gentleman raised, the gentleman talked about the fact that the U.S. had 30 percent of peacekeeping and now it has reduced this appropriations down to 25 percent and there is a move to even reduce it further. The way the U.N. assesses dues is based on GDP. The U.S. has 28 percent of the world's wealth. And as we continue to reduce our contributions to the United Nations, we are actually paying less.

As we reduce our contributions down from 25 to 22, and we want to go to 20, that means that the poorer countries in the world will have to pay a disproportionate share, as we pay less than our share. So we are not paying more; we are actually paying less than the world standards of how assessments are done.

Mr. ROGERS. Reclaiming my time, Mr. Chairman, if the gentleman will look at a table of the nations that contribute to U.N. peacekeeping, the gentleman will find that five nations pay better than 90 percent of the total peacekeeping costs. Most of the countries of the world, the countries the gentleman has mentioned, pay a frac-

tion of 1 percent. China now pays, I think, less than 1 percent. Japan pays around 10 or 11 percent. They are beginning to pull their fair share. Britain pays a good fair share. Germany needs to be increased, and others.

The poorer nations of the world will not suffer if the rate of contributions of the other industrialized nations come up to where they are now, not the GDP they had in 1945 when the U.N. was formed.

That is not the question in this debate, however, the U.N. contribution rate of the U.S. We will take that up in another setting, perhaps. The point I want to make to the gentleman in relation to the amendment that has been offered is that we will fund our share of peacekeeping costs of the U.N. where there is a peace to be kept. And in Sierra Leone I hope to God that a peace can be established there by Nigeria or some regional power for us to be able to keep. The same is true in the Congo, in Ethiopia and East Timor.

Mr. PAYNE. Mr. Chairman, if the gentleman will continue to yield, on the question of Sierra Leone, I think there were 300 peacekeepers. Now, if there were 300 Nigerian troops at that point surrounded by several thousand RUF, I think the conclusion would probably be about the same. I think that it was not the fact that they were peacekeepers. I think that if the adequate number that was supposed to be in that country could be deployed there, I do believe that there would have been a very different outcome.

Also, in Ethiopia and Eritrea, they are saying that they are ready to end all of their hostilities and they have signed a peace accord. But they have said that they want the U.N. peacekeepers in there now so they can all withdraw. They do not trust each other. If we do not send in the U.N. peacekeepers, there is no regional power in Ethiopia or Eritrea.

Mr. ROGERS. Well, reclaiming my time, I have already said to the gentleman that we may yet approve a peacekeeping expenditure for Ethiopia. There has been an accord signed since we marked the bill up. That will be forthcoming. We could reprogram money from this account for a peacekeeping mission in Ethiopia. The same is true for Sierra Leone, when there is peace to be kept.

But the peacekeepers of the U.N. sent to Sierra Leone are not equipped to fight. They are equipped to keep the peace. We should arm Nigeria to the point that Nigeria can go in and take care of Sankoh and the other rebels that are causing so much havoc in that poor country. But we have to have a military capable force, and Nigeria has it. The U.N. does not want it, nor do we want them to have a war-fighting capability.

So Nigeria, I think, is the solution to the Sierra Leone lack of peace. And Nigeria cannot do that unless we equip the Nigerian military force with the power capable to make that happen.

Mr. PAYNE. Mr. Chairman, if I can ask the gentleman to continue to yield for just a few quick seconds more.

Let us take the Congo. In the Congo I have spoken to heads of State just a day or two ago, the main belligerents, that is what they are called, the aggressors, they are waiting for the U.N. The reason there is a skirmish here and a skirmish there is because of the vacuum created by the lack of, as there are, retreating troops.

So I would say to the gentleman that I think he is lumping together three or four places under one wand. I think that is a mistake, because they are all very different. And I do believe that we can have the peace without the conflict of war in some of these places, therefore even saving casualties from those regional powers.

So I would urge the gentleman, as I yield back to him, if there could be a rethinking of this issue, we would appreciate it.

Mr. JACKSON of Illinois. Mr. Chairman, will the gentleman yield?

Mr. ROGERS. I yield to the gentleman from Illinois.

Mr. JACKSON of Illinois. Mr. Chairman, I certainly appreciate the gentleman's willingness to work with us on these critical issues.

When the chairman mentioned the word reprogramming, as it is specifically laid out in the context of the report, is the chairman, one, talking about reprogramming of the appropriated amount of \$500 million? That is, possibly taking money from some other peacekeeping force. Or is the gentleman talking about an additional appropriation that is towards the President's request for additional peacekeeping missions?

Mr. ROGERS. Reclaiming my time, Mr. Chairman, as I explained before, the way this rather unique account is operating, the way we operate it, we appropriate, or the Congress does, an annual sum of money for peacekeeping contributions to the U.N., in this case \$500 million. During the year, the administration, when they propose another peacekeeping mission at the U.N., they are required by law to notify the Congress 15 days in advance of that vote at the Security Council, a notification that they plan to vote for a new mission; and, two, a reprogramming request from this account, or some other peacekeeping mission that is not quite ready yet for monies to go into that particular new peacekeeping mission. That is the way that has been operating for a long time.

Sometimes each peacekeeping mission has different spend-out rates. Some spend quicker than others. There is always money in that account to be changed from one to the other or drawn from the general account.

What the bill proposes is \$500 million, the same as the current year, for the peacekeeping account, which is a 120 percent increase over the figure we gave similarly in 1999. So we have kept them at the elevated 120 percent increase over 1999 in this current bill.

There should be sufficient monies for them to do the peacekeeping missions where the mission is ready for monies to be spent. It is not ready in Sierra Leone nor in the Congo. It probably will soon be in Ethiopia.

Mr. JACKSON of Illinois. Mr. Chairman, if the gentleman will continue to yield for one final inquiry. The chairman is well aware that the Helms-Biden agreement dictated and requires the Congress to provide 25 percent of the total cost of these operations. Is the chairman aware of any implications the cap that is placed on this bill would have on the existing operations, and its impact on an agreement that was worked out between Senator HELMS and Senator BIDEN?

Mr. ROGERS. I am not sure I understand the gentleman's point.

Mr. JACKSON of Illinois. My understanding was that this request is not coming from the administration purely out of the context of requirements dictated by a compromise worked out between Senator HELMS and Senator BIDEN, and that is presently our obligation, as required by law, is to fulfill 25 percent of the total cost of these operations; and that any failure by us to pay will affect the U.N.'s ability to effectively carry out all of the missions.

I was just wondering if the chairman was aware whether the cap the chairman has placed on the amount from the House mark might indeed have broader implications for that understanding.

Mr. ROGERS. I do not see that it would.

Mr. JACKSON of Illinois. I thank the chairman for yielding.

Mr. CROWLEY. Mr. Chairman, I speak today in strong support of the Dixon, Jackson, Crowley, Jackson-Lee amendment to the CJS Appropriations Act to increase appropriations for international peacekeeping by \$241 million.

First, let me thank Representative JACKSON for his strong leadership on this issue. It is a pleasure to work with him on such a worthy effort. I would also like to thank Representative DIXON for his strong leadership on this issue. He led the fight in committee on behalf of peacekeeping and the United Nations and I thank him for his efforts. I would also like to thank Representative BARBARA LEE, Representative SERRANO, and Representative SHEILA JACKSON-LEE for their support.

Mr. Chairman, today we are forced to debate, again, an issue that was settled under the Helms-Biden legislation—the issue of our international peacekeeping contributions.

As many of you in this body know, the Helms-Biden legislation includes a provision in which the United States unilaterally reduced our peacekeeping contribution by 5 percent.

As I said, this was a unilateral move. We have not gotten agreement from the U.N., or even our allies at the U.N. We simply did this on our own.

This year, the administration has sent a budget up to Congress, adhering to the Helms-Biden law and determined that it will cost approximately \$738 million to fund our share of international peacekeeping at the congressionally agreed upon level of 25 percent.

But that is not what was done in this legislation. Instead, the CJS bill has cut the administration's request by one-third, and provided funding at a level of \$498 million.

Additionally, a number of restrictions have been placed on this funding prohibiting support for U.N. peacekeeping missions in Sierra Leone, the Democratic Republic of Congo, Tajikistan, Western Sahara, and in Ethiopia and Eritrea.

This low funding level and the arbitrary restrictions are dangerous.

Peacekeeping is an important foreign policy tool and vital to U.S. national security. To quote from the State Department's FY 2001 presentation and justification for funding:

United Nations peace operations directly serve the national interests of the United States by helping to support new democracies, lower the global tide of refugees, reduce the likelihood of unsanctioned interventions, and prevent small conflicts from growing into larger wars.

Failure to control conflict can result in the spread of arms trafficking, increased trade in narcotics, terrorism, increased refugee flow, increased instability, child soldiers, and the list goes on.

Mr. Chairman, some regions of Africa are experiencing medical emergencies of biblical proportions due to the AIDS virus and other infectious diseases. Because of the conflicts in some areas of Africa, vital health care and other services are nearly impossible to administer. Peacekeeping missions in Sierra Leone and the Congo and elsewhere would help change this and allow vital health care programs to reach civilians in war torn regions.

Mr. Chairman, peacekeeping is inexpensive compared to the alternatives—war and instability.

Any administration, including Presidents Reagan and Bush, would object to the restrictions and the low funding level in this legislation.

Of current U.N. peacekeeping missions, at least 5 are less than 2 years old. To set an arbitrary cap now makes no sense. You are denying these missions even the opportunity to succeed.

In the Middle East, the mission in Lebanon significantly increased this year with the Israeli withdrawal. By under funding peacekeeping, are we not implicitly sending the message that Middle East peace is not vital to U.S. national security?

Yes, congressional oversight is important. That is why the State Department briefs Members every month on current peacekeeping operations. That is why Congress is notified 15 days before new or expanded missions are voted on in the U.N. Security Council, where the United States can veto any mission we disapprove of. That is why the appropriators are consulted before funding is reprogrammed. But under this legislation, the Congress is overreaching with the funding limitations.

But this report goes further and sets international policy on peacekeeping by tying the President's hands and ignoring U.S. treaty obligations to fund these missions.

As I said, our assessment is a little over 30 percent. Under Helms-Biden, we lowered it to 25 percent unilaterally. We then instructed the State Department to negotiate with U.N. member countries to get an agreement on the 25 percent level. Now, we are failing to even meet the 25 percent level under Helms-Biden.

Last year, the United States began to rebuild its credibility and pay its financial obligation to the United Nations.

Today, we owe the U.N. \$1.2 billion according to our own State Department; \$993 million of these arrears are due to our failure to pay our peacekeeping assessment.

There is \$56 million in prior holds—\$612 million from earlier cuts—\$202 million for the legislative cap on peacekeeping (which is our unilateral cap of 25 percent and \$123 in non-legislative categories).

This does not even include what we are now withholding—about \$93 million in past due bills for FY 2000; plus the peacekeeping supplemental request of \$107 million for FY 2000 that are not approved. Plus \$225 million in reprogramming holds.

And now a \$241 million cut in the administration's request.

If we continue on this path, we'll be back in the same situation with our arrears as we were a year ago.

As Ambassador Holbrooke said, "not paying our assessments to these peacekeeping operations would be disastrous."

Mr. Chairman, I know our amendment is subject to a point of order. But I would urge the chairman to accept this amendment or allow a vote on this issue. Let the Congress speak.

Mr. GILMAN. Mr. Chairman, I rise in reluctant opposition to the Dixon amendment. I am fully aware that there are some strong arguments that can be made on behalf of the need for U.N. peacekeeping and the need for U.S. support for these operations. We should try to meet our financial commitments especially in light of our ongoing efforts in New York to reduce our current U.N. peacekeeping assessments.

However, United Nations peacekeeping operations are in deep trouble today both in New York and in the field. In some missions, we see an all-too-familiar pattern where the peacekeepers are caught in the middle of cease fires giving way to armed conflicts and regional peace agreements dissolving into open conflict among numerous regional actors.

Congress is all too often being asked to fund deeply flawed operations where the administration is unable or unwilling to provide a road map for their restructuring. And throwing more money and more peacekeepers into missions will be fruitless so long as there is no peace to keep.

Earlier this month, our Permanent Representative to the U.N., Ambassador Richard Holbrooke, told the world body that it must "transform its civilian-run peacekeeping department into a larger and more effective military style operation if it is to avoid repeated humiliations in the riskier missions it is undertaking around the world." In short, we need a clear and concise blueprint for the reform of the U.N.'s Department Peace Keeping Operations.

Many observers agree that the peace accord underlying the operation in Sierra Leone is now a virtual dead letter and the current U.N. forces are simply not able to handle the military threat from the insurgency movement threatening the government in that beleaguered country.

And to reinforce Ambassador Holbrooke's concerns about U.N. peacekeeping in crisis, the United Nations Secretary General told the

Security Council in mid-June that the U.N. itself is being forced to rethink the entire operation in the Democratic Republic of the Congo. Other operations in Europe and Asia need more intensive scrutiny and oversight.

In November of last year, I requested our General Accounting Office to review the expected costs of ongoing and future operations and the extent to which the administration has adhered to its own guidelines for the approval of major U.N. peacekeeping operations.

The report is essential to guide our decisionmaking and review of these operations. Yet the GAO is hardly any closer today to completing this study than it was last year. Unfortunately, the GAO continues to encounter determined foot-dragging and bureaucratic inertia from an administration that continues to give the impression that it is being less than candid with the Congress and the American people about the price tag of U.N. operations and the process under which they are approved.

I would welcome an opportunity to meet with members of the administration to address all of these issues over the coming months and to find a way to provide greater support for U.N. peacekeeping operations in the future.

POINT OF ORDER

Mr. ROGERS. Mr. Chairman, I make a point of order against the amendment because it is in violation of section 302(f) of the Congressional Budget Act of 1974. This amendment would provide new budget authority in excess of the subcommittee allocation made under section 302(b) and is not permitted under section 302(f) of the act.

I ask for a ruling of the Chair.

The CHAIRMAN pro tempore. Does the gentleman yield back the balance of his time?

Mr. ROGERS. I do, Mr. Chairman.

Mr. JACKSON of Illinois. Mr. Chairman, we concede the point of order.

The CHAIRMAN pro tempore. The gentleman concedes the point of order. The point of order is sustained. The amendment is not in order.

AMENDMENT NO. 66 OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 66 offered by Ms. JACKSON-LEE of Texas:

Page 79, line 2, insert before the period the following: “; *Provided further*, That funds made available under this heading may be used for United Nations peacekeeping missions in the Republic of Angola, the Democratic Republic of the Congo, the Federal Democratic Republic of Ethiopia, the State of Eritrea, the Republic of Sierra Leone, and the western Saharan region of Africa”.

Mr. ROGERS. Mr. Chairman, I reserve a point of order on the amendment.

The CHAIRMAN pro tempore. The gentleman from Kentucky (Mr. ROGERS) reserves a point of order.

Pursuant to the order of the House of Friday, June 23, 2000, the gentlewoman from Texas (Ms. JACKSON-LEE) and a

Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield myself 1¾ minutes.

My amendment, Mr. Chairman, is offered to clarify and to highlight what is actually happening in this bill. We have just had a vigorous discussion on many of our concerns about prohibiting the United States, in a collaborative way, from fighting or supporting peace. And let me eliminate the word fighting and just say supporting peace.

Specifically, the bill and its supportive language talks about specific countries in which funds that are in the bill cannot be used to help fund peacekeeping missions, and those countries include some that I am listing now: the Republic of Angola, the Democrat Republic of the Congo, the Federal Democratic Republic of Ethiopia, the State of Eritrea, the Republic of Sierra Leone, and the Western Saharan region of Africa.

We have already seen a visual depiction on this floor of the violence that is occurring in Sierra Leone where even children are having their limbs hacked off. We already know, that Eritrea and Ethiopia are moving towards a peace agreement or a settlement of their differences.

I, for one, Mr. Chairman, have been to this floor years ago and acknowledged that Ethiopia had a bad human rights record, and I had asked at that time that their funds be held up until they improved their human rights record. But now we are in the midst of seeing a resolution to a long-standing conflict between Eritrea and Ethiopia, which I wish had not started. The way this bill is written, however, it specifically keeps the funds in this bill now from being used for peacekeeping missions in Africa which will impact negatively on their potential peace agreement.

So my amendment specifically adds language that says, yes, America can stand up for peacekeeping; yes, we can participate with the U.N., not in war but in peacekeeping. I think it is a tragedy that we have legislation and have an appropriations bill that denies those dollars, denies our relationship with the United Nations, and denies our ability to help keep peace on the Continent of Africa.

Mr. Chairman, I yield 1 minute to the gentleman from Wisconsin (Mr. OBEY), the distinguished ranking member of the Committee on Appropriations.

□ 1800

Mr. OBEY. Mr. Chairman, I do not necessarily endorse any individual peacekeeping operation. I do not believe that is my role. But when the committee says and the gentleman from Kentucky (Mr. ROGERS) says that, no matter what happens in the world, that the United States, a year in advance, will declare that it will not provide more than \$500 million for peace-

keeping arrangements no matter what happens, then I have to say the gentleman from Kentucky (Mr. ROGERS) reminds me of King Canute, the famous king who looked at the tide and said, “Thou shalt not rise.”

I say “good luck” to the gentleman from Kentucky (Mr. ROGERS). I am glad he is prescient enough to see ahead of time what our national needs are. I think everybody else in this Chamber is somewhat more humble about our ability to see the future.

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

Mr. OBEY. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Chairman, I am glad the gentleman from Wisconsin (Mr. OBEY) is entering this debate because the gentleman serves as the ranking member of the Foreign Operations, Export Financing and Related Programs Subcommittee of the Committee on Appropriations.

The CHAIRMAN. The time of the gentleman from Wisconsin (Mr. OBEY) has expired.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield 1 minute to the gentleman from Kentucky (Chairman ROGERS).

Mr. ROGERS. Mr. Chairman, the gentleman from Wisconsin (Mr. OBEY) is the ranking member of the Foreign Operations, Export Financing and Related Programs Subcommittee of Appropriations, as well as being a ranking member of the full committee.

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

Mr. ROGERS. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, correction: The gentlewoman from California (Ms. PELOSI) is.

Mr. ROGERS. Mr. Chairman, the gentleman from Wisconsin (Mr. OBEY) is ranking member of the full committee and deals with these matters quite often.

Mr. Chairman, would the gentleman not agree that the way to establish a peace in Sierra Leone is through direct military assistance to Nigeria, the regional power, to establish the peace in Sierra Leone?

Mr. OBEY. Mr. Chairman, this gentleman is not sure what the right way to proceed is on that issue. This gentleman is sure that the gentleman from Kentucky (Mr. ROGERS) was not elected to be Secretary of State and neither was the gentleman from Wisconsin (Mr. OBEY) and for the Congress to, ahead of time, say that, regardless of what happens, only \$500 million will be appropriated for peacekeeping is patently absurd.

Why not telegraph to our enemies around the world ahead of time that once we hit the \$500 million level, we “ain’t going to do nothing about anything?”

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield 45 seconds to the gentlewoman from California (Ms. LEE), a distinguished member of the

Committee on International Relations Subcommittee on Africa.

Ms. LEE. Mr. Chairman, let me thank the gentlewoman from Texas (Ms. JACKSON-LEE) for offering this amendment.

I just want to make a couple of points with regard to where we are now in terms of U.S. policy toward Africa and vis-a-vis peacekeeping.

Our Congress has begun to promote trade and investment on the continent of Africa. However, these speeches, our votes, for trade and investment on the continent of Africa really become hollow words or deeds with no real teeth in the measures unless we really do support peace and stability on the continent of Africa.

United States corporations want peace and stability. I am sure they support any efforts that this country will be engaged in in order to ensure that the continent is stabilized.

Peace is a prerequisite to development. Funds for peacekeeping missions really will prevent millions of individuals from being killed on the continent of Africa. This is really a minimum investment which our country should step up to the plate to.

I thank the gentlewoman from Texas (Ms. JACKSON-LEE) for offering this amendment. I believe there are millions of African Americans in this country who want their tax money going for such an investment.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield myself the balance of the time.

Mr. Chairman, let me close by simply saying this: As the bill is now written, it bars U.N. peacekeeping provisions or funds to be used for peacekeeping by the United States of America in certain countries in Africa.

My amendment allows the existing monies in the bill to be used in Angola, the Congo, Ethiopia, Eritrea, Sierra Leone, sub-Saharan region of Africa. It allows the United States to participate in peace, not in war.

I would ask the chairman to waive his point of order so that we can invest in peace, and I ask that we do so because peace is what America should stand for throughout the world.

Mr. ROGERS. Mr. Chairman, I yield myself such time as I may consume, and I continue to reserve my point of order.

Mr. Chairman, first let me respond to the gentleman from Wisconsin (Mr. OBEY). No, I was not elected Secretary of State. I would not have the slightest idea how to be Secretary of State.

What I was elected to do, though, by my constituents at home and by my colleagues in the House is to be sure that we are spending our tax dollars wisely. That is what the Committee on Appropriations is supposed to do. It falls to my lot, as chairman of the subcommittee, to try to establish some discipline on the past extravagant spending by the U.N. for peacekeeping missions in the early 1990s, when we spread American troops and other nations' troops all around the world.

Today we have several of these peacekeeping missions around the world, and we are paying 25 percent. I think we should have a say in how those tax dollars are spent and whether or not they should be spent in a given peacekeeping mission.

Now, the gentlewoman from Texas (Ms. JACKSON-LEE) is not correct. This bill does not prohibit peacekeeping missions in any country in the world. What we say in the report language is that, in any of the missions she named, monies can be spent in those missions if it is reprogrammed for that purpose. But that is true of all other peacekeeping missions that we enter into.

My opposition to particular U.N. peacekeeping missions has nothing to do with where they are. It has everything to do with the nature of the task the U.N. is being asked to carry out and whether the conditions are favorable for that mission to be effective.

Everyone who has looked at the failures of the U.N. in Bosnia and Somalia, Congress, the GAO, the administration, the U.N. itself, has come to the same conclusion that U.N. peacekeeping is not an effective policy tool when the situation calls for the use of force or the credible threat of force to restore or enforce peace.

Sierra Leone and Congo are two such situations, and placing U.N. troops into such situations has not and will not and cannot bring peace.

I deplore the current situation in Sierra Leone, and I sincerely hope that the administration will actively pursue military assistance to Nigeria to allow them to establish a real peace in that country that can be kept by the U.N. When they do, U.N. monies from this account will be reprogrammed to pay our share of the costs of a peacekeeping mission there, as we have in the past.

Sending more poorly trained U.N. troops with no will or ability to pursue offensive military action against seasoned troops will not bring about that result, and yet that continues to be the administration's position. They have supported expanding the U.N. force there to 6,000, then to 8,000, then to 11,000, then to 13,000. Shortly we expect a notification that they want to expand to 16,500. And it has been nothing but a disaster, Mr. Chairman.

The U.N. was supposed to disarm the rebels. The rebels have more arms now than when the U.N. mission began. Why? Because the U.N. troops surrendered their arms when they were challenged, they retreated and left their arms and their armored personnel carriers for the rebels to take and use against the rest.

It is the same old lesson as Somalia and Bosnia, but I guess it is a lesson we have to learn over and over again. If we continue to bet everything on the success of the U.N. peacekeeping force waging a successful aggressive war against a rebel guerilla army, we will be sitting here a year from now, the American taxpayers will be out more

than \$200 million, and Sierra Leone will continue to be mercilessly attacked and its children's arms cut off.

So, Mr. Chairman, I urge rejection of this amendment.

Ms. JACKSON-LEE of Texas. Mr. Chairman, will the gentleman yield?

Mr. ROGERS. I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Mr. Chairman, as I listen to the remarks of the gentleman from Kentucky (Mr. ROGERS), it appears that we are moving in the same direction.

My question to the gentleman is that, if, for example, and as I indicated to him I have stood on this floor and asked for limitations on funds to Ethiopia when I questioned their human rights commitment, but if Eritrea and Ethiopia were to enter into a solid peace agreement in the next 10 days to 2 weeks, or Sierra Leone, Mr. Chairman, what would be the remedy out of this legislation for those two entities, to be funded for peacekeeping by the United States and the United States' involvement with U.N. peacekeeping at that time?

The CHAIRMAN. The time of the gentleman from Kentucky (Mr. ROGERS) has expired.

Mr. ROGERS. Mr. Chairman, I ask unanimous consent for 1 additional minute.

The CHAIRMAN. That request would be one minute for both the proponent and an opponent?

Is there objection to the request of the gentleman from Kentucky?

There was no objection.

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

Mr. Chairman, there is no language in this bill that would prevent the U.S. from paying an assessment for U.N. peacekeeping in Ethiopia and Eritrea in fiscal year 2001.

As I said earlier on another amendment, and the gentlewoman from Texas (Ms. JACKSON-LEE) may not have heard, there now is apparently a peace agreement in effect in Ethiopia entered into since we marked up this bill. And would I say to the gentlewoman that if, in fact, that is the case and, in fact, the administration requests that we reprogram monies from this account to pay our share of a peacekeeping operation in Ethiopia, it would be eligible; and we would give it due consideration, as we do all the others.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I do know that Ethiopia and Eritrea are moving toward a peace agreement. I hope it is soon.

What happens to Sierra Leone? I mentioned them. That is where the hacking off of limbs is going on.

The point of the gentleman about Nigerian troops, I applaud Nigeria. They have been most effective. They, obviously, have had some difficulties themselves. But with Sierra Leone, what happens to the funding for peacekeeping for Sierra Leone. What happens if we need more monies, because it is a difficult situation?

Mr. Chairman, I yield to the gentleman from Kentucky (Mr. ROGERS).

Mr. ROGERS. Mr. Chairman, if, in fact, we can establish peace in Sierra Leone, we can reprogram money for them, as well.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I want to thank the chairman for providing this insight.

I think all of us, what we want, Mr. Chairman, is we want to show the kind of compassion and commitment to the continent of Africa that we have shown with NATO, and SFOR, that we have shown in Central America, and we do not want to deny the same kind of support for the peacekeeping efforts in Africa.

Mr. PAYNE. Mr. Chairman, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I yield to the gentleman from New Jersey.

Mr. PAYNE. Mr. Chairman, my question, basically, is, with the reprogram appropriator, I am the one that deals with the policy; and so, for example, if the combatants in the Congo, which are at the point of agreeing, I have spoken to two presidents of the combatants as we speak, if they agree that there will be the withdrawal, and a third president I will be talking to today, then where does the money come from? Is it withdrawn from the appropriation? How could, then, we move for a peacekeeping in the Congo, because they are days and perhaps weeks away from agreeing to end all hostilities? Where, then, can the money come from?

The CHAIRMAN. All time has expired.

Mr. ROGERS. Mr. Chairman, I ask unanimous consent to proceed for an additional 1 minute total.

The CHAIRMAN. On both sides.

Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. ROGERS. Mr. Chairman, to respond to the gentleman from New Jersey (Mr. PAYNE), if the U.N. Security Council votes for a peacekeeping mission in Ethiopia, which they have not done as yet, as the gentleman knows, but if there is, in fact, a peace accord there and the parties are withdrawing, so that a peace exists and an agreement to be enforced is in place, and the U.N. votes for a peacekeeping mission in Ethiopia, the procedure would be that the administration would notify the Congress 15 days in advance of that vote up there for a peacekeeping mission, and they would seek to reprogram into that account monies from this \$500 million kitty, if you will, for that purpose.

□ 1815

That reprogramming would come to our subcommittee; and if it meets the criteria that all the others have met that we have voted for, then it would be reprogrammed for that purpose.

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

Mr. ROGERS. I yield to the gentleman from New Jersey.

Mr. PAYNE. Mr. Chairman, would that be the same process in the Congo, which has already had an agreement? As the gentleman knows, the Congo is more complex. There are five countries, Uganda and Rwanda and Angola and Congo and Namibia, all three. Speaking to several of the presidents, they are willing to withdraw the question as to the peacekeepers.

The CHAIRMAN. The time of the gentleman from Kentucky (Mr. ROGERS) has expired. The gentlewoman from Texas (Ms. JACKSON-LEE) has 1 minute remaining.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I will yield such time as he may consume to the gentleman from Kentucky (Mr. ROGERS) to answer the question, and then I would like to make a statement.

Mr. ROGERS. Mr. Chairman, I am not sure I understood the question of the gentleman from New Jersey (Mr. PAYNE).

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

Mr. ROGERS. I yield to the gentleman from New Jersey.

Mr. PAYNE. Mr. Chairman, in the Congo we have a similar situation which is at the verge of coming to a conclusion. My question is, if in two weeks all of the discussion that I will be having with the various presidents of the combatting countries agree they indeed will withdraw but the U.N. needs to be there to fill that vacuum left, where is the money then for the Congo's peacekeeping? Because the Security Council has already approved the peacekeeping plan for the Congo.

Mr. ROGERS. There would be a reprogramming request the administration would send to us. We would review it and the monies, if approved, would come out of this account that we are speaking of today, the \$500 million.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield myself the remainder of the time.

Mr. Chairman, let me close by saying there were a million people who died in Rwanda. Peacekeeping is vital and I would hope that the chairman would waive the point of order and allow us to vote on this amendment.

Mr. Chairman, I rise today in support of my amendment to H.R. 4690, the Commerce, Justice, State appropriations measure. We must restore our commitment to the world's International Peacekeeping responsibilities, particularly in Africa.

The appropriation measure before the House today cuts the request for the United Nations peacekeeping contributions by as much as one-third, or \$240 million, below the President's request freezing peacekeeping at the FY 2000 appropriated level of \$498 million. The cuts are wrongly concentrated on areas that oddly need the most support from us in Africa.

The current measure would deny funding for critical peacekeeping missions in Ethiopia, Eritrea, Sierra Leone, the Democratic Republic of the Congo, Angola, and the Western Saharan region.

Specifically, the amendment has the effect of striking language in the bill that denies

funding for five peacekeeping missions in Africa. It makes funds available "for United Nations peacekeeping missions in the Republic of Angola, the Democratic Republic of the Congo, the Federal Democratic Republic of Ethiopia, the State of Eritrea, the Republic of Sierra Leone, and the western Saharan region."

As we all know, a serious issue facing the United Nations, the United States, and Congress concerning United Nations peacekeeping is the extent to which the United Nations has the capacity to restore or keep the peace in the changing world environment. We need a reliable source of funding and other resources for peacekeeping and improved efficiencies of operation.

We need peacekeeping funds for Africa. These are not peripheral concerns for countries trying to establish the rule of law. The instability and fragile peace in countries like Ethiopia, Eritrea, the Sudan cannot be ignored. United Nations peacekeeping operations involve important functions that impartial soldiers can carry out. We all know the appropriations measure abandons our commitment to Africa, which is not sensible.

We need to support democratic institutions in a consistent and meaningful manner. Proposals for strengthening U.N. peacekeeping and other aspects of U.N. peace and security capacities have been adopted in the United Nations, by the Clinton Administration, and by the Congress. Moreover, most authorities have agreed that if the United Nations is to be responsive to post-Cold War challenges, both U.N. members and the appropriate U.N. organs will have to continue to improve U.N. structures and procedures in the peace and security area.

This does not mean, however, that we should prevent the use of peacekeepers to help facilitate a peace accord. For example, in Ethiopia and Eritrea, a peace accord was recently concluded. It cannot have come at better time. Ethiopia and the neighboring nations are facing a serious crisis. A famine is on the horizon in the Horn of Africa unless we continue to provide the necessary food and security assistance to Ethiopia and Eritrea.

Peacekeeping forces are also critical to ensure that ports remain easily assessable for relief operations. Some say that there may not be a famine in the Horn of Africa. But we really do not know. We do know that the situation of food insecurity is so bad that conditions are approaching the desperate situation that occurred in 1984, when the people of that nation did experience a famine.

Mr. Chairman, I urge my colleagues to support this amendment so that we can restore peace and security in Africa. These problems are intertwined and they deserve our complete support.

POINT OF ORDER

Mr. ROGERS. Mr. Chairman, I make a point of order against the amendment because it provides an appropriation for an unauthorized program and therefore violates clause 2 of rule XXI. I ask for a ruling from the Chair.

The CHAIRMAN. Does the gentlewoman from Texas (Ms. JACKSON-LEE) wish to be heard on the point of order?

Ms. JACKSON-LEE of Texas. Yes, Mr. Chairman. Let me at this time indicate that I had hoped that the gentleman from Kentucky (Mr. ROGERS)

would waive the point of order. At this time I will concede the point of order.

The CHAIRMAN. The gentlewoman from Texas (Ms. JACKSON-LEE) concedes the point of order. The point of order is sustained.

The Clerk will read.

The Clerk read as follows:

INTERNATIONAL COMMISSIONS

For necessary expenses, not otherwise provided for, to meet obligations of the United States arising under treaties, or specific Acts of Congress, as follows:

INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO

For necessary expenses for the United States Section of the International Boundary and Water Commission, United States and Mexico, and to comply with laws applicable to the United States Section, including not to exceed \$6,000 for representation; as follows:

SALARIES AND EXPENSES

For salaries and expenses, not otherwise provided for, \$19,470,000.

CONSTRUCTION

For detailed plan preparation and construction of authorized projects, \$5,915,000, to remain available until expended, as authorized by section 24(c) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2696(c)).

AMERICAN SECTIONS, INTERNATIONAL COMMISSIONS

For necessary expenses, not otherwise provided for the International Joint Commission and the International Boundary Commission, United States and Canada, as authorized by treaties between the United States and Canada or Great Britain, and for the Border Environment Cooperation Commission as authorized by Public Law 103-182, \$5,710,000, of which not to exceed \$9,000 shall be available for representation expenses incurred by the International Joint Commission.

INTERNATIONAL FISHERIES COMMISSIONS

For necessary expenses for international fisheries commissions, not otherwise provided for, as authorized by law, \$15,485,000: *Provided*, That the United States' share of such expenses may be advanced to the respective commissions, pursuant to 31 U.S.C. 3324.

OTHER

PAYMENT TO THE ASIA FOUNDATION

For a grant to the Asia Foundation, as authorized by section 501 of Public Law 101-246, \$8,216,000, to remain available until expended, as authorized by section 24(c) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2696(c)).

AMENDMENT NO. 33 OFFERED BY MR. SANFORD

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 33 offered by Mr. SANFORD: Page 80, strike lines 14 through 19.

The CHAIRMAN. Pursuant to the order of the House of Friday, June 23, 2000, the gentleman from South Carolina (Mr. SANFORD) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from South Carolina (Mr. SANFORD).

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

Mr. Chairman, this amendment deals exclusively with the Asia Foundation. Last year I had an amendment that would cut funding for the North-South Center, East-West Center and the Asia Foundation. To this committee's credit, they cut funding for the North-South Center and the East-West Center, and this amendment simply asks them to do the last thing that they did not do, which is to cut the funding for the Asia Foundation.

This bill would specifically cut the \$8.2 million for the Asia Foundation. I think that is worth doing for a couple of different reasons. First of all, I would just mention what the Senate Committee on Appropriations had to say on the Asia Foundation last year. Specifically, they said the Asia Foundation is a nongovernment grant-making organization that Congress has repeatedly urged to aggressively pursue private funds to support its activities. The Senate committee believes that the time has come for the Asia Foundation to transition to private funding.

I simply agree with what they had to say. In fact, this Congress agreed with what they had to say because back in 1995 it was with this thinking in mind that Congress cut funding to the Asia Foundation from \$15 million down to \$5 million and basically encouraged them to look for private funding. Unfortunately, they have gone the opposite direction, because in fact the Asia Foundation funding has grown by 60 percent to the \$8.2 million number, and it is for this reason that this amendment says that we have to go back to the original intent of what this Congress talked about and what the Senate Committee on Appropriations has talked about specifically.

I would say that this is worth doing. First of all, whether one is a Republican or whether one is a Democrat, I think that we would not want the Asia Foundation, and I underline the word foundation, to be treated any differently than a foundation is in the first district of South Carolina or in the fifteenth district of California.

I say that because if we look at, for instance, the Community Foundation which exists in Charleston, South Carolina, it relies on public grants out there in the marketplace.

Bill Gates has said he wants to give away \$50 billion. There are a lot of people out there vying for those funds; and again, I think the Asia Foundation should be either solely a government function or solely a private function, a private organization competing for those grants; but right now it is a mixture of both, which gives it a competitive advantage over foundations in each of our respective congressional districts.

Secondly, I would say there is a lot of duplication. If one looks at the work of the United Nations, the World Health Organization, the World Bank, the IMF, the State Department, the Department of Commerce, the CIA and others, they do many of the same

things. In fact, if one looks at the overall funding in this budget, there is \$1.4 billion of funding for international organizations, conferences and commissions. In fact, if one looks at our overall 1999 budget, U.S. programs solely devoted to Asia were basically \$3.66 billion. So this \$8 million is very repetitive.

In fact, I would say in addition that the Cold War is over and this is, I think, a remnant of the Cold War because we have spent \$137 million of taxpayer money in the foundation, basically over the last 45 years.

Lastly, I would just make the point that a lot of these grants, given the fact that dollars are as competitive as they are, and we have had an interesting debate on whether money should or should not go to Africa or Sierra Leone or other places, given the fact that dollars are as scarce as they are, does it make sense for the Asia Foundation in this quasi-public role that it plays to be, and I will just mention a few and let one make their own decision. For instance, at the policy level the foundation is involved in research with the London School of Economics and the Sustainable Development Policy Institute on the political economy of education. That is a grant that the Asia Foundation placed just last year.

I see here in Pakistan, women are learning the value of savings discipline and gain confidence and self-esteem through income-skills training opportunities.

I see in Bangladesh alternative dispute resolution. Now, there they have a village practice wherein the council of elders and opinion leaders hears a case and renders a judgment. Asia Foundation promotes more equitable and effective dispute resolution.

I see in the Korean Peninsula workshops for South Koreans on, quote, "the perceptions of the International Monetary Fund policy in Korea."

I see also in Korea, travel support for members of North Koreans to participate in international training programs and study tours in business and agriculture.

I see in Mongolia, since 1993, 28,000 books donated to Mongolian organizations, and last year 10,000 English-only language books donated to 174 institutions.

Now leaving aside the question of I do not know how many speak English in Mongolia, I thought there was a thing called the Internet wherein these same things could be transferred.

The CHAIRMAN. The time of the gentleman from South Carolina (Mr. SANFORD) has expired.

Mr. SANFORD. Mr. Chairman, I ask unanimous consent for an additional 30 seconds on both sides.

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

There was no objection.

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

Mr. Chairman, lastly I would just make the point here, I see here in Vietnam training for the national assembly. I see study tours. I see a trip for Vietnamese officials to California, Minnesota, and Wisconsin, and simply would ask, given the fact that the dollars are as scarce as they are, is this the best use of those monies, and for that reason urge the adoption of this amendment.

Mr. ROGERS. Mr. Chairman, I claim the time in opposition, and I yield myself such time as I may consume.

Mr. Chairman, the Asia Foundation makes an important contribution to the development of democracy and economic reform in countries like Indonesia, China, other places in that part of the world where vital U.S. national interests are at stake. We froze funding at the current year level so we are already almost \$2 million below what was requested of us. Any further cuts would inflict serious damage to this program and to U.S. interests and objectives all over Asia. For that reason, I urge that we reject this amendment.

Mr. Chairman, I yield 1½ minutes to the gentleman from California (Mr. BERMAN).

Mr. BERMAN. Mr. Chairman, I thank the gentleman from Kentucky (Mr. ROGERS) for yielding me this time.

Mr. Chairman, I rise in strong opposition to this amendment which seeks to kill the Asia Foundation. If I had my way, we would be increasing the funding for that foundation, not straight lining it; but an amendment to eliminate the funding for the Asia Foundation is a classical example of the wrong amendment at the wrong time. It is the wrong amendment because it would be short-sighted to cut funding for an organization that plays a key role in advancing U.S. foreign policy interests in the Asia Pacific region. With a very modest appropriation, the Asia Foundation helps promote and strengthen democracy, human rights, open markets and the rule of law in more than a dozen Asian countries. So soon after the debate on NTR for China the notion that we are going to wipe out one of the premier agencies promoting rule of law in that part of the world makes no sense whatsoever. It is the wrong time because many Asian countries are experiencing profound socioeconomic and political change. The foundation's cost-effective work is more important than ever.

Last year, an amendment much like this to slash the foundation's authorization was defeated with strong bipartisan support. I join with the chairman of the subcommittee and my other colleagues on both sides of the aisle in urging the body to support the Asia Foundation and to reject this counterproductive amendment.

Mr. ROGERS. Mr. Chairman, I yield 1 minute to the gentleman from Nebraska (Mr. BEREUTER), the chairman of the Subcommittee on Asia and the Pacific of the Committee on International Relations.

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

Mr. BEREUTER. Mr. Chairman, I rise in strong opposition to the amendment offered by the gentleman from South Carolina (Mr. SANFORD). The Asia Foundation has a 45-year proven track record. Helping Asia develop into a stable market-oriented democratic region is an important American national security objective.

Mr. Chairman, the developing countries in Asia are in desperate need of legal reforms. American commerce and local human rights are early beneficiaries of such rule-of-law programming. By defeating the Sanford amendment the foundation will be able to support new legal reform initiatives for Indonesia, Thailand, the Philippines, Sri Lanka, Vietnam, and China.

The Asia Foundation is a small, cost-effective, private institution that plays a very important complementary role in advancing U.S. foreign policy interests around the world. There are some things it can clearly do more effectively and cost efficiently than can our government agencies. We need the Asia Foundation's efforts. This Member urges his colleagues to support the work of the Committee on Appropriations, maintain the modest funding for the Asia Foundation, and oppose the Sanford amendment.

Though this Member certainly shares his colleague's interest in reducing wasteful Federal spending, the institution targeted by this amendment certainly does not fall in that category. On the contrary, a closer examination of the Asia Foundation and of its successful programs will confirm its cost effective contributions to American interests around the world. Indeed, our modest investment in the Asia Foundation is money well spent.

Programs and investments in reform minded individuals in Korea, Taiwan and the Philippines directly supported and influenced the incredible democratic and economic transformations there. The Asia Foundation remains on the front lines doing the same today in Asia's new, emerging democracies like Indonesia, Bangladesh, and Mongolia as well as helping lay the foundation for positive change in authoritarian countries like China and Vietnam.

Fundamental changes are happening in Asia as a result of the recent economic crisis. One need not look any further than Indonesia, a keystone of American national security policy in Southeast Asia. Now is the time to take advantage of this climate of change and expand programs advancing democracy, the rule of law, human rights, economic reform and sustainable recovery.

The Sanford amendment would completely eliminate all funding for the Asia Foundation. The pending appropriations bill does not increase funding for the Asia Foundation—in fact, unfortunately it freezes it at last year's modest level of \$8.2 million, some \$7 million below its authorized level and \$1.7 million below the President's request. Last year, during consideration of the American Embassy Security Act, this body strongly rejected the effort by the gentleman from South Carolina to severely cut the Asia Foundation. Indeed, this

Member urges his colleagues to reject this even more draconian amendment which would completely zero out funding.

The programs of the Asia Foundation support this national security objective. The Sanford amendment would severely cut this NGO's programs and further restrict our ability to influence positive change in a region with over one-half of the world's entire population. The long-term cost of this amendment to U.S. foreign policy objectives certainly outweighs any short-term savings it may have.

Mr. ROGERS. Mr. Chairman, I yield 1 minute to the gentleman from Florida (Mr. HASTINGS).

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

Mr. HASTINGS of Florida. Mr. Chairman, I thank the gentleman from Kentucky (Mr. ROGERS), the chairman of the committee, for yielding me this time.

Mr. Chairman, I would like to associate myself with his remarks as well as the Chair of the Subcommittee on Asia and the Pacific, with whom I serve, and my distinguished colleague, the gentleman from California (Mr. BERMAN).

I would like to ask my good friend, who I have served with now for three terms, the gentleman from South Carolina (Mr. SANFORD), a question, and that is whether or not the distinguished gentleman has visited the Asia Foundation and seen the programmatic structure that they offer for developing democracy and economic opportunity?

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

Mr. HASTINGS of Florida. I yield to the gentleman from South Carolina.

Mr. SANFORD. In cyberspace or in terms of geography?

Mr. HASTINGS of Florida. In actual visitation.

Mr. SANFORD. I have not been into the building. In New York, I have been once into the foyer and that is about it, but I have been to their Web site.

Mr. HASTINGS of Florida. I have had that good fortune of visiting there, and with the entire board; and I have seen their work and they do an extraordinary job, as Asia is developing, in developing the rule of law and in economic reform that is necessary for those countries to survive.

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Most respectfully, I say to my friend from South Carolina (Mr. SANFORD), who was wrong on the North-South Center in Florida, and the gentleman is wrong on Asia.

Mr. ROGERS. Mr. Chairman, I yield 1 minute to the gentlewoman from Florida, (Mrs. FOWLER), who is a very important Member and senior member of the Committee on Armed Services dealing with national security.

Mrs. FOWLER. Mr. Chairman, I rise to urge my colleagues to oppose the amendment by my friend, the gentleman from South Carolina (Mr. SANFORD). I have had firsthand experience with the Asia Foundation and can personally attest to the quality of their work and their programs.

I have seen the need for their work in the developing Asian nations and, for example, the Chinese have approached the Foundation to act as a mediator in talks with Taiwan. There are very few issues of a higher national security interest to our country than the relationship between China and Taiwan. This is exactly the kind of program we should encourage in the appropriations process, and that is why I urge my colleagues to oppose this amendment.

Mr. ROGERS. Mr. Chairman, I yield the balance of the time to the gentleman from California (Ms. PELOSI), who is the ranking member on the Subcommittee on Foreign Operations, Export Financing and Related Programs.

Ms. PELOSI. Mr. Chairman, I thank the distinguished gentleman from Kentucky (Chairman ROGERS) for yielding me the time and rise in strong opposition to the Sanford amendment, which cuts all funding for the Asia Foundation. The Asia Foundation, not to be confused with any other foundation dealing with Asia, is domiciled in San Francisco, in my district. I am very well acquainted with the great and excellent work that it does.

The work that they do is important for U.S. government officials and shows a critical role that in-country presence plays in understanding local conditions. The Asia Foundation advances U.S. interests through its ability to deliver high-quality programs on the ground through its network of offices in Asia, which some of our colleagues have addressed here.

In the short amount of time allocated to me, I would urge our colleagues to oppose this amendment, support the work of the Asia Foundation, it is a way to peacefully resolve some of our issues out there, as well as building a rule of law in many countries that are fragile democracies just emerging who need just the kind of assistance that the Asia Foundation is experienced in providing. I urge a no vote on this amendment.

Mr. FALEOMAVAEGA. Mr. Chairman, I rise in strong opposition to the Sanford amendment to the Commerce, Justice, and State appropriations bill, a measure that would totally eliminate funding for the Asia Foundation.

Mr. Chairman, the Asia Foundation's important work focuses on a dynamic region of the world where over half of the planet's population resides.

Today, the Asia-Pacific region looms large on the world stage and is increasingly intertwined with the United States. It is a diverse, complex region with countries at both extremes in terms of population, economic development, political stability and social/cultural change. The Asia-Pacific region is at the same time America's largest market as well as the locus of its most aggressive competitors. In addition to its economic impact, many of the countries in Asia and the Pacific are undergoing structural changes in their political and social systems that pose potentially serious threats to the stability of the region and the very world. Indeed, major conflicts and wars involving the U.S. have arisen in the region in the past and we must be vigilant in protecting against their reoccurrence in the future.

Clearly, Americans must attach greater priority to Asia and the Pacific than they have ever done, and be prepared to understand and respond to the challenges and opportunities that confront us.

Mr. Chairman, the mission of the Asia Foundation addresses these critical concerns, in addition to promoting democratic government, free market economies and respect for rule of law in the developing nations of the Asia-Pacific.

I urge our colleagues, Mr. Chairman, to defeat the Sanford amendment and maintain the modest funding for the Asia Foundation that serves vital U.S. foreign policy interests in this most important part of the world.

The CHAIRMAN. All time has expired. The question is on the amendment offered by the gentleman from South Carolina (Mr. SANFORD).

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

Mr. SANFORD. 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 529, further proceedings on the amendment offered by the gentleman from South Carolina (Mr. SANFORD) will be postponed.

The point of no quorum is considered withdrawn.

Mr. ROGERS. Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 92, line 4, be considered as read, printed in the RECORD and open to amendment at any point.

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

There was no objection.

The text of the bill from page 80, line 20, through page 92, line 4, is as follows:

EISENHOWER EXCHANGE FELLOWSHIP PROGRAM
TRUST FUND

For necessary expenses of Eisenhower Exchange Fellowships, Incorporated, as authorized by sections 4 and 5 of the Eisenhower Exchange Fellowship Act of 1990 (20 U.S.C. 5204-5205), all interest and earnings accruing to the Eisenhower Exchange Fellowship Program Trust Fund on or before September 30, 2001, to remain available until expended: *Provided*, That none of the funds appropriated herein shall be used to pay any salary or other compensation, or to enter into any contract providing for the payment thereof, in excess of the rate authorized by 5 U.S.C. 5376; or for purposes which are not in accordance with OMB Circulars A-110 (Uniform Administrative Requirements) and A-122 (Cost Principles for Non-profit Organizations), including the restrictions on compensation for personal services.

ISRAELI ARAB SCHOLARSHIP PROGRAM

For necessary expenses of the Israeli Arab Scholarship Program as authorized by section 214 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (22 U.S.C. 2452), all interest and earnings accruing to the Israeli Arab Scholarship Fund on or before September 30, 2001, to remain available until expended.

NATIONAL ENDOWMENT FOR DEMOCRACY

For grants made by the Department of State to the National Endowment for Democracy as authorized by the National En-

dowment for Democracy Act, \$30,872,000 to remain available until expended.

RELATED AGENCY

BROADCASTING BOARD OF GOVERNORS

INTERNATIONAL BROADCASTING OPERATIONS

For expenses necessary to enable the Broadcasting Board of Governors, as authorized by the United States Information and Educational Exchange Act of 1948, as amended, the United States International Broadcasting Act of 1994, as amended, Reorganization Plan No. 2 of 1977, as amended, and the Foreign Affairs Reform and Restructuring Act of 1998, to carry out international communication activities, including the purchase, installation, rent, construction, and improvement of facilities for radio and television transmission and reception to Cuba, \$419,777,000, of which not to exceed \$16,000 may be used for official receptions within the United States as authorized by section 804(3) of such Act of 1948 (22 U.S.C. 1747(3)), not to exceed \$35,000 may be used for representation abroad as authorized by section 302 of such Act of 1948 (22 U.S.C. 1452) and section 905 of the Foreign Service Act of 1980 (22 U.S.C. 4085), and not to exceed \$39,000 may be used for official reception and representation expenses of Radio Free Europe/Radio Liberty; and in addition, notwithstanding any other provision of law, not to exceed \$2,000,000 in receipts from advertising and revenue from business ventures, not to exceed \$500,000 in receipts from cooperating international organizations, and not to exceed \$1,000,000 in receipts from privatization efforts of the Voice of America and the International Broadcasting Bureau, to remain available until expended for carrying out authorized purposes.

BROADCASTING CAPITAL IMPROVEMENTS

For the purchase, rent, construction, and improvement of facilities for radio transmission and reception, and purchase and installation of necessary equipment for radio and television transmission and reception as authorized by section 801 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1471), \$18,358,000, to remain available until expended, as authorized by section 704(a) of such Act of 1948 (22 U.S.C. 1477b(a)).

GENERAL PROVISIONS—DEPARTMENT OF STATE
AND RELATED AGENCY

SEC. 401. Funds appropriated under this title shall be available, except as otherwise provided, for allowances and differentials as authorized by subchapter 59 of title 5, United States Code; for services as authorized by 5 U.S.C. 3109; and hire of passenger transportation pursuant to 31 U.S.C. 1343(b).

SEC. 402. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of State in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: *Provided*, That not to exceed 5 percent of any appropriation made available for the current fiscal year for the Broadcasting Board of Governors in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: *Provided further*, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 403. There shall be in the Department of State not more than 71 Deputy Assistant Secretaries of State.

SEC. 404. None of the funds made available in this Act may be used by the Department

of State or the Broadcasting Board of Governors to provide equipment, technical support, consulting services, or any other form of assistance to the Palestinian Broadcasting Corporation.

SEC. 405. (a) Section 1(a)(2) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a(a)(2)) is amended by striking "and the Deputy Secretary of State" and inserting ", the Deputy Secretary of State, and the Deputy Secretary of State for Management and Resources".

(b) Section 5313 of title 5, United States Code, is amended by inserting "Deputy Secretary of State for Management and Resources." after the item relating to the "Deputy Secretary of State".

This title may be cited as the "Department of State and Related Agency Appropriations Act, 2001".

TITLE V—RELATED AGENCIES
DEPARTMENT OF TRANSPORTATION
MARITIME ADMINISTRATION
MARITIME SECURITY PROGRAM

For necessary expenses to maintain and preserve a U.S.-flag merchant fleet to serve the national security needs of the United States, \$98,700,000, to remain available until expended.

OPERATIONS AND TRAINING

For necessary expenses of operations and training activities authorized by law, \$84,799,000.

MARITIME GUARANTEED LOAN (TITLE XI)
PROGRAM ACCOUNT

For the cost of guaranteed loans, as authorized by the Merchant Marine Act, 1936, \$10,621,000, to remain available until expended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further*, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed \$1,000,000,000.

In addition, for administrative expenses to carry out the guaranteed loan program, not to exceed \$3,795,000, which shall be transferred to and merged with the appropriation for Operations and Training.

ADMINISTRATIVE PROVISIONS—MARITIME
ADMINISTRATION

Notwithstanding any other provision of this Act, the Maritime Administration is authorized to furnish utilities and services and make necessary repairs in connection with any lease, contract, or occupancy involving Government property under control of the Maritime Administration, and payments received therefore shall be credited to the appropriation charged with the cost thereof: *Provided*, That rental payments under any such lease, contract, or occupancy for items other than such utilities, services, or repairs shall be covered into the Treasury as miscellaneous receipts.

No obligations shall be incurred during the current fiscal year from the construction fund established by the Merchant Marine Act, 1936, or otherwise, in excess of the appropriations and limitations contained in this Act or in any prior appropriation Act.

COMMISSION FOR THE PRESERVATION OF
AMERICA'S HERITAGE ABROAD
SALARIES AND EXPENSES

For expenses for the Commission for the Preservation of America's Heritage Abroad, \$390,000, as authorized by section 1303 of Public Law 99-83.

COMMISSION ON CIVIL RIGHTS
SALARIES AND EXPENSES

For necessary expenses of the Commission on Civil Rights, including hire of passenger

motor vehicles, \$8,866,000: *Provided*, That not to exceed \$50,000 may be used to employ consultants: *Provided further*, That none of the funds appropriated in this paragraph shall be used to employ in excess of four full-time individuals under Schedule C of the Excepted Service exclusive of one special assistant for each Commissioner: *Provided further*, That none of the funds appropriated in this paragraph shall be used to reimburse Commissioners for more than 75 billable days, with the exception of the chairperson, who is permitted 125 billable days.

COMMISSION ON SECURITY AND COOPERATION IN
EUROPE
SALARIES AND EXPENSES

For necessary expenses of the Commission on Security and Cooperation in Europe, as authorized by Public Law 94-304, \$1,182,000, to remain available until expended as authorized by section 3 of Public Law 99-7.

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION
SALARIES AND EXPENSES

For necessary expenses of the Equal Employment Opportunity Commission as authorized by title VII of the Civil Rights Act of 1964, as amended (29 U.S.C. 206(d) and 621-634), the Americans with Disabilities Act of 1990, and the Civil Rights Act of 1991, including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles as authorized by 31 U.S.C. 1343(b); non-monetary awards to private citizens; and not to exceed \$29,000,000 for payments to State and local enforcement agencies for services to the Commission pursuant to title VII of the Civil Rights Act of 1964, as amended, sections 6 and 14 of the Age Discrimination in Employment Act, the Americans with Disabilities Act of 1990, and the Civil Rights Act of 1991, \$290,928,000: *Provided*, That the Commission is authorized to make available for official reception and representation expenses not to exceed \$2,500 from available funds.

FEDERAL COMMUNICATIONS COMMISSION
SALARIES AND EXPENSES

For necessary expenses of the Federal Communications Commission, as authorized by law, including uniforms and allowances therefor, as authorized by 5 U.S.C. 5901-5902; not to exceed \$600,000 for land and structure; not to exceed \$500,000 for improvement and care of grounds and repair to buildings; not to exceed \$4,000 for official reception and representation expenses; purchase (not to exceed 16) and hire of motor vehicles; special counsel fees; and services as authorized by 5 U.S.C. 3109, \$207,909,000, of which not to exceed \$300,000 shall remain available until September 30, 2002, for research and policy studies: *Provided*, That \$200,146,000 of offsetting collections shall be assessed and collected pursuant to section 9 of title I of the Communications Act of 1934, as amended, and shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: *Provided further*, That the sum herein appropriated shall be reduced as such offsetting collections are received during fiscal year 2001 so as to result in a final fiscal year 2001 appropriation estimated at \$7,763,000: *Provided further*, That any offsetting collections received in excess of \$200,146,000 in fiscal year 2001 shall remain available until expended, but shall not be available for obligation until October 1, 2001.

FEDERAL MARITIME COMMISSION
SALARIES AND EXPENSES

For necessary expenses of the Federal Maritime Commission as authorized by section 201(d) of the Merchant Marine Act, 1936, as amended (46 U.S.C. App. 1111), including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles as authorized by 31

U.S.C. 1343(b); and uniforms or allowances therefor, as authorized by 5 U.S.C. 5901-5902, \$14,097,000: *Provided*, That not to exceed \$2,000 shall be available for official reception and representation expenses.

FEDERAL TRADE COMMISSION
SALARIES AND EXPENSES

For necessary expenses of the Federal Trade Commission, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901-5902; services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; not to exceed \$2,000 for official reception and representation expenses, \$121,098,000: *Provided*, That not to exceed \$300,000 shall be available for use to contract with a person or persons for collection services in accordance with the terms of 31 U.S.C. 3718, as amended: *Provided further*, That, notwithstanding section 3302(b) of title 31, United States Code, not to exceed \$121,098,000 of offsetting collections derived from fees collected for premerger notification filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. 18(a)) shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: *Provided further*, That the sum herein appropriated from the general fund shall be reduced as such offsetting collections are received during fiscal year 2001, so as to result in a final fiscal year 2001 appropriation from the general fund estimated at not more than \$0, to remain available until expended: *Provided further*, That section 605 of Public Law 101-162 (15 U.S.C. 18a note), as amended, is further amended by striking "\$45,000 which" and inserting: "(1) \$45,000, if as a result of the acquisition, the acquiring person would hold an aggregate total amount of the voting securities and assets of the acquired person in excess of \$35,000,000 but not exceeding \$99,999,999; (2) \$100,000, if as a result of the acquisition, the acquiring person would hold an aggregate total amount of the voting securities and assets of the acquired person equal to or in excess of \$100,000,000 but not exceeding \$199,999,999; or (3) \$200,000, if as a result of the acquisition, the acquiring person would hold an aggregate total amount of the voting securities and assets of the acquired person equal to or in excess of \$200,000,000. Such fees": *Provided further*, That none of the funds made available to the Federal Trade Commission shall be available for obligation for expenses authorized by section 151 of the Federal Deposit Insurance Corporation Improvement Act of 1991 (Public Law 102-242; 105 Stat. 2282-2285).

The CHAIRMAN. Are there amendments to that portion of the bill?

The Clerk will read.

The Clerk read as follows:

LEGAL SERVICES CORPORATION
PAYMENT TO THE LEGAL SERVICES
CORPORATION

For payment to the Legal Services Corporation to carry out the purposes of the Legal Services Corporation Act of 1974, as amended, \$141,000,000, of which \$134,575,000 is for basic field programs and required independent audits; \$1,125,000 is for the Office of Inspector General, of which such amounts as may be necessary may be used to conduct additional audits of recipients; and \$5,300,000 is for management and administration.

AMENDMENT NO. 54 OFFERED BY MR. CHAMBLISS
Mr. CHAMBLISS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 54 offered by Mr. CHAMBLISS:

Page 92, insert after line 14 the following:
If a grantee of the Legal Services Corporation does not prevail in a civil action brought by the grantee against farmers with respect to migrant employees under the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1801 et seq.), the grantee shall pay the attorneys' fees, the amount of which as determined by the court, incurred by the defendant to such action. If a grantee is required under this section to pay such fees, the Legal Services Corporation shall reduce the next grant to the grantee by the amount of such fees paid by the grantee.

The CHAIRMAN. Pursuant to the order of the House of Friday, June 23, 2000, the gentleman from Georgia (Mr. CHAMBLISS) and a Member opposed each will control 5 minutes.

Mr. SERRANO. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

The CHAIRMAN. A point of order is reserved.

The Chair recognizes the gentleman from Georgia (Mr. CHAMBLISS) for 5 minutes on his amendment.

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

Mr. Chairman, the purpose of this amendment is to require the Legal Services Corporation to pay the attorneys fees in any case in which it is filed by the Legal Services Corporation against a farmer under the Migrant Worker Protection Act, and which case is lost by the Legal Services Corporation. In other words, they do not prevail in this lawsuit.

We have had a problem in my State of Georgia over the last number of years in securing agriculture workers to plant our crops, help U.S. till the crops and harvest the crops and, as a result, our farmers have been forced from time to time to use workers that are not legally within the United States.

We have been working on trying to modify the current H-2A program, which is a farmer worker program, that allows farmers to come into the United States on a legal basis so that we can reduce paperwork, make this program less expensive on our farmers and make it more workable. In the meantime, what we have seen happen is that our farmers who have made a decision to hire legal workers under the current H-2A program as opposed to working illegal migrant workers who are not in the United States under legal conditions have run into a problem, and that problem is this: The Legal Services Corporation in my State and any number of other States around the country where farmers have made a decision to bring legal workers into the country to work under the H-2A program have run into a stonewall with the Legal Services Corporation in that they are filing lawsuits against farmers who have workers here legally for technical violations of the H-2A act, not substantive violations, but purely technical violations.

Let me talk about our farmers a minute. My farmers are hard-working

people. They are good business people, but they have encountered a problem here that is purely a legal situation that they are not used to having to address. They are doing everything they can. They are securing advisers. They are securing attorneys to advise them, as well as independent contractors to advise them on the technical compliance with H-2A, but the problem is, that the Legal Services Corporation has a hoard of lawyers who are doing nothing but going after people who are violating the H-2A law from a technical perspective.

Mr. Chairman, now, I do not want to deny any employee the full benefit of all rights that are guaranteed to them under the Agricultural Workers Protection Act, but we have got an excellent plaintiff's bar in my State. There are excellent plaintiff bars all over the country, very capable and determined to ensure that workers have the benefit of all of the rights guaranteed to them. They are the ones that ought to be prosecuting any case against an individual from a pure plaintiff's case perspective, but that is not what is happening.

Legal Services Corporation is going out, and I question the ethics of this, they are soliciting cases from workers who are coming into this country under the H-2A program in a legal manner, bringing them into the Department of Labor, grilling them on whether their employer is technically in compliance with every single aspect of the H-2A law which is a very demanding law. It is a very expensive law, it requires housing. It requires a higher wage rate than what most of the farmers are used to paying, any number of other technical violations.

What is happening is that Legal Services Corporation is taking the role away from plaintiff's lawyers who are capable of looking after the rights of these workers, and our farmers are having to go to the extent of defending cases, not just in the State of Georgia. There are three cases pending right now against vegetable growers in my State, in the part of the State where I live, two of the cases are filed out of State. My employers, my farmers are having to go to Texas to defend one lawsuit where the workers came in.

They went back to Mexico, Legal Services went into Mexico and brought them back into the United States for the sole purpose of filing this case against Georgia growers in the State of Texas and the other case is going on in the State of Florida. My farmers have expended in excess of \$200,000 and reasonable attorneys fees for the purpose of defending these lawsuits which really they have no substance to them.

They are purely for technical violations. There is no individual here under the H-2A law that has been harmed in any way, and there is no allegation of such in these lawsuits. What we are simply trying to say is, look, if Legal Services Corporation is going to go after these folks from a plaintiff's per-

spective and they lose the case, they ought to have to foot the bill for the attorneys fees and the particular Legal Services office shall be deducted from their budget.

The CHAIRMAN. Who claims time in opposition?

Mr. SERRANO. Mr. Chairman, I claim the time, and I am still reserving my point of order.

The CHAIRMAN. The gentleman from New York continues to reserve his point of order.

The Chair recognizes the gentleman from New York (Mr. SERRANO) for 5 minutes.

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

Mr. Chairman, I am really concerned, as many of U.S. are on this side, about this amendment and should be. This amendment singles out farmer workers, migrant farm workers, for this harsh treatment.

Legal Services was created to protect those who do not have the resources to defend themselves. We know that. We have discussed this on the floor. We had a bipartisan amendment here which increased the funding for Legal Services, and that funding will continue to grow, because both sides see the need for Legal Services to do this work.

What this amendment does in a most mean-spirited way is to single out migrant farm workers and to say that if we take their case, Legal Services takes their case, we better win, because if we lose, we are going to have to pay for having taken on a right case. We do not do this for anyone else. We just single out migrant farm workers, and for that reason alone there should be opposition.

There is also the understanding that farm workers in general are the poorest of the poor in this country, so this sets a tone for anyone who works in the fields, who does that kind of work, that you have no protection, because the next step will be for all farm workers or for anybody who is in that field. And just on that alone, I think that we should in a bipartisan way really defeat this amendment, and I would hope that the gentleman from Georgia (Mr. CHAMBLISS) understands what we are trying to do today.

Mr. Chairman, I yield as much time as he may consume to the gentleman from California (Mr. BERMAN).

Mr. BERMAN. Mr. Chairman, this is a change in the law. The debate, the argument that the gentleman from Georgia (Mr. CHAMBLISS) has put forward, among other things, was referring to the H-2A program, but the amendment deals with the migrant and seasonal agricultural workers program. H-2A workers are not covered under that law. They have no rights under that law.

The only people this amendment affects are U.S. farm workers who happen to be represented by Legal Services as opposed to other private lawyers or other legal aid programs. There are

many, many laws that provide attorneys fees for plaintiffs in the Labor law context; the gentleman selected out one law and one group of people, U.S. farm workers who happen to be represented by Legal Services Corporation.

The gentleman is doing it on an appropriations bill, a fundamental change in a very narrow subset of one law that happens to deal with the lowest income workers in America today. If there is an argument, which I do not think there is, for allowing defendants against workers who win in lawsuits who ultimately prevail to collect attorneys fees, it should be done across board. It should be given the appropriate hearings. It should go to the Committee on Education and the Workforce and/or to the Committee on the Judiciary, and there should be a discussion of the merits of it to select out farm workers, U.S. farm workers, not H-2A workers, not foreign guest workers; they have no rights under the Migrant and Seasonal Agricultural Workers Act, but to select them out is wrong and also by the way, not authorized under the rules, I think we will find out.

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

Mr. BERMAN. I yield to the gentleman from Georgia.

Mr. CHAMBLISS. Mr. Chairman, I understand this may be subject to a point of order, but my farmers are doing their best to comply with the law to bring legal workers in, and the gentleman and I have had a number of discussions over the last 5 years about making some changes under the H-2A law, to make it a little easier to get those workers in, but what we are seeing is in that Legal Services Corporation is taking those workers that are brought in legally, they are actually bypassing thousands and thousands of workers at farms that are here illegally to get the farm where workers are here legally.

Mr. BERMAN. Mr. Chairman, reclaiming my time, to repeat again, this amendment and the law that it seeks to amend have no application to H-2A workers. None of the regulations, none of the laws affecting them are covered in this law, and the H-2A workers are excluded from coverage under this law. The gentleman's amendment will not even deal with the lawsuits dealing with H-2A that the gentleman is seeking to address with the amendment.

Mr. CHAMBLISS. If the gentleman will continue to yield, I understand the gentleman's point. Let me see if the gentleman agrees with me, in situations somewhere H-2A workers come into this country legally, and we all know they have certain rights under that particular law, would the gentleman agree that there are plaintiff's bars in this country that are very capable of representing those folks as opposed to Legal Services Corporation actively soliciting individuals who are here under the H-2A program to file

suits for them and which they are doing on a daily basis in my State, where folks are simply trying to do the right thing, as opposed to the plaintiff's bar representing those folks in cases where there really are harms being done?

The CHAIRMAN. The time of the gentleman from California (Mr. BERMAN) has expired.

Mr. CHAMBLISS. Mr. Chairman, I ask unanimous consent for an additional minute for the gentleman to respond.

The CHAIRMAN. Is there objection to each side having an additional minute?

There was no objection.

The CHAIRMAN. The gentleman from Georgia (Mr. CHAMBLISS) and the gentleman from New York (Mr. SERRANO) each has 1 additional minute.

□ 1845

Mr. BERMAN. Mr. Chairman, I thank the gentleman for yielding.

I have to disagree with his conclusion. If there is one group of workers in America who are not able to get the services of the private bar because they do not have anywhere near the income to possibly retain them, it is migrant and seasonal agricultural workers. They are employed seasonally; they are getting very low pay; they have no ability to retain private lawyers. This is the classic example of whom the Legal Services Programs should be representing.

Mr. CHAMBLISS. Mr. Chairman, reclaiming my time, that is exactly what plaintiffs' lawyers do. Income is not necessarily a requirement for plaintiffs' lawyers to handle those cases. I understand it may be subject to a point of order, but I think that Legal Services Corporation needs to understand that if we are legislating here, that if they continue with this pattern, we are going to come after them in the legislative role, we will have the necessary hearings, and we are going to proceed with this legislation in the proper forum if this is subject to a point of order.

Mr. SERRANO. Mr. Chairman, let me use the 1 minute that I have been granted to make an observation. I spoke on this floor last week about the fact that we should just be allowed to speak, and the majority wanted the unanimous consent to limit the time. Now I notice that on every amendment, we are adding time. I do not have a problem with it, but if we have an agreement, then we should stick on that agreement.

POINT OF ORDER

Mr. SERRANO. Mr. Chairman, I make a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. SERRANO. Mr. Chairman, I make a point of order against the amendment because it proposes to change existing law and constitutes legislation in an appropriations bill and, therefore, violations clause 2 of

Rule XXI, and I am asking for a ruling on the Chair.

The CHAIRMAN. Does the gentleman from Georgia (Mr. CHAMBLISS) wish to be heard on the point of order?

Mr. CHAMBLISS. Mr. Chairman, I will accept the ruling of the Chair, whatever it may be.

The CHAIRMAN. The Chair finds that the amendment proposes to change existing law by mandating specific consequences in certain circumstances involving the Legal Services Corporation. As such, it constitutes legislation in violation of clause 2(c) of Rule XXI.

The point of order is sustained.

The Clerk will read.

The Clerk read as follows:

ADMINISTRATIVE PROVISION—LEGAL SERVICES CORPORATION

None of the funds appropriated in this Act to the Legal Services Corporation shall be expended for any purpose prohibited or limited by, or contrary to any of the provisions of, sections 501, 502, 503, 504, 505, and 506 of Public Law 105-119, and all funds appropriated in this Act to the Legal Services Corporation shall be subject to the same terms and conditions set forth in such sections, except that all references in sections 502 and 503 to 1997 and 1998 shall be deemed to refer instead to 2000 and 2001, respectively.

MARINE MAMMAL COMMISSION
SALARIES AND EXPENSES

For necessary expenses of the Marine Mammal Commission as authorized by title II of Public Law 92-522, as amended, \$1,700,000.

SECURITIES AND EXCHANGE COMMISSION
SALARIES AND EXPENSES

For necessary expenses for the Securities and Exchange Commission, including services as authorized by 5 U.S.C. 3109, the rental of space (to include multiple year leases) in the District of Columbia and elsewhere, and not to exceed \$3,000 for official reception and representation expenses, \$252,624,000 from fees collected in fiscal year 2001 to remain available until expended, and from fees collected in fiscal year 1999, \$140,000,000, to remain available until expended; of which not to exceed \$10,000 may be used toward funding a permanent secretariat for the International Organization of Securities Commissions; and of which not to exceed \$100,000 shall be available for expenses for consultations and meetings hosted by the Commission with foreign governmental and other regulatory officials, members of their delegations, appropriate representatives and staff to exchange views concerning developments relating to securities matters, development and implementation of cooperation agreements concerning securities matters and provision of technical assistance for the development of foreign securities markets, such expenses to include necessary logistic and administrative expenses and the expenses of Commission staff and foreign invitees in attendance at such consultations and meetings including: (1) such incidental expenses as meals taken in the course of such attendance; (2) any travel and transportation to or from such meetings; and (3) any other related lodging or subsistence: *Provided*, That fees and charges authorized by sections 6(b)(4) of the Securities Act of 1933 (15 U.S.C. 77f(b)(4)) and 31(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78ee(d)) shall be credited to this account as offsetting collections.

SMALL BUSINESS ADMINISTRATION
SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the Small Business Administration as authorized by Public Law 105-135, including hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344, and not to exceed \$3,500 for official reception and representation expenses, \$299,615,000: *Provided*, That the Administrator is authorized to charge fees to cover the cost of publications developed by the Small Business Administration, and certain loan servicing activities: *Provided further*, That, notwithstanding 31 U.S.C. 3302, revenues received from all such activities shall be credited to this account, to be available for carrying out these purposes without further appropriations.

AMENDMENT NO. 39 OFFERED BY MR. LATHAM

Mr. LATHAM. Mr. Chairman, I offer an amendment on behalf of the gentleman from Missouri (Mr. TALENT).

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 39 offered by Mr. LATHAM: In title V, in the item relating to "SMALL BUSINESS ADMINISTRATION—SALARIES AND EXPENSES", before the period at the end, insert the following:

: *Provided further*, That, of the funds made available under this heading, \$4,000,000 shall be for the National Veterans Business Development Corporation established under section 33(a) of the Small Business Act (15 U.S.C. 657c)

The CHAIRMAN. Pursuant to the order of the House of Friday, June 23, 2000, the gentleman from Iowa (Mr. LATHAM) and a Member opposed each will control 5 minutes.

Mr. FILNER. Mr. Chairman, I claim the time in opposition, although I am a cosponsor of the amendment.

The CHAIRMAN. Without objection, the gentleman will control the time in opposition.

There was no objection.

Mr. LATHAM. Mr. Chairman, I yield myself such time as I may consume. Today, I rise in strong support of the Talent-Latham-Filner amendment and hope its passage will happen today.

I really want to thank the gentleman from Missouri (Mr. TALENT), the chairman of the Committee on Small Business, and the gentleman from California (Mr. FILNER), a member of the House Committee on Veterans Affairs, my good friends, for their work in the authorization process for these funds. The gentleman from Kentucky (Mr. ROGERS) has also supported this program by including \$4 million for the Veterans Entrepreneurship and Small Business Development Program.

This amendment simply designates the \$4 million in this program to be used specifically for the National Veterans' Business Development Corporation. These funds will help that corporation establish a cohesive assistance and information network for veteran-owned businesses. These funds will also help the corporation to establish an advisory board on professional certification to work on the problems service members face in transitioning to the private sector workforce.

Mr. Chairman, we owe it to our Nation's servicemen and women to make their transition into civilian life much easier. I urge my colleagues to support this noncontroversial amendment.

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

Mr. LATHAM. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Chairman, let me congratulate the gentleman who is a very hard-working member of our subcommittee and has put many hours into its work, but especially on this particular part of the bill. I want to thank the gentleman for offering the amendment on behalf of the gentleman from Missouri (Mr. TALENT), the chairman of the Committee on Small Business. It is a worthy amendment and one that we wholeheartedly support.

Mr. LATHAM. Mr. Chairman, reclaiming my time, I thank the gentleman very, very much. He has been a true advocate for our cause here; and his allowing us to, first of all, put the money into the bill and also support directing these dollars to where they are really going to help veterans I think is so important.

Again, Mr. Chairman, I want to express my strong support for this amendment and would hope we would be able to pass it by voice vote here today.

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

I rise in strong support of the Talent-Latham-Filner amendment. I want to make sure that everybody understands that this amendment today is simply to clarify language that is contained in the bill before us. What we are asking for or putting in the bill is a provision that directs \$4 million that is listed in the bill for veterans' programs to make sure that this \$4 million goes specifically to the National Veterans Business Development Corporation. It does not require any offsets because all of the funds are derived from the salaries and expenses account of the Small Business Administration.

The Veterans' Affairs Committee on which I serve and on which I am ranking member of the Subcommittee on Benefits has a long history of interest in and commitment to the issue raised today by this amendment. When we passed H.R. 1568, the Veterans Entrepreneurship and Small Business Development Act of 1999, we incorporated this Business Development Corporation into this through Public Law 106-50. It is a federally chartered corporation responsible for assisting our veterans, especially those veterans who are catastrophically disabled, with the formation and expansion of small businesses.

Mr. Chairman, this amendment clarifies the intent of Congress. Currently, the amount is listed in the committee report as "Veterans' Programs" and there is some apprehension about how the SBA would interpret that report language. There has already been a great delay of Public Law 106-50, the Veterans Entrepreneurship and Small

Business Development Act, in which the corporation is authorized; and this amendment will put an end to this delay.

This amendment will make it clear that Congress wants the corporation funded and wants to work to establish assistance centers for veterans working with private and public organizations to help veterans get the benefits of the act, the veterans who served this country and deserve our support.

Last year, the Committee on Small Business moved the bill through this House. The committee, led by the gentleman from Missouri (Mr. TALENT), designed the bill to coordinate assistance to veterans who were seeking to start their own businesses and reach for their piece of the American dream. We passed that act unanimously, and the centerpiece of that legislation was the National Veterans Business Development Corporation, which was set up to coordinate private and public sector activities on behalf of veterans and begin the establishment of a nationwide network of veterans assistance centers, which would assist veterans with the help they need to start their own businesses and take hold of their American dream.

This amendment does not take money from any other program, it is there in the bill, and it is intended for this corporation. We clarify the intent and ensure the funds will go to this corporation. We do not increase the amount set forth in the bill.

Veterans who establish their own businesses are a double asset to America. They contribute the skills they acquired through military service to the development of our economy, and they are a key link in the expansion of employment opportunities for others. It is simply good sense to give them meaningful support in today's global economy. After serving our Nation in uniform, our veterans have come home to contribute to America's economic success again and again, not only after World War II, but after every subsequent conflict.

Using the skills gained during their service, veterans have become successful entrepreneurs, continuing to contribute to our Nation through their success. Let us make sure that all of them have a chance to realize the success which, of course, benefits all Americans. I hope we support this amendment, as we supported the authorization bill, that is, unanimously. I thank the gentleman from Missouri (Mr. TALENT) for offering the amendment, and I thank the gentleman from Iowa (Mr. LATHAM) for being here today to present this amendment.

The CHAIRMAN. All time has expired on the amendment.

The question is on the amendment offered by the gentleman from Iowa (Mr. LATHAM).

The amendment was agreed to.

Mr. ROGERS. Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 102, line 14 be

considered as read, printed in the RECORD, and open to amendment at any point.

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

There was no objection.

The text of the bill from page 95, line 4 through page 102, line 14 is as follows:

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended (5 U.S.C. App.), \$10,905,000.

BUSINESS LOANS PROGRAM ACCOUNT

For the cost of direct loans, \$2,500,000, to be available until expended; and for the cost of guaranteed loans, \$137,800,000, as authorized by 15 U.S.C. 631 note, of which \$45,000,000 shall remain available until September 30, 2002: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further*, That during fiscal year 2001, commitments to guarantee loans under section 503 of the Small Business Investment Act of 1958, as amended, shall not exceed \$3,750,000,000: *Provided further*, That during fiscal year 2001, commitments for general business loans authorized under section 7(a) of the Small Business Act, as amended, shall not exceed \$10,000,000,000 without prior notification of the Committees on Appropriations of the House of Representatives and Senate in accordance with section 605 of this Act: *Provided further*, That during fiscal year 2001, commitments to guarantee loans under section 303(b) of the Small Business Investment Act of 1958, as amended, shall not exceed \$500,000,000.

In addition, for administrative expenses to carry out the direct and guaranteed loan programs, \$129,000,000, which may be transferred to and merged with the appropriations for Salaries and Expenses.

DISASTER LOANS PROGRAM ACCOUNT

For the cost of direct loans authorized by section 7(b) of the Small Business Act, as amended, \$140,400,000, to remain available until expended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended.

In addition, for administrative expenses to carry out the direct loan program, \$136,000,000, which may be transferred to and merged with appropriations for Salaries and Expenses, of which \$500,000 is for the Office of Inspector General of the Small Business Administration for audits and reviews of disaster loans and the disaster loan program and shall be transferred to and merged with appropriations for the Office of Inspector General; of which \$125,646,000 is for direct administrative expenses of loan making and servicing to carry out the direct loan program; and of which \$9,854,000 is for indirect administrative expenses: *Provided*, That any amount in excess of \$9,854,000 to be transferred to and merged with appropriations for Salaries and Expenses for indirect administrative expenses shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

ADMINISTRATIVE PROVISION—SMALL BUSINESS ADMINISTRATION

Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Small Business Administration in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 10 percent

by any such transfers: *Provided*, That any transfer pursuant to this paragraph shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

STATE JUSTICE INSTITUTE

SALARIES AND EXPENSES

For necessary expenses of the State Justice Institute, as authorized by the State Justice Institute Authorization Act of 1992 (Public Law 102-572 (106 Stat. 4515-4516)), \$4,500,000, to remain available until expended: *Provided*, That not to exceed \$2,500 shall be available for official reception and representation expenses.

TITLE VI—GENERAL PROVISIONS

SEC. 601. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

SEC. 602. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 603. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 604. If any provision of this Act or the application of such provision to any person or circumstances shall be held invalid, the remainder of the Act and the application of each provision to persons or circumstances other than those as to which it is held invalid shall not be affected thereby.

SEC. 605. (a) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2001, or provided from any accounts in the Treasury of the United States available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds which: (1) creates new programs; (2) eliminates a program, project, or activity; (3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted; (4) relocates an office or employees; (5) reorganizes offices, programs, or activities; or (6) contracts out or privatizes any functions, or activities presently performed by Federal employees; unless the Appropriations Committees of both Houses of Congress are notified 15 days in advance of such reprogramming of funds.

(b) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2001, or provided from any accounts in the Treasury of the United States available to the agencies funded by this Act, shall be available for obligation or expenditure for activities, programs, or projects through a reprogramming of funds in excess of \$500,000 or 10 percent, whichever is less, that: (1) augments existing programs, projects, or activities; (2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by Congress; or (3) results from any general savings from a reduction in personnel which would result in a change in existing programs, activities, or projects as approved by Congress; unless the Appropriations Committees of

both Houses of Congress are notified 15 days in advance of such reprogramming of funds.

SEC. 606. None of the funds made available in this Act may be used for the construction, repair (other than emergency repair), overhaul, conversion, or modernization of vessels for the National Oceanic and Atmospheric Administration in shipyards located outside of the United States.

SEC. 607. (a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

(b) NOTICE REQUIREMENT.—In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

(c) PROHIBITION OF CONTRACTS WITH PERSONS FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 608. None of the funds made available in this Act may be used to implement, administer, or enforce any guidelines of the Equal Employment Opportunity Commission covering harassment based on religion, when it is made known to the Federal entity or official to which such funds are made available that such guidelines do not differ in any respect from the proposed guidelines published by the Commission on October 1, 1993 (58 Fed. Reg. 51266).

SEC. 609. None of the funds made available by this Act may be used for any United Nations undertaking when it is made known to the Federal official having authority to obligate or expend such funds: (1) that the United Nations undertaking is a peacekeeping mission; (2) that such undertaking will involve United States Armed Forces under the command or operational control of a foreign national; and (3) that the President's military advisors have not submitted to the President a recommendation that such involvement is in the national security interests of the United States and the President has not submitted to the Congress such a recommendation.

SEC. 610. (a) None of the funds appropriated or otherwise made available by this Act shall be expended for any purpose for which appropriations are prohibited by section 609 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1999.

(b) The requirements in subparagraphs (A) and (B) of section 609 of that Act shall continue to apply during fiscal year 2001.

The CHAIRMAN. Are there any amendments to this portion of the bill?

If not, the Clerk will read.

The Clerk read as follows:

SEC. 611. Earmarks, limitations, or minimum funding requirements contained in any other Act shall not be applicable to funds appropriated under this Act.

POINT OF ORDER

Mr. SMITH of New Jersey. Mr. Chairman, I make a point of order against section 611.

The CHAIRMAN. The gentleman will state his point of order.

Mr. SMITH of New Jersey. Specifically, page 611 constitutes legislation in an appropriations bill and is, therefore, in violation of clause 2 of Rule XXI of the House.

Let me just point out for the Members that section 611 provides that earmarks, limitations or minimum funding requirements contained in any other act shall not be applicable to funds appropriated under this act. This provision purports to render ineffective any earmark limitation or minimum funding requirements contained in any act. The effect of this provision is very, very far reaching.

For example, the Foreign Relations Authorizations Act, which was signed into law last year and which went through my committee, went through the full committee, and was on this floor for the better part of a week, and obviously went through the same process on the Senate side, and it has a number of minimum funding requirements with respect to programs that would be declared null and void.

So I would ask the Chair that this section be declared out of order.

The CHAIRMAN. Does any Member wish to be heard on the point of order?

If not, the Chair finds that the provision in the bill at section 611 proposes to supercede existing laws. As such, it constitutes legislation in violation of clause 2(b) of Rule XXI and is not protected by the waiver against other provisions in the bill. The point of order is sustained, and the provision is stricken from the bill.

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

Mr. Chairman, I yield to the gentleman from New York (Mrs. MALONEY) for the purpose of engaging in a colloquy.

(Mrs. MALONEY of New York asked and was given permission to revise and extend her remarks.)

Mrs. MALONEY of New York. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, as all of my colleagues know, I am a big fan of the census, and my colleagues on the other side of the aisle are to be congratulated for fully funding the decennial census over the past 3 years. This bill is no exception.

However, the competing pressures for funds in this bill have left other programs in the census underfunded, which I hope we can address as well as one item that was not even a part of the President's request, and that is to begin to develop methods for counting Americans overseas.

The bill currently funds other non-decennial programs at the current year level, but \$48 million less than the President's request. That flat funding is starting to take a toll on the ability of the Census Bureau to carry out its responsibilities. If this funding level persists, it is likely that current programs and new initiatives will have to

be reduced. Among those programs are the American Community Survey, as well as improvements in the survey of income and program participation. These also do not include funding for planning to renovate or replace the World War II-era building that houses the Census Bureau, which is in very serious need of repair.

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I certainly understand the difficulties faced by the chairman in balancing competing pressures. However, I hope that the chairman will work with us to see that some of these shortfalls in the Census budget are restored as this bill goes to conference.

Finally, I would like to address briefly a subject that is not covered in this bill, the counting of Americans overseas. One of the failings of the 2000 census is a fundamental inequity in counting Americans overseas. In 1990 and again in the 2000 census, the Census Bureau has used administrative records to count Federal civilian and military employees abroad.

That leaves many Americans overseas uncounted. There was not time before the Census to develop the methodologies necessary to count Americans overseas.

We must make sure that the same mistake does not happen in 2010. I am proposing that funds be included in the Census Bureau budget to begin the research necessary to count all Americans overseas. It is my understanding that my colleague, the gentleman from Florida (Mr. DAN MILLER), the chairman of the Subcommittee on the Census, supports these efforts.

Mr. Chairman, the current mark for the Census Bureau in this bill is \$51 million less than the President's request. For the third year, the funding for salaries and expenses is funded at the same level, forcing the Census Bureau to finance the mandated cost of living adjustments, promotions, and increased pension contributions through staff attrition and cuts. That flat funding is starting to take a toll on the ability of the Census Bureau to carry out its responsibilities. If this funding level persists, it is likely that current programs and new initiatives will have to cut programs like the measurement of e-commerce and collaborative work with Canada and Mexico to improve our import and export data.

These cuts include a reduction of \$14 million from the President's request for periodic programs which includes cuts are reductions in the funding for the American Community Survey the survey to replace the census long form and improvements in the Survey of Income and Program Participation to improve our measurement of the well being of children, health insurance coverage, and poverty. These cuts also zero out that funds for developing plans to renovate or replace the World War II era building that houses the Census Bureau. This building is in such bad shape that the employees can't

drink the water, and some parts of the building are so infested with pigeons that the health of the employees is endangered. The Census Bureau Director has been moved out of his office three times this year because water was cascading from the ceiling.

I understand the difficulties faced by the Chairman. There are a wide variety of programs in this bill and each one has a constituency that argues for more funds to carry out what are useful and valuable functions. However, I hope that the Chairman will work with us to see that some of these shortfalls in the census budget are restored as this bill goes to conference.

I have proposed that funds be included in the Census Bureau budget to begin the research necessary to count all Americans overseas, and while those funds are not included in this bill, it is an issue we must revolve. Counting Americans overseas is adding one more Herculean task to the already difficult job of taking the census, but it must be done. We have included some of those living overseas. We can't turn out back of those left out who also wish to be counted.

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

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

(Mr. MILLER of Florida asked and was given permission to revise and extend his remarks.)

Mr. MILLER of Florida. I thank the gentleman for yielding, Mr. Chairman.

Mr. Chairman, I am pleased to have worked with the ranking member of the Subcommittee on the Census on the inclusion in the next Census of overseas Americans, and want to continue to work with her to resolve this important issue.

By the time I became chairman of the subcommittee on the Census, plans for the 2000 Census were already so far along that it was impossible to make provisions for counting Americans who live overseas and who are not part of our military family. In fact, the Census Bureau indicated that they just did not know how to do it and that it would require considerable research.

I am asking today that the Census Bureau begin work to come up with a plan for counting all Americans overseas in the 2010 Census. The Bureau must find a way to get this done. These are hard-working American citizens who vote and pay taxes, just like and the gentleman and I. It is not fair that they are left out of the decennial census just because it is a difficult job to count them.

It will be a challenge to count Americans living abroad, there is no doubt about that, but challenges are not new to the Census Bureau. It can be done, and it is important that the Bureau begin researching this now so that they will be included in the 2010 Census. I will discuss it further with the Director, but I would like to see the Bureau put forth a proposal for counting overseas Americans as expeditiously as possible.

Let me also take a moment to stress my concern for the state of the Census building out in Suitland, Maryland. The building is in a serious state of disrepair, and is a serious environmental and health liability to the dedicated employees we ask to work there. We must work together to find a solution to this problem and find it quickly.

I want to thank the chairman for his work on this bill. As a member of the subcommittee, I understand how difficult his job is. I pledge to work with him and find solutions to these issues that will not upset the delicate balance he has achieved in funding important programs in this bill.

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

Mr. ROGERS. I yield to the gentleman from Maryland.

Mr. HOYER. I thank the gentleman for yielding, Mr. Chairman. I did not intend to speak, but I went to Suitland High School, so I went to high school 5 minutes from this Census facility.

I have been around for a long time, and graduated from high school over 40 years ago. Those buildings were in need of repair at the time I graduated from high school in 1957. They were built, of course, during the war as temporary facilities.

I appreciate the gentleman's making a comment on that for the quality of life of our Federal employees who work there, and I appreciate very much the chairman yielding me the time to make that comment, and his focus on that issue.

The CHAIRMAN. The time of the gentleman from Kentucky (Mr. ROGERS) has expired.

(By unanimous consent, Mr. ROGERS was allowed to proceed for 1 additional minute.)

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

Mr. Chairman, let me thank my colleagues from the Committee on Government Reform for bringing their concerns to our attention, and for their appreciation for the difficult choices we faced in putting together this bill.

We have done our best to make sure the 2000 Census had every dime that it needed. As a result, we have not been able to fund other ongoing or new programs at the levels requested in the President's budget, but I appreciate the importance of many of these programs, and will be happy to work with our colleagues as we move through the bill to resolve some of their concerns that they have expressed about the funding levels in the bill.

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

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

Mr. SERRANO. Mr. Chairman, I share the desire of the gentleman from Kentucky (Mr. ROGERS) to work with our colleagues on the Committee on Government Reform to address their concerns. The activities of the Census Bureau are too important to be short-changed, and we must make sure that

their work is not obstructed by a lack of sufficient resources.

I look forward to working with the chairman to deal with this issue.

Mr. SMITH of New Jersey. Mr. Chairman, I rise to engage in a colloquy with the distinguished chairman of the subcommittee (Mr. ROGERS) regarding the funding of the Commission on Security and Cooperation in Europe, the Helsinki Commission.

The CHAIRMAN. Is the gentleman from New Jersey (Mr. SMITH) a designee of the gentleman from Kentucky (Mr. ROGERS)?

Mr. SMITH of New Jersey. Yes, I am, Mr. Chairman.

The CHAIRMAN. The gentleman from New Jersey (Mr. SMITH) is recognized for 5 minutes.

Mr. SMITH of New Jersey. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise to engage in a colloquy about the funding levels of the bill for the Helsinki Commission. The Commission's budget this year included unobligated funds from previous years, per the understanding of the conference committee.

Do I understand correctly that the chairman and others on the committee will work together in the conference to ensure that the Commission has the necessary resources to continue operations at the current level of activity and staff?

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

Mr. SMITH of New Jersey. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Chairman, I recognize the special problem the Commission faces, having funded a portion of the current year requirements with carryover funds.

I would be happy to continue to work with the gentleman as the bill proceeds to ensure the necessary funding level for the Commission's important work.

Mr. SMITH of New Jersey. Mr. Chairman, I thank my friend for that encouraging comment. I appreciate very much the gentleman's commitment to the extraordinary work advanced by the Commission. The Helsinki Commission remains at the forefront of many of the cutting issues in the OSCE region, a region with vital interests to the United States.

From the Balkans to the Baltics, the Helsinki Commission continues to provide important leadership in advancing democracy, human rights, and the rule of law. We do it in a completely bipartisan way.

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

Mr. SMITH of New Jersey. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Chairman, as ranking member on the Helsinki Commission who has served with the gentleman from New Jersey (Mr. SMITH) for approximately 18 years, I want to thank the gentleman also for his willingness to work with us in conference regarding the Helsinki Commission budget.

The OSCE region is of vital interest to the United States, and this work that we do is critical. The Commission truly provides good value for the dollar, and hopefully will be provided the resources necessary to fulfill its legislative mandate.

I join the gentleman from New Jersey (Chairman SMITH) in thanking the gentleman from Kentucky (Chairman ROGERS) and the gentleman from New York (Mr. SERRANO) for their focus on this issue.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 612. None of the funds made available in this Act shall be used to provide the following amenities or personal comforts in the Federal prison system—

(1) in-cell television viewing except for prisoners who are segregated from the general prison population for their own safety;

(2) the viewing of R, X, and NC-17 rated movies, through whatever medium presented;

(3) any instruction (live or through broadcasts) or training equipment for boxing, wrestling, judo, karate, or other martial art, or any bodybuilding or weightlifting equipment of any sort;

(4) possession of in-cell coffee pots, hot plates or heating elements; or

(5) the use or possession of any electric or electronic musical instrument.

SEC. 613. None of the funds made available in title II for the National Oceanic and Atmospheric Administration (NOAA) under the headings "Operations, Research, and Facilities" and "Procurement, Acquisition and Construction" may be used to implement sections 603, 604, and 605 of Public Law 102-567: *Provided*, That NOAA may develop a modernization plan for its fisheries research vessels that takes fully into account opportunities for contracting for fisheries surveys.

SEC. 614. Any costs incurred by a department or agency funded under this Act resulting from personnel actions taken in response to funding reductions included in this Act shall be absorbed within the total budgetary resources available to such department or agency: *Provided*, That the authority to transfer funds between appropriations accounts as may be necessary to carry out this section is provided in addition to authorities included elsewhere in this Act: *Provided further*, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 615. None of the funds made available in this Act to the Federal Bureau of Prisons may be used to distribute or make available any commercially published information or material to a prisoner when it is made known to the Federal official having authority to obligate or expend such funds that such information or material is sexually explicit or features nudity.

SEC. 616. Of the funds appropriated in this Act under the heading "Office of Justice Programs—State and Local Law Enforcement Assistance", not more than 90 percent of the amount to be awarded to an entity under the Local Law Enforcement Block Grant shall be made available to such an entity when it is made known to the Federal official having authority to obligate or expend such funds that the entity that employs a public safety officer (as such term is defined in section 1204 of title I of the Omnibus Crime Control and Safe Streets Act of 1968) does not provide such a public safety officer who retires or is separated from service due to injury suffered

as the direct and proximate result of a personal injury sustained in the line of duty while responding to an emergency situation or a hot pursuit (as such terms are defined by State law) with the same or better level of health insurance benefits at the time of retirement or separation as they received while on duty.

SEC. 617. None of the funds provided by this Act shall be available to promote the sale or export of tobacco or tobacco products, or to seek the reduction or removal by any foreign country of restrictions on the marketing of tobacco or tobacco products, except for restrictions which are not applied equally to all tobacco or tobacco products of the same type.

SEC. 618. None of the funds appropriated pursuant to this Act or any other provision of law may be used for: (1) the implementation of any tax or fee in connection with the implementation of 18 U.S.C. 922(t); and (2) any system to implement 18 U.S.C. 922(t) that does not require and result in the destruction of any identifying information submitted by or on behalf of any person who has been determined not to be prohibited from owning a firearm.

SEC. 619. Notwithstanding any other provision of law, amounts deposited in the Fund established under 42 U.S.C. 10601 in fiscal year 2000 in excess of \$575,000,000 shall not be available for obligation until October 1, 2001.

SEC. 620. None of the funds made available to the Department of Justice in this Act may be used to discriminate against or denigrate the religious or moral beliefs of students who participate in programs for which financial assistance is provided from those funds, or of the parents or legal guardians of such students.

SEC. 621. None of the funds appropriated in this Act shall be available for the purpose of granting either immigrant or nonimmigrant visas, or both, consistent with the Secretary's determination under section 243(d) of the Immigration and Nationality Act, to citizens, subjects, nationals, or residents of countries that the Attorney General has determined deny or unreasonably delay accepting the return of citizens, subjects, nationals, or residents under that section.

SEC. 622. None of the funds made available to the Department of Justice in this Act may be used for the purpose of transporting an individual who is a prisoner pursuant to conviction for crime under State or Federal law and is classified as a maximum or high security prisoner, other than to a prison or other facility certified by the Federal Bureau of Prisons as appropriately secure for housing such a prisoner.

SEC. 623. None of the funds appropriated by this Act shall be used to propose or issue rules, regulations, decrees, or orders for the purpose of implementation, or in preparation for implementation, of the Kyoto Protocol which was adopted on December 11, 1997, in Kyoto, Japan, at the Third Conference of the Parties to the United Nations Framework Convention on Climate Change, which has not been submitted to the Senate for advice and consent to ratification pursuant to article II, section 2, clause 2, of the United States Constitution, and which has not entered into force pursuant to article 25 of the Protocol.

This Act may be cited as the "Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2001".

AMENDMENT NO. 72 OFFERED BY MR. OLVER

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 72 offered by Mr. OLVER:

On page 107, line 12, after the word "Protocol", insert: *Provided further*. That any limitation imposed under this Act on funds made available by this Act shall not apply to activities specified in the previous proviso related to the Kyoto Protocol which are otherwise authorized by law.

The CHAIRMAN. Pursuant to the order of the House of Friday, June 23, 2000, the gentleman from Massachusetts (Mr. OLVER) and a Member opposed will each control 5 minutes.

The Chair recognizes the gentleman from Massachusetts (Mr. OLVER).

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

Mr. Chairman, last week Members will remember that as we were debating the VA, HUD, and Independent Agencies legislation, that the exact proviso that exists in section 107 was in that legislation, but attached only to the EPA title of the legislation. It serves to limit the use of funds that are provided by the Act within the EPA's title II in relation to the Kyoto Protocol.

Mr. Chairman, the proviso on page 107 is, as I say, exactly the same proviso that existed in the VA-HUD Act, but in this instance it is a general provision and so it affects every one of the titles of the bill.

I am offering an amendment which is the precisely parallel amendment to the amendment offered adopted by this House by a vote of 314 to 108 last week that simply makes clear that any of the activities that are part of that proviso, that any of those activities which are otherwise authorized in legislation, are not subject to the limitation that is proposed within the proviso.

That I think is precisely equivalent language that we adopted by a vote of 314 to 108 last week. I would hope that the amendment would be agreed to, as it was last week, and voted last week.

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

Mr. KNOLLENBERG. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Michigan (Mr. KNOLLENBERG) is recognized for 5 minutes.

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

Mr. Chairman, unlike what the gentleman just said, this amendment is not the same as last week. This is totally different. This is a gutting amendment.

Last week's amendment had to do with EPA. Now what the attempt on the part of the gentleman from Massachusetts (Mr. OLVER) is to cut the heart out of the language that is law. This is law that was passed in 1999, and the law of last year. Seven times the President has signed language that is now in effect.

What H.R. 4690 is not about, it is not about funding of research and development for clean power with renewable energy, or funding to develop new homes that are more energy-efficient, or trying to reduce methane emissions.

In fact, what this amendment does is it trips through the year 2000, through the 1999 year, and brings us really back to a point where we were before we even started this language.

Incidentally, I would tell the Members, in 1997 the Senate unanimously, by a vote of 95 to nothing, instructed the Clinton-Gore administration not to sign the Kyoto treaty. They did. The United States Constitution requires the advice of the Senate to all treaties, requires the consent of the Senate to all treaties, and balances the power of government between the legislative, executive, and judicial branches.

This is not the same as the amendment last week. The gentleman from Massachusetts errs when he says it is, because this reaches in and takes away everything that we have done. This is not a modest amendment, it is not minor. It is destructive, and frankly, it slaps the Byrd-Hagel resolution in the face. It bypasses the Constitution, and it is wrong for America, it is wrong for the worker, wrong for the laborer, wrong for industry.

Along with a slap against the Constitution and the Byrd-Hagel resolution, I think we have to reject, reject strongly this amendment.

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

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

Mr. Chairman, I am really surprised by the argument that the gentleman from Michigan (Mr. KNOLLENBERG) is making here. The proviso is precisely the same proviso that was in the VA-HUD bill, and the amendment, as I have offered it, is precisely equivalent to the amendment that was offered and voted 314 to 108 last week.

□ 1915

The only difference is that the proviso as it was on the VA-HUD bill applied to only one title of the bill, whereas this proviso now applies as a general provision to every title of this bill. And, therefore, the only thing that has been removed from this amendment is the particular application to the EPA title of the bill which, of course, would not make any sense in a piece of legislation that deals with Commerce and with the State Department and with the Judiciary and with the Justice Department.

So, I really do not understand where there is any difference in the import here. The only thing that is being done by this amendment is to make certain that those things otherwise authorized by law are, in fact, not subject to the limitation, which is precisely what was happening last week when we were saying that those things otherwise authorized by law, those activities that are part of the proviso which are otherwise authorized by law, were not subject to the limitation provision.

So I think that the gentleman voted for the amendment last week in exactly that form, as did the chairman of the Subcommittee on VA-HUD Appropriations.

Mr. Chairman, I yield the remainder of my time to the gentleman from Maryland (Mr. GILCREST).

Mr. GILCREST. Mr. Chairman, I thank the gentleman from Massachusetts (Mr. OLVER) for yielding me this time.

Mr. Chairman, I would urge the gentleman from Michigan (Mr. KNOLLENBERG), this is not a sleight-of-hand. This is not a maneuver to allow this President to implement anything in Kyoto. This is a provision that the entire executive branch, whether it is EPA, the Department of Energy, the Department of Justice, the State Department, or the Department of Commerce, will understand that the Kyoto Protocol has not been ratified by the Senate, it is not going to be implemented with this particular amendment.

It only allows what I think all of us do on this floor, what all of us want this Government to do and that is simply to exchange information, to have some sense of understanding about human activity, its impact on climate change and what we can do to share with our constituents what is coming down the road.

So I would urge the Members to vote for the Olver amendment. It is good, common, intelligent sense.

Mr. KNOLLENBERG. Mr. Chairman, I would like to be advised the amount of time remaining.

The CHAIRMAN. The gentleman from Michigan (Mr. KNOLLENBERG) has 3 minutes remaining, and the time of the gentleman from Massachusetts (Mr. OLVER) has expired.

Mr. KNOLLENBERG. Mr. Chairman, I yield 1½ minutes to the gentleman from Pennsylvania (Mr. PETERSON), who has been a strong, strong supporter of what I would call common sense.

Mr. PETERSON of Pennsylvania. Mr. Chairman, here we go again. Another effort to back-door the Kyoto treaty. The Knollenberg language that is in this bill is appropriate. It has been put into law year after year, and it says that we are not allowed to implement and spend billions of tax dollars implementing the Kyoto Protocol which has not been put before the Senate, when it has not been debated, when it is not in the appropriate setting.

There is no reason for the language that is being offered. There is no good reason. There is no prohibition of exchange of information. There is no prohibition of us doing the normal things that our environmental agencies do from country to country. This creates a loophole that one could drive a Mack truck through. This administration, year after year, has budgeted billions of dollars to sell their theories, to sell the American public on this concept.

Mr. Chairman, that is not what this is all about. Solemn science should rule and we should have a scientific debate. Most of America is concerned about this proposal that is before us right now. The people that create the

jobs in this country realize that the Kyoto Protocol, as implemented by the back door as the Gore administration wants to do, will take jobs out of this country and put them into Third World countries faster than anything that has been done.

The Kyoto Protocol, as was mentioned the other day, is a horrible idea. It is a horrible concept. It leaves the Third World countries out and will have our businesses buying credits from them so they can continue to process and manufacture in this country. It makes no sense and we must not let this administration implement it in the back door.

Mr. OLVER. Mr. Chairman, I ask unanimous consent that each side be granted an additional 1 minute.

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

Mr. KNOLLENBERG. Mr. Chairman, reserving the right to object, how much time do I have remaining?

The CHAIRMAN. The gentleman from Michigan (Mr. KNOLLENBERG) has 1½ minutes remaining, and prior to this request, the time of the gentleman from Massachusetts (Mr. OLVER) had expired.

Mr. KNOLLENBERG. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

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

Mr. Chairman, the gentleman from Massachusetts (Mr. OLVER) contends that this is just again a very modest thing, a very moderate move, minor move. It is a gut-wrenching, cut-the-heart of the language that we have worked so hard to put in place. The gentleman from Maryland (Mr. GILCREST) says that we are not going to implement the Kyoto Protocol. My colleagues must know that there are 24 instances on this sheet of paper where the State Department is implementing the Kyoto Protocol.

Mr. Chairman, all we are trying to do is say do not break the law. If it is authorized, do it. If it is not authorized, do not.

The gentleman from Massachusetts (Mr. OLVER) and I have talked about this. But, frankly, the gentleman has crossed the line in terms of transgression. What he is doing is deceptive, disingenuous and it is wrong. It is wrong for this country.

Very honestly, if the gentleman thinks that he can change the language here, he can change it again on the next bill and the next bill, and pretty soon, by water torture, drip by drip, we have a bill, we have statutory language that gets pecked away, destroyed so that the administration, with the gentleman's leadership pushing it, can implement the Kyoto Protocol.

Mr. Chairman, I say again, this is not good for America, it is not good for the laborer, for the farmer, it is not good for industry. And, in fact, as has already been heard, it will jack up the

price of a thing called gasoline 65 or 70 cents a gallon if we implement it. I suggest that we stop implementation. I urge my colleagues to vote against the Olver amendment.

Mr. Chairman, I want to point out that the amendment by Mr. OLVER regarding the Kyoto Protocol cannot, under the Rules of the House of Representatives, authorize anything whatsoever on this Commerce, Justice, State, Appropriations bill, H.R. 4690, lest it be subject to a point of order.

The offerer of this amendment admits that it shall not go beyond a recognition of the original and enduring meaning of the law that has existed for years now—specifically that no funds be spent on unauthorized activities for the fatally flawed and unratified Kyoto Protocol.

Mr. Chairman, I am grateful for the acknowledgement of Administration's plea for clarification. The whole nation deserves to hear the plea of this Administration in the words of the coordinator of all environmental policy for this administration, George Frampton, in his position as Acting Chair of the Council on Environmental Quality. On March 1, 2000, on behalf of the Administration he stated before this appropriations subcommittee, and I quote, "Just to finish our dialogue here, my point was that it is the very uncertainty about the scope of the language . . . that gives rise to our wanting to not have the continuation of this uncertainty created next year."

Mr. Chairman, I agree with Mr. OBEY when he stated to the Administration, "You're nuts!" upon learning of the fatally flawed Kyoto Protocol that Vice President GORE negotiated.

Mr. Chairman, I thank the gentleman for his focus on the activities of this Administration, both authorized and unauthorized.

The offerer of this amendment admits that it shall be ready to be fully consistent with the provision that has been signed by President Clinton in six current appropriations laws.

A few key points must be reviewed:

First, no agency can proceed with activities that are not authorized and funded.

Second, no new authority is granted.

Third, since neither the United Nations Framework Convention on Climate Change nor the Kyoto Protocol are self executing, specific implementing legislation is required for any regulation, program, or initiative.

Fourth, since the Kyoto Protocol has not been ratified and implementing legislation has not been approved by Congress, nothing contained exclusively in that treaty is funded.

Mr. Chairman, as you know, the Administration negotiated the Kyoto Climate Change Protocol sometime ago but has decided not to submit this treaty to the United States Senate for ratification.

The Protocol places severe restrictions on the United States while exempting most countries, including China, India, Mexico, and Brazil, from taking measures to reduce carbon dioxide equivalent emissions. The Administration undertook this course of action despite unanimous support in the United States Senate for the Senate's advice in the form of the Byrd-Hagel resolution calling for commitments by all nations and on the condition that the Protocol not adversely impact the economy of the United States.

We are also concerned that actions taken by Federal agencies constitute the implementation of this treaty before its submission to

Congress as required by the Constitution of the United States. Clearly, Congress cannot allow any agency to attempt to interpret current law to avoid constitutional due process.

Clearly, we would not need this debate if the Administration would send the treaty to the Senate. The treaty would be disposed of and we could return to a more productive process for addressing our energy future.

During numerous hearings on this issue, the administration has not been willing to engage in this debate. For example, it took months to extract the documents the administration used for its flawed economics. The message is clear—there is no interest in sharing with the American public the real price tag of this policy.

A balanced public debate will be required because there is much to be learned about the issue before we commit this country to unprecedented curbs on energy use while most of the world is exempt.

Worse yet, some treaty supporters see this as only a first step to elimination of fossil energy production. Unfortunately, the Administration has chosen to keep this issue out of the current debate.

I look forward to working to assure that the administration and EPA understand the boundaries of the current law. It will be up to Congress to assure that backdoor implementation of the Kyoto Protocol does not occur.

In closing, I look forward to the report language to clarify what activities are and are not authorized.

Mr. OLVER. Mr. Chairman, I ask unanimous consent for 1 additional minute for each side.

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

Mr. KNOLLENBERG. I object.

The CHAIRMAN. Objection is heard.

The question is on the amendment offered by the gentleman from Massachusetts (Mr. OLVER).

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

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

The CHAIRMAN. Pursuant to House Resolution 529, further proceedings on the amendment offered by the gentleman from Massachusetts (Mr. OLVER) will be postponed.

The Clerk will read.

The Clerk read as follows:

TITLE VII—RESCISSION
RELATED AGENCIES
DEPARTMENT OF TRANSPORTATION
MARITIME ADMINISTRATION
MARITIME GUARANTEED LOAN (TITLE XI)
PROGRAM ACCOUNT
(RESCISSION)

Of the funds provided under this heading in Public Law 104-208, \$7,644,000 are rescinded.

Mr. ROGERS (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 107, line 21, be considered as read, printed in the RECORD, and open to amendment at any point.

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

There was no objection.

The CHAIRMAN. Are there any amendments?

AMENDMENT NO. 38 OFFERED BY MR. STEARNS

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 38 offered by Mr. STEARNS:

At the end of the bill, insert after the last section (preceding the short title) the following new title:

TITLE VIII—LIMITATIONS

SEC. 801. Of the funds appropriated in this Act under the heading "FEDERAL COMMUNICATIONS COMMISSION", not more than \$640,000 shall be available for the Office of Media Relations of the Federal Communications Commission.

The CHAIRMAN. Pursuant to the order of the House of Friday, June 23, 2000, the gentleman from Florida (Mr. STEARNS) and a Member opposed will each control 5 minutes.

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

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

Mr. Chairman, I would say to my colleagues that I have a very simple amendment, and I will not take the full amount of time for this.

When we passed the Telecommunications Act in 1996, the whole idea of the act was to deregulate the telecommunications industry. At that time it was heralded as a great event. We had not deregulated the Telecommunications industry since 1934. So when we finally deregulated, all of us thought that this would possibly reduce government because of deregulation.

Instead of reducing government, the FCC which monitors and overlooks the telecommunications revolution, expanded quite dramatically. And they obviously will claim they need additional staff, but I contend that with all these mergers and all of this ever-changing landscape, we have to ask do they need 2,000 full-time equivalent employees at the FCC? I believe that in some places they have the necessary employees, but one area I am particularly concerned about, is in the media relations department. Do they need almost 20 people to do media relations? To make press clips? To send out press releases and to sell the FCC?

Mr. Chairman, this is a government agency. This is not The Washington Post. This is not the Lockheed-Martin Corporation. It is just an independent government agency, yet they have almost 20 people to do media relations. What is the need for an agency to be able to carry out a media campaign of public relations? This is in addition to the press operations the FCC bureau office employs already. That is right. The seven bureau offices have their own press contacts and the five Commissioners all have their own press contacts.

So let us take a look at this chart. When we look at this chart and see all

the difference departments in the FCC that make up this 2,000 employees agency and we relate that, each of the Commissioners have their own press contacts and each of the bureaus have their own person to deal with media. We have a right to ask. And then we come over to this box, the Office of Media Relations, which is over there, and we say to ourselves: What do they do and how big are they?

Mr. Chairman, they are responsible for informing the press and the public about the FCC's actions, facilitating public participation, issuing news releases, public notices and other information material. That sounds pretty good. There are 17 people in that office.

Now, I would like if I could to take this chart down and show what makes up that media relations department. First of all the American taxpayer is paying four people an average salary of \$77,349, another four people at \$98,743, and one person is making almost \$131,000 a year. So if you look back up here and see 17 of these different persons that make up this media relations, we will understand that the composite group of these 17 people are making a great deal of money.

In fact, the total of the salaries in this office alone is over \$1,100,000. I suggest if one is a media person on the Hill, they could probably apply to the FCC and make a lot more money than they are making in their present job, frantically working until midnight like tonight.

Mr. Chairman, my amendment prohibits the FCC from appropriating more than \$640,000, instead of \$1,100,000, for the Office of Media Relations. I need to remind the Chairman of the FCC that employees of the Commission are public servants. This office and others throughout the FCC are unelected and now are getting paid almost as much as Federal judges. In some cases they are paid more. The role of the agency is to implement and administer our Nation's telecommunications law, not to increase headlines.

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

Mr. STEARNS. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Chairman, I rise in support of the gentleman's amendment. It is important to remind ourselves that the amendment does not make further cuts in the budget of the FCC. It is intended to limit the funds spent by the Commission on media relations.

Many in this Chamber questioned the involvement of the FCC in our debate over the Radio Broadcasting Preservation Act. Despite the FCC's efforts, that bill passed the House overwhelmingly by a vote of 274 to 118 back in April.

Mr. Chairman, I commend the gentleman from Florida for his work and this amendment.

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

Mr. SERRANO. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from New York (Mr. SERRANO) is recognized for 5 minutes.

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

This is one of those out and out attacks that one always wonders whether what was said on the floor is the actual reason or there was a reason behind it.

□ 1930

Let us face it, the FCC is in a lot of trouble with some people these days because of the work they are doing on low-power FM stations, and for that they are paying a big price.

It is interesting that people who are in this profession, like ourselves, like myself, would get up to oppose the idea of an office of media relations. I mean what we do every day, the fact that we have allowed cameras in this Chamber, is in fact our desire to keep the public informed. And what we have here is an office that handles very delicate issues, issues that we deal with on a daily basis in this country, from the FCC.

The whole notion of suggesting that the FCC generates this kind of information is not totally correct. The FCC and the media relations office also do a lot of work responding to many inquiries from Members of Congress, from the public in general and, yes, from the press. For instance, on a yearly basis, 39,600 average press calls come in seeking information about telecommunications issues and pending FCC cases and proceedings.

Secondly, because of the work that the FCC does, and because of the fact that the FCC has been involved in some very serious decisions in the last few years, there is a need from the public to know; and the public is constantly asking on a weekly and a monthly basis of the FCC to handle more information. They brief the press and the public before each Monday meeting on all the issues; they also make available the information on the Internet and via e-mail. These are the kinds of things we demand of ourselves and we demand of other people.

They, as I said, maintain and continually update the FCC Web site, on which all documents released by the commission are posted. The site receives approximately one million hits each day. One million hits. Now, this is not an office that sits around doing nothing; and this is not an office that has to go out, as has been suggested here, and create information and create their jobs. The mere fact that they are in an agency which gives out information and which controls a lot of the information that goes out in this country, they are part of this agency and this is the work that they do.

To stand here on the floor and just try to say, well, we have to get at them for some of the things they have done that we do not like, and we are going to start by keeping the information from coming out, that is just not fair and should be seen for what it is.

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

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

And, Mr. Chairman, I would say to my good friend that this is just intended to save money and to bring more fiscal responsibility. So there is no other motive here.

I would also say to my friend that each of these bureaus here have their own press person. And when the commissioners send out their own press release, a certain person in that commissioner's office must be referred to as the press contact. These folks are in overload with personnel in the press department.

I submit that we can take this office, which spends \$1,100,000 and bring it down to \$640,000.00 and still be better off. Because we do not need to be paying so many people \$80,000. There are four of them making almost \$80,000 a year. I suggest my colleague's my own press secretary is not making \$80,000 a year, and I submit that this office does not need this much either.

The CHAIRMAN. The time of the gentleman from Florida (Mr. STEARNS) has expired.

Mr. SERRANO. Mr. Chairman, how much time do I have remaining?

The CHAIRMAN. The gentleman from New York has 2 minutes.

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

Now that the gentleman from Florida has gotten me in trouble with my press secretary, I must say that I still think that this is an unfair attack. It is interesting that the gentleman mentions my press secretary, because at this very moment each one of us that has spoken on the floor today has been getting countless phone calls from the media and from the public asking for information as to what we said, what we discussed, why we said it, and what was the issue.

The FCC handles as important issues as we do and they get the same information requests, and they get the same desire from the public to know.

So what I am saying to my good friend is I know that the gentleman has some problems with the FCC, but he should find another area to attack and not attack the media relations. Because if the gentleman succeeds, I assure my colleague that a year from now he will be back on the floor complaining that he does not get enough information from the FCC.

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

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

Mr. STEARNS. Mr. Chairman, I will not be on the House floor next year if the gentleman votes for my amendment. Will the gentleman agree to that?

Mr. SERRANO. Reclaiming my time, Mr. Chairman, I am hoping that the gentleman will not be on the House floor next year, but it has nothing to do with the amendment.

Mr. STEARNS. If the gentleman will continue to yield, I have issued a challenge to the gentleman.

Mr. SERRANO. I am sorry, I cannot vote for the gentleman's amendment this year or next year.

Mr. FRELINGHUYSEN. Mr. Chairman, I rise in support of the Stearns amendment. Far too often, Federal agencies simply forget whom they are here to serve—the people.

The Federal Communications Commission's Office of Legislative and Intergovernmental Affairs employs approximately 13 people at a cost of almost \$950,000 dollars to answer requests and inquiries and they do a poor job.

Mr. Chairman, why does it take 17 people in the Office of Media Relations to inform the press and the public of the FCC's actions—at a cost to the taxpayer of over \$1 million dollars?

Why does it take 13 people from the Office of Legislative and Intergovernmental Affairs to respond to 535 Senators and Members of Congress when I have 6 people on my staff to answer the inquiries from 600,000 of my constituents?

Mr. Chairman, let me give you one example of a situation I encountered with the Federal Communications Commission's poor record of "customer service."

In November of 1999, I wrote to the Chairman of the FCC seeking a response to an issue hundreds of my constituents had written to me about.

Despite several follow-up letters to Chairman Kennard, I had to send yet another letter in April and had my office place several telephone calls inquiring to the status of the response to my inquiry—now five months old.

Mr. Chairman, it is an outrage that it would take the Chairman of the Federal Communications Commission almost five months to respond to my constituents. This agency has absolutely no accountability to the taxpayers! It is clear how much waste is taking place at this agency.

Mr. Chairman, it is about time for the Federal Communications Commission to be responsible to the people they serve. I urge my colleagues to support this amendment.

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

The CHAIRMAN. All time on the amendment has expired.

The question is on the amendment offered by the gentleman from Florida (Mr. STEARNS).

The amendment was agreed to.

AMENDMENT NO. 28 OFFERED BY MS. MCCARTHY OF MISSOURI

Ms. MCCARTHY of Missouri. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 28 offered by Ms. MCCARTHY of Missouri:

Add at the end of the bill, before the short title, the following:

TITLE VIII—PROPERTY AND SERVICES DONATIONS TO THE BUREAU OF PRISONS

PROPERTY AND SERVICES DONATIONS TO THE BUREAU OF PRISONS

SEC. 801. The Director of the Bureau of Prisons may accept donated property and services relating to the operation of the Prison Card Program from a not-for-profit entity which has operated such program in the past, despite the fact such not-for-profit entity furnishes services under contract to the

Bureau relating to the operation of prerelease services, halfway houses, or other custodial facilities.

The CHAIRMAN. Pursuant to the order of the House of Friday, June 23, 2000, the gentlewoman from Missouri (Ms. MCCARTHY) and a Member opposed will each control 5 minutes.

The Chair recognizes the gentlewoman from Missouri (Ms. MCCARTHY).

Ms. MCCARTHY of Missouri. Mr. Chairman, I yield myself such time as I may consume, and I offer this amendment which adds clarifying language to the bill. This amendment is non-controversial and enjoys bipartisan and bicameral support.

This amendment allows the Department of Justice to accept a donation of greeting cards from the Salvation Army. The Department of Justice requested this language to continue a very successful prison card program which has operated successfully for over 25 years.

Each year, as a part of their rehabilitation, millions of cards are distributed to help prisoners keep in touch with their families and friends, thus keeping them connected with society and, where possible, easing their return and acclimation to society upon release.

From a public policy standpoint, this program is hailed as very successful by the Department of Justice, the Bureau of Prisons, prison administrators, majority and minority communities, faith-based organizations, and law enforcement officials. Again, this is a noncontroversial and widely supported program, and I urge the adoption of my amendment.

Mr. ROGERS. Mr. Chairman, will the gentlewoman yield?

Ms. MCCARTHY of Missouri. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Chairman, we are not opposed to the amendment.

Ms. MCCARTHY of Missouri. Mr. Chairman, I thank the gentleman for accepting my amendment.

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

The CHAIRMAN. Is there any Member wishing to claim time in opposition?

Hearing none, the question is on the amendment offered by the gentlewoman from Missouri (Ms. MCCARTHY).

The amendment was agreed to.

AMENDMENT NO. 23 OFFERED BY MR. HOSTETTLER

Mr. HOSTETTLER. Mr. Chairman, I offer amendment No. 23.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 23 offered by Mr. HOSTETTLER:

At the end of the bill, insert after the last section (preceding the short title) the following new title:

TITLE ____ — ADDITIONAL GENERAL PROVISIONS

SEC. ____ None of the funds made available in this Act to the Department of Justice may be used to enforce, implement, or ad-

minister the provisions of the settlement document dated March 17, 2000, between Smith & Wesson and the Department of the Treasury (among other parties).

The CHAIRMAN. Pursuant to the order of the House of Friday, June 23, 2000, the gentleman from Indiana (Mr. HOSTETTLER) and a Member opposed will each control 15 minutes.

The Chair recognizes the gentleman from Indiana (Mr. HOSTETTLER).

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

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

Mr. HOSTETTLER. Mr. Chairman, today I rise to offer an amendment that would prohibit the Department of Justice from using taxpayers' dollars to enforce the provisions of a settlement agreement between Smith & Wesson, the Treasury Department, and the Department of Housing and Urban Development.

The Department of Justice would be the primary agency that would bring suit to enforce any disputes that arise as a result of the agreement. Therefore, this amendment would simply prohibit the Department of Justice from suing Smith & Wesson for HUD or Treasury to enforce the contested provisions of this agreement.

Let me share with my colleagues what I am trying to accomplish with this amendment. It is quite simple. Article 1, section 1 of the Constitution states, and I quote: "All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives."

In my hand I hold 22 pages of legislation. This legislation was not deliberated in these grand Chambers. This legislation was not debated among the distinguished Members of this body. This legislation was formed by lawyers of the executive branch, bringing the full force and weight of the United States Government upon one firearms manufacturer.

What is our response? If we do nothing and allow the executive branch to intrude upon our legislative authority, who is next? I do not believe the founders of this great Nation would want us to hand over our constitutional authority to Andrew Cuomo or Janet Reno. In fact, our oath of office requires us to stand up and say to the executive branch, "You will not bypass us and bring this reign of legislation through litigation terror upon the American people."

Now, let me share with my colleagues what these 22 pages of legislation include. Now, keep in mind that in the agreement Smith & Wesson agrees to bind all those dealers who wish to sell Smith & Wesson products to the restrictions in the agreement. In other words, Smith & Wesson dealers must include the following restrictions on all firearms sales regardless of make. This includes Smith & Wesson, Ruger, Beretta, Colt, and so on.

In order to continue selling Smith & Wesson products, dealers must agree to, one, impose a 14-day waiting period on any purchaser who wants to buy more than one handgun. Again, all makes. Did Congress authorize such a restriction?

Two, transfer firearms only to individuals who have passed a certified safety examination or training course. Once again, all makes. Did Congress authorize this restriction?

Three, the agreement authorizes the BATF, the Bureau of Alcohol, Tobacco and Firearms, to sit on an oversight commission to enforce provisions of the coerced agreement. When did Congress authorize the BATF to enforce private civil settlement agreements?

Four, requires the BATF or an agreed-upon proofing entity to test firearms. Did we do this in this Chamber?

Five, the agreement mandates that Smith & Wesson commit 2 percent of their revenues to develop authorized user technology and within 36 months, 3 years, to incorporate this technology in all new firearm designs. It appears HUD likes unfunded mandates. Did Congress authorize this unfunded mandate?

I could go on and on, but time prevents me from doing so. I have been accused of trying to destroy Smith & Wesson in past legislative efforts. Nothing could be further from the truth. In fact, in April, Smith & Wesson published on their Web page a clarification of their interpretation of their agreement with Treasury and HUD. But the Clinton administration was not happy at all with that interpretation found on their Web site, and I quote from the New York Times of April 14:

"A Clinton administration official hinted yesterday," April 13, "that the matter might end up in court if Smith & Wesson tried to back away from a deal it had signed. 'The agreement is a contract,' said an administration official involved in the deal. 'It says what it says. It will be implemented.'"

Now, tell me, who is trying to destroy Smith & Wesson? I suppose former Labor Secretary Robert Reich was prophetic in his statement in USA Today when he said in February 1999: "The era of big government may be over, but the era of regulation through litigation has just begun."

In conclusion, Mr. Chairman, I ask, are we a Nation of laws or a Nation of lawsuits? Support my amendment and stop Treasury and HUD from using the Department of Justice to enforce their legislation, again, not this body's legislation, but Treasury and HUD's legislation through litigation, and return that legislative power to where the Constitution requires it, the Congress.

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

Mr. SERRANO. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from New York (Mr. SERRANO) is recognized for 15 minutes.

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

Mr. Chairman, I am really troubled by this amendment because it wants to destroy an agreement which is for the good of the American people and, in fact, for the good of the gun manufacturing industry.

On the safety front, Smith & Wesson agreed to measures like internal safety locks, smart gun technology, child safety trigger resistance, chamber load indicators, and many other provisions that will cut down on accidental shootings and make guns less attractive to criminals.

What Smith & Wesson did was, in fact, show for the first time in a very significant way that this issue can be taken seriously as a manufacturer; that they do not have to run away from their responsibilities; that, yes, they can stay in business and still do the right thing by the American people and American children. For that reason, I think that opposing the implementation of the agreement at this point is a vote for less safety and less responsible distribution. To kill the implementation of the agreement sends a strong signal to the rest of the gun industry that they should just keep resisting common sense reform while communities throughout America pay the price.

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

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

Mr. Chairman, this amendment is simply to once again return the legislative authority to Congress. Congress has in the past dealt with issues that the gentleman has discussed; and, in fact, it has passed legislation dealing with trigger locks, with waiting-day periods for, as past amendments dealing with that legislation dealing with the amount of time that must be used for background checks at gun shows where an individual is not a Federal firearms licensed dealer but is, in fact, a private seller.

Congress has already spoken on those issues. But the administration does not want that discussion to be heard, does not want that discussion to be the legislative process. It wants to legislate through litigation. It wants to legislate through the coercive action of HUD, of the BATF and, in this particular case, the Justice Department.

I would say that the discussion about what this is going to do for our children I think is made moot, is defied by the simple facts of our society today. And what we are led to believe that discussion is that this agreement will make firearms safer, will make the streets safer for our children really flies in the face of reality.

And that is, if we take the tragic story earlier this year of a 6-year-old boy who went to school and killed his classmate, what we are led to believe

by the opponents of this amendment, the proponents of legislation through litigation through the executive branch, is this, that when that little boy would take the gun that his father or those in the crack house where he was staying had stolen, that he would have been met on the way to school with that .32 caliber automatic firearm and, in a drug-induced stupor, his father would have said, Son, before you go to school with that firearm that we stole and you break six, eight, ten, a dozen Federal firearms laws by doing it, what you and I need to do is we need to go down and have a certified training course for that gun, for the use of that firearm, for the illegal use of that firearm.

Mr. Chairman, that is not going to happen, obviously. But discussion earlier last week, I think, does define what is trying to be done in this agreement; and that is a statement that was made by one of our colleagues that said, quote, this amendment and the one that preceded it earlier regarding the Communities for Safer Guns Coalition are really unnecessary and they fly in the face of incremental and reasonable and common sense attempts to protect our children from guns.

Obviously, that little 6-year-old girl that was killed was not secured from violence and this agreement and everything affiliated would not have stopped that from happening. But what is taking place is incremental gun control by actions of the executive branch implemented not only on dealers who deal in Smith & Wesson firearms but on every firearm that goes through their inventory.

This is back-door gun control through coercion and through threat of litigation, and this Congress should not allow that to happen.

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

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

Mr. Chairman, let me just point out that a similar amendment by the gentleman from Indiana (Mr. HOSTETTLER) was defeated on the VA-HUD bill. Secondly, the gentleman keeps mentioning the Department of Justice. The Department of Justice is not a party to this agreement, as is the Treasury Department.

Lastly, just to remind everyone, this is Smith & Wesson trying to do the right thing; and to be attacked for trying to do the right thing and to say they have been coerced is totally unfair.

Mr. Chairman, I yield 5 minutes to the gentlewoman from New York (Mrs. MCCARTHY).

Mrs. MCCARTHY of New York. Mr. Chairman, last week my colleague the gentleman from Indiana (Mr. HOSTETTLER) attempted to turn back the clock on gun safety. He failed and the House rejected his amendment. We should defeat this amendment once again.

Today he tries again. The bill has changed, but the amendment is the

same. Instead of HUD, the gentleman from Indiana (Mr. HOSTETTLER) prevents the Department of Justice from expending any money relating to HUD-Smith & Wesson agreement.

Secretary Cuomo and more than 10 of the Nation's mayors successfully negotiated an agreement with the gun manufacturer, Smith & Wesson, in March. This agreement has been embraced by more than 411 communities across the Nation from Los Angeles to Long Island, New York. The agreement will make our communities safer, and we should allow it to continue without Congressional tampering.

His amendment will prevent the Department of Justice from expending any funds related to its agreement with Smith & Wesson. Now, this is extremely important.

What does the agreement do? This is not gun control. This is called gun safety where a manufacturer is coming before us and doing the right thing to try to make our citizens and our children safer.

Guns will have safety locks. Smart technology, this is the guns that can be for people in the house, whether it is one person or two people, that the gun can be fitted to that person and only those two people would be able to use that gun. This is extremely smart. Smith & Wesson has agreed to go forward with this. This is gun safety, not gun control.

Guns cannot be marketed to children. What can we even say about that? Guns should not be marketed to children, anyhow.

Background checks performed on all sales. We know that when we do background checks and weed out those criminals that are trying to buy their guns, that that can cut down on gun violence in this country.

Gun stores must secure guns and ammunition to prevent their theft. What is wrong with that? This way we cannot have someone breaking into a store and stealing guns and ammunition. Law enforcement has a stake in this agreement because it reduces gun violence, reduces gun accidents, and it keeps the guns out of the hands of criminals. And that is, basically, all Smith & Wesson is trying to do with this agreement.

Let me say that this also leads us down a very slippery slope. What if a drug manufacturer reaches an agreement with the Department of Veterans' Affairs to provide reasonable priced prescription drugs for our veterans? Are we going to strike this down also?

The Congress has a legitimate right to examine this agreement and others. It is shameful to defund the Smith & Wesson agreement without adequate review. We constantly hear the Congress should not meddle in the affairs of our cities and our counties. This amendment is meddling. It says local communities cannot work with the Federal Government to reduce gun violence.

This amendment says HUD should not keep its word. It says that it is

trivial that 12 children are killed every day by gun violence.

It was mentioned by my colleague that the 8-year-old that shot the 6-year-old girl that a child safety lock would not have prevented this. Well, most likely, it probably would not have. But that does not mean that we should not go forward in trying to have gun safety legislation here.

What might have happened was, if that person bought the gun illegally, maybe if we had stricter laws as far as background checks go that person would not have been able to buy the gun if he did buy it on the black market.

I think that we should honor our agreement with Smith & Wesson. It is good business sense for them; and, hopefully, other gun manufacturers will follow suit with them.

I have to say, when a private individual or company sues the Federal Government and settles, then Congress makes sure that the settlement is upheld. The same standard applies to the HUD-Smith & Wesson agreement. Let this agreement stand as it is.

Mr. Chairman, guns and children do not mix. The Million Mom March showed us that hundreds of thousands of Americans can unite to stop gun violence in this country. The gun lobby does not control this House. We, the citizens that work here representing the people back home, are the ones that are supposed to fight for the issues that we care so much about.

I have to say that every little thing that we try to do to reduce gun violence in this country we seem to be stopped. I think it is time that we all work together. This is gun safety. It is not gun control. Gun control to me is when we try to take away the right of someone owning a gun. We are not doing that. I do not know of any Member that is trying to do that. This is good, common sense gun safety legislation. We defeated this amendment last week. We should again defeat this amendment today.

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

Mr. Chairman, I would address some points that the gentlewoman from New York (Mrs. MCCARTHY) made, and the first is the discussion of the slippery slope.

She brings up a good point about reasonable cause for the Veterans' Administration for drugs from a particular drug company. No one could be opposed to that. But the analogy is not particularly complete in that, if one drug company would make that agreement with the Veterans' Administration, if the same philosophy would govern as does with the Smith & Wesson agreement, then every pharmacist that supplies that one drug would have to sell a similar drug or other drugs at a price dictated by the first drug company and the Veterans' Administration.

That is what this agreement does. It makes not only the sale of Smith &

Wesson firearms applicable to the provisions of this agreement, but this makes other non-signatory gun manufacturers open to this, as well.

Now, the gentleman from New York (Mr. SERRANO), the ranking member, said that the Department of Justice is not a party in this lawsuit, and he is absolutely correct. But, however, it would be the Department of Justice, as the gentlewoman from New York (Mrs. MCCARTHY) pointed out, that would be the instrument that would bring the suit to Federal court on the part of HUD and the Treasury. So he is right. But this amendment is still necessary because it will be Justice that brings this to play.

Now, the gentlewoman from New York (Mrs. MCCARTHY) is right. This agreement would not have done anything to stop the tragedy nor to stop most tragedies dealing with violence against children, violent crimes. Because that is why we call them crimes. When they break the law, they commit a crime. And that is what happened in the first case with the incident that I discussed earlier. The gun was not purchased on the black market.

Not many black market salesmen have guns that do background checks in the first place. But, secondly, even if this one particular black market gun dealer that my colleague points out would have done a background check, it would not have applied because it was stolen and it was reported as such, so this agreement would not have affected that particular situation at any point.

Now, I would simply say that this is an agreement that is going to be carried out in a court of law, according to what has already been stated in *The New York Times*, if Smith & Wesson goes forward with their interpretation of the agreement. The Department of Justice would be the one to bring suit. And, so, if my colleague feels that Smith & Wesson has tried to do the right thing in this agreement, then she must vote for my amendment because she does not, in her own words, want to penalize Smith & Wesson by the Justice Department doing what they have already said they are going to do, and that is sue Smith & Wesson if Smith & Wesson does not do exactly what the Department of Justice, not Congress, says they should do in this.

Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. PAUL).

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

Mr. PAUL. Mr. Chairman, I thank the gentleman from Indiana (Mr. HOSTETTLER) for bringing this very important amendment to the floor.

There is a lot of emphasis around here on the first amendment, and rightfully so. We should defend it. There is a lot of neglect on the second amendment, but there are a lot of Americans that believe that the second amendment is equally as important as the first amendment. So I congratulate the gentleman.

Mr. Chairman, I rise in strong support of the Hostettler amendment. The Founding Fathers fought to break away from a tyrannical government. Part of the problem was that the King of England was making laws without any accountability. When they set up this Government, they saw the dire need to have several checks and balances, thus creating the three-fold system of Government: the executive branch, the judicial branch, and the legislative branch.

It is this legislative branch that is responsible for making laws and the judicial branch for interpreting them, period.

A serious act of misconduct on the administration occurred when the Smith & Wesson agreement was settled. The executive branch acted as the legislative branch when they bypassed Congress through 22 pages of litigation. The egregious agreement will require all authorized Smith & Wesson dealers to limit handgun sales to one handgun every 14 days regardless of make, require all authorized Smith & Wesson dealers to require customers to pass a certified test before completing a sale of any firearm, mandate that the BATF participate on an oversight commission created by the settlement agreement, and does not allow unaccompanied minors into areas where firearms are present.

It seems now that the administration sees fit, acting on no authority given it by the Constitution, to dictate to a company who they can sell their products to and in what manner their product can be sold. This forces law-abiding citizens to jump through Government-ordained hoops before they exercise their rights to purchase as many firearms as they choose and to purchase them whenever they choose.

The BATF, which has never been known for its fair treatment of gun owners, will play an integral part on the oversight commission of gun owners by the agreement.

The BATF will require all employees of dealers to attend annual training courses. In these training courses, the BATF gives the final say as to what can be taught and what will be excluded. Each employee must also complete an examination of which its contents will be closely reviewed by the oversight commission and make its own changes as it sees fit. In essence, they are acting as the "thought-control" police. This sounds very Orwellian to me and far from what Patrick Henry had in mind when he said, "The great objective is that every man be armed . . . Everyone who is able may have a gun."

Let us not forget past calamities against U.S. citizens from over zealous federal agents in trying to enforce unconstitutional gun laws. Again, too much power is being given to these unconstitutional agencies and even worse, it is being done without the consent of Congress. Members of the House, you must remember the oath that you swore to uphold and not relinquish your authority any longer. By what authority does the administration set up this new commission, what check will be placed on this agency in making their new regulations that

will affect all Americans without giving them a chance to vote or have a say in these changes. Why should we hand over our authority to another branch of the government and then let it take more freedoms away from our citizens?

These requirements have been voted on in the past in the House and Senate and thus far have not passed either house. It is all too clear that the agenda of the Clinton Administration has always been anti-second amendment, and thus, they have found a way to implement their policies by forcing a gun manufacturer to comply regardless of their legal legitimacy. The Federal government and executive branch have no business—and have no authority—to mandate how a company runs its business.

Let us not allow our authority to be usurped from us any longer. Please stop the funding for this anti-constitutional settlement and vote for the Hostettler Amendment and support H.R. 2655, the Separation of Powers Restoration Act.

I strongly support this amendment. I compliment the gentleman from Indiana (Mr. HOSTETTTLER) for bringing this to the floor, and I hope that we can pass this overwhelmingly.

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Mr. SERRANO. Mr. Chairman, I yield myself 1 minute.

The more I hear the gentleman speak about his amendment and the more I hear people support the amendment, I cannot believe what I am hearing. It is like we are going crazy in this Chamber. Here we have for the first time a major manufacturer of guns in this country not saying gun control, not saying stop the sale of guns but saying, yes, you were right all along, I can make safety locks; I can bring out smart gun technology; I can make my guns child safety-trigger resistant; I can have chamber load indicators; I can do a lot of things that will make this situation a safer one for people who should not be either using guns or be near a gun in any way. In no way, shape or form does Smith & Wesson want to put themselves out of business by saying gun control.

This is a perfect thing to agree on. In fact, if one is for the use of guns in this country, they should be for this. So the more I listen to these arguments I say I do not know, maybe I am listening to another Chamber somewhere else.

Mr. Chairman, I yield 2 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Chairman, I appreciate the courtesy of the gentleman from New York (Mr. SERRANO).

I listened to the gentleman from Texas (Mr. PAUL) talk about a lack of accountability that inspired the American Revolution. Well, I think there is a revolution today in this country of thinking about how we deal with gun violence, and the lack of accountability today is on the floor of this Chamber where the American public overwhelmingly supports simple, common sense approaches to reduced gun violence but this Chamber is still in the thralls of apologists for gun vio-

lence and refuses to do what the American public would support.

It is clear, I hope, from my discussion last week, that it is wrong for this Congress to make it hard for a 2-year-old to open a bottle of aspirin but not make it hard for that 2-year-old to shoot his baby sister.

My point, which the gentleman from Indiana (Mr. HOSTETTTLER) somehow confused with regulation of water pistols when they purchase it, was instead that this Congress has made it clear that there are certain core product safety standards which we are afraid to extend to real guns because of the threat of the NRA.

This legislation before us today has two nonsensical approaches. One, it undercuts our efforts to have a cooperative effort with the private sector in solving problems of gun violence and it would be read to prevent the Department of Justice conceivably from even discussing the Smith & Wesson agreement, clearly an illogical result. They are not a party to the legislation. It is not appropriate to be dealing with their budget, but it is clear that their job is to advise government agencies on the legal ramifications of what they enter into. That is absolutely dead wrong that somehow we would undercut their ability to do their job.

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

Mr. Chairman, the gentleman from Oregon (Mr. BLUMENAUER) pointed out a very important point, and that is that we should be doing what the American people want. The Framers of the Constitution had that very same thing in mind when they said that all legislative powers shall be vested in a Congress; all policymaking power shall be given to a Congress. They did not give that power to make policy to the executive branch. They did not give it to the judicial branch. Here of late, the Supreme Court has forgotten that fact.

They did not give it to bureaucrats, either. They gave it to the legislative branch, being the Congress. So by doing this amendment, we are doing exactly what the American people want. A vote later will determine that on this particular bill.

Let me just remind my colleague from New York, the ranking member, that if he in fact believes that Smith & Wesson is doing the right thing by entering this agreement, and he does not want harm to come to Smith & Wesson, he should support my amendment because the Department of Justice is going to be the arm of the Federal Government that is going to be bringing this suit to court if Smith & Wesson goes against what the Department of Justice or HUD, I should say, or BATF does. It will be them. If one votes for this amendment, they will be saying hooray to Smith & Wesson; but if they do not, if they do not, then they will be saying that Smith & Wesson should be penalized for entering this agreement and not doing what the ex-

ecutive branch and the bureaucrats, that none of the employees of Smith & Wesson ever voted for, they will be doing what they want them to do and not according to what Smith & Wesson would have them to do.

I ask for support of my amendment.

Mr. SERRANO. Mr. Chairman, I yield 2 minutes to my friend, the gentleman from California (Ms. ESHOO).

Ms. ESHOO. Mr. Chairman, I thank the distinguished ranking member, the gentleman from New York (Mr. SERRANO), for yielding me this time.

For any of the viewers that are tuned in and listening to this debate, maybe we should pull back and clear the air for a moment and explain to them what this is about, kind of in an unedited way.

This is an amendment that is directed at removing from the books an agreement that Smith & Wesson, gun manufacturer in the United States of America, in my view, stepped up to home plate and struck an agreement, struck an agreement. Now, any major business, corporation in this country, I do not think, steps up to home plate to put themselves out of business. So, number one, this does not hurt their business, but what it is directed toward is protecting children.

I think that is very smart of Smith & Wesson because it is a very effective marketing tool.

Now, this marketing tool of this amendment now comes along and cloaks itself in the Constitution that no Federal agency should be able to enter into an agreement such as this; and so, therefore, constitutionally we need this amendment to undo this agreement.

I think that that is hogwash, I have to say. All of the mothers and fathers that came to Washington, D.C., to march, what were they saying? They were saying that in this country we have had enough. We do not want to bury our own children. Guns are dangerous; and in the hands of little ones, fatalities happen over and over and over again. So let us not dress ourselves up in a constitutional issue here. Let us not try to make ourselves look good. I rise in opposition to this amendment. It is a bad one. It is not what the American people want, and people should vote it down.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The Chair would advise Members to address their remarks to the Chair.

Mr. SERRANO. Mr. Chairman, I yield the balance of my time to the gentleman from New York (Mrs. MCCARTHY).

The CHAIRMAN. The gentleman from New York (Mrs. MCCARTHY) is recognized for 3½ minutes.

Mrs. MCCARTHY of New York. Mr. Chairman, again let us go through on what this amendment does. It will take away what Smith & Wesson, as far as I am concerned and we heard from my colleague from California, on good business sense. We see unfortunately in

this country over 100,000 injuries. Those are the people that have been injured by guns but have not died. Across this country, billions of dollars are spent every single year for the health care services. We all end up paying for that. What Smith & Wesson is saying is they are going to work on technology, technology to make guns safer. Guns that are in 51 percent of the homes today, they will be a safer product.

We strive here constantly on many manufacturers to have them come up with safer products. We see it with cars. We see it with our medications and bottles. We have done that for years and years and years. We see different manufacturers coming up with new, safer ways to make our citizens safe. Well, this is what Smith & Wesson is doing.

We get lost in this debate all the time when we start talking about the Constitution, when we start talking about upholding the Constitution. All of us here, when we are sworn in as Congresspeople, swear to uphold the Constitution, and that is exactly what I do. I am not looking or trying to take away anyone's right to own a gun. That is certainly not my agenda. My agenda is to try to make this country safer than what it is.

We lose police officers too much in this country, and we should be protecting them. How are we going to do that? By having an agreement like Smith & Wesson where we are making sure that there are background checks being made so those criminals that are falling through the cracks are not going to get their hands on guns and use them against our citizens and our police officers in this country.

Smith & Wesson has done the right thing. They have done the right thing. I have to be honest, if someone had told me 3 years ago that I would be defending a gun manufacturer, I would probably have said they were crazy, Mr. Chairman, but here I am. When a company does the right thing, they certainly should be hearing from us to say we will support them on this. When we have mayors across this country, when we have communities, over 400 communities across this Nation, two mayors from the district of the gentleman from Indiana (Mr. HOSTETTLER), saying they want to do their part on working to make their communities and their cities and certainly our States and our country safer, then we should be doing this.

Last week we defended this amendment. The only difference was, it was in another appropriations. I am hoping that my colleagues here in this Congress will again stand with all of us and say Smith & Wesson is doing the right thing. We should stand behind them, make this a safer country for our citizens; certainly make it a safer place for our children and our police officers who are out there every single day risking their lives. We have to do something about trying to cut down how criminals get guns. Smith &

Wesson has taken a step by doing that, with the background checks.

Mr. Chairman, I urge all of my colleagues to vote against this amendment.

Mr. PASCRELL. Mr. Chairman, I am here to express my opposition to the Hostettler amendment.

This amendment prohibits the Department of Justice from using funds to implement or administer the settlement reached in March between the federal government and Smith & Wesson.

Last week, during the VA/HUD Appropriations debate, Congressman HOSTETTLER introduced a similar amendment to try to stop the efforts of the federal government to make guns safer and keep them out of the hands of children and criminals.

I have to ask—what is he trying to do?

Does he oppose safer guns? Because this agreement makes sure guns will have safety measures like internal safety locks, smart-gun technology, child-safety trigger resistance, chamber-load indicators, and many other provisions that will cut down on accidental shootings and make guns less attractive to criminals.

Does he oppose making distribution of guns more thoughtful and careful? Because this agreement also closes the gun-show loophole, requires background checks for all sales, limits the delivery of multiple purchases, limits children's access to weapons, and many other measures to keep guns out of the hands of criminals and children.

Does he oppose saving lives? Because that is what this agreement will do. It also sets an example for other manufacturers to help reduce the awful toll of gun violence while ending litigation brought against them by an array of cities and counties.

The agreement is a win-win situation—settling litigation and making safer guns available to the American people.

The agreement demonstrates that manufacturers can make safer guns—including smart guns—and take responsibility for the way their guns are distributed.

A vote for Congressman HOSTETTLER's amendment is a vote for less safety and less responsible distribution. It thwarts implementation of the agreement sends a strong signal to the rest of the gun industry that they should just keep resisting common-sense reform, while communities throughout America pay the price.

I urge every one of your to vote against the ill-conceived Hostettler amendment.

The CHAIRMAN. All time for debate has expired.

The question is on the amendment offered by the gentleman from Indiana (Mr. HOSTETTLER).

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

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

The CHAIRMAN. Pursuant to House Resolution 529, further proceedings on the amendment No. 23 offered by the gentleman from Indiana (Mr. HOSTETTLER) will be postponed.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to House Resolution 529, proceedings will now

resume on those amendments on which further proceedings were postponed in the following order: amendment No. 33 by the gentleman from South Carolina (Mr. SANFORD), amendment No. 72 by the gentleman from Massachusetts (Mr. OLVER), amendment No. 23 by the gentleman from Indiana (Mr. HOSTETTLER).

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

AMENDMENT NO. 33 OFFERED BY MR. SANFORD

The CHAIRMAN. The pending business is the demand for a recorded vote on amendment No. 33 offered by the gentleman from South Carolina (Mr. SANFORD) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 86, noes 312, not voting 36, as follows:

[Roll No. 322]

AYES—86

Aderholt	Goode	Nethercutt
Andrews	Goodlatte	Ney
Armey	Green (WI)	Pastor
Bachus	Gutknecht	Paul
Barr	Hastings (WA)	Pease
Bartlett	Hayes	Peterson (PA)
Barton	Hayworth	Petri
Boyd	Hefley	Pombo
Bryant	Hergert	Radanovich
Burton	Hilleary	Ramstad
Buyer	Hoekstra	Riley
Chabot	Hostettler	Rohrabacher
Chenoweth-Hage	Hulshof	Ryan (WI)
Coble	Hunter	Sanford
Coburn	Jenkins	Scarborough
Collins	Johnson, Sam	Schaffer
Combest	Jones (NC)	Sensenbrenner
Crane	Kanjorski	Sessions
Cubin	Kasich	Shadegg
DeFazio	Kelly	Shays
DeMint	Kingston	Smith (MI)
Doolittle	Largent	Smith (WA)
Doyle	LoBiondo	Stearns
Duncan	Luther	Sununu
Ehrlich	Metcalf	Tancredo
Everett	Mica	Taylor (MS)
Foley	Miller (FL)	Toomey
Forbes	Moore	Weldon (FL)
Gibbons	Moran (KS)	

NOES—312

Abercrombie	Bishop	Chambliss
Ackerman	Bliley	Clay
Allen	Blumenauer	Clayton
Archer	Blunt	Clement
Baca	Boehert	Clyburn
Baird	Boehner	Condit
Baker	Bonilla	Conyers
Baldacci	Bonior	Cooksey
Baldwin	Bono	Costello
Ballenger	Borski	Cox
Barcia	Boucher	Coyne
Barrett (NE)	Brady (PA)	Cramer
Barrett (WI)	Brady (TX)	Crowley
Bass	Brown (OH)	Cummings
Bateman	Burr	Cunningham
Becerra	Callahan	Danner
Bentsen	Calvert	Davis (FL)
Bereuter	Camp	Davis (VA)
Berkley	Canady	Deal
Berman	Cannon	DeGette
Berry	Capps	Delahunt
Biggert	Capuano	DeLauro
Bilbray	Cardin	DeLay
Bilirakis	Castle	Deutsch

Diaz-Balart
Dickey
Dicks
Dixon
Doggett
Dooley
Dreier
Dunn
Edwards
Ehlers
Emerson
Engel
English
Eshoo
Etheridge
Evans
Ewing
Farr
Fattah
Filner
Fletcher
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gilchrest
Gillmor
Gilman
Gonzalez
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Greenwood
Hall (OH)
Hall (TX)
Hastings (FL)
Hill (IN)
Hill (MT)
Hilliard
Hinojosa
Hobson
Hoeffel
Holden
Holt
Hooley
Horn
Houghton
Hoyer
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee
(TX)
Jefferson
John
Johnson (CT)
Johnson, E.B.
Kildee
Kind (WI)
King (NY)
Kleczka
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood

Lampson
Lantos
Larson
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Maloney (CT)
Maloney (NY)
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-
McDonald
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moran (VA)
Murtha
Myrick
Nadler
Napolitano
Neal
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Payne
Pelosi
Peterson (MN)
Phelps
Pickering
Pickett
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Rahall
Regula
Reyes
Reynolds
Rivers
Rodriguez
Roemer
Rogan

Rogers
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scott
Serrano
Shaw
Sherman
Sherwood
Shimkus
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stenholm
Strickland
Stump
Stupak
Sweeney
Tanner
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Trafigant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Weiner
Weldon (PA)
Weller
Wexler
Weygand
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—36

Blagojevich
Boswell
Brown (FL)
Campbell
Carson
Cook
Davis (IL)
Dingell
Gutierrez
Hansen
Hinchee
Jones (OH)

Kaptur
Kennedy
Kilpatrick
Klink
Lazio
Lipinski
Manzullo
Markey
Martinez
McCollum
McIntosh
Morella
Pitts
Pomeroy
Rangel
Rush
Ryun (KS)
Schakowsky
Shows
Talent
Townes
Vento
Waxman
Whitfield

Mr. SMITH of Michigan and Mr. LUTHER changed their vote from “no” to “aye.”

So the amendment was rejected.
The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Pursuant to House Resolution 529, the Chair announces that he will reduce to a minimum of 5 minutes the time within which a vote by electronic device will be taken on each amendment on which the Chair has postponed further proceedings.

AMENDMENT NO. 72 OFFERED BY MR. OLVER

The CHAIRMAN. The pending business is the demand for a recorded vote on Amendment No. 72 offered by the gentleman from Massachusetts (Mr. OLVER) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 217, noes 181, not voting 36, as follows:

[Roll No. 323]
AYES—217

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barrett (WI)
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Bilbray
Blumenauer
Boehlert
Bonior
Borski
Boyd
Brady (PA)
Brown (OH)
Capps
Capuano
Cardin
Castle
Clay
Clayton
Clement
Clyburn
Conyers
Costello
Coyne
Crowley
Cummings
Davis (FL)
Davis (VA)
DeFazio
DeGette
DeLahunt
DeLauro
Deutsch
Dickey
Dicks
Dixon
Doggett
Dooley
Doyle
Edwards

Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Phelps
Pickett
Porter
Portman
Price (NC)
Quinn
Rahall
Ramstad
Regula
Reyes
Reynolds
Rivers
Rodriguez
Roemer
Ros-Lehtinen
Rothman
Roukema

Roybal-Allard
Sabo
Sanchez
Sanders
Sawyer
Saxton
Scott
Serrano
Shays
Sherman
Shuster
Sisisky
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Strickland
Stupak
Tanner

NOES—181

Aderholt
Archer
Army
Bachus
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bateman
Berry
Biggert
Bilirakis
Bishop
Bliley
Blunt
Boehner
Bonilla
Bono
Boucher
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Chabot
Chambliss
Chenoweth-Hage
Coble
Coburn
Collins
Combust
Condit
Cooksey
Cox
Cramer
Crane
Cubin
Cunningham
Danner
Deal
DeLay
DeMint
Diaz-Balart
Doolittle
Dreier
Duncan
Dunn
Emerson
English
Everett
Ewing
Fletcher
Fossella

Paul
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pombo
Pryce (OH)
Radanovich
Riley
Rogan
Rogers
Rohrabacher
Royce
Ryan (WI)
Salmon
Sandlin
Sanford
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Simpson
Skeen
Smith (MI)
Smith (TX)
Souder
Spence
Stearns
Stenholm
Stump
Sununu
Sweeney
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Trafigant
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Wicker
Wolf
Young (AK)
Young (FL)

NOT VOTING—36

Blagojevich
Boswell
Brown (FL)
Campbell
Carson
Cook
Davis (IL)
Dingell
Gutierrez
Hansen

Hinchee
Johnson (CT)
Jones (OH)
Kaptur
Kilpatrick
Klink
Lazio
Lipinski
Manzullo
Markey
Martinez
McCollum
McIntosh
Morella
Pitts
Pomeroy
Rangel
Rush
Ryun (KS)
Schakowsky

□ 2031

Mr. SAWYER and Mr. DEUTSCH changed their vote from “aye” to “no.”

Shows Towns Waxman
Talent Vento Whitfield

□ 2041

Mrs. BONO changed her vote from "aye" to "no."

Mr. REGULA and Mr. ROEMER changed their vote from "no" to "aye." So the amendment was agreed to.

The result of the vote was announced as above recorded.

□

PERSONAL EXPLANATION

Ms. CARSON. Mr. Chairman, I was unavoidably absent today, Monday, June 26, 2000, and as a result, missed rollcall votes 322 and 323. Had I been present, I would have voted "no" on rollcall vote 322 and "yes" on rollcall vote 323.

AMENDMENT NO. 23 OFFERED BY MR. HOSTETTLER

The CHAIRMAN. The pending business is the demand for a recorded vote on Amendment No. 23 offered by the gentleman from Indiana (Mr. HOSTETTLER) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 196, noes 201, not voting 37, as follows:

[Roll No. 324]

AYES—196

Aderholt	Cooksey	Hill (MT)
Arney	Costello	Hilleary
Baca	Cox	Hilliard
Bachus	Cramer	Hobson
Baker	Crane	Hoekstra
Ballenger	Cubin	Holden
Barcia	Cunningham	Hostettler
Barr	Danner	Hulshof
Barrett (NE)	Deal	Hunter
Bartlett	DeLay	Hutchinson
Barton	DeMint	Istook
Bass	Dickey	Jenkins
Bateman	Doolittle	John
Berry	Dreier	Johnson, Sam
Biggart	Duncan	Jones (NC)
Bilirakis	Ehrlich	Kanjorski
Bishop	Emerson	Kasich
Bliley	English	Kingston
Blunt	Everett	Knollenberg
Boehner	Ewing	Kolbe
Bonilla	Fletcher	LaHood
Bono	Fowler	Lampson
Boucher	Gekas	Largent
Boyd	Gibbons	Latham
Brady (TX)	Gillmor	Lewis (CA)
Bryant	Goode	Lewis (KY)
Burr	Goodlatte	Linder
Burton	Goodling	Lucas (KY)
Buyer	Gordon	Lucas (OK)
Callahan	Goss	Mascara
Calvert	Graham	McCreary
Camp	Granger	McIntyre
Canady	Green (TX)	McKeon
Cannon	Green (WI)	Metcalfe
Chabot	Gutknecht	Mica
Chambliss	Hall (TX)	Miller, Gary
Chenoweth-Hage	Hastings (WA)	Mollohan
Clement	Hayes	Moran (KS)
Coble	Hayworth	Murtha
Coburn	Hefley	Myrick
Collins	Herger	Nethercutt
Combust	Hill (IN)	Norwood

Nussle	Sanford	Taylor (NC)
Ortiz	Scarborough	Terry
Ose	Schaffer	Thomas
Packard	Sensenbrenner	Thornberry
Paul	Sessions	Thune
Pease	Shadegg	Tiahrt
Peterson (MN)	Sherwood	Toomey
Peterson (PA)	Shimkus	Trafigant
Petri	Shuster	Turner
Phelps	Sisisky	Vitter
Pickering	Skeen	Walden
Pickett	Skelton	Wamp
Pombo	Smith (MI)	Watkins
Portman	Smith (TX)	Watts (OK)
Radanovich	Souder	Weldon (FL)
Rahall	Spence	Weldon (PA)
Regula	Stearns	Wicker
Reynolds	Stenholm	Wilson
Rogers	Strickland	Wise
Rohrabacher	Stump	Wolf
Royce	Sununu	Young (AK)
Ryan (WI)	Tanner	Young (FL)
Salmon	Tauzin	
Sandlin	Taylor (MS)	

NOES—201

Abercrombie	Gilchrist	Neal
Ackerman	Gilman	Northrup
Allen	Gonzalez	Oberstar
Andrews	Greenwood	Obey
Baird	Hall (OH)	Olver
Baldacci	Hastings (FL)	Owens
Baldwin	Hinojosa	Oxley
Barrett (WI)	Hoeffel	Pallone
Becerra	Holt	Pascrell
Bentsen	Hooley	Pastor
Bereuter	Horn	Payne
Berkley	Houghton	Pelosi
Berman	Hoyer	Porter
Bilbray	Hyde	Price (NC)
Blumenauer	Inslee	Pryce (OH)
Boehlert	Isakson	Quinn
Bonior	Jackson (IL)	Ramstad
Borski	Jackson-Lee	Reyes
Brady (PA)	(TX)	Rivers
Brown (OH)	Jefferson	Rodriguez
Capps	Johnson (CT)	Roemer
Capuano	Johnson, E. B.	Rogan
Cardin	Kelly	Ros-Lehtinen
Carson	Kennedy	Rothman
Castle	Kildee	Roukema
Clay	Kind (WI)	Roybal-Allard
Clayton	King (NY)	Sabo
Clyburn	Kleccka	Sanchez
Condit	Kucinich	Sanders
Conyers	Kuykendall	Sawyer
Coyne	LaFalce	Saxton
Crowley	Lantos	Scott
Cummings	Larson	Serrano
Davis (FL)	LaTourette	Shaw
Davis (VA)	Leach	Shays
DeFazio	Lee	Sherman
DeGette	Levin	Simpson
Delahunt	Lewis (GA)	Slaughter
DeLauro	LoBiondo	Smith (NJ)
Deutsch	Lofgren	Smith (WA)
Diaz-Balart	Lowe	Snyder
Dicks	Luther	Spratt
Dixon	Maloney (CT)	Stabenow
Doggett	Maloney (NY)	Stark
Dooley	Matsui	Stupak
Doyle	McCarthy (MO)	Sweeney
Dunn	McCarthy (NY)	Tancredo
Edwards	McDermott	Tauscher
Ehlers	McGovern	Thompson (CA)
Engel	McHugh	Thompson (MS)
Eshoo	McInnis	Thurman
Etheridge	McKinney	Tierney
Evans	McNulty	Udall (CO)
Farr	Meehan	Udall (NM)
Fattah	Meeke (FL)	Upton
Filner	Meeks (NY)	Velazquez
Foley	Menendez	Visclosky
Forbes	Millender-Ford	Walsh
Ford	McDonald	Waters
Fossella	Miller (FL)	Watt (NC)
Frank (MA)	Miller, George	Weiner
Franks (NJ)	Minge	Weller
Frelinghuysen	Mink	Wexler
Frost	Moakley	Weygand
Galleghy	Moore	Woolsey
Ganske	Moran (VA)	Wu
Gejdenson	Nadler	Wynn
Gephardt	Napolitano	

NOT VOTING—37

Archer	Brown (FL)	Davis (IL)
Blagojevich	Campbell	Dingell
Boswell	Cook	Gutierrez

Hansen	Martinez	Ryan (KS)
Hinchey	McCollum	Schakowsky
Jones (OH)	McIntosh	Shows
Kaptur	Morella	Talent
Kilpatrick	Ney	Towns
Klink	Pitts	Vento
Lazio	Pomeroy	Waxman
Lipinski	Rangel	Whitfield
Manzullo	Riley	
Markey	Rush	

□ 2050

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

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mrs. MORELLA. Mr. Chairman, I was unavoidable detained in my Congressional District earlier today and was unable to vote on several amendments to H.R. 4690.

On the Sanford amendment, rollcall 322, I would have voted "no."

On the Olver amendment, rollcall 323, I would have voted "yes."

On the Hostettler amendment, rollcall 324, I would have voted "no."

Mr. ROGERS. Mr. Chairman, I move to strike the last word, and I yield to the gentleman from Florida (Mr. STEARNS) for the purpose of a colloquy.

Mr. STEARNS. Mr. Chairman, I thank the distinguished chairman for yielding to me.

I would like to voice my concern over the state of Federal judicial compensation. I believe that judges' salaries are falling below the minimum levels that are needed, not only in the interests of fairness, but also to ensure the continued quality of the Federal judiciary.

Over the past 8 years, Federal judges have experienced a 13 percent decline in the real value of their salaries. At the same time, their workload has remained at high levels. Salaries of Federal judges have not just lagged behind the inflation indices.

As a result, judges' salaries no longer bear a reasonable relationship to that of the pool of lawyers from whom candidates for judgeships should be drawn. It has been widely reported that the first-year associates in law firms in metropolitan areas throughout the country are now earning \$125,000 a year. It is therefore not surprising that even second- and third-year associates at most large law firms would have to take a pay cut, a pay cut to accept an appointment to the Federal bench.

Public sector salaries may even be more relevant. The general counsel of the University of California receives a salary in excess of \$250,000 annually, which is substantially greater than the pay of the Chief Justice of the United States.

The district attorneys of Los Angeles, for example, are paid \$185,000. All of these salaries far exceed the salary of the United States Supreme Court Justices and Associate Justices, which are currently less than \$182,000 and \$174,000, respectively.

Additionally, a U.S. District Judge salary is currently only \$141,300. Increasingly, judges are choosing not to make the financial sacrifice to remain

on the Federal bench. As a result, our Federal judiciary is losing some of its most capable and dedicated men and women. Since January, 1993, 40 Article III judges, judges whose positions are delegated in Article III of the U.S. Constitution and serve lifetime appointments subject to Senate confirmation, have resigned or retired from the Federal bench. Many of these judges have retired to private practice.

The departure of experienced, seasoned judges undermines the notion of lifetime service and weakens our judicial system. If the issue of adequate judicial salaries is not soon addressed, I believe there is a real risk that the quality of the Federal judiciary, a matter of great and justified pride, will be compromised.

The President of the United States' salary goes up to \$400,000 next year. Is it not about time the Supreme Court Justices' salaries go up, too?

Mr. ROGERS. Mr. Chairman, I appreciate the gentleman's concerns. This is an issue that the Judiciary has been struggling with for a number of years. It gets worse. It is becoming more widespread. As the number of agencies that require professional expertise grows, we hear the same problem in connection with the SEC, FCC, the FBI, all agencies that hire lawyers and professional experts.

We have to compete with the private sector, but we do not have the resources to match those salaries dollar for dollar, as the gentleman has so adequately pointed out. So we will work with the gentleman on this issue as we work through the process, hoping we can find some solution.

Mr. STEARNS. I thank the gentleman.

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

Mr. Chairman, I should have asked for the gavel, because I could not believe my ears. My understanding is that the previous gentleman was inquiring about the inadequacy of the pay of Federal judges. I remember a number of years ago when the same gentleman was very active in seeing to it that this House did not provide cost-of-living increases for its own employees.

I would simply say, I admire the gentleman's solicitude for people who are already making six figures, but frankly, I would like to see the same solicitude for the legislative branch of government, and by that, I specifically am thinking of the people who work for us. I am not talking about Members, I am talking about our staffs, the people who make us look a lot better than we are.

I find it ironic that a gentleman who was very active in denying us that opportunity to compensate our own employees with a cost-of-living increase a number of years ago is now very concerned about the pay of the highest-paid judges in this country.

I have nothing against adequate judicial salaries, but I also think we have

a problem when the average length of stay for a young congressional staffer on the Hill is less than 3 years, and I think there is a serious problem when the House of Representatives on average pays its top legislative staffers \$15,000 to \$25,000 less on average than the United States Senate does. I have forgotten whether it is \$15,000 or \$25,000, so I will supply the exact number for the RECORD.

□ 2100

But I just want to say that I share the gentleman's concern about adequate reimbursement for judges. I would welcome his concern about adequate salaries for the young people in this institution who work just as hard as Federal judges for about one-fifth the pay.

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

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

Mr. STEARNS. Mr. Chairman, I thank the gentleman from Wisconsin for yielding to me. The gentleman has a very good memory. That was 10 years ago that I had that amendment.

Mr. OBEY. Mr. Chairman, I remember. My motto is: "Forgive and remember."

Mr. STEARNS. Mr. Chairman, I would say that the gentleman remembers that like it was yesterday, because it did occur a decade ago. At that point the salaries that were provided the staff were going up quite substantially and was well above inflation. And since we have had the years go on for the last 10 years, we have provided inflationary increases for the staff.

Mr. OBEY. Mr. Chairman, reclaiming my time, I would simply say the fact is those salaries are a whole lot less than every other branch of government. They still are. And it seems to me that one of the ways for people to judge Members of Congress is to judge them by whether or not they deal with their staffs the way they would like to be dealt with themselves.

And, certainly, it seems to me that the country would be well served if we also had a greater ability to retain congressional employees of more experience so that we are not being advised by people who on average have been here less than 3 years.

AMENDMENT NO. 25 OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 25 offered by Ms. JACKSON-LEE of Texas:

Page 107, after line 21, insert the following:
TITLE VIII—LEGAL AMNESTY
RESTORATION ACT OF 2000

SEC. 801. (a) Section 249 of the Immigration and Nationality Act (8 U.S.C. 1259) is amended—

(1) in the section heading, by striking "1972" and inserting "1986"; and

(2) in subsection (a), by striking "1972;" and inserting "1986";.

(b) The table of sections for such Act is amended in the item relating to section 249 by striking "1972" and inserting "1986".

Mr. LATHAM. Mr. Chairman, I reserve a point of order.

The CHAIRMAN. Pursuant to the order of the House of Friday, June 23, 2000, the gentlewoman from Texas (Ms. JACKSON-LEE), and a Member opposed will each control 5 minutes.

The Chair recognizes the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I wish I did not have to rise to the floor on this issue, because I know if my colleagues understood this issue completely, they would immediately move to waive the point of order and allow us to proceed to vote on this and pass this amendment.

In 1986, the Immigration Reform and Control Act authorized the legalization of undocumented immigrants, in essence to grant late amnesty. This is a nation of immigrants and laws. But, unfortunately, the INS promulgated a rule that denied such legalization to the immigrants in this group who had briefly left the country to bury a loved one or take care of a child, or handle other matters.

We find that these individuals now live in our country having lived 18, 20 years, they have mortgages, car payments, and are hard-working individuals with young adult children now trying to seek an educational opportunity. But yet because of an incorrect interpretation by the INS of a regulation, the situation now exists that these individuals, hardworking, tax-paying families are not able to adjust their status and become citizens or apply for such.

Mr. Chairman, I believe that this amendment resolves this in a fair and adequate manner so much so that the AFL-CIO has offered a resolution in support of legal amnesty, and at the appropriate time I will submit their statement for inclusion in the RECORD.

I offer another amendment, Mr. Chairman, that would bring an end to a long problem. In 1986, the Immigration Reform and Control Act authorized the legalization of undocumented immigrants who could prove that they had been living in the United States since January 1, 1982.

Unfortunately, the Immigration and Naturalization Service ("INS") promulgated a rule that denied legalization to the immigrants in this group who had briefly left the country. INS then refused to accept applications from people who had violated this rule.

But by the time the INS had agreed to modify the rule, the 12-month application period had ended and hundreds of thousands of people who could have established eligibility for legalization had been turned away.

This amendment would update a provision of the immigration law known as "registry" by which our government recognizes that it makes sense to allow long-time residents, deeply rooted immigrants who are contributing

to our economy to remain here permanently. This amendment would get these immigrants out of "legal limbo."

My bill H.R. 4172 "The Legal Amnesty Restoration Act of 1999" also fixes this problem, however the devastation that these families are facing because of our inability to seek legal status warrants our acting today to correct this injustice. Thank you.

AFL-CIO'S RESOLUTION SUPPORTING IMMIGRATION AMNESTY

The AFL-CIO proudly stands on the side of immigrant workers. Throughout the history of this country, immigrants have played an important role in building our nation and its democratic institutions. New arrivals from every continent have contributed their energy, talent, and commitment to making the United States richer and stronger. Likewise, the American union movement has been enriched by the contributions and courage of immigrant workers. Newly arriving workers continue to make indispensable contributions to the strength and growth of our unions. These efforts have created new unions and strengthened and revived others, benefitting all workers, immigrant and native-born alike. It is increasingly clear that if the United States is to have an immigration system that really works, it must be simultaneously orderly, responsible and fair. The policies of both the AFL-CIO and our country must reflect those goals.

The United States is a nation of laws. This means that the federal government has the sovereign authority and constitutional responsibility to set and enforce limits on immigration. It also means that our government has the obligation to enact and enforce laws in ways that respect due process and civil liberties, safeguard public health and safety, and protect the rights and opportunities of workers.

The AFL-CIO believes the current system of immigration enforcement in the United States is broken and needs to be fixed. Our starting points are simple.

Undocumented workers and their families make enormous contributions to their communities and workplaces and should be provided permanent legal status through a new amnesty program.

Regulated legal immigration is better than unregulated illegal immigration.

Immigrant workers should have full workplace rights in order to protect their own interests as well as the labor rights of all American workers.

Labor and business should work together to design cooperative mechanisms that allow law-abiding employers to satisfy legitimate needs for new workers in a timely manner without compromising the rights and opportunities of workers already here.

Labor and business should cooperate to undertake expanded efforts to educate and train American workers in order to upgrade their skill levels in ways that enhance our shared economic prosperity.

Criminal penalties should be established to punish employers who recruit undocumented workers from abroad for the purpose of exploiting workers for economic gain.

Current efforts to improve immigration enforcement, while failing to stop the flow of undocumented people into the United States, have resulted in a system that causes discrimination and leaves unpunished unscrupulous employers who exploit undocumented workers, thus denying labor rights for all workers.

The combination of a poorly constructed and ineffectively enforced system that results in penalties for only a few of the employers who violate immigration laws has had especially detrimental impacts on ef-

forts to organize and adequately represent workers. Unscrupulous employers have systematically used the I-9 process in their efforts to retaliate against workers who seek to join unions, improve their working conditions, and otherwise assert their rights.

Therefore, the AFL-CIO calls for replacing the current I-9 system as a tool of workplace immigration enforcement. We should substitute a system of immigration enforcement strategies that focuses on the criminalization of employer behavior, targeting those employers who recruit undocumented workers from abroad, either directly or indirectly. It should be supplemented with strong penalties against employers who abuse workers' immigration status to suppress their rights and labor protections. The federal government should aggressively investigate, and criminally prosecute, those employers who knowingly exploit a worker's undocumented status in order to prevent enforcement of workplace protection laws.

We strongly believe employer sanctions, as a nationwide policy applied to all workplaces, has failed and should be eliminated. It should be replaced with an alternative policy to reduce undocumented immigration and prevent employer abuse. Any new policy must meet the following principles: (1) it must seek to prevent employer discrimination against people who look or sound foreign; (2) it must allow workers to pursue legal remedies, including supporting a union, regardless of immigration status; and (3) it must avoid unfairly targeting immigrant workers of a particular nationality.

There is a long tradition in the United States of protecting those who risk their financial and physical well-being to come forward to report violations of laws that were enacted for the public good. Courageous undocumented workers who come forward to assert their rights should not be faced with deportation as a result of their actions. The recent situation at the Holiday Inn Express in Minneapolis highlights the perversity of the current situation. Therefore, the AFL-CIO calls for the enactment of whistleblower protections providing protected immigration status for undocumented workers who report violations of worker protection laws or cooperate with federal agencies during investigations of employment, labor and discrimination violations. Such workers should be accorded full remedies, including reinstatement and back pay. Further, undocumented workers who exercise their rights to organize and bargain collectively should also be provided protected immigration status.

Millions of hard-working people who make enormous contributions to their communities and workplace are denied basic human rights because of their undocumented status. Many of these men and women are the parents of children who are birthright U.S. citizens. The AFL-CIO supports a new amnesty program that would allow these members of local communities to adjust their status to permanent resident and become eligible for naturalization. The AFL-CIO also calls on the Immigration and Naturalization Service to address the shameful delays facing those seeking to adjust their status as a result of the Immigration Reform and Control Act.

Immediate steps should include legalization for three distinct groups of established residents: (1) Approximately half-a-million Salvadorans, Guatemalans, Hondurans, and Haitians, who fled civil war and civil strife during the 1980s and early 1990s and were unfairly denied refugee status, and have lived under various forms of temporary legal status; (2) approximately 350,000 long-resident immigrants who were unfairly denied legalization due to illegal behavior by the INS during the amnesty program enacted in the late 1980s; and (3) approximately 10,000 Libe-

rians who fled their homeland's brutal civil war and have lived in the United States for years under temporary legal status.

Guestworker programs too often are used to discriminate against U.S. workers, depress wages and distort labor markets. For these reasons, the AFL-CIO has long been troubled by the operation of such programs. The proliferation of guestworker programs has resulted in the creation of a class of easily exploited workers, who find themselves in a situation very similar to that faced by undocumented workers. The AFL-CIO renews our call for the halt to the expansion of guestworker programs. Moreover, these programs should be reformed to include more rigorous labor market tests and the involvement of labor unions in the labor certification process. All temporary guestworkers should be afforded the same workplace protections available to all workers.

The rights and dignity of all workers can best be ensured when immigrant and non-immigrant workers are fully informed about the contributions of immigrants to our society and our unions, and about the rights of immigrants under current labor, discrimination, naturalization, and other laws. Labor unions have led the way in developing model programs that should be widely emulated. The AFL-CIO therefore supports the creation of education programs and centers to educate workers about immigration issues and to assist workers in exercising their rights.

Far too many workers lack access to training programs. Like all other workers, new immigrants want to improve their lives and those of their families by participating in job training. The AFL-CIO supports the expansion of job training programs to better serve immigrant populations. These programs are essential to the ability of immigrants to seize opportunities to compete in the new economy.

Immigrant workers make enormous contributions to our economy and society, and deserve the basic safety net protections that all other workers enjoy. The AFL-CIO continues to support the full restoration of benefits that were unfairly taken away through Federal legislation in 1996, causing tremendous harm to immigrant families.

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

The CHAIRMAN. Who seeks time in opposition?

Mr. LATHAM. Mr. Chairman, I claim the time in opposition, and continue to reserve my point of order.

Ms. JACKSON-LEE of Texas. Mr. Chairman, how much time do I have remaining?

The CHAIRMAN. The gentlewoman has 3½ minutes.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield 1½ minutes to the distinguished gentleman from Michigan (Mr. CONYERS), the ranking member on the Committee on the Judiciary.

Mr. CONYERS. Mr. Chairman, I thank the gentlewoman from Texas for raising this very important point, and we in the Committee on the Judiciary have worked hard to correct it. I cannot understand why it has only 5 minutes on each side. But we are trying to make an improvement on the registry by which the government recognizes that it makes sense to allow a long-time resident, deeply rooted immigrant who is here contributing to our economy to remain here permanently.

So we have this correction for people that have come to the country, made

well, raised families, have created no problem, are otherwise good citizens and we are modifying a rule that INS is not able to do without this legislation. I think this is an excellent amendment, and I hope that all the members in the Committee will agree to it.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the ranking member very much, and I thank him also for his leadership on this issue.

Mr. Chairman, I yield 1 minute to the distinguished gentlewoman from Florida (Mrs. MEEK) who has been a long-standing fighter on this issue.

Mrs. MEEK of Florida. Mr. Chairman, I thank the gentlewoman from Texas for yielding me this time. This is an extremely important issue which we have fought from the early times of the 1990s up to now. It just does not make good sense from an economic standpoint or political standpoint or a moral standpoint for the United States not to recognize that these Salvadorans, Haitians, Guatemalans all of them are here now, they have lived good lives and paid taxes. There is no reason for us now not to approve the amendment offered by the gentlewoman from Texas (Ms. JACKSON-LEE).

It is an important amendment. If we allow these people who have been here a long time, paying their taxes, not breaking our rules, this will get them out of legal limbo.

Mr. Chairman, some of us come from areas where there are inordinate amounts of people in this category. They are living in this country doing well, pay taxes; and this amendment will get them out of the legal quagmire which we put them in. It is not their fault that they were put in this situation. This was a mistake or misconception by INS.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield 30 seconds to the distinguished gentleman from Massachusetts (Mr. DELAHUNT), a member of the Committee on the Judiciary.

Mr. DELAHUNT. Mr. Chairman, let me suggest that this is about fairness. It is that simple. And it is time.

Mr. Chairman, we have discussed this in the committee before. It is time to address it. I think each and every Member in this body has dealt with a family that finds itself in limbo waiting for a loved one to come back.

I congratulate the gentlewoman from Texas for bringing it forward, and I would hope that the gentleman from Iowa (Mr. LATHAM) would recede on the point of order.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield 15 seconds to the gentleman from New York (Mr. SERRANO), the ranking member of the Subcommittee on Commerce, Justice, State and Judiciary Appropriations.

Mr. SERRANO. Mr. Chairman, that is all I need just to rise in strong support of this amendment. I think it speaks to an extremely important issue; one that we have to continue to work on. I support the gentlewoman wholeheartedly.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield myself the balance of

my time. I will also offer to speak on the point of order, subsequent to the distinguished gentleman continuing to raise it.

Mr. Chairman, I note even on page 37 that this bill legislated on an appropriations bill. But I think this is a human factor here. We are talking about families who have been separated from each other. We are talking about families who remain divided because they, for very important family reasons, had to leave the country to go and take care of family matters.

But we are also talking about contributing individuals who have contributed to the economy of this country. All they want, Mr. Chairman, is the ability to adjust their status to legal status. The same right allowed to other immigrants in their same category. However because the INS misinterpreted the rule, and the courts have affirmed that the INS misinterpreted the rule, we have this injustice.

I hope that this amendment can be passed and I thank the Chairman for the time.

POINT OF ORDER

The CHAIRMAN. Does the gentleman from Iowa (Mr. LATHAM) insist on his point of order?

Mr. LATHAM. Mr. Chairman, yes. Again, I will restate, the gentlewoman from Texas (Ms. JACKSON-LEE) clearly is aware of the fact that despite any merits, this amendment does not belong on this bill. Therefore, Mr. Chairman, I make a point of order against the amendment, because it proposes to change existing law and constitutes legislation on an appropriation bill and, therefore, violates clause 2 of rule XXI.

The rule states in the pertinent part: An amendment to a general appropriation bill shall not be in order if it directly amends existing law.

Mr. Chairman, I ask for a ruling of the Chair.

The CHAIRMAN. Does the gentlewoman from Texas (Ms. JACKSON-LEE) wish to be heard on the point of order offered by the gentleman from Iowa (Mr. LATHAM)?

Ms. JACKSON-LEE of Texas. Mr. Chairman, yes, I do.

The CHAIRMAN. The gentlewoman from Texas is recognized.

Ms. JACKSON-LEE of Texas. Mr. Chairman, let me refer the Chairman to page 37 of this bill which, in fact, under section 112 there is the implementation of a genealogy fee, which as far as I am concerned is legislating on an appropriations bill.

This is such a crucial bill, if there is precedent that we have legislated on an appropriations bill, then I would ask that the point of order be waived and that this amendment be allowed to go forward.

The CHAIRMAN. The Chair is prepared to rule. The Chair finds that the amendment proposes a direct amendment to existing law. As such, it constitutes legislation in violation of clause 2(c) of rule XXI. The point of

order is sustained, and the Chair would advise Members that other provisions in the bill that may be legislation were subject to waivers of points of order.

AMENDMENT NO. 75 OFFERED BY MR. SOUDER

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 75 offered by Mr. SOUDER: Page 107, after line 21, insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds appropriated or otherwise made available by this Act may be made available for payment of expenses of any United States delegation or special envoy at a United Nations-sponsored meeting at which the delegation or envoy votes for or otherwise advocates the adoption of any provision under the United Nations Convention Against Transnational Organized Crime that legalizes, legitimizes, or decriminalizes prostitution in any form or under any circumstances, or otherwise limits international efforts to combat sex trafficking whether or not the individual being trafficked consents to engage in prostitution.

Mr. SERRANO. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

The CHAIRMAN. Pursuant to the order of the House of Friday, June 23, 2000, the gentleman from Indiana (Mr. SOUDER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Indiana (Mr. SOUDER).

Mr. SOUDER. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, this limitation of funds amendment is simple, direct and necessary. It prohibits taxpayer funds from being used to pay expenses for any United States delegation or special envoy at a United Nations-sponsored meeting at which the delegation or envoy votes for or otherwise advocates the adoption of any provision that legalizes, legitimizes, or decriminalizes prostitution in any form, or under any circumstance, or otherwise limits international efforts to combat sex trafficking, whether or not the individual being trafficked consents to engage in prostitution.

Mr. Chairman, my colleagues would not think that such a resolution would be necessary. But here are the sad facts. At Beijing +5, there was a document released condemning the sexual exploitation of women around the world. It eloquently condemned domestic violence, sexual abuse, sexual slavery and sexual harassment. But on the issue of prostitution, it clarified, quote, "forced prostitution."

Why "forced" prostitution? All prostitution is the sexual exploitation of women. How, exactly, does one distinguish between women who are sometimes forcibly taken and sold into prostitution, those who are involuntarily forced to sign "consent" or voluntary participation forms, those whose families push them into such agreements, those in dire poverty where circumstances drive them into sexual exploitation, and those who know what

other societal pressures would pressure them into selling their bodies for sex to those who choose to exploit them?

Apparently, our U.S. delegation at the two most recent conferences, one in Vienna and one in Beijing +5 Conference, felt it could do so. According to reports, the Philippine delegation moved to strike the word "forced" prostitution. According to numerous eyewitness reports, the U.S. State Department official assisting the U.S. delegation jumped up and moved to strike the entire reference.

Mr. Chairman, what is going on here? Is it the Clinton administration's position that prostitution is okay?

Feminist leaders apparently thought so. Equality Now had already sent a letter on behalf of a coalition of women's rights groups to the President after the conference in Vienna which states, among other things, "To our chagrin, the United States strongly supports the use of the term 'forced prostitution' rather than 'prostitution' in the definition of 'sexual exploitation.' We believe that the administration's current position on the definition of trafficking is extremely detrimental to women."

It was even more difficult for these feminist leaders to condemn the administration's position since Mrs. Clinton is the Honorary Chair of the President's Interagency Council on Women, formed after the initial Beijing Women's Conference. Mrs. Clinton spoke to the conference and delivered several other messages of support.

After the United States Government effort to protect some types of prostitution, that somehow it viewed as nonexploitative of women became public, clarifications and denials of sorts were made.

Mrs. Clinton's Chief of Staff carefully qualified their position, taking the position that the document did not require the U.S. to change our laws, a somewhat accurate response to a completely different question. The document only condemned some types of prostitution. The United States representatives clearly wanted some types not to be condemned, and the First Lady's Chief of Staff did not deny that point.

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The President's response was somewhat more clear in a fuzzy sort of way. Agreeing with this resolution, my resolution, he clearly states his "opposition to prostitution in all its forms." Then he subtly changes the point to, "We would not become a party to any treaty that weaken laws against prostitution," and then further attempted to change away his Beijing +5 actions.

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Does the gentleman from New York continue to reserve his point of order?

Mr. SERRANO. I do, Mr. Chairman.

Mr. SOUDER. Mr. Chairman, I yield 2 minutes to the gentleman from South Carolina (Mr. DEMINT), who has

worked with this amendment and has been a leader on this issue.

Mr. DEMINT. Mr. Chairman, I rise in support of this amendment offered by the gentleman from Indiana.

As a Member of Congress, I like to dream about the future of our country and imagine an educated America, a healthy America, a prosperous America, and a secure America. I think of children in this great Nation and the bright future that they represent. Unfortunately, Mr. Chairman, for many throughout this world their tomorrow is not as bright. They do not have their health, education, and security.

In fact, they live in utter misery under the cruel control of their oppressors. They are women and children who are sold, coerced, or otherwise find themselves being exploited by sex traffickers. This is the life of approximately 2 million people worldwide.

Many women find themselves victims of sexual trafficking by being drugged and kidnapped and lured with false promises of jobs far away. They are beaten and raped until they consent to prostitute themselves to customers. Is this voluntary prostitution? Prostitution is an exploitation of women and a violation of their dignity and basic human rights.

To my great dismay, while the Clinton administration may pay lip service to this same idea, their actions do not show it. Despite the horrors of the sex trafficking industry throughout the world, this administration has promoted the position that voluntary prostitution is okay and sex traffickers, who are somehow able to obtain the consent of their victims, should be immune from prosecution. This is unconscionable and unacceptable.

Mr. Chairman, I support this amendment because I do not believe the State Department ought to be able to use the taxpayers' dollars to send representatives of the United States to the U.N. conference where they take the stance that voluntary prostitution is okay and a legitimate form of labor.

Mr. Chairman, prostitution in any form or under any circumstances is an intolerable exploitation of women.

POINT OF ORDER

The CHAIRMAN. The time of the gentleman from South Carolina has expired.

Does the gentleman from New York insist on his point of order?

Mr. SERRANO. Mr. Chairman, I insist on my point of order against the gentleman from Indiana's amendment.

The amendment changes existing law and constitutes legislation in an appropriation bill and, therefore, violates clause 2 of rule XXI.

The CHAIRMAN. Does the gentleman wish to be heard on the point of order?

Mr. SOUDER. Yes, I do, Mr. Chairman.

The CHAIRMAN. The gentleman is recognized.

Mr. SOUDER. First off, Mr. Chairman, I respectfully disagree with the

interpretation that I fear is coming. From our discussions, I understand that this is anticipating a future action, potentially, and therefore could be construed as legislating on an appropriations bill.

However, since the last two conferences in a row, with our last funding process that we went through in this House, in fact the administration agents, through the State Department, took this position. I would argue that this is a limitation of funds because there is no reason to believe that they will not take the position a third time.

I understand that this is now at the mercy of the Chair, and I hope he strongly considers that position.

The CHAIRMAN. Does any other Member wish to be heard on this point of order? If not, the Chair is prepared to rule.

The gentleman from New York raises a point of order that the amendment changes existing law in violation of clause 2(c) of rule XXI.

The amendment in pertinent part seeks to restrict funds for United States delegates who "otherwise advocate" the adoption of a described convention.

The fact that similar representations have been advocated in the past by delegates to the United Nations does not immunize the amendment from the point of order, which applies to the use of funds in the next fiscal year.

Requiring the relevant Federal official to determine whether a delegate has "advocated" the adoption of a convention under any circumstance imposes a new duty.

Accordingly, the amendment is not in order and the point of order is sustained.

Mr. ROGERS. Mr. Chairman, I move to strike the last word for the purpose of entering into a colloquy with the gentleman from Illinois (Mr. PORTER).

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

Mr. ROGERS. I yield to the gentleman from Illinois.

Mr. PORTER. Mr. Chairman, I thank the distinguished gentleman from Kentucky, the chairman of the subcommittee, for the opportunity to briefly discuss the funding level for International Broadcasting.

I want to thank the gentleman for providing an increase in funding for International Broadcasting Operations and Broadcasting Capital Improvements above last year's level, and specifically for the increase for Radio Free Asia. This additional funding will enable these broadcasting services to meet some of the overwhelming demand for uncensored news and information in oppressed areas of the world.

However, there is still a great unmet need, especially in Asia. In H.R. 4444, which granted permanent normal trade relations to China, was legislation authorizing increased funds for international broadcasting services in China and neighboring countries. If this package should be signed into law before

the conference on this appropriations bill, and additional funds are made available, I ask that the gentleman from Kentucky work with me to ensure that international broadcast funding be increased.

H.R. 4444 provided for an additional authorization of \$65 million for Broadcasting Capital Improvements and \$34 million for International Broadcasting Operations. I realize there is a large amount of money in today's tight budgetary constraints. However, international broadcasting is in desperate need of new and stronger transmitters to counteract the increase of jamming practices by oppressive regimes of Asia. Expansion of Internet capability is also greatly needed as the Internet continues to become accessible to more people.

Any increase in funding allowing for the expansion of these services would make a significant difference for the Broadcasting Board of Governors and be a beacon of light to billions of Asians living under repressive regimes.

Mr. ROGERS. Reclaiming my time, Mr. Chairman, I thank the gentleman for his statement and his long-standing efforts on behalf of International Broadcasting.

Should H.R. 4444 become law, and additional funding be provided in our allocation, we will endeavor to fund Radio Free Asia, Voice of America, and Broadcasting Capital Improvements at a level which reflects the increasing needs in Asia.

Mr. PORTER. I thank the chairman for his acknowledgment of my request and his support for International Broadcasting.

Mr. ROGERS. Mr. Chairman, I move to strike the last word for the purpose of entering into a colloquy with the gentleman from Michigan (Mr. UPTON).

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

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

Mr. UPTON. Mr. Chairman, I thank the gentleman for yielding to me, and as a Member of Congress who has two Weed and Seed sites in his district in Michigan, one in Benton Harbor and one in Kalamazoo, I know very well how valuable the Weed and Seed is to the people who live there.

I commend the chairman for recognizing the value of the Weed and Seed program and recognizing that the best solutions to crime problems are customized to neighborhood needs, which is at the very core of the Weed and Seed program.

The bill before us tonight provides \$33.5 million for Weed and Seed, which is the amount that was appropriated in the fiscal year 2000 bill. However, in previous years, the Department of Justice was permitted to reprogram other funds to the Weed and Seed program, increasing the level of funds available to the program. For instance, in fiscal year 2000, the program received \$40 million.

Mr. Chairman, I would like to ask if the gentleman from Kentucky might

be able to give me an assurance that he will work to assure that the Weed and Seed program will receive at least as much funding in 2001 as we received in fiscal year 2000.

Mr. ROGERS. Reclaiming my time, Mr. Chairman, I thank the gentleman from Michigan for his work on this issue.

I will work to assure the program is funded in fiscal 2001 at least at the level of funds available in the current year.

Mr. Chairman, I move to strike the last word for the purpose of engaging in a colloquy with the gentlewoman from Illinois (Mrs. BIGGERT).

Mrs. BIGGERT. Mr. Chairman, will the gentleman yield?

Mr. ROGERS. I yield to the gentlewoman from Illinois.

Mrs. BIGGERT. Mr. Chairman, I thank the gentleman for yielding to me. I have concerns regarding the level of funding provided for the National Institute of Standards and Technology's scientific and technical research and services account, including the Global Standards Program.

As the chairman knows, the Global Standards Program is intended to provide guidance to industries and to facilitate global harmonization of standards where possible. An issue has come to my attention that involves standards for anchor bolts that are post-installed in concrete.

The Transatlantic Business Dialogue has recommended that NIST facilitate a transparent standards harmonization process for these products, which are sold in Europe and the United States. Is it the gentleman's opinion that this bill provides adequate funding for this effort?

Mr. ROGERS. Reclaiming my time, Mr. Chairman, I would advise the gentlewoman that, yes, I do believe this is a function that would be adequately covered by the funding provided in the bill for NIST. It is my understanding that NIST has begun a technical analysis on this very issue.

Mrs. BIGGERT. I thank the gentleman from Kentucky for clarifying this issue for me.

AMENDMENT NO. 53 OFFERED BY MR. BROWN OF OHIO

Mr. BROWN of Ohio. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 53 offered by Mr. BROWN of Ohio:

At the end of the bill, insert after the last section (page 107, after line 21) the following new title:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act may be used to seek the revocation or revision of the laws or regulations of another country that relate to intellectual property rights with respect to pharmaceuticals or other medical technologies and comply with the Agreement on Trade Related Aspects of Intellectual Property Rights

referred to in section 101(d)(15) of the Uruguay Round Agreements Act.

The CHAIRMAN. Pursuant to the order of the House of Friday, June 23, 2000, the gentleman from Ohio (Mr. BROWN) and a Member opposed each will control 5 minutes.

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

MODIFICATION TO AMENDMENT NO. 53 OFFERED BY MR. BROWN OF OHIO

Mr. BROWN of Ohio. Mr. Chairman, I ask unanimous consent to modify my amendment such that it explicitly applies only when the United States Trade Representative is engaged in a Special 301 process established under the 1974 Trade Act and that it applies only to developing countries.

The CHAIRMAN. The Clerk will report the modification.

The Clerk read as follows:

Modification to amendment No. 53 offered by Mr. BROWN of Ohio:

In lieu of the matter proposed to be:

SEC. 801. None of the funds made available in this Act may be used by the United States Trade Representative to seek the revocation or revision of the laws or regulations of a developing country under the Special 301 process established under the Trade Act of 1974 as amended that relate to intellectual property rights with respect to pharmaceuticals or other medical technologies and comply with the Agreement on Trade Related Aspects of Intellectual Property Rights referred to in section 101(d)(15) of the Uruguay Round Agreements Act.

The CHAIRMAN. Is there objection to the modification offered by the gentleman from Ohio (Mr. BROWN)?

Mr. CRANE. Mr. Chairman, reserving the right to object, I yield to the gentleman from Ohio (Mr. BROWN) for an explanation of his modification.

Mr. BROWN of Ohio. Mr. Chairman, malaria killed 1.1 million people last year; 2.2 million people, mostly children, died of diarrheal infections; 2.3 million died of AIDS; 1.5 million of tuberculosis. Mr. Chairman, we know how to treat each of these diseases. We could have saved the lives of many of these people.

Countries around the world are attempting to expand access to desperately needed prescription drugs by pursuing competitive strategies explicitly permitted under international trade agreements. The USTR, on behalf of the global prescription drug industry, has made a practice of pressuring these nations to forsake legitimate strategies that can achieve lower prices; strategies like parallel importing and compulsory licensing.

Mr. CRANE. Mr. Chairman, I withdraw my reservation and object.

The CHAIRMAN. Objection is heard. The gentleman from Ohio (Mr. BROWN) is recognized for 5 minutes.

Mr. BROWN of Ohio. Mr. Chairman, I yield myself such time as I may consume.

Both of these practices, parallel importing and compulsory licensing, are explicitly permitted under a world trade agreement commonly referred to as TRIPS. The WTO TRIPS accord sets

global norms for patents, for trademarks, for copyrights, and for other types of intellectual property.

It is a tough set of requirements. For example, it requires all WTO member countries, including the United States, to adopt 20-year patents on medicines, even though under our patent law our patent length was 17 years.

The WTO TRIPS agreement requires many poor countries to adopt rules that actually raise the price of their medicines. The USTR, on behalf of the prescription drug industry, is pushing countries to abandon fully sanctioned actions, like parallel importing and compulsory licensing.

It is difficult to believe the U.S. is participating in efforts to prevent developing countries from fighting back when drug companies ignore the dire consequences of their actions and abuse their monopoly power, for example, when they impose higher prices in developing countries than in industrialized nations, as in the case with AIDS drug Fluconazole.

□ 2130

U.S. trade officials have pressured South Africa, Thailand, Indonesia, the Philippines, India, Pakistan, Costa Rica, the Dominican Republic, and many other poor nations, threatening sanctions unless they forsake rights they have under the TRIPS agreement.

In many of these countries, the average income is less than \$1 a day.

In December last year, President Clinton told the WTO it was time to change U.S. trade policy, to consider the issue of access to medicines.

In May, the President issued an executive order prohibiting the USTR from pressuring sub-Saharan African nations into giving up legitimate competitive strategies aimed at expanding access to HIV/AIDS drugs.

In justifying his decision to reign in the USTR, the President asserted "it is in the interest of the United States to take all reasonable steps to prevent further spread of infectious disease, particularly HIV/AIDS. The TRIPS agreement recognizes the importance of promoting effective and adequate protection of intellectual property rights and the right of countries to adopt measures necessary to protect public health."

Our amendment is grounded in that same logic.

The United States should enforce the TRIPS agreement to ensure the proper protection of property rights to be sure, but it should not undercut the balance TRIPS strikes between protecting intellectual property and promoting the public health.

The President's executive order applies only to AIDS drugs and only to sub-Saharan Africa. Our amendment says the United States should not interfere in legitimate efforts to expand access to essential medicines in developing countries in health crises.

This amendment does not undercut in any way intellectual property pro-

tections. It permits the U.S. to insist on tough provisions of the WTO TRIPS agreement, but it prevents the U.S. Government from seeking to impose so-called "TRIPS Plus" protections on countries when these more onerous protections would have a negative impact on access to medicine.

Not only is this policy appropriate from a public health point of view, it is also consistent with the WTO TRIPS agreement itself. Article I of the TRIPS agreement says "Members may, but shall not be obliged to, implement in their law more extensive protection than is required by this Agreement." The key phrase is "not obliged to."

The United States should honor, in fact we should applaud, policies in other countries that place the health and well-being of people ahead of the profit goals of the prescription drug industry.

Hindering efforts to combat debilitating and fatal diseases on behalf of the global prescription drug industry is an unjustifiable and counterproductive use of our Nation's power and influence. This amendment, Mr. Chairman, helps us to put a stop to it.

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

Mr. ROGERS. Mr. Chairman, I yield myself such time as I may consume, and I rise in opposition to the amendment.

Mr. Chairman, this amendment does not belong on this bill. It is a subject for the Committee on Ways and Means. It is within their jurisdiction. And they are objecting. In addition, the administration is strongly opposing the amendment. It will bog down this bill.

So, for all of the foregoing reasons, Mr. Chairman, I am in opposition.

Mr. Chairman, I yield 2 minutes to the gentleman from Illinois (Mr. CRANE) the chairman of the Subcommittee on Trade of the Committee on Ways and Means.

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

Mr. Chairman, I rise in opposition to the Brown amendment. The Brown amendment compromises USTR's ability to protect U.S. intellectual property rights around the world for U.S. pharmaceutical companies and medical device manufacturers.

Section 315 of the Uruguay Round Agreements Act clearly states that it is U.S. policy to seek enactment and implementation of foreign intellectual property laws that strengthen and supplement TRIPS. The Brown amendment directly contradicts this provision, conflicting with U.S. law.

The pharmaceutical and medical technologies industry depend on consistent and fair trade rules, including those that protect intellectual property rights. Without such practices, companies and those who invest in them will be discouraged from providing the necessary capital to pursue the development of new medicines.

A consistent theme in U.S. trade policy is encouraging an environment

based on rule of law around the world that U.S. firms need to be able to compete. The Brown amendment sends countries conflicting messages that we would like them to provide the highest degree of intellectual property protection in every category except pharmaceuticals and medical technology.

Ironically, the Brown amendment, which is intended to help poor countries, will actually hurt them by reducing their ability to attract foreign investment. Developing countries need the transfer of technology and know-how for their economic growth and stronger, not weaker, intellectual protection is the way to get it.

In short, the Brown amendment is the wrong solution to increasing the access of developing countries to pharmaceuticals and medical technologies. Instead of stripping U.S. firms of their legal rights, we should seek to encourage partnerships between U.S. pharmaceutical firms and developing countries.

For example, several U.S. firms are already involved in pilot programs to increase access to AIDS drugs in African countries. Encouraging growing economies, as we are doing in the recently enacted African Growth and Opportunity Act, also enables developing countries to have the resources to purchase drugs without discouraging further innovation.

I urge my colleagues to oppose the Brown amendment.

Mr. ROGERS. Mr. Chairman, I yield 1 minute to the gentleman from New Jersey (Mr. FRELINGHUYSEN), a hard-working member of our committee.

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

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

Mr. Chairman, I rise in opposition to this amendment.

Mr. Chairman, we have a system of patents for a reason, to protect intellectual property rights of the people who create new inventions and products, as well as protect the efficacy of the actual product. And the efficacy of drug products and medicines are important. It is all about safeguarding patients, patients around the world.

Our U.S. Trade Representative, Charlene Barshefsky, has been pursuing the enforcement of U.S. patent laws in virtually every international market and she has done so effectively. As the U.S. representative for the fair treatment of U.S. products anywhere and everywhere in the world, this is her charge.

This amendment basically tells that representative to stop doing her job. That is not only wrong, it is dangerous.

I know that the intent of the gentleman is to help those suffering from horrendous diseases, such as AIDS and other diseases in Africa and other places, by guaranteeing access to prescription medicine at the cheapest cost. But, with all due respect to the

gentleman, this is not the way to achieve his goal and he will not likely achieve his goal.

Mr. ROGERS. Mr. Chairman, I yield the balance of the time to the gentleman from California (Mr. BERMAN) the ranking member on the Subcommittee on Courts and Intellectual Property of the Committee on the Judiciary.

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

Mr. Chairman, I have some concerns about this amendment. A year ago, on the Commerce-State-Justice appropriations bill, we debated the Sanders amendment dealing very specifically with Asian and African countries applying specifically to pharmaceuticals.

The amendment now that we have before us seems to me to apply far beyond pharmaceuticals to any medical technology. It could cover laser equipment used in cosmetic surgery, prohibit the executive branch from encouraging nations to provide TRIPS Plus protection to patents which cover such laser technologies.

It also seems like the Sanders amendment last year was designed to make pharmaceuticals more affordable. It specifically was approaching trade representative activities which enforced patent laws that would make drugs more expensive. This does not have that kind of limitation.

The Brown amendment would prohibit the executive branch from seeking to appeal a TRIPS compliant law covering IPR and pharmaceuticals that is intended to discriminate against U.S. pharmaceuticals.

So a Western European law that has nothing to do with getting drugs to Africa, which has nothing to do with dealing with the crisis in Africa, but which is designed to discriminate against U.S.-made pharmaceuticals or medical technologies, the USTR would be prohibited from focusing on it if it did not violate TRIPS.

I think that it may overreach in that regard, and that is why I have some concerns about this amendment.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Ohio (Mr. BROWN).

The amendment was rejected.

AMENDMENT NO. 76 OFFERED BY MR. VITTER

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 76 offered by Mr. VITTER: Page 107, after line 21, insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds appropriated or otherwise made available by this Act may be used for participation by United States delegates to the Standing Consultative Commission in any activity of the Commission to implement the Memorandum of Under-

standing Relating to the Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Limitation of Anti-Ballistic Missile Systems of May 26, 1972, entered into in New York on September 26, 1997, by the United States, Russia, Kazakhstan, Belarus, and Ukraine.

The CHAIRMAN. Pursuant to the order of the House of Friday, June 23, 2000, the gentleman from Louisiana (Mr. VITTER) and a Member opposed will each control 5 minutes.

The Chair recognizes the gentleman from Louisiana (Mr. VITTER).

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

Mr. Chairman, this amendment would block the implementation of unratified limitation on missile defense. Precisely the same amendment, word for word, passed the House last year by voice vote and the previous year before that by a significant margin. And so, this amendment would merely continue that status quo in the law and not change present law.

Mr. Chairman, on September 26, 1997, the Clinton administration entered into a Memorandum of Understanding and related treaties with Russia, Kazakhstan, Belarus, and the Ukraine. If ratified, these treaties would strengthen the 1972 ABM Treaty with the former Soviet Union and impose new and severe restrictions on America's ability to develop and deploy missile defense systems.

But these agreements have not been submitted to the Senate and they have not been ratified. And that is why this amendment should pass, so that they are not implemented unless and until the U.S. Senate considers and ratifies those agreements.

Mr. Chairman, these agreements, the MOU and related documents, essentially do two things. First of all, they change the parties to the 1972 ABM Treaty, substituting for the USSR: Kazakhstan, Belarus, Russia, and the Ukraine. Secondly, and more importantly, they really expand the Treaty and expand the scope to disallow more theatre and missile defense systems.

The original 1972 Treaty places no limitations on theater missile defense. These new demarcation agreements would prohibit the U.S. from being able to fully develop our theatre missile defense systems. And that is, of course, why these agreements are so important.

Now, the Clinton administration has frankly admitted there is no debate, and this House has voted many times that this is a new treaty and, therefore, must be put before the United States Senate and ratified by the United States Senate. This has never happened. And that is why we should pass this amendment to prevent implementation unless and until the Senate takes up and ratifies these new treaties.

As I said, this passed last year by a voice vote. It passed the year before that by a substantial margin. I would certainly implore the House to pass it again this year.

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

Mr. ALLEN. Mr. Chairman, I yield myself such time as I may consume, and I seek the time in opposition to the amendment.

Mr. Chairman, I rise in opposition to this amendment because this issue has come up in previous years. The State Department has opposed it.

In the past, the State Department, during conference, has been able to get language added, making it subject to a presidential certification. And that language is not in the amendment of the gentleman from Louisiana (Mr. VITTER) today.

This amendment is unnecessary because the administration has already said that it will not implement the September 1997 Memorandum of Understanding on secession to the ABM Treaty prior to its ratification by the Senate.

In a letter and report provided to the chairman of the Senate and House Committee on Appropriations dated February 9, 1999, the President certified and affirmed that the United States Government is not implementing the Memorandum of Understanding. The way it is currently worded, without the President's certification language, the State Department would be prevented from sending representatives to meetings because it would prohibit money for any participation. The State Department wants to be able to participate in meetings even though it is not implementing the agreement. If the prohibition is on implementation but the State Department is not implementing, they can attend meetings with the presidential certification.

In our view, Mr. Chairman, this is an attempt to obstruct the arms control dialogue. It is unnecessary and it is unjustified.

What we are saying is simply that the way this amendment is worded at this particular time will hamper ongoing discussions about arms control unnecessarily.

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

□ 2145

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

Mr. Chairman, first of all, with regard to the issue of the certification, if the certification language were in this amendment, it would then be subject to a point of order. So for that very simple parliamentary reason, that certification language cannot be put in this amendment on the House floor. Should the process, as in previous years, yield that certification language, I would not object; and I would suggest we should move the process along by passing this amendment as it has evolved in previous years.

Also, if, as the gentleman on the other side said in opposition, this amendment is not necessary, then neither he nor the administration should

object to it. In fact, I believe the standing consultative commission does offer this administration the opportunity to implement and to push forward unratified new treaties. That is clearly inappropriate. The way to push forward these treaties, if they are in the best interest of the country, is to submit them to the United States Senate and have the Senate decide the issue. That is their constitutional duty; and, in fact, it is beyond debate.

The administration has agreed that if it is a new treaty, it must be submitted to the Senate. So this amendment is merely a very wise, precautionary measure and may, in fact, yield the certification language as this appropriation bill moves through the process.

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

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

Mr. Chairman, we simply disagree on this issue. Without the language concerning a presidential certification, we continue to object.

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

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

Mr. Chairman, I would simply close by saying that, in fact, we are talking about brand new agreements, treaties, which have never been submitted to the Senate, never been debated or ratified by the Senate. So clearly this is an appropriate, a wise, a conservative and cautionary amendment. It has been adopted the last 2 years. I would not object to the certification language if it is included as it moves through the process. So in that vein, I urge the House to adopt this amendment as it has the previous two years.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Louisiana (Mr. VITTER).

The amendment was agreed to.

Mr. ROGERS. Mr. Chairman, I move to strike the last word for the purpose of yielding to the gentleman from California (Mr. OSE) to engage in a colloquy.

Mr. Chairman, I yield to the gentleman from California (Mr. OSE).

Mr. OSE. Mr. Chairman, I rise today to make note of a particular issue. On October 25, 1980, The Hague Convention on the Civil Aspects of International Child Abduction established reciprocal rights and duty to expedite the return of children to their state of habitual residence, as well as ensure that rights of custody and of access under the laws of one contracting State are respected in other contracting States.

Subsequent to this convention, over 50 countries have become signatory members. Yet, egregious cases abound. A critical step to protecting our American children is making sure that U.S. Federal and State courts are aware of international parental abduction issues and The Hague Convention. Current

law requires that the State Department prepare an annual report on the status of this Hague Convention. Unfortunately, the State Department has been reluctant to distribute their report to our courts. By providing State and Federal courts access to this document, judges will be better equipped to render decisions in custody cases that are in the best interest of the child.

Mr. Chairman, on May 23 of this year, every single Member of this distinguished body who was present voted to support passage of a resolution, the purpose of which was to highlight our interest in making sure that American children and parents remain in this country. Every single Member of this House voted for H. Con. Res. 293 to urge the Secretary of State, in part, to disseminate to all Federal and State courts the Department of State's annual report to Congress on Hague Convention compliance.

As the chairman takes this bill to conference, I ask him to keep this issue in mind and endeavor to ensure that the State Department complies with the guidance in H. Con. Res. 293.

Mr. ROGERS. Mr. Chairman, I appreciate the gentleman bringing this issue to our attention. I would be happy to work with the gentleman as the bill proceeds to conference to see if we can address the gentleman's concerns and congratulate him on the work that he has done on the issue.

AMENDMENT NO. 13 OFFERED BY MR. ALLEN

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 13 offered by Mr. ALLEN:

At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. 624. Of the funds appropriated in title II under the heading "Administration of Foreign Affairs — Diplomatic and Consular Programs", \$200,000 shall be available only for bilateral and multilateral diplomatic activities designed to promote the termination of the North Korean ballistic missile program.

Mr. ROGERS. Mr. Chairman, I reserve a point of order.

The CHAIRMAN. The gentleman from Kentucky (Mr. ROGERS) reserves a point of order.

Pursuant to the order of the House of June 23, 2000, the gentleman from Maine (Mr. ALLEN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Maine (Mr. ALLEN).

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

Mr. Chairman, the amendment I am offering designates a small amount, \$200,000, of the State Department's diplomatic account for bilateral and multilateral activities designed to promote the termination of the North Korean ballistic missile program. Everyone agrees we must address the potential threat of a ballistic missile attack by Korea. The question is, what is the most effective and economical way to

deal with the threat? Some argue the best way, the only way, to deal with North Korea is to build a defensive shield and then hope that it can shoot down a missile after it is launched.

This approach assumes, of course, that a national missile defense would work as advertised, which has not been proven and could not be fooled by decoy technology, which we may never be sure of.

We must continue to research and test national missile defense more rigorously than we are now, but given the technological uncertainties, NMD remains a risky and expensive option to deal with the North Korean threat. It is safer and cheaper to deal with a missile that has never been built than to gamble that it can be hit after its launch.

Last year, the administration conducted a comprehensive North Korea policy review led by former Defense Secretary William Perry. It concluded that the urgent focus of U.S. policy toward North Korea must be to end its nuclear weapons and long range missile-related activities for which the U.S. should be prepared to establish more normal diplomatic relations with North Korea and join in South Korea's policy of engagement and peaceful co-existence.

We have already seen progress. Last year North Korea pledged to suspend tests of its long range missile in exchange for easing of U.S. sanctions. North Korea reaffirmed the pledge last week. Skeptics say trust their deeds, not their words, and I agree; but the fact is North Korea has not tested its Taepo Dong 1 missile in the 2 years since the first provocative test. Some may scoff at the notion of negotiating with a Stalinist state, but it is worth exploring.

In the June edition of Arms Control Today, Leon Sigal, an expert on North Korea and security issues, presents a cogent case that based on past experience cooperation with Pyongyang can work. He finds that the best strategy for ending North Korea's nuclear and missile programs and ensuring peace in northeast Asia is cooperative threat reduction.

The historic North-South Korea summit offers the chance to foster improved security conditions in the region. The Perry review found that South Korea and Japan and even China share our interests in reducing the North Korean threat. We should take advantage of the opportunity.

This amendment sends a congressional signal of support for continued diplomatic efforts to reduce the North Korean missile threat. This not only makes security sense; it makes fiscal sense. Diplomatic efforts to end the threat can be done at pennies on the national missile defense dollar, which is a \$60 billion program. The funding in this amendment is one-hundredth of 1 percent of the amount we will spend next year, \$2 billion on national missile defense. There is more than one way to

reduce the North Korean threat, and some ways are cheaper than others.

Mr. Chairman, I do not want to micromanage and tie the State Department's hands, so I will, at an appropriate time, withdraw the amendment; but I think it is important to indicate Congress' support for diplomatic avenues to end the North Korean missile threat.

Subject to any comments on the other side, I ask unanimous consent to withdraw the amendment.

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

There was no objection.

The CHAIRMAN. The amendment is withdrawn.

AMENDMENT NO. 77 OFFERED BY MR. VITTER

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 77 offered by Mr. VITTER: Page 107, after line 21, insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds appropriated in this Act may be available to the Department of State to approve the purchase of property in Arlington, Virginia by the Xinhua News Agency.

The CHAIRMAN. Pursuant to the order of the House of Friday, June 23, 2000, the gentleman from Louisiana (Mr. VITTER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Louisiana (Mr. VITTER).

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

Mr. Chairman, I rise to offer an amendment to this bill that will send a strong signal to the State Department that this body insists that they enforce the law. This amendment lets State know that we want them to require the Chinese Communist Government to request approval for their purchase of an apartment building overlooking the Pentagon, and that this body wants State to deny that approval.

At issue is the purchase of an Arlington apartment building by the Xinhua News Agency. The Chinese Government owns Xinhua and the Foreign Missions Act of 1985 requires foreign embassies to obtain prior authorization from our State Department for the purchase of U.S. property, and it explicitly covers operations like Xinhua.

Furthermore, the authoritative Chinese intelligence operations, published by the Naval Institute Press, reports that in a number of publicized spy scandals intelligence officers used Xinhua to provide operations cover. The Foreign Missions Act clearly is applicable to the purchase of this building by Xinhua. The name of the complex, Pentagon Ridge Apartments, vividly describes its strategic location. Occupancy of this building will allow Chinese intelligence operatives to gather information using a variety of

means. These include direct observation via telescope of documents being viewed in outside offices, the collection of electronic impulses emanated by computer screens in the building and the use of laser microphones to eavesdrop on conversations.

In short, this building is an ideally suited spy tower designed to capture our military secrets.

If this were a unique occurrence, there would be no need perhaps for this body to act, but unfortunately this is just one more in a sorry series of security breakdowns that have taken place on the Clinton administration's watch. Missile secrets to China, laughable security at Los Alamos, Russian microphones and missing laptops at the State Department, the list just goes on and on, and unfortunately this is just one more item on the list.

In this case, our security agencies did not even know the Chinese Government interest in procuring this building, a strategically important building.

Now, a few weeks ago, Energy Secretary Richardson blamed the University of California for the missile computer hard drives at Los Alamos. What will Secretary of State Albright do, blame the Arlington Board of Realtors for this fiasco?

I recognize that this amendment covers spending for the next fiscal year and would not prevent State Department approval this year, but I hope that a very strong show of support for the amendment will encourage the State Department to do the right thing and block Xinhua's acquisition of this strategically located building.

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

Mr. ROGERS. Mr. Chairman, I claim the time in opposition, but I will not oppose the amendment.

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

Mr. Chairman, I have no objection to this amendment. I do not think it is necessary. I appreciate the gentleman bringing the issue to the attention of the Congress and the country, particularly in light of the recent bugging of the State Department headquarters building itself. The State Department tells us that this sale to the Chinese Government news agency does require their approval, so they agree with us. State will consult with the intelligence community, and it is my expectation that they will not approve the sale.

Furthermore, I am told State would likely take action on this matter before the end of this fiscal year. So I hope this provision will prove unnecessary, but I do support the adoption of the amendment.

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

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

Mr. Chairman, I would like to thank the subcommittee chairman for his kind words. I too hope that the State Department does the right thing, whatever action or lack of action this House

would take. I simply do not have full confidence in that; and I think it is reasonable for me, for all of us, to lack that confidence given the past recent history of security breaches under this administration, and that is really the very important context in which I bring this amendment. I do realize that this amendment only covers the next fiscal year, but I hope that a significant vote by this body will be a very strong and telling message to the State Department that they must act decisively to block the Communist Chinese Government from obtaining this literal spy tower on the Pentagon.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Louisiana (Mr. VITTER).

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

□ 2200

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

The CHAIRMAN. Pursuant to House Resolution 529, further proceedings on the amendment offered by the gentleman from Louisiana (Mr. VITTER) will be postponed.

AMENDMENT NO. 3 OFFERED BY MR. CAPUANO

Mr. CAPUANO. Mr. Chairman, I have an amendment at the desk, I believe it is Amendment No. 3.

The CHAIRMAN. The Chair notes that the amendment addresses a paragraph already passed in the reading.

Does the gentleman from Massachusetts ask unanimous consent for its present consideration?

Mr. CAPUANO. Yes, I do, Mr. Chairman.

The CHAIRMAN. Is there objection?

Mr. ROGERS. Mr. Chairman, reserving the right to object, which amendment is this, Mr. Chairman?

Mr. Chairman, I have no objection, but I do reserve a point of order.

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

There was no objection.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. CAPUANO:

Page 107, after line 12, insert the following new section:

SEC. 624. (a) Within 60 days after the date of enactment of this Act, the Common Carrier Bureau of the Federal Communications Commission shall conduct a study on the area code crisis in the United States. Such study shall examine the causes and potential solutions to the growing number of area codes in the United States, including the following:

(1) Shortening the lengthy timeline for implementation of the Federal Communications Commission's recent order mandating 1,000 number block pooling.

(2) Repealing the wireless carrier exemption from the Federal Communications Commission's 1,000 number block pooling order.

(3) The issue of rate center consolidation and possible steps the Commission can take

to encourage or require States or telecommunications companies, or both, to undertake plans to deal with this issue.

(4) The feasibility of technology-specific area codes reserved for wireless or paging services or data phone lines.

(5) Strengthening the sanctions against telecommunications companies that do not address number use issues.

(6) The possibility of single number block pooling as a potential solution to the area code crisis.

(7) The costs and technological issues surrounding adding an additional digit to existing phone numbers and potential ways to minimize the impact on consumers.

(b) Within 90 days after the date of enactment of this Act, the Federal Communications Commission shall submit to the Congress a report on the results of the study required by subsection (a).

The CHAIRMAN. Pursuant to the order of the House of Friday, June 23, 2000, the gentleman from Massachusetts (Mr. CAPUANO) and a Member opposed each will control 5 minutes.

The gentleman from Kentucky (Mr. ROGERS) reserves a point of order on the amendment.

The gentleman from Massachusetts (Mr. CAPUANO) is recognized for 5 minutes.

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

Mr. Chairman, I thank the gentleman from Kentucky (Mr. ROGERS) for allowing me the unanimous consent request.

Mr. Chairman, this amendment deals with probably one of the few issues that will affect every single American, has affected most Americans already and will do so within the next 5 years, every single American; namely: the issue of area codes.

In 1947, the North American Numbers Plan was enacted to establish the current numbering of all of our telephones, seven numbers with three digit area codes. As of 1994, we had 151 area codes. In the last 5 years, that number has doubled, and as of 1999, the people that administer this, the Lockheed Martin, estimates that by the year 2007, we will be completely out of telephone numbers based on the current explosion of telecommunications.

Mr. Chairman, all this amendment does is simply ask the FCC to have a study and issue a report to this Congress as to what they intend to do about this situation. Mr. Chairman, there are many things that we could do that we could suggest to the FCC, but at the same time, I think it is incumbent upon them to tell us if they have a plan that they intend to implement in the manner that will save lots of Americans lots of money.

Many of us have been through situations where area codes have been added, or others have been through situations where area codes have been overlaid so that many Americans today have to dial 10 digits simply to call across the street. Many people certainly have to dial 10 digits to get to the town next door because so many area codes have been added in this country; that situation is going to get horrendously worse each and every day.

Just last year, the FCC cited 25 additional area codes as those, quote, in jeopardy. That happened since just last June. Mr. Chairman, this amendment is a simple amendment. It does not propose that we know the answers, it simply asks the FCC to provide us with their proposals as to what the answers will be.

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

POINT OF ORDER

Mr. ROGERS. Mr. Chairman, I make a point of order against the amendment, because it proposes to change existing law and constitutes legislation in an appropriations bill and, therefore, violates clause 2 of rule XXI, because the amendment imposes additional duties.

I ask for a ruling from the Chair.

The CHAIRMAN. Does the gentleman from Massachusetts wish to be heard on the point of order?

Mr. CAPUANO. Only momentarily, Mr. Chairman, I understand and respect the point of order, and I would say that the next time I come here on this issue, I will actually be proposing suggestions for the FCC to do, because if I am going to get ruled out of order, I may as well get ruled out of order on something substantive as opposed to simply a request for information.

The CHAIRMAN. The Chair is ready to rule.

The Chair finds that the amendment proposes to change existing law, to wit: mandating a study by the Federal Communications Commission. As such, it constitutes legislation in violation of clause 2(c) of rule XXI.

The point of order is sustained.

AMENDMENT NO. 52 OFFERED BY MR. BLUNT

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 52 offered by Mr. BLUNT:

At the end of the bill, insert after the last section (page 107, after line 21) the following new title:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act may be used for the United States-European Union Consultative Group on Biotechnology, unless the United States Trade Representative certifies that the European Union has a timely, transparent, science-based regulatory process for the approval of agricultural biotechnology products.

Mr. SERRANO. Mr. Chairman, I reserve a point of order.

The CHAIRMAN. The gentleman from New York (Mr. SERRANO) reserves a point of order.

Pursuant to the order of the House of Friday, June 23, 2000, the gentleman from Missouri (Mr. BLUNT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Missouri (Mr. BLUNT).

Mr. BLUNT. Mr. Chairman, I yield myself 1 minute and rise to say that I

am proposing this amendment because of my sincere concerns for the US-EU Consultative Group on Biotechnology.

This amendment would guarantee that none of the funds appropriated under the Act may be used to participate in or support activities of the consulting group unless the U.S. Trade Representative certifies that the European Union is operating in a timely and science-based process of approvals for new plant varieties, including those developed using biotechnology.

What we have seen too often is the European Union used this as an excuse not to let our products into this market. There are already 31 groups that have been designated to focus on this subject, I think that is about 30 too many, and the subject of delays brings me to a second reason to offer this amendment.

For the past 2 years, the European Union has failed to complete the procedures necessary for marketing biotech food products in member States. In so doing, they are in violation of rules established by the World Trade Organization that require a science-based process for the decision or lack thereof they made regarding agricultural biotechnology. Instead, the establishment of yet another group to study biotechnology is simply a transparent attempt to string their inactivity along.

Our friends and farmers in the agricultural community need help today. As the Government, it is imperative that we make the necessary commitment to look at real solutions to these European trade issues and not to continue to let these studies go on in a way that keeps our products out of the market.

Mr. Chairman, I yield 2 minutes to the gentleman from Missouri (Mr. HULSHOF), a member of the Committee on Ways and Means.

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

Mr. Chairman, I find it ironic that today as world scientists are heralding the breakthrough and mapping human genetics that the European Union remains in the dark ages regarding advancements in plant science.

The European Union has demonstrated extreme reluctance in implementing an approval process for genetically enhanced foods. I think that this inaction will be prolonged by the recently announced consultative forum.

As my friend, the gentleman from Missouri (Mr. BLUNT) has talked about America's farmers who have been struggling now for the 3rd consecutive year of depressed prices, but they are not the only ones that are going to be affected by the European Union's inaction.

Around the world, 170 million preschool kids are undernourished. In Third World countries, ag biotechnology can help develop new varieties that will survive the harshest climates. These countries will not be able

to undertake effective biotech research without the support, but, more importantly, without the consensus of developed countries.

Besides fighting famine and besides caring for the world's growing population, genetic crop enhancement can also help environmental causes such as reduction of pesticide use, groundwater pollution and topsoil erosion.

In short, as I agree with my friend, the gentleman from Missouri (Mr. BLUNT) that we would prefer the provision of the amendment be included in this year's appropriations bill. We also respect the rules of the House.

Mr. Chairman, I do urge the administration to insist the U.S. participation and the forum be contingent on agreement by the European Union to restart its approval process. Mr. Chairman, let us fight hunger not biotechnology.

Mr. CHAIRMAN. Does the gentleman from Missouri (Mr. BLUNT) reserve his time?

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

Mr. DOOLEY of California. Mr. Chairman, while I am not in opposition to this amendment, I ask unanimous consent that I can control the 5 minutes.

The CHAIRMAN. Without objection, the gentleman from California (Mr. DOOLEY) will control 5 minutes.

There was no objection.

The gentleman from California (Mr. DOOLEY) is recognized for 5 minutes.

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

Mr. Chairman, I just want to inform Members of the House that just this week we sent a letter from 25 of our Members to the President asking him to recognize that EU inaction and insist that our trading partners in Europe agree to mend the regulatory process in order to allow for a science-based approval process of new plant varieties, including varieties developed through the use of modern biotechnology.

It seems that today science has taken a back seat to political considerations and as a result, our farmers are caught in an untenable situation. The situation was recently complicated further when our government agreed to enter into a consultative process with the EU. The U.S.-EU consultative forum has been formed to negotiate issues related to biotechnology. Discussion is always a healthy exercise, and under different circumstances, I and others who signed a letter to the President would unreservedly welcome the opportunity to sit down with EU representatives. In fact, we have welcomed the opportunity with open arms in the form of 30 other such groups that are currently discussing related biotech issues. However, we must now stand behind America's farmers who are losing critical markets.

Corn farmers are losing an estimated \$200 million annually, and hundreds of millions in other agriculture exports

are being lost. We must send a message to the EU that while we welcome dialogue, we insist that the meeting of this particular forum be contingent upon agreement by EU nations to restart its approval process for biotechnology products.

Mr. Chairman, I think this is an important message that we are sending here tonight, and I urge thorough consideration by this body.

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

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

Mr. Chairman, let me further say that America's farmers and food processors deserve action, not just continued talk as my friend, the gentleman from California (Mr. DOOLEY) and my friend, the gentleman from Missouri (Mr. HULSHOF) have already pointed out, there are many studies going on.

We are losing an estimated \$200 million a year in corn sales and as many millions in other ag exports. How can we justify spending taxpayers' money, including the tax money that our farmers pay on a process that promises to keep them out of the market or more likely promises to keep them twisting in the wind.

Mr. Chairman, the safety of agricultural biotechnology has been firmly established. Our own Agriculture Secretary, Dan Glickman, has stated that, quote, our best science is to search for risk. Without exception the biotech products on our shelves have proven safe, and millions of people worldwide have consumed biotech foods without a single adverse incident.

Furthermore, respected scientific and policy-oriented organizations, along with renowned scientists and humanitarians have lined up in favor of agricultural biotechnology. They advocate for a process that is increasing crop yields, creating nutritious crops that promise to improve the health and welfare of millions.

These crops are raised in an environmentally safe and friendly way. It means better production on fewer acres with less fertilizer, less chemicals, less pesticides. This is exactly the direction that the environment should be headed, biotechnology is part of that solution. It has now reached a point where reasonable people must ask really the question, is this really about biotechnology or is it about something else?

It is an easy conclusion. The European Union nations are clearly trying to protect their farmers from superior products that we can send into that market. Regardless of its motives, the EU has an obligation under the rules of the WTO to act responsibly and establish a science-based system for conducting a risks assessment of biotech products.

Added conversation in consulting forums is not going to get this done. Only the resolve of the EU members, a resolve to, at a minimum, incorporate an approval process, will see that this goal and see that it is met.

We must move forward. We must open these markets. We must insist that the rules of the free trade, the rules of the marketplace are fairly applied to Missouri farmers and to American farmers, to California farmers, to all of those who can participate in this new and significantly enhanced way.

Mr. EWING. Mr. Chairman, I rise in support of the Blunt amendment.

At first glance, the United States-European Union Consultative Forum on Biotechnology appears to be a step toward opening Europe's doors to our ag biotech products. When you look again, you start to wonder what the purpose of this group may actually be. The U.S. Trade Representative has no press release on the formation of the Consultative Forum; I've only seen news clippings. My staff has contacted the Office of the U.S. Trade Representative for information, but received no call back. If the Consultative Forum is so significant, you would think that information on it would be made readily available. I see no reason why such an organization should be funded by the U.S. Congress if we neither know the purpose nor the possible outcome of negotiations.

Currently, there are over 30 organizations looking into the different issues surrounding biotechnology. Will this "Forum" be anything different than the others? I don't think so. The U.S. Government must have some agreement by the E.U. to restart its approval process before we move forward with another "Forum" on this issue. It cannot be yet another excuse to avoid action.

This amendment should be adopted to ensure the adequate and effective protection of our U.S. agricultural goods produced through biotechnology. American farmers are waiting for the Clinton administration to take leadership on this delicate trade issue, and so far, USTR seems to be stuck in a holding pattern. It's time for our biotech trading policy to be taken off autopilot and moved forward to assist our struggling American farmers.

Mr. SMITH of Michigan. Mr. Chairman, I rise in support of the amendment from my good friend and colleague, the gentleman from Missouri. This amendment would prohibit funding of the United States-European Union Consultative Group on Biotechnology until such time as the U.S. trade representative certifies that the E.U. has a transparent, science-based, and fair regulatory process for approving agricultural biotechnology products.

Mr. Chairman, on April 13, I released a report, Seeds of Opportunity, that reviewed the benefits, risks, and oversight of agricultural biotechnology. What I found is that biotechnology is safe and has incredible potential to enhance nutrition, feed a growing world population, open up new markets for farmers, and reduce the environmental impact of farming. Its potential benefits are limited only by the imagination and resourcefulness of our scientists.

However, despite an unblemished record of safety, this technology has come under attack from well-financed activist groups who have created an atmosphere of fear in Europe. Europe's political leaders have capitalized on these concerns to promote protectionist regulatory policies that have shut out American farm products from European markets. In a free-trade environment, trade decisions should be science-based, as World Trade Organization rules stipulate.

I think it is worth noting that no new agricultural biotechnology product has been approved in Europe for over 18 months. American researchers and farmers need to know that they will have a market for their products. The U.S. trade office should ensure that access to existing markets for agricultural products is maintained and that international agreements are neutral with respect to the products of agricultural biotechnology.

Mr. Chairman, I do not see the point in moving ahead with the U.S.-E.U. Consultative Group while the E.U. continues to persist with protectionist policies that violate the spirit, if not the letter, of WTO rules. This amendment sends a strong message to the E.U. that the United States will not tolerate E.U. foot-dragging that hurts U.S. farmers and an emerging biotechnology industry. I urge my colleagues on both sides of the aisle to support this amendment.

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

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

Mr. BLUNT. Mr. Chairman, I have a unanimous consent request. Mr. Chairman, I understand that with the extent of this bill and with the fact that we do go beyond just eliminating the funding that this amendment may very well go beyond the scope of our rule on this bill. I hereby withdraw my amendment and hope to have the merits of the legislation considered by this House, by the President and the administration and, most importantly, by the European Union in a truly timely manner.

The CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

Mr. ROGERS. Mr. Chairman, I move to strike the last word for the purpose of yielding to the gentleman from Georgia (Mr. DEAL) for the purpose of engaging in a colloquy.

Mr. DEAL of Georgia. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, as the gentleman from Kentucky (Mr. ROGERS) knows, illegal immigration into the ninth district of Georgia has skyrocketed in recent years. North Georgia has quickly become a destination for people entering this country illegally. Word has spread throughout the communities that jobs are plentiful in our labor-intensive industries.

What once might have been called a trickle of illegal aliens into North Georgia has turned into an outright flood. A recent study completed by Georgia State University concludes that in Hall County, Georgia, where I live, there could be an illegal immigration population of over 65,000.

This is especially alarming because of the overall population of the country is only 120,000. The schools, health care, delivery system, and judicial system have all seen a dramatic influx of residents who do not have legal status in our country. This has had a drastic and debilitating impact on the social services that our community is able to provide.

□ 2215

But despite the growing problem of illegal immigration in my district, I am happy to report renewed optimism. The Quick Response Teams, or QRTs which the gentleman and his subcommittee have developed, have proved to be a tremendous success where fully implemented. The city of Dalton, Georgia, which is one of the cities most affected by illegal immigration in my district, has benefited greatly from the presence of a QRT team.

These teams of INS agents work with State and local law enforcement to identify, apprehend, and remove criminal and illegal aliens. I thank the gentleman for his leadership on the interior enforcement of our immigration laws. Too few Members have had the courage to substantively address this issue. It is my hope that we can expand these successful QRTs to other communities that are dealing with this problem such as Hall County, Georgia. I would simply ask for the gentleman's commitment and for his continued support of interior enforcement of our immigration laws and especially the Quick Response Teams.

Mr. ROGERS. Mr. Chairman, reclaiming my time, I thank the gentleman for reminding us of this enormous problem in his district. I know of few districts that are impacted as significantly as the gentleman's district in Georgia. In fact, we included an additional \$11 million in the bill which was not requested by the administration to expand this QRT program around the country. In fact, I want to tell the gentleman that he is the inspiration for the QRT program, and I appreciate the problem he is facing in his home area, as well as other areas of the country; and I assure the gentleman that we will be happy to work with him as we proceed to address the problem.

Mr. DEAL of Georgia. Mr. Chairman, I thank the gentleman.

Mr. ROGERS. Mr. Chairman, I move to strike the last word for the purpose of a colloquy with the gentlewoman from Connecticut (Mrs. JOHNSON).

Mr. Chairman, I yield to the gentlewoman from Connecticut.

Mrs. JOHNSON of Connecticut. Mr. Chairman, I thank the gentleman for yielding.

I rise to congratulate the subcommittee for increasing the funding for the Manufacturing Extension Partnership Program of the National Institute of Standards and Technology. It is a very cost-effective Federal-State, public-private partnership that helps small and midsized American manufacturers modernize to compete in the global marketplace. As one of my small manufacturers said to me, it is fine if you vote for China trade. Please, just keep these critical dollars in place so we can keep up with the pace of change in technology and manufacturing organizations, stay competitive, and win.

Another of my manufacturers said to me, CONN/STEP, which is this MEP

program in Connecticut, is the only program helping us assure the survivability, the viability, and the profitability of our small shops. He and others have stressed how they rely on CONN/STEP for its remarkable, broad network of top professionals. No individual small manufacturer could develop such a network. He or she has neither the amount of work nor the time it takes to develop such a sophisticated network of interested engineering and technical experts. Yet, these top people are at the beck and call of the small manufacturers in my district because of the CONN/STEP program, one of the more than 70 MEP manufacturing centers throughout America. They are, indeed, in every State and in Puerto Rico.

My small manufacturers have depended on CONN/STEP to help them achieve 9000 certification, design new products, recruit new high-skilled employees, understand and adapt lean manufacturing techniques and, in general, keep pace with the truly incredible rate of change in manufacturing techniques and processes to improve precision and productivity and stay competitive. MEP funds are critical to the future of small manufacturing, and without strong small manufacturers, our global manufacturers cannot survive.

So I thank the chairman and his subcommittee for their foresightedness in increasing those funds.

Mr. ROGERS. Mr. Chairman, reclaiming my time, I thank the gentlewoman for her remarks. The bill does provide \$104.8 million for the Manufacturing Extension Partnership program, and the gentlewoman has been one of the biggest supporters we have had, and we appreciate that.

Mrs. JOHNSON of Connecticut. Mr. Chairman, I thank the gentleman.

Mr. YOUNG of Florida. Mr. Chairman, I move to strike the last word.

Mr. Chairman, on tomorrow, the House will consider the Energy and Water Development appropriations bill. As was done for prior appropriations bills, we will be trying to develop a unanimous consent request that identifies the complete universe of amendments with time agreements on them. Previously, we had not attempted this until we were halfway through the consideration of the bill. There was proper criticism that debate on early amendments was unconstrained, but that debate on later amendments was constrained.

In order to treat everyone the same, we are seeing if we can make an agreement at the beginning of consideration of this bill tomorrow. To do this will mean that we will need to know the universe of amendments on the Energy and Water Development bill prior to tomorrow. Therefore, I am asking all Members who may have an amendment to this bill to please file it at the desk and have it printed in the RECORD by the end of today.

Also, if all Members who have amendments could contact the staff on

the energy and water development subcommittee with a suggested time for debate on their amendments, we would be able to develop a unanimous consent with the necessary input. I would appreciate the cooperation of all Members in this regard. I thank the Chair.

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

Mr. Chairman, I think we are at the end of the process here, or close to it; but I do want to take a moment before we do get to the end of the bill to thank the Members for their courtesies and for being as brief as we could be under the circumstances. We have had a great number of amendments, as all Members know, and the Members have been cooperative, and I appreciate that very, very much.

Also, I want to thank my ranking member, the gentleman from New York (Mr. SERRANO), for being the gentleman that he is, my partner, if you will, on this bill. The teamwork with him has been heart-warming and, I think, fruitful.

Lastly, I want to again say to our staff on both sides of the aisle how dependent we are upon them and how much we appreciate their hard work, trying to keep our tempers under control all the while supplying us with the information necessary to help with the amendments and the bill itself. We cannot say enough for the work of our staff on the committee and on our personal staffs, both minority and majority staff members. We appreciate them very much. We would not be here without them.

AMENDMENT NO. 11 OFFERED BY MR. RUSH

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 11 offered by Mr. RUSH:

At the end of the bill (preceding the short title), insert the following:

TITLE VIII—ADDITIONAL
APPROPRIATIONS
SMALL BUSINESS ADMINISTRATION
PROGRAM FOR INVESTMENT IN
MICROENTREPRENEURS
(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the PRIME Act (as added by section 725 of the Gramm-Leach Bliley Act (Pub. L. 106-102)), to be derived by transfer from the aggregate amount provided in this Act under the heading "National Oceanic And Atmospheric Administration—Operations, Research, and Facilities" (and the amount specified under such heading for the National Weather Service), \$15,000,000.

The CHAIRMAN. Pursuant to the order of the House on Friday, June 23, 2000, the gentleman from Illinois (Mr. RUSH) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Illinois (Mr. RUSH).

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

Mr. Chairman, I am introducing this amendment to the Commerce, Justice,

State and the Judiciary appropriations bill to authorize \$15 million for the PRIME Act. The PRIME Act was signed into law as part of the Financial Services Act in November of 1999, but yet has not received any funding. Funding for the PRIME Act will provide the SBA the opportunity to establish a microenterprise technical assistance and capacity-building grant program.

Mr. Chairman, in our communities all across this country, there are small entrepreneurs with great ideas and aspirations toward furthering the business objectives to strengthen our commerce, but there are more than a few problems which they face. These entrepreneurs are usually unable to secure adequate funding, cannot market themselves to potential clients, are not educated with the business venture, and need the ability to lead their own lives.

The PRIME Act will provide assistance in the form of grants to qualified organizations. Qualified organizations are microenterprises that are very small businesses, that typically have fewer than 10 employees, and generally lack access to conventional loans, equity or other banking services. A qualified organization will be able to use these grants to provide training and technical assistance to disadvantaged entrepreneurs, provide training and capacity-building services to microenterprise development organizations and to aid in researching and developing the best practices in the field of microenterprise and technicals assistance programs.

Mr. Chairman, the PRIME Act is necessary to help people start and maintain businesses, contribute to their own individual self-reliance, and to strengthen our commerce. If there was ever a real solution to encourage people to work hard to control their own destiny, then certainly PRIME is the answer.

Mr. Chairman, I would like to engage in a colloquy with the chairman of the subcommittee, if at all possible.

Mr. Chairman, I am strongly in favor of this particular amendment. As the gentleman knows, this amendment passed out of the Committee on Banking and Financial Services with unanimous support, bipartisan support. It passed the House in the conference committee overwhelmingly, but yet the subcommittee has not funded it. I would ask the chairman, if he would be so kind, to work in the conference committee, if this bill passes this House, to try to secure funding for the PRIME Act. Again, it has been endorsed and supported by the chairman of the Committee on Banking and Financial Services, and it has strong bipartisan support.

With that in mind, Mr. Chairman, I would entertain a motion to withdraw this amendment if we could reach an understanding of some kind and if we can have some kind of consideration from the chairman.

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

Mr. RUSH. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Chairman, I appreciate the gentleman's concern. This is an unauthorized program that has been requested, and given the spending constraints that we have been operating under, there are a lot of new programs that we just were not able to fund, this included. This is certainly not alone; there are a lot of other programs that we were not able to find money to fund.

I am really concerned about the gentleman's amendment, though, because it would cut the National Weather Service by some \$15 million. The administration has already said that we have underfunded the Weather Service; and yet this would cut another \$15 million from such things as providing tornado warnings and flash flood warnings, winter storm warnings, hurricane warnings and the like. So I would hope that the gentleman could see his way clear to withdraw the amendment, and we can discuss the PRIME program as we proceed to final conclusion on the bill; and I would appreciate the gentleman's advice as we do that.

The CHAIRMAN. The time of the gentleman from Illinois (Mr. RUSH) has expired.

Does the gentleman seek to withdraw the amendment?

Mr. RUSH. Mr. Chairman, I ask unanimous consent for 1 additional minute.

The CHAIRMAN. Is there objection to adding 1 minute on both sides?

There was no objection.

Mr. ROGERS. Mr. Chairman, if the gentleman would briefly yield, I made a misstatement, the program is authorized. I said it was unauthorized. It is authorized, in fact.

Mr. RUSH. Well, since it is authorized, Mr. Chairman, would the gentleman change his determination?

Mr. ROGERS. Mr. Chairman, as I have said before, we have been under severe funding constraints, and I will be happy to work with the gentleman as we proceed to see if there is some way to do that.

Mr. RUSH. Mr. Chairman, I ask unanimous consent to withdraw the amendment.

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

There was no objection.

□ 2030

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

Mr. Chairman, I will be very brief. I also want to join the chairman, the gentleman from Kentucky (Mr. ROGERS), in thanking both our staffs for the work they have done on this bill, and to thank him personally for his treatment of this ranking member, and the diplomatic way in which he deals with me. We have a special relationship.

I also want to reiterate to the chairman, as I said before, that I will be supporting this bill tonight. Many Members on this side of the aisle will not. I will support the bill with the intent to continue to work with the chairman to make this the bill that I think it should be when this process is over.

However, I have to be honest, that unless some very dramatic changes take place in this bill, the second time around the gentleman will see even less support on this side. I do that understanding the gentleman's desire to work with me and to work with us in making sure this becomes a better bill.

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

AMENDMENT NO. 77 OFFERED BY MR. VITTER

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Louisiana (Mr. VITTER) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 367, noes 34, answered "present" 7, not voting 26, as follows:

[Roll No. 325]

AYES—367

Abercrombie	Burton	Duncan
Aderholt	Buyer	Dunn
Allen	Callahan	Edwards
Andrews	Calvert	Ehlers
Archer	Camp	Ehrlich
Army	Canady	Emerson
Baca	Cannon	Engel
Bachus	Capps	English
Baird	Cardin	Eshoo
Baker	Castle	Etheridge
Baldacci	Chabot	Evans
Baldwin	Chambliss	Everett
Ballenger	Chenoweth-Hage	Ewing
Barcia	Clement	Fattah
Barr	Coble	Filner
Barrett (NE)	Coburn	Fletcher
Barrett (WI)	Collins	Foley
Bartlett	Combest	Forbes
Barton	Condit	Ford
Bass	Cooksey	Fossella
Bateman	Costello	Fowler
Becerra	Cox	Franks (NJ)
Bentsen	Cramer	Frelinghuysen
Bereuter	Crane	Frost
Berkley	Crowley	Gallegly
Berry	Cubin	Ganske
Biggert	Cummings	Gejdenson
Bilbray	Cunningham	Gekas
Bilirakis	Danner	Gephardt
Bishop	Davis (FL)	Gibbons
Bliley	Davis (VA)	Gilchrest
Blunt	Deal	Gillmor
Boehlert	DeFazio	Gilman
Boehner	DeGette	Gonzalez
Bonilla	Delahunt	Goode
Bonior	DeLauro	Goodlatte
Bono	DeLay	Goodling
Borski	DeMint	Gordon
Boswell	Deutsch	Goss
Boucher	Diaz-Balart	Graham
Boyd	Dickey	Granger
Brady (PA)	Dicks	Green (TX)
Brady (TX)	Doggett	Green (WI)
Brown (FL)	Doolley	Greenwood
Brown (OH)	Doolittle	Gutknecht
Bryant	Doyle	Hall (OH)
Burr	Dreier	Hall (TX)

Hastings (WA)	McKeon	Saxton	Kilpatrick	McCollum	Schakowsky
Hayes	McKinney	Scarborough	Klink	McIntosh	Shows
Hayworth	McNulty	Schaffer	Lazio	Peterson (PA)	Shuster
Hefley	Meeke (NY)	Scott	Lipinski	Pomeroy	Talent
Heger	Menendez	Sensenbrenner	Manzullo	Rangel	Vento
Hill (IN)	Metcalfe	Serrano	Markey	Rush	Waxman
Hill (MT)	Mica	Sessions	Martinez	Ryun (KS)	
Hilleary	Millender-Shaw	Shadegg			
Hinojosa	McDonald	Shaw			
Hobson	Miller	Shays			
Hoeffel	Miller, Gary	Sherman			
Hoekstra	Miller, Gery	Sherwood			
Holden	Minge	Shimkus			
Holt	Moakley	Simpson			
Hooley	Mollohan	Sisisky			
Horn	Moore	Skeen			
Hostettler	Moran (KS)	Skelton			
Houghton	Morella	Slaughter			
Hoyer	Myrick	Smith (MI)			
Hulshof	Napolitano	Smith (NJ)			
Hunter	Neal	Smith (TX)			
Hutchinson	Nethercutt	Smith (WA)			
Hyde	Ney	Snyder			
Inslee	Northup	Souder			
Isakson	Norwood	Spence			
Istook	Nussle	Spratt			
Jackson (IL)	Obey	Stabenow			
Jackson-Lee (TX)	Ortiz	Stearns			
Jefferson	Ose	Stenholm			
Jenkins	Owens	Strickland			
John	Oxley	Stump			
Johnson (CT)	Packard	Stupak			
Johnson, Sam	Pallone	Sununu			
Jones (NC)	Pascarell	Sweeney			
Kanjorski	Pastor	Tancredo			
Kaptur	Paul	Tanner			
Kasich	Pease	Tauscher			
Kelly	Pelosi	Tauzin			
Kennedy	Peterson (MN)	Taylor (MS)			
Kildee	Petri	Taylor (NC)			
Kind (WI)	Phelps	Terry			
King (NY)	Pickering	Thomas			
Kingston	Pickett	Thompson (CA)			
Kleczka	Pitts	Thornberry			
Knollenberg	Pombo	Thune			
Kolbe	Porter	Thurman			
Kuykendall	Portman	Tiahrt			
LaFalce	Price (NC)	Tierney			
LaHood	Pryce (OH)	Toomey			
Lampson	Quinn	Trafficant			
Largent	Radanovich	Turner			
Latham	Rahall	Udall (CO)			
LaTourette	Ramstad	Udall (NM)			
Leach	Regula	Upton			
Levin	Reyes	Visclosky			
Lewis (CA)	Reynolds	Vitter			
Lewis (GA)	Riley	Walden			
Lewis (KY)	Rivers	Walsh			
Linder	Rodriguez	Wamp			
LoBiondo	Roemer	Watkins			
Lofgren	Rogan	Watts (OK)			
Lowe	Rogers	Weiner			
Lucas (KY)	Rohrabacher	Weldon (FL)			
Lucas (OK)	Ros-Lehtinen	Weldon (PA)			
Luther	Rothman	Weller			
Maloney (NY)	Roukema	Wexler			
Mascara	Royal-Allard	Weygand			
Matsui	Royce	Whitfield			
McCarthy (MO)	Ryan (WI)	Wicker			
McCarthy (NY)	Sabo	Wilson			
Ford	Salmon	Wise			
Fossella	Sanchez	Wolf			
Fowler	Sanders	Wu			
McHugh	Sandlin	Wynn			
McInnis	Sanford	Young (AK)			
McIntyre	Sawyer	Young (FL)			

NOES—34

Ackerman	Hastings (FL)	Nadler
Berman	Hilliard	Oberstar
Capuano	Johnson, E. B.	Olver
Carson	Jones (OH)	Payne
Clay	Kucinich	Stark
Clayton	Lee	Thompson (MS)
Clyburn	Maloney (CT)	Towns
Conyers	McDermott	Velazquez
Coyne	Meek (FL)	Waters
Davis (IL)	Mink	Woolsey
Dingell	Moran (VA)	
Farr	Murtha	

ANSWERED "PRESENT"—7

Blumenauer	Lantos	Watt (NC)
Dixon	Larson	
Frank (MA)	Meehan	

NOT VOTING—26

Blagojevich	Cook	Hansen
Campbell	Gutierrez	Hinchey

□ 2251

Mrs. JONES of Ohio changed her vote from "no" to "aye."

Mrs. McCARTHY of New York, Ms. SLAUGHTER, Mrs. TAUSCHER, Ms. MILLENDER-McDONALD, and Messrs. HILL of Montana, BLUNT, HOLT, ALLEN, CLEMENT, SHERMAN, WEXLER and CUMMINGS changed their vote from "aye" to "no."

Mr. MEEHAN changed his vote from "no" to "present."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. The Clerk will read the last three lines of the bill.

The Clerk read as follows:

This Act may be cited as the "Department of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2001".

Mr. BEREUTER. Mr. Chairman, this Member supports and is deeply appreciative of the efforts of the Appropriations Subcommittee on Commerce, Justice and State, to address the many concerns within their jurisdiction. However, this Member rises to address a particular concern that is considered by the legislation before this body today. In particular, it is important to understand the security risks faced by U.S. embassy personnel and other public servants who are tasked with advancing America's interests overseas.

Following the devastating embassy bombings in Kenya and Tanzania, the Overseas Presence Advisory Panel (OPAP) was created. This Panel's recent report concluded that the U.S. overseas presence is near a state of crisis. Insecure and often decrepit facilities, obsolete information technology, outmoded administrative and human resource practices and poor allocation of resources threaten to cripple our nation's overseas capabilities. The percentage of the U.S. budget devoted to international affairs has been declining for four decades. The international affairs budget is now about 20% less in today's dollars than it was on average during the late 1970's and 1980's.

The legislation before this body today recommends a level for the Department of State and international broadcasting at \$6.6 billion. Although below the Administration's request, it represents a \$300 million increase over last year's enacted level. However, in a number of key areas recommended appropriations still fall far short of what is needed.

However, this Member would emphasize that he has serious doubts about the level of this Administration's commitment and progress in improving security for our overseas facilities. In past years the Administration's request for Embassy security funding has been woefully inadequate. This year, the Appropriations committee fully funded the Department's FY 2001 request of over \$1 billion for Embassy security (\$410 million for diplomatic and consular programs and \$648 million for the embassy security, construction and maintenance account.) However, the American Foreign Service Association is urging that Congress

appropriate \$200 million more than the Administration requested for overseas security. AFSA notes that 80 percent of our 260 posts abroad do not even meet current, much less Inman, security standards. With an additional \$100 million the Department could more than double the number of posts with upgraded perimeter security. The other \$100 million could provide enhanced protection from exploding glass windows at posts which are considered highly vulnerable. Otherwise, the level of precaution will not be reached under current circumstances for at least five years.

Mr. Chairman, there is a crying need for wholesale reform of the way our Embassies are financed and constructed, starting with changing OMB's scoring rules to allow lease/purchase and lease/buyback arrangements. It defies logic to constrain the leasing of secure, modern diplomatic facilities only for arcane budgetary scoring reasons—yet that is the case. The OPAP report provides an excellent series of recommendations that could help us build new secure facilities more quickly, which the Administration should seek to implement in their entirety as soon as possible.

Another area in which additional funds are needed is the capital investment fund which provides for new information technology and capital equipment. The Congress authorized \$150 million for this purpose, even though the Administration requested only \$97 million. Regrettably, the Committee provided only \$79.7 million, which is below even the current year's level. The OPAP report correctly notes that this is a critical need if we are to bring our representation abroad into the modern age.

Finally, Mr. Chairman, this Member notes that on May 26th the President signed H.R. 3707 (P.L. 106–212), introduced by this Member, which authorizes \$75 million for the construction of a new facility for the American Institute in Taiwan (AIT). The current AIT is a dilapidated, rundown collection of buildings, or in some cases Quonset huts, that fails to meet even minimal security standards. The current AIT also fails to provide the necessary facility to adequately represent our country or to reflect the importance our country attaches to our long-standing, critically important relations with Taiwan. Construction of a new, secure facility will be an important indication that the U.S. presence will be maintained on Taiwan through the AIT for as long as it takes to assure that any reunification of China and Taiwan will be only by peaceful, non-coercive means.

Finally, Mr. Chairman, this Member hopes the Appropriations Committee will in the future note the importance of this legislation, and that in turn the Department of State will act quickly to begin design and construction of a new facility.

The CHAIRMAN. Are there further amendments? If not, under the rule the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. LAHOOD) having assumed the chair, Mr. HASTINGS of Washington, 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. 4690) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2001,

and for other purposes, pursuant to House Resolution 529, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore (Mr. LAHOOD). Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

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

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

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

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

The Chair announces that this vote will be followed by four 5-minute votes on motions to suspend the rules considered earlier today.

The vote was taken by electronic device, and there were—yeas 214, nays 195, answered “present” 1, not voting 25, as follows:

[Roll No. 326]
YEAS—214

Abercrombie	Emerson	LaTourette
Aderholt	English	Leach
Archer	Everett	Lewis (CA)
Armey	Ewing	Lewis (KY)
Bachus	Fletcher	Linder
Baker	Foley	LoBiondo
Ballenger	Forbes	Lucas (KY)
Barcia	Fossella	Lucas (OK)
Barrett (NE)	Fowler	McCarthy (MO)
Bartlett	Franks (NJ)	McCrery
Barton	Frelinghuysen	McHugh
Bass	Gallely	McKeon
Bateman	Ganske	Meek (FL)
Becerra	Gekas	Metcalf
Bereuter	Gibbons	Mica
Berry	Gilchrest	Miller (FL)
Biggart	Gillmor	Miller, Gary
Bilbray	Gilman	Mink
Bilirakis	Goodlatte	Mollohan
Biley	Goodling	Moran (KS)
Blunt	Goss	Murtha
Boehlert	Granger	Myrick
Boehner	Green (WI)	Nethercutt
Bonilla	Greenwood	Ney
Bono	Gutknecht	Northup
Boucher	Hall (TX)	Nussle
Boyd	Hastert	Ortiz
Brady (TX)	Hastings (FL)	Ose
Bryant	Hastings (WA)	Oxley
Burton	Hayes	Packard
Buyer	Hayworth	Pastor
Callahan	Hill (MT)	Pease
Calvert	Hilleary	Peterson (PA)
Camp	Hobson	Petri
Canady	Hoekstra	Pickering
Cannon	Horn	Pitts
Castle	Hostettler	Pombo
Chabot	Houghton	Porter
Collins	Hulshof	Portman
Combest	Hunter	Pryce (OH)
Cooksey	Hutchinson	Quinn
Cox	Hyde	Radanovich
Cramer	Isakson	Ramstad
Cubin	Istook	Regula
Cunningham	John	Reyes
Davis (VA)	Johnson (CT)	Reynolds
Deal	Johnson, Sam	Riley
DeLay	Kasich	Rogan
DeMint	Kelly	Rogers
Diaz-Balart	King (NY)	Rohrabacher
Dickey	Kingston	Ros-Lehtinen
Dicks	Knollenberg	Roukema
Doollittle	Kolbe	Ryan (WI)
Dreier	Kuykendall	Salmon
Dunn	LaHood	Saxton
Ehlers	Largent	Scarborough
Ehrlich	Latham	Serrano

Sessions	Sununu
Shaw	Sweeney
Shays	Tauzin
Sherwood	Taylor (MS)
Shimkus	Taylor (NC)
Simpson	Terry
Skeen	Thomas
Smith (MI)	Thornberry
Smith (NJ)	Thune
Smith (TX)	Tiahrt
Souder	Traficant
Spence	Upton
Stabenow	Visclosky
Stearns	Vitter
Stump	Walden

Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NAYS—195

Ackerman	Gephardt	Oberstar
Allen	Gonzalez	Obey
Andrews	Goode	Olver
Baca	Gordon	Owens
Baird	Graham	Pallone
Baldacci	Green (TX)	Pascrell
Baldwin	Hall (OH)	Paul
Barr	Hefley	Payne
Barrett (WI)	Hill (IN)	Pelosi
Bentsen	Hilliard	Peterson (MN)
Berkley	Hinojosa	Phelps
Berman	Hoeffel	Pickett
Bishop	Holden	Price (NC)
Blumenauer	Holt	Rahall
Bonior	Hoolley	Rivers
Borski	Hoyer	Rodriguez
Boswell	Inslee	Roemer
Brady (PA)	Jackson (IL)	Rothman
Brown (FL)	Jackson-Lee	Roybal-Allard
Brown (OH)	(TX)	Royce
Burr	Jefferson	Rush
Capps	Johnson, E. B.	Sabo
Capuano	Jones (NC)	Sanchez
Cardin	Jones (OH)	Sanders
Carson	Kanjorski	Sandlin
Chambliss	Kaptur	Sanford
Chenoweth-Hage	Kildee	Sawyer
Clay	Kind (WI)	Schaffer
Clayton	Klecza	Schakowsky
Clement	Kucinich	Scott
Clyburn	LaFalce	Sensenbrenner
Coble	Lampson	Shadegg
Coburn	Lantos	Sherman
Condit	Larson	Siskisky
Conyers	Lee	Skelton
Costello	Levin	Slaughter
Coyne	Lewis (GA)	Smith (WA)
Crane	Lofgren	Snyder
Crowley	Lowey	Spratt
Cummings	Luther	Stark
Danner	Maloney (CT)	Stenholm
Davis (FL)	Maloney (NY)	Strickland
Davis (IL)	Mascara	Stupak
DeFazio	Matsui	Tancredo
DeGette	McCarthy (NY)	Tanner
Delahunt	McDermott	Tauscher
DeLauro	McGovern	Thompson (CA)
Deutsch	McInnis	Thompson (MS)
Dingell	McIntyre	Thurman
Dixon	McKinney	Tierney
Doggett	McNulty	Toomey
Dooley	Meehan	Towns
Doyle	Meeks (NY)	Turner
Duncan	Menendez	Udall (CO)
Edwards	Millender-McDonald	Udall (NM)
Engel	Miller, George	Velazquez
Eshoo	Minge	Waters
Etheridge	Moakley	Watt (NC)
Evans	Moore	Weiner
Farr	Moran (VA)	Wexler
Fattah	Morella	Weygand
Filner	Nadler	Wise
Ford	Napolitano	Woolsey
Frank (MA)	Neal	Wu
Frost	Norwood	Wynn
Gejdenson		

ANSWERED “PRESENT”—1

NOT VOTING—25

Blagojevich	Klink	Rangel
Campbell	Lazio	Ryun (KS)
Cook	Lipinski	Shows
Gutierrez	Manzullo	Shuster
Hansen	Markey	Talent
Hinchey	Martinez	Vento
Jenkins	McCollum	Waxman
Kennedy	McIntosh	
Kilpatrick	Pomeroy	

□ 2308

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

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

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. HERGER. Mr. Speaker, on rollcall No. 326 I inadvertently voted "present." I intended to vote "no."

□

PERSONAL EXPLANATION

Ms. KILPATRICK. Mr. Speaker, due to official business in my District, I was unable to record my vote on the amendments offered to H.R. 4690 by Mr. SANFORD (Roll Call No. 322), Mr. OLVER (Roll Call No. 323), Mr. HOSTETTLER (Roll Call No. 324), Mr. VITTER (Roll Call No. 325), and on the vote for final passage of H.R. 4690, the bill making appropriations for the Departments of Commerce, Justice and State for Fiscal Year 2001 (Roll Call No. 326). Had I been present I would have voted "no" on Roll Call No. 322, "yes" on Roll Call No. 323, "no" on Roll Call No. 324, "yes" on Roll Call No. 325, and "no" on final passage, Roll Call No. 326.

□

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Votes will be taken in the following order:

H.R. 3417, by the yeas and nays;

S. 148, by the yeas and nays;

H.R. 4408, by the yeas and nays; and

H.R. 3023, by the yeas and nays.

□

PRIBILOF ISLANDS TRANSITION ACT

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 3417, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. SHERWOOD) that the House suspend the rules and pass the bill, H.R. 3417 as amended, 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 400, nays 3, answered "present" 2, not voting 29, as follows:

[Roll No. 327]

YEAS—400

Abercrombie	Archer	Baker
Ackerman	Armey	Baldacci
Aderholt	Baca	Baldwin
Allen	Bachus	Ballenger
Andrews	Baird	Barcia

Barr	Evans	Lee
Barrett (NE)	Everett	Levin
Barrett (WI)	Ewing	Lewis (CA)
Bartlett	Farr	Lewis (GA)
Bass	Fattah	Lewis (KY)
Becerra	Filner	Linder
Bentsen	Fletcher	LoBiondo
Bereuter	Foley	Lofgren
Berkley	Forbes	Lowey
Berman	Ford	Lucas (KY)
Berry	Fossella	Lucas (OK)
Biggert	Fowler	Luther
Bilbray	Frank (MA)	Maloney (CT)
Bilirakis	Franks (NJ)	Maloney (NY)
Bishop	Frelinghuysen	Manzullo
Bliley	Frost	Mascara
Blumenauer	Galleghy	Matsui
Blunt	Ganske	McCarthy (MO)
Boehkert	Gejdenson	McCarthy (NY)
Boehner	Gekas	McCrery
Bonilla	Gephardt	McDermott
Bonior	Gibbons	McGovern
Bono	Gilchrest	McHugh
Borski	Gillmor	McInnis
Boswell	Gilman	McIntyre
Boucher	Gonzalez	McKeon
Boyd	Goode	McKinney
Brady (PA)	Goodlatte	McNulty
Brady (TX)	Goodling	Meehan
Brown (FL)	Gordon	Meek (FL)
Brown (OH)	Goss	Meeks (NY)
Bryant	Graham	Menendez
Burr	Granger	Metcalf
Burton	Green (TX)	Mica
Buyer	Green (WI)	Millender-
Callahan	Greenwood	McDonald
Calvert	Gutknecht	Miller (FL)
Camp	Hall (OH)	Miller, Gary
Canady	Hall (TX)	Miller, George
Cannon	Hastings (FL)	Minge
Capps	Hastings (WA)	Mink
Capuano	Hayes	Moakley
Cardin	Hayworth	Mollohan
Carson	Herger	Moore
Castle	Hill (MT)	Moran (KS)
Chabot	Hilleary	Moran (VA)
Chambliss	Hilliard	Morella
Chenoweth-Hage	Hinojosa	Murtha
Clay	Hobson	Myrick
Clayton	Hoefel	Nadler
Clement	Hoekstra	Napolitano
Clyburn	Holden	Neal
Coble	Holt	Nethercutt
Coburn	Hooley	Ney
Collins	Horn	Northup
Condit	Hostettler	Norwood
Conyers	Houghton	Nussle
Cooksey	Hoyer	Oberstar
Costello	Hulshof	Obey
Cox	Hunter	Olver
Coyne	Hutchinson	Ortiz
Cramer	Hyde	Ose
Crane	Inslee	Owens
Crowley	Isakson	Oxley
Cubin	Istook	Packard
Cummings	Jackson (IL)	Pallone
Cunningham	Jackson-Lee	Pascrell
Danner	(TX)	Pastor
Davis (FL)	Jefferson	Paul
Davis (IL)	Jenkins	Payne
Davis (VA)	John	Pease
Deal	Johnson (CT)	Pelosi
DeFazio	Johnson, E. B.	Peterson (MN)
DeGette	Johnson, Sam	Peterson (PA)
DeLahunt	Jones (NC)	Petri
DeLauro	Jones (OH)	Phelps
DeLay	Kanjorski	Pickering
DeMint	Kaptur	Pickett
Deutsch	Kasich	Pitts
Diaz-Balart	Kelly	Pombo
Dickey	Kennedy	Porter
Dicks	Kildee	Portman
Dingell	Kind (WI)	Price (NC)
Dixon	King (NY)	Pryce (OH)
Doggett	Kingston	Quinn
Dooley	Klecza	Radanovich
Doolittle	Knollenberg	Rahall
Doyle	Kolbe	Ramstad
Dreier	Kucinich	Regula
Duncan	Kuykendall	Reyes
Dunn	LaFalce	Reynolds
Edwards	LaHood	Riley
Ehlers	Lampson	Rivers
Ehrlich	Lantos	Rodriguez
Emerson	Largent	Roemer
Engel	Larson	Rogan
English	Latham	Rogers
Eshoo	LaTourette	Rohrabacher
Etheridge	Leach	Ros-Lehtinen

Rothman	Smith (WA)	Traficant
Roybal-Allard	Snyder	Turner
Rush	Souder	Udall (CO)
Ryan (WI)	Spence	Udall (NM)
Salmon	Spratt	Upton
Sanchez	Stabenow	Velazquez
Sanders	Stark	Vislosky
Sandlin	Stearns	Vitter
Sawyer	Stenholm	Walden
Saxton	Strickland	Walsh
Scarborough	Stump	Wamp
Schaffer	Stupak	Waters
Schakowsky	Sununu	Watkins
Scott	Sweeney	Watt (NC)
Serrano	Tancredo	Watts (OK)
Sessions	Tanner	Weiner
Shadegg	Tauscher	Weldon (FL)
Shaw	Tauzin	Weldon (PA)
Shays	Taylor (MS)	Weller
Sherman	Terry	Wexler
Sherwood	Thomas	Weygand
Shimkus	Thompson (CA)	Whitfield
Simpson	Thompson (MS)	Wicker
Sisisky	Thornberry	Wilson
Skeel	Thune	Wise
Skelton	Thurman	Wolf
Slaughter	Tiahrt	Woolsey
Smith (MI)	Tierney	Wu
Smith (NJ)	Toomey	Wynn
Smith (TX)	Towns	Young (FL)

NAYS—3

Royce	Sanford	Sensenbrenner
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ANSWERED "PRESENT"—2

Hefley	Hill (IN)
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NOT VOTING—29

Barton	Klink	Ryun (KS)
Bateman	Lazio	Sabo
Blagojevich	Lipinski	Shows
Campbell	Markey	Shuster
Combest	Martinez	Talent
Cook	McCollum	Taylor (NC)
Gutierrez	McIntosh	Vento
Hansen	Pomeroy	Waxman
Hinchey	Rangel	Young (AK)
Kilpatrick	Roukema	

□ 2316

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

□

NEOTROPICAL MIGRATORY BIRD CONSERVATION ACT

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the Senate bill, S. 148, 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 Pennsylvania (Mr. SHERWOOD) that the House suspend the rules and pass the Senate bill, S. 148, as amended, 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 384, nays 22, not voting 28, as follows:

[Roll No. 328]

YEAS—384

Abercrombie	Baird	Bartlett
Ackerman	Baker	Bass
Aderholt	Baldacci	Becerra
Allen	Baldwin	Bentsen
Andrews	Ballenger	Bereuter
Archer	Barcia	Berkley
Armey	Barr	Berman
Baca	Barrett (NE)	Berry
Bachus	Barrett (WI)	Biggert

Skelton Taylor (MS) Walsh
Slaughter Taylor (NC) Wamp
Smith (MI) Terry Waters
Smith (NJ) Thomas Watkins
Smith (TX) Thompson (CA) Watt (NC)
Smith (WA) Thompson (MS) Watts (OK)
Snyder Thornberry Weiner
Souder Thune Weldon (FL)
Spence Thurman Weldon (PA)
Spratt Tiahrt Weller
Stabenow Tierney Wexler
Stark Toomey Weygand
Stenholm Towns Whitfield
Strickland Traficant Wicker
Stump Turner Wilson
Stupak Udall (CO) Wise
Sununu Udall (NM) Wolf
Sweeney Upton Woolsey
Tancredo Velazquez Wu
Tanner Visclosky Wynn
Tauscher Vitter Young (FL)
Tauzin Walden

NAYS—12

Cannon Paul Sanford
Chenoweth-Hage Rohrabacher Schaffer
Hostettler Royce Sensenbrenner
Miller, Gary Salmon Stearns

NOT VOTING—29

Barton Horn Rangel
Bateman Klink Roukema
Blagojevich Lazio Sabo
Campbell Lipinski Shows
Combest Markey Shuster
Conyers Martinez Talent
Cook McCollum Vento
Gutierrez McIntosh Waxman
Hansen Pelosi Young (AK)
Hinchey Pomeroy

□ 2329

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

□

GREATER YUMA PORT AUTHORITY PROPERTY CONVEYANCE

The SPEAKER pro tempore (Mr. LAHOOD). The pending business is the question of suspending the rules and passing the bill, H.R. 3023, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. SHERWOOD) that the House suspend the rules and pass the bill, H.R. 3023, as amended, 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 404, nays 1, answered “present” 1, not voting 28, as follows:

[Roll No. 330]

YEAS—404

Abercrombie Barrett (WI) Boehner
Ackerman Bartlett Bonilla
Aderholt Bass Bonior
Allen Becerra Bono
Andrews Bentsen Borski
Archer Bereuter Boswell
Army Berkeley Boucher
Baca Berman Boyd
Bachus Berry Brady (PA)
Baird Biggert Brady (TX)
Baker Bilbray Brown (FL)
Baldacci Bilirakis Brown (OH)
Baldwin Bishop Bryant
Ballenger Bliley Burr
Barcia Blumenauer Burton
Barr Blunt Buyer
Barrett (NE) Boehlert Callahan

Calvert Gutknecht Miller (FL)
Camp Hall (OH) Miller, Gary
Canady Hall (TX) Miller, George
Cannon Hastings (FL) Minge
Capps Hastings (WA) Mink
Capuano Hayes Moakley
Cardin Hayworth Mollohan
Carson Heger Moore
Castle Hill (IN) Moran (KS)
Chabot Hill (MT) Moran (VA)
Chambliss Hillery Morella
Chenoweth-Hage Hilliard Murtha
Clay Hinojosa Myrick
Clayton Hobson Nadler
Clement Hoeffel Napolitano
Clyburn Hoekstra Neal
Coble Holden Nethercutt
Coburn Holt Ney
Collins Hooley Northup
Condit Horn Norwood
Conyers Hostettler Nussle
Cooksey Houghton Oberstar
Costello Hoyer Obey
Cox Hulshof Olver
Coyne Hunter Ortiz
Cramer Hutchinson Ose
Crane Hyde Owens
Crowley Inslee Oxley
Cubin Isakson Packard
Cummings Istook Pallone
Danner Jackson (IL) Pascrell
Davis (FL) Jackson-Lee Pastor
Davis (IL) (TX) Paul
Davis (VA) Jenkins Payne
John John Pease
Johnson (CT) Johnson, E. B. Pelosi
Johnson, Sam Peterson (MN)
Jones (NC) Peterson (PA)
Jones (OH) Petri
Kanjorski Phelps
Kaptur Pickering
Kasich Pitts
Kelly Pombo
Kennedy Porter
Kildee Portman
Kilpatrick Price (NC)
Kind (WI) Pryce (OH)
King (NY) Quinn
Kingston Radanovich
Kleczka Rahall
Knollenberg Ramstad
Kolbe Regula
Kucinich Reyes
Kuykendall Reynolds
LaFalce Riley
LaHood Rivers
Lampson Rodriguez
Lantos Roemer
Largent Rogan
Larson Rogers
Latham Rohrabacher
LaTourette RoS-Lehtinen
Leach Rothman
Lee Roybal-Allard
Levin Royce
Lewis (CA) Rush
Lewis (GA) Ryan (WI)
Lewis (KY) Ryun (KS)
Linder Salmon
LoBiondo Sanchez
Lofgren Sanders
Lowey Sandlin
Lucas (KY) Sanford
Lucas (OK) Sawyer
Luther Saxton
Maloney (CT) Scarborough
Maloney (NY) Schaffer
Mascara Schakowsky
Matsui Scott
McCarthy (MO) Sensenbrenner
McCarthy (NY) Serrano
McCrery Sessions
McDermott Shadegg
McGovern Shaw
McHugh Shays
McInnis Sherman
McIntyre Sherwood
McKeon Shimkus
McKinney Simpson
McNulty Sisisky
Meehan Skeen
Meek (FL) Skelton
MEEKS (NY) Slaughter
Menendez Smith (MI)
Metcalf Smith (NJ)
Mica Smith (TX)
Millender-Smith (WA)
McDonald Snyder

Souder Thompson (MS) Watkins
Spence Thornberry Watt (NC)
Spratt Thune Watts (OK)
Stabenow Thurman Weiner
Stark Tiahrt Weldon (FL)
Stearns Tierney Weldon (PA)
Stenholm Toomey Weller
Strickland Towns Wexler
Stump Traficant Weygand
Stupak Turner Whitfield
Sununu Udall (CO) Wicker
Sweeney Udall (NM) Wilson
Tancredo Upton Wise
Tanner Velazquez Wolf
Tauscher Visclosky Woolsey
Taufin Vitter Wu
Terry Walden Wynn
Thomas Walsh Young (FL)
Thompson (CA) Wamp Waters

NAYS—1

Taylor (MS)

ANSWERED “PRESENT”—1

Hefley

NOT VOTING—28

Barton Klink Roukema
Bateman Lazio Sabo
Blagojevich Lipinski Shows
Campbell Manzullo Shuster
Combest Markey Talent
Cook Martinez Vento
Gutierrez McCollum Waxman
Hansen McIntosh Young (AK)
Hinchey Pomeroy
Jefferson Rangel

□ 2336

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid upon the table.

□

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4733, THE ENERGY AND WATER DEVELOPMENT APPROPRIATIONS BILL 2001

Mr. HASTINGS of Washington, from the Committee on Rules, submitted a privileged report (Rept. No. 106-701) on the resolution (H. Res. 532) providing for consideration of the bill (H.R. 4733) making appropriations for energy and water development for the fiscal year ending September 30, 2001, and for other purposes, which was referred to the House Calendar and ordered to be printed.

□

□ 2340

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LAHOOD). As stated by the Chairman of the Committee on House Administration on Friday, June 23, 2000, the Clerk has informed the Committee on House Administration of a recent anomaly on a recorded vote. Representative ROYBAL-ALLARD was absent on rollcall number 305 on June 21, 2000 and was in possession of her voting card. The Clerk was made aware of the fact that she was recorded on that rollcall, but on no others on that day, but due to the lateness of the hour, could not get confirmation from her by the time the

vote was made public that she was absent and in possession of her voting card. Since then, the Clerk has received that confirmation. For that reason and the statistical improbability of the recurrence of that anomaly, the Chair and the Chairman of the Committee on House Administration believe that it is proper to immediately correct the RECORD and the Journal.

As stated in Volume 14, Section 32 of Deschler-Brown Precedents:

Since the inception of the electronic system, the Speaker has resisted attempts to permit corrections to the electronic tally after announcement of a vote. This policy is based upon the presumptive reliability of electronic device and upon the responsibility of each Member to correctly cast and verify his or her vote.

Based upon the explanation received from the Chairman of the Committee on House Administration and from the Clerk, the Chair will continue to presume the reliability of the electronic device, so long as the Clerk is able to give that level of assurance which justifies a continuing presumption of its integrity. Without objection, the Chair will permit the immediate correction of the RECORD and Journal under the unique circumstances certified by the Clerk.

There was no objection.

□

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

□

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Connecticut (Mr. SHAYS) is recognized for 5 minutes.

(Mr. SHAYS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

□

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. FILNER) is recognized for 5 minutes.

(Mr. FILNER addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

□

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. MCDERMOTT) is recognized for 5 minutes.

(Mr. MCDERMOTT addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

□

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. BENTSEN) is recognized for 5 minutes.

(Mr. BENTSEN addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

□

The SPEAKER pro tempore. Under a previous order of the House, the gen-

tleman from Illinois (Mr. RUSH) is recognized for 5 minutes.

(Mr. RUSH addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

□

GAS PRICE SPIKES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, this evening I would like to expose the Republicans' attempt to make a campaign issue out of the Nation's gas price spike crisis and Democrats' efforts to solve this crisis and continue working to protect our long-term energy security.

Higher gas prices should not be a partisan issue, but the Republicans are making it into one. On the other hand, the Democrats are trying to come up with bipartisan solutions. For instance, Democrats have called on committee chairmen holding hearings on this topic in the coming days to invite oil executives to testify so that these hearings are balanced. Democrats insist on exploring why the oil companies are showing record profits and why, when an investigation was announced, prices dropped immediately. Yet, the Republican leadership instead is making a sham of these hearings by using them as a forum to attack the Clinton-Gore administration. Moreover, the Republicans also do not want to invite the oil executives to testify, because they are in the pockets of big oil.

GOP presidential candidate George W. Bush is one of the worst offenders. He has raised 15 times more money from oil and gas interests than Vice President AL GORE, and at least 25 of his top fund-raisers are connected to the oil industry. Last year, one of the first bills he signed bailed out the oil industry with a \$45 million tax break.

Let us look at other dilatory tactics by the Republicans. The Senate Republican leadership has held up reauthorization of the President's authority to draw down the strategic petroleum reserve and the Northeast heating oil reserve. These reserves would provide additional supplies for the gasoline and heating oil markets and would, in turn, bring down prices. The Clinton-Gore administration has supported both of these reserves. Yet, the Senate majority leadership has delayed action for too long, so even if both of these reserves were authorized today, the action is already too little, too late. As a result, Americans unfortunately are again to experience heating oil shortages in the Northeast this winter, and they have the Republican Congress to thank for it.

While the Clinton-Gore administration is trying to provide tax credits for energy efficient vehicles, buildings, homes and equipment, the Republican leadership is cutting funding for alternative energy sources and energy conservation measures. They have slashed

funding for these common sense programs since they have been in the majority, which has resulted in a \$1.3 billion shortfall. As recently as last week, the Republican leadership voted again to cut funding substantially below current funding levels for renewable energy programs in the Energy and Water funding bill. Tomorrow, the Republicans will have a chance to restore some of this funding. If they are serious about resolving this crisis, they will literally put their money where their mouths are on this vote.

The GOP leadership also wants to repeal gas taxes and jeopardize our Nation's transportation infrastructure. In addition, they want to gut environmental protections that cost only 2 to 3 cents per gallon.

Just in case anyone out there thinks a few pennies are too much to pay for clean air, the gentleman from Ohio (Mr. KUCINICH) and the gentleman from Maine (Mr. BALDACC) and I introduced a bill on Friday, H.R. 4739, that would enable the patent for blending cleaner, reformulated gasoline to be made available to all refiners. This would level the playing field for all refiners and, in turn, would bring down the price of reformulated gasoline.

If the Republican leadership is serious about working together in a bipartisan fashion to develop true solutions to this crisis, then they will work with us to bring legislation such as the bill my colleagues and I introduced last week to the floor quickly. They also would find common sense programs that promote alternative energy options, ensure that oil executives are present at this week's hearings, and work with us to resolve this crisis as quickly as possible.

□

PRIVATIZATION OF ENRICHMENT INDUSTRY MISTAKE BY CONGRESS

The SPEAKER pro tempore (Mr. VITTER). Under a previous order of the House, the gentleman from Ohio (Mr. STRICKLAND) is recognized for 5 minutes.

Mr. STRICKLAND. Mr. Speaker, in the early 1950s, this Nation constructed two large uranium enrichment facilities, one in Paducah, Kentucky, and one in my district near Portsmouth, Ohio. In the early days, those facilities were used to create the materials that enabled us to create a nuclear arsenal; and I believe, as a result, we were able to win the Cold War. In more recent years, those facilities have enriched uranium so that we can create fuel for our nuclear power plants. Nuclear power provides more than 20 percent of all of the electricity generated in this country, and most of that fuel comes from the Paducah and the Portsmouth facilities.

A couple of years ago, this Congress unwisely, I believe, decided to privatize the enrichment industry. The CEO of the public corporation was a gentleman by the name of Nick Timbers. He had come to that position from Wall

Street; and in that position, his salary was in the vicinity of \$325,000 and, I believe his last year as a government employee he received about \$25,000 roughly in bonus pay, for a total compensation package of roughly \$350,000. While a government corporation employee, he received a waiver letter from the chairman of the public board, which allowed him to be engaged in certain decision-making activities. Among those was to decide whether or not this industry would be privatized, the manner in which it would be privatized, and to assist in the selection of the board members for the new privatized corporation.

□ 2350

I raised the issue at the time with the Department of the Treasury and with the administration that this presented an amazing conflict of interest. This was a man who was working for the government who was being given the privilege of engaging in decision-making where the result could be his personal enrichment. At the time when I raised those issues, they were discounted and ignored.

What has happened is this, and the American people need to know it. Once that facility or that industry was privatized, Mr. Nick Timbers received a salary of roughly \$600,000 a year. He received a bonus of approximately \$500,000 a year. He received stock options which brought his total compensation package to something in the vicinity of \$2.5 million.

That seems so wrong to me, that someone could be given the privilege of making these decisions, and then could make decisions which resulted in his personal enrichment.

What has happened as a result of the privatization under Mr. Nick Timbers' stewardship? The stock initially sold for around \$14.50 a share, and it is somewhere in the vicinity of \$4 a share today, so investors have lost multiple millions of dollars.

But the saddest outcome of Mr. Timbers' stewardship over this industry is the fact that last week the board, with his encouragement, made an announcement that the facility in my district, employing somewhere between 1,800 and 2,000 employees, will be closed within 1 year. This is a major problem for the families who depend upon that industry for employment in southern Ohio, but it is a big problem for the United States of America.

We know what happens, we experience today what happens when this Nation is overly dependent upon foreign sources for oil. We can go to the pump and see that we are paying \$2 or \$2.10 or \$2.20 for a gallon of gasoline, and that is because, in large part, we are too dependent on foreign oil.

Can Members imagine if this enrichment industry goes the way it is currently going and does not survive under Mr. Timbers' stewardship, what this country would face if 20 percent of our Nation's electricity was dependent on foreign sources for nuclear fuel?

It is for this reason, Mr. Speaker, that I am preparing and will introduce next week legislation to renationalize this industry. I hope this Congress supports me in that effort.

□

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. CARSON (at the request of Mr. GEPHARDT) for today before 8:44 p.m. on account of airport and weather delays.

Mr. MARKEY (at the request of Mr. GEPHARDT) for today on account of illness in the family.

Mr. REYES (at the request of Mr. GEPHARDT) for June 23 on account of official business.

Mr. SENSENBRENNER (at the request of Mr. ARMEY) for today after 6:00 p.m. on account of family health reasons.

□

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. McNULTY) to revise and extend their remarks and include extraneous material:

Mr. FILNER, for 5 minutes, today.

Mr. MCDERMOTT, for 5 minutes, today.

Mr. BENTSEN, for 5 minutes, today.

Mr. RUSH, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. STRICKLAND, for 5 minutes, today.

The following Members (at the request of Mr. VITTER) to revise and extend their remarks and include extraneous material:

Mr. SCHAFFER, for 5 minutes, June 29.

Mr. HOEKSTRA, for 5 minutes, June 28 and 29

Mr. SHAYS, for 5 minutes, today and June 27.

□

SENATE BILLS AND CONCURRENT RESOLUTIONS REFERRED

Bills and concurrent resolutions of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 2043. An act to designate the United States Post Office building located at 3101 West Sunflower Avenue in Santa Ana, California, as the "Hector G. Godinez Post Office Building"; to the Committee on Government Reform.

S. 2327. An act to establish a Commission on Ocean Policy, and for other purposes; to the Committee on Resources.

S. 2460. An act to authorize the payment of rewards to individuals furnishing information relating to persons subject to indictment for serious violations of international humanitarian law in Rwanda, and for other purposes; to the Committee on International Relations.

S. 2677. An Act to restrict assistance until certain conditions are satisfied and to support democratic and economic transition in Zimbabwe; to the Committee on International Relations, in addition to the Com-

mittee on Banking and Financial Services 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.

S. 2682. An act to authorize the Broadcasting Board of Governors to make available to the Institute for Media Development certain materials of the Voice of America; to the Committee on International Relations.

S. Con. Res. 117. Concurrent resolution commending the Republic of Slovenia for its partnership with the United States and NATO, and expressing the sense of Congress that Slovenia's accession to NATO would enhance NATO's security, and for other purposes; to the Committee on International Relations.

S. Con. Res. 118. Concurrent resolution commemorating the 60th anniversary of the execution of Polish captives by Soviet authorities in April and May 1940; to the Committee on International Relations.

□

ENROLLED BILLS SIGNED

Mr. THOMAS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 642. An act to redesignate the Federal building located at 701 South Santa Fe Avenue in Compton, California, and known as the Compton Main Post Office, as the "Mervyn Malcolm Dymally Post Office Building."

H.R. 643. An act to redesignate the Federal building located at 10301 South Compton Avenue, in Los Angeles, California, and known as the Watts Finance Offices, as the "Augustus F. Hawkins Post Office Building."

H.R. 1666. An act to designate the facility of the United States Postal Service at 200 East Pinckney Street in Madison, Florida, as the "Captain Colin P. Kelly, Jr. Post Office."

H.R. 2307. An act to designate the building of the United States Postal Service located at 5 Cedar Street in Hopkinton, Massachusetts, as the "Thomas J. Brown Post Office Building."

H.R. 2357. An act to designate the United States Post Office located at 3675 Warrensville Center Road in Shaker Heights, Ohio, as the "Louise Stokes Post Office."

H.R. 2460. An act to designate the United States Post Office located at 125 Border Avenue West in Wiggins, Mississippi, as the "Jay Hanna 'Dizzy' Dean Post Office."

H.R. 2591. An act to designate the United States Post Office located at 713 Elm Street in Wakefield, Kansas, as the "William H. Avery Post Office."

H.R. 2952. An act to redesignate the facility of the United States Postal Service located at 100 Orchard Park Drive in Greenville, South Carolina, as the "Keith D. Oglesby Station."

H.R. 3018. An act to designate certain facilities of the United States Postal Service in South Carolina."

H.R. 3699. An act to designate the facility of the United States Postal Service located at 8409 Lee Highway in Merrifield, Virginia, as the "Joel T. Broyhill Postal Building."

H.R. 3701. An act to designate the facility of the United States Postal Service located at 3118 Washington Boulevard in Arlington, Virginia, as the "Joseph L. Fisher Post Office Building."

H.R. 3903. An act to deem the vessel M/V MIST COVE to be less than 100 gross tons, as measured under chapter 145 of title 46, United States Code.

H.R. 4241. An act to designate the facility of the United States Postal Service located

at 1818 Milton Avenue in Janesville, Wisconsin, as the "Les Aspin Post Office Building."

□

ADJOURNMENT

Mr. STRICKLAND. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 53 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, June 27, 2000, at 9 a.m. for morning hour debates.

□

EXECUTIVE COMMUNICATIONS,
ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

8342. A letter from the Associate Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting the Department's final rule—Irish Potatoes Grown in Certain Designated Counties in Idaho, and Malheur County, Oregon; Modification of Handling Regulations [Docket No. FV00-945-1 IFR] received May 5, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8343. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Cyromazine; Pesticide Tolerance [OPP-300913A; FRL-6556-3] (RIN: 2070-AB78) received May 4, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8344. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Fludioxonil; Re-establishment of Tolerance for Emergency Exemptions [OPP-300996; FRL-6554-8] (RIN: 2070-AB78) received May 4, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8345. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Harpin Protein; Exemption from the Requirement of a Tolerance [OPP-300984; FRL-6497-4] (RIN: 2070-AB78) received May 4, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8346. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Azoxystrobin; Pesticide Tolerance [OPP-300995; FRL-6554-9] (RIN: 2070-AB78) received May 4, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8347. A letter from the Secretary of Energy, transmitting the Annual Report on the Strategic Petroleum Reserve for 1999, pursuant to 42 U.S.C. 6241(g)(8); to the Committee on Commerce.

8348. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Oklahoma: Final Authorization of State Hazardous Waste Management Program Revisions [FRL-6604-3] received May 4, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8349. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—National Priorities List for Uncontrolled Hazardous Waste

Sites [FRL-6603-3] received May 4, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8350. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Revisions to the California State Implementation Plan, Mojave Desert Air Quality Management District [CA 154-0236; FRL-6587-1] received May 8, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8351. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Federal Plan Requirements for Large Municipal Waste Combustors Constructed on or Before September 20, 1994 [AD-FRL-6603-5] (RIN: 2060-AO3) received May 8, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8352. 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 Implementation Plans; Oregon RACT Rule [OR-77-7292-a; FRL-6582-9] received May 8, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8353. A letter from the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans Alabama: Approval of Revisions to the Alabama State Implementation Plan; Transportation Conformity Interagency Memorandum of Agreement [AL-53-200019(a); FRL-6605-8] received May 8, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8354. A letter from the Chairman, U.S. Parole Commission, Department of Justice, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the calendar year 1999, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Reform.

8355. A letter from the Executive Director, Federal Labor Relations Authority, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the calendar year 1999, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Reform.

8356. A letter from the Vice President for Legal Affairs, Legal Services Corporation, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the calendar year 1998, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Reform.

8357. A letter from the Acting Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule—Kentucky Regulatory Program [KY-218-FOR] received May 5, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8358. A letter from the Assistant Administrator for Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeastern United States; Spiny Dogfish Fishery; 2000 Specifications [Docket No. 000426114-0114-01; I.D. 041000F] (RIN: 0648-AN53) received May 8, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8359. A letter from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Shrimp Fishery of the Gulf of Mexico;

Texas Closure [I.D. 050500G] received May 15, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8360. A letter from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeastern United States; Northeast Multispecies Fishery Management Plan [Docket No. 990811218-0072-02; I.D. 050399A] (RIN: 0648-AL27) received May 15, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8361. A letter from the Assistant Administrator for Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Antarctic Marine Living Resources; Harvesting and Dealer Permits, and Catch Documentation [Docket No. 000218-46-0017-02; I.D. 121599F] (RIN: 0648-AN42) received May 15, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8362. A letter from the Administrator, Federal Railroad Administration, Department of Transportation, transmitting a report entitled, "Implementation of Positive Train Control Systems"; to the Committee on Transportation and Infrastructure.

8363. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operating Regulation; Chef Menteur Pass, LA [CGD08-00-005] received May 8, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8364. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone; Port Graham, Cook Inlet, Alaska [COTP Western Alaska 00-002] (RIN: 2115-AA97) received May 8, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8365. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone; Kachemak, Alaska [COTP Western Alaska 00-001] (RIN: 2115-AA97) received May 8, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8366. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone; Redoubt Shoal, Cook Inlet, Alaska [COTP Western Alaska 00-004] (RIN: 2115-AA97) received May 8, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8367. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Security Zone; Vicinity of Atlantic Fleet Weapons Training Facility, Vieques, PR and Adjacent Territorial Sea [CGD07-00-080] (RIN: 2115-AA97) received May 8, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8368. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Separation from service and same desk rule [Rev. Rul. 2000-27] received May 8, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8369. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Changes to Regulation Section 1441 Effective 2001 (RIN: 1545-AX53; 1545-AV27; 1545-AV41) received May 16,

2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8370. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the certification to the Congress regarding the incidental capture of sea turtles in commercial shrimping operations, pursuant to Public Law 101-162, section 609(b)(2) (103 Stat. 1038); jointly to the Committees on Resources and Appropriations.

8371. A letter from the Secretary of Energy, transmitting the Program Update 1999 for the Clean Coal Technology Demonstration Program; jointly to the Committees on Appropriations, Science, and Commerce.

8372. A letter from the Administrator, National Aeronautics and Space Administration, transmitting a draft bill, "To authorize appropriations to the National Aeronautics and Space Administration for human space flight, science, aeronautics and technology; mission support; and Inspector General, and for other purposes"; jointly to the Committees on Science, Government Reform, Small Business, and the Judiciary.

□

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. HYDE: Committee on the Judiciary. S. 1515. An act to amend the Radiation Exposure Compensation Act, and for other purposes; with amendments (Rept. 106-697). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 4408. A bill to reauthorize the Atlantic Striped Bass Conservation Act (Rept. 106-698). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 3023. A bill to authorize the Secretary of the Interior, acting through the Bureau of Reclamation, to convey property to the Greater Yuma Port Authority of Yuma County, Arizona, for use as an international port of entry; with an amendment (Rept. 106-699). Referred to the Committee of the Whole House on the State of the Union.

Mr. BLILEY: Committee on Commerce. H.R. 3113. A bill to protect individuals, families, and Internet service providers from unsolicited and unwanted electronic mail; with an amendment (Rept. 106-700). Referred to the Committee of the Whole House on the State of the Union.

Mr. HASTINGS of Washington: Committee on Rules. House Resolution 532. Resolution providing for consideration of the bill (H.R. 4733) making appropriations for energy and water development for the fiscal year ending September 20, 2001, and for other purposes (Rept. 106-701). Referred to the House Calendar.

□

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. GANSKE:

H.R. 4743. A bill to amend the Social Security Act to improve access to prescription drugs for low-income Medicare beneficiaries, the Internal Revenue Code and other Acts to improve access to health care coverage for seniors, the self-employed, and children, and to amend the Federal Food, Drug, and Cosmetic Act to improve meaningful access to reasonably priced prescription drugs; to the Committee on Commerce, and in addition to

the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. KELLY (for herself and Mr. MCINTOSH):

H.R. 4744. A bill to require the General Accounting Office to report to Congress on economically significant rules of Federal agencies, and for other purposes; to the Committee on Government Reform.

By Mr. CASTLE (for himself, Mr. KILDEE, Mr. DEAL of Georgia, Mr. GREENWOOD, Mrs. ROUKEMA, Mr. NORWOOD, Mr. WALSH, Mr. BOEHLERT, Mr. HOLT, and Mr. UPTON):

H.R. 4745. A bill to amend the National Environmental Education Act to redesignate the Act as the "John H. CHAFEE Environmental Education Act"; to establish the John H. CHAFEE Memorial Fellowship Program, to extend the programs under the Act, and for other purposes; to the Committee on Education and the Workforce.

By Mr. BACHUS (for himself, Mr. CLEMENT, Mr. BOEHLERT, Mr. DEFazio, Mr. FRANKS of New Jersey, Mr. KLECZKA, Mr. FOLEY, Mr. DOOLEY of California, Mr. SWEENEY, Mr. MCHUGH, Mr. SCARBOROUGH, and Mr. FILNER):

H.R. 4746. A bill to establish a program to preserve, rehabilitate, and improve certain railroad tracks and bridges using funds collected through the diesel fuel tax, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BOEHNER (for himself, Mr. GOODLING, Mr. PORTMAN, Mr. PETRI, Mr. BALLENGER, and Mr. HOEKSTRA):

H.R. 4747. A bill to amend title I of the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to promote the provision of retirement investment advice to workers managing their retirement income assets; to the Committee on Education and the Workforce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BOEHNER:

H.R. 4748. A bill to amend title I of the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to modernize such title and such Code to take into account the evolution of employer-sponsored retirement plans, to increase the availability of critical retirement plan services, including investment advisory services, to participants, beneficiaries, and plan fiduciaries, and to harmonize the requirements of such title and such Code with other Federal and State laws; to the Committee on Education and the Workforce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BOEHNER:

H.R. 4749. A bill to amend title I of the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to modernize such title and such Code to take into account the evolution of employer-sponsored retirement plans, and to harmonize the requirements of such title and such Code with other Federal and State laws; to the Committee on Education and the Workforce, and in addition to the Committee on Ways

and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BRYANT:

H.R. 4750. A bill to establish programs to improve the health and safety of children receiving child care outside the home, and for other purposes; to the Committee on Education and the Workforce.

By Mr. DOOLITTLE:

H.R. 4751. A bill to recognize entry of the Commonwealth of Puerto Rico into permanent union with the United States based on a delegation of government powers to the United States by the people of Puerto Rico consituted as a Nation, to guarantee irrevocable United States citizenship as a right under the United States Constitution for all persons born in Puerto Rico, and for other purposes; to the Committee on Resources.

By Mr. JONES of North Carolina:

H.R. 4752. A bill to authorize the Secretary of the Army to carry out projects for removing accumulated snags and other debris from navigable waters to mitigate damages resulting from a major disaster; to the Committee on Transportation and Infrastructure.

By Mrs. KELLY:

H.R. 4753. A bill to establish a demonstration project to create Medicare Consumer Coalitions to provide Medicare beneficiaries with accurate and understandable information with respect to managed care health benefits under the Medicare Program and to negotiate with MedicareChoice organizations offering MedicareChoice plans to improve and expand benefits under the plans; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. MCCARTHY (for herself, Ms. DANNER, and Mr. SKELTON):

H.R. 4754. A bill to provide additional authority to the Army Corps of Engineers to protect, enhance, and restore fish and wildlife habitat on the Missouri River and to improve the environmental quality and public use and appreciation of the Missouri River; to the Committee on Resources, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PETRI (for himself and Mr. RAHALL):

H.R. 4755. A bill to establish a permanent fund to ensure the continued maintenance and rehabilitation of the Woodrow Wilson Memorial Bridge; to the Committee on Transportation and Infrastructure.

By Mr. RANGEL:

H.R. 4756. A bill to direct the Archivist of the United States to transfer to the Schomburg Center for Research in Black Culture the master versions of the photographic works of Griffith J. Davis which are in the possession of the National Archives and RECORD Administration, and for other purposes; to the Committee on Government Reform.

By Mr. SHAW (for himself, Mr. STUPAK, Mr. BOEHLERT, and Mr. METCALF):

H.R. 4757. A bill to require the Administrator of the Environmental Protection Agency to establish an integrated environmental reporting system; to the Committee

on Commerce, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STEARNS (for himself, Mr. TAUZIN, Mr. OXLEY, Mr. DEAL of Georgia, Mr. EHRLICH, and Mr. ROGAN):

H.R. 4758. A bill to permit wireless carriers to obtain sufficient spectrum to meet the growing demand for existing services and ensure that such carriers have the spectrum they need to deploy fixed and advanced services, and for other purposes; to the Committee on Commerce.

By Mr. STEARNS (for himself and Mr. STUMP):

H.R. 4759. A bill to amend title 38, United States Code, to improve the personnel system of the Veterans Health Administration, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. STUPAK (for himself and Mr. CAMP):

H.R. 4760. A bill to amend title 38, United States Code, to provide a presumption of service connection for injuries classified as cold weather injuries which occur in veterans who while engaged in military operations had sustained exposure to cold weather; to the Committee on Veterans' Affairs.

By Mr. WELDON of Pennsylvania:

H.R. 4761. A bill to designate the existing visitor's center building located within the boundaries of the Valley Forge National Historical Park at Route 23 and North Gulph Road in Valley Forge, Pennsylvania, as the "Richard T. Schulze Visitor's Center"; to the Committee on Resources.

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ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

- H.R. 40: Mr. LEWIS of Georgia.
- H.R. 49: Mr. COOK and Ms. LEE.
- H.R. 207: Mr. RAHALL and Mr. FILNER.
- H.R. 229: Ms. SCHAKOWSKY.
- H.R. 353: Ms. WATERS, Mr. LAZIO, and Mr. EVANS.
- H.R. 363: Mr. GILMAN.
- H.R. 374: Mr. ROTHMAN.
- H.R. 860: Mr. BACA, Mr. DOYLE, and Mr. BALDACCI.
- H.R. 1142: Mr. BRADY of Texas.
- H.R. 1194: Ms. DUNN and Mr. MOORE.
- H.R. 1217: Ms. WATERS.
- H.R. 1594: Mr. BONIOR.
- H.R. 1621: Mr. NORWOOD.
- H.R. 1634: Mr. MCHUGH and Mr. MORAN of Kansas.
- H.R. 1885: Mr. BASS.
- H.R. 2121: Ms. LEE, Mr. PAUL, and Mr. NEY.
- H.R. 2495: Mrs. MEEK of Florida.
- H.R. 2620: Mr. STEARNS.
- H.R. 2814: Mr. DIXON.
- H.R. 2929: Mr. ANDREWS, Mr. PAYNE, and Mr. CONDIT.
- H.R. 3113: Mr. SCHAFFER.
- H.R. 3142: Mr. DOYLE.
- H.R. 3160: Mr. NETHERCUTT and Mr. BRADY of Texas.
- H.R. 3192: Ms. NORTON and Mr. HOEKSTRA.
- H.R. 3193: Mr. HOBSON, Mrs. WILSON, and Mr. FRELINGHUYSEN.
- H.R. 3392: Mr. DUNCAN.
- H.R. 3455: Mr. SANDLIN, Ms. BERKLEY, Mr. KENNEDY of Rhode Island, Mr. SALMON, Ms. DELAURO, and Mr. PAYNE.
- H.R. 3521: Mrs. CHENOWETH-HAGE.
- H.R. 3542: Mr. OWENS.
- H.R. 3575: Ms. LEE.
- H.R. 3634: Mr. SMITH of Washington.

H.R. 3676: Mr. KUYKENDALL, Mr. KUCINICH, Mr. THUNE, Mr. DAVIS of Virginia, and Mr. ROGAN.

H.R. 3840: Ms. LEE.
H.R. 3842: Mr. CLEMENT, Ms. DANNER, Mr. MOAKLEY, and Mr. OLVER.

H.R. 4006: Mr. HOEKSTRA.
H.R. 4094: Mr. EVANS, Mr. KUCINICH, Mr. HOEFFEL, Mr. CLYBURN, Mr. LAMPSON, Mr. MINGE, Mr. MORAN of Virginia, and Mr. SISKY.

H.R. 4106: Mr. FRANK of Massachusetts.
H.R. 4213: Mr. DEMINT and Mr. TIAHRT.
H.R. 4239: Mr. KING and Mr. CLEMENT.
H.R. 4259: Mr. PAYNE and Mr. POMEROY.
H.R. 4271: Mr. ENGEL and Mr. OSE.
H.R. 4272: Mr. ENGEL and Mr. OSE.
H.R. 4273: Mr. ENGEL and Mr. OSE.
H.R. 4277: Mr. WEXLER.

H.R. 4357: Mr. BROWN of Ohio, Ms. WATERS, Ms. SCHAKOWSKY, Mr. PRICE of North Carolina, and Ms. WOOLSEY.

H.R. 4390: Ms. SCHAKOWSKY and Mr. JEFFERSON.

H.R. 4395: Mrs. CAPPS.
H.R. 4442: Mr. UDALL of Colorado and Mr. ABERCROMBIE.

H.R. 4453: Ms. SCHAKOWSKY.
H.R. 4467: Mr. COMBEST.

H.R. 4471: Mrs. BONO, Mr. COBURN, Mr. HOEKSTRA, Mr. LARGENT, Mr. LEWIS of Georgia, Mr. NADLER, Mr. NEAL of Massachusetts, and Ms. WATERS.

H.R. 4483: Mr. MORAN of Virginia and Ms. DELAURO.

H.R. 4492: Mr. PALLONE, Mr. UNDERWOOD, Mr. BAIRD, Mr. BISHOP, Mr. COBURN, and Ms. SCHAKOWSKY.

H.R. 4511: Mr. ISTOOK, Mr. POMBO, Mr. CAMP, and Mr. NETHERCUTT.

H.R. 4539: Mr. FROST, Mrs. MINK of Hawaii, and Mr. LAHOOD.

H.R. 4567: Ms. SCHAKOWSKY.
H.R. 4596: Mr. LANTOS, Mr. DAVIS of Illinois, Mr. ABERCROMBIE, and Mr. CONYERS.

H.R. 4623: Mr. GOODE, Mr. CRAMER, and Mr. RAHALL.

H.R. 4659: Ms. LEE, Mrs. MEEK of Florida, Mrs. NORTHUP, and Mr. CLEMENT.

H.R. 4660: Mr. BAKER, Mr. FROST, Mr. HUTCHINSON, and Mrs. MYRICK.

H.R. 4718: Mr. KINGSTON.
H.J. Res. 77: Mr. COBURN.

H. Con. Res. 62: Mr. SHAW.
H. Con. Res. 243: Mr. HALL of Ohio, Ms. KILPATRICK, Mr. GREEN of Texas, Mr. SAWYER, Ms. DEGETTE, and Mr. FORD.

H. Con. Res. 307: Mr. GONZALEZ, Mr. RODRIGUEZ, Mr. GOODE, and Mr. LEWIS of Georgia.

H. Con. Res. 357: Mr. STUMP.
H. Res. 461: Mr. ENGEL, Mrs. MINK of Hawaii, Ms. HOOLEY of Oregon, Mr. CLEMENT, Mr. UNDERWOOD, Mr. MENENDEZ, Mr. KUCINICH, and Mr. CONYERS.

H. Res. 531: Mr. ROHRBACHER, Mr. ACKERMAN, and Mr. FALEOMAVAEGA.

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AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 1304

OFFERED BY: MR. TERRY

AMENDMENT No. 1: Page 4, after line 20, insert the following:

(3) No NEGOTIATION OVER FEES.—The exemption provided in subsection (a) shall not apply to negotiations over fees.

H.R. 4461

OFFERED BY: MR. CROWLEY

AMENDMENT No. 36: Insert before the short title the following title:

TITLE IX—ADDITIONAL GENERAL PROVISIONS

SEC. 901. None of the amounts made available in this Act for the Food and Drug Ad-

ministration may be expended to enforce or otherwise carry out section 801(d)(1) of the Federal Food, Drug, and Cosmetic Act.

H.R. 4733

OFFERED BY: MR. ANDREWS

AMENDMENT No. 1: Page 39, after line 19, insert the following:

SEC. 607. None of the funds made available in this Act may be used to carry out the project for navigation, Delaware River Mainstem and Channel Deepening, Delaware, New Jersey, and Pennsylvania, authorized by section 101(6) of the Water Resources Development Act of 1992 (106 Stat. 4802), as modified by section 308 of the Water Resources Development Act of 1999 (113 Stat. 300), before the June 1, 2001.

H.R. 4733

OFFERED BY: MR. BROWN OF OHIO

AMENDMENT No. 2: Page 16, line 18, after the dollar amount insert the following: "(reduced by \$2,000,000) (increased by \$2,000,000)".

H.R. 4733

OFFERED BY: MR. FOLEY

AMENDMENT No. 3: Page 16, line 18, insert after "\$576,482,000" the following: "(reduced by \$22,500,000) (increased by \$15,000,000) (increased by \$7,500,000)".

H.R. 4733

OFFERED BY: MR. FOLEY

AMENDMENT No. 4: Page 16, line 18, insert after "\$576,482,000" the following: "(reduced by \$22,500,000) (increased by \$13,000,000) (increased by \$6,000,000)".

H.R. 4733

OFFERED BY: MR. HULSHOF

AMENDMENT No. 5: In title I of the bill, under the heading "DEPARTMENT OF DEFENSE—CIVIL, DEPARTMENT OF THE ARMY, GENERAL INVESTIGATIONS" insert after the first dollar amount "(increased by \$2,000,000)".

In title I of the bill, under the heading "DEPARTMENT OF DEFENSE—CIVIL, DEPARTMENT OF THE ARMY, GENERAL EXPENSES" insert after the first dollar amount "(decreased by \$2,000,000)".

H.R. 4733

OFFERED BY: MRS. KELLY

AMENDMENT No. 6: Page 39, insert after line 21 the following:

SEC. 606. None of the funds in this Act for the Nuclear Regulatory Commission may be used for the restart of operations at Indian Point 2 nuclear power facility in Buchanan, New York.

H.R. 4733

OFFERED BY: MRS. KELLY

AMENDMENT No. 7: Page 39, insert after line 21 the following:

SEC. 606. None of the funds in this Act may be available for the restart of operations at Indian Point 2 nuclear power facility in Buchanan, New York, prior to the replacement of the plant's steam generators.

H.R. 4733

OFFERED BY: MR. KINGSTON

AMENDMENT No. 8: Page 21, line 5, insert ", including conducting a study of the economic basis of recent gasoline price levels" after "until expended".

H.R. 4733

OFFERED BY: MR. KINGSTON

AMENDMENT No. 9: Page 33, after line 2, insert the following new section:

SEC. 311. Not later than 30 days after the date of the enactment of this Act, the Secretary of Energy shall transmit to the Congress a report on activities of the executive branch to address high gasoline prices and to develop an overall national energy strategy.

H.R. 4733

OFFERED BY: MR. KINGSTON

AMENDMENT No. 10: Page 39, after line 19, insert the following new section:

SEC. 607. None of the funds made available by this Act shall be used to pay the salaries of employees of the Department of Energy who handle classified information related to computer equipment containing sensitive national security information at Los Ala-

mos, New Mexico, and have refused to take a lawfully authorized lie detector test related to their official duties.

H.R. 4733

OFFERED BY: MR. ROYCE

AMENDMENT No. 11: Page 16, line 18, after the dollar amount insert the following: “(reduced by \$20,000,000)”.

Page 21, line 19, after the dollar amount insert the following: “(increased by \$20,000,000)”.

H.R. 4733

OFFERED BY: MR. VISCLOSKEY

AMENDMENT No. 12: Page 39, line 5, insert after the period the following: The limitation established in this section shall not apply to any activity otherwise authorized by law.